

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION 19.10.020 OF CHAPTER 19.10 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING RESIDENTIAL ZONES, AND SECTION 19.12.020 OF CHAPTER 19.12 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING COMMERCIAL ZONES, AND CHAPTER 19.28 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING RESIDENTIAL DENSITY BONUS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 19.10.020 of Chapter 19.10 of Title 19 of the Roseville Municipal Code is hereby amended to read as shown on Attachment “A”.

SECTION 2. Section 19.12.020 of Chapter 19.12 of Title 19 of the Roseville Municipal Code is hereby amended to read as shown on Attachment “B”.

SECTION 3. Chapter 19.28 of Title 19 of the Roseville Municipal Code is hereby amended to read as shown on Attachment “C”.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ___ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk

§ 19.10.020. Permitted use types.

Primary uses are permitted in residential zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "A."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

	R1	RS	R2	R3	RMU
AGRICULTURE AND OPEN SPACE USE TYPE					
Animal Keeping	P	P	P	P	P
Resource Protection and Restoration	P	P	P	P	P
Resource Related Recreation	P	P	P	P	P
CIVIC USE TYPES					
Community Assembly	CUP	CUP	CUP	P	P
Community Services	CUP	CUP	CUP	CUP	P
Essential Services	P	P	P	P	P
Schools, Public/Private Elementary and Secondary	CUP	CUP	CUP	CUP	P
Power Generating Facilities ⁽³⁾					
Emergency	P	P	P	P	P
Passive Power	P	P	P	P	P
RESIDENTIAL USE TYPES					
Accessory Dwelling Units ⁽¹⁾	P	P	P	P	P
Community Care Facilities, Small	P	P	P	P	P
Community Care Facilities, Large	A	A	A	P	P
Dwelling⁽⁵⁾					
Multi-Family	—	—	—	P	P

	R1	RS	R2	R3	RMU
Single-Family	P	P	P	P	P
Two-Family	—	—	P	P	P
Caretaker/ Employee Housing	P	P	P	P	P
Family Day Care Homes, Small	P	P	P	P	P
Family Day Care Homes, Large ⁽²⁾	P	P	P	P	P
Long-Term Care Facility, Small ⁽⁷⁾	P	P	P	P	P
Long-Term Care Facility, Large	A	A	A	A	A
Low-Barrier Navigation Centers ⁽⁸⁾	—	—	—	—	P
Mobile Home Park	CUP	CUP	CUP	CUP	P
Rooming and Boarding House	—	—	—	P	P
Short-Term Rental ⁽⁶⁾	P	P	P	P	P
COMMERCIAL USE TYPES					
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP	CUP	P
Community Care Facility	—	—	—	P	P
Day Care Center ⁽⁹⁾	CUP	CUP	CUP	CUP	P
Long-Term Care Facility	—	—	—	CUP	P
Neighborhood Commercial	—	—	—	CUP	P
TRANSPORTATION AND COMMUNICATION USE TYPES					
Telecommunication Facilities ⁽⁴⁾	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP

Notes:

- (1) Accessory dwelling/junior accessory dwelling units are only permitted within areas zoned to allow single-family, two-family or multi-family residential use and must be located on a lot that contains an existing or proposed single-family, two-family or multi-family dwelling unit as defined in Sections 19.08.080(F)(1) and (F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling/junior accessory dwelling unit regulations.
- (2) See Chapter 19.46 for large family day care home regulations.
- (3) See Chapter 19.55 for power generating facilities requirements.
- (4) See Chapter 19.34 for antennas and communications facilities requirements.
- (5) Transitional housing and supportive housing are considered residential use types and are permitted (P) where residential uses are permitted (P) or conditionally permitted (CUP). For supportive housing the total floor area dedicated to administrative office space shall not exceed 25% of the total floor area and must provide the minimum supportive services/ service area defined in Government Code Section 65651, as may be amended from time to time.
- (6) Short-term rentals are only permitted in a single-family dwelling unit. See Chapter 4.25 for additional short-term rental requirements.
- (7) A long-term care facility which serves six or fewer persons shall be considered a residential use of the property.
- (8) Low-barrier navigation centers are exempt from a Design Review Permit.
- (9) [A Daycare Center is a principally permitted use \(P\) when collocated with multifamily housing.](#)

§ 19.12.020. Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "A."

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

COMMERCIAL ZONE DISTRICTS PERMITTED USES							
	BP	NC	CC	GC	HC	RC	CMU
AGRICULTURAL AND OPEN SPACE USE TYPES							
Resource Protection and Restoration	CUP	CUP	CUP	CUP	CUP	CUP	P
Resource Related Recreation	P	P	P	P	P	CUP	P
CIVIC USE TYPES							
Community Assembly	CUP	P	P	P	—	—	P
Community Services	P	CUP	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P
Hospital Services							
General Hospital Services	—	—	CUP	CUP	—	—	P
Psychiatric Hospital Services	—	—	CUP	CUP	—	—	P
Libraries and Museums, Private	—	CUP	P	P	P	P	—
Public Parking Services	P	P	P	P	P	P	P
Schools							
College and University	A	—	P	P	—	P	P
Public/Private Elementary and Secondary	—	CUP	CUP	CUP	—	—	P
Social Services							

COMMERCIAL ZONE DISTRICTS PERMITTED USES							
	BP	NC	CC	GC	HC	RC	CMU
Emergency Shelter ⁽⁵⁾	—	—	—	CUP	CUP	—	CUP
Food Distribution ⁽³⁾	—	—	—	A/CUP	A/CUP	—	A/CUP
Food Service ⁽⁴⁾	—	—	—	A/CUP	A/CUP	—	A/CUP
Power Generating Facilities ⁽⁹⁾							
Emergency	A	A	A	A	A	A	A
Supplemental/ Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P
RESIDENTIAL USE TYPES							
Accessory Dwelling Units ⁽¹¹⁾	—	P	P	P	P	—	P
Caretaker/ Employee Housing	—	CUP	CUP	CUP	CUP	CUP	P
Community Care Facilities, Small	P	P	P	P	—	P	P
Community Care Facilities, Large	CUP	CUP	CUP	CUP	—	CUP	P
Dwelling ⁽¹⁰⁾							
Multi-Family ^(13, 14)	—	CUP/A	CUP/A	—	—	P ⁽¹⁵⁾	P
Single-Family ⁽¹⁴⁾	—	CUP	CUP	CUP	CUP	—	P
Two-Family ⁽¹⁴⁾	—	CUP	CUP	CUP	CUP	—	P
Family Day Care Home, Small	P	P	P	P	—	P	P
Family Day Care Home, Large	—	CUP	CUP	CUP	—	—	P
Single Room Occupant	—	—	—	—	—	—	CUP
Low-Barrier Navigation Center	—	—	—	—	—	—	P
COMMERCIAL USE TYPES							
Adult-Oriented Businesses ⁽²⁾	—	—	—	P	—	P	P

COMMERCIAL ZONE DISTRICTS PERMITTED USES							
	BP	NC	CC	GC	HC	RC	CMU
Animal Sales and Service							
Grooming and Pet Stores	—	P	P	P	—	P	P
Kennels	—	—	—	CUP	CUP	CUP	P
Veterinary Clinic	—	CUP	P	P	—	CUP	P
Veterinary Hospital	—	—	CUP	CUP	—	—	P
Automotive and Equipment							
Automotive Body and Equipment Repair	—	—	—	CUP	—	CUP	CUP
Automotive Rentals	—	—	—	P	P	P	P
Automotive Repairs	—	—	CUP	P	P	P	P
Automotive Sales	—	—	CUP	P	—	P	P
Car Wash and Detailing	—	—	CUP	P	—	P	P
Commercial Parking	P	—	—	P	P	—	P
Electric Vehicle Charging Center ⁽¹²⁾	P	P	P	P	P	P	P
Fuel Sales ⁽¹²⁾	CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP
Hydrogen Fuel Sales	P	P	P	P	P	P	P
Heavy Equipment Rental and Sales	—	—	—	P	—	P	P
Banks and Financial Services	P	P	P	P	—	P	P
Bars and Drinking Places	—	—	P	P	—	P	P
Broadcasting and Recording Studios	P	—	—	P	—	—	P
Building Material Stores	—	—	CUP	P	—	P	P

COMMERCIAL ZONE DISTRICTS PERMITTED USES							
	BP	NC	CC	GC	HC	RC	CMU
Business Support Services	P	—	P	P	—	—	P
Commercial Recreation							
Amusement Center	—	CUP	P	P	—	P	P
Indoor Entertainment	—	—	P	P	—	P	P
Indoor Sports and Recreation	—	—	P	P	—	P	P
Large Amusement Complexes	—	—	—	CUP	CUP	P	P
Outdoor Entertainment	—	—	—	CUP	—	CUP	P
Outdoor Sports and Recreation	—	—	—	P	CUP	P	P
Community Care Facility	P	P	P	P	—	—	P
Day Care Center	P	P	P	P	—	P	P
Eating and Drinking Establishments							
Fast Food with Drive-Through ⁽¹²⁾	—	—	P/CUP	P/CUP	P/CUP	P/CUP	
Convenience	P	P	P	P	P	P	P
Full Service	P	P	P	P	P	P	P
Food and Beverage Retail Sales	—	—	P	P	—	—	P
Funeral and Interment Services	—	—	P	P	—	—	P
Lodging Services	—	—	P	P	P	P	P
Long-Term Care Facility	CUP	CUP	P	P	—	—	P
Maintenance and Repair	—	P	P	P	—	—	P
Medical Services, General	P	P	P	P	P	P	P
Neighborhood Commercial	P	P	—	—	—	—	P
Nightclubs ⁽⁶⁾	—	—	CUP	CUP	—	CUP	CUP

COMMERCIAL ZONE DISTRICTS PERMITTED USES							
	BP	NC	CC	GC	HC	RC	CMU
Nursery, Retail	—	—	—	P	—	P	P
Offices, Professional	P	P	P	P	—	P	P
Personal Services	P	P	P	P	P	P	P
Retail Sales and Services	—	—	P	P	P	P	P
Specialized Education and Training							
Vocational Training	—	—	P	P	—	—	P
Specialty Schools	—	CUP	P	P	—	P	P
Storage, Personal Storage Facility	—	—	CUP	P	—	—	P
INDUSTRIAL USE TYPES							
Laundries, Commercial	—	—	CUP	CUP	—	—	P
Printing and Publishing	—	—	—	CUP	—	—	P
Research Services	—	—	—	P	—	—	P
Wholesaling and Distribution, Light	—	—	—	P	—	—	P
TRANSPORTATION AND COMMUNICATION USE TYPES							
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	P
Intermodal Facilities ⁽⁸⁾	CUP	CUP	CUP	CUP	CUP	CUP	P
Telecommunication Facilities ⁽⁷⁾	nP/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP

Notes:

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| (1) | Reserved. |
| (2) | Additional requirements are contained in Chapter 19.32. |
| (3) | Additional requirements are contained in Chapter 19.40. |
| (4) | Additional requirements are contained in Chapter 19.39. |
| (5) | Additional requirements are contained in Chapter 19.38. |
| (6) | Additional requirements are contained in Chapter 19.49. |
| (7) | Additional requirements are contained in Chapter 19.34. |
| (8) | Additional requirements are contained in Chapter 19.36. |
| (9) | Additional requirements are contained in Chapter 19.55. |

Notes:

- (10) Transitional housing and supportive housing are considered residential use types and are permitted (P) where residential uses are permitted (P) or conditionally permitted (CUP). For supportive housing the total floor area dedicated to administrative office space shall not exceed 25% of the total floor area and must provide the minimum supportive services/service area defined in Government Code Section 65651, as may be amended from time to time.
- (11) Accessory dwelling/junior accessory dwelling units are only permitted within areas zoned to allow single-family, two-family or multi-family residential use and must be located on a lot that contains an existing or proposed single-family, two-family or multi family dwelling unit which has an approved CUP as defined in Section 19.08.080(F)(1) and (F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling/junior accessory dwelling unit regulations.
- (12) A Conditional Use Permit is required for fast food with drive-through establishments, fuel sales establishments, or electric vehicle charging centers contiguous to: (a) proper ties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A Conditional Use Permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.
- (13) Multi-family uses are permitted with an Administrative Permit in the NC and CC zone districts when the housing development is constructed on or adjacent to a site occupied by a nonprofit organization, and a nonprofit organization will offer supportive services to the proposed residents. Examples of supportive services include transportation, child care, education assistance, and the provision of clothing and other supplies.
- (14) For sites within a specific plan [or master plan](#), residential units are only permitted with a CUP if the specific plan [or master plan](#) has allocated units to the site. If no units are allocated or if fewer units are allocated than are proposed, a unit transfer or ~~Specific Plan Amendment~~ [amendment to the specific plan or master plan](#) is required in addition to the CUP.
- (15) Multi-family units are permitted by right in the RC zone district [at minimum densities of 25 units per acre](#) if the specific plan has allocated units to the site. If no units are allocated or if fewer units are allocated than are proposed, a unit transfer or Specific Plan Amendment will be required.

CHAPTER 19.28
RESIDENTIAL DENSITY BONUS

§ 19.28.010. Purpose.

This chapter is adopted pursuant to the provisions of California Government Code Sections 65915 through 65918, as they now exist or may hereafter be amended. The purpose of adopting this chapter is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this chapter. The provisions of this chapter are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this chapter conflicts with California Government Code Sections 65915 through 65918, state law shall control over the conflicting provision.

§ 19.28.020. Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

"Approving authority" is as defined in the Roseville Municipal Code Title 19, Zoning, Section 19.78.020.

"Child care facility" is defined as 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.

"Density bonus" is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with City or, if elected by the applicant, a lesser percentage of density increase. A density bonus request shall be considered as a component of a qualified housing development.

"Development standard" is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development, and includes (but is not limited to) a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement, a minimum lot area per unit requirement, or a parking ratio.

"Housing development" is defined as a development project for five or more residential units, including mixed-use developments, constructed within a large lot parcel. For the purposes of this chapter, "housing development" also includes a subdivision or common interest development as defined in Section 4100 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same large lot parcel.

"Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of

development to make the project financially feasible. The term "incentive" includes the term "concession" as that term is used in California Government Code Sections 65915 through 65918.

"Large lot parcel" is defined as that term is used in any applicable specific plan (large lot parcel is hereby generally deemed as a geographic area).

"Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

"Lower income" or "lower income household" is defined as 80 percent of the area median income or less, as defined by Section 50079.5 of the California Health and Safety Code, as may be amended from time to time.

"Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 60 percent of area median income adjusted for family size appropriate for the unit.

"Major transit stop" is defined as a site containing any of the following: (1) an existing rail or bus rapid transit station; (2) a ferry terminal served by either a bus or rail transit service; or (3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

"Maximum allowable residential density" or "base density" means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the General Plan, or if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the General Plan applicable to the project. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the General Plan does not provide a dwelling-units-per-acre standard for density, then the number of units shall be calculated by:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the City shall accept it, provided that it includes all applicable objective development standards.
2. Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

"Moderate income unit" is defined as a unit with an affordable rent or payment that does not exceed 35 percent of 120 percent of area median income adjusted for family size appropriate for the unit.

"Moderate income" or "moderate income household" is defined as 120 percent of the area median income or less, as defined in Section 50093 of the California Health and Safety Code, as may be amended from time to time.

"Senior citizen housing development" is defined as a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a senior citizen housing development per Section 51.3 of the California Civil Code, as may be amended from time to time.

"Shared housing building" means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If any section of this Code further restricts the attributes of a shared housing building beyond the requirements established in this section, the Code definition shall apply to the extent that it does not conflict with the requirements of this section.

1. A "shared housing building" may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.
2. A "shared housing building" may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

"Shared housing unit" means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), as may be amended from time to time, and complies with the definition of "guestroom" in Section R202 of the California Residential Code, as may be amended from time to time. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

"Total units" or "total dwelling units" means a calculation of the number of units that:

1. Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.
2. Includes a unit designated to satisfy an inclusionary zoning requirement.

For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, "unit" means one shared housing unit and its pro rata share of associated common area facilities.

"Unobstructed access to a major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. "Natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

"Very low income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 50 percent of the area median income, adjusted for family size appropriate for the unit.

"Very low income" or "very low income household" is defined as 50 percent of the area median income or less, as defined in Section 50105 of the California Health and Safety Code, as may be amended from time to time.

§ 19.28.030. Application requirements.

A density bonus may be approved pursuant to a request for approval of a density bonus, provided the request complies with the provisions of this chapter. Each application for a density bonus request shall be accompanied by the following:

- A. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.
- B. A narrative briefly describing the housing development and shall include information on:
 - 1. The number of units permitted under the General Plan;
 - 2. The total number of units proposed in the project;
 - 3. The number of affordable and/or senior units;
 - 4. The number of bonus units requested based on the tables provided in Section 19.28.050 of this chapter;
 - 5. A breakdown of units proposed for very low, lower, and moderate income; senior citizen or other bonus-eligible housing type listed in this chapter, and/or market rate units; and
 - 6. Any requested incentive(s), including an explanation as to why the incentive(s) is required for the housing development.
- C. Information indicating that appropriate and sufficient infrastructure capacity (water, sewer, roadway) and water supply is available to serve the bonus units.
- ~~D. A pro forma illustrating the financial need for the density bonus and/or any requested incentives. The information that shall be included is as follows:~~

- ~~1. The project pro forma shall include, but is not limited to: capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and debt coverage ratio, any contribution provided by subsidy programs, and the economic effect created by the use and income restrictions of the affordable units;~~
- ~~2. An appraisal report indicating the value of the density bonus and any incentive(s) requested; and~~
- ~~3. A source and use of funds statement identifying any projected financing gap of the project. The developer shall establish how much of the gap is covered by the density bonus units, and how much will be covered by the requested incentive(s) and/or waiver(s).~~

~~E.D.~~ Any such additional information in support of a request for a density bonus as may be requested by the Planning Division.

§ 19.28.040. Eligibility for bonus.

A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer does one of the following:

- A. Agrees to construct and maintain at least five percent of the units for rental or sale dedicated to very low income households (includes a shared housing building development, in which case minimum unit size or bedroom requirements shall not conflict with the definition of "shared housing building");
- B. Agrees to construct and maintain at least 10% of the units for rental or sale dedicated to lower income households (includes a shared housing building development, in which case minimum unit size or bedroom requirements shall not conflict with the definition of "shared housing building");
- C. Agrees to construct and maintain at least 10% of the units of a housing development to be sold to moderate income households, provided that all units in the development are offered to the public for purchase, consistent with **Government Code** Section 65915, as may be amended from time to time;
- D. Agrees to construct and maintain a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the California Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California **Civil Code**, as may be amended from time to time. For the purposes of this subparagraph, "development" includes a shared housing building development and a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code;
- E. Donates land to the City dedicated for the construction of very low income units pursuant to Section **19.28.080** of this chapter;

- F. Includes a qualifying child care facility as described in Section **19.28.070** of this chapter in addition to providing housing as described in subsections **A** through **C** of this section;
- G. Agrees to construct and maintain at least 10% of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the **California Education Code**, as may be amended from time to time, disabled veterans, as defined in Section 18541 of the **California Government Code**, as may be amended from time to time, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.), as may be amended from time to time, dedicated to very low income households;
- H. Agrees to construct and maintain at least 20% of the units for lower income students in a student housing development pursuant to Section **19.28.085** of this chapter; or
- I. Agrees to construct and maintain 100% of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that up to 20% of the units, including total units and density bonus units, may be dedicated to moderate income households (includes a shared housing building development).

§ 19.28.050. Density bonus calculation and allowance.

- A. **State Law Preemption.** Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a General Plan amendment, specific plan amendment, rezone, or other discretionary approvals.
- B. **Density Bonus Calculation.** An applicant must choose a density bonus from only one applicable affordability category in subsection C and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development.
- C. **Density Bonus Allowance.** In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. In no event shall a density bonus exceed 80 percent. A housing development that satisfies all applicable provisions of this chapter shall be allowed the following applicable density bonuses:
 - 1. **Very Low Income.** The density bonus for very low income units shall be calculated as follows:

Percentage of Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5

Percentage of Very Low-Income Units	Percentage Density Bonus
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

2. **Lower Income.** The density bonus for lower income units shall be calculated as follows:

Percentage of Lower Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

3. **Moderate Income.** The density bonus for moderate income ownership units shall be calculated as follows:

Percentage of Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

Percentage of Moderate-Income Units	Percentage Density Bonus
41	38.75
42	42.5
43	46.25
44	50

4. **Senior Citizen Housing Development.** The density bonus for a senior citizen housing development that provides housing for seniors consistent with Section 19.28.040 of this chapter shall be 20 percent.
5. **Child Care Facility.** A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with Section 19.28.070 of this chapter and California Government Code Section 65917.5.
6. **Donation of Land.** A project is eligible for the following density bonus for the donation of land when in compliance with Section 19.28.080 of this chapter:

Percentage of Very Low-Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31

Percentage of Very Low-Income Units	Percentage Density Bonus
27	32
28	33
29	34
30	35

7. **Conversion of Apartments to Condominiums.** A project is eligible for a 25 percent density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5
8. **Foster Youth, Disabled Veterans, and Homeless Persons.** The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be 20 percent.
9. **Students.** The density bonus for a student housing development that provides housing for students consistent with Section 19.28.085 of this chapter shall be 35 percent.
10. **One Hundred Percent Affordable.** The density bonus for a 100 percent affordable housing development consistent with Section 19.28.040(I) of this chapter shall be 80 percent of the number of units for lower income households. Except that, if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.
11. **Additional Density Bonus.** Projects qualifying for a density bonus pursuant to this chapter may also qualify for an additional bonus, if it meets all of the following eligibility criteria:
 - a. No more than 50 percent of the housing development units shall be restricted to very low, lower, or moderate income households;
 - b. The additional bonus shall include rental or for-sale units affordable to very low income households or moderate income households;
 - c. The housing development conforms to any of the following:
 - i. The housing development is consistent with Section 19.28.040(A) and provides 15 percent of the total units to very low income households,
 - ii. The housing development is consistent with Section 19.28.040(B) and provides 24 percent of the total units to lower income households,
 - iii. The housing development is consistent with Section 19.28.040(C) and provides 44 percent of the total units to moderate income households.

The additional density bonus calculation shall exclude any additional bonus units, and shall be calculated as follows:

Percentage of Very Low-Income Units	Percentage Density Bonus
5	20
6	23.75
7	27.5
8	31.25
9	35
10	38.75

Percentage of Moderate Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

§ 19.28.060. Eligibility and application requirements for incentives.

- A. **Available Incentives.** A housing development qualifying for a density bonus may be entitled to at least one incentive. [An incentive shall not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio.](#) Incentives may include, but are not limited to:
1. A reduction in site development standards such as:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum lot setbacks.
 - c. Reduced minimum outdoor and/or private outdoor living area.
 - d. Increased maximum lot coverage.

- e. Increased maximum building height and/or stories.
 - f. Reduced on-site parking requirements.
 - g. Reduced street standards.
2. A reduction in architectural design requirements.
 3. A density bonus greater than the amount required by this chapter.
 4. Other regulatory incentives proposed by the developer or the City, which result in identifiable, financially sufficient, and actual cost reductions.
- B. **Parking Requirements.** If an applicant qualifies for a density bonus pursuant to this chapter, the applicant may request, in addition to any requested incentive(s), that reduced parking requirements be applied to the project in place of the City's current parking requirements. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. The housing development may provide on-site parking through tandem or uncovered parking, but not through on-street parking. In calculating the number of parking spaces required for a development, if the total number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.
1. Except as otherwise provided in this subsection, the following parking requirements shall apply:
 - a. One bedspace in a student housing development, as defined by Section 65915 of the Government Code, as may be amended from time to time: zero parking spaces.
 - b. Zero to one bedroom: one on-site parking space.
 - c. Two to three bedrooms: one and one-half on-site parking spaces.
 - d. Four or more bedrooms: two and one-half on-site parking spaces.
 2. If the housing development includes at least 20% lower income units or at least 11% very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be one-half on-site parking space per unit.
 3. If a housing 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 Section 50052.5 of the California **Health and Safety Code** as may be amended from time to time, then no parking spaces shall be required as long as the development meets either of the following criteria:
 - a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the

development; or

- b. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the California **Civil Code** as may be amended from time to time, 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.
4. If a housing 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 Section 50052.5 of the California **Health and Safety Code**, as may be amended from time to time, and the development is either a special needs housing development, as defined in Section 51312 of the California **Health and Safety Code**, as may be amended from time to time, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, as may be amended from time to time, then no parking spaces shall be required. A development that is a special needs housing 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.
 5. Upon the request of the developer, the parking requirement (inclusive of parking for persons with a disability and guests) shall be 0.5 spaces per bedroom if all of the following are met:
 - a. The housing development includes at least 40% moderate income units and at least 10% of the units of the housing development are sold to moderate income households, provided that all units in the development are offered to the public for purchase; and
 - b. The housing development is located within one-half mile of a major transit stop, as defined in **Public Resources Code** Section 21155(b), as may be amended from time to time; and
 - c. The residents of the development have unobstructed access to the major transit stop from the development.

C. **Eligibility for Incentives.** Incentives are available to a housing developer as follows:

1. One incentive for housing developments that: (a) restrict at least 10% of the total units to lower income households, at least five percent for very low income households, or at least 10% for persons and families of moderate income in a development in which the units are for sale; or (b) are for senior housing.
2. Once incentive or concession for projects that include at least 20% of the total units for lower income students in a student housing development. If a project includes at least 23% of the total units for lower income students in a student

housing project, the applicant shall instead receive two incentives or concessions.

3. Two incentives for housing developments that restrict at least 17% of the total units to lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a development in which the units are for sale.
4. Three incentives for housing developments that restrict at least 24% of the total units for lower income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a development in which the units are for sale.
5. Five incentives for housing developments that restrict 100% of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that up to 20% of the units, including total units and density bonus units, may be dedicated to moderate income households. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.
6. One incentive for projects that include at least 20% of the total units for lower income students in a student housing development.
7. Four incentives for projects that include at least 16% of the units for very low income households or at least 45% for persons and families of moderate income in a development in which the units are for sale.
- ~~7.8.~~ [The City is not required to grant a concession or incentive requiring approval of, or to waive or reduce development standards otherwise applicable to, a hotel, motel, bed and breakfast inn, or other transient lodging, other than a residential hotel, as defined in Section 50519 of the Health and Safety Code, as may be amended from time to time, as part of a housing development subject to this section. For purposes of this paragraph, "other transient lodging" does not include a resident's use or marketing of their unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, as may be amended from time to time, subsequent to the issuance of a certificate of occupancy in a manner otherwise consistent with local law.](#)

§ 19.28.070. Child care facilities.

- A. **Child Care Facility Density Bonus.** When an applicant proposes to construct a housing development that is eligible for a density bonus under Section 19.28.040 of this chapter and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the City shall grant either:
 1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage 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. **Child Care Facility Requirements.** The City shall require, as a condition of

approving the housing development, that the following occur:

1. 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 per this chapter; and

2. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.
- C. **Child Care Facility Criteria.** 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.

§ 19.28.080. Donation of land.

- A. **Donation of Land Density Bonus.** When a developer of a tentative subdivision map, parcel map, or other residential development donates land to the City, the developer shall be entitled to a density bonus above the otherwise maximum allowable residential density, up to a maximum of 35 percent depending on the amount of land donated (see Section 19.28.050 of this chapter). This increase shall be in addition to any increase in density permitted by Section 19.28.040 of this chapter up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required by Section 19.28.040 and this section of this chapter.
- B. The developer shall be eligible for the density bonus for the donation of land, if all of the following conditions are met:
1. The developer shall donate and transfer 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 the amount not less than 10 percent of the residential units in the proposed development.
 3. The transferred land is at least one acre in size 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 transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. 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 units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the local government prior to the time of transfer.

4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.28.110 of this chapter if required by financing programs or subsidy programs. [The deed restriction shall also prohibit short-term rentals.](#)
5. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the affordable housing developer.
6. The transferred land shall be within the boundary of the proposed development or, if the City determines appropriate, within one-quarter mile of the boundary of the proposed development.
7. A proposed source of funding for the very low income units shall be identified no later than the date of approval of the final subdivision map, parcel map, or residential development application.

§ 19.28.085. Student housing.

- A. **Student Housing Density Bonus Requirements.** In order for a student housing development to be eligible for a density bonus under Section 19.28.040 of this chapter, the student housing development must meet the following requirements:
 1. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.
 2. The applicable 20% units shall be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California **Education Code**.
 3. The rent provided in the applicable units of the development for lower income students shall be calculated at 30% of 65% of the area median income for a single-room occupancy unit type.
 4. The development shall provide priority for the applicable affordable units for lower income students experiencing homelessness.
 5. For student housing developments that meet the aforementioned criteria, the density bonus shall be 35% of the student housing units.

- B. **Definition of Units.** For purposes of calculating a density bonus granted for a student housing development, the term "unit" means one rental bed and its pro rata share of associated common area facilities.

§ 19.28.090. General guidelines.

- A. **Location of Bonus Units.** As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.
- B. **Preliminary Review.** A developer may submit to the Planning Division a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal application for a density bonus. The City shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of either: (1) any specific requirements or procedures under this chapter, which the proposal has not met; or (2) the proposal is sufficient for preparation of an application for density bonus.
- C. **Infrastructure and Supply Capacity.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.

§ 19.28.100. Findings for approval for density bonus and/or incentive(s).

- A. **Density Bonus Approval.** The following finding shall be made by the Approving Authority in order to approve a density bonus request:
1. The density bonus request meets the requirements of this chapter.
- B. **Density Bonus Approval with Incentive(s).** The following findings shall be made by the Approving Authority in order to approve a density bonus and incentive(s) request:
1. The density bonus request meets the requirements of this chapter;
 2. The incentive is required in order to provide affordable housing; and
 3. Approval of the incentive(s) will have no specific adverse impacts upon health, safety 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 very low, low, and moderate income households.
- C. **Denial of a Request for an Incentive(s).** The Approving Authority shall make the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an

incentive(s) is requested for senior housing or child care facility):

1. That the incentive is not necessary in order to provide for affordable housing costs as defined in Section 19.28.020 of this chapter, or for rents for the targeted units to be set as specified in Section 19.28.020 of this chapter.
2. That the incentive would result in specific adverse impacts upon health, safety 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 very low, low, and moderate income households.
3. That the incentive would be contrary to State or Federal law.

§ 19.28.110. Affordable housing agreement required.

- A. **Agreement Required.** In approving a density bonus, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map.
- B. **Continued Availability.** The density bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income density bonus units and shall be evidenced by an affordable housing agreement as follows:
 1. An applicant shall agree to, and the City shall ensure, continued affordability of all very low and low income units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 19.28.020 of this chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 19.28.020 of this chapter.
 2. An applicant shall agree to, and the City shall ensure that, the initial occupants of the moderate income units are directly related to the receipt of the density bonus in the common interest development as defined in Section 4100 of the California Civil Code, are persons and families of moderate income, as defined in Section 19.28.020 of this chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 19.28.020 of this chapter. 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 apply to the equity-sharing agreement:
 - a. 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. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code, as may be amended from time to time, that promote homeownership.

- b. For purposes of this subsection, 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.
- c. For purposes of this subsection, 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.

- C. **Specialty Units.** In approving a density bonus for units for transitional foster youth, disabled veterans, homeless persons, and students, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development for 55 years be executed prior to effectuation of the permit or recordation of the final map. In addition, for units for transitional foster youth, disabled veterans and homeless persons, the units shall be provided at the same affordability level as very low income units.