

ORDINANCE NO. 20-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

WHEREAS, California Government Code Section 65915 et seq., requires every city and county to adopt an ordinance providing density bonuses and other incentives or concessions to persons wishing to develop affordable housing projects and senior housing projects; and

WHEREAS, residential density bonus standards regulations are codified, in part, at Section 13.26.040 of the Laguna Woods Municipal Code, with the goal of providing incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code Section 65915 et seq.; and

WHEREAS, the City Council last amended the residential density bonus standards regulations on February 21, 2018 by Ordinance No. 18-03; and

WHEREAS, the California Legislature has amended California Government Code Sections 65915 et seq. several times since the City enacted its existing residential density bonus standards regulations, including Senate Bill 1227 and Assembly Bill 2753, California Statutes of 2018; and

WHEREAS, the City Council desires to comply with state law, and likewise encourage the provision of affordable housing and senior housing in accordance with state guidelines, provided that such housing does not create a specific, adverse impact upon the public health or safety; and

WHEREAS, staff has recommended amendments of the Laguna Woods Municipal Code as set forth in the attached Exhibit A to this Ordinance (the "Code Amendments") which, if adopted, would help to ensure that regulations are clear and consistent with state law, including the aforementioned legislation; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on August 19, 2020, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any housing development that might implicate density bonus considerations, any specific environmental effects, apart from those already assessed in the City's General Plan and Housing Element review, would be speculative. Therefore, the adoption of the ordinance is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Section 13.26.040 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this 16th day of September 2020.



NOEL HATCH, Mayor

ATTEST:



YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:



DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 20-02** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th day of August 2020, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 16th day of September 2020 by the following vote to wit:

AYES: COUNCILMEMBERS: Conners, Moore, Rainey, Horne, Hatch
NOES: COUNCILMEMBERS: -
ABSENT: COUNCILMEMBERS: -



YOLIE TRIPPY, CMC, City Clerk

EXHIBIT A CODE AMENDMENTS

Section 13.26.040 (“Residential density bonus standards”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 13.26.040. - Residential density bonus standards.

(a) *Purpose and intent.* This section is intended to provide incentives for the production of housing for ~~very low, lower income, or senior~~ specified types of households in accordance with California Government Code sections 65915 through 65918, as amended or superseded. In enacting these provisions, it is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the housing element of the City’s General Plan. ~~Where regulations are not specifically addressed in this section or where there are conflicts between these provisions and the provisions of California Government Code sections 65915 through 65918, the provisions of California Government Code, as they may be amended over time, shall apply.~~

(b) *Applicability.* This section shall apply to projects qualifying for density bonuses and/or incentives provided for by California Government Code Section 69515, as amended or superseded.

~~(b)~~ *Definitions.* For the purpose of this section, the following definitions shall apply:

(05) *Affordable housing development* means any housing subsidized by the federal or state government, or any housing development in which at least 20 percent of the housing units are affordable dwelling units.

(10) *Affordable housing development density agreement* means a written agreement between an applicant for a development and the City of Laguna Woods containing specific requirements to ensure the continuing affordability of housing included in the development.

(15) *Affordable housing development plan* means that plan prepared by an applicant for an affordable housing development under this

ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.

(20) *Affordable dwelling unit* means a dwelling unit within a residential development project that is reserved for sale or rent and offered at an affordable housing cost, as defined in California Health and Safety Code sections 50052.5 and 50053 (as amended or superseded), to persons and families of very low, lower, and moderate income.

(25) *Child care facility* means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

(30) *Density bonus* means those additional residential units granted which exceed the maximum allowable gross residential density for the development site.

(35) *Maximum allowable gross residential density* means the maximum number of residential units permitted by this zoning code and the land use element of the City's General Plan at the time of application, excluding the units added by a density bonus.

(40) *Median gross household income* means the median income level for the City of Laguna Woods, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

(45) *Renovation* means physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

(50) *Residential development* means the entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a planned unit development, parcel map, site plan, or subdivision.

(d) *California Government Code Section 65915 adopted by reference. California Government Code Section 65915 (and any future amendments thereto), a copy of which may be obtained from the City Clerk for use and examination by the public, is adopted and incorporated herein by reference*

as if fully set forth, and shall constitute the affordable housing density bonus regulations of the City.

~~(c) — *Eligibility for bonus and incentives.* To be eligible for a density bonus and other incentives as provided by this section, a proposed residential development project shall:~~

~~(1) — Consist of five or more dwelling units; and~~

~~(2) — Include one or more of the following within the development:~~

~~a. — 10 percent of the total dwelling units reserved for lower income households, as defined in California Health and Safety Code Section 50079.5;~~

~~b. — Five percent of the total dwelling units reserved for very low income households, as defined in California Health and Safety Code Section 50105;~~

~~c. — A senior citizen housing development, as defined in California Civil Code sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code sections 798.76 or 799.5;~~

~~d. — 10 percent of the total dwelling units in a common interest development, as defined in California Civil Code Section 4100, reserved for persons and families of moderate income, as defined in California Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase; or~~

~~e. — 10 percent of the total units of a housing development for transitional foster youth, as defined in California Education Code Section 66025.9, disabled veterans, as defined in California Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.~~

~~f.—When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the commercial developer may be entitled to a development bonus as prescribed in California Government Code Section 65915.7.~~

~~(d)—Types of bonuses and incentives allowed. A residential development project that satisfies all relevant provisions of this section shall be entitled to a density bonus and one or more incentives described below. If the density bonus units cannot be accommodated on a parcel due to strict compliance with the provisions of this section, the City Council shall waive or modify development standards to accommodate the density bonus units and/or grant the incentives to which the development would be entitled pursuant to this section, unless such waiver, modification or incentive would have a specific adverse impact, as defined herein, upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact.~~

~~(1)—Minimum density bonus. The minimum density bonus granted to a residential development project that is eligible for a density bonus pursuant to this section shall be equal to at least:~~

~~a.—A 20 percent increase in density, when the development meets the requirements of subsection (c)(2) (a) or (b) of this section;~~

~~b.—For housing developments meeting the criteria of subsection (c)(2)(c) of this section, the density bonus shall be 20 percent of the number of senior housing units;~~

~~c.—For housing developments meeting the criteria of subsection (c)(2)(e) of this section, the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph;~~

~~d.—A five percent increase in density, when the development meets the requirements of subsection (c)(2)(d) of this section;~~

~~e.—A 15 percent increase in density, when an applicant for a residential development project donates land to the City in accordance with the requirements of California Government~~

~~Code Section 65915(g)(1); and (2) of sufficient acreage to permit construction of units affordable to very low income households equal to at least 10 percent of the total dwelling units. Nothing in this section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development; or~~

~~f.—The City may, in its discretion, grant a density bonus that is proportionately greater than that described in subsections (d)(1) a. through c. of this section for a development that meets the requirements therein, or proportionately lower than that described in subsections (d)(1) a. through c. of this section for a development that does not meet the requirements therein.~~

~~(2)—Additional density bonus. A residential development project that satisfies all relevant provisions of this section and that includes affordable housing units in excess of the base percentage established in subsection (c)(2) of this section shall be entitled to an additional density bonus and one or more incentives described below. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in subsection (c)(2) of this section. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by California Government Code Section 65915(g).~~

~~a.—Lower income households. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent.~~

~~b.—Very low income households. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent.~~

~~c.—Moderate income households. For each one percent increase above 10 percent in the percentage of units affordable to moderate income households in a condominium project or a~~

~~planned development, the density bonus shall increase by one percent.~~

~~d.—*Donation of land.* The density bonus shall be increased by one percent for each one percent increase in the donation of land above the minimum 10 percent requirement of subsection (d)(1) e of this section. Nothing in this section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.~~

~~(3)—The density bonus units shall not be included when determining the total number of dwelling units in the residential development project. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the City be required to grant more than a 35 percent increase over the otherwise maximum allowable residential density under the applicable provisions of this code and the land use element of the City's General Plan. The density bonus percentages available pursuant to the requirements of this section are shown in the following table:~~

~~*Density Bonus Percentages*~~

| | Qualifying Percentage (of total units) | Minimum Density Bonus (above maximum allowable density) | Increase in Density Bonus (for each 1% over qualifying percentage) |
|--|---|--|---|
| Very Low | 5% | 20% | 2.5% |
| Lower | 10% | 20% | 1.5% |
| Moderate (Common Interest Developments) | 10% | 5% | 1% |

| | | | |
|--|----------------|----------------|----------------|
| Senior Citizen | n/a | 20% | n/a |
| Transitional-Foster Youth, Disabled-Veterans, or Homeless-Persons | n/a | 20% | n/a |
| Donation (Very Low Income Housing) | 10% | 15% | 1% |

~~(4) — Incentives — Number. An eligible residential development project shall receive the incentives described in subsection (d)(5) of this section, as follows:~~

~~a. — Lower income households. An applicant shall receive:~~

- ~~i. — One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for lower income households;~~
- ~~ii. — Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for lower income households; and~~
- ~~iii. — Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for lower income households.~~

~~b. — Very low income households. An applicant shall receive:~~

- ~~i. — One incentive for a residential development project in which at least five percent of the total dwelling units are reserved for very low income households;~~
- ~~ii. — Two incentives for a residential development project in which at least 10 percent of the total dwelling units are reserved for very low income households; and~~

~~iii.—Three incentives for a residential development project in which at least 15 percent of the total dwelling units are reserved for very low income households.~~

~~c.—Moderate income households in common interest developments. An applicant shall receive:~~

~~i.—One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development;~~

~~ii.—Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development; and~~

~~iii.—Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development.~~

~~(5)—Incentives—Description. A residential development project that is eligible to receive incentives pursuant to subsection (d)(4) of this section shall be entitled to the following incentives in the number specified in subsection (d)(4) of this section:~~

~~a.—A reduction in the applicable development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).~~

~~b.—Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.~~

~~c.—Other regulatory incentives or concessions proposed by the applicant or the City that would result in identifiable cost reductions.~~

~~(6) — Nothing in this section shall be construed to require the City to provide, or limit the City’s ability to provide, direct financial incentives for housing developments, including the provision of publicly owned land by the City or the waiver of fees and dedication requirements.~~

~~(7) — *Limitations and Exceptions.*~~

~~a. — In order to receive incentives as described in subsections (d)(4) and (5) of this section, an applicant must submit a proposal to the City requesting the specific incentives that the applicant desires.~~

~~b. — The City shall grant the eligible incentives requested by the applicant pursuant to subsection (d)(7) a. of this section and required pursuant to subsection (d)(4) of this section, unless the City makes a written finding, based upon substantial evidence, of either of the following:~~

~~i. — The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code sections 50052.5 and 50053; or~~

~~ii. — The incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. As used in this subsection, a “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

~~c. — The City’s granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.~~

~~d.—Nothing in this section shall be interpreted to require the City to waive or reduce development standards or to grant an incentive that would have a specific adverse impact upon health, safety or the physical environment for which there is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the City to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

~~e.—The affordable units shall be generally dispersed throughout the residential development project and shall not differ in appearance from the other dwelling units in the project.~~

~~(e)—Continued affordability—Equity sharing.~~

~~(1)—Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been granted pursuant to this section, the developer shall identify the affordable units and shall enter into a written covenant with the City to guarantee one or both of the following, as applicable:—~~

~~a.—Low and very low income households: The low and very low income units shall continue to be offered and available at an affordable housing cost, as defined in California Health and Safety Code sections 50052.5 and 50053, for a minimum of 55 years, which 55-year restriction shall survive the sale or transfer of the units.—~~

~~b.—An equity sharing agreement will be required indicating that upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Upon resale, the City shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price of the unit to the person or family was less than the fair market value of the unit at the time of initial sale. The City shall spend such recaptured funds within five years for the construction, rehabilitation, or preservation of affordable housing for very~~

~~low, low and moderate income persons or families, as described in California Health and Safety Code Section 33334.2(e).~~

~~c.—The terms and conditions of the covenant required by subsection (e)(1) a. of this section and the equity sharing agreement required by subsection (e)(1) b. of this section shall run with the land which is to be developed, shall be binding upon the successor(s) in interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsections (e)(1) a. and b. of this section, the covenant or agreement shall include the following provisions:—~~

~~i.—The City shall have a continuing right of first refusal to purchase or lease any or all of the affordable units at the current fair market value; and—~~

~~ii.—The deeds to the affordable units shall contain a covenant stating that the owner shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sell or rental price of the unit is consistent with the limits established by this section for lower, very low and moderate income persons and families; and—~~

~~iii.—The City shall have the authority to enter into other agreements with the developer or purchasers of the affordable units, as may be necessary to ensure that the lower and very low income units are continuously occupied by persons or families of lower and very low income.—~~

~~(f)—*Child care facilities.*—~~

~~(1)—When an applicant proposes to construct a residential development project described in subsection (c) of this section that includes a child care facility located on the premises of, as part of, or adjacent to the project, the City shall grant either of the following:—~~

~~a.—An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.—~~

~~b.—An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility, as determined by the City in its discretion.—~~

~~(2)—The City shall require, as a condition of approving the residential development project, that the following occur:—~~

~~a.—The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to subsection (e) of this section.—~~

~~b.—Of the children who attend the child care facility, the children of very low, lower and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, lower or moderate income households pursuant to subsection (e)(2) of this section.—~~

~~(3)—Notwithstanding subsections (f)(1) and (2) of this section, the City shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.—~~

~~(g)—Condominium conversions.—~~

~~(1)—An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with state law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower income households. All such target units shall remain affordable for the period specified in the density bonus housing agreement.—~~

~~(2)—For purposes of this subsection, a density bonus means an increase in units of 25 percent over the number of units to be provided within the existing structure or structures proposed for conversion.—~~

~~(3) — No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this section or Government Code Section 65915.~~

~~(h)~~ *Processing of bonus request.*

(1) *Permit required.* Residential development projects that include a request for a density bonus and/or incentive pursuant to this section shall require the approval of a conditional use permit, which shall be approved by the City Council, provided, however, that in no event shall City Council withhold approval of a density bonus to which an affordable housing development is entitled to under state law.

(2) *Initial review of density bonus request.* The director shall notify the applicant whether the application is complete within 30 days of filing the application, in a manner consistent with [California Government Code Section 65943](#). The director shall notify the applicant within 90 days of the filing of the conditional use permit application whether the residential development project qualifies for the density bonus and incentives described in this section.

(3) *Criteria to be considered.* Criteria to be considered in analyzing a request for a density bonus shall include whether the applicant has agreed to construct affordable units that meet the requirements of ~~subsection (e) of this section~~ [California Government Code Section 65915\(k\)](#). Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

(4) The applicant shall enter into an agreement with the City or its designee to maintain and enforce the affordable housing component of the housing development.

(5) An application for a density bonus permit will not be processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with other required entitlements, if applicable.

(6) *Required documents.* All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:

- a. A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;
- b. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents;
- c. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;
- d. For parking standard modification requests, that the requirements of ~~subsection (i) of~~ this section are met;
- e. The proposed method of ensuring the continued affordability of all low, very low, or moderate units, or senior units, transitional foster youth, disabled veterans, homeless, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by California Government Code Section 65915(c)(1);
- f. For the application for a density bonus permit for the donation of land, the application must show the location of the land in addition to including sufficient information to establish that each requirement California Government Code Section 65915(g)(2) has been met;
- g. The application for a density bonus permit for a development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project (California Government Code Section 65915(b)), shall show the location and square footage of the child care facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care

facility to conform to the requirements of California Government Code Section 65915(h)(2)(B).

- h. Other relevant information requested by City staff.
- i. An application for a density bonus permit shall be accompanied by the fee set by resolution of the City Council.
- j. If an application for a density bonus permit requires an unusual amount or specialized type of study or evaluation by City staff, a consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

(7) *Findings for approval.* In addition to the findings required for the approval of a conditional use permit, the following additional findings must be made for the approval of a density bonus:

- a. The residential development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the City's General Plan;
- b. The number of dwelling units can be accommodated by existing and planned infrastructure capacities;
- c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this section;
- d. In the event that the City does not grant at least one incentive described in ~~subsection (d)(5) of this section~~ California Government Code Section 65915(k), that additional concessions or incentives are not necessary to provide housing

at an affordable housing cost, as defined in California Health and Safety Code sections 50052.5 and 50053; and

e. There are sufficient provisions to guarantee that the lower and very low income units will remain affordable in the future.

~~(i) — Vehicular parking ratio.~~

~~(1) — Upon approval of a density bonus application and at the request of the developer, the City may only require the following maximum parking space requirements, except where noted under subsection (i)(2) of this section:~~

~~a. — Zero to one bedroom: one onsite parking space~~

~~b. — Two to three bedrooms: two onsite parking spaces~~

~~c. — Four or more bedrooms: two and one half parking spaces~~

~~(2) — Exceptions. Upon request of the applicant, the following maximum parking standards shall apply, inclusive of disabled and guest parking, to the entire housing development subject to this section, as required by California Government Code Section 65915(p)(2):~~

~~a. — A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply:~~

~~i. — The development includes the maximum percentage of low or very low income units provided for in subsection (d)(3) of this section.~~

~~ii. — The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).~~

~~iii. — There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~

~~b. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:~~

~~i. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in California Health and Safety Code Section 50052.5.~~

~~ii. The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).~~

~~iii. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~

~~c. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:~~

~~i. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in California Health and Safety Code Section 50052.5.~~

~~ii. The development is for individuals who are 62 years of age or older and which complies with California Civil Code sections 51.2 and 51.3.~~

~~iii. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.~~

~~d. A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply:~~

~~i. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in California Health and Safety Code Section 50052.5.~~

~~ii.—The development is a special needs housing development, as defined in California Health and Safety Code Section 51312.~~

~~iii.—The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.~~

~~(3)—If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “on-site parking” may be provided through tandem parking or uncovered parking, but not through on-street parking.~~

~~(4)—An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to subsection (d) of this section (Government Code Section 65915(p)(3)).~~

~~(5)—Notwithstanding allowances in subsection (i)(2) of this section, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in subsection (i)(1) of this section, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special-needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.~~