AGENDA
June 26, 2019 - 7:00 PM
CITY OF CITRUS HEIGHTS
PLANNING COMMISSION MEETING
City Hall Council Chambers
6360 Fountain Square Drive, Citrus Heights, CA

1. CALL MEETING TO ORDER
   a. Full Packet
      Documents:
      PC AGENDA PACKET 06-26-19.PDF

2. ROLL CALL
   Commissioners Members: Duncan, Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker

3. FLAG SALUTE

4. PUBLIC COMMENT
   Under Government Code Section 54954.3, members of the audience may address the
   Commission on any item within the jurisdiction of the Commission or on any agenda
   item. If you wish to address the Commission, please fill out a speaker identification form
   and hand it to the Commission Secretary. When you are called upon to speak, step
   forward to the podium and state your name clearly for the record. Those wishing to
   speak on non-agenda items will be called upon at the beginning of the meeting. Those
   wishing to speak for or against an agenda item will be called upon after the presentation
   by the City Planning department and the Applicant for that agenda item.

5. CONSENT CALENDAR
   Approval of the meeting minutes for June 12, 2019.

6. PUBLIC HEARING
   a. ORCHARD APARTMENTS - 7969 MADISON AVENUE:
      The applicant is requesting approval of a Design Review Permit Modification to
      eliminate 12,977 square feet of existing tennis courts and construct approximately
      8,400 square feet of mini-storage buildings and modified parking for use by Orchard
      Apartment residents. Project Planner: Singer

   b. ZONING CODE UPDATE:
      The Planning Division is requesting that the Planning Commission review the attached
      Zoning Code Amendment concerning affordable housing and forward their
      recommendation to the City Council. Project Planner: Bermudez

7. REGULAR CALENDAR
   a. None

8. ADJOURNMENT
The agenda for this meeting of the Planning Commission for the City of Citrus Heights was posted at the sites listed below on or before the close of business at 5:00 p.m. on the Friday preceding the meeting.

City of Citrus Heights, 6360 Fountain Square Drive, Citrus Heights, CA
Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA
Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Boulevard, Citrus Heights, CA

Any writings or documents provided to a majority of the City of Citrus Heights Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located at 6360 Fountain Square Drive, Citrus Heights, CA 95621.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Karen Ramsay at (916) 727-4742. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. TTY/TDD users with questions or comments can call the California Relay Service by dialing 7-1-1.

Pursuant to Sections 65009 (b) (2), of the State Government Code “If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the city Planning Commission at or prior to, this public hearing”.

CITY OF CITRUS HEIGHTS
PLANNING COMMISSION MEETING
AGENDA
Wednesday, June 26, 2019 - 7:00 p.m.
City Hall Council Chambers
6360 Fountain Square Drive, Citrus Heights, CA

NOTE: The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. The Commission established a procedure for addressing the Commission. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting please complete a Speaker Identification Form and give it to the Commission Secretary. Those addressing the Commission are limited to five (5) minutes, unless extended by the Chair. The Chair may also reduce the allowed time if there is a lengthy Agenda or a large number of people wanting to address the Commission.

1. CALL MEETING TO ORDER

2. ROLL CALL
   Commission Members:
   Duncan, Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker

3. FLAG SALUTE

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5. CONSENT CALENDAR
   Approval of the meeting minutes for June 12, 2019
6. PUBLIC HEARING

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7. REGULAR CALENDAR

None

8. ADJOURNMENT

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correspondence delivered to the city Planning Commission at, or prior to, this public hearing”. 
City of Citrus Heights
Planning Commission Meeting
Minutes

June 12, 2019

1. CALL MEETING TO ORDER
   Chair Lagomarsino called the meeting to order at 7:00 PM.

2. ROLL CALL
   **Commission Present:** Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker
   **Absent:** Duncan
   **Staff Present:** Hildebrand, Huber, Kempenaar, McDuffee, Ziegler

3. FLAG SALUTE
   Commissioner Flowers led the flag salute.

4. PUBLIC COMMENT
   None

5. CONSENT CALENDAR
   The meeting minutes for May 8, 2019 were approved as submitted.

   **M/S:** Schaefer/ Van Duker
   **AYES:** (6) Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker
   **Absent:** (1) Duncan

6. PUBLIC HEARING

   **A. GENERAL PLAN AMENDMENT-6041 SUNRISE MALL:**
   Project Planner Kempenaar presented a request that the Planning Commission consider a General Plan Amendment to require comprehensive planning through a specific plan affecting the Sunrise Mall area located at 6041 Sunrise Mall. This project is exempt from CEQA.

   There was Planning Commission and staff discussion.

   Chair Lagomarsino opened the public hearing.

   There were no speakers.

   Chair Lagomarsino closed the public hearing.
Commission Comments

Commissioner Ingle questioned if the new General Plan Amendment would cancel out any existing Specific Plans.

Commissioner Van Duker said he is glad we are taking a comprehensive approach not allowing the mall owners to come and go as they please.

Commissioner Scheeler asked if transportation oriented issues would be addressed to gain access to the property.

Vice Chair Schafer asked if there has been any communication with the mall owners, are they aware that we are requesting a General Plan Amendment.

Chair Lagomarsino would like the word community added before the 4th whereas.

Motion A: Recommend the City Council determine that the proposed project is exempt from CEQA under section 15305.

Motion B: Recommend the City Council adopt the resolution amending the General Plan, recognizing the need for a comprehensive planning effort for the Sunrise Mall area as amended.

M/S: Schaefer/Scheeler

AYES: (6) Flowers, Ingle, Lagomarsino, Schaefer, Scheeler, Van Duker

Noes: (0)

Absent: (1) Duncan

7. REGULAR CALENDAR

A. TRANSIT IN CITRUS HEIGHTS- GENERAL SERVICES DEPARTMENT

A presentation on transportation in Citrus Heights was be provided by the General Services Department.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 PM to the next meeting of June 26, 2019.

Respectfully Submitted,

Stacy Hildebrand
Acting Planning Commission Secretary
REQUEST

The applicant requests approval of a Design Review Permit Modification to eliminate 12,977 square feet of existing tennis courts and construct approximately 8,400 square feet of mini-storage buildings and modified parking for use by Orchard Apartment residents.

Applicant: Scott Mencaccy
Orchard Associates, L.P.
4080 Campbell Ave
Menlo Park, CA 94025

Property Owner: Rodney Friedman &
Robert Fisher
Orchard Associates, L.P.
4080 Campbell Ave
Menlo Park, CA 94025

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission:

A. Find that the project is Categorically Exempt from CEQA per Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act.

B. Approve a Design Review Permit Modification to allow the removal of 12,977 square feet of existing tennis courts and construction of approximately 8,400 square feet of mini-storage buildings and modified parking located at 7969 Madison Avenue subject to the findings and conditions of approval contained in this report.

BACKGROUND

The subject site is an 8.52 acre parcel bounded by Madison Ave to the south and medium-density residential parcels to the west, north, and east. The parcel is occupied by seventeen (17) apartment buildings and one (1) office building. The parcel and existing buildings are owned by Orchard Associates, L.P., and the site was approved by Sacramento County in 1978.

The applicant is requesting to demolish an existing 12,977 square foot tennis court and replace it with three new mini-storage buildings of approximately 2,000, 2,000, and 4,400 square feet, as well as modifying the existing parking configuration to create drive aisles for the buildings. The buildings and reconfigured parking spaces are intended for use only by residents of the Orchard Apartments complex.

The project setting is summarized in the following table below:

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Orchard Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>7969 Madison Ave</td>
</tr>
<tr>
<td>Assessor Parcel Number:</td>
<td>233-0044-012-0000</td>
</tr>
<tr>
<td>File Numbers:</td>
<td>DRPMOD-18-09</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>8.52 acres</td>
</tr>
</tbody>
</table>
REACH Neighborhood: The site is within the boundaries of the Birdcage Heights Neighborhood Association (#11).

ZONING AND LAND USES

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE</th>
<th>ACTUAL USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site</td>
<td>Medium Density Residential (RD-20)</td>
<td>Medium Density Residential</td>
<td>Multi-Family Residential - Apartments</td>
</tr>
<tr>
<td>North</td>
<td>Medium Density Residential (RD-10)</td>
<td>Medium Density Residential</td>
<td>Multi-Family Residential - Duplexes</td>
</tr>
<tr>
<td>South</td>
<td>Residential (RD-5) - County</td>
<td>N/A</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Medium Density Residential (RD-20)</td>
<td>Medium Density Residential</td>
<td>Multi-Family Residential - Apartments</td>
</tr>
<tr>
<td>East</td>
<td>Medium Density Residential / Planned Development (RD-20PD)</td>
<td>Medium Density Residential</td>
<td>Multi-Family Residential - Duplexes</td>
</tr>
</tbody>
</table>

DESIGN REVIEW PERMIT MODIFICATION 18-09

Design Review Permit Modification – Description of Request

The proposal is to allow for the demolition of 12,977 square feet of existing tennis courts (currently unused and damaged) and construction of three (3) new self-storage buildings, totaling approximately 8,400 square feet. The storage units would only be accessible to residents of Orchard Apartments, a complex of 136 units. Three (3) parking spaces would be removed to accommodate the drive aisles required for the storage buildings, but four (4) new spaces are proposed elsewhere on site, resulting in a net increase of (1) space. To compensate for the loss of recreational space, the applicant proposes a new dog park adjacent to the storage units totaling 4,390 square feet, as well as enlargement and updating of four (4) existing barbeque/picnic areas around the apartment complex.

As shown below in Figure 2 and provided in Exhibit A of the staff report, the buildings have a green and gray exterior consistent with the existing earth tones of the remaining buildings on the property. The design is simple and low-profile to blend in with the surrounding backdrop of trees and earth tone apartment buildings, and as such will have little visual impact when viewed from Madison Ave.
Fig. 1 - Site Plan

- Tennis courts → storage units
- BBQ Areas
- Dog Park
- Site

THE ORCHARD APARTMENT HOMES
7969 MADISON AVE.
CITRUS HEIGHTS, CA
916-966-1012
livingattheorchard.com
Design Review Permit Modification – Analysis of Request

The Citrus Heights Zoning Code (Section 106.62.040) requires that the Planning Commission must be able to make seven findings before approving a Design Review Permit modification. The required findings are listed below in **bold italics** and are followed by an evaluation of the applicant’s request in relation to the required findings.

- **The project is consistent with the General Plan, any applicable specific plan, development agreement and/or any previously approved planning permit;**

- **The project complies with the Zoning Code;**

The General Plan land use designation on the subject property is Medium Density Residential, which provides for a mix of residential, open and public space, recreational, and education uses. The proposed Design Review Modification for a multi-family residential complex is consistent with the General Plan land use designation of Medium Density Residential.

This project is consistent with several goals of the General Plan, including the following:

Policy 26.3: Promote improvements and rehabilitation to enhance the quality of multi-family developments; and

Policy 26.4: Promote high-quality multi-family developments that include appropriate design, scale, and amenities.
The proposed storage facilities, dog park and recreation area upgrades are consistent with the city’s goals and policies that support viable and attractive amenities for multi-family developments.

- **The project’s architectural design and building massing and scale are appropriate to and compatible with the site surroundings and the community;**

- **The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;**

- **The project complies with all applicable design standards in Chapter 106.31 and/or other applicable city design guidelines and policies;**

**Architecture**
The design guidelines require basic architectural standards such as the use of building materials and design features that create an impression of quality and visual interest. The proposed mini-storage buildings uses a simple design of galvanized metal and roof panels painted in green and gray (seen on pg. MB of Exhibit A), and the proposed landscape and recreation area improvements meet the standard for quality and visual interest. Staff finds the design of the storage units and color choices will integrate seamlessly into the existing site.

**Height and Setbacks**
The proposal consists of three single-story buildings approximately 10 feet from grade to the top of the wall. The Zoning Code specifies a maximum building height of 16 feet for any detached residential accessory structure. The project complies with the city’s height requirements.

The Zoning Code requires a 5-foot side setback for a detached residential accessory structure. The proposed buildings are setback beyond the minimum setback requirements.

**Noise**
Staff does not believe the proposal will produce any significant noise impacts to the environment. Residents loading and unloading goods, in addition to the sound of roll-up storage doors, will be taking place on the interior drive aisles of each building and are anticipated to generate a typical amount of noise for this use. The amount of noise generated should also not exceed the levels of the previous use, recreational tennis activity.

- **The project provides safe and efficient public access, circulation and parking, including bicycle and pedestrian accommodations where appropriate; and**

**Parking and Circulation**
The additional storage buildings will be modifying the existing parking configuration to eliminate three (3) total spaces to create two (2) drive aisles to access the storage units. However, four (4) spaces will be created next to the proposed dog park to offset the loss of parking. Internal circulation has been reviewed by the Citrus Heights Engineering Division and no issues were identified at the time of publication of this staff report. Engineering and SMUD also requested that a 12.5’ Public Utility Easement (PUE) be recorded along the Madison Ave street frontage, which was dedicated by the applicant prior to public hearing (Exhibit B).

- **The proposal provides appropriate open space and landscaping, including the use of water efficient landscaping.**
Landscaping
As shown in the site plan (Exhibit A, pg. L1.1), the project will be planting seven (7) Redpointe Red Maple trees, three (3) Sweet Gum trees, new shrubs, groundcovers and flowers, and maintaining the existing landscaping which is in good condition. One (1) pine tree is recommended for removal per the arborist report dated May 21, 2018, but as it is a non-protected tree there will be no mitigation plantings required. The other mature landscaping includes numerous trees fronting the interior drive aisle, turf, and shrubs surrounding the parking lot.

Design Review Permit – Conclusion

Based upon the information above, staff believes that the Planning Commission can make the required findings to approve a Design Review Permit for the proposed mini-storage modification as conditioned in the staff report.

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15332, In-fill Development Exemption.

PUBLIC OUTREACH

Property owners within 500 feet of the project site were mailed a meeting notice as required and a notice of this hearing was published in the Sacramento Bee. In addition, the nearby neighborhood association (NA #11) was notified of the project.

No written comments have been received at the time this staff report was produced.

RECOMMENDATION

The Planning Division recommends that the Planning Commission:

A. Find that the project is Categorically Exempt from CEQA per Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act.

B. Approve a Design Review Permit Modification to allow the removal of 12,977 square feet of existing tennis courts and construction of approximately 8,400 square feet of mini-storage buildings and modified parking located at 7969 Madison Avenue subject to the findings and conditions of approval contained in this report.

FINDINGS FOR APPROVAL – DESIGN REVIEW PERMIT MODIFICATION

- The storage facility is consistent with the Municipal Code and the Zoning Ordinance and the project assists the city in reaching goals outlined in the General Plan including:
  - Policy 26.3: Promote improvements and rehabilitation to enhance the quality of multi-family developments; and
  - Policy 26.4: Promote high-quality multi-family developments that include appropriate design, scale, and amenities.

- The project complies with the Zoning Code including setbacks and other development standards;
The project's architectural design and building massing and scale are appropriate to and compatible with the site surroundings and the community;

The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;

The project complies with all applicable design standards in Chapter 106.31 and other applicable city design guidelines and policies;

The project provides safe and efficient public access, circulation and parking, including bicycle and pedestrian accommodations where appropriate; and

The project provides open space and landscaping, including the use of water efficient landscaping.

CONDITIONS OF APPROVAL – DESIGN REVIEW PERMIT

1) The applicant shall comply with all City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, California Building Standards. [Planning]

2) This Design Review Permit approval does not include any signs. All signs must comply with the sign requirements and receive a separate permit. [Planning]

3) The project is approved as shown in Exhibits A and B and as conditioned or modified below. The project shall comply with the requirements of all agencies including service providers. [Planning]

4) The storage units shall only be available for storage of items to tenants of Orchard Apartments with hours of use limited to 7am-10pm, Sunday-Saturday. [Planning]

5) The dog park shall only be available to tenants of Orchard Apartments with hours of operation of 7am-10pm, Sunday-Saturday. [Planning]

6) Stormwater runoff from the storage unit area must be filtered before entering the City’s storm drain system. Roof drains for the buildings shall not directly connect into the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-swale, and/or other approved filtering methods before entering the City’s storm drain system. The City is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. From the site plan provided, runoff from the valley gutters can flow into the landscaping areas just east of the storage buildings and have the outlet drain connect to an existing DI. [Engineering]

7) The project shall comply with all requirements of all servicing agencies of the City of Citrus Heights including but not limited to Sacramento Metropolitan Fire District, Sacramento Suburban Water District, Sacramento Area Sewer District, and with the implementation measures of the Sacramento Metropolitan Air Quality Management District (SMAQMD) Basic Construction Emission Control Practices.
Prior to Issuance of Building Permit

8) Prior to any finals or occupancy, dedicate a 12.5-ft wide PUE along Madison Avenue. The legal description & plat must be prepared by a California Professional Land Surveyor. [Engineering]

Other Conditions of Approval

9) Prior to final of Building Permit, the applicant shall call for inspection by the Planning Division to verify compliance with the approved plans. [Planning]

10) Minor modifications to the design of the project, including site layout, colors and materials, may be approved by the Community Services Director provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval. [Planning]

11) Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer’s interests at Developer’s sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City’s costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys’ fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]

Attachments:
1) Vicinity Map

Exhibits:
A. Full Plan Set
Proposed Area for storage units and dog park

Attachment 1

Orchard Apartments
Design Review Permit Modification
7969 Madison Ave

DRPMOD-18-09
THE SCOPE OF THIS PROJECT INCLUDES THE DEMOLITION AND REMOVAL OF TWO UNUSED AND DAMAGED TENNIS COURTS AND THEIR ASSOCIATED LIGHTS AND FENCES. ONCE THE COURTS ARE REMOVED THE SITE WILL BE GRADED AND ADJUSTED, ALONG WITH MODIFICATIONS TO THE ADJACENT PARKING SPACES, TO ALLOW FOR THE CONSTRUCTION OF THREE NEW BUILDING CONCRETE PADS WITH NEW STORAGE UNIT/GARAGE BUILDINGS ON TOP. NEW DRIVE ACCESS AREAS WILL BE PROVIDED OFF THE EXISTING PARKING/DRIVE AREA ADJACENT TO THE PROPERTY. THE NEW BUILDING CONCRETE PADS WILL BE MADE OF NON-COMBUSTIBLE CONSTRUCTION FOR WALLS AND ROOFS FOR THE USE BY THE ORCHARD APARTMENT TENANTS FOR STORAGE ON THE PROPERTY. ADDITIONALLY, A NEW DOG PARK PLAY AREA WILL BE CONSTRUCTED ADJACENT TO THE STORAGE BUILDINGS, MAKING USE OF CURRENTLY UNUSED GRASS AREA, FOR THE BENEFIT OF THE TENANTS. FOUR NEW BARBECUE AREAS WILL ALSO BE CREATED WITHIN THE PROPERTY, AT CURRENT OPEN SPACES, TO FURTHER ENHANCE THE EXPERIENCE OF BEING A TENANT AT THE ORCHARD APARTMENTS. THE BARBECUE AREAS WILL INCLUDE BENCHES/TABLES, BARBECUE AND IN AT LEAST ONE LOCATION A TRELLIS/ARBOR.
PROJECT INFORMATION

1. EXISTING RESIDENTIAL PROJECT WITH PROPOSED STORAGE PREFAB NON-
   COMBUSTIBLE STRUCTURES REPLACING UNSUED AND DAMAGED TENNIS
   COURTS

2. PROJECT BUILDING AREA:
   - BLDG A: 2,000 SF OR 2,100 SF WITH OPTION
   - BLDG B: 4,400 SF
   - BLDG C: 2,000 SF OR 2,100 SF WITH OPTION
   MAXIMUM PROJECT SIZE: 8,600 SF

3. OCCUPANCY TYPE: S1

4. NO REDUCTION IN EXISTING PARKING. ACTUAL PARKING INCREASE OF 1

WALL MOUNTED DOWNLIGHT LIGHT FIXTURE

PITCH SINGLE

1/8" = 1'-0"

MATERIALS:
- Aluminum extrusion
- Ballast: black plastic
- Photocells: aluminum

DESCRIPTION:
- Wall mounted downlight light fixture
- 8" A.F.F., TYP.
- Existing building light fixtures

CHECKING INFORMATION

DRAWN BY:

DATE:

REVISIONS

THESE DRAWINGS ARE NOT ISSUED
FOR CONSTRUCTION UNLESS PLANS
ARE STAMPED AND SIGNED BY THE
ARCHITECT OF RECORD

STORAGE UNITS:
THE ORCHARD APARTMENTS
7969 MADISON AVE
CITRUS HEIGHTS, CA

PROJECT INFORMATION

1. EXISTING RESIDENTIAL PROJECT WITH PROPOSED STORAGE PREFAB NON-
   COMBUSTIBLE STRUCTURES REPLACING UNSUED AND DAMAGED TENNIS
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   MAXIMUM PROJECT SIZE: 8,600 SF

3. OCCUPANCY TYPE: S1

4. NO REDUCTION IN EXISTING PARKING. ACTUAL PARKING INCREASE OF 1
NOTES
1. WALLS, DOORS, ROOF FRAMING, SIDING, ETC. ARE ALL NON-COMBUSTIBLE CONSTRUCTION.
Walls are comprised of:
- 4x2 C16 METAL STUDS
- 6GA. PBR GALVANIZED METAL WALL PANELS SCREWED TO STUDS ON ONE SIDE OF WALL.
- INTERIOR & EXTERIOR WALLS ARE SAME BASIC CONSTRUCTION.
- ROOF CONSTRUCTION IS METAL PURLINS WITH FBR ROOF PANELS.

8' WIDE GARAGE DOOR, TYP.
DOWNSPOUT, TYP.

GUTTER AND DOWNSPOUTS, TYP.
WALL MOUNTED DOWNLIGHT LIGHT FIXTURE @ 8'6" A.F.F., TYP.

8' WIDE GARAGE DOOR, TYP.
DOWNSPOUT, TYP.
NOTES
1. WALLS, DOORS, ROOF FRAMING, SIDING, ETC. ARE ALL NON-COMBUSTIBLE CONSTRUCTION.

WALLS ARE COMPOSED OF:
- 4x2 C16 METAL STUDS
- 29 GA. PBR GALVANIZED METAL WALL PANELS SCREWED TO STUDS ON ONE SIDE OF WALL
- INTERIOR & EXTERIOR WALLS ARE SAME BASIC CONSTRUCTION

BROOM FINISH AND SEALED 4" MIN.
CONCRETE SLAB ON GRADE OVER SAND & GRAVEL BASE 4' x 9' x 9', TYP.

2 WIDE GARAGE DOOR, TYP.
DOWNSPOUT, TYP.

1. WALLS, DOORS, ROOF FRAMING, SIDING, ETC. ARE ALL NON-COMBUSTIBLE CONSTRUCTION.

WALLS ARE COMPOSED OF:
- 4x2 C16 METAL STUDS
- 29 GA. PBR GALVANIZED METAL WALL PANELS SCREWED TO STUDS ON ONE SIDE OF WALL
- INTERIOR & EXTERIOR WALLS ARE SAME BASIC CONSTRUCTION

BROOM FINISH AND SEALED 4" MIN.
CONCRETE SLAB ON GRADE OVER SAND & GRAVEL BASE 4' x 9' x 9', TYP.

2 WIDE GARAGE DOOR, TYP.
DOWNSPOUT, TYP.

THE ORCHARD APARTMENTS
7969 MADISON AVE
CITRUS HEIGHTS, CA

BUILDING 2 FLOOR PLAN

1/4" = 1'-0"
NOTES
1. WALLS, ROOFS, ROOF FRAMING, SIDING, ETC ARE ALL NON-COMBUSTIBLE CONSTRUCTION.

ROOF IS COMPRISED OF:
- ROOF CONSTRUCTION IS METAL PURLINE WITH PER ROOF PANELS.

BUILDING 2 ROOF PLAN

1/4" = 1'-0"

NOTES
1. WALLS, DOORS, ROOF FRAMING, SIDING, ETC ARE ALL NON-COMBUSTIBLE CONSTRUCTION.

ROOF IS COMPRISED OF:
- ROOF CONSTRUCTION IS METAL PURLINE WITH PER ROOF PANELS.
OPTIONAL 10'x10' BAY STORAGE UNIT W/ 3'x7' MAN DOOR

SURFACE MOUNTED LIGHT FIXTURE, 5"Wx5"Hx4"D

8'Wx8'H GARAGE DOORS TYP. COLOR: GREEN, COILING STYLE, U.O.N.

DOWNSPOUT, TYP. SURFACE DRAIN

GUTTER, TYP. COLOR: GREEN OR GREY

STORAGE UNITS:
THE ORCHARD APARTMENTS
7969 MADISON AVE
CITRUS HEIGHTS, CA

A.S. _______

No. DATE DESCRIPTION

8/16/2018 9:48:33 PM 1/4" = 1'-0"
COLORED BUILDING 2 
EXTERIOR ELEVATIONS

1. COLORED BLDG 2 SOUTH ELEVATION (OPPOSITE, NORTH ELEVATION SIMILAR)

2. COLORED BLDG 2 WEST ELEVATION

3. COLORED BLDG 2 EAST ELEVATION

BB
DC
DD

DOOR EDGE

CC
BB

METALED SIDING, COLOR: GREEN
DOWNSPOUT, TYP. TO MATCH SIDING COLOR

INDICATES APPROXIMATE LIGHT SPREAD.

SURFACE MOUNTED LIGHT FIXTURE, STRAIGHTWAY.

WHEN GARAGE DOORS TYP. COLOR GREEN, COILING STYLE: U.O.N.

OPTION FOR SIGNAGE LOCATION FOR UNIT NUMBER TO BE CONFIRMED.

THESE DRAWINGS ARE NOT ISSUED FOR CONSTRUCTION UNLESS PLANS ARE STAMPED AND SIGNED BY THE ARCHITECT OF RECORD.

STORAGE UNITS:
THE ORCHARD APARTMENTS
7969 MADISON AVE
CITRUS HEIGHTS, CA

A.S.

No.

DATE

8/16/2018 9:48:37 PM

1/4" = 1'-0"
THESE DRAWINGS ARE NOT ISSUED FOR CONSTRUCTION UNLESS PLANS ARE STAMPED AND SIGNED BY THE ARCHITECT OF RECORD.

STORAGE UNITS:
THE ORCHARD APARTMENTS
7969 MADISON AVE
CITRUS HEIGHTS, CA

A.S.

No.

DATE

DESCRIPTION

8/16/2018 9:48:43 PM

1 1/2" = 1'-0"

MB

MATERIAL BOARD
EXTERIORS METAL SIDING PATTERN
METAL ROOFING SIMILAR

OPTIONAL GREEN
GREEN TO MATCH STANDARD GENERAL STEEL'S CLASSIC GREEN FOR EXTERIOR SIDING EXTERIOR DOORS & TRIM DOWNSPOUTS

EXTERIOR WALL DOWNLIGHT
TECHLIGHTING: PITCH SINGLE COLOR: CHARCOAL SIZE: 5"H x 5"W x 4"D

OPTIONAL GREY
GREY TO MATCH STANDARD GENERAL STEEL'S CHARCOAL GREY FOR GUTTER EDGE TRIM METAL ROOF

SW6741
DERBYSHIRE

SW6461
ISLE OF PINES

SW6257
GILBRALTER

SW6256
SERIOUS GREY
Soils Analysis Report / Amendments Notes

The materials are specified per the project’s requirements as follows:

**Metal 6’ surface-mounted bench with horizontal slats.**
- Model: DuMor 160 Bench, or approved equal.

**48” tall decorative metal fence.**
- Model: Omega II Elite Double Wire Fence, or approved equal.

**Recycled plastic 4’ square accessible table, in-ground mounted.**
- Model: DuMor 76 Table, or approved equal. (Project will specify a 3-seat accessible configuration.)

**32-gallon metal surface-mounted trash receptacle with collar & slats.**
- Model: DuMor 157 Trash Receptacle, or approved equal.

Potential palette examples:
- Callistemon viminalis ‘Better John’
- Gardenia jasminoides ‘Veitchii’
- Festuca idahoensis ‘Siskiyou Blue’
- Rosa ‘Flower Carpet Amber’
- Loropetalum chinense ‘Suzanne’
- Yucca filamentosa ‘Color Guard’

---

**Design Narrative**

1. The landscape installation includes the addition of a new park at the property. The park features a seating area with embedded benches and trash receptacles and “reflective” planting. Planting will consider the landscape’s indigenous ecosystems and the native habitats of the site. The park installation will be based on the Landscape Architecture Specific Plan guidelines and will be approved by the City of El Cerrito. The landscape design will be in accordance with the City’s Landscape Architecture Specific Plan guidelines.

2. The park is designed to reflect the natural ecosystems of the area and provide a suitable habitat for local wildlife. The plants selected for the park will support the local ecosystem and provide a diversity of plant species. The plants will be selected based on their ability to thrive in the local climate and soil conditions.

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**Plant Palette Examples**

- *Callistemon viminalis ‘Better John’*
- *Gardenia jasminoides ‘Veitchii’*
- *Festuca idahoensis ‘Siskiyou Blue’*
- *Rosa ‘Flower Carpet Amber’*
- *Loropetalum chinense ‘Suzanne’*
- *Yucca filamentosa ‘Color Guard’*
The Orchard Apartments Site Plan

Not to Scale

Large BBQ/Picnic Area Area Enlargement
Scale: 1" = 5' 0"

Small BBQ Area Enlargement
Scale: 1" = 5' 0"

BBQ Areas Project Elements Legend

- Little Tikes Commercial Covered charcoal BBQ grill, Model: LP02320N
- Model: Wabash Valley Signature Series 8 picnic table, 8' x 4' 6"
- Model: Wabash Valley Signature Series 8 accessible picnic table, multi-pedestal, Model: SG207P.
- Model: Little Tikes Commercial Covered charcoal BBQ grill, or approved equal.
- Model: Forever Redwood 24' x 24' wooden redwood garden pergola, or approved equal.
- Model: Forever Redwood 24' x 24' wooden garden pergola post, typl.
- Model: Forever Redwood 24' x 24' wooden redwood garden pergola, or approved equal.
- Model: 8 picnic table, inground mounted.
- Model: 8 picnic table, inground mounted, Model: Wabash Valley Signature Series 8 picnic table, or approved equal.
- Small BBQ area concrete paving, typl.
- Decomposed granite pathway to picnic area, typl.
- Concrete paving scree expansion/brick, typl.
- Existing pathways within the community, typl.

Small/Large BBQ Area Project Elements Photo Exhibit

Images shown herein are for reference purposes only and other design option. Images may not reflect relationship or specific details.

Side view of 24’x24’ wooden garden pergola, Model: Forever Redwood 24’x24’ wooden redwood garden pergola, or approved equal.

Aerial view of 24’x24’ wooden garden pergola, Model: Forever Redwood 24’x24’ wooden redwood garden pergola, or approved equal.

Side view of 24’x24’ wooden garden pergola, Model: Forever Redwood 24’x24’ wooden redwood garden pergola, or approved equal.

8’ picnic table, inground mounted, Model: Wabash Valley Signature Series 8 picnic table, or approved equal.

Covered charcoal grill, inground mounted, Model: Little Tikes Commercial Covered charcoal BBQ grill, or approved equal.
REQUEST

The Planning Division requests the Planning Commission review the attached Zoning Code Amendment concerning affordable housing and forward their recommendation to the City Council.

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

1. Recommend the City Council find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines; and

2. Recommend the City Council approve the proposed amendments to Chapter 106.32 in regard to Affordable Housing Incentives as shown in attachment 1.

BACKGROUND

California’s State Density Bonus Law (SDBL) was adopted in 1976 in recognition of California’s acute and growing affordable housing needs. The SDBL has been amended multiple times since adoption. These changes have been in response to evolving housing conditions, to provide clarification on the legislation, to respond to legal and implementation challenges, and to incorporate new or expanded provisions. The SDBL, as originally enacted, sought to address the affordable housing shortage by encouraging development of low- and moderate-income units; over time, the law was expanded to recognize the need for housing for households at a wider range of income levels and with specialized needs.

The SDBL incentivizes affordable and other specialized housing production by requiring local agencies to grant an increase to the maximum allowable residential density for eligible projects, and to support the development of eligible projects at greater residential densities by granting incentives, concessions, waivers, or reductions to applicable development regulations. An example of a concession or incentive is a reduction in the number of parking spaces that may be required for a project, or an increase in the allowable building height that applies to the project. The SDBL applies to projects providing five or more residential units, including mixed-use developments. Density bonuses and associated incentives, concessions, waivers, or reductions are intended to offset the financial burden of constructing affordable or specialized housing units.

PROJECT DESCRIPTION

Pursuant to Government Code Section 65915(a)(1), all local governments are required to adopt local affordable housing ordinances that are consistent with State law. Over the past few years, a number of legislative updates have been adopted at the state level with the most sweeping changes in 2017 and in 2018. In response to the legislative changes, staff has updated the city’s affordable housing section of the Zoning Code to ensure its full compliance with state law.

The following provides a brief overview of the significant legislative actions that have been incorporated into proposed amendments.
<table>
<thead>
<tr>
<th>Date Effective</th>
<th>Adopted Legislation</th>
<th>Brief Summary (not complete bill text)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2015</td>
<td>AB 2222</td>
<td>Prior to the bill, affordable units were subject to affordable income restrictions for a period of 30 years; AB 2222 extended the affordability term to 55 years. Additionally, AB 2222 introduced an affordable-unit replacement requirement in an effort to help address the potential displacement of existing tenants. The replacement provisions contained in AB 2222 were substantially expanded and clarified in the January, 2017 amendments adopted through AB 2556.</td>
</tr>
<tr>
<td>January 1, 2016</td>
<td>AB 744</td>
<td>The bill required local governments, upon request from an applicant developing a rental housing project that is density bonus-eligible, to grant further reductions in parking requirements depending on the project's proximity to transit. The provisions of AB 744 expand the parking reduction options available to developers that were provided in the SDBL.</td>
</tr>
<tr>
<td>January 1, 2017</td>
<td>AB 1934</td>
<td>The bill expanded the SDBL to provide incentives for commercial developers to contribute to affordable housing through creation of Government Code Section 65915.7. The bill provided a bonus for commercial developers who enter an agreement with a housing developer to provide affordable units in a joint mixed-use project, or as two separate but related projects. The bill has provisions that allow the commercial developer to define how they are contributing to the affordable housing development and prescribed the number of low- or very-low income units that must be contained in the project. The provisions of AB 1934 are subject to a sunset clause of January 1, 2022. Any projects approved under the bill's provisions must be reported to the Department of Housing and Community Development in an annual report.</td>
</tr>
</tbody>
</table>
| January 1, 2017 | AB 2442             | The bill amended Section 65915(b) to include additional categories of specialized housing that would qualify a project for a density bonus. If at least 10% of the proposed units in a project are designated for very-low income households for a period of 55 years, and are targeted to the following specialized housing types, they may qualify for a density bonus:  
  • transitional foster youth as defined in Education Code Section 66025.9  
  • disabled veterans as defined in Government Code Section 18541  
  • homeless persons as defined in 42 U.S.C. Sec. 11301 et seq.  
  The density bonus for these projects is 20% of the provided specialized housing units. |
| January 1, 2017 | AB 2501             | Streamlines density bonus application processing in recognition of the financial implications for developers caused by permitting delays. Streamlining changes are described in SDBL Section 65915(a)(3); these changes require that local jurisdictions: |
• Adopt procedures and timelines for processing density bonus applications.
• Provide a list of all information required to be submitted with the density bonus application for the density bonus application to be deemed complete.
• Issue completeness determinations on applications within 30 days in compliance with Government Code Section 65943.

AB 2501 also includes several additional clarifications and procedural amendments to aid in the application and enforcement of the SDBL.

<table>
<thead>
<tr>
<th>Date</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2017</td>
<td>AB 2556</td>
<td>As described above, AB 2222 amended the SDBL in 2014 to preserve existing affordable housing units by prohibiting an applicant from receiving a density bonus, incentive, concession, waiver or reduction, if a development removed units that at any time in the five-year period preceding the application were occupied by lower-income households or subject to a form of rent control. AB 2222 is reflected in the Government Code Section 65915(c), and includes the stipulation that projects may overcome this restriction by replacing affordable units with units of equivalent affordability, size and/or type. AB 2222 failed to clarify how replacement unit requirements should be determined if resident income levels were not verifiable. AB 2556 (2017) provides clarifying language to satisfy the replacement unit requirements in the SDBL.</td>
</tr>
<tr>
<td>January 1, 2019</td>
<td>SB 1227</td>
<td>SB 1227 allows developers to request a 35% density bonus for development with at least 20% of units reserved for lower income students in a dedicated student housing project.</td>
</tr>
<tr>
<td>January 1, 2019</td>
<td>AB 2753</td>
<td>Requires cities to provide an applicant with a determination as to the amount of density bonus and any parking ratios requested by the developer for which the development is eligible and whether the applicant has provided adequate information to make a determination as to any incentives, concessions, or waivers or reductions to development standards requested by the applicant.</td>
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**ANALYSIS**

Density bonus is state law, covered under Government Code Section 65915, that allows developers to increase density at a given project site above the maximum allowable density of a given parcel under its General Plan Land Use designation. In exchange for additional density, a certain number of dwelling units are required to be reserved, for a period of not less than 55 years, for very low, low, moderate-income households, seniors, transitional foster youth, disabled veterans, homes persons, or low-income students.

The revisions are necessary to in order to provide consistency with state law and the implementation of state mandated regulations as specified in Government Code Section 65915.

**ENVIRONMENTAL DETERMINATION**

The proposed project is an update to the Zoning Ordinance for consistency with existing state law. The proposed project would not, in and of itself, have a material change to the environment. Projects subject to the amended provisions would be subject to a separate CEQA review. Therefore pursuant
to the California Environmental Quality Act (CEQA), it was determined that the project is exempt from CEQA pursuant to Article 5, Section 10561(b)(3), under the common sense exemption that CEQA only applies to project which have the potential for causing a significant effect on the environment.

RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

1. Recommend the City Council find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines; and

2. Recommend the City Council approve the proposed amendments for Chapter 106.32 in regard to Affordable Housing Incentives, as shown in attachment 1.

Attachment:

1. Redline Chapter 106.32 Affordable Housing Incentives
CHAPTER 106.32 - AFFORDABLE HOUSING INCENTIVES

Sections:

106.32.010 - Purpose
106.32.020 - Eligibility for Bonus, Incentives, or Concessions
106.32.030 - Allowed Density Bonuses
106.32.040 - Allowed Incentives or Concessions
106.32.050 - Parking Requirements in Density Bonus Projects
106.32.060 - Bonus and Incentives for Housing with Child Care Facilities
106.32.070 - Continued Availability
106.32.080 - Location and Type of Designated Units
106.32.090 - Processing of Bonus Requests
106.32.100 - Density Bonus Agreement
106.32.110 - Control of Resale
106.32.120 - Judicial Relief, Waiver of Standards

106.32.010 - Purpose

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 106.32.020 (Eligibility for Bonus, Incentives, or Concessions). This Chapter is intended to implement the requirements of Government Code Section 65915, et seq., and the Housing Element of the General Plan.

106.32.020 - Eligibility for Bonus, Incentives, or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Zoning Code, except as provided by Section 106.32.040 (Allowed Incentives or Concessions).

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;

2. Five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;

3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or

4. 10 percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.

5. 10 percent of the total units of a housing development are for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sect. 11301 et seq.) are for very low income households, as defined in Health and Safety Code Section 50105.
6. 20 percent of the total units for low income college students in housing dedicated for full-time students at accredited colleges meeting the requirements of Government Code 65915.

B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 106.32.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections A.1., 2., 3., or 4., 5., or 6., above.

C. Bonus units shall not qualify a project. A density bonus granted in compliance with Section 106.32.030 (Allowed Density Bonuses), below, including “total units,” “total dwelling units,” or “total rental beds” shall not be included when determining the number of housing units that is equal to the percentages required by Subsection A.

D. Minimum project size to qualify for density bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

106.32.030 - Allowed Density Bonuses

The amount of a density bonus allowed in a housing development shall be determined by the Council in compliance with this Section. For the purposes of this Chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning district and designation of the Land Use Element of the General Plan as of the date of application by the applicant to the City.

A. Density bonus. A housing project that complies with the eligibility requirements in Subparagraphs 106.32.020.A.1, 2., 3., or 4., shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. Bonus for units for lower income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.1 (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows.

<table>
<thead>
<tr>
<th>Percentage of Low-Income Units Proposed</th>
<th>Percentage of Density Bonus</th>
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<tbody>
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</table>
2. **Bonus for units for very low income households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.2 (five percent of units for very low income households) shall be entitled to a density bonus calculated as follows.

<table>
<thead>
<tr>
<th>Percentage of Very Low-Income Units Proposed</th>
<th>Percentage of Density Bonus</th>
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3. **Bonus for senior citizen development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.3 (senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.

4. **Bonus for transitional foster youth, disabled veterans or homeless persons.** A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.5 shall be entitled to a density bonus of 20 percent.

5. **Bonus for student housing.** A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.6 shall be entitled to a density bonus of 35 percent.
4. **Bonus for moderate income units in common interest development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 106.32.020.A.4 (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows.

<table>
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<tr>
<th>Percentage of Moderate-Income Units Proposed</th>
<th>Percentage of Density Bonus</th>
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5. **Density bonus for land donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

a. **Basic bonus.** The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan Land Use Element designation and zoning for the entire development, and an additional increase as follows.

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<tr>
<th>Percentage of Very Low-Income Units Proposed</th>
<th>Percentage of Density Bonus</th>
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</table>
b. **Increased bonus.** The increase in the table above shall be in addition to any increase in density required by Subsections A.1 through A.5, up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with this Subsection A.5, as well as the bonuses provided by Subsections A.1 through A.4.

c. **Eligibility for increased bonus.** An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met.

   1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

   2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

   3. The transferred land is at least one acre, or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

   4. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City before the time of transfer.

   5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 106.32.070 (Continued Availability), below, which shall be recorded on the property at the time of dedication.

   6. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

   7. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

   8. The proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

B. **Greater or lesser bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section, or grant a proportionately lower density bonus than required by this Section for a development that does not comply with the requirements of this Section.

C. **Density bonus calculations.** The calculation of a density bonus in compliance with this Section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.
D. **Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

E. **Location of bonus units.** The developer may locate density bonus units in the housing project in other than the areas where the units for the lower income households are located.

### 106.32.040 - Allowed Incentives or Concessions

A. **Applicant request and City approval.** An applicant for a density bonus in compliance with this Chapter may submit to the City a proposal for the specific incentives or concessions listed in Subsection C. (Type of incentives), below, that the applicant requests in compliance with this Section, and may request a meeting with the Director. The applicant may file their request either prior to an application for City approval of the proposed project, or concurrently with the application for project approval. The Council shall grant an incentive or concession request that complies with this Section unless the Council makes either of the following findings in writing, based upon substantial evidence:

1. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 106.32.070.B. (Unit cost requirements); or

2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property 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.

3. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible. The concession or incentive would be contrary to state or federal law.

B. **Number of incentives.** The applicant shall receive the following number of incentives or concessions.

1. **One incentive or concession.** One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

2. **Two incentives or concessions.** Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

3. **Three incentives or concessions.** Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

C. **Type of incentives.** For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 106.32.050 [Parking Requirements in Density Bonus Projects]), or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;
2. Approval of mixed-use zoning not otherwise allowed by this Zoning Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

D. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

106.32.050 - Parking Requirements in Density Bonus Projects

A. Applicability. This Section applies to a development that meets the requirements of Section 106.32.020 (Eligibility for Bonus, Incentives, or Concessions), above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 106.32.040 (Allowed Incentives or Concessions), above.

B. Number of parking spaces required.

1. At the request of the applicant, the City shall require apply the following vehicular parking ratios for a project that complies with the requirements of Section 106.32.020 (Eligibility for Bonus, Incentives, or Concessions), above, inclusive of handicapped and guest parking, pursuant to Government Code Section 65915(p)(1):

   a. Zero to one bedrooms: One on-site parking space.

   b. Two to three bedrooms: Two on-site parking spaces.

   c. Four and more bedrooms: Two and one-half on-site parking spaces.

   d. Lower parking ratios apply to specified projects as follows:

      (1) 0.5 spaces per bedroom, inclusive of handicapped and guest parking, for projects with at least 11 percent very low income or 20 percent lower income units and are within one-half mile of an accessible major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and have unobstructed access to the major transit stop from the development.

      (2) A rental project that is 100 percent affordable to lower income, as provided in Section 50052.5 of the Health and Safety Code, the following ratios apply:

         (a) 0.5 spaces per unit, inclusive of handicapped and guest parking, if the project is within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development.

         (b) 0.5 spaces per unit, inclusive of handicapped and guest parking, if the project is for-rent housing development for individual who are 62 years of age or older that complies with Sections 561.2 and 51.3 of the Civil Code. The development shall have either paratransit...
service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(c) 0.3 spaces per unit, if the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. Location of parking. For purposes of this Section, a development may provide on-site parking through tandem or uncovered parking, but not through on-street parking.

106.32.060 - Bonus and Incentives for Housing with Child Care Facilities

A housing development that complies with the resident and project size requirements of Subsections 106.32.020.A., and B., above, and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

A. Additional bonus and incentives. The City shall grant a housing development that includes a child care facility in compliance with this Section either of the following:

1. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. Requirements to qualify for additional bonus and incentives.

1. The City shall require, as a condition of approving the housing development, that:

   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 density bonus units are required to remain affordable in compliance with Section 106.32.070 (Continued Availability), below; and

   b. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with Subsection 106.32.020 A (Resident requirements), above.

2. The City shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

106.32.070 - Continued Availability

The units that qualified the housing development for a density bonus and other incentives and concessions shall be continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c)). See also Section 106.32.110 (Control of Resale).
A. **Duration of affordability.** The applicant shall agree to, and the City shall ensure the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. **Low- and very low-income units.** The continued affordability of all low- and very low income qualifying units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. **Moderate income units in common interest development.** The continued availability of moderate income units in a common interest development shall be maintained for a minimum of 10 years.

B. **Unit cost requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:

1. **Lower income units.** Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and

2. **Owner-occupied units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. **Occupancy and resale of moderate income common interest development units.** An applicant shall agree to, and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. 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.

2. The City shall recapture any additional subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:

   a. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

   b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

106.32.080 - Location and Type of Designated Units

A. **Location/dispersal of units.** As required by the Council in compliance with Section 106.32.090 (Processing of Bonus Requests), below, designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.

B. **Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.
106.32.090 - Processing of Bonus Requests

A. Permit requirement. A request for a density bonus and other incentives and concessions shall be submitted concurrently with the filing of the planning application for the first discretionary permit required for the housing or commercial development. The density bonus request shall be submitted in writing and shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943 shall be evaluated and decided through Use Permit approval in compliance with Section 106.62.050 (Use Permit and Minor Use Permit); provided, the decision of the Commission on a Use Permit application shall be a recommendation to the Council, and the density bonus and other incentives and concessions shall be approved by the Council.

B. Application Contents. An application to request a density bonus shall be filed with the Department on a City application form together with all information required by the City’s list of required application contents.

C. Application Review Process. The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus project shall be subject to the same appeal process applied to associated discretionary permits. The application and approval of a density bonus and any associated incentives or concessions shall not require a separate permit or approval process from that otherwise required for the same project without a density bonus request.

D. Findings for approval. In addition to the findings required by any discretionary permits, by Section 106.62.050 (Use Permit and Minor Use Permit) for the approval of a Use Permit, the approval of a density bonus and other incentives and concessions shall require that the review authority first make all of the following additional findings:

1. The residential development will be consistent with the General Plan, except as provided by this Chapter for density bonuses, and other incentives and concessions;

2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;

3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter; and

4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.
106.32.100 - Density Bonus Agreement

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the City in the City’s standard form of agreement.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

   a. The total number of units approved for the housing development, including the number of designated dwelling units;

   b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;

   c. The marketing plan for the affordable units;

   d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

   e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 106.32.070 (Continued Availability);

   f. A schedule for completion and occupancy of the designated dwelling units;

   g. A description of the additional incentives being provided by the City;

   h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

   i. Other provisions to ensure successful implementation and compliance with this Chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

   a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

   b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

   c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low income households, as published by HUD;

   d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

   e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City’s costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

3. For-sale housing conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
   (1) Restricts the sale of the unit in compliance with this Chapter during the applicable use restriction period;
   (2) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and
   (3) Shall be recorded against the parcel containing the designated dwelling unit.

4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the use restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

d. The applicable use restriction period shall comply with the time limits for continued availability in Section 106.32.070 (Continued Availability), above.

C. Execution of agreement.

1. Following Council approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder’s Office.

2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the designated dwelling units.

3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.
106.32.110 - Control of Resale

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the following resale conditions shall apply.

A. **Limits on resale price.** The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the Sacramento metropolitan area consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.

B. **Units to be offered to the City.** Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the City or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finders fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. **Declaration of restrictions.** The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Section.

D. **City to monitor resale of units.** The City shall monitor the resale of ownership affordable units. The City or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

106.32.120 - Judicial Relief, Waiver of Standards

A. **Judicial relief.** As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

B. **Waiver of standards preventing the use of bonuses, incentives, or concessions.**

   1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 106.32.020 A (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.

   2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.

   3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
C. **City exemption.** Notwithstanding the provisions of Subsections A. and B., above, nothing in this Section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. Grant a density bonus, incentive or concession, or waive or reduce development standards, that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.