AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., October 14, 2014

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC14-10

1. ROLL CALL:

Chairperson Clemente
Vice-Chair Wade
Commissioner Adeva
Commissioner Harris
Commissioner Holzwarth
Commissioner Mirador
Commissioner Ramos

Pledge of Allegiance
Invocation

2. ANNOUNCEMENTS:

None

3. MINUTES:

Approval of the Planning Commission Minutes for September 23, 2014 Special Meeting and Regular Meeting.

4. AUDIENCE COMMUNICATIONS:

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

CONFLICT OF INTEREST NOTIFICATION
(Any items on this agenda that might be a conflict of interest to any Commissioner should be identified at this time.)

5. PUBLIC HEARINGS:

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

A. (Continued from September 23, 2014) Request for Site Plan/Architectural Review (AR14/15-002) Approval for Construction of and Accessory Structure and Associated Equipment Located at the Rear of 50 Main Street, APN 0032-042-760.

- **Adoption of Resolution No. PC14-___-.**

B. Resolution of the Planning Commission of the City of Suisun City Considering Approval of Conditional Use Permit Application No. UP14/5-001 to Increase the Capacity of a Daycare Facility to a Maximum of 14 Children at 1324 Pintail Drive (APN 0173-192-040)

- **Adoption of Resolution No. PC14-___-.**

C. A Resolution of the City of Suisun City Planning Commission Recommending Adoption of an Ordinance of the City Council of the City of Suisun City, CA, Amending Various Chapters of Title 18 "Zoning" to Comply with the Adopted 2009-2014 Housing Element and California State Law.

- **Adoption of Resolution No. PC14-___.**

6. GENERAL BUSINESS: Action to be taken where appropriate.

Project Updates

7. COMMUNICATION:

A. Staff
B. Commissioners
C. Agenda Forecast

8. ADJOURN.

a&m/1410145.pca

MINUTES
SPECIAL MEETING OF THE CITY OF SUISUN CITY PLANNING COMMISSION
6:00 P.M., SEPTEMBER 23, 2014

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

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1. ROLL CALL:

Chairperson Clemente
Vice-Chair Wade
Commissioner Adeva
Commissioner Harris
Commissioner Holzwarth
Commissioner Mirador
Commissioner Ramos

2. 2015-2023 HOUSING ELEMENT COMMUNITY WORKSHOP:

John presented staff report explaining that the City had hired Pacific Municipal Consultants (PMC) to complete the 2015-2013 Housing Element. He stated that as part of the process, an initial step was to hold a community meeting to discuss the Housing Element and to solicit public comment. He stated that two PMC staff members would explain relevant changes in state law as well as action/progress the City has taken to implement programs in the existing Housing Element and the next steps necessary to complete the current project.

Jennifer Gastelum PMC gave a presentation explaining the requirements and the process necessary for updating the Housing Element and how new State legislature will impact the information that must be provided in the update. Ms. Gastelum explained that the State sets the deadline for the document to be completed and that the City would need to adopt the update in January 2015.

Ms. Gastelum also explained the Regional Housing Needs Assessment, housing needs and constraints, housing projections, who has the greatest need for affordable housing and the types of housing needed.

Chairperson Clemente opened the Public Hearing.

Antonio Valdez, staff attorney with Legal Services of Northern California asked about the current number of low and moderate income units, how many goals were met and what percentage if any will be carried over into the new Housing Element.

Ms. Gastelum stated that it would be addressed in the new Element and would reflect all numbers.

There being no further comments Chairperson Clemente closed the Public Hearing.

Ms. Gastelum then explained the new Element takes effect on February 1, 2015. PMC will work with Mr. Kearns to get a Draft Element to the Commission as soon as possible for their review.

3. ADJOURN.

There being no further business the special meeting was adjourned.

_____

Anita Skinner, Commission Secretary

a&m/140923.speical

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., SEPTEMBER 23, 2014

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC14-10

1. ROLL CALL:

Chairperson Clemente
Vice-Chair Wade
Commissioner Harris
Commissioner Holzwarth
Commissioner Mirador
Commissioner Ramos

Commissioner Adeva - Absent

Pledge of Allegiance
Invocation

2. ANNOUNCEMENTS:

John Kearns, Acting Community Development Director introduced new Planning staff member Trisha Pascobillo. Mr. Kearns stated that Trisha is an Assistant Planner and along with planning duties is the County lead for BayREN.

3. MINUTES:

Commissioner Harris moved to approve the June 12, 2014, Special Joint Meeting of July 16, 2014 and July 22, 2014 Planning Commission Minutes. Commissioner Mirador seconded the motion. Motion passed 6-0

4. AUDIENCE COMMUNICATIONS:

None

CONFLICT OF INTEREST NOTIFICATION
None

5. PUBLIC HEARINGS:

A. Request for Site Plan/Architectural Review (AR 14/15-002) Approval for Construction of an Accessory Structure and Associated Equipment Located at the Rear of 50 Main Street, APN 0032-042-760.

John Kearns presented the staff report. Mr. Kearns explained that the building has existed for several years in its current configuration and has been the home of a number of auto-related businesses over the years. The building has an approximate 1' setback along the western property line which includes an addition to the rear in the 1980's. A majority of the existing building's exterior is masonry with the exception of the existing addition to the rear which is wood-framed and properly permitted.

The applicant is requesting the Planning Commission consideration of a 20'x30' structure and associated equipment on the rear of the property to house specialized business activities. The applicant is also requesting to continue the 1' setback which would be consistent with the existing building and to locate a 4'x11' piece of equipment in the new structure.

Mr. Kearns further stated that the Planning Department's position is that any new structure allowed must be compatible with the existing building and therefore the new structure should be attached, constructed with the same materials and color and all mechanical equipment screened from view.

Mr. Kearns explained that the Building Department staff met on site with the applicant and they are recommending approval of the accessory structure and are requiring a sprinkler system be installed.

Chairperson Clemente opened the Public Hearing.

Al Farner, spoke in favor of his application. He explained that this accessory structure was being added for one particular business and would remain for the duration they were in business. He felt that the fire sprinkler condition of the Building Department would be an additional excessive cost.

The Commission was concerned about the safety issues of the sand blasting machine and if environmental concerns needed to be looked into further. Mr. Kearns stated the application was to locate an accessory structure on the rear of the property and staff felt the application was exempt from CEQA.

After further discussion regarding the building construction materials it was agreed that Mr. Farner would redesign the building and bring back to the Commission for approval.

Chairperson Clemente continued the Public Hearing to a future meeting.

6. GENERAL BUSINESS: Action to be taken where appropriate.

A. Information Item on the San Francisco Bay Area Regional Energy Network (BayREN) Program Status in Solano County.

Trish Pascobillo gave a report on the San Francisco Bay Area Regional Energy Network (BayREN) Program in Solano County. She explained that in 2012 the California Public Utilities Commission (CPUC) approved a portfolio of energy-efficiency programs and budget for calendar years 2013 and 2014 and the CPUC created the Regional Energy Networks to provide more expertise at the local government levels. She stated that BayREN is made up of public agencies representing all nine counties with the Bay Area and is led by the Association of Bay Area Governments (ABAG) with Suisun City serving as the lead agency for Solano County.

Ms. Pascobillo stated that the energy efficiency program has three subprograms currently 1) Residential Single Family Energy Rebates; 2) Residential Multi-Family Energy Rebates and; 3) Energy Codes and Standards Training for the local jurisdictions.

She explained that the "Energy Home Upgrades" for single-family homes can be between $1,000 to $3,000 and Multi-family projects are $750 per unit.

Ms. Pascobillo also explained a training for the Codes and Standards subprogram was planned for October 30 for Solano County building and planning officials.

After a brief discussion Ms. Pascobillo stated that she would speak with the Home Upgrade Advisors and provide the Commission with an average cost for upgrades and total savings.

7. COMMUNICATION:

Mr. Kearns reported on the General Plan, Specific Plan and Housing Element updates and future meetings.

Mr. Kearns stated that the Zephyr Estates project of 59 single-family homes and 1.5 acres of commercial was scheduled for a second reading of the Ordinance at the October 7th City Council meeting.

Mr. Kearns reported that the Wal-Mart construction was well under way and the sound wall to the north of the project had also begun.

Mr. Kearns reported that the City Council approved the Lawler Ranch Phase II project which now allows construction drawings and bid process to start.

Commissioner Wade asked if the new barrier on Sunset Avenue near Railroad Avenue would be extended further. Mr. Kearns stated that staff would check with Public Works Department for information.

8. ADJOURN.

There being no further business the meeting was adjourned at 8:05 pm.

_____

Anita Skinner, Commission Secretary

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COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF SUISUN CITY
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CA 94585

(707) 421-7337 PHONE
(707) 429-3758 FAX

MEMORANDUM

DATE: October 14, 2014

TO: Planning Commission

FROM: John Kearns, Associate Planner

SUBJECT: 50 Main Street – Accessory Structure

At the September 23, 2014 meeting, the Planning Commission asked for additional information on proposal at 50 Main Street for an accessory structure. Additionally, the Commission asked for the Chief Building Official to attend to discuss the fire safety issues with the original proposal.

Bay Area Air Quality Management District

Staff contacted the Bay Area Air Quality Management District regarding the permitting and enforcement responsibility they have for a sandblasting operation. BAAQMD directed staff to two links that detail these operations. Unless the future use met the provisions for an exemption, a permit would be necessary.

Regulation 2 Rule 1
http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Rules%20and%20Regs/rg0201.ashx?la=en

Regulation 12 Rule 4 (attached)
http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Rules%20and%20Regs/reg%2012/rg1204.ashx?la=en

Chief Building Official

The property owner met with the Chief Building Official and as a result began preparation of an alternative plan to accommodate a new future tenant (see attached) without the need for fire sprinklers. At it too early to determine if the new proposal will work as staff believes the information is insufficient and more consultation is necessary between the applicant, Building Department and Planning Department.

Additionally, if the use is not directly tied to the building, it may be that the Commission needs to discuss how the proposed use fits in the General Commercial Zoning District. Attached is the staff report from September 23, 2014 for background information. Additionally, a similar resolution with a new date has been included for the Commission. The Commission can choose to act on the item or continue it to a future meeting.

Attachments

1. Resolution PC14-__: A Resolution of the City of Suisun City Planning Commission Approving Site Plan/Architectural Review Application No. 14/15-002 for Construction of an Accessory Structure and Associated equipment to the rear of 50 Main Street, APN 0032-042-760.
2. Latest Submittal.
3. September 23 Staff Report.
4. Regulation 12 - Sandblasting

RESOLUTION NO. PC14-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION APPROVING SITE PLAN/ARCHITECTURAL REVIEW APPLICATION NO. 14/15-002 FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE AND ASSOCIATED EQUIPMENT TO THE REAR OF 50 MAIN STREET, APN 0032-042-760

WHEREAS, the Planning Commission at a regular meeting on September 23, 2014 did review Site Plan/Architectural Review Application No. 14/15-002 for construction of an accessory structure and associated equipment to the rear of 50 Main Street, Suisun City, CA; and

WHEREAS, the public notice was published in the Daily Republic on September 13, 2014; and

WHEREAS, the item was continued at the September 23, 2014 Planning Commission Meeting; and

WHEREAS, a report by the City Staff was presented and made a part of the recommendations of said meeting; and

WHEREAS, the applicant and members of the public were present to speak on the application; and

WHEREAS, the Site Plan/Architectural Review application is exempt from the analysis required by the State of California Environmental Quality Act (CEQA) under Section 15301 (e) Existing Facilities; and

WHEREAS, based on evidence presented at the Public Hearing by City Staff, the applicant, the public and Commissioners, the following Findings are hereby made:

In order for the Planning Commission to approve the Site Plan/Architectural Review application, the following findings must be made:

1. Notice has been given in the time and in the manner required by State Law and City Code because a public notice was published on September 13, 2014 in the *Daily Republic* newspaper and notices were mailed on September 11, 2014 to surrounding property owners located within 300 feet of the proposed project.

2. That the proposed project, when subject to the conditions, will not conflict with the Goals, Objectives, and Policies of the General Plan and the purposes of the zoning district in which the site is located.

3. That the proposed project and its uses, when subject to the conditions will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City because the project's design makes use of buffers as well as exterior treatments of the building to soften the impact of the proposed construction.

4. That the proposed project and its uses have been considered through a Site Plan /Architectural Review process.

5. The City of Suisun City Community Development Department has found the project is exempt from the California Environmental Quality Act, per Section 15301 (e) Existing Facilities.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC14- ; A Resolution of the City of Suisun City Planning Commission Approving Site Plan/Architectural Review Application No. 14/15-002 for construction of an accessory structure and associated equipment to the rear of 50 Main Street, Suisun City, CA subject to the following Conditions and all other applicable Suisun City Codes and Ordinances:

1. The uses shall be constructed in accordance with the information presented (except as otherwise identified in the Conditions of Approval) and shall conform to all requirements of the City of Suisun City Code including but not limited to the Uniform Building Code as adopted by the City of Suisun City.
2. Approval of this permit will be effective, provided no appeals are received within 10 calendar days of the Planning Commission meeting date of September 23, 2014 and that the property owner and the applicant signatures are obtained affirming that they have read and understand the Conditions of Approval for Site Plan/Architectural Review No. 14/15-002 and agree to comply with the conditions.
3. All mechanical equipment shall be screened from public view.
4. Applicant shall use complementary materials and colors for the exterior of the accessory structure and to screen any equipment from public view.
5. A fire sprinkler plan must be approved and fire sprinklers installed throughout the building prior to issuance of any permit associated with the accessory structure or associated equipment.

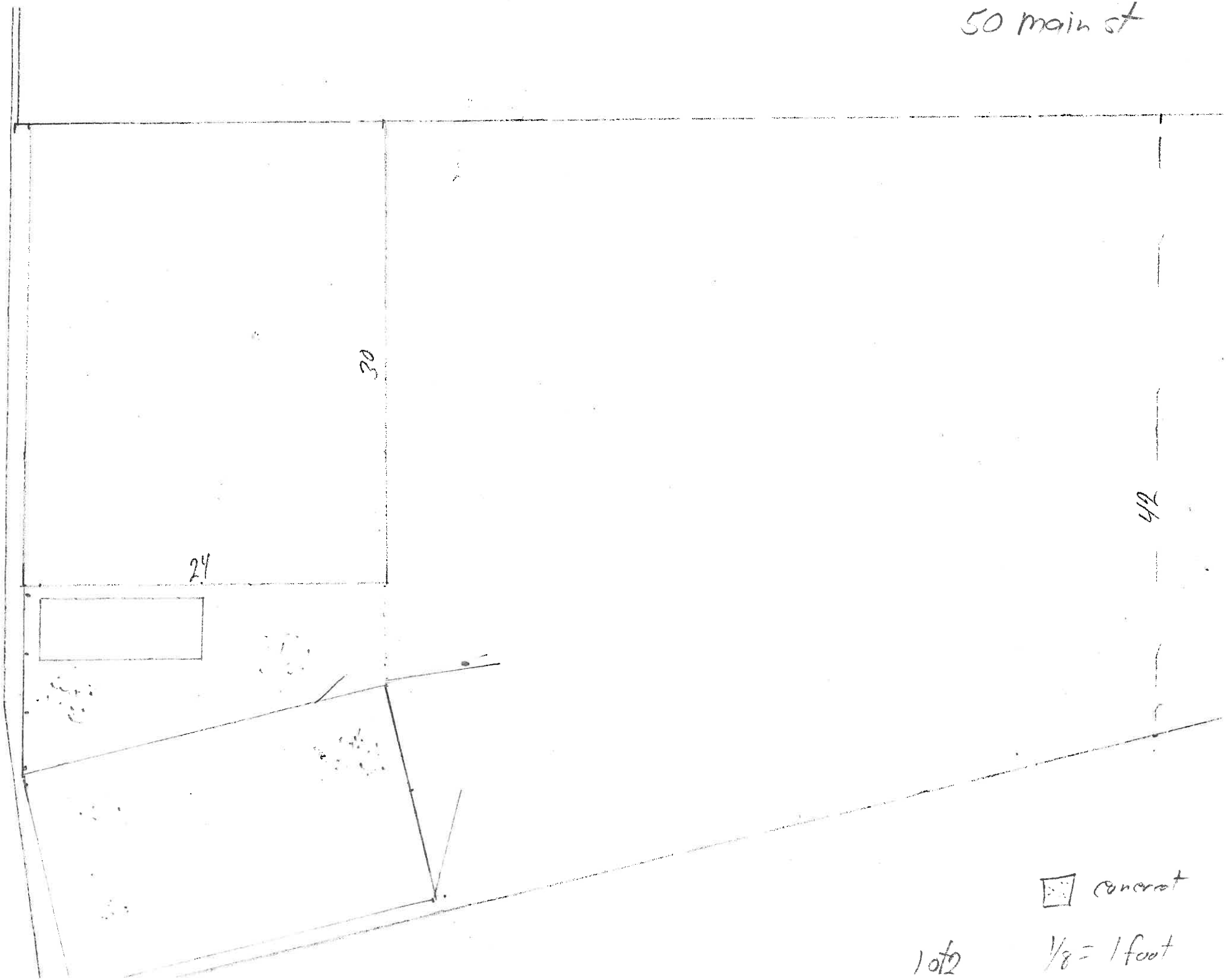
The forgoing motion was made by Commissioner ____ and seconded by Commissioner ____ and carried by the folowing vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

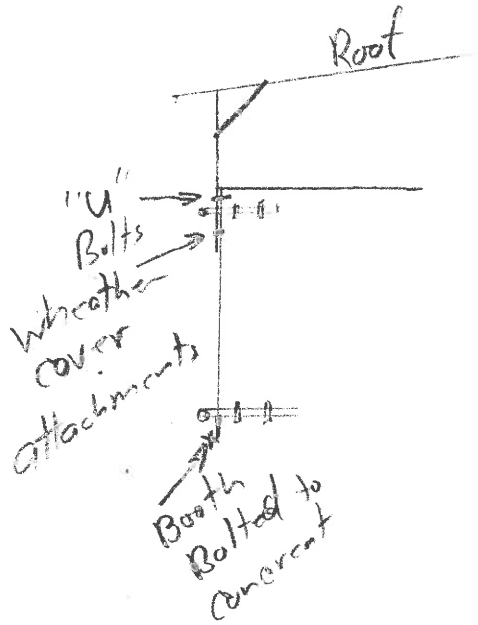
WITNESS my hand and the seal of said City this 14th day of October 2014

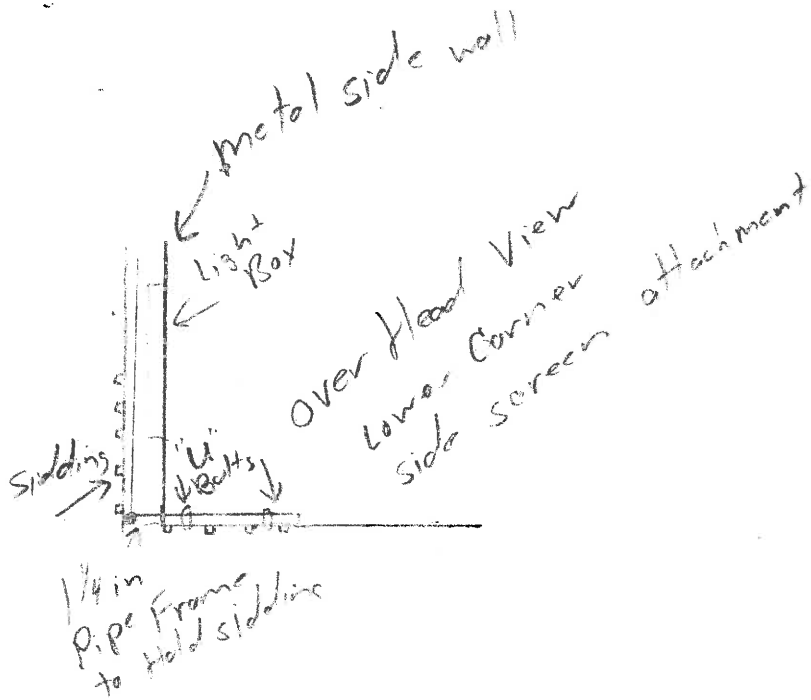
_____
Anita Skinner
Commission Secretary

50 main st

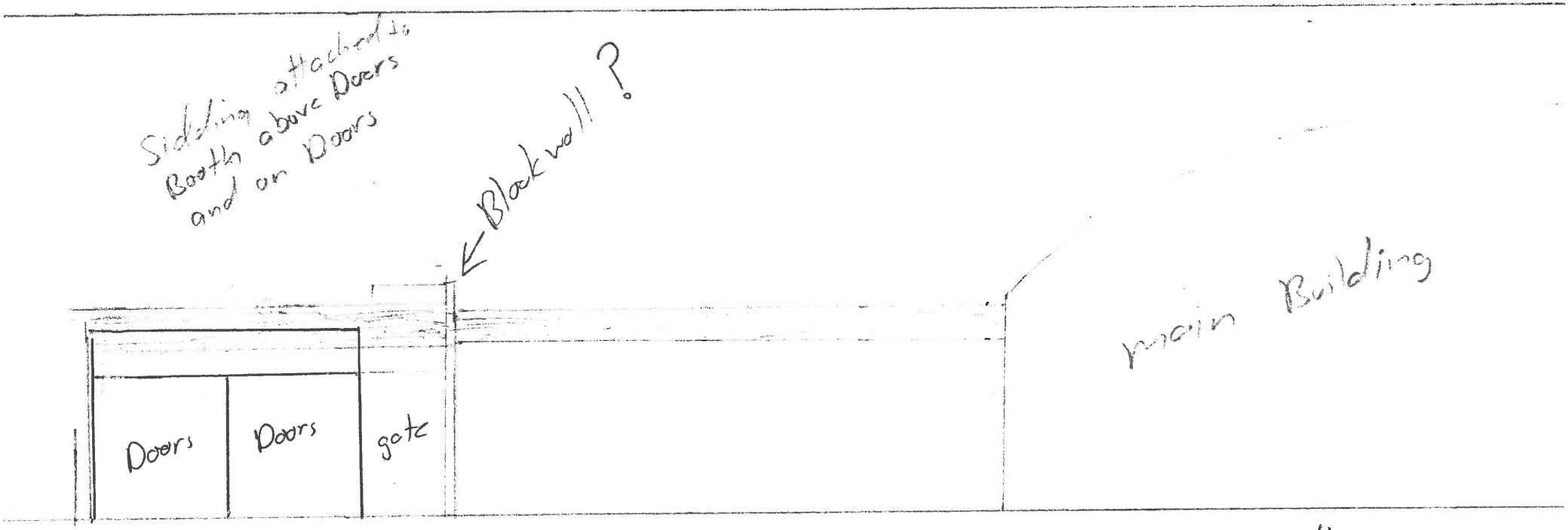


50 main st





South side



— Booth

1/8 = 1 Foot

AGENDA TRANSMITTAL

MEETING DATE: September 23, 2014

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING: Request for Site Plan/Architectural Review (AR 14/15-002) Approval for Construction of an Accessory Structure and Associated Equipment Located at the Rear of 50 Main Street, APN 0032-042-760.

ENVIRONMENTAL REVIEW: The subject Site Plan/Architectural Review application is exempt from the analysis required by the State of California Environmental Quality Act (CEQA) under Section 15301 (e) Existing Facilities.

BACKGROUND: The building at 50 Main Street has existed for several years and has been the home of a number of auto-related businesses over the years. The site was once configured differently prior to the existing configuration of Highway 12 which required the geometry of the site to change creating an irregularly shaped parcel. In the past, the site has also been identified with Highway 12 addressees.

STAFF REPORT:

Location

The site is located on the north side of Highway 12, toward the far north end of Main Street directly adjacent to the westbound on-ramp to Highway 12. At the eastern end of the site is a turn-around for Main Street. Surrounding the southern and western boundaries of the property is State of California right-of-way.

Existing Conditions

The existing building has an approximate 1' setback along the western property line which includes an addition to the rear in the 1980's. A majority of the existing building's exterior is masonry with the exception of the existing addition to the rear which is wood-framed, however was properly permitted. The rear of the property is currently primarily unobstructed, but is available to locate vehicles when they aren't being worked on (or are in queue). Customer parking for the site is located along the Main Street side.

Proposal

The applicant has requested Planning Commission consideration of an approximate 20' x 30' structure and associated equipment on the rear of the property to house specialized business activities. The applicant has provided a proposed site plan as well as some options of what the structure might be able to look like. The applicant's request is to continue the 1' setback which is consistent with the existing building. In addition to the proposed structure, the applicant is requesting to locate a piece of equipment that requires an area of about 4' x 11' and stands about 14' high.

Land Use Regulations

Per the Suisun City Municipal Code, Title 18 "Zoning", the Planning Commission has the authority to determine the setbacks in this commercial zoning district. Additionally, there are certain criterion that needs to be considered when reviewing a project which include:

PREPARED BY: John Kearns, Associate Planner

- For an addition (or accessory structure), compatibility with existing buildings on-site. This includes both materials and colors.
- Screening of mechanical equipment from public view.
- Height and/or scale of addition in relation to existing structures.

Staff Analysis

Planning

The Planning Department position is that if any expansion is allowed to this property than the expansion must be found compatible with the existing building. The most obvious way to accomplish this would be to tie the expansion into the existing building (connect it) and to require the addition/accessory structure to be constructed with the same materials and color as the existing building. Further, all mechanical equipment must be completely screened from public view. In total, it is staff's belief that once the project is completed, the entire site appears architecturally uniform. Please find the conditions of approval prepared in the attached resolution for more information.

Building

The Building Official has concluded that any expansion to this property will require the entire building to be fire sprinklered. This has been included as a proposed condition of approval in the attached resolution.

Proposed Findings for Planning Commission Consideration

1. Notice has been given in the time and in the manner required by State Law and City Code because a public notice was published on September 13, 2014 in the *Daily Republic* newspaper and notices were mailed on September 11, 2014 to surrounding property owners located within 300 feet of the proposed project.

2. That the proposed project, when subject to the conditions, will not conflict with the Goals, Objectives, and Policies of the General Plan and the purposes of the zoning district in which the site is located.

3. That the proposed project and its uses, when subject to the conditions will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City because the project's design makes use of buffers as well as exterior treatments of the building to soften the impact of the proposed construction.

4. That the proposed project and its uses have been considered through a Site Plan /Architectural Review process.

5. The City of Suisun City Community Development Department has found the project is exempt from the California Environmental Quality Act, per Section 15301 (e) Existing Facilities.

STAFF RECOMMENDATION: Adopt Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission Approving Site Plan/Architectural Review Application No. AR 14/15-002 for

Construction of an Accessory Structure and Associated Equipment to the Rear of 50 Main Street, APN 0032-042-760.

ATTACHMENTS:

1. Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission Approving Site Plan/Architectural Review Application No. AR 14/15-002 For Construction of an Accessory Structure and Associated Equipment to the Rear of 50 Main Street, APN 0032-042-760.

2. Application Materials

REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 4
SANDBLASTING

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12-4-300 STANDARDS

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12-4-306 Certification of Abrasives
12-4-307 Abrasive Labeling By Suppliers
12-4-308 Facility Blasting Operations
12-4-309 Stucco and Concrete

12-4-400 ADMINISTRATIVE REQUIREMENTS (Not Included)

12-4-500 MONITORING AND RECORDS (Not Included)

12-4-600 MANUAL OF PROCEDURES

12-4-601 Appraisal of Visible Emissions

REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 4
SANDBLASTING

12-4-100 GENERAL

12-4-101 Description: The standards in this Rule are uniform throughout the State and apply to sandblasting operations other than permanent abrasive blasting operations or equipment. Visible emissions from permanent operations or equipment are controlled by Regulation 6.

12-4-102 Multiple Nozzles: Emissions from unconfined blasting employing multiple nozzles shall be judged as a single source unless it can be demonstrated by the owner or operator that each nozzle. evaluated separately. meets the emission and performance standards provided for in this Rule.

12-4-200 DEFINITIONS

12-4-201 Abrasives: Any material used in abrasive blasting operations including but not limited to sand. slag. steel shot. garnet or walnut shells.

12-4-202 Abrasive Blasting: The operations of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

12-4-203 Abrasive Blasting Equipment: Any equipment utilized in abrasive blasting operations.

12-4-204 Confined Blasting: Any abrasive blasting conducted in an enclosure which significantly restricts air contaminants from being emitted to the ambient atmosphere. including but not limited to shrouding. tanks. drydocks. buildings and structures.

12-4-205 Hydroblasting: Any abrasive blasting using high pressure liquid as the propelling force.

12-4-206 Multiple Nozzles: More than one nozzle being used to abrasive blast the same surface in such close proximity that their separate plumes are indistinguishable.

12-4-207 Permanent Abrasive Blasting Operations or Equipment: Abrasive blasting operations conducted. or abrasive blasting equipment located in a building which is used in whole or in part for abrasive blasting operations.

12-4-208 Sandblasting: Abrasive blasting.

12-4-209 Source: The impact surface from any single abrasive blasting nozzle.

12-4-210 Unconfined Blasting: Any abrasive blasting which does not conform with Sections 12-4-204 and 207.

12-4-211 Vacuum Blasting: Any abrasive blasting in which the spent abrasive and surface material is immediately collected by a vacuum device.

12-4-212 Wet Abrasive Blasting: Any abrasive blasting using compressed air as the propelling force. which in the judgement of the APCO uses an amount of water adequate to minimize the plume.

12-4-213 Brushoff Blasting: A method of cleanup performed in order to achieve surface uniformity or impurity removal after wet blasting. hydroblasting. or vacuum blasting operations. (Adopted July 11. 1990)

12-4-214 Steel or Iron Shot/grit: Abrasives which meet either the Society of Automotive Engineers (SAE) recommended practices J827 and J444 or Steel Founders' Society of America Standards 21-68 or 20T-66. as those practices and standards existed on Feburary 24. 1984. (Adopted July 11. 1990)

12-4-300 STANDARDS

12-4-301 Ringelmann 1 Limitations: Except as provided in Section 12-4-302 a person shall not discharge from any abrasive blasting. any air contaminant for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than

No. 1 on the Ringelmann Chart. This section will apply if the applicable standards in sections 12-4-303 through 309 are not met. (Amended July 11. 1990)

12-4-302 **Ringelmann 2 Limitations:** A person shall not discharge from any abrasive blasting. if he complies with applicable standards in Section 12-4-303 and Sections 12-4-305 through 307. any air contaminant for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than No. 2 on the Ringelmann Chart.

12-4-303 **Performance Standards For Abrasive Blasting ForTraffic Markers:** Surface preparation for raised traffic delineating markers and pavement marking removal using abrasive blasting shall comply with at least one of the following performance standards:

303.1 Wet abrasive blasting. hydroblasting or vacuum blasting shall be used.

303.2 Dry unconfined abrasive blasting for removal or surface preparation for immediate application of pavement markings of less than 93 m^2 (1.000 $ft.^2$). or for surface preparation for raised traffic delineating markers shall use abrasives as defined in Sections 12-4-305 through 307.

12-4-304 **Performance Standards For Other Abrasive Blasting:** Any abrasive blasting operation except as provided for in Section 12-4-303 and 305 through 309 shall comply with at least one of the following performance standards.

304.1 Confined blasting shall be used.

304.2 Wet abrasive blasting shall be used.

304.3 Hydroblasting shall be used.

304.4 Dry unconfined blasting shall use abrasives as defined in Sections 12-4-305 through 307. (Amended July 11. 1990)

12-4-305 **Performance Standards For Abrasives:** All abrasives used for dry unconfined blasting shall comply with the following performance standards:

305.1 Before blasting. the abrasive shall not contain more than 1% by weight material passing a #70 U.S. Standard sieve when tested in accordance with "Method of Test for Abrasive Media Evaluation." Test Method No. California 371-A. Certified abrasives re-used for dry unconfined blasting must conform with Section 12-4-305.1.

305.2 After blasting. the abrasive shall not contain more than 1.8% by weight material five micron or smaller when tested in accordance with "Method of Test for Abrasive Media Evaluation". Test Method No. California 371-A. Certified abrasives re-used for dry unconfined blasting are exempt from Section 12-4-305.2

12-4-306 **Certification of Abrasives:** A person shall not conduct dry unconfined blasting unless the abrasive(s) used in such operation have been certified by the ARB. on at least an annual basis. to comply with the performance standards set forth in Section 12-4-305. Any person who desires certification of an abrasive shall furnish to the ARB an adequate test sample. together with fees to defray the cost of testing. The ARB maintains an up-to-date list of certified abrasives.

12-4-307 **Abrasive Labeling by Suppliers:** All manufacturers and suppliers of abrasives certified for dry unconfined abrasive blasting shall legibly and permanently label the invoice. bill of lading and abrasive packaging or container with the following statement: "ARB certified for dry unconfined blasting."

12-4-308 **Facility Blasting Operations:** Confined blasting shall be used for all abrasive blasting operations at a facility except under the following conditions:

308.1 When steel or iron shot/grit is used;

308.2 When the item to be blasted exceeds 8 feet in height. 8 feet in width. or 10 feet in length;

308.3 When the structure or surface is blasted at its permanent or ordinary location.

(Adopted July 11. 1990)

12-4-309 **Stucco and Concrete:** Abrasive blasting of stucco and concrete shall be performed by wet blasting. hydroblasting. or vacuum blasting with the following exceptions. for which dry blasting may be used:

309.1 Window and door returns and frames;

309.2 Eaves. overhangs and ceilings;

309.3 Brush off blasting except for stucco surfaces;

309.4 Completely shrouded structures and blast areas that effectively control emissions;

309.5 Abrasive cleaning operations other than aggregate exposure or paint removal related to new concrete construction or repair activity if such operations are performed onsite. (Adopted July 11. 1990)

12-4-600 MANUAL OF PROCEDURES

12-4-601 The MOP contains procedures for appraising visible emissions.

(Adopted July 11. 1990)

AGENDA TRANSMITTAL

MEETING DATE: October 14, 2014

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING: Resolution PC14-___; A Resolution of the Planning Commission of the City of Suisun City Considering Approval of Conditional Use Permit Application No. UP14/5-001 to Increase the Capacity of a Daycare Facility to a Maximum of 14 Children at 1324 Pintail Drive (APN 0173-192-040)

FISCAL IMPACT: None associated with this item.

OWNER: Gerald and Karol Miller
1324 Pintail Drive
Suisun City, CA. 94585

APPLICANT: Stacy Miller for Seasi's Playhouse
1324 Pintail Drive
Suisun City, CA 94585

SITE DATA:

(1) General Plan/Zoning: Residential Single-Family
(2) Site Configuration: 6,534 Square Feet
(3) Surrounding Land Use/Zoning:
- North: Single-Family Homes/Residential Single-Family
- South: Single-Family Homes/Residential Single-Family
- East: Single-Family Homes/Residential Single-Family
- West: Quail Glen Park and Dan O. Root Elementary School

ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

BACKGROUND: The applicant currently operates a small family daycare known as, "Seasi's Playhouse" at 1324 Pintail Drive since early 2013. Seasi's Playhouse began operation in 2010 in Fairfield and moved to another site in downtown Suisun before relocating to the Pintail location. The applicant has requested a conditional use permit to expand the capacity of the business to a maximum of 14 children. She submitted a site plan and floor plan indicating the layout of both the indoor and outdoor activities as well as a description of her proposed child care operation. These are included as attachments for reference.

PREPARED BY: Trishia Pascobillo, Assistant Planner
REVIEWED/APPROVED BY: John Kearns, Associate Planner

STAFF REPORT: The City's Zoning Ordinance, consistent with state law, defines a large family daycare as a state-licensed care facility that cares for 7-14 children on less than a twenty-four hour basis. In addition, Zoning Ordinance Section 18.08.030.G requires a conditional use permit for any large daycare facility in the Residential Single-Family (RS) Zoning District. The project site is located at 1324 Pintail Drive which is east of Dan O' Root Elementary School and west from Walters Road as part of the Quail Glen Subdivision.

The outdoor play area will be in the fenced back yard, providing a safe area where the children can play and be adequately supervised. In addition, the applicant designated specified areas within the dwelling unit in which the children will be cared for. The applicant will provide a balance of indoor and outdoor recreational opportunities during hours of operation between 7:00 A.M. and 6:00 P.M. Monday through Friday. The applicant has indicated that she does not anticipate any parking issues during pick-up and drop-off periods because the site will have the driveway vacant during business hours that will be available for client use. Additionally, the applicant's clients have a varied range of pick-up and drop-off times, which will minimize the number of clients requiring parking at the site at any given time. Parents will be notified of the appropriate parking procedures. There are no proposed changes to the site area or dwelling at this time.

STAFF RECOMMENDATION: Adopt Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission **Approving** Conditional Use Permit Application No. 14/5-001 to Increase the Capacity of a Daycare Facility to a Maximum of 14 Children at 1324 Pintail Drive.

ATTACHMENTS:

1. Resolution PC14-___; A Resolution of the Planning Commission of the City of Suisun City Approving Conditional Use Permit Application No. UP14/5-001 to Increase the Capacity of a Daycare Facility to a Maximum of 14 Children at 1324 Pintail Drive (APN 0173-192-040)
2. Application Materials
3. Location map

RESOLUTION NO. PC 14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY APPROVING CONDITIONAL USE PERMIT APPLICATION NO. UP14/5-001 TO INCREASE THE CAPACITY OF A DAYCARE FACILITY TO A MAXIMUM OF 14 CHILDREN AT 1324 PINTAIL DRIVE

WHEREAS, the Planning Commission at its regular meeting on October 14, 2014 did review application UP14/5-001 to increase the capacity of a daycare facility to a maximum of 14 children at 1324 Pintail Drive; and

WHEREAS, the public hearing notice was published in the Daily Republic on October 4, 2014; and

WHEREAS, a report by the City Staff was presented and made a part of the recommendations of said meeting; and

WHEREAS, this project has been considered regarding all applicable city regulations and ordinances; and

WHEREAS, this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301; and

WHEREAS, based on evidence presented to the Planning Commission by City Staff and the applicant, the following Findings are hereby made:

1. That the project is categorically exempt from the California Environmental Quality Act, Section 15301, as a use of an existing facility.

2. That the use of the single-family home as a large family daycare has been considered through the Conditional Use Permit process as required by the Suisun City Zoning Ordinance.

3. That only the living area of the single-family residence will be used for the large family daycare.

4. That the large family daycare, when subject to the adopted conditions, will not conflict with the Goals, Objectives, and Policies of the General Plan.

5. That the large family daycare, when subject to the adopted conditions, will not have significant noise, traffic, or parking impacts on the neighborhood.

6. That the large family daycare, when subject to the adopted conditions, will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity, nor to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby approve the Conditional Use Permit subject to the following Conditions and all other local, state, and federal requirements:

1. No more than fourteen children shall be in the care of the operator at any time. This number includes children of the operator.

2. Prior to beginning any construction or improvements, plans shall be submitted to the Building Department and any applicable permits obtained as determined by the Chief Building Official.

3. No mechanical equipment shall be installed or maintained which is not customarily incidental to residential use.

4. The use shall not change the character of the dwelling or adversely affect the uses permitted in the residential district.

5. The garage or other accessory structure(s) shall not be used as daycare space.

6. The driveway shall remain free and clear for pick-up and drop-off of children. The operator shall ensure that clients do not obstruct neighboring driveways, double-park, or create traffic/parking problems.

7. The use shall be operated consistent with the licensing requirements and other requirements and regulations of the State of California Department of Social Services.

8. The business shall be subject to the City sign regulation that permits only up to a two square foot area of on-site nameplate signage.

9. If complaints are received or the operator is found not to be in compliance with the above conditions or is found to be creating a nuisance in the neighborhood, the operator may be cited, and the permit may be subject to reconsideration for possible revocation under City Code 18.66.560.

The foregoing motion was made by Commissioner _____ and seconded by Commissioner _____ and carried by the following vote:

AYES: Commissioners:
NOES: Commissioners:

ABSENT: Commissioners:
ABSTAIN: Commissioners:

WITNESS my hand and the seal of said City this 14th day of October 2014.

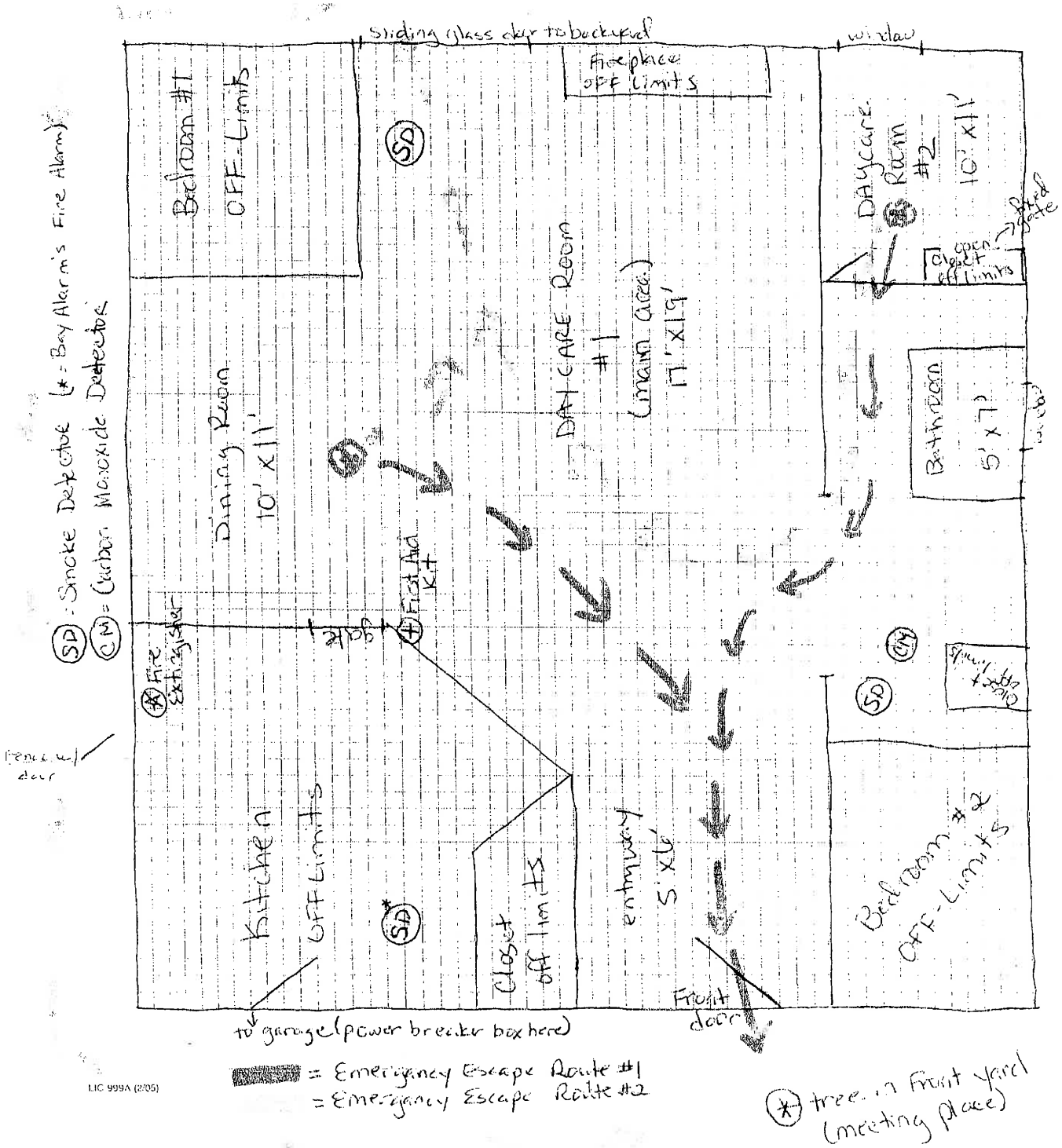
_____
Anita Skinner, Commission Secretary

FACILITY SKETCH (Floor Plan) - Family Child Care Home

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME: Seasi's Playhouse

ADDRESS: 1324 Pintail Drive, Suisun City CA 94585

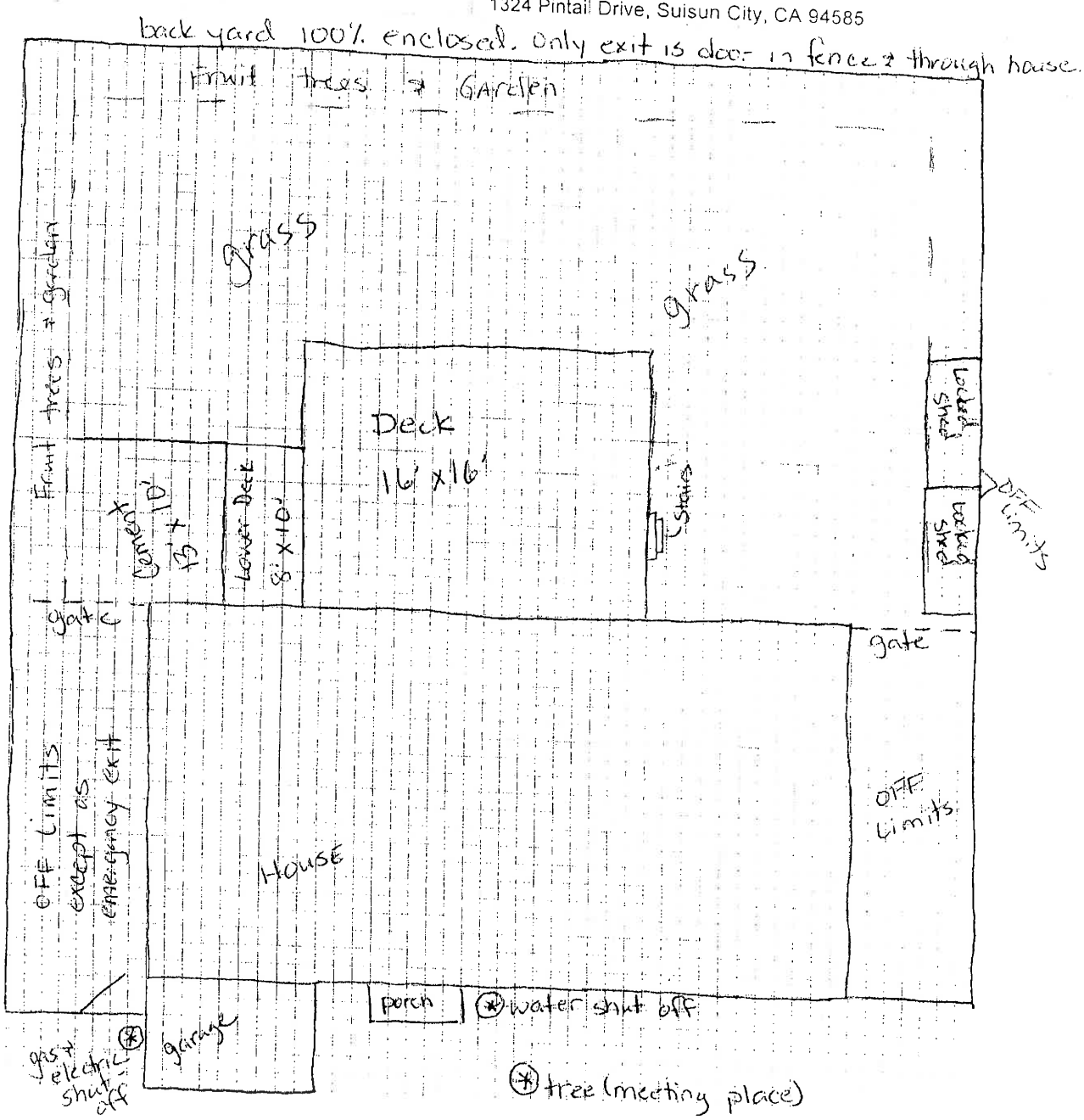


FACILITY SKETCH (Yard) - Family Child Care Home

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME:
Seasi's Playhouse

ADDRESS:
1324 Pintail Drive, Suisun City, CA 94585



I am requesting a use permit for converting Seasi's Playhouse from a Small Family Childcare to a Large Family Childcare.

Location of Site: 1324 Pintail Drive, Suisun City, CA 94585.

Operating hours: 7AM-6PM Monday-Friday.

Employees/Volunteers: There are 3 people residing at site location, and there will be 1-2 employees or volunteers on the premises during operating hours.

Current number of children: I have a number of part-time children and 3 full-time children enrolled at this time. Currently there are no more than 6-8 children on site at any given time during operating hours. Converting to a Large Family Childcare would increase the number of children up to a possible 12-14 during operating hours.

Activities/Impacts: The only times children are present at the front of the property are going to and from a vehicle and are accompanied by an adult at all times. While on site, the children are either inside the home or in the backyard and under direct adult supervision. Noise levels are normal for children playing. No abnormal odors, noise levels, or other environmental impacts are expected. No hazardous or volatile materials or chemicals are involved in the day to day operations. Normal neighborhood traffic is expected, with the only additional traffic during pick-ups and drop-offs, at which time parents will park in the driveway or at the curb immediately in front of the residence. Other than Small Family Childcare the property is only used as a personal residence and this will continue with the only changes being those necessary to operate a Large Family Childcare business.

City of Suisun City
UP14/5-001
Seasi's Playhouse – Large Family Daycare
1324 Pintail Drive
APN: 0173-192-040

AGENDA TRANSMITTAL

MEETING DATE: October 14, 2014

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING: Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission Recommending Adoption of an Ordinance of the City Council of the City of Suisun City, CA, Amending Various Chapters of Title 18 "Zoning" to Comply with the Adopted 2009-2014 Housing Element and California State Law.

ENVIRONMENTAL REVIEW: The proposed Zoning Text Amendments are exempt from the California Environmental Quality Act per Section 15061 (b) (3) (General Rule).

BACKGROUND: In July 2009, the City Council adopted the City's 2009-2014 Housing Element. As a part of the Element, there were specific programs that specified actions the City would take in response to recent California Law. The amendments were proposed to be a part of the Zoning Ordinance Update process, but due to timing, the General Plan Update and Zoning Ordinance Update are not yet complete thus the need to move ahead separately.

STAFF REPORT: In order to have the Housing Element for the next cycle (2015-2023) certified by the State of California Housing and Community Development (HCD), the City must show progress in implementing the prior Housing Element. Below is a summary of each program from the 2009-2014 Element and the amendments to the Zoning Ordinance that are being proposed to implement the programs.

Emergency Shelters

In response to Senate Bill – 2, the City will allow emergency shelters as a permitted use in the ML (Light Manufacturing District) without a conditional use permit or other discretionary review.

Program 3.A.1: Pursuant to Senate Bill (SB) 2, staff will amend the City Zoning Ordinance to allow emergency shelters as a permitted use in the ML (Manufacturing Light) district without a conditional use permit or other discretionary review. This district is appropriate for shelters because it is in the City's downtown area where transit and services would be available to shelter inhabitants. There are currently ~12.26 acres of vacant and underutilized land in the ML zone district area. In addition the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4) and consistent with the development standards in the ML district. These standards may include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need
- Security during hours that the emergency shelter is in operation

A majority of the proposed changes relevant to this topic can be found in 18.04.323 and 18.30.020 (S) in the attached ordinance.

PREPARED BY: John Kearns, Associate Planner

Transitional and Supportive Housing

Include separate definitions of transitional and supportive housing as defined in Health and Safety Code Section 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure.

Program 3.A.2: Pursuant to SB 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City currently allows group homes for six or fewer persons by-right in residential zones and homes for more than six persons with a CUP. To clarify that group homes include transitional and supportive housing uses, the City will update its Zoning Ordinance to include separate definitions of transitional and supportive housing as defined in Section 50675.2 of Health and Safety Code sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure.

Transitional facilities are classified as temporary rental housing for at least 6 months but where units are re-circulated to other program recipients after a set period. Taking several forms, transitional housing may be group housing or multi-family units and can include supportive services. Supportive housing does not have a limit on the length of stay and is linked to either onsite or offsite services that can include medical services, childcare services, counseling, legal assistance, money management, job skills training and a variety of other services in place to help individuals gain independent living skills.

The proposed changes relevant to this topic can be found in 18.04.620, 18.04.625, 18.04.628 and each of the residential districts as well as the Main Street Commercial District. Staff has also included each of the residential districts, not already included in Title 18, from the Downtown Waterfront Specific Plan for consideration.

Reasonable Accommodations

Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process.

Program 3.A.9: Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process. The City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Housing and Community Development Department (HCD). This information will be available through postings and pamphlets at the City and on the City's website.

A new chapter (18.59) is proposed to be added detailing the reasonable accommodations process for the City.

Density Bonuses

Adopt a density bonus ordinance in compliance with Government Code Section 65915.

Program 1.D.2: To promote the financial feasibility of producing affordable housing units utilizing density bonuses and incentives and concessions the City will adopt a density bonus ordinance in compliance with Government Code Section 65915. The City will reserve the option of granting an additional density bonus to increase the financial feasibility of an affordable housing project that includes extremely low-; very low-; and low-income units.

A new chapter (18.65) is proposed to be added which identically reflects the provisions of California State law regarding this matter. This amendment provides specificity to a developer on the City would treat added density, incentives/concessions, and waiver of development standards. Additionally, staff has provided an attachment from Kronick, Moskovitz, Tiedemann & Girard detailing California Density Bonus Law.

Each of the proposed amendments are efforts to implement the policy direction of the Planning Commission and City Council from the 2009-2014 Housing Element. The amendments are reflected with either a ~~strikeout~~ or addition in the attached ordinance.

STAFF RECOMMENDATION: It is recommended that the Planning Commission:

- Open the Public Hearing and take public comment;

- Close the Public Hearing;

- Adopt Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission Recommending Adoption of an Ordinance of the City Council of the City of Suisun City, CA, Amending Various Chapters of Title 18 "Zoning" to Comply with the Adopted 2009-2014 Housing Element and California State Law.

ATTACHMENTS:

1. Resolution PC14-___; A Resolution of the City of Suisun City Planning Commission Recommending Adoption of an Ordinance of the City Council of the City of Suisun City, CA, Amending Various Chapters of Title 18 "Zoning" to Comply with the Adopted 2009-2014 Housing Element and California State Law.

2. Maximizing Density Through Affordability. Kronick, Moskovitz, Tiedemann & Girard

RESOLUTION PC 14-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CA, AMENDING VARIOUS CHAPTERS OF TITLE 18 "ZONING" TO COMPLY WITH THE ADOPTED 2009-2014 HOUSING ELEMENT AND CALIFORNIA STATE LAW.

Whereas, the Planning Commission at their regular meeting of October 14, 2014, held a public hearing to review RZ 14/15-001, various zoning text amendments and to recommended to the City Council approval of RZ 14/15-001; and

Whereas, the Staff, City of Suisun City, and members of the public were present to speak on RZ 15/15-001; and

Whereas, approval of the ordinance by the City Council would assist in complying with the 2009-2014 Housing Element and California State Law; and

Whereas, notice for the public hearing was published in the Daily Republic on October 4, 2014 for the Planning Commission as a Public Hearing; and

Whereas, the Planning Commission of the City of Suisun City made the following findings based on evidence presented at the Public Hearing by City Staff:

1. That the amendments are exempt for the California Environmental Quality Act (CEQA) per Section 15061 (b)(3).
2. That the proposal will not conflict with the Goals, Objectives and Policies of the General Plan.
3. That the proposal will not be detrimental to the public health, safety or welfare of persons residing or working in the City, nor detrimental to properties or to the general welfare of the City.

Now, Therefore, the Planning Commission of the City of Suisun City does recommend that City Council adopt the draft ordinance included as Exhibit A of this resolution.

The forgoing motion was made by Commissioner _____ and seconded by Commissioner _____ and carried by the folowing vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

WITNESS my hand and the seal of said City this 14th day of October 2014.

_____
Anita Skinner,
Commission Secretary

ORDINANCE NO. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CA, AMENDING VARIOUS CHAPTERS OF TITLE 18 "ZONING" TO COMPLY WITH THE ADOPTED 2009-2014 HOUSING ELEMENT AND CALIFORNIA STATE LAW.

WHEREAS, the City of Suisun City desires and intends to adopt Zoning Text Amendment N0. 14/15-001 amending various chapters and sections of the Suisun City Municipal Code to implement programs of the 2009-2014 Housing Element and to comply with California State Law; and

WHEREAS, on October 14, 2014, the Planning Commission held a duly noticed public hearing in conformance with Government Code Section 65854 and adopted Resolution No. PC 14-___, recommending City Council adopt the subject ordinance; and

WHEREAS, notice of the Public Hearing of the City Council of the City of Suisun City to consider the Zoning Text Amendment was provided in accordance with applicable law; and

WHEREAS, on October 21, 2014, the City Council held a duly noticed public hearing on the proposed text amendment; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the City Council finds as follows:

Findings:

i. That the amendments are exempt for the California Environmental Quality Act (CEQA) per Section 15061 (b)(3).
ii. That the proposal will not conflict with the Goals, Objectives and Policies of the General Plan.
iii. That the proposal will not be detrimental to the public health, safety or welfare of persons residing or working in the City, nor detrimental to properties or to the general welfare of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 18 "Zoning" of the Suisun City Municipal Code is hereby amended to include:

<u>18.09 "LDR Low Density Residential"</u>
<u>18.11 "UV Urban Village"</u>
<u>18.17 "HLC Historic Limited Commercial"</u>
<u>18.29 "MC Main Street Commercial"</u>
<u>18.59 "Reasonable Accommodations"</u>
<u>18.65 "Density Bonuses"</u>

SECTION 2. Chapter 18.04 of the Suisun City Municipal Code is hereby amended by adding section 18.04.323, amending section 18.04.570, and adding sections 18.04.620, 18.04.625, and 18.04.628 to read as follows:

18.04.323 Emergency shelter. "Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

18.04.570 Roominghouse or boardinghouse. "Roominghouse" or "boardinghouse" means a dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation. This includes single-room occupancy (SRO) units with more than one (1) room or unit sharing kitchen and/or bathroom facilities. Single-room occupancy structures shall have units rented individually and shall accommodate a maximum of one (1) person per unit.

18.04.620 Supportive housing. "Supportive housing" means housing with no limit on length of stay, and that is linked to on-site or off-site services that assist the resident(s) to retain the housing, maintain or improve their health status, maximize their ability to live and, when possible, to work in the community.

18.04.625 Target population."Target Population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

18.04.628 Transitional housing. "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

SECTION 3. Chapter 18.08 of the Suisun City Municipal Code is hereby amended by adding section 18.08.020 (F) to read in its entirety as follows:

18.08.020 (F) Transitional and supportive housing in one-family dwellings shall be allowed and shall be subject to the same standards as other one-family dwellings.

SECTION 4. Chapter 18.09 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

CHAPTER 18.09 LOW DENSITY RESIDENTIAL (IRL)

18.09.010 Low Density Residential (IRL)

This District corresponds to the General Plan's Low-Density Residential designation, allowing single family residential development of 4-7 dwelling units per net acre. (Net site area is defined as the total parcel size prior to development, less existing public rights-of-way, reservation for arterial streets, and other existing public property or rights-of-way.) This district applies to the Areas A, B, C, and D. (Figure 2-5) of the Downtown Waterfront Specific Plan.

18.09.020. Permitted Uses

A. Single Family Detached Dwellings;
B. Single Family Attached Dwellings (corner lots only);
C. Garages and similar buildings or uses clearly accessory or incidental to a permitted use;
D. Park, Playground;
E. Small family day care homes;
F. State licensed residential care homes which provide care for six (6) or fewer persons.
G. Transitional and supportive housing in one-family dwellings shall be allowed and shall be subject to the same standards as other one-family dwellings.

18.09.30 Conditional Uses

A. Larger family day care homes
B. State licensed residential care homes providing care for seven (7) or more persons
C. Guesthouses and second dwelling units
D. Public facilities, including community center, fire station, library
E. Church
F. Limited commercial uses specified as Conditional Uses within the Historic Limited Commercial (HLC) District

18.09.040 Development Standards

a. New Development/Redevelopment Areas.

New residential development occurring in Areas A, B, C and D, as depicted by Figure 2-5 are governed by the Design Standards and Guidelines adopted pursuant to Chapter 7 of this document. The Planning Commission, Architectural Review Board and/or Planning staff, as the case may be, shall rely on those standards when reviewing initial development and improvements within these areas.

b. Existing Single-Family Neighborhoods.

The existing Marina and Pierce Garden Subdivisions (Areas 1 and 3, Figure 2-5) are governed by the following basic development standards stated in the table below. All new residential structures, additions and improvements shall be compatible in mass, form, and materials with the surrounding neighborhood and the existing structure, if any.

SECTION 5. Chapter 18.10 of the Suisun City Municipal Code is hereby amended by deleting sections 18.10.020 (J) and 18.10.030 (K) and adding a new section 18.10.020 (J) to read in its entirety as follows:

~~18.10.020 (J) Family emergency and family transitional housing that provides assistance for six or more persons.~~

18.10.020 (L) Transitional and supportive housing in one-family dwellings, duplexes, condominium-type dwellings, and multiple dwellings shall be allowed and shall be subject to the same standards as other similar dwellings.

~~18.10.030 (K) Family emergency and family transitional housing that provides assistance for seven or more persons.~~

SECTION 6. Chapter 18.11 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

CHAPTER 18.11 URBAN VILLAGE (UV)

18.11.010 Purpose and Intent

This district applies only to the approximate 12.3 acre site for the Harbor Village subdivision that is bound by Marina Blvd. on the east, then north of Driftwood Drive to Josiah Way on the west, and south of Lotz Way to the extension back to Marina Blvd. The purpose of the Urban Village land use designation is to allow for higher density single-family residential developments that are commonly built in the bay area region. This land use designation allows for a density of 7.5 dwelling per acre (gross).

18.11.020 Permitted Uses

A. Single Family Dwellings
B. Buildings and uses clearly accessory or incidental to any Permitted Use excepting, tents and trailers
C. Park, playground
D. Small family day care homes
E. State licensed residential care homes, which provide care for up to six (6) or fewer persons.
F. Transitional and supportive housing in one-family dwellings shall be allowed and shall be subject to the same standards as other one-family dwellings.

18.11.030 Conditional Uses

A. Large family day care homes
B. Nursing home, rest home, convalescent home, congregate care, assisted living center
C. State licensed residential care homes providing care for seven (7) or more persons.

18.11.040 Basic Site Development Standards.

Minimum Building Site Area:	3,000 square feet
Minimum Front Yard Building Setback Line:	Seven 1/2 (7.5) feet
Minimum Side Yard Required: (one side)	Five (5) feet (unobstructed)
Minimum Side Yard Required: (other side)	Three 1/2 feet (3.5) feet
Minimum Rear Yard Required:	Five (5) feet

18.11.050 Special Yard Conditions. No building shall be located on any site so that the rear of the building fronts a street. The maximum site coverage of any parcel shall be seventy (70) percent of the site. This percentage shall include all buildings, carports, patios, and open spaces.

SECTION 7. Chapter 18.12 of the Suisun City Municipal Code is hereby amended by deleting sections 18.12.020 (J) and 18.12.030 (H) and adding a new section 18.14.020 (J) to read in its entirety as follows:

~~18.12.020 (J) Family emergency and family transitional housing that provides assistance for six or more persons.~~

18.12.020 (J) Transitional and supportive housing in one-family dwellings, duplexes, condominium-type dwellings, and multiple dwellings shall be allowed and shall be subject to the same standards as other similar dwellings.

~~18.12.030 (K) Family emergency and family transitional housing that provides assistance for seven or more persons.~~

SECTION 8. Chapter 18.14 of the Suisun City Municipal Code is hereby amended by amending section 18.14.020 (I) and deleting section 18.14.030 (J) to read in its entirety as follows:

18.14.020 (I) Transitional and supportive housing in one-family dwellings, duplexes, and condominium-type housing shall be allowed and shall be subject to the same standards as other similar dwellings;

18.14.030 (J) Family emergency and family transitional housing that provides assistance for seven or more persons.

SECTION 9. Chapter 18.16 of the Suisun City Municipal Code is hereby amended by adding section 18.16.020 (G) to read in its entirety as follows:

18.16.020 (G) Transitional and supportive housing in single-family dwellings and duplexes shall be allowed and shall be subject to the same standards as other similar dwellings.

SECTION 10. Chapter 18.17 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

CHAPTER 18.17 HISTORIC LIMITED COMMERCIAL (HLC)

18.17.010 Intent.

This district applies to an area south of the Town Square facing Main Street and east to Kellogg Street. This area is currently predominantly residential but is expected to gradually convert to commercial and/or office uses. It also applies to the parcels, which back up to the Southern Pacific railroad tracks, fronting West Street, across from the predominantly residential HR District. Because most of the structures are historic and still occupied by residential uses, commercial conversions of these should preserve the significant historical characteristics of the buildings and avoid adverse impacts to the nearby residences. Therefore, office and commercial uses should be low intensity in nature and occur as conversions, rather than replacement of these structures.

The intent of this district is to provide for a number of commercial and office uses, which are compatible with residential uses. Generally, residential and public uses are permitted and commercial/office uses are listed as Conditional Uses. Commercial uses for which a valid City business license has been issued, which are existing at the time of adoption of this document are considered to be conforming uses and do not require a Conditional Use Permit to continue.

18.17.020 Permitted Uses:

A. Single family dwellings
B. Duplexes or attached single family dwellings
C. Public buildings
D. Buildings or uses clearly accessory or incidental to a Permitted Use
E. Small family day care homes
F. State licensed residential care homes which provide care for six (6) or fewer persons.
G. Park, playground
H. Transitional and supportive housing in one-family dwellings shall be allowed and shall be subject to the same standards as other one-family dwellings.

18.17.030 Conditional Uses:

A. Antique shop
B. Arts and crafts gallery or studio
C. Bookstore
D. Church

E. Custom dressmaker or tailor
F. Florist shop
G. Interior decorator
H. Multi-family dwellings
I. Museum
J. Nursing home, rest home, convalescent home, congregate care, assisted living center
K. Optical shop, opticians
L. Printing, publishing
M. Photographic studio
N. Professional offices (accountants, architects, attorneys, insurance agents, physicians and similar business offices not involving retail sales)
O. Bed and breakfast inns
P. Large family day care homes
Q. State licensed residential care homes providing care for seven (7) or more persons
R. Small appliance repair
S. Medical/Dental/Optical laboratory
T. Catering service
U. Shoe repair
V. Non-automotive related personal and business services
W. Reupholstery, furniture repair, antique refinishing
X. Generally: Any other limited commercial, service, or public use similar in nature, function and operation to listed Conditional Uses and is found by the Planning Division to be consistent with the intent of this district and the Goals and Policies of the Specific Plan.

18.17.040 Use Permit Approval Requirements:

Standard Conditions of Use Permit approval in the HLC District:

A. The use will provide off-street parking for the occupant and any employees.
B. The use will not generate automobile traffic at a level that would create a nuisance for the surrounding residential uses.
C. The use will not create noise at a level, which exceeds the City standards or creates a nuisance to the surrounding use.
D. The mixing of residential and use-permitted commercial occupancies in the same structure is permitted, provided business and residential occupancies do not share common accessways or restroom or kitchen facilities.

18.17.050 Height Bulk, Setback and Development Standards.

As specified by the Development Standards authorized by Chapter 7 of the Downtown Waterfront Specific Plan.

18.17.060 Exceptions to standard Zoning Ordinance Requirements:

Due to the unique conditions of design and construction in the HLC District where structures were sometimes built close to lot lines, densities are mixed, and parcel configurations have changed over the years, it is sometimes in the public interest to provide for a higher quality of design and/or enhance the historic character of this neighborhood by making an exception to normal setback, parking landscaping, fencing and screening requirement, where such an exception does not interfere with the public health or safety. Within the HLC District, where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the Planning Commission may grant an Exception Permit pursuant to Chapter 8. The ***Planning Commission*** shall review all such requests and make a recommendation to the Planning Commission with respect to approval, conditional approval or denial.

18.17.070 Planning Commission Approval:

Planning Commission approval is required for all major construction, enlargement, additions, improvements, alterations, demolitions and removals in the HLC District.

Major alterations, additions or new construction of 500 square feet or less may be approved by the Planning staff. Any such project may be referred to the Planning Commission for their consideration. The procedure, findings and criteria for design review, demolition and removal shall be specified by the Historic Residential District and the design standards of Chapter 7 of the Downtown Waterfront Specific Plan.

18.17.080 Maintenance of Structures and Premises:

All property owners in the HLC District shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This Section is not intended to preclude normal construction activities in conjunction with a valid Building Permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Uniform Building Code.

SECTION 11. Chapter 18.18 of the Suisun City Municipal Code is hereby amended by adding section 18.18.020 (H) to read in its entirety as follows:

18.18.020 (H) Transitional and supportive housing in single-family dwellings and duplexes shall be allowed and shall be subject to the same standards as other similar dwellings.

SECTION 12. Chapter 18.26 of the Suisun City Municipal Code is hereby amended by deleting section 18.26.030 (F) to read in its entirety as follows:

~~18.26.030 (F) Family emergency and family transitional housing.~~

SECTION 13. Chapter 18.28 of the Suisun City Municipal Code is hereby amended by deleting section 18.28.030 (L) to read in its entirety as follows:

~~18.28.030 (L) Family emergency and family transitional housing.~~

SECTION 14. Chapter 18.29 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

CHAPTER 18.29 MAIN STREET COMMERCIAL (MC)

18.29.010 Intent/Purpose

This district is primarily devoted to preserving and enhancing the mix of retail, specialty and related uses traditionally found within the older, central retail districts of small cities. This traditional mix of uses typically consisted of a retail or personal service business in the ground floor storefront facing Main Street; small commercial, professional offices or residential uses could be found on the upper floor(s) and behind the Main Street frontage use. Main Street retailers sold a combination of convenience items and services for everyday needs (e.g., butcher, baker, shoe shop) and specialty items such as clothing, jewelry, gifts and antiques. Restaurants, cafes and similar eating and entertainment establishments were also commonplace. Large bulk retail businesses, such as furniture sales, automotive or wholesale uses were generally found only on the fringes of the Downtown, if at all.

The Town Square area is to be developed to recreate the traditional downtown's "focus". Here, because of the large setback from Main Street and the unique characteristics of the buildings, office uses are expected to locate on the ground floor as well as the upper floors. Businesses and buildings on Main Street shall face or orient toward Main Street; buildings on adjacent streets shall face the Square.

18.29.020 Permitted Uses

Where a "U" is denoted next to a particular use or business on the following list, that use is permitted only on the upper floor(s) or other areas of a building which do not front onto or have direct access to Main Street.)

Main Street.

A. Apparel and accessory stores, not including used items
B. Artist's studio; art supply stores
C. Antique or antique reproductions shop, not including recently manufactured "used furniture" items
D. Bakery, creamery
E. Bookstores
F. Business schools, art, modeling, music and/or dancing studios -- (U)
G. Eating and drinking places where food service is the primary use (restaurants)
H. Florist shops

I. Hardware stores, not including lumber, building materials and the like
J. Paint, decorating and wallpaper stores
K. Beauty, barber shops and salons
L. Delicatessen, sandwich shop
M. Business services, not including establishments engaged in the renting or leasing machinery, tools and other equipment -- (U)
N. Clothing and costume stores
O. Communication services -- (U)
P. Finance, insurance and real estate offices -- (U)
Q. Health services, including medical/dental services -- (U)
R. Optical shop; optometrist
S. Legal and miscellaneous non-medical professional office--M
T. Pet Grooming -- (U)
U. Photographic and portrait studios
V. Printing, publishing and allied industries -- (U)
W. Radio and TV broadcasting
X. Open Space, public access
Y. Shoe stores, shoe repair, shoeshine, hat cleaning/repair and the like
Z. Tax return preparation service --M
AA. Travel agencies
BB. Watch, clock and jewelry sales and repair
CC. Other retail, service, public or quasi-public uses which are similar in nature, function or operation to Permitted Uses listed and which the Planning Division finds to be consistent with the intent of the district.

Town -Square:
Permitted Uses are the same as those listed for Main Street, except that uses permitted on upper floors are also permitted on the ground floor.

18.29.030 Conditional Uses:

A. (Both Main Street and Town Square/Lawler House.)
B. Any use listed as permitted on an upper floor or space without Main Street frontage that is proposed to be established on a ground floor with a Main Street storefront.
C. Bed and Breakfast Inns
D. Commercial amusement or entertainment
E. Entertainment, nightclub and bar/lounge uses where food service is not the primary purpose of the business
F. Food and grocery stores, convenience markets
G. Furniture stores
H. Firehouse, community center, government office, post office
I. Movie theater
J. Reupholstery and furniture repair; antique refinishing
K. Residential dwellings, including apartments and condominiums
L. Generally: Any other retail, service, public or quasi-public use which is similar in nature, function or operation to listed conditional uses and is found by the Planning

Division to be consistent with the intent of this district and the Goals and Policies of the Specific Plan.

M. Transitional and supportive housing in single-family dwellings and duplexes shall be allowed and shall be subject to the same standards as other similar dwellings.

SECTION 15. Chapter 18.30 of the Suisun City Municipal Code is hereby amended by adding section 18.30.020 (S) and deleting section 18.30.030 (I) to read in its entirety as follows:

18.30.020 (S) Emergency Shelter subject to the following provisions:

a) Distance Separation Requirements. No emergency shelter shall be located within 250 feet of any other emergency shelter.

b) Occupancy. An emergency shelter shall not exceed 40 residents, excluding staff.

c) Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

d) Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.

e) Parking Requirements. Emergency shelters shall provide one parking space for every staff member and one parking space for every 10 temporary residents.

f) Management. An emergency shelter must adequately comply with the management standards:

1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.

2. Security shall be provided on site during hours of operation.

3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.

SECTION 16. Chapter 18.32 of the Suisun City Municipal Code is hereby amended by deleting section 18.32.030 (G) to read in its entirety as follows:

~~18.32.030 (G) Family emergency and family transitional housing.~~

SECTION 17. Chapter 18.59 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

Chapter 18.59 REASONABLE ACCOMMODATION

18.59.010 Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Americans with Disabilities Act,

Federal Fair Housing Act, and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, procedures, or conditions of approval.

18.59.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, if the application of a requirement of this zoning ordinance or other city requirement, policy or practice acts as a barrier to fair housing opportunities. This chapter applies to those persons who have "disabilities" as defined under the Acts, which definitions are controlling for the purposes of this chapter. Generally, a person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 18.59.030 of this chapter.

C. A reasonable accommodation will terminate if the accommodation is no longer required, or if the recipient of the accommodation ceases to reside at the property.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance otherwise required by this zoning ordinance.

18.59.030 Application requirements.

A. A request for reasonable accommodation shall be submitted on an application form provided by the community development department or in the form of a letter to the director of community development, and shall contain the following information:

1. The applicant and property owner(s), if different, name, address and telephone number;

2. Address of the property for which the request is being made;

3. The current actual use of the property;

4. The basis for the claim that an individual who resides at the property has a disability protected by the Acts;

5. The zoning ordinance provision, regulation or policy from which reasonable accommodation is being requested;

6. Why the requested accommodation is necessary to make the specific property accessible to the individual(s) with disabilities; and

7. Photos, site plans, drawings, and/or other graphics as may be required to clearly describe the proposed modifications to the property.

B. If the project for which the request for reasonable accommodation is being made also requires other discretionary approval, then the applicant shall file the information required by subsection A together for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other application regulations not at issue in the requested accommodation.

18.59.040 Review authority.

A. Requests for reasonable accommodation shall be reviewed by the director of community development, or designee, if no approval is sought other than the request for reasonable accommodation.

B. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application in accordance with Sections 18.59.050 and 18.59.060.

18.59.050 Review procedure.

A. The director of community development shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation in compliance with Section 18.59.060 of this chapter.

B. If the request for reasonable accommodation is submitted for concurrent review with a discretionary land use application, the written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application. The written determination to grant or deny the request for reasonable accommodation shall be made in compliance with Section 18.59.060 of this chapter.

18.59.060 Findings and decision.

A. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual with disabilities protected under the Acts;

2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;

4. Whether the requested accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to, building, land use, nuisance, and zoning law.

B. In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection A. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

18.59.070 Appeal of determination.

A determination to grant or deny a request for reasonable accommodation may be appealed to the planning commission, in compliance with Chapter 18.76 of the Suisun City Municipal Code.

SECTION 18. Chapter 18.65 is proposed to be added to the Suisun City Municipal Code and is to read in its entirety as follows:

Chapter 18.65 DENSITY BONUSES

18.65.005 Definitions.

For purposes of this chapter, the following definitions apply:

"Affordable housing cost" has the definition set forth in California Health & Safety Code section 50052.5.

"Affordable rent" has the definition set forth in California Health & Safety Code section 50053.

"Child care facility" means a 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.

"Common interest development" has the definition set forth in California Civil Code section 1351.

"Concession" or "Incentive" means any of the following:

1. 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, as provided in Part 2.5 (the State Building Code commencing with Health & Safety Code § 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient and actual cost reductions. This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

"Housing development" means a development project for five or more residential units.

"Housing development" also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households" has the definition set forth in California Health & Safety Code section 50079.5.

"Maximum allowable residential density" means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

"Moderate income households" has the definition for "persons or families of moderate income" set forth in California Health & Safety Code section 50093(b).

"Multifamily dwelling" has the definition set forth in California Government Code section 65863.4(d).

"Senior citizen housing development" has the definition set forth in California Civil Code section 51.3.

"Specific, adverse impact" has the definition set forth in California Government Code section 65589.5(d)(2).

"Very low income households" has the definition set forth in California Health & Safety Code section 50105.

18.65.010 General density bonus provisions.

A. Application. Any person that desires a density bonus must make an application on a form approved by the director of community development at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.

B. Incentives and concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city must provide the applicant incentives or concessions for the production of housing units and child care facilities as provided in this chapter.

C. Available density bonus options. The planning commission or city council will grant one density bonus, the amount of which will be as specified in Section 18.65.030, and incentives or concessions as described in Section 18.65.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:

1. 10 percent of the total units of a housing development for lower income households.

2. 5 percent of the total units of a housing development for very low income households.

3. 10 percent of the total dwelling units in a common interest development for moderate income households, provided that all units in the housing development are offered to the public for purchase.

4. A senior citizen housing development.

As used in this subsection, "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this chapter.

D. Applicant's election of basis for bonus. For purposes of calculating the amount of the density bonus pursuant to Section 18.65.030, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of paragraphs (1), (2), (3) or (4) of subsection (C) of this section.

E. Continued affordability.

1. An applicant must agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units must be set at an affordable rent. Owner-occupied units must be available at an affordable housing cost.

2. An applicant must agree that the initial occupant of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost. The city will require an equity-sharing agreement, unless such an agreement would be in conflict with the requirements of another public funding source or law.

18.65.015 Requirements for equity-sharing agreement.

The following provisions must be included in any equity-sharing agreement required under this chapter:

A. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city will recapture any initial subsidy and its proportionate share of appreciation, which amount must then be used within five years for any of the purposes that promote home ownership, as described in California Health & Safety Code section 33334.2(e).

B. For purposes of this section, the city's initial subsidy will be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale will be used as the initial market value.

C. For purposes of this section, the city's proportionate share of appreciation will be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

18.65.020 Incentives and concessions.

A. An applicant for a density bonus pursuant to Section 18.65.010 may submit a proposal for the specific incentives or concessions that the applicant requests

pursuant to this chapter, and may request a meeting with the director of community development.

B. Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for moderate income households in a common interest development.

2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a common development.

3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a common interest development.

C. The planning commission or city council must grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 18.65.010(E);

2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or

4. The concession or improvement would be contrary to state or federal law.

18.65.025 Waiver or reduction of development standards.

A. An applicant may submit to the city a proposal for the waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 18.65.010(C) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director of community development. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 18.65.020.

B. The planning commission or city council must waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. The waiver or reduction would be contrary to state or federal law.

18.65.030 Calculation of density bonus.

A. The applicant may elect to accept a lesser percentage of density bonus.

B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 18.65.010(C).

C. For housing developments meeting the criteria of Section 18.65.010(C)(1), the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

D. For housing developments meeting the criteria of Section 18.65.010(C)(2), the density bonus will be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30

10	32.5
11	35

E. For housing developments meeting the criteria of Section 18.65.010(C)(4), as senior housing developments, the density bonus will be 20 percent.

F. For housing developments meeting the criteria of Section 18.65.010(C)(3), the density bonus will be calculated as follows:

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

G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

18.65.035 Additional density bonus through donation of land.

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city, as provided for in this section, the applicant will be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

A. This increase will be in addition to any increase in density mandated by Section 18.65.010(C), up to a maximum combined density increase of 35 percent, if an applicant seeks increases required pursuant to both this section and Section 18.65.010(C).

1. All density calculations resulting in fractional units will be rounded up to the next whole number.

2. Nothing in this section will be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

B. An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met:

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

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

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

    a. The land must have appropriate zoning and development standards to make the development of the affordable units feasible.
    b. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.

4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 18.65.010(E)(1) and (2), which restriction will be recorded on the property at the time of the transfer.
5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.
6. The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

18.65.040 Additional density bonus or concession or incentive through provision of child care facility.

A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 18.65.010(C) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the planning commission or city council must grant either of the following:

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

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

B. The planning commission or city council will require, as a condition of approving the housing development that the following occur:

1. The child care facility must remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 18.65.010(E).

3. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 18.65.010(C).

C. Notwithstanding any requirement of this section, the planning commission or city council is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

D. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

E. The granting of a concession or incentive will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

18.65.045 City's discretion in granting density bonus.

Nothing in this chapter will be construed to prohibit the planning commission or city council from granting a density bonus greater than what is described in this chapter for a development that meets the requirements of this chapter, or from granting a proportionately lower density bonus than what is required by this chapter for developments that do not meet the requirements of this chapter.

18.65.050 Parking requirements.

A. Upon the request of the applicant, the city will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 18.65.010(C), that exceeds the following ratios:

1. Zero to one bedrooms: one onsite parking space.
2. Two to three bedrooms: two onsite parking spaces.
3. Four and more bedrooms: two and one-half parking spaces.

B. If the total number of parking spaces required for a development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

C. This section applies to a development that meets the requirements of Section 18.65.010(C), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 18.65.020."

SECTION 19. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, add to, or deletes (as applicable) sections of the Suisun City Municipal Code.

SECTION 20. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 21. Publication. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED, APPROVED, AND ADOPTED as an Ordinance at a regular meeting of the City Council of the City of Suisun City, California, on this 18th day of November 2014.

_____
Pete Sanchez
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on October 21, 2014, and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 18th day of November 2014 by the following vote:

AYES: Councilmembers:_____
NOES: Councilmembers:_____
ABSENT: Councilmembers:_____
ABSTAIN: Councilmembers:_____

WITNESS my hand and the seal of said City this 18th day of November 2014.

_____
Linda Hobson, CMC
City Clerk

KRONICK MOSKOVITZ TIEDEMANN & GIRARD
A LAW CORPORATION

Maximizing Density Through Affordability

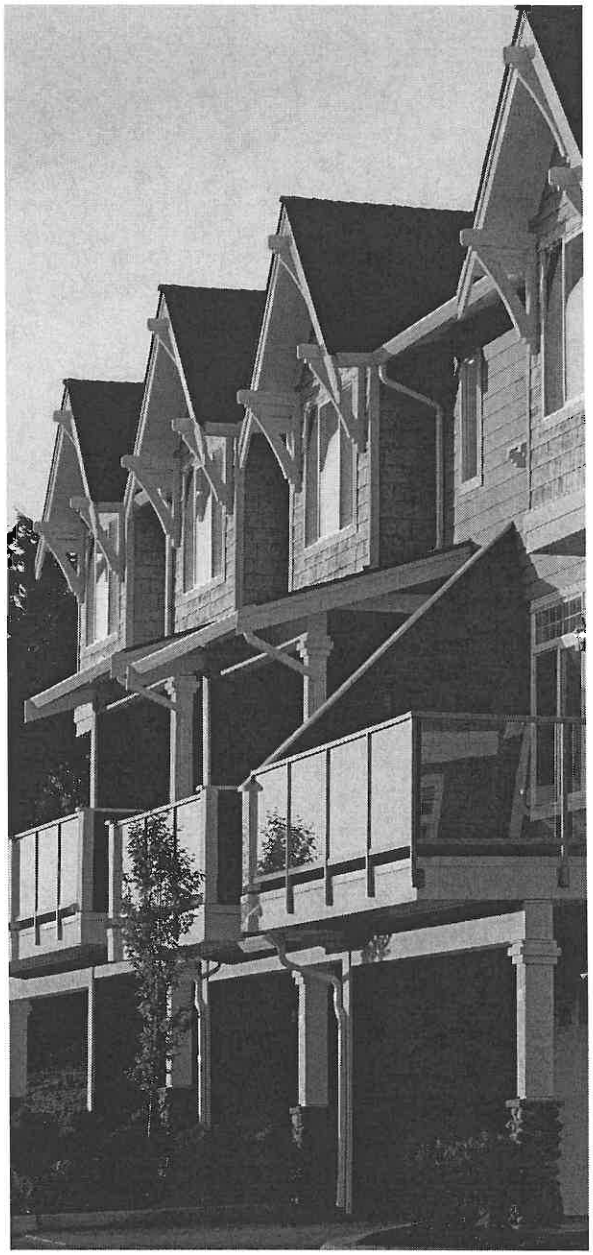
A Developer's Guide to the California Density Bonus Law

By Jon E. Goetz and Tom Sakai

Savvy housing developers are taking advantage of California's Density Bonus Law, a mechanism which allows them to obtain more favorable local development requirements in exchange for offering to build affordable or senior units. The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with powerful tools to encourage the development of affordable and senior housing, including up to a 35% increase in project densities, depending on the amount of affordable housing provided. The Density Bonus Law is about more than the density bonus itself, however. It is actually a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, other incentives and concessions such as reduced setback and minimum square footage requirements, and the ability to donate land for the development of affordable housing to earn a density bonus. Often these other tools are even more helpful to project economics than the density bonus itself, particularly the special parking benefits. Sometimes these incentives are sufficient to make the project pencil out, but for other projects financial assistance is necessary to make the project feasible.

In determining whether a development project would benefit from becoming a density bonus project, developers also need to be aware that:

- The Density Bonus is a state mandate. A developer who meets the requirements of the state law is entitled to receive the density



bonus and other benefits. As with any state mandate, some local governments will resent the state requirement and will attempt to resist. But many local governments like the density bonus as a helpful tool to cut through their own land use requirements and local political issues.

- Use of a density bonus may be particularly helpful in those jurisdictions that impose inclusionary housing requirements for new developments.

How the Density Bonus Works

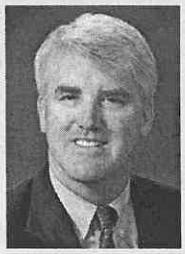
Projects Entitled to a Density Bonus

Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is a mobilehome park age-restricted to senior citizens (no affordable units required).

Density Bonus Amount

The amount of the density bonus is set on a sliding scale, based upon the percentage of affordable units at each income level, as shown in the chart on the following page.



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Jon is an attorney at Kronick Moskovitz Tiedemann & Girard, with 25 years of experience in land use, real estate, affordable housing, redevelopment and municipal law. He represents a broad spectrum of private sector landowners and real estate developers, as well as redevelopment agencies, universities and other public entities in complex real estate development transactions, land use planning, affordable housing and redevelopment transactions. Jon can be reached at:

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Tom Sakai

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tsakai@springbrookadvisors.com

Density Bonus Chart*

Affordable Unit Percentage**	Very Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus	Land Donation Density Bonus	Senior Density Bonus ***
5%	20%	-	-	-	20%
6%	22.5%	-	-	-	20%
7%	25%	-	-	-	20%
8%	27.5%	-	-	-	20%
9%	30%	-	-	-	20%
10%	32.5%	20%	5%	15%	20%
11%	35%	21.5%	6%	16%	20%
12%	35%	23%	7%	17%	20%
13%	35%	24.5%	8%	18%	20%
14%	35%	26%	9%	19%	20%
15%	35%	27.5%	10%	20%	20%
16%	35%	29%	11%	21%	20%
17%	35%	30.5%	12%	22%	20%
18%	35%	32%	13%	23%	20%
19%	35%	33.5%	14%	24%	20%
20%	35%	35%	15%	25%	20%
21%	35%	35%	16%	26%	20%
22%	35%	35%	17%	27%	20%
23%	35%	35%	18%	28%	20%
24%	35%	35%	19%	29%	20%
25%	35%	35%	20%	30%	20%
26%	35%	35%	21%	31%	20%
27%	35%	35%	22%	32%	20%
28%	35%	35%	23%	33%	20%
29%	35%	35%	24%	34%	20%
30%	35%	35%	25%	35%	20%
31%	35%	35%	26%	35%	20%
32%	35%	35%	27%	35%	20%
33%	35%	35%	28%	35%	20%
34%	35%	35%	29%	35%	20%
35%	35%	35%	30%	35%	20%
36%	35%	35%	31%	35%	20%
37%	35%	35%	32%	35%	20%
38%	35%	35%	33%	35%	20%
39%	35%	35%	34%	35%	20%
40%	35%	35%	35%	35%	20%

* All density bonus calculations resulting in fractions are rounded up to the next whole number.
** Affordable unit percentage is calculated excluding units added by a density bonus.
*** No affordable units are required for senior housing units to receive a density bonus.

Required Incentives and Concessions

In addition to the density bonus, the city or county is also required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus (except that market rate senior citizen projects with no affordable units, and land donated for very low income housing, do not appear to be entitled to incentives or concessions). A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed use zoning; or
- Other regulatory incentives or concessions which actually result in identifiable and financially sufficient cost reductions.

The number of required incentives or concessions is based on the percentage of affordable units in the project:

- For projects with at least 5% very low income, 10% lower income or 10% moderate income units, one incentive or concession is required.
- For projects with at least 10% very low income, 20% lower income or 20% moderate income units, two incentives or concessions are required.
- For projects with at least 15% very low income, 30% lower income or 30% moderate income units, three incentives or concessions are required.

The city or county is required to grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive is not required in order to achieve the required affordable housing costs or rents, or would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. Financial incentives, fee waivers and reductions in dedication requirements may be, but are not required to be, provided by the city or county.

Other Forms of Assistance

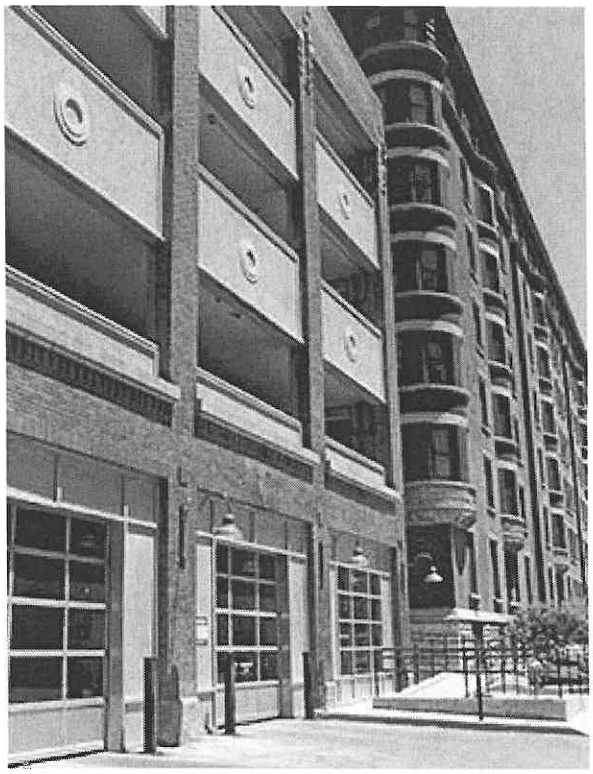
A development qualifying for a density bonus also receives two additional forms of assistance which have important benefits for a housing project:

- **Waiver or Reduction of Development Standards**. If any other city or county development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city or county is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. The city or county is not required to waive or reduce development standards that that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as an incentive or concession. Development standards which have been waived or reduced utilizing this section include setback requirements and lot coverage requirements. This ability to force the locality to modify its normal development standards is sometimes the most compelling reason for the developer to structure a project to qualify for the density bonus.

"This ability to force the locality to modify its normal development standards is sometimes the most compelling reason for the developer to structure a project to qualify for the density bonus."

- **Maximum Parking Requirements**. Upon the developer's request, the city or county may not require more than one onsite parking space for studio and one bedroom units, two onsite parking spaces for two and three bedroom units, and two and one-half onsite parking spaces for units with four or more bedrooms. Onsite spaces may be provided through tandem or uncovered parking, but not onstreet parking. Requesting these parking standards does not count as an incentive or concession, but the developer may request further parking standard reductions as an incentive or concession. This is one of the most important benefits of the density bonus statute. In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units. In higher density developments requiring the use of structured parking, the construction cost of structured parking is very expensive, costing upwards of $20,000 per parking space. While this provision of the density bonus statute can be used to reduce excessive parking requirements, care must be taken not to impact the project's marketability by reducing parking to minimum requirements which lead to parking shortages.

"In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units."



Affordable Housing Restrictions

- **Rental Units**. Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for those units. The income and rent restrictions must remain in place for a 30 year term, or a longer period if required by the terms of other subsidies received by the project. Rents must be restricted as follows:
  - For very low income units, rents may not exceed 30% x 50% of the area median income for a household size suitable for the unit.
  - For lower income units, rents may not exceed 30% x 60% of the area median income for a household size suitable for the unit.
  - Area median income is determined annually by regulation of the California Department of Housing and Community Development, based upon median income regulations adopted by the U.S. Department of Housing and Urban Development.
  - Rents must include a reasonable utility allowance.
  - Household size appropriate to the unit means 1 for a studio unit, 2 for a one

bedroom unit, 3 for a two bedroom unit, 4 for a three bedroom unit, etc.

- A list of current affordable rent calculations and income limits for many California counties is available on the Kronick, Moskovitz, Tiedemann & Girard website at www.kmtg.com/publications.

- **For Sale Units**. Affordable for sale units must be sold to the initial buyer at an affordable housing cost. All housing related costs generally may not exceed 35% x 110% of the area median income for a household size suitable for the unit. Housing related costs include mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, maintenance costs, and space rent.

  - Buyers must enter into an equity sharing agreement with the city or county, unless the equity sharing requirements conflict with the requirements of another public funding source or law. The equity sharing agreement does not restrict the resale price, but requires the original owner to pay the city or county a portion of any appreciation received on resale.

  - The city/county percentage of appreciation is the purchase price discount received by the original buyer, plus any down payment assistance provided by the city/county. (For example, if the original sales price is $200,000, and the original fair market value is $250,000, and there is no city/county down payment assistance, the city/county subsidy is $50,000, and the city/county's share of appreciation is 20%).

  - The seller is permitted to retain its original down payment, the value of any improvements made to the home, and the remaining share of the appreciation.

  - The income and affordability requirements are not binding on resale purchasers (but if other public funding sources or programs are used, the requirements may apply to resales for a fixed number of years).

  - A list of current affordable housing cost calculations and income limits for many California counties is available at the Kronick, Moskovitz, Tiedemann & Girard website at www.kmtg.com/publications.

How the Density Bonus Works for Senior Projects

As shown in the Density Bonus Chart above, a senior citizen housing development meeting the requirements of Section 51.3 or 51.12 of the Civil Code qualifies for a 20% density bonus. This is a very desirable option for senior housing developments. In jurisdictions where the local ordinances do not reduce the parking requirements for senior housing developments, the reduced parking requirements alone may justify applying for a density bonus.

"In jurisdictions where the local ordinances do not reduce the parking requirements for senior housing developments, the reduced parking requirements alone may justify applying for a density bonus."

How the Density Bonus Works for Condominium Conversion Projects

The density bonus statute provides for a density bonus of up to 25% for condominium conversion projects providing at least 33% for the total units to low or moderate income households or 15% of the units to lower income households. Many condominium conversion projects are not designed in a manner that allows them to take advantage of the opportunity to construct additional units, but some projects may find this helpful. While condominium conversions are not presently a viable development alternative, this provision may be of some value in limited situations in the future.

How the Density Bonus Works for Child Care

Housing projects that provide child care are eligible for a separate density bonus equal to the size of the child care facility. The child care facility must remain in operation for at least the length of the affordability covenants. A percentage of the child care spaces must also be made available to low and moderate income families. A separate statute permits cities and counties to grant density bonuses to commercial and industrial projects of at least 50,000 square feet, when the developer sets aside at least 2,000 square feet in the building and 3,000 square feet of outside space for a child care facility. See Government Code Section 65917.5 for additional details.

How to Obtain a Density Bonus Through Land Donation

Many market rate housing developers are uncomfortable with building and marketing affordable units themselves, whether due to their lack of experience with the affordable housing process or because of their desire to concentrate on their core market rate homes. Other developers may have sites that are underutilized in terms of project density. The density bonus law contains a special sliding scale bonus for land donation which allows those developers to turn over the actual development of the affordable units to local agencies or experienced low income developers. The density bonus is available for the donation of at least an acre of fully entitled land, with all needed public facilities and infrastructure, and large enough for the construction of a high density very low income project containing 10% of the total homes in the development. The parcel must be located within the boundary of the proposed development or, subject to the approval of the jurisdiction, and within one-fourth mile of the boundary of the proposed development. The more units that can be built on the donated land, the larger the density bonus. Because of the parcel size requirements, this option is only practical for larger developments. The land donation density bonus can be combined with the regular density bonus provided for the development of affordable units, up to a maximum 35% density bonus. A master planned community developer needs to carefully evaluate the land donation option as opposed to engaging an affordable housing developer to fulfill the project's affordable housing obligations. In many cases the master developer

will prefer to control the affordable component of the project through a direct agreement with the affordable housing developer, rather than allowing the local government to control the project.

How the Density Bonus Can Help in a Friendly Jurisdiction

While the density bonus law is often used by developers to obtain more housing than the local jurisdiction would ordinarily permit, it can also be a helpful land use tool in jurisdictions which favor the proposed project and want to provide support. Planners in many cities and counties may be disposed by personal ideology or local policy to encourage the construction of higher density housing and mixed use developments near transit stops and downtown areas, but are hampered by existing general plan standards and zoning from approving these sorts of projects. Elected officials often support these projects too, but may find it politically difficult to oppose neighborhood and environmental groups over the necessary general plan amendments, zoning changes and CEQA approvals.

"The density bonus can provide a useful mechanism for increasing allowable density without requiring local officials to approve general plan amendments and zoning changes."

The density bonus can provide a useful mechanism for increasing allowable density without requiring local officials to approve general plan amendments and zoning changes. A project that satisfies the requirements of the density bonus law often can obtain the necessary land use approvals through the award of the density bonus units and requested concessions and incentives, without having to amend the underlying land use requirements. Friendly local officials may encourage the use of the density bonus to "force" the jurisdiction to approve a desired project.

How the Density Bonus Law Can Help in a Hostile Jurisdiction

It is important to know that the density bonus is a state law requirement which is mandatory on cities and counties, even charter cities which are free from many other state requirements. A developer who meets the law's requirements for affordable or senior units is entitled to the density bonus and other assistance as of right, regardless of what the locality wants (subject to limited health and safety exceptions). The density bonus statute can be used to achieve reductions in development standards or the granting of concessions or incentives from jurisdictions that otherwise would not be inclined to grant those items. Examples might include a reduction in parking standards if those standards are deemed excessive by the developer, or other reductions in development standards if needed to achieve the total density permitted by the density bonus.

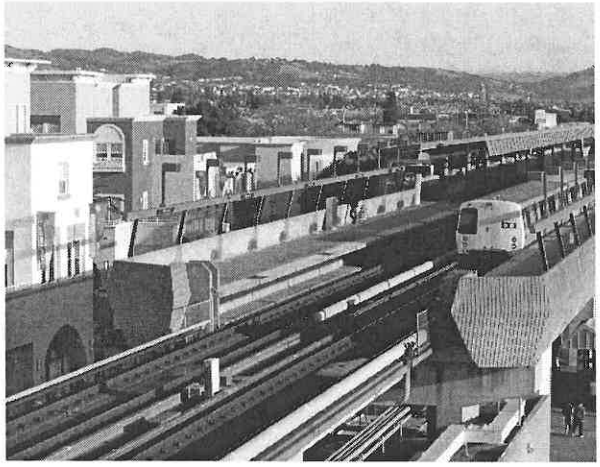
Developers who nonetheless encounter hostility from local jurisdictions are provided several tools to ensure that a required density bonus is actually granted. Developers are entitled to an informal meeting with a local jurisdiction which fails to modify a requested development standard. If a developer successfully sues the locality to enforce the density bonus requirements, it is entitled to an award of its attorneys' fees. The obligation to pay a developer's attorneys' fees is a powerful incentive for local jurisdictions to voluntarily comply with the state

"A developer who meets the law's requirements for affordable or senior units is entitled to the density bonus and other assistance as of right, regardless of what the locality wants."

law density bonus requirements, even when the jurisdiction is not in favor of its effects on the project.

CEQA Issues in Density Bonus Projects

Although there is no specific density bonus exemption from the California Environmental Quality Act, many density bonus projects are likely candidates for urban infill and affordable housing exemptions from CEQA. One commonly invoked exemption is the Class 32 urban infill exemption found in CEQA Guidelines Section 15332. That exemption is available if the project is consistent



with applicable general plan designation and zoning, the site is five acres or less and surrounded by urban uses, is not habitat for endangered, rare or threatened species, does not have any significant effects relating to traffic, noise, air quality or water quality, and is adequately served by utilities and public services. Other exemptions are available for high density housing projects near major transit stops (CEQA Guidelines Section 15195) and affordable housing projects of up to 100 units (CEQA Guidelines Section 15194).

A recent case, *Wollmer v. City of Berkeley*, clarified the use of the CEQA infill exemption for density bonus projects. In that case, an opponent of a Berkeley density bonus project challenged the City's use of the urban infill exemption on the grounds that the City's modifications and waivers of development standards, as required under the density bonus law, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the density bonus law did not disqualify the project from claiming the exemption.

Not all density bonus projects will qualify for one of these CEQA exemptions, however. Sometimes the additional density provided to non-exempt projects may bring the project out of the coverage of an existing CEQA approval for a general plan, specific plan or other larger project. For instance, if a previously approved environmental impact report analyzed a 100 unit project as the largest allowed under existing zoning, but the developer is able to qualify for 120 units with a density bonus, the existing EIR may not cover the larger project. The larger density bonus project may require additional CEQA analysis for approval.

Using the Density Bonus to Satisfy Inclusionary Housing Requirements

Many of California's cities and counties have adopted inclusionary housing ordinances, which typically require that a specified percentage of units in a new housing development be restricted as affordable units. The inclusionary requirements significantly reduce income from rental units and sales prices of for-sale homes. In today's tight housing market, compliance with local inclusionary requirements may make many projects economically infeasible. The density bonus provides one method for developers to improve the economics of their project while still complying with the inclusionary

housing requirements. While there are some local agencies which believe that inclusionary units do not qualify for density bonuses, it is generally understood that the density bonus is intended by state law to be a powerful financial tool to help developers achieve the inclusionary housing requirements.

"In today's tight housing market, compliance with local inclusionary requirements may make many projects economically infeasible. The density bonus provides one method for developers to improve the economics of their project while still complying with the inclusionary housing requirements."

Local inclusionary housing ordinances are currently in a state of uncertainty due to recent case law. One recent case, *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 175 Cal. App. 4th 1396 (2009), held that inclusionary housing requirements violate the Costa-Hawkins Act, which allows owners of residential rental housing to establish the initial rental rates for housing units without being subject to government rent limits. However, there are exceptions to the Costa-Hawkins rent control prohibition for developers who receive assistance under the density bonus law or who receive direct financial assistance from a public agency. Localities with inclusionary housing ordinances may welcome a developer's use of the density bonus law because this will effectively prevent the developer from challenging the applicability of the inclusionary housing ordinance.

Density Bonus – A Flexible Tool

The Density Bonus Law can be a powerful tool for a variety of different types of development projects, whether they are traditional affordable housing projects, predominantly market rate housing developments, or senior projects. Obtaining greater density can help the developer of any type of project bring costs and financing sources into line by putting more homes on the land, reducing the per unit land costs. Use of the favorable parking requirements can reduce the amount of costly land needed for parking. The incentives and concessions to be provided by the local government can provide a helpful way to modify development requirements which may stand in the way of a successful project. Of course there is a price to pay for these benefits - the affordable units needed to earn the density bonus. Each developer will need to make a cost-benefit determination whether the cost of compliance is worth the benefits. But the Density Bonus Law is unquestionably a useful option for housing developers trying to make financial sense of their projects in today's economy.

Density Bonus Statutes

Please refer to pages 11 through 16.

Density Bonus Statutes

Government Code Sections 65915 – 65918. Effective as of January 1, 2012

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

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

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

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

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), 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 home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the

development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

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

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

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

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

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

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

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

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

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county 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 density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels . The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) 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 as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) 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 the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "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, 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.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5 (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of

floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures. For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF SUISUN CITY
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CA 94585

(707) 421-7337 PHONE
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MEMORANDUM

DATE: October 14, 2014

TO: Planning Commission

FROM: John Kearns, Associate Planner

SUBJECT: Project Updates

Below is a brief update of on-going projects:

- General Plan/Zoning Ordinance (see attached for more information)
- Downtown Waterfront Specific Plan
  - Community Involvement efforts are beginning with BID Board meeting on October 14.
- Housing Element
  - Administrative Draft due to staff by the end of the month.
  - Public review draft to Commission and City Council November/December.

Staff would appreciate the input of the Commission regarding any other types of items the Commission would appreciate updates on.

City of Suisun City
Draft 2035 General Plan and Draft 2035 General Plan Environmental Impact Report

The City of Suisun City is pleased to announce the public release of the draft 2035 General Plan Environmental Impact Report (EIR) and the 2035 General Plan.

The General Plan is a set of comprehensive, long-term guidance for the physical development of the community. State law requires each California city and county to prepare a general plan. The general plan must be geographically comprehensive, addressing all areas relevant to its planning. The general plan must also be comprehensive in topical content, addressing the full range of issues that affect the jurisdiction's physical development. In order to better address the emerging vision of the community; respond to changes in the legislative, regulatory, and economic environment; provide updated long-term guidance for development and conservation; and, take advantage of state-of-the-art planning analysis and policy development, the City initiated a comprehensive General Plan update in 2010. The intent of the General Plan update is to provide policy guidance that will achieve the community's vision for the future.

The General Plan Environmental Impact Report (EIR) evaluates the adverse physical environmental impacts that would occur through implementation of the 2035 General Plan. An EIR is a public information document that presents environmental impact analysis, identifies feasible measures to mitigate significant impacts, and presents feasible alternatives that can reduce or avoid significant environmental effects. The draft EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), as well as relevant case law.

The draft EIR describes significant and unavoidable impacts related to: conflict with existing zoning and Williamson Act contracts, long-term operational air pollution emissions, short-term, construction-related air pollutant emissions, destruction or damage to archaeological resources, paleontological resources, or human remains, energy demands and need for energy-related infrastructure, flood hazards from placement of structures within a 100-year floodplain or from levee failure, temporary, short-term exposure of sensitive receptors to construction noise, long-term noise exposure for noise-sensitive land uses, vibration levels, displacement of people or housing, demand for water supply treatment and conveyance facilities, wastewater collection, conveyance, and treatment plant facilities, storm water drainage facilities, scenic vistas and visual resources, existing visual character, and nighttime lighting and daytime glare. The draft EIR also describes significant and unavoidable cumulative impacts related to: impacts of climate change, roadway traffic capacity for Caltrans and non-Caltrans routes, aesthetics, air quality-construction emissions, air quality –operational emissions, toxic air contaminants-roadways and railroad, energy, hydrology and water quality-flood protection, and water supply.

The City will hold three community workshops to solicit input on the Draft General Plan Update on Monday October 20, 2014, Wednesday October 22, 2014 and Tuesday October 28, 2014 (each beginning at 7:00 P.M.). Below is the meeting schedule:

October 20th
Special Planning Commission Meeting
Joseph Nelson Community Center
611 Village Drive
Suisun City, CA 94585

October 22nd
Special Parks and Rec. Commission Meeting
Joseph Nelson Community Center
611 Village Drive
Suisun City, CA 94585

October 28th
City Council Meeting
Suisun City Council Chambers
701 Civic Center Boulevard
Suisun City, CA 94585

To review the General Plan Update and EIR please visit www.suisun.com . The General Plan and EIR are also available for review at City Hall and at the Suisun City Branch of the Solano County Library:

Suisun City Hall 701 Civic Center Boulevard Suisun City, CA 94585 (707) 421-7335	Suisun City Library 601 Pintail Drive Suisun City, CA 94585 1 (866) 572-7587

Please forward comments or questions on either document to:

City of Suisun City Community Development Department
Attn: John Kearns
701 Civic Center Boulevard
Suisun City, CA 94585
jkearns@suisun.com

The City will respond in writing to all comments pertaining to the adequacy of the draft EIR received by Monday, November 24, 2014 by 5:00 p.m.