RESOLUTION NUMBER 2024-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AND SUBSEQUENTLY ADOPT THE ORDINANCE FOR VARIOUS AMENDMENTS TO TTILE 9 (PLANNING AND ZONING) OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and

WHEREAS, pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

WHEREAS, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code provides that either the staff or the Planning Commission may initiate amendments to the provisions of Title 9; and

WHEREAS, staff has recommended to the Planning Commission that it recommend that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.09 (Specific Use Development Standards), Chapter 9.11 (Parking, Pedestrian and Loading Requirements), Chapter 9.13 (Specific Plans), Chapter 9.14 (Land Divisions) and Chapter 9.15 (Definitions) of the Moreno Valley Municipal Code (collectively referred to herein as "PEN24-0033"); and

WHEREAS, PEN24-0033 will clarify various development standards and allowances to provide flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamlining certain entitlement procedures as required by State law and for efficiency purposes, all of which will promote economic development within the City; and

WHEREAS, staff has determined that PEN24-0033 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

WHEREAS, staff has further determined that PEN24-0033 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff has also determined that PEN24-0033 is consistent with the purposes and intent of Title 9; and

WHEREAS, staff has determined that PEN24-0033 amendments are exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and

procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

WHEREAS, on May 9, 2024, a duly noticed public hearing was conducted by the Planning Commission at which time all interested persons were provided an opportunity to testify and to present evidence; and

WHEREAS, on May 9, 2024, in accordance with the provisions of the California Environmental Quality Act (CEQA[1]) and CEQA Guidelines,[2] the Planning Commission considered and recommended that the City Council approve PEN24-0033.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals and Exhibits

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

Section 2. Evidence

That the Planning Commission has considered all of the evidence submitted into the administrative record for PEN22-0232 including, but not limited to, the following:

(a) PEN24-0033and all relevant provisions referenced therein;
(b) City's Municipal Code;
(c) MOVAL 2040 General Plan;
(d) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing; and
(e) Testimony comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

Section 3. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission hereby finds as follows:

(a) That PEN24-0033is consistent with the existing goals, objectives, policies and programs of the MOVAL 2040 General Plan;
(b) That PEN24-0033 will not adversely affect the public health, safety or general welfare;
(c) That PEN24-0033is consistent with the purposes and intent of Title 9; and
(d) That PEN24-0033 is exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3) of the CEQA Guidelines

[1] Public Resources Code §§ 21000-21177

[2] 14 California Code of Regulations §§15000-15387

in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 4. **Recommendation**

That based on the foregoing Recitals, Evidence in the Administrative Record and Findings, as set forth above, the Planning Commission hereby recommends that the City Council introduce and subsequently adopt the proposed ordinance including all amendments to Title 9 (PEN24-0033) attached hereto as Exhibit A, which are on file with the Community Development Department.

Section 5. **Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

Section 6. **Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 7. **Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

Section 8. **Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

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PASSED AND ADOPTED THIS 9th DAY OF MAY 2024.

CITY OF MORENO VALLEY
PLANNING COMMISSION

_____
Erlan Gonzalez, Chairperson

ATTEST:

_____
Robert Flores, Planning Official

APPROVED AS TO FORM:

_____
Steven B. Quintanilla, City Attorney

Exhibits:
Exhibit 1: Draft Ordinance

Exhibit 1

DRAFT ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR VARIOUS AMENDMENTS TO TITILE 9 (PLANNING AND ZONING) OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

WHEREAS, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code provides that either the staff or the Planning Commission may initiate amendments to the provisions of Title 9; and

WHEREAS, upon Staff's recommendation, the Planning Commission recommended that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.09 (Specific Use Development Standards), Chapter 9.11 (Parking, Pedestrian and Loading Requirements), Chapter 9.13 (Specific Plans), Chapter 9.14 (Land Divisions) and Chapter 9.15 (Definitions) of the Moreno Valley Municipal Code (collectively referred to herein as "PEN24-0033"); and

WHEREAS, PEN24-0033 will clarify various development standards and allowances to provide flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamlining certain entitlement procedures as required by State law and for efficiency purposes, all of which will promote economic development within the City; and

WHEREAS, staff has determined that PEN24-0033 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with all applicable specific plans; and

WHEREAS, staff has further determined that PEN24-0033 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff has also determined that PEN24-0033 is consistent with the purposes and intent of Title 9; and

WHEREAS, staff has determined that PEN24-0033 amendments are exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and

procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

WHEREAS, on May 9, 2024, a duly noticed public hearing was conducted by the Planning Commission at which time all interested persons were provided an opportunity to testify and to present evidence; after the public hearing was closed, the Planning Commission voted _____ to _____ adopt Planning Commission Resolution No. 2024-22; and

WHEREAS, on June 4, 2024, a duly noticed public hearing was conducted by the City Council at which time all interested persons were provided an opportunity to testify and to present evidence.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AUTHORITY

That this Ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100, and it is not intended to be duplicative of state law or preempted by state legislation.

Section 3. AMENDMENT TO SECTION 9.02.020 (PERMITTED USES)

Section 9.02.020 (Permitted Uses) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended to add specific uses to Table 9.02.020-1 as set forth in Exhibit A.

Section 4. AMENDMENT TO SECTION 9.02.040 (GENERAL PLAN AMENDMENTS)

Section 9.02.040 (General Plan Amendments**)** of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 5. AMENDMENT TO SECTION 9.02.050 (AMENDMENTS TO ZONING DISTRICTS OR OTHER PROVISIONS OF TITLE 9)

Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 6. AMENDMENT TO SECTION 9.03.040 (RESIDENTIAL SITE DEVELOPMENT STANDARDS)

Section 9.03.040 (Residential Site Development Standards) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 7. AMENDMENT TO SECTION 9.03.050 (DENSITY BONUS PROGRAM FOR AFFORDABLE HOUSING)

Section 9.03.050 (Density Bonus Program for Affordable Housing) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 8. AMENDMENT TO SECTION 9.03.090 (STREAMLINE MINISTERIAL PROCESS FOR PARCEL MAPS, SENATE BILL 684)

Section 9.03.090 (Streamline Ministerial Process for Parcel Maps, Senate Bill 684) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 9. AMENDMENT TO SECTION 9.09.130 (ACCESSORY DWELLING UNITS (ADUS))

Section 9.09.130 (Accessory Dwelling Units (ADUs)) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 10. AMENDMENT TO CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS)

Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning)is hereby amended to add Section 9.09.340 (Motion Picture/File Studio) as set forth in Exhibit A.

Section 11. AMENDMENT TO SECTION 9.11.040 (OFF-STREET PARKING REQUIREMENTS)

Section 9.11.040 (Off-Street Parking Requirements) of Chapter 9.11 (Parking, Pedestrians and Loading Requirements) of Title 9 (Planning and Zoning) is hereby amended to amend Table 9.11.040A-12 and add parking requirements to Table 9.11.040C-12 as set forth in Exhibit A.

Section 12. AMENDMENT TO CHAPTER 9.13 (SPECIFIC PLANS)

Chapter 9.13 (Specific Plans) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 13. AMENDMENT TO SECTION 9.15.030 (DEFINITIONS)

Section 9.15.030 (Definitions) of Chapter 9.15 (Definitions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 14. CEQA COMPLIANCE

That PEN24-0033 is exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 15. FINDINGS

That based on the foregoing Recitals and the Evidence contained in the Administrative Record, the City Council hereby finds as follows:

(a) That PEN24-0033 is consistent with the existing goals, objectives, policies and programs of the MOVAL 2040 General Plan;
(b) That PEN24-0033 will not adversely affect the public health, safety or general welfare;
(c) That PEN24-0033 is consistent with the purposes and intent of Title 9; and
(d) That PEN24-0033 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 16. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 17. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 18. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 19. **CERTIFICATION**

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

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INTRODUCED at a regular meeting of the City Council on ___ _, ____, and PASSED, APPROVED, and ADOPTED by the City Council on _____ __, ___, by the following vote:

_____
Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

_____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

_____
Steven B. Quintanilla, City Attorney
ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

ss. CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 2024 - XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of ____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Exhibit A
Spring 2024 Omnibus Ordinance

Exhibit A

Permitted Uses Table 9.02.020-1

		Residential Zones												Mixed-Use Overlay			Commercial & Office Zones					Industrial Zones				
		HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN [9, 11]	MUC [9, 11]	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Film Studios																						C	C	C	C	C

Exhibit A

9.02.040 General plan amendments.

A. Purpose and Intent. As conditions within the city change, it may, from time to time, become necessary to amend the general plan to enhance its effectiveness. In addition, state law requires that the general plan be periodically updated. The purpose of this section is to provide a method for amending the general plan to ensure its continued effectiveness, and to ensure that amendments to the general plan will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process.

B. Authority. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments, taking into account whether the proposed amendments to the general plan will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process. The city council may amend all or part of the general plan, or any element thereof. All zoning districts, any specific plan and other plans of the city that are applicable to the same areas or matters affected by the general plan amendment, and which by law must be consistent with the general plan, shall be reviewed and amended concurrently as necessary to ensure consistency between the general plan and implementing zoning, specific plans, and other plans.

C. Restriction on Number of Amendments. Except as otherwise specified by state law (e.g., Government Code Section 65358), no mandatory element of the general plan shall be amended more frequently than four times during any calendar year.

D. Initiation of Amendments to the General Plan. An amendment to the general plan or any element thereof may be initiated by any of the following actions:
   1. Recommendation of the planning commission and city council concurrence;
   2. Recommendation of the city council; and
   3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications. Applications for amendment limited to changes in goals, objectives, policies and implementing actions may be submitted by any affected party and shall be accompanied by an explanation of reasoning supporting the proposed amendment, including how the proposed amendment will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process. General plan amendment actions for any element, as necessary, will occur on approximately a quarterly basis.

E. Term

   Any amendment approved under this section shall terminate 12 months following the final approval, without any further action by the city, unless otherwise provided in a development agreement approved by the city pursuant to section 9.02.110 of this title.

F. Limited Review. Amendments to the general plan or any element thereof shall be reviewed and considered prior to the submittal of any related development applications for quasi-judicial actions such as but not limited to conditional use permits, subdivision maps, and plot plans.

G. Authority and Hearings. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments.
   1. Planning Commission Review.
      a. A public hearing before the planning commission shall be noticed in accordance with Section 9.02.200 of this chapter and held within a reasonable time (unless otherwise specified by state law), after the close of the quarterly filing period in which a privately initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the city council in the case of a city-initiated amendment.
      b. The planning commission shall make a written recommendation on the proposed amendment to approve, approve in modified form or disapprove, taking into account whether the proposed amendment to the general plan will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process.
      c. Planning commission action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, within 10 consecutive calendar days after the planning commission's recommended disapproval or unless the city council assumes jurisdiction by the request of any member thereof, prior to the end of the 10 day appeal period.
   2. City Council Review and Action. A public hearing before the city council shall be noticed in accordance with Section 9.02.200 of this chapter and held on the earliest appropriate date after the recommendation of the planning commission to approve a proposed general plan amendment or appeal of a decision by the planning commission to disapprove a proposed general plan amendment or a decision by the city council or at least two council members to hear the matter. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to council action, any substantial modification proposed by the city council which was not previously considered by the planning commission shall first be referred to the planning commission for its recommendation, unless the modification(s) pertain to the public benefits requirement as described in this section. Failure of the planning commission to report within 45 calendar days, or within the time period set by the city council, shall be deemed a recommendation for approval.

H. Required Findings. Amendment to the text or maps of the general plan may be made if:
   1. The proposed amendment is consistent with existing goals, objectives, policies and programs of the general plan;
   2. The proposed amendment will not adversely affect the public health, safety or general welfare; and
   3. The proposed amendment will provide public benefits to the general community beyond those that may be unilaterally imposed by the city through the traditional exaction process, which will enhance public safety services, promote public health,

increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the City.

I. Public Benefits. For purposes of this section, public benefits shall include but not be limited to benefits afforded by a general plan amendment applicant, in lieu of those that may be unilaterally imposed by the city through the traditional exaction process, that shall remain a legal obligation of successors in interest, which the city council determines will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city, which shall be memorialized in a legally enforceable agreement or other instrument or imposed as voluntarily-accepted conditions of approval subject to the review and approval as to legal form by the city attorney.

Exhibit A

9.02.050 Amendments to zoning districts or other provisions of Title 9.

A. Purpose and Intent. This section establishes the procedures for amendments to this title. The amendment process is necessary to ensure compliance with the procedures required by state law, and to establish a reasonable and fair means to allow amendments and changes which will ensure consistency with the general plan, and to ensure that amendments to this title will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process.

B. Initiation of Amendments to Zoning Districts and Other Provisions of Title 9. An amendment to this title, including the zoning classification or redistricting of any property may be initiated by any of the following actions:
   1. Recommendation of staff or the planning commission;
   2. Recommendation of the city council;
   3. An application from a property owner or his authorized agent, relating to the owner's property, filed with all required applications; or
   4. An application from any affected party, which does not request redistricting of property.

C. Term

   Any amendment approved under this section shall terminate 12 months following the final approval, without any further action by the city, unless otherwise provided in a development agreement approved by the city pursuant to section 9.02.110 of this title.

D. Authority.
   1. Authority for approval of amendments to this title, including amendments to the zoning atlas (relating to change in zoning classification or redistricting), shall be vested in the city council. Amendments to this title may be adopted by the city council in the same manner as other ordinances, except when an amendment is proposed to the zoning atlas by changing any property from one zone classification to another or proposes, removes or modifies any of the following regulations, then the public hearing procedures of Section 9.02.200 of this chapter shall be followed. The proposed removal or modification of the following regulations shall be subject to the hereinafter prescribed public hearing procedures:
      a. Regulating the use of buildings, structures and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources and other purposes;
      b. Regulating signs and billboards;
      c. Regulating all of the following:
         i. The location, height, bulk, number of stories, and size of buildings and structures,
         ii. The size and use of lots, yards, courts and other open spaces,
         iii. The percentage of a lot which may be occupied by a building or structure,
         iv. The intensity of land use;
      d. Establishing requirements for off-street parking and loading;
      e. Establishing and maintaining building setback lines;
      f. Creating civic districts around civic centers, public parks, public buildings, or public grounds, and establishing regulations for those civic districts.

2. The community development director and planning commission shall provide recommendations to the city council regarding amendments which require public hearings, as hereafter described:
    a. Planning Commission Review.
        i. A public hearing by the planning commission shall be noticed and held, as required by state law and this title, after a privately initiated application is deemed complete and after required environmental documentation has been completed.
        ii. The planning commission shall render its decision in the form of a written recommendation to the city council, approving, approving with modifications or disapproving the proposed amendment, taking into account whether the proposed amendment will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process. The recommendation shall include the reasons for the recommendation and the relationship of the proposed amendment to the general plan and any applicable specific plan. If the planning commission's recommendation is for the city council to approve the proposed amendment, then the recommendation shall include findings regarding the public benefits that will be provided by the applicant under this section.
        iii. Planning commission action recommending disapproval of a proposed amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, or unless the city council assumes jurisdiction by the request of at least two council members, prior to the end of the appeal period.
    b. City Council Review and Action. When a public hearing is required before the city council, it shall be duly noticed and held after the recommendation of the planning commission to approve a proposed amendment to this title, including amendments to the zoning atlas, or following appeal of a decision by the planning commission to disapprove a proposed amendment to this title, including amendments to the zoning atlas, or if the city council or a council member elects to have the matter set for a public hearing after a planning commission recommendation of disapproval. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to city council action, any modification not previously considered by the planning commission shall first be referred to the planning commission for report and recommendation, unless the modification(s) pertain to the public benefits requirement as described in this section. Failure by the commission to report within 45 days, or such longer period, as may be designated by the city council, shall be deemed a recommendation for approval of the proposed modification.

E. Required Determinations. Amendments to this title, including amendments to the zoning atlas, may be made if:
    1. The proposed amendment is consistent with the general plan and its goals, objectives, policies, and programs, and with any applicable specific plan;
    2. The proposed amendment will not adversely affect the public health, safety or general welfare;
    3. The proposed amendment is consistent with the purposes and intent of this title;

and

4. The proposed amendment will provide public benefits to the general community beyond those that may be unilaterally imposed by the city through the traditional exaction process, which will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children.

F. Public Benefits. For purposes of this section, public benefits shall include but not be limited to benefits afforded by a Title 9 amendment applicant, in lieu of those that may be unilaterally imposed by the city through the traditional exaction process, that shall remain a legal obligation of successors in interest, which the city council determines will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city, which shall be memorialized in a legally enforceable agreement or other instrument or imposed as voluntarily-accepted conditions of approval subject to the review and approval as to legal form by the city attorney.

G. Prezoning.
   1. For the purpose of establishing prezoning which shall become effective at the same time the annexation becomes effective, property, outside of and adjoining the corporate boundaries of the city, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed in subsections B, C and D of this section.
   2. Upon passage of an ordinance establishing the applicable prezoning designation for adjoining property outside the city, the zoning atlas shall be revised to identify each district or districts applicable to such property with the label "Pre-" in addition to such other map designation, as may be applicable.

H. Recordation of Zoning Atlas Amendments. A change in district boundaries shall be indicated by listing on the zoning atlas the number of the ordinance amending the map.

I. Interim Zoning.
   1. Without following the procedures otherwise required prior to adoption of an amendment to this title, including an amendment to the zoning map, the city council may, in order to protect the public health, safety and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan or zoning proposal which the city council or planning commission is considering, studying or is intending to study within a reasonable time.
   2. Adoption of such an urgency measure shall require a four-fifths vote of the city council for adoption.
   3. An interim ordinance adopted pursuant to the provisions of this subsection shall be of no further force and effect 45 days from the date of adoption thereof; provided, however, that after notice pursuant to California Government Code Section 65090 and a public hearing, the city council may extend such interim ordinance for a period of 10 months and 15 days, and subsequently extend the interim ordinance for an additional one year. Any such extension shall also require

a four-fifths vote for adoption. Not more than the two extensions described in this subsection may be adopted.

4. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Government Code Section 65090 of the State Planning and Zoning Law and hearing, in which case, it shall be of no further force and effect 45 days from its date of adoption; provided, however, that after notice pursuant to Government Code Section 65090 and public hearing, the city council may, by a four-fifths vote, extend such interim ordinance for 22 months and 15 days.
5. When any interim ordinance has been adopted, every subsequent interim ordinance adopted pursuant to this subsection, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension thereof, as provided in this subsection.
6. The city council shall not adopt or extend any interim ordinance pursuant to this subsection unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety or welfare and that approval of additional subdivisions, use permits, variances, building permits or any other applicable entitlements for use which are required in order to comply with an existing zoning ordinance, would result in a threat to the public health, safety or welfare.
7. At least 10 days prior to the expiration of the ordinance or any extension, the community development director shall propose for issuance by the city council a written report on the measures taken to alleviate the condition which led to adoption of the ordinance.
8. Interim zoning shall be designated on the zoning map by reference to the applicable zoning symbols preceded by "I-".
9. For the period of time that the interim zoning ordinance is in effect, the permanent zoning shall be deemed to be superseded. However, the area shall continue to be subject to all other applicable provisions of this title.
10. Upon expiration of an interim zoning ordinance, the permanent zoning shall again be in full force and effect, unless it has been replaced by new permanent zoning.

Exhibit A

9.03.040. Residential site development standards.

F. Special Multiple-Family Residential Development Standards. 1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of 50 feet from any singlefamily district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of 20 feet from any single-family district.
   2. In any residential district, front yard setbacks in subdivision developments may be reduced by 20% provided the mean of all such setbacks in the development is not less than the minimum required for the district.
   3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed 60 dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
   4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
   5. In the RS10, R10, R15, R20 and R30 districts, a minimum of 35% of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed 50% of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.
   6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
   7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.
   8. In the R30 District, Landscape Trees. One tree per 20 linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per 20 linear feet of perimeter planter areas.

Exhibit A

9.03.050. Density bonus program for affordable housing.

A. Purpose and Intent. This section 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 section is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this section. The provisions of this section are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this section conflicts with California Government Code Sections 65915 through 65918, state law shall control over the conflicting provision.

B. Applicability. A housing development as defined in this section and Government Code Section 65915 shall be eligible for a density bonus and other incentives that are provided by State Density Bonus Law when the applicant agrees to construct low, very-low, senior or moderate income housing units or units intended to serve transitional foster youth, disabled veterans, and lower income students as specified in this section and State Density Bonus Law.

C. Application Requirements. A density bonus may be approved pursuant to an application for approval of a density bonus, provided the request complies with the provisions of this section. An application for a density bonus incentive, concession, waiver, or modifications of development standards pursuant to this section, shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:

   1. A site plan that identifies all units in the project, including the location of the affordable units and the bonus units.
   2. A narrative briefly describing the housing development and shall include information on:
      a. The number of units permitted under the general plan;
      b. The total number of units proposed in the project, including the floor area, and the number of bedrooms and bathrooms associated with each dwelling unit. Density bonus units shall have at least the same distribution of bedrooms as the market rate units in the development. Density bonus units shall be constructed concurrently with the construction of market rate units;
      c. Target income of affordable housing units and proposals for ensuring affordability;
      d. The number of bonus units requested based on subsection (E)(3) of this section.
   3. Description of any requested incentives, concessions, waivers, or modifications of development standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in subsections G and H of this section, the application shall include a pro forma providing evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part of the application in support of a request for an incentive/concession or waiver/modification of developments standard, including, but not limited to, the cost to the city of hiring a consultant to review said financial

data, shall be borne by the developer. The pro forma shall include all of the following items:

a. The actual cost reduction achieved through the incentive;
b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and
c. Other information requested by the community development director. The community development director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.

4. Any such additional information in support of a request for a density bonus as may be requested by the community development director.

D. 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 section if the developer does one of the following:

1. Agrees to construct and maintain at least five percent of the units dedicated to very low-income households;
2. Agrees to construct and maintain at least 10% of the units dedicated to lower-income households;
3. Agrees to construct and maintain at least 10% of the units in a common interest development (as defined in Section 4100 of the California Civil Code) dedicated to moderate-income households, provided that all units in the development are offered to the public for purchase;
4. Agrees to construct and maintain a senior citizen housing development, as defined in Section 9.09.150 of this title, or a mobile home 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;
5. Land Donations. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the city in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g);
6. Includes a qualifying child care facility as described in subsection (J)(2) (child care facility requirements) of this section in addition to providing housing as described in subsections (D)(1) through (3) of this section;
7. 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; disabled veterans, as defined in Section 18541 of the California Government Code; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.), dedicated to very low-income households;
8. Agrees to construct and maintain at least 20% of the units for lower-income students in a student housing development dedicated for full-time students at accredited colleges pursuant to the student housing subsection K of this section; or
9. 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 no more than 20% of the units, including total units and density bonus units, may be dedicated to moderate-income households.

Religious institution affiliated housing development projects (RIAHD) may qualify for a density bonus under California Government Code Section 65915. For RIAHD parking requirements, see Section 9.11.040(D).

E. Density Bonus Calculation and Allowance.
   1. 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.
   2. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development. All density calculations resulting in fractional units will be rounded up to the next whole number.
   3. 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. The maximum bonus allowed for a 100% affordable project is 80% unless it is located within one-half mile of a major transit stop, and then there is no limit to density. A housing development that satisfies all applicable provisions of this section shall be allowed the following applicable density bonuses:
      a. Very low income per California Government Code Section 65915(f)(2).
      b. Lower income per California Government Code Section 65915(f)(1).
      c. Moderate income per California Government Code Section 65915(f)(4).
   4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development is addressed in Section 9.09.150 (Senior citizen housing) of Chapter 9.09 (Specific Use Development Standards).
   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 this section and California Government Code Section 65917.5.
   6. Conversion of Apartments to Condominiums. A project is eligible for a 25% density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.
   7. 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%.
   8. Students. The density bonus for a student housing development that provides housing for students consistent with subsection K of this section shall be 35%. Twenty percent of the units granted by the density bonus shall be used for lower income students.
   9. One hundred percent Affordable. The density bonus for a 100% affordable housing development consistent with subsection (D)(9) (Eligible for Bonus) of this section shall be 80% 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.

F. Continued Affordability. Prior to issuance of a building permit, the developer/property owner must enter into a density bonus housing agreement with the city for at least 55 years by recorded document (Government Code Section 65915(c)). Such agreement shall be recorded and shall be binding on the property owner and any successors-in-interest. In addition, a density bonus project must comply with specific requirements for any existing units that are to be demolished as outlined in subsection Q of this section. Additional details regarding requirements for continued affordability and the density bonus housing agreement are included in subsection P.

G. Incentives Available to Housing Projects.
Incentives are available to a housing developments are as follows:

Number of Incentives/ Concessions	Very Low-Income Percentage	Lower-Income Percentage	Moderate-Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	16%	26%	45% (for sale units)
54	100% low/very low/mod (20% moderate allowed) *	100% low/very low/mod (20% moderate allowed) *	100% low/very low/mod (20% moderate allowed) *
Note: 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.			

H. Available Incentives/Concessions. A qualifying project may be entitled to up to four incentives, depending on the percentage of affordable housing that will be included within the development.
   1. A concession falls within three categories (California Government Code Section 65915(k)(1), (2) and (3)).
      a. Reduction in the site development standards of this development code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements);
      b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area; and/or
      c. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions.
   2. Additional Incentive/Concession. The developer may receive a 50% reduction of the development impact fee and the park land impact mitigation fee for the units affordable to very low income households and a 25% reduction for those units affordable to lower-income households.

Exhibit A

I. Parking Requirements. If an applicant qualifies for a density bonus pursuant to this section, reduced parking requirements are available for projects qualifying for a density bonus pursuant to this section. 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. 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. Zero to one bedroom: one on-site parking space.
      b. Two to three bedrooms: one and one-half on-site parking spaces.
      c. 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 reduced from one-half on-site parking space per bedroom to 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, 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 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, and the development is either a special needs housing development, as defined in Section 51312 of the California Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, 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.

Number of Bedrooms	Required Parking Spaces per Unit*, **
0 to 1 bedroom	1
2 to 3 bedrooms	1.5
4 or more bedrooms	2.5

Exhibit A

Number of Bedrooms	Required Parking Spaces per Unit*, **
Projects with at least 20% low-income units, or at least 11% very low income units***	0.5
100% affordable housing projects ****	No requirement

Notes:

* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number.

** If a residential or mixed residential/commercial development project includes the required percentage of low, very low-income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.

*** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit stop from the development.

**** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit spot from the development OR for individuals 62 years of age or older and has either paratransit service or unobstructed access within one-half mile, to fixed bus route service that operates at least eight times per day.

J. Child Care Facilities.

1. Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under subsection D (Eligibility for Bonus) of this section 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:
   a. 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
   b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. Child Care Facility Requirements. The city shall require, as a condition of approving the housing development, that the following occur:
   a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this section; 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 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.

3. 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.

K. Student Housing.
   1. Student Housing Density Bonus Requirements. In order for a student housing development to be eligible for a density bonus under subsection (D)(8) of this section, the student housing development must meet the following requirements:
      a. 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.
      b. Twenty percent of the density bonus units will 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.
      c. 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.
      d. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness.
   2. 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.

L. Shared Housing.
   1. Shared Housing Density Bonus Requirements. In order for a shared housing development to be eligible for a density bonus under subsection (D)(1), (D)(2), (D)(4) or (D)(9) of this section, the shared housing development must meet the following requirements:
      a. Shared-housing building is defined as a residential or mixed-use structure with five or more 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.
      b. 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% of the floor area of the shared housing building.
      c. 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.

d. A "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), and complies with the definition of "guestroom" in Section R202 of the California Residential Code.
e. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure.

2. Definition of Units. For purposes of calculating a density bonus granted for a shared housing development, the term "unit" means one shared housing unit and its pro rata share of associated common area facilities.

M. General Guidelines.

1. 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.
2. Preliminary Review. A developer may submit to the community development director a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal application for a density bonus. Within 90 days of receipt of a written proposal, the city will notify the housing developer in writing of either: (a) any specific requirements or procedures under this section, which the proposal has not met; or (b) the proposal is sufficient for preparation of an application for density bonus.
3. 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.

N. Findings for Approval for Density Bonus and/or Incentive(s).

1. Density Bonus Approval. The following finding shall be made by the approving authority in order to approve a density bonus request:
   a. The density bonus request meets the requirements of this section.
2. 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:
   a. The density bonus request meets the requirements of this section;
   b. The incentive is required in order to provide affordable housing; and
   c. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-, low-, and moderate-income households.

3. Denial of a Request for an Incentive(s). The approving authority shall make at least one of 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):
   a. That the incentive is not necessary in order to provide for affordable housing costs as defined in subsection R (Definitions) of this section, or for rents for the targeted units to be set as specified in subsection R (Definitions) of this section.
   b. That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-, low-, and moderate-income households.
   c. That the incentive would be contrary to state or federal law.

O. Affordability Requirements.
   1. The maximum monthly housing cost for density bonus units, including a monthly allowance for utilities plus rent for rental units or house payments for for-sale units, shall be set at or below the rates described below:
      a. Density bonus units affordable to very low income households: 30% of 50% of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
      b. Density bonus units affordable to lower income households: 30% of 60% of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
   2. The monthly allowance for utilities shall be the utility allowance calculated by the Department of Housing and Urban Development (HUD) for County Housing Authorities.
   3. The monthly house payments for for-sale units described in subsection (O)(1) of this section includes the sum of principal and interest on a 30 year fixed rate mortgage for 90% of the sales price, loan insurance, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, and the fair share cost for maintenance of amenities owned in common such as landscaping and swimming pools.
   4. Housing costs, affordable sales prices, and occupancy requirements, will be governed by a deed restriction which shall take precedence over all other covenants, liens and encumbrances of the property on which the units are constructed.

P. Affordable Housing Agreement Required.
   1. General Requirements. No density bonus pursuant to this section shall be granted unless and until the affordable housing developer, or designee enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the city or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the city, which shall contain terms and conditions mandated by, or

necessary to implement, state law and this section. The affordable housing agreement shall be recorded prior to issuance of a building permit for a rental project or prior to final map recordation for an ownership project which includes a map. The community development director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by the city attorney for legal form and sufficiency.

2. Low- or Very Low-Income Affordable Housing Component.
   a. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the city to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the city if such compliance standards are not met. The agreement shall specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions, and any other information that may be required based on the city's review.
   b. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
      i. The rent for at least 20% of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
      ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
   c. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
   d. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing

development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer. The agreement shall be between the city and the buyer, or between developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:

i. 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, as defined in subsection (P)(2)(d)(ii), and its proportionate share of appreciation, as defined in subsection (P)(2)(d)(iii), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

ii. For purposes of this section, 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 very low-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, the value at the time of the resale shall be used as the initial market value.

iii. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

3. Moderate Income Affordable Housing Component.

a. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the city ensuring that:

i. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.

ii. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).

iii. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or nonaffordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the city and the buyer or between the developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:

(A) Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection

(P)(3)(a)(iv), and its proportionate share of appreciation, as defined in (P)(3)(a)(v), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).

iv. The city's initial subsidy shall be equal to the fair market value of the unit 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, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).

v. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).

Q. Ineligible Projects—Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if:
   a. The development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or
   b. If such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and
   c. Such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
      i. The proposed housing development, in addition to the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection E of this section,
      ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower- or very-low income household.
2. The number and type of required replacement units shall be determined as follows:
   a. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower-income renter households in the same proportion of lower-income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing

and Community Development, and replacement dwelling units shall be provided in that same percentage.

b. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the high point of those units in the five-year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the high point, it is presumed, unless proven otherwise, that the dwelling units were occupied by very-low income and low-income renter households in the same proportion of very low-income and low-income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

R. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Approving authority" is as defined in the Moreno Valley Municipal Code Title 9, Zoning Section 9.02.030.

"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 the 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” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government’s electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.

"Housing development" is defined as a development project for five or more residential units, including mixed-use developments, constructed within a parcel. For the purposes of this section, "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 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.

"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 section, 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" is defined as less than 80% of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.

"Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed 30% of 60% 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: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; or (c) 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 local agency shall calculate the number of units by: (a) 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 local agency shall accept it, provided that it includes all applicable objective development standards; (b) 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" is defined as less than 120% of the area median income, as defined in Section 50093 of the California Health and Safety Code.

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

"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" is defined as less than 50% of the area median income, as defined in Section 50105 of the California Health and Safety Code.

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

Exhibit A

9.03.090. Streamlined Ministerial Process for Parcel Maps, Senate Bill 684.

A. Purpose and Intent. This section is adopted pursuant to the provisions of Senate Bill 684 (SB 684), to the extent permissible by law, to establish a streamlined ministerial review and public oversight process for the final review and approval of SB 684 applications pursuant to the requirements in California Government Code Sections 65852.28, 64913.4.5, and 66499.41. SB 684 has been designed to help address the state's continuing housing crisis.

B. Applicability. This section establishes clear eligibility criteria to establish a streamlined ministerial review and approval of SB 684 applications pursuant to the requirements in California Government Code Sections 65852.28, 64913.4.5, and 66499.41.

C. Qualifying Requirements. A development proponent may submit a parcel map or a tentative map application to be ministerially considered for a housing development project pursuant to California Government Code Section 66499.41 and meets the requirements of this section. The requirements of Government Code Section 66499.41 are as follows:

1. The proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units.

2. The lot proposed to be subdivided meets all of the following requirements:

a. The lot is zoned for multifamily residential development.

b. The lot is no larger than five acres and is substantially surrounded by qualified urban uses. For purposes of this subparagraph, the following definitions apply:

i. “Qualified urban use” has the same meaning as defined in Section 21072 of the Public Resources Code.

ii. “Substantially surrounded” has the same meaning as defined in paragraph (2) of subdivision (a) of Section 21159.25 of the Public Resources Code.

c. The lot is a legal parcel located within either of the following:

i. An incorporated city, the boundaries of which include some portion of an urbanized area.

ii. An urbanized area or urban cluster in a county with a population greater than 600,000 based on the most recent United States Census Bureau data.

iii. For purposes of this subparagraph, the following definitions apply:

I. “Urbanized area” means an urbanized area designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

II. “Urban cluster” means an urbanized area designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

d. The lot was not established pursuant to this section or Section 66411.7.

3. Except as otherwise specified, the newly created parcels are no smaller than 600 square feet.

4. The housing units on the lot proposed to be subdivided are one of the following:

a. Constructed on fee simple ownership lots.

b. Part of a common interest development.

c. Part of a housing cooperative, as defined in Section 817 of the Civil Code.

d. Owned by a community land trust. For the purposes of this subparagraph, "community land trust" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that satisfies the following:
   i. Has its primary purposes the creation and maintenance of permanently affordable single-family or multi-family residences.
   ii. All dwellings and units located on the land owned by the nonprofit corporation are sold to qualified owners to be occupied as the qualified owner's primary residence or rented to persons and families of low or moderate income. For the purpose of this subparagraph, "qualified owner" means a person or family of low or moderate income, including a person or family of low or moderate income who owns a dwelling or unit collectively as a member occupant or resident shareholder of a limited-equity housing cooperative.
   iii. The land owned by the nonprofit corporation, on which a dwelling or unit sold to a qualified owner is situated, is leased by the nonprofit corporation to the qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years.

5. The proposed development will meet one of the following, as applicable:
   a. If the parcel is identified in the City's housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1, the development will result in at least as many units as projected for that parcel in the housing element. If the parcel is identified to accommodate any portion of the City's share of the regional housing need for low- or very low income households, the development will result in at least as many low- or very low income units as projected in the housing element. These units shall be subject to a recorded affordability restriction of at least 45 years.
   b. If the parcel is not identified in the City's housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1, the development will result in at least as many units as the maximum allowable residential density.
6. The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.
7. The development of a housing development project on the lot proposed to be subdivided does not require the demolition or alteration of any of the following types of housing:
   a. Housing that is subject to a recorded covenant, ordinance or law that restricts rent to levels affordable to persons and families of low, very low, or extremely how income.
   b. Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.
   c. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.
   d. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of

Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

8. The lot proposed to be subdivided is not located on a site that is any of the following:
   a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
   b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)
   c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
   d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
      i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
      ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
   e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with all applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the City.
   f. Within a special flood hazard area subject inundation by the 1-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site is eligible for streamlined approval under this section, a development may be located on a site described in this paragraph if either of the following are met:

i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City.
ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
h. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 or another adopted natural resource protection plan.
i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act or the Native Plant Protection Act.
j. Land under conservation easement.

9. The proposed subdivision conforms to all applicable objective requirements of the Subdivision Map Act, except as otherwise expressly provided in this section.
10. The proposed subdivision complies with all applicable standards established pursuant to Section 65852.28.
11. Any parcels proposed to be created pursuant to this section will be served by a public water system and a municipal sewer system.

D. Standard Applicability. A housing development project on a proposed site to be subdivided pursuant to this section is not required to comply with any of the following requirements:
1. A minimum requirement on the size, width, depth, or dimensions of an individual parcel created by the development beyond the minimum parcel size specified in this section.
2. The formation of a homeowner's association, except as required by the Davis-Stirling Common Interest Development Act. This shall not be construed to prohibit the City from requiring a mechanism for the maintenance of common space within the subdivision, including, but not limited to, a road maintenance agreement.

E. Application and Processing.
1. Project applicants choosing to pursue a subdivision/housing development project through a SB 684 Project Application are encouraged to schedule a preliminary project discussion with planning division staff to assess eligibility before submitting a Project Application for the SB 684 review process.
2. The City shall approve or deny an application for a parcel map or tentative map submitted pursuant to California Government Code Sections 65852.28 and 66499.41 within 60 days from the date the City receives a completed application.

If the City does not approve or deny a completed application within 60 days, the application shall be deemed approved. If the City denies the application, the City shall, within 60 days from the date the City receives a completed application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

3. The City may deny the issuance of a parcel map, tentative map, or a final map if it makes written finding, based upon a preponderance of evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
4. Through the exercise of the authority contained within California Government Code Sections 66499.41,
   a. The City is not required to permit an accessory dwelling unit or junior accessory dwelling unit on the parcels created.
   b. The City is not required to permit an urban lot split on the parcels created.
   c. The above would not apply to a site located within a single-family residential horsekeeping zone designated in a specified master plan adopted before January 1, 1994, that regulates land zoned single-family horsekeeping, commercial, commercial-recreational, and existing industrial within the plan area.

F. Development Standards.
   1. Any housing development project constructed on the lot proposed to be subdivided pursuant to California Government Code Section 66499.41 shall comply with all applicable objective zoning standards, objective subdivision standards, and objective design standards as established by the City that are not inconsistent with California Government Code Sections 65852.28 and 66499.41. The City's objective standards shall not:
      a. Physically preclude the development of a project built to densities as specified in subparagraph (B) of paragraph (3) of subdivision (c) of California Government Code Section 68823.2.
      b. Impose any requirements that apply to a project solely or partially on the basis that the subdivision or housing development receives approval pursuant to California Government Code Sections 65852.28 and 66499.41.
      c. Require a setback between the units, except as required in the California Building Code (Title 24 of the California Code of Regulations).
      d. Require that parking be enclosed or covered.
      e. Impose side and rear setbacks from the original lot line inconsistent with subparagraph (B) of paragraph (2) of subdivision (b) of Section 65852.21.
      f. Impose parking requirements inconsistent with paragraph (1) of subdivision (c) of Section 65852.21
      g. For a housing development project consisting of three (3) to seven (7) units, impose a floor area ratio standard that is less than 1.0.
      h. For a housing development project consisting of 8 to 10 units, impose a floor area ratio standard that is less than 1.25.

G. Building Permit.

Exhibit A

1. The City shall issue a building permit for one or more residential units that are part of a housing development project consisting of 10 or fewer units on a lot proposed to be subdivided as a part of a subdivision pursuant to California Government Code Sections 65852.28 and 66499.41, if the applicant for the permit has met both of the following requirements:
   a. The applicant has received a tentative map approval or parcel map approval for the subdivision.
   b. The applicant has submitted a building permit application that the City has deemed complete.
2. At the time of building permit issuance, the applicant shall submit proof (to the satisfaction of the City) of a recorded covenant and agreement enforceable by the City that states that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.
3. The building permit shall be issued based upon the tentative map or parcel map and its conditions of approval. Any dedication, improvement, and sewer requirements identified in the approved tentative map or parcel map or its conditions of approval shall be guaranteed to the satisfaction of the City at the time the building permit is issued.
4. The City may require security to ensure faithful performance of the requirements identified in the approved tentative or parcel map or its conditions of approval. The amount of security shall be determined by the City and shall not be more 300 percent of the total estimated cost of the improvements or of the acts to be performed. The security shall be provided in either of the following forms, as determined by the City:
   a. Bond or bonds by one more duly authorized corporate sureties.
   b. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

The City may deny issuance of a building permit if the building official makes a written finding, based upon a preponderance of evidence, that construction of the proposed structure or structures before recordation of the final map would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Exhibit A

9.09.130. Accessory dwelling units (ADUs).

A. Purpose and Intent. The purpose of these standards is to ensure:
   1. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as defined herein are a permitted accessory use. This section establishes standards for the construction and occupancy of ADUs and JADUs. The standards herein serve to ensure ADUs and JADUs are constructed in a manner that is consistent with the requirements and allowances of state law, and contribute to a suitable living environment for all.
   2. General Plan Consistency. ADUs and JADUs are a residential use consistent with the existing general plan and zoning designation. This section furthers the goals, objectives, and policies of the General Plan Housing Element.
   3. Applicability. Under state law, the city must allow for ADUs and JADUs. However, the approval of ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety. A local homeowner's association cannot prohibit the construction of an ADU or a JADU. This section addresses all requirements of state law regarding ADUs.

B. Approval Authority. Approval of an ADU or JADU within a residential, mixed-use zone, or specific plan zone allowing residential or mixed use is considered a ministerial action and the approval authority is the community development director. Approval of an accessory dwelling unit is subject to all applicable requirements established within this section as well as all building, fire, engineering, flood, water quality, environmental codes, standards, and permitting fees established by the city. Any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. If the proposal is not consistent with the requirements of state law and this section then the application does not qualify as an ADU and will be processed as a second unit either under an administrative plot plan for a single- family dwelling unit, or through an amended plot plan for additional multiple- family dwelling units. If a JADU has already been constructed within the primary dwelling, this will not preclude submittal of an application for an accessory dwelling unit that is consistent with all the standards of this section and state law. An application for a JADU may be submitted that meets all the requirement of this section even if an ADU already has been constructed.

C. Application and Processing.
   1. Applications for the following types of ADUs that meet all the requirements of this section shall be ministerial and reviewed and processed with a building permit subject to conditions of approval.
      a. Single-family internal ADU within previously permitted existing space or within a new single-family residence; or
      b. Single-family attached or detached ADU; or
      c. Junior ADU. The building plan check application will include all of the items in subsection (C)(3) below.
   2. Applications for multiple-family ADUs consistent with this section: Applications for multiple-family ADUs either detached or within an existing permitted structure or dwelling, shall be made to the community development department and shall be permitted ministerially with approval of both an administrative plot plan and building

permit. The administrative plot plan will include all of the items in subsection (C)(3) below.

3. With regard to evaluating whether the ADU meets the standards of this section, the building permit application or administrative plot plan application, as applicable, shall include the following:
   a. A detailed description and scaled, dimensioned floor plan of the proposed ADU, clearly illustrating the bedroom(s), bathroom(s), kitchen and other features or other proposed habitable areas;
   b. A detailed description and scaled, dimensioned elevation of the proposed ADU, clearly illustrating the exterior entrance of the ADU;
   c. A scaled, dimensioned site plan of the property clearly illustrating the location of all improvements on site (existing primary residence, garage, driveway(s), fences/walls, accessory structures, public right-of-way improvements, etc.) and where the ADU shall be located;
   d. The scaled, dimensioned site plan of the property shall note the use(s) of all buildings existing on site.
4. Applications shall be permitted ministerially if there is an existing single- family or multi-family dwelling on the lot and all applicable requirements and development standards of this section are met and no variances are required. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the city will not act on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling. If the application has been deemed complete, the ADU or JADU shall be deemed approved if the city has not acted on the completed application within 60 days. If the applicant requests a delay, the 60 day time period shall be tolled for the period of the delay.
5. If any ADU application is denied, the applicant will receive with a full set of comments listing the specific items that are defective or deficient along with a description on how the application can be remedied by the applicant pursuant to California Government Code Section 66314.

D. Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards as described below and as shown in Tables 1 and 2:
   1. Permitted ADUs. An ADU is permitted if the lot is zoned for single-family, multifamily use, or mixed use allowing for residential use, and contains an existing, single-family structure or multifamily structure.
      a. Existing Single-Family Structure/Primary Dwelling Unit. For an existing single-family structure, one ADU and one JADU is permitted. An ADU may be detached or attached. A JADU must be contained within the space of an existing single-family structure.
      b. Existing Multifamily Structures. Within an existing multifamily structure, up to 25% of the existing multifamily units may be ADUs, or one unit, whichever is greater; two accessory dwelling units detached from the multifamily dwelling are permitted subject to a height limit of 16 feet and four-foot rear and side setbacks. If a detached ADU is on a lot with an existing or proposed multi-story multifamily dwelling, the ADU may be up to 18 feet in height.

   c. New Multifamily Structures. No more than two new detached ADUs shall be permitted on a lot that has an existing multi-family dwelling. If a detached ADU is on a lot with an existing or proposed multi-story multifamily dwelling, the ADU may be up to 18 feet in height.
2. Lot Size. There is no minimum lot size required if the ADU meets the setbacks described in this section.
3. ADU Size.
   a. Minimum. The minimum unit size for a JADU per state law is 150 square feet. There is no minimum unit size for other ADU structures provided that the ADU is in compliance with state laws including building and health and safety codes.
   b. Maximum. For the conversion of an accessory building per state law, there is no maximum square footage provided the ADU is within the walls of the existing accessory building. For these uses, up to 150 square feet can be added for ingress/egress subject to state law.
   c. Detached ADUs for Single-Family or Multifamily. The maximum unit size shall be 850 square feet for an efficiency or one bedroom, and 1,000 square feet for two bedrooms.
   d. Attached ADUs. If there is an existing single-family dwelling on the site, the attached ADU shall be no larger in size than 850 square feet for an efficiency or one bedroom, and no larger than 1,000 square feet for two bedrooms. For multifamily, the ADU shall be no more than 800 square feet.
   e. Lot Coverage/Floor Area Ratio/Open Space. If all of the following standards are satisfied for an attached ADU or detached ADU, lot coverage, floor area ratio, and open space requirements would not apply. All other development standards as described in this section would apply. (See Tables 1 and 2.)
   f. Up to 800 square foot accessory unit.
   g. Four-foot side, corner, and rear yard setbacks.
   h. For all other ADUs allowed by this section, lot coverage, floor area ratio, and open space requirements of the underlying zone would apply.
4. ADU/JADU Height.
   a. Detached ADUs. For a detached primary dwelling unit on a site, the ADU is permitted to be at least 16 feet in height, not to exceed the height described in Table 1.
   b. Attached ADUs. For JADUs and internal ADUs, the height limits are not applicable, except the height limit of residential zone would apply if constructed in conjunction with a new single-family residence. An attached multifamily unit would only be permitted within the walls of the existing structure; therefore, a height limit would not apply.
5. Setbacks.
   a. Front Setbacks. ADUs shall comply with the front setback requirement of the underlying zone; the front setback does not apply to an internal ADU or JADU.
   b. Side and Rear Yard Setbacks. Setbacks for ADUs are summarized in Tables 1 and 2. Setbacks would generally not apply to JADUs or internal ADUs entirely contained within an existing dwelling unit; however, if constructed in conjunction with a new single-family residence then the setbacks for the

underlying zone would apply. Setbacks would not apply to an existing accessory building converted into an ADU.

c. Corner (Street Side) Setbacks. The corner setback for a new detached ADU is 10 feet except that the corner setback may be as little as four feet if satisfying a 10 foot setback would not allow for construction of an ADU on the site. If the required setback is less than 10 feet, then the height of the detached ADU may not exceed 16 feet.

d. If constructed in conjunction with a single-family residence, the street side setbacks for the underlying zone would apply. The street side setback requirement is not applicable to a JADU, an attached ADU entirely contained within an existing dwelling unit, or an attached ADU which may be constructed at a setback equal to that of the primary dwelling, but no less than four feet.

6. Distance Between Structures. The standard for distance between structures of the underlying residential zone will apply where feasible, but if necessary will be adjusted to accommodate an ADU that is 800 square feet or less, 16 feet in height, and with rear and side setbacks of no less than four feet. Any accommodation for the distance between structures will need to be evaluated for consistency with building codes for protection of public safety and approved by the community development director or designee.
7. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall include a kitchen and bathroom.

E. Design Requirements.

1. ADUs shall be located at the rear or the side of the existing single-family dwelling unless it is demonstrated that the only feasible location is to place the ADU in front of the single-family dwelling due to extraordinary or physical constraints of the lot.
2. The entrance to an attached ADU shall be separate from the entrance to the primary dwelling unit and shall be located and designed in a manner as to eliminate an obvious indication of two or three units in the same structure.
3. All exterior changes shall be architecturally compatible with existing structures with regard to wall covering material, wall texture, and colors. When a garage is converted, the garage door shall be removed, and framed-in wall shall include architectural details and finishes compatible with the residence(s) on the site.
4. Plans that demonstrate an unobstructed pathway extending from a street to one entrance of the ADU are desirable prior to approval of an ADU application; however, this is not a mandatory requirement for an ADU.
5. If a manufactured home is the proposed structure for the ADU, at a minimum, it should still be compatible with the primary dwelling unit on the site with regard to wall covering material, wall texture, and colors.
6. ADUs, when converted from existing accessory buildings, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety, provided that no more than 150 square feet is added for ingress/egress subject to the requirements of state law.
7. Outside stairways serving ADUs should not be located on any building elevation facing a public street; and when unavoidable, the design of the stairway shall mute/mitigate any potential negative aesthetic impact and maintain the character of the existing single-family residence.

8. Outside stairways serving ADUs should not be located on any building elevation facing a public street; and when unavoidable, the design of the stairway shall mute/mitigate any potential negative aesthetic impact and maintain the character of the existing single-family residence. Parking Requirements.

Table 1: Accessory Dwelling Units—New Construction and Conversion of Accessory Buildings

	Conversion (Accessory Building per State Law)	**New Construction**	
		Detached ADU (single-family)	**Detached ADU (multifamily)**
Required Main Use on the Lot	Existing single-family dwelling	Existing or proposed single-family dwelling	Existing multifamily dwelling
Minimum Dwelling Size	None	Determined based on compliance with building and health and safety codes	Determined based on compliance with building and health and safety codes
Unit Size Maximum	None, plus 150 square feet maximum addition for ingress/egress subject to all this section	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.	For multifamily, no greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.
ADU Height/Story Limit	None	At least 16 feet is permitted, but above 16 feet the ADU may not exceed the height of the existing primary dwelling on the site.[1,2]	
ADU Front Setback	Not applicable	Front setback standard of the underlying zone applies.[3]	Front setback standard of the underlying zone applies.
ADU Minimum Side and Rear Yard Setbacks	Not applicable	If ADU is 16 feet or less in height: 4 feet for interior side yard and rear. If ADU is more than 16 feet in height: Interior side and rear yard setbacks of the underlying zone would apply.	4 feet for interior side yard and rear
Corner Setback (Street Side)	Not applicable	10 feet[4]	10 feet*
Minimum Distance Between Structures (Primary Dwelling and ADU)	Not applicable	The standard of the underlying zone will apply where feasible, however, the city must still accommodate an ADU of up to at least 800 square feet or less, 16 feet in height, and with four-foot rear and/or side yard setbacks	
Parking	None	See parking requirements under subsection F of this section.	

Notes:

1. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public

Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

2. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
3. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.
4. The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.

Table 2: Junior and Attached Accessory Dwelling Units

	Junior ADU per State Law	**Internal ADU (Proposed ADU contained within existing SFD)**	**Attached ADU (addition to residence)**	**Attached Multiple Family ADUs per State Law**
Minimum Unit Size	150 square feet	Determined based on compliance with building and health and safety codes		
Unit Size Maximum	500 square feet	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.		No more than 800 square feet.
ADU/JADU Height Limit	Not applicable, except height limit of the underlying zone would apply if Constructed in Conjunction with New single-family residence	Not applicable, Except height limit of residential zone would apply if constructed in conjunction with new single-family residence	An ADU that is Attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories.	An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories.
Front Setback	Not applicable; JADU must be within walls of primary dwelling unit	Front setback standard of the underlying zone applies.[5]		
ADU/JADU Min. Side and Rear Yard Setbacks	Not applicable, Setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	An attached ADU shall meet the requirements of the underlying zone, except that if the attached ADU is 800 square feet or less and no taller than 16 feet, the side setbacks may be 4 feet.	4 feet for ADU portion if new building or addition
Corner (Street side setback)	Not applicable, except setbacks of the underlying zone would apply if constructed in	Not applicable, except setbacks would apply if constructed in conjunction with new	10 feet[2]	10 feet[2]

	conjunction with a new single-family residence	single-family residence		
Parking	Parking is not required for a JADU constructed within the existing area of the primary dwelling, but may be required if the garage is converted to a JADU subject to the requirements in subsection F of this section.	See parking requirements under subsection F of this section.		

Notes:

1. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.
2. The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.

F. Parking Requirements.

1. Parking requirements, consistent with Chapter 9.11 of this title:
   a. Unless the JADU or ADU is exempt from parking requirements as described in subsection (F)(2), one parking space is required per accessory dwelling unit or per bedroom of an accessory dwelling unit, whichever is less, and may be provided through tandem parking on a driveway unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
   b. Parking is allowed in rear and side setback areas, and in a paved driveway in the front setback area if parking in the rear and side setback areas is not possible, provided that all other development standards are satisfied including minimum front yard landscaping standards.
   c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the off- street parking spaces will not be required to be replaced.
2. Parking Exemptions. Additional parking spaces are not required for ADUs, nor for JADUs in any of the instances listed in subsections (F)(2)(a) through (e) below. Further, JADUs within the living area of the primary dwelling unit are exempt from all parking requirements, but the standards in subsection (F)(1) would apply if a garage is converted to a JADU.
   a. The ADU is located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
   b. The ADU is located within one block of a car share parking spot; or
   c. The ADU is located in a historic district listed in or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources or as a city historic preservation overlay zone; or

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
e. The accessory dwelling unit is part of the existing dwelling unit or an existing accessory structure.

G. JADU Requirements. As specified in state law, there are specific requirements that apply only to junior accessory dwelling units. The development standards for JADUs are summarized in Table 2. The standards and requirements for JADUs are as follows:
1. JADUs must be constructed entirely within the walls of the primary structure and have their own entrance.
2. The JADU cannot exceed 500 square feet.
3. JADUs are limited to one per residential lot if a single-family residence is already constructed on a lot.
4. The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence.
5. The owner shall execute a covenant and agreement in a form acceptable to the city to document that either the primary dwelling unit or accessory dwelling unit will be owner occupied.
6. The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards; no gas or 220V circuits are allowed.
7. The JADU may share a bath with the primary residence or may have its own bath.
8. An interior entry into the single-family residence is not required, unless JADU shares a bathroom with the primary dwelling. In this instance, the JADU is required to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the JADU and primary dwelling.
9. The JADU is to be considered part of the single-family residence for purposes of fire and life protection ordinances and regulations, such as sprinklers and smoke alarms.
10. Additional parking may only be required if a garage is converted into a JADU as described in subsection F above.
11. Water, sewer and power connection fees may not be required.

H. Fees. ADUs shall be subject to all development fees specified by city ordinances or resolutions for ADUs. Impact fees may not be imposed on JADUs and ADUs smaller than 750 square feet. For ADUs greater than 750 square feet, local agencies must assess an impact fee that correlates to square footage of primary residence. ADUs shall not be considered new residential uses for purpose of calculating utility connection fees or capacity charges, including water or sewer service.

I. Enforcement. Upon application and approval, the city must delay enforcement against a qualifying substandard ADU for five years to allow the owner to address the violation, so long as the violation is not a health and safety issue, as determined by the community development department.

J. ADUs may be sold or otherwise conveyed separately from the primary dwelling if it is owned by a qualified nonprofit corporation whose mission is to provide units to low income households and that they complete a deed restricted sale consistent with state law (Gov. Code Section 66341).

K. An accessory dwelling unit created pursuant to this municipal code section shall only be rented for a period of longer than 30 days as specified in state law.

Exhibit A

9.09.340. Motion Picture/Film Studio.

A. Operational Standards.
   1. Noise. Written notice shall be given to the appropriate studio whenever any activity is proposed which may create noise levels which exceed 90 dB within 100 feet of studio property and shown in Figure 1. In addition, written notice shall be given of any activity involving jackhammers, and similar equipment which causes vibrations, within 500 feet of any studio. This notice shall be provided at least two (2) weeks in advance of the start of these activities. Permits for these activities shall not be granted without proof of this notice.
   2. Neighbors. Studios shall provide appropriate advance notice to surrounding residents when studio activities have the potential to adversely impact adjacent neighborhoods.

B. Fences and Walls. Walls and fences shall be designed to complement the building's architecture and that of adjacent fences and walls through the use of similar materials and construction details.

C. Screening. Combinations of berming, landscaping, walls and buildings shall be used to screen loading areas, storage areas, trash enclosures and utilities from public view.

D. Landscaping. When used as a screen, the landscaping shall be of adequate maturity to reach the height and density sufficient to provide the necessary screening within 18 months of installation to the satisfaction of the Community Development Director.

E. Signs. A sign program is required for all studios.

F. Building Height.

Table 9.90.340-A	
Distance from Residential Zones	Maximum Allowable Height
50-149 feet	35 feet
150-299 feet	50 feet
300-500 feet	70 feet
greater than 500 ft.	15 stories, provided that the highest portion of the structure shall not exceed 205 feet above the average grade of the lot.

G. Building Setback.

Table 9.90.340-B	
Adjacent to residential zone	25 feet
Adjacent to non-residential zone	10 feet

Exhibit A

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

Table 9.11.040A-12 Off-Street Parking Requirements

Residential Uses	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	The minimum parking requirement that applies to a single-family residence shall not be increased as a condition of approval of a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the single-family residence to exceed any maximum size limit imposed by the applicable zoning regulations, including, but not limited to, height, lot coverage, and floor-to-area ratio.
Accessory dwelling unit	1/bedroom		The accessory dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling, except as exempted by state law (refer to Section 9.09.130 Accessory dwelling units). Spaces may be provided as uncovered and/or tandem parking on a driveway.
Duplex1	2/unit	Within an enclosed garage	
3 or more units:1			Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Studio	1.25/unit	1 covered/unit	
1 bedroom	1.5/unit	1 covered/unit	
2 bedrooms	2.0/unit	1 covered/unit	
3+ bedrooms	2.5/unit	2 covered/unit	
Senior housing:[1]			Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Studio	1.0/unit	1 covered/unit	
1 bedroom	1.25/unit	1 covered/unit	
+ bedrooms	1.5/unit	1 covered/unit	
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes[1]	Parking requirements shall be determined by the community development director subject to an approved parking study.		
Live-work units (residential component)	2/unit	2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is NOT included in the minimum required parking standard and can be shared with the business aspect of the "live-work" parking standard.
Residential component of mixed-use project[1]	See multiple-family requirements in this table	See multiple-family requirements in this table	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard and may be shared with the nonresidential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.

Note:
1. Required parking for tenants and guests shall not be rented separately from dwelling units.

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Table 9.11.040B-12 Off-Street Parking Requirements		
Commercial Uses	**Requirement**	**Notes**
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for standalone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Eating and drinking establishments within shopping centers of 25,000 sq. ft. of building area or greater	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage	
Hotel/motel	1/guest room	
Kennels	2 spaces/1,000 sq. ft.	2 spaces/1,000 sq. ft. of indoor animal enclosure.
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space/2 work stations	
Schools, private:		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter Hospitals	1/4 beds 1/bed	
Residential care facilities	See Residential Uses, Section	

Exhibit A

Table 9.11.040B-12 Off-Street Parking Requirements		
Commercial Uses	**Requirement**	**Notes**
	9.11.040 Table 9.11.040A-12	
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—public and private	To be determined by the approval authority based upon an approved parking study.	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12 Off-Street Parking Requirements		
Industrial Uses	**Requirement**	**Notes**
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	
Motion Picture/Film Studio	3.3/100 sq. ft. of gross floor area	For portion of use utilized as “public assembly,” use must meet parking requirement for public assembly set forth in this section.

Table 9.11.040D-12 Off-Street Parking Requirements		
Public and Quasi-Public Uses	**Requirement**	**Notes**
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

Exhibit A

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.
   1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.
   2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of 10% of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of 20% of the total number of parking spaces provided serving each such unit or facility.
   3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

   4. Each accessible parking space shall be 14 feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of 18 feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of 23 feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.
   5. When less than five parking spaces are provided, at least one shall be 14 feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.
   6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall

be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.
8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.
9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.
10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and 20 feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in 50 horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein.

C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking. Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.

D. Parking Requirements for Religious Institution Affiliated Housing Development Projects (RIAHD).
   1. Notwithstanding any provisions of this title or any adopted specific plan to the contrary, the parking requirements for a religious institution affiliated housing development project are subject to the provisions of Government Code Section 65913.6, as amended.
   2. "Religious institution affiliated housing development project" (RIAHD) is defined as a housing development project that meets all of the following requirements:
      a. The housing development project is located on one or more contiguous parcels that are each owned, entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
      b. The housing development project qualifies as being near collocated religious-use parking by being on or adjacent to a parcel with religious-use parking or by

being located within one-tenth of a mile of a parcel that contains religious-use parking.

c. Qualifies for a density bonus under Government Code Section 65915.

3. Allows up to 50% elimination of total religious-use parking spaces available for a religious institution affiliated housing development project.
4. No replacement requirement of religious-use parking spaces for a religious institution affiliated housing development project proposes to eliminate, provided the reduction does not exceed 50%.
5. Allows the remaining religious-use parking spaces to count toward number of parking spaces required for the religious institution affiliated housing development project.
6. Prohibits the reduction in parking spaces from reducing the minimum parking standards below one space per unit unless the religious institution affiliated housing development project is within one-half mile of a high-quality transit corridor or a major transit stop, or a car share vehicle within one block of parcel.
   a. High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
   b. Major transit stop includes existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit service, or 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.
   c. Car sharing means a model of vehicle rental where users can rent vehicles for short periods of time and users are members that have been preapproved to drive.

Exhibit A

Chapter 9.13 SPECIFIC PLANS

9.13.010 Purpose and intent.

A. The purpose and intent of this chapter is to allow for flexibility in design and development requirements which will afford the opportunity to create major developments on large tracts of land which will implement the general plan and the planned industrial, planned residential and planned commercial designations shown on the general plan map, in a manner that ensures that specific plans and amendments thereto will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process.

B. The specific plan is a tool for the systematic implementation of the general plan which documents the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks and other essential facilities proposed to be located within or needed to support the land uses described in the plan, as well as implementation and financing methods and added benefits to the city as a whole.

9.13.020 Authority.

The planning commission or the community development department may, with concurrence of the city council, or if so directed by the city council, initiate the preparation of specific plans based upon the general plan and shall draft such regulations and programs as deemed necessary. Publicly and privately initiated specific plan applications shall be processed by the community development department and shall be scheduled for public hearing by the planning commission for recommendation to the city council.

9.13.030 Applicability.

A. This chapter shall apply to any other project site where the applicant believes that implementation of a specific plan will benefit the project and provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process ~~the city~~.

B. A minimum project area of 15 acres, as a separate parcel or in combination with adjoining parcels for the purposes of a single project submittal, is required for the filing of a specific plan application. A specific plan shall be subject to major development review, the requirements of the underlying district and the following standards. All specific plan applications shall be accompanied by a general plan amendment and zone change application requesting a change from the existing general plan and underlying district designation to a specific plan designation.

C. Term

Any specific plan or specific plan amendment approved under this section shall terminate 12 months following the final approval, without any further action by the city, unless otherwise provided in a development agreement approved by the city pursuant to section 9.02.110 of this title.

9.13.050 Specific plan requirements.

A specific plan shall include, but not be limited to, a text and diagram(s) which specify all of the following in detail:

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A. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan;
B. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
C. Standards and criteria by which development will proceed and standards for the conservation, development and utilization of natural resources, where applicable;
D. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the provisions of subsections A, B and C of this section;
E. The specific plan shall include a statement of its relationship to the general plan, including a statement of how the specific plan implements the goals and policies of the general plan;
F. The specific plan shall include a statement regarding the public benefits that will be afforded by the specific plan or any amendments thereto, in lieu of those that may be unilaterally imposed by the city through the traditional exaction process, that will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city.
G. All specific plans shall include a table indicating how the specific plan differs from the zoning district designation most closely resembling the type and density of the proposal; equivalent threshold density shall be utilized for residential comparison. A complete discussion of how the differences proposed in the specific plan serve to implement the general plan and improve the quality of development above what would be provided through the utilization of development district standards shall be included;
H. Any project phasing shall be clearly identified. All parks and roadways required to service each phase shall be completed prior to occupancy. The responsibility of the developer, the city and any other agencies shall be discussed in the phasing section of the document. Any and all agreements which require city participation, developer contribution, or construction of facilities shall be discussed;
I. The residential development standards and regulations shall include, but not be limited to, the following items:
    1. Description and purpose,
    2. Definition of terms (if other than that set forth in the development code of the city),
    3. Permitted uses, buildings and structures:
    a. Primary uses,
    b. Accessory uses,
    c. Conditional uses,
    4. Minimum building site areas and lot dimensions,
    5. Minimum building site area per dwelling unit,
    6. Minimum floor area per dwelling unit, if found to be appropriate by the planning commission,
    7. Minimum setbacks:
        a. Yards,
        b. Building separations,

8. Maximum building coverage per lot,
9. Building and structural height limitations,
10. Recreational leisure areas, open space and private outdoor living areas,
11. Off-street parking:
    a. Open,
    b. Covered,
    c. Screening from roadways,
12. Distance of dwelling units from vehicular access ways and parking,
13. Walls or fencing,
14. Refuse storage areas,
15. Treatment of any external lighting and roof-mounted equipment,
16. Landscaping (on- and off-site),
17. Signs, and
18. The residential land use categories designated in the specific plan shall apply the following nomenclature:
    a. Very low density shall correspond to densities of up to one dwelling unit per acre; low density residential shall correspond to densities of up to two dwelling units per net acre; medium density residential shall correspond to densities of up to five dwelling units per net acre; medium-high density residential shall correspond to densities of up to 10 dwelling units per net acre; high density residential shall correspond to densities of up to 15 dwelling units per net acre; and very high density shall correspond to densities of up to 20 dwelling units per net acre;

J. The commercial and industrial development standards and regulations shall include, but may not be limited to, the following items:
1. Description and purpose,
2. Definition of terms, if other than that set forth in the development code of the city,
3. Permitted uses, buildings and structures:
    a. Primary uses,
    b. Accessory uses,
    c. Conditional uses,
4. Setbacks and building separations,
5. Landscaping (on- and off-site),
6. Building and structural height limitations,
7. Site size,
8. Off-street parking,
9. Walls,
10. Refuse storage and loading areas,
11. Access (secondary),
12. Treatment of external lighting and roof-mounted equipment,
13. Signs,
14. Performance standards (standards which might affect adjacent residential uses, i.e., noise, odor, lighting, dust and the like);

K. Any specific plan shall include graphic illustrations or a design manual as appropriate, and may be required to address other subjects which in the judgment of the community

development department, are necessary or desirable for implementation of the general plan.

9.13.060 Minimum design standards.

A. All specific plans shall provide for development which exceeds the minimum standards and quality, as determined by the city council over the whole of the project, of development commensurate with what would be permitted under the existing district classification that most closely resembles the type and density of development proposed.

B. The following are considered the minimum standards acceptable for a specific plan. Each of the following shall be addressed within the text and graphic illustrations or design manual submitted for approval of a specific plan:

1. Lot development, alteration, or enlargement is viewed not only as one or more freestanding objects, but also as part of a street, cluster, or community. Parcel or lot development should respect existing development, topography, views, general vehicle, pedestrian, bicycle and equestrian circulation and the natural environment, and limit alteration to these elements.
2. Natural feature such as mature vegetation, landforms, drainage courses, rock outcroppings, and views are preserved and used to their advantage as design elements. New elements such as building, structures or landscape elements should be designed so as to not damage these features; historic trees should not be impacted by the placement of sidewalks closer than three feet away. Such trees should be protected through the use of root barriers and deep watering, and the sidewalks should be designed so as to be flexible to the movement of the root system of the tree. Products such as rubber sidewalks (recycled tires) should be considered. Conversely, undesirable site features should be minimized through proper site planning and building orientation. A discussion of view corridors and opportunities is required.
3. Placement of the building shall be done in a manner compatible with surrounding existing and planned uses and buildings. The setback from streets and adjacent properties shall relate to the scale of the proposed building. Larger buildings shall require more setback area for a balance of scale and to provide compatibility with adjacent uses. All buildings shall have articulated roof lines and fully dimensional roofs creating shadowing effects, physical offsets and features of design such as interesting angles, projections, roof overhangs and other enhancing techniques integrated into the building in a harmonious manner coupled with pedestrian amenities. All exterior wall elevations of buildings and screen walls shall have architectural treatment and articulation of elevation and recesses, which create shadow patterns and texture, and provide variety to the building plane or surface. At ground level, expanses of blank building wall shall be minimized through creative use of materials, textures, color and building form.
4. Access and circulation shall be designed to provide a safe and efficient system for vehicles and pedestrians. Points of access shall comply with city access regulations and shall not conflict with other planned or existing access points. The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, minimize impacts on adjacent properties, combine access where

possible, and provide adequate maneuvering areas. Vehicular and pedestrian traffic shall be separated through the use of a continuous system of public and private sidewalks. Major entry areas shall be treated in a manner which reflects the architectural theme of the development and is compatible in color, texture and materials with adjacent structures.

5. Parking shall be designed to minimize visual disruption of the overall project design. Parking areas should be screened from streets through combinations of mounding, landscaping, low profile walls, and especially grade separations. The design of parking areas shall also minimize auto noise, glare, and increases in ambient air temperature. This can be accomplished through sound walls, screening with fences or hedges, trees, and separation of parking spaces and driveways from residences.
6. A unifying landscape design which is clearly identified and included as part of the specific plan is required and shall enhance the building design and public views and spaces, while providing buffers and transitions. Landscaping provides for solar access and shade to facilitate energy conservation. Where appropriate, landscape design features such as, color accents, specimen tree planting, and decorative landscape are provided to enhance roadway intersections, driveway approaches, pedestrian walkways and building entries. A discussion of plant materials placement and anticipated landscape budget for the project is required. Landscaping conforms to the Landscape Development Standards (Chapter 9.17).
7. Fences and walls are discouraged unless needed for a specific screening or safety purpose. Where needed, fences and walls shall relate to both the site being developed and surrounding developments, open space and streets or pedestrian ways. The use of fencing or walls shall be consistent with the overall design theme of the development or adjoining existing developments; and shall incorporate landscape elements, changes in materials, offsets and fenestrations, color or texture in order to screen refuse facilities and prevent graffiti, undue glare, heat or reflection; and minimize aesthetic inconsistencies.
8. Adequate on-site lighting shall be provided to ensure a safe environment yet not cause areas of intense light, glare or spill over on adjacent properties. Lighting fixtures and poles shall be designed as an integrated part of buildings or complexes and placed in a manner consistent and compatible with the overall site and building design character.
9. On-site utilities and ancillary equipment shall be located in inconspicuous areas and screened with material or combination of materials which best suit the overall design theme.
10. Development should relate to the natural surroundings and minimize grading by following the natural contours as much as possible. Graded slopes shall be rounded and contoured to blend with existing terrain. Split-level pads, built-up foundations, stepped footings, and the like, are encouraged in areas of moderate to steep gradient. The overall grading shall create differentials in building plotting and shall be used to break up straight visual lines by lowering parking areas and stepping site plans and building pads.
11. A recognizable design theme shall be established which is compatible with surrounding planned or existing developments and which is based upon prominent

design features in the immediate area (e.g., trees, landforms, historic landmarks). Variations are encouraged which provide visual interest but do not create abrupt changes causing discord in the overall character of the immediate neighborhood. It is not intended that one style of architecture should be dominant, but that individual structures shall create and enhance a high quality and harmonious community appearance.

12. The architecture shall consider compatibility with surrounding character, including harmonious building style, form, size, color, material, reveals, overhangs and roof line. Individual dwelling units should be distinguishable from one another and have separate entrances.
13. The mass and scale of the building shall be proportionate to the site, open spaces, street locations and surrounding developments. Setbacks and overall heights should provide an element of openness and human scale.
14. Colors, textures and materials shall achieve compatibility of design and enhance architectural interest. They should blend well with the environment and not create inappropriate abrupt changes.
15.
    a. An integrated sign program or programs for the entire specific plan area shall be provided. Conformity to applicable regulations, provisions for sign placement, sign scale in relationship to buildings and readability shall be considered in developing the signing concept.
    b. While providing the most effective signing, the concept shall also be compatible with the building and site design relative to color, material and placement.
16. All equipment, whether on the roof, side of building or ground, shall be screened. Wherever possible, a roof parapet or other architecturally integrated element shall be used to address this requirement. All equipment screening shall be architecturally compatible with respect to materials, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

9.13.070 Requirements not specified.

Development within a specific plan area shall be subject to the requirements of the district which most closely resembles the use and intensity of use proposed unless expressly addressed and modified within the text of the approved specific plan. Determination of the district shall be made by the community development director.

9.13.080 Adoption/amendment procedure.

A specific plan shall be adopted, amended and repealed by resolution and may be amended as often as deemed necessary by the legislative body.

9.13.090 Required Findings.

No specific plan may be adopted or amended unless the following findings are made:

A. The proposed specific plan or the amendment is consistent with existing goals, objectives, policies and programs of the general plan;
B. The proposed specific plan or the amendment will not adversely affect the public health, safety or general welfare; and

C. The proposed specific plan or the amendment will provide public benefits to the general community beyond those that may be unilaterally imposed by the city through the traditional exaction process, which will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city.

9.13.095 Public Benefits.

Public Benefits. For purposes of this section, public benefits shall include but not be limited to benefits afforded by a specific plan or specific plan amendment applicant, in lieu of those that may be unilaterally imposed by the city through the traditional exaction process, that shall remain a legal obligation of successors in interest, which the city council determines will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city, which shall be memorialized in a legally enforceable agreement or other instrument or imposed as voluntarily-accepted conditions of approval subject to the review and approval as to legal form by the city attorney.

9.13.100 Findings for projects within an approved specific plan.

No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended and no conditional use permit, plot plan, variance or other discretionary approval or permit shall be adopted or granted within an area covered by a specific plan unless it is consistent with the adopted specific plan, and the public benefits of the applicable specific plan or amendments thereto have been previously memorialized in a legally enforceable agreement or other instrument or imposed as voluntarily-accepted conditions of approval that were subject to the review and approval as to legal form by the city attorney.

Exhibit A

9.15.030. Definitions.

Studio, Motion Picture/Film. "Motion Picture/Film Studio" means a facility utilizing on-site, indoor or outdoor locations for the filming of motion pictures, television programs and music videos. A studio may include limited housing for temporary use during filming operations.