EXHIBIT A

§ 9.01.030 Applicability.

All land, buildings and structures within the incorporated portions of the city, with the exception of land, buildings or structures owned by the city, shall be used only as hereinafter provided. No use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this title or by other applicable ordinances of the city.

A. Private Projects.

1. No privately owned or leased land, building or structure shall be used, constructed, altered, or maintained, except in conformance with the provisions of this title.

2. No use that requires a permit or approval under the provisions of this title shall be established or operated until the permit or approval is finally granted, and all conditions of the permit or approval have been complied with.

3. No use that requires a permit or approval under the provisions of this title shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or approval.

B. Public Projects. Unless otherwise exempted, federal, state, county, and any other governmental projects, other than a city project, shall be subject to the provisions of this title, including projects operated by any combination of these agencies, or by a private person for the benefit of any such governmental agency.

C. Legal Procedure. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be and the same is declared to be unlawful and a public nuisance, and the city attorney, the district attorney or other proper official may immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and may take such other steps, and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this title. It shall be the right and duty of every citizen to participate and assist city officials in the enforcement of the provisions of this title.

D. Applicable Standards.

1. In determining whether to approve or disapprove an application for a land development application which was accepted prior to the effective date of this title, the planning division shall apply those ordinances, policies and standards

in effect when the complete application was accepted, except that lapse of approvals and extensions of time shall be governed by the provisions of Section 9.02.230 of this title.

2. The approval or conditional approval of a development application shall not limit the authority to impose the then current conditions, codes and standards with respect to subsequent approvals, extensions or permits necessary for the development at the time of such request, unless otherwise prohibited by law.

§ 9.02.040 General plan amendments.

A. Purpose and Intent. As conditions within the city change, it may, from time to time, become necessary to amend the general plan to enhance its effectiveness. In addition, state law requires that the general plan be periodically updated. The purpose of this section is to provide a method for amending the general plan to ensure its continued effectiveness.

B. Authority. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments. The city council may amend all or part of the general plan, or any element thereof. All zoning districts, any specific plan and other plans of the city that are applicable to the same areas or matters affected by the general plan amendment, and which by law must be consistent with the general plan, shall be reviewed and amended concurrently as necessary to ensure consistency between the general plan and implementing zoning, specific plans, and other plans.

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

D. Initiation of Amendments to the General Plan. An amendment to the general plan or any element thereof may be initiated by any of the following actions:

1. Recommendation of the planning commission and city council concurrence;
2. Recommendation of the city council; and
3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications. Applications for amendment limited to changes in goals, objectives, policies and implementing actions may be submitted by any affected party. General plan amendment actions for any element, as necessary, will occur on approximately a quarterly basis.

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

F. Authority and Hearings. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments.

1. Planning Commission Review.

a. A public hearing before the planning commission shall be noticed in accordance with Section 9.02.200 of this chapter and held within a reasonable time (unless otherwise specified by state law), after the close of the quarterly filing period in which a privately initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the city council in the case of a city-initiated amendment.

b. The planning commission shall make a written recommendation on the proposed amendment to approve, approve in modified form or disapprove.

c. Planning commission action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, within 10 consecutive calendar days after the planning commission's recommended disapproval or unless the city council assumes jurisdiction by the request of any member thereof, prior to the end of the 10 day appeal period.

2. City Council Review and Action. A public hearing before the city council shall be noticed in accordance with Section 9.02.200 of this chapter and held on the earliest appropriate date after the recommendation of the planning commission to approve a proposed general plan amendment or appeal of a decision by the planning commission to disapprove a proposed general plan amendment or a decision by the city council or at least two council members to hear the matter. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to council action, any substantial modification proposed by the city council which was not previously considered by the planning commission shall first be referred to the planning commission for its recommendation. Failure of the planning commission to report within 45 calendar days, or within the time period set by the city council, shall be deemed a recommendation for approval.

G. Required Findings. An amendment to the text or maps of the general plan may be made if:

1. The proposed general plan amendment will promote public health, safety, and welfare;
2. The proposed general plan amendment will not eliminate or omit any mandatory element of the general plan;
3. The proposed general plan amendment will not create any internal inconsistencies within the general plan;
4. The proposed general plan amendment was adequately reviewed under the California Environmental Quality Act; and
5. The proposed general plan amendment is in the public interest.

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

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

B. Initiation of Amendments to Zoning Districts and Other Provisions of Title 9. An amendment to this title, including the zoning classification or redistricting of any property may be initiated by any of the following actions:

1. Recommendation of staff or the planning commission;
2. Recommendation of the city council;
3. An application from a property owner or his authorized agent, relating to the owner's property, filed with all required applications; or
4. An application from any affected party, which does not request redistricting of property.

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

D. Authority.

1. Authority for approval of amendments to this title, including amendments to the zoning atlas (relating to change in zoning classification or redistricting), shall be vested in the city council. Amendments to this title may be adopted by the city council in the same manner as other ordinances, except when an amendment is proposed to the zoning atlas by changing any property from one zone classification to another or proposes, removes or modifies any of the following regulations, then the public hearing procedures of Section 9.02.200 of this chapter shall be followed. The proposed removal or modification of the following regulations shall be subject to the hereinafter prescribed public hearing procedures:

a. Regulating the use of buildings, structures and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources and other purposes;
b. Regulating signs and billboards;
c. Regulating all of the following:

i. The location, height, bulk, number of stories, and size of buildings and structures,

ii. The size and use of lots, yards, courts and other open spaces,
iii. The percentage of a lot which may be occupied by a building or structure,
iv. The intensity of land use;

d. Establishing requirements for off-street parking and loading;
e. Establishing and maintaining building setback lines;
f. Creating civic districts around civic centers, public parks, public buildings, or public grounds, and establishing regulations for those civic districts.

2. The community development director and planning commission shall provide recommendations to the city council regarding amendments which require public hearings, as hereafter described:

a. Planning Commission Review.

i. A public hearing by the planning commission shall be noticed and held, as required by state law and this title, after a privately initiated application is deemed complete and after required environmental documentation has been completed.

ii. The planning commission shall render its decision in the form of a written recommendation to the city council, approving, approving with modifications or disapproving the proposed amendment, taking into account whether the proposed amendment will provide a public benefit to the community beyond those that may be unilaterally imposed by the city through the traditional exaction process. The recommendation shall include the reasons for the recommendation and the relationship of the proposed amendment to the general plan and any applicable specific plan. If the planning commission's recommendation is for the city council to approve the proposed amendment, then the recommendation shall include findings regarding the public benefits that will be provided by the applicant under this section.

iii. Planning commission action recommending disapproval of a proposed amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, or unless the city council assumes jurisdiction by the request of at least two council members, prior to the end of the appeal period.

b. City Council Review and Action. When a public hearing is required before the city council, it shall be duly noticed and held after the recommendation of the planning commission to approve a proposed amendment to this title, including amendments to the zoning atlas, or following appeal of a decision by the planning commission to disapprove a proposed amendment to this title, including amendments to the zoning atlas, or if the city council or a council member elects to have the matter set for a public hearing after a planning commission recommendation of disapproval. The city council may approve,

approve with modifications, or disapprove any proposed amendment. Prior to city council action, any modification not previously considered by the planning commission shall first be referred to the planning commission for report and recommendation, unless the modification(s) pertain to the public benefits requirement as described in this section. Failure by the commission to report within 45 days, or such longer period, as may be designated by the city council, shall be deemed a recommendation for approval of the proposed modification.

E. Required Determinations. Amendments to this title, including amendments to the zoning atlas, may be made if:

1. The proposed amendment is consistent with the general plan and its goals, objectives, policies, and programs, and with any applicable specific plan;
2. The proposed amendment will not adversely affect the public health, safety or general welfare;
3. The proposed amendment is consistent with the purposes and intent of this title; and
4. The proposed amendment will provide public benefits to the general community beyond those that may be unilaterally imposed by the city through the traditional exaction process, which will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children.

G. Prezoning.

1. For the purpose of establishing prezoning which shall become effective at the same time the annexation becomes effective, property, outside of and adjoining the corporate boundaries of the city, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed in subsections B, C and D of this section.

2. Upon passage of an ordinance establishing the applicable prezoning designation for adjoining property outside the city, the zoning atlas shall be revised to identify each district or districts applicable to such property with the label "Pre-" in addition to such other map designation, as may be applicable.

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

I. Interim Zoning.

1. Without following the procedures otherwise required prior to adoption of an amendment to this title, including an amendment to the zoning map, the city council may, in order to protect the public health, safety and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a

contemplated general plan, specific plan or zoning proposal which the city council or planning commission is considering, studying or is intending to study within a reasonable time.

2. Adoption of such an urgency measure shall require a four-fifths vote of the city council for adoption.

3. An interim ordinance adopted pursuant to the provisions of this subsection shall be of no further force and effect 45 days from the date of adoption thereof; provided, however, that after notice pursuant to California Government Code Section 65090 and a public hearing, the city council may extend such interim ordinance for a period of 10 months and 15 days, and subsequently extend the interim ordinance for an additional one year. Any such extension shall also require a four-fifths vote for adoption. Not more than the two extensions described in this subsection may be adopted.

4. Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Government Code Section 65090 of the State Planning and Zoning Law and hearing, in which case, it shall be of no further force and effect 45 days from its date of adoption; provided, however, that after notice pursuant to Government Code Section 65090 and public hearing, the city council may, by a four-fifths vote, extend such interim ordinance for 22 months and 15 days.

5. When any interim ordinance has been adopted, every subsequent interim ordinance adopted pursuant to this subsection, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension thereof, as provided in this subsection.

6. The city council shall not adopt or extend any interim ordinance pursuant to this subsection unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety or welfare and that approval of additional subdivisions, use permits, variances, building permits or any other applicable entitlements for use which are required in order to comply with an existing zoning ordinance, would result in a threat to the public health, safety or welfare.

7. At least 10 days prior to the expiration of the ordinance or any extension, the community development director shall propose for issuance by the city council a written report on the measures taken to alleviate the condition which led to adoption of the ordinance.

8. Interim zoning shall be designated on the zoning map by reference to the applicable zoning symbols preceded by "I-".

9. For the period of time that the interim zoning ordinance is in effect, the permanent zoning shall be deemed to be superseded. However, the area shall continue to be subject to all other applicable provisions of this title.

10. Upon expiration of an interim zoning ordinance, the permanent zoning shall again be in full force and effect, unless it has been replaced by new permanent zoning.

§ 9.02.230 Expiration dates and extensions of time.

A. Expiration Date. Other than general plan amendments, zone changes, specific plans, specific plan amendments, development agreements, tentative tract maps, and parcel maps, all permits issued under this chapter shall expire 36 months from the permit's approval date, unless a different expiration date is specifically established as a condition of approval of by state or federal law. The permit, however, shall not expire if a building permit has been validly issued and remains operative and in good standing.

B. Extension of Time. The permit holder may request an extension of time, unless otherwise governed or preempted by applicable state or federal law, for an eligible development permit issued under this chapter.

C. Authority. The community development director or designee shall be vested with the final authority to approve any requests for an extension of time only if the permit holder submits a complete city application and pays the required fees at least sixty days before the respective development permit's expiration date. Otherwise, the planning commission shall be vested with the final authority to approve any requests for an extension of time if the permit holder does not submit a complete city application and pays the required fees at least sixty calendar days before the respective development permit's expiration date.

D. Qualifying Circumstances. Unless otherwise governed or preempted by applicable state law, any eligible development permit issued under this chapter may have its expiration date extended under the following circumstances:

1. International embargoes;
2. Pandemics, epidemics, or quarantines;
3. Severe, prolonged weather conditions;
4. National, regional, or local disasters, calamities, or catastrophes;
5. Inability to obtain labor or materials (or reasonable substitutes therefor) at reasonable costs;
6. Failure of, or inability to obtain, utilities necessary for performance of work;
7. Federal, state or county governmental restrictions, orders, limitations, regulations, or controls;
8. Declaration of local, state or national emergencies;
9. Terrorism, insurrection, riots, or civil disturbance;
10. Fire or another casualty;
11. Pending litigation;
12. Settlement agreement in which the City is a named party;
13. Court order; or
14. Any other causes or events beyond the reasonable control of the permit holder.

E. Request for Extension of Time. Before expiration of any given development permit issued under this chapter, a permit holder may request an extension of time for any development permit issued under this chapter under the circumstances outlined in this section subject to the permit holder submitting a complete city application and paying the requisite application fee in the amount determined by the city to be equal to the estimated cost of processing the respective extension of time.

F. Duration. No extension of time shall exceed 180 days, unless approved by the city council, or otherwise provided by applicable state or federal law.

G. Discretion. The community development director or designee may refer any requested extension of time to the planning commission for its review and consideration, and the planning commission may refer any requested extension of time to the city council.

H. Necessary findings. An extension of time may only be approved based on the following findings:

6. The requested extension of time is based on one of the qualifying circumstances outlined in this section;

7. The requested extension of time is consistent with the general plan and any applicable specific plan;

8. The requested extension of time is consistent with any applicable tentative map, tract may or parcel map;

9. The requested extension of time is consistent with any applicable development agreement;

10. The requested extension of time is consistent with the applicable zoning;

11. The requested extension of time is consistent with all applicable mitigation measures and conditions of approval;

12. The requested extension will promote public health, safety, and welfare; and

13. The requested extension of time is in the public interest.

9.03.090. Streamlined ministerial process for parcel maps, Senate Bill 684.

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

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

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

1. The proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units. Accessory dwelling units shall not count as residential units for the purposes of this section.

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

a. The lot is one of the following:

i. Zoned to allow multifamily residential dwelling uses, is no larger than five acres, and is substantially surrounded by qualified urban uses.

ii. Vacant and zoned for single-family residential development, is no larger than one and one-half acres, and is substantially surrounded by qualified urban uses.

(A) For the purposes of this section the following definitions apply,

- "vacant" means having no permanent structure, unless the permanent structure is abandoned and uninhabitable. All of the following types of housing shall not be defined as "vacant":
  - Housing that is subject to a recorded covenant, ordinance, or law that restricts rent or sales price to levels affordable to persons and families of low, very low, or extremely low income.
  - Housing that is subject to any form of rent or sales price control through a local public entity's valid exercise of its police power.

- Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

- "Qualified urban use" has the same meaning as defined in Section 21072 of the Public Resources Code.
- "Substantially surrounded" has the same meaning as defined in paragraph (2) of subdivision (a) of Section 21159.25 of the Public Resources Code.

b. The lot is a legal parcel located within one ~~either~~ of the following:

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

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

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

(A) "Urbanized area" means an urbanized area designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

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

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

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

4. If the parcels are zoned for single-family residential use, the newly created parcels are no smaller 1,200 square feet.

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

a. Constructed on fee simple ownership lots.

b. Part of a common interest development.

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

d. Constructed on land owned by a community land trust. For the purposes of this subparagraph, "community land trust" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that satisfies the following:

i. Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences.

ii. All dwellings and units located on the land owned by the nonprofit corporation are sold to qualified owners to be occupied as the qualified owner's primary residence or rented to persons and families of low or moderate income. For the purpose of this subparagraph, "qualified owner" means a person or family of low or moderate income, including a person or family of low or moderate income who owns a dwelling or unit collectively as a member occupant or resident shareholder of a limited-equity housing cooperative.

iii. The land owned by the nonprofit corporation, on which a dwelling or unit sold to a qualified owner is situated, is leased by the nonprofit corporation to the qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years.

e. Part of tenancy in common, as described in Section 685 of the Civil Code.

6. The proposed development will meet one of the following, as applicable:

f. If the parcel is identified in the city's housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1, the development will result in at least as many units as projected for that parcel in the housing element. If the parcel is identified to accommodate any portion of the city's share of the regional housing need for low- or very low income households, the development will result in at least as many low- or very low income units as projected in the housing element. These units shall be subject to a recorded affordability restriction of at least 45 years.

g. If the parcel is not identified in the city's housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1, the development will result in at least 66 percent of the maximum allowable residential density as specified by local zoning or 66 percent of the applicable residential density specified in subparagraph (B) of paragraph (3) of subdivision (c) od Section 65583.2, whichever is greater.

7. The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet. For purposes of this paragraph, “net habitable square feet” means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

8. The development of a housing development project on the lot proposed to be subdivided does not require the demolition or alteration of any of the following types of housing:

h. Housing that is subject to a recorded covenant, ordinance or law that restricts rent to levels affordable to persons and families of low, very low, or extremely how income.

i. Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.

j. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

k. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

9. The lot proposed to be subdivided is not located on a site that is any of the following:

l. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

m. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

n. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

o. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 of the Health and Safety Code, unless either of the following applies:

i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local

agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

p. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with all applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city.

q. Within a special flood hazard area subject inundation by the one-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site is eligible for streamlined approval under this section, a development may be located on a site described in this paragraph if either of the following ~~are~~ is met:

i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city.

ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

r. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

s. Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 or another adopted natural resource protection plan.

t. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act or the Native Plant Protection Act.

u. Land under conservation easement.

10. The proposed subdivision conforms to all applicable objective requirements of the Subdivision Map Act, except as otherwise expressly provided in this section.

11. The proposed subdivision complies with all applicable standards established pursuant to Section 65852.28.

12. Any parcels proposed to be created pursuant to this section will be served by a public water system and a municipal sewer system.

13. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.

D. Standard Applicability. A housing development project on a proposed site to be subdivided pursuant to this section is not required to comply with either of the following requirements:

1. A minimum requirement on the size, width, depth, frontage, or dimensions of an individual parcel created by the development beyond the minimum parcel size specified in this section.

2. The formation of a homeowner's association, except as required by the Davis-Stirling Common Interest Development Act. This shall not be construed to prohibit the city from requiring a mechanism for the maintenance of common space within the subdivision, including, but not limited to, a road maintenance agreement.

E. Application and Processing.

1. Project applicants choosing to pursue a subdivision/housing development project through a SB 684 Project Application are encouraged to schedule a preliminary project discussion with planning division staff to assess eligibility before submitting a Project Application for the SB 684 review process.

2. The city shall approve or deny an application for a parcel map or tentative map submitted pursuant to California Government Code Sections 65852.28 and 66499.41 within 60 days from the date the city receives a completed application. If the city does not approve or deny a completed application within 60 days, the application shall be deemed approved. If the city denies the application, the city shall, within 60 days from the date the city receives a completed application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

3. The city may deny the issuance of a parcel map, tentative map, or a final map if it makes written finding, based upon a preponderance of evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

4. Through the exercise of the authority contained within California Government Code Sections 66499.41,

a. The city is not required to permit an accessory dwelling unit or junior accessory dwelling unit on the parcels created. If the city chooses to

permit accessory dwelling units or junior accessory dwelling units, the units shall not count as residential units for the purposes of subsection C of this section.

b. The city is not required to permit an urban lot split on the parcels created.

c. The above would not apply to a site located within a single-family residential horsekeeping zone designated in a specified master plan adopted before January 1, 1994, that regulates land zoned single-family horsekeeping, commercial, commercial-recreational, and existing industrial within the plan area.

F. Development Standards.

1. Any housing development project constructed on the lot proposed to be subdivided pursuant to California Government Code Section 66499.41 shall comply with all applicable objective zoning standards, objective subdivision standards, and objective design standards as established by the city that are not inconsistent with California Government Code Sections 65852.28 and 66499.41. The city's objective standards shall not:

a. Physically preclude the development of a project built to densities as specified in subparagraph (B) of paragraph (3) of subdivision (c) of California Government Code Section 68823.2.

b. Notwithstanding the above, for a development located on a lot that meets the definition of clause (ii) of subparagraph (A) of paragraph (2) of subdivision (a) of California Government Code Section 66499.41, a local agency may impose a height limit of no less than the height allowed pursuant to the existing zoning designation applicable to the lot.

c. Impose any requirements that apply to a project solely or partially on the basis that the subdivision or housing development receives approval pursuant to California Government Code Sections 65852.28 and 66499.41.

d. Require a setback between the units, except as required in the California Building Code (Title 24 of the California Code of Regulations).

e. Require that parking be enclosed or covered.

f. f. Impose side and rear setbacks from the original lot line inconsistent with subparagraph (B) of paragraph (2) of subdivision (b) of Section 65852.21.

g. Impose parking requirements inconsistent with paragraph (1) of subdivision (c) of Section 65852.21.

h. For a housing development project consisting of three to seven units, impose a floor area ratio standard that is less than 1.0.

i. For a housing development project consisting of eight to 10 units, impose a floor area ratio standard that is less than 1.25.

G. Building Permit.

1. The city shall issue a building permit for one or more residential units that are part of a housing development project consisting of 10 or fewer units on a lot proposed to be subdivided as a part of a subdivision pursuant to California Government Code Sections 65852.28 and 66499.41, if the applicant for the permit has met both of the following requirements:
    a. The applicant has received a tentative map approval or parcel map approval for the subdivision.
    b. The applicant has submitted a building permit application that the city has deemed complete.
2. At the time of building permit issuance, the applicant shall submit proof (to the satisfaction of the city) of a recorded covenant and agreement enforceable by the city that states that the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.
3. The building permit shall be issued based upon the tentative map or parcel map and its conditions of approval. Any dedication, improvement, and sewer requirements identified in the approved tentative map or parcel map or its conditions of approval shall be guaranteed to the satisfaction of the city at the time the building permit is issued.
4. The city may require security to ensure faithful performance of the requirements identified in the approved tentative or parcel map or its conditions of approval. The amount of security shall be determined by the city and shall not be more 300 percent of the total estimated cost of the improvements or of the acts to be performed. The security shall be provided in either of the following forms, as determined by the city:
    a. Bond or bonds by one more duly authorized corporate sureties.
    b. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
5. The city may deny issuance of a building permit if the building official makes a written finding, based upon a preponderance of evidence, that construction of the proposed structure or structures before recordation of the final map would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

9.02.200. Public hearing and notification procedures.

A. Purpose. This section defines procedures for conducting public hearings for applications pursuant to this title unless otherwise specified in this title. The purpose of this section is to ensure public awareness and full and open public discussion and debate regarding proposed actions pursuant to this title.

B. Public Hearing Date.

1. Where required by state law, and unless otherwise specified in this title, a public hearing on any application shall be scheduled before the planning commission, on the earliest appropriate date.

2. A public hearing upon an application shall be heard before the appropriate hearing body when:

a. The community development director has determined that the application complies with all applicable ordinances and requirements of the city; and

b. All procedures required by the city's rules and procedures for the implementation of the California Environmental Quality Act to hear a matter has been completed.

C. Notice of Hearing. Whenever a public hearing is prescribed in this title, notice of public hearings shall be given by:

1. Publication in a newspaper of general circulation within the city at least 10 calendar days prior to the public hearing;

2. Mailing, at least 10 calendar days prior to the public hearing, to all owners of property within a radius of 600 feet from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner, as contained in the records of the latest equalized Riverside County assessor rolls, shall be used. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the city at least 10 days prior to the hearing;

3. Mailing, at least 10 calendar days prior to the public hearing, or delivering at least 10 calendar days prior to the public hearing, to each local agency expected to provide water, sewer, schools, or other essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;

4. Mailing, at least 10 calendar days prior to the public hearing, or delivering at least 10 calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, to the project applicant and the applicant's authorized representative, if any;

5. Mailing, at least 10 calendar days prior to the public hearing, to any person who has filed a written request with the community development director and has provided the community development director with a self-addressed stamped envelope for that purpose;

6. Whenever a Planning Commission hearing is held for a zoning ordinance or amendment to zoning ordinance, notice of the hearing shall be given as required by this Section, except that the notice shall be published, mailed, and/or advertised at least 20 calendar days prior to the public hearing.

7. For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given by mail to each tenant of the subject property, and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard;

8. Whenever a hearing is held regarding a permit for a drive-through or modification of an existing drive-through facility permit, the city shall provide notice to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. This shall include a notice sent to the city senior center and other agencies and nonprofit entities that provide services to the blind, aged, and disabled communities within the city;

9. The community development director may require that additional notice of the hearing be given in any other manner deemed necessary or desirable by the director or the director's representative to ensure that all notice requirements provided by law for the proposal are complied with;

10. The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

The public review period for a proposed negative declaration or mitigated negative declaration shall be not less than 20 days. When a proposed negative declaration or mitigated negative declaration is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse;

11. All notices of public hearings shall include a description of the project, the identity of the hearing body or officer(s), shall describe the property, and the date, time and place of the scheduled hearing, a statement that application and associated documents and environmental review are available for public inspection at a specified location, and the manner in which additional information and/or testimony may be received.

D. Conduct of Public Hearings.

1. Public hearings held pursuant to the provisions of this title shall be held according to such public hearing rules as the planning commission and city council may, from time to time, adopt.

2. The chairperson of the planning commission and mayor may require that witnesses be sworn.

E. Proceeding Before the City Council. Where the authority for approval is not vested solely with the city council, the decision of the planning commission is considered final and no decision by the city council is required unless an appeal is filed or, prior to the end of the appeal period, the city council assumes jurisdiction by the request of any member thereof.

§ 9.03.050. Density bonus program for affordable housing.

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

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

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

1. A site plan that identifies all units in the project, including the location of the affordable units and the bonus units.

2. A narrative briefly describing the housing development and shall include information on:
    a. The number of units permitted under the general plan;
    b. The total number of units proposed in the project, including the floor area, and the number of bedrooms and bathrooms associated with each dwelling unit. Density bonus units shall have at least the same distribution of bedrooms as the market rate units in the development. Density bonus units shall be constructed concurrently with the construction of market rate units;
    c. Target income of affordable housing units and proposals for ensuring affordability;
    d. The number of bonus units requested based on subsection (E)(3) of this section.

3. Description of any requested incentives, concessions, waivers, or modifications of development standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in subsections G and H of this section, the application shall include a pro forma providing evidence that the requested incentives and concessions result in

identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part of the application in support of a request for an incentive/concession or waiver/ modification of developments standard, including, but not limited to, the cost to the city of hiring a consultant to review said financial data, shall be borne by the developer. The pro forma shall include all of the following items:

a. The actual cost reduction achieved through the incentive;

b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and

c. Other information requested by the community development director. The community development director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.

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

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

1. Agrees to construct and maintain at least five percent of the units dedicated to very low-income households;

2. Agrees to construct and maintain at least 10% of the units dedicated to lower-income households;

3. Agrees to construct and maintain at least 10% of the units in a common interest development (as defined in Section 4100 of the California Civil Code) dedicated to moderate-income households, provided that all units in the development are offered to the public for purchase;

4. Agrees to construct and maintain a senior citizen housing development, as defined in Section 9.09.150 of this title, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code;

5. Land Donations. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the city in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g);

6. Includes a qualifying child care facility as described in subsection (J)(2) (child care facility requirements) of this section in addition to providing housing as described in subsections (D)(1) through (3) of this section;

7. Agrees to construct and maintain at least 10% of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the California Education Code; disabled veterans, as defined in Section 18541 of the California Government Code; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.), dedicated to very low-income households;

8. Agrees to construct and maintain at least 20% of the units for lower-income students in a student housing development dedicated for students enrolled full-time to allow the units to be used by undergraduate, graduate, or professional students enrolled currently or in the past six (6) months in at least six (6) units at accredited colleges pursuant to the student housing subsection K of this section; or

9. Agrees to construct and maintain 100% of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower-income households, except that no more than 20% of the units, including total units and density bonus units, may be dedicated to moderate-income households.

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

E. Density Bonus Calculation and Allowance.

1. State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.

2. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category and may not combine categories with the exception of childcare facilities or land donation, which may be combined with an affordable housing development. All density calculations resulting in fractional units will be rounded up to the next whole number.

3. Density Bonus Allowance. In calculating the number of units required for very low, lower, and moderate-income households, the density bonus units shall not be included. The maximum bonus allowed for a 100% affordable project is 80% unless it is located within one-half mile of a major transit stop, and then there is no limit to density. A housing development that satisfies all applicable provisions of this section shall be allowed the following applicable density bonuses:

   a. Very low income per California Government Code Section 65915(f)(2).

   b. Lower income per California Government Code Section 65915(f)(1).

c. Moderate income per California Government Code Section 65915(f)(4).

4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development is addressed in Section 9.09.150 (Senior citizen housing) of Chapter 9.09 (Specific Use Development Standards).

5. Residential Care Facilities for the Elderly (RCFEs), which include assisted living, qualify as a type of senior citizen housing development that can receive density bonus incentives for restricted, affordable units. RCFEs may qualify as shared housing pursuant to subsection L of this section.

6. Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with this section and California Government Code Section 65917.5.

7. Conversion of Apartments to Condominiums. A project is eligible for a 25% density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.

8. Foster Youth, Disabled Veterans, and Homeless Persons. The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be 20%.

9. Students. The density bonus for a student housing development that provides housing for students consistent with subsection K of this section shall be 35%. Twenty percent of the units granted by the density bonus shall be used for lower income students.

10. One Hundred Percent Affordable. The density bonus for a 100% affordable housing development consistent with subsection (D)(9) (Eligibility for Bonus) of this section shall be 80% of the number of units for lower income households. Except that if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.

F. A non-residential development may obtain additional non-residential floor area or other development incentives. The required affordability can be satisfied through an agreement for partnered housing with an affordable housing developer pursuant to the requirements of pursuant to § 65915.7 of the Government Code.

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

H. Incentives Available to Housing Projects. Incentives are available to housing development are as follows:

Number of Incentives/ Concessions	Very Low-Income Percentage	Lower-Income Percentage	Moderate-Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	16%	26%	45% (for sale units)
5	100% low/very low/mod (20% moderate allowed)*	100% low/very low/mod (20% moderate allowed)*	100% low/very low/mod (20% moderate allowed)*
Note: If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.			

I. Available Incentives/Concessions. A qualifying project may be entitled to up to four incentives, depending on the percentage of affordable housing that will be included within the development.

1. A concession falls within three categories (California Government Code Section 65915(k)(1), (2) and (3)).

   a. Reduction in the site development standards of this development code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements);

   b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area; and/or

   c. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions.

2. Additional Incentive/Concession. The developer may receive a 50% reduction of the development impact fee and the parkland impact mitigation fee for the units affordable to very low income households and a 25% reduction for those units affordable to lower- income households.

J. Parking Requirements. If an applicant qualifies for a density bonus pursuant to this section, reduced parking requirements are available for projects qualifying for a density bonus pursuant to this section. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. In calculating the number of parking spaces required for a development, if the total

number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.

1. Except as otherwise provided in this subsection, the following parking requirements shall apply:

    a. Zero to one bedroom: one on-site parking space.

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

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

2. If the housing development includes at least 20% lower income units or at least 11% very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be reduced from one-half on-site parking space per bedroom to one- half on-site parking space per unit.

3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, then no parking spaces shall be required as long as the development meets either of the following criteria:

    a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development; or

    b. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the California Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the California Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, then no parking spaces shall be required. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

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

Projects with at least 20% low-income units, or at least 11% very low income units***	0.5
100% affordable housing projects****	No requirement

Notes:

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

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

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

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

K. Child Care Facilities.

1. Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under subsection D (Eligibility for Bonus) of this section and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the city shall grant either:

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

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

2. Child Care Facility Requirements. The city shall require, as a condition of approving the housing development, that the following occur:

   a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this section; and

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

3. Child Care Facility Criteria. The city shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

L. Student Housing.

1. Student Housing Density Bonus Requirements. In order for a student housing development to be eligible for a density bonus under subsection (D)(8) of this section, the student housing development must meet the following requirements:

a. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled currently or in the past six (6) months in at least six (6) units at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.

b. Twenty percent of the density bonus units will be used for lower income students. For purposes of this clause, "lower-income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California Education Code.

c. One incentive or concession will be granted for projects that include at least 20 percent of the total units for lower income students in a student housing development. If a project includes at least 23 percent of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives or concessions.

d. The rent provided in the applicable units of the development for lower-income students shall be calculated at 30% of 65% of the area median income for a single-room occupancy unit type.

e. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness.

2. Definition of Units. For purposes of calculating a density bonus granted for a

student housing development, the term "unit" means one rental bed and its pro rata share of associated common area facilities.

M. Shared Housing.

1. Shared Housing Density Bonus Requirements. In order for a shared housing development to be eligible for a density bonus under subsection (D)(1), (D)(2), (D)(4) or (D)(9) of this section, the shared housing development must meet the following requirements:

   a. Shared-housing building is defined as a residential or mixed-use structure with five or more housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents.

   b. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25% of the floor area of the shared housing building.

   c. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

   d. A "shared housing unit" means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) and complies with the definition of "guestroom" in Section R202 of the California Residential Code.

   e. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure.

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

N. General Guidelines.

1. Location of Bonus Units. As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer and need not be in the same area of the project where the units for the lower-income households are located as long as the density bonus units are located within the same housing

development.

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

3. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.

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

1. Density Bonus Approval. The following finding shall be made by the approving authority in order to approve a density bonus request:

   a. The density bonus request meets the requirements of this section.

2. Density Bonus Approval with Incentive(s). The following findings shall be made by the approving authority in order to approve a density bonus and incentive(s) request:

   a. The density bonus request meets the requirements of this section;

   b. The incentive is required in order to provide affordable housing; and

   c. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-, low-, and moderate- income households.

3. Denial of a Request for an Incentive(s). The approving authority shall make at least one of the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):

   a. That the incentive is not necessary in order to provide for affordable housing costs as defined in subsection R (Definitions) of this section, or for rents for the targeted units to be set as specified in subsection R (Definitions) of this section.

   b. That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse

impact without rendering the development unaffordable to very low-, low-, and moderate-income households.

c. That the incentive would be contrary to state or federal law.

P. Affordability Requirements.

1. The maximum monthly housing cost for density bonus units, including a monthly allowance for utilities plus rent for rental units or house payments for for-sale units, shall be set at or below the rates described below:

a. Density bonus units affordable to very low income households: 30% of 50% of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.

b. Density bonus units affordable to lower income households: 30% of 60% of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.

2. The monthly allowance for utilities shall be the utility allowance calculated by the Department of Housing and Urban Development (HUD) for County Housing Authorities.

3. The monthly house payments for for-sale units described in subsection (O)(1) of this section includes the sum of principal and interest on a 30 year fixed rate mortgage for 90% of the sales price, loan insurance, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, and the fair share cost for maintenance of amenities owned in common such as landscaping and swimming pools.

4. Housing costs, affordable sales prices, and occupancy requirements, will be governed by a deed restriction which shall take precedence over all other covenants, liens and encumbrances of the property on which the units are constructed.

Q. Affordable Housing Agreement Required.

1. General Requirements. No density bonus pursuant to this section shall be granted unless and until the affordable housing developer, or designee enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the city or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the city, which shall contain terms and conditions mandated by, or necessary to implement, state law and this section. The affordable housing agreement shall be recorded prior to issuance of a building permit for a rental project or prior to final map recordation for an ownership project which includes a map. The community development director is hereby authorized to enter into the agreements authorized by this section on behalf

of the city upon approval of the agreements by the city attorney for legal form and sufficiency.

2. Low- or Very Low-Income Affordable Housing Component.

   a. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the city to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the city if such compliance standards are not met. The agreement shall specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions, and any other information that may be required based on the city's review.

   b. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:

      i. The rent for at least 20% of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

      ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

   c. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

   d. For-Sale Units. Owner-occupied low-income and very low-income

affordable units that qualify the housing development for the density bonus pursuant to this section shall be available at an affordable housing cost (Government Code Section 65915(c)(2)).

i. An applicant shall agree to ensure, and the city, county, or city and county shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets one of the following conditions:

(A) The unit is initially sold to and occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.

ii. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation that meets all of the following requirements pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code:

(A) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code.

(B) The nonprofit corporation is based in California.

(C) All of the board members of the nonprofit corporation have their primary residence in California.

iii. The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.

e. The affordable housing developer of a qualified for-sale housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer. The agreement shall be

between the city and the buyer, or between the developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity-sharing agreement shall include at a minimum the following provisions:

i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection (P)(2)(d)(ii), and its proportionate share of appreciation, as defined in subsection (P)(2)(d)(iii), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

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

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

iv. If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to clause (ii) of subparagraph (A) the local government may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by Health and Safety Code Section 50079.5 within the jurisdiction of the local government.

3. Moderate Income Affordable Housing Component.

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

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

families of a moderate-income household.

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

(A) Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection (P)(3)(a)(iv), and its proportionate share of appreciation, as defined in (P)(3)(a)(v), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).

iii. The city's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).

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

4. Notwithstanding any other provision of law, a developer shall not sell a unit constructed pursuant to a local inclusionary zoning ordinance that is intended for owner-occupancy by persons or families of extremely low, very low, low, or moderate income to a purchaser that is not a person or family of extremely low, very low, low, or moderate income, except that if an income-qualifying person or family has not purchased such a unit within 180 days of the issuance of the certificate of occupancy a developer may sell the unit to a qualified nonprofit housing corporation that will ensure owner occupancy pursuant to the income limitation recorded on the deed or other instrument defining the terms of conveyance eligibility (Civic Code Section 714.7).

R. Ineligible Projects—Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if:

   a. The development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or

   b. If such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and

   c. Such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:

      i. The proposed housing development, in addition to the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection E of this section,

      ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower- or very-low income household.

   2. The number and type of required replacement units shall be determined as follows:

      a. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower-income renter households in the same proportion of lower-income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

      b. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the high point of those units in the five-year period preceding the application, and must be

made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the high point, it is presumed, unless proven otherwise, that the dwelling units were occupied by very-low income and low-income renter households in the same proportion of very low-income and low-income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

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

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

"Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

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

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

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

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

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

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

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

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

"Major transit stop" is defined as a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; or (c) the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.

"Maximum allowable residential density" or "base density" means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by: (a) Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open-space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards; (b) Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

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

"Moderate income" is defined as less than 120% of the area median income, as defined in Section 50093 of the California Health and Safety Code.

“Student housing development” is defined as a development that contains bedrooms with two (2) or more bedspaces that have a shared or private bathroom, access to a shared or private living room and laundry facilities, and access to a shared or private kitchen.

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

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

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

T. Interpretation. If any portion of this Article conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this Article. Any ambiguities in this Article shall be interpreted to be consistent with State Density Bonus Law.

§ 9.03.070. Streamlined ministerial approval process (Senate Bill 423, formerly SB 35).

A. Purpose and Intent. This section is adopted pursuant to the provisions of Senate Bill *423 (SB 423),* to the extent permissible by law, to establish a streamlined ministerial review and public oversight process for the final review and approval of SB 35 applications pursuant to the requirements in California Government Code Section 65913.4. SB *423* has been designed to help address the state's continuing housing crisis. *(SB 423 has extended the sunset date of SB 35 to January 1, 2036)*

B. Applicability. This section establishes clear eligibility criteria to establish a streamlined ministerial review and public oversight process for the Planning Commission's final review and approval of *SB 423* applications pursuant to the requirements in California Government Code Section 65913.4.

C. Qualifying Requirements.

1. A developer may submit an application for a development that is subject to the streamlined, ministerial approval process provided by SB *423* and not subject to a conditional use permit or any other discretionary local government review or approval.

2. The project must be a multifamily housing development project, as defined in California Government Code Section 65589.5, that contains at least two residential units and complies with the minimum and maximum residential density range permitted for the site per the Land Use and Community Character Element of the MoVal 2040 General Plan, plus any applicable density bonus.

3. Affordability Requirement. If more than 10 residential units are proposed, at least 10% of the project's total units must be dedicated as affordable to households making below 80% of the County of Riverside median income. If the project will contain subsidized units, the applicant has recorded, or is required by law to record, a land use restriction for the following minimum durations, as applicable:

   a. Fifty-five years for rental units.

   b. Forty-five years for homeownership units.

   The development proponent shall commit to record a covenant or restriction dedicating the required minimum percentage of units to below-market housing before issuing the first building permit.

4. The project must be located on a legal parcel or parcels within the incorporated city limits. At least 75% of the site's perimeter must adjoin parcels developed with urban uses.

5. The project must be located on a site that satisfies any of the following:

a. The site is zoned for residential use or residential mixed-use development.

b. The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses.

c. The site is zoned for office or retail commercial use and meets the requirements of California Government Code Section 65852.24.

6. At least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

7. The project must meet all objective zoning and design review standards in effect at the time the application is submitted.

   If the project is consistent with the minimum and maximum density range allowed within the General Plan land use designation, it is deemed consistent with housing density standards.

   Any density bonus, concessions, incentives, or waivers of development standards or reduction of parking standards requested under Section 9.03.050 (Density bonus program for affordable housing) are deemed consistent with objective standards.

8. Prevailing Wages. If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.

9. Skilled and Trained Workforce Provisions. A skilled and trained workforce, as defined in Government Code Section 65913.4(a)(8)(B)iii, must complete the development if the project consists of 50 or more units.

10. The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act unless the development either: (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid; or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.

11. The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.

12. Projects may be located within a high or very high fire hazard severity zone as indicated on maps adopted by the California Department of Forestry and Fire

Protection (CAL FIRE). However, within a very high fire severity zone and the statutorily defined state responsibility area, the local jurisdiction must have adopted specified fire hazard mitigation measures applicable to the site for a project to be eligible for the streamlined ministerial process.

13. The project does not demolish any housing units that tenants have occupied in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.

14. The project does not demolish a historic structure that has been placed on a national, state, or local historic register.

D. Application and Processing. Development projects submitted pursuant to California Government Code Section 65913.4 shall be reviewed in accordance with the procedures set forth in Subsection (b) of Section 65913.4, as such procedures may be amended from time to time and as further outlined in this chapter.

1. The development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent (NOI) shall be in the form of an SB 423 Preliminary Application that includes all of the information described in Section 65941.1.

2. Scoping Consultation. Upon receipt of a notice of intent, the City will engage in a scoping consultation with any California Native American tribe traditionally and culturally affiliated with the geographic area, according to the timelines and procedures established by state law. After concluding the scoping consultation, the applicant will be notified as follows:

    a. If it is either determined that no potential tribal cultural resource could be affected by the proposed development or if all parties and the property owner enter into an agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource, the applicant may submit an application for review.

    b. If it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties or the property owner do not reach an agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources, the development shall not be eligible for the streamlined, ministerial approval process.

3. Review of Applications. After the scoping consultation is deemed to be concluded, and if the project is eligible, the applicant may submit an application for review pursuant to Chapter 9.02, Permits and Approvals, for initial determination whether the project meets the remaining criteria for approval in compliance with Government Code Section 65913.4.

4. If the development is in a moderate resource area, low resource area, or an area of high segregation and poverty, as determined by the most recent “CTCAC/HCD Opportunity Map” published by the California Tax Credit Allocation Committee, a public meeting is required to be held within 45 days of receiving a notice of

intent before the applicant submits an application for the proposed development. The public meeting must be held at a regular city council, subject to the Brown Act.

5. Once an application is submitted, the process set forth in subsections E-H below shall be followed.

E. Community Development Director Determinations.

1. The community development director shall review the application submitted hereunder and determine if the project is consistent with or conflicts with any of the objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project. The community development director's review of the project shall be completed within 60 days of application submittal for projects of 150 or fewer units and 90 days for projects consisting of more than 150 units.

2. If the city provides written comments as to any conflicts in the objective standards, or requests additional information to make such a determination, then the 60- or 90-day timeline will restart upon submittal of a revised development application in response to such written notice. The city's written comments shall specify the standard or standards with which the development conflicts and shall provide an explanation for the reason or reasons the development conflicts with that standard or standards within the timeframe specified.

3. If the application can be brought into compliance with minor changes to the proposal, the city, in lieu of making detailed findings, will allow the applicant to correct any deficiencies within the timeframes noted in subsection (E)(2) above.

4. If the city fails to provide the required documentation determining consistency within these timeframes, the development shall be deemed to satisfy the city's objective planning standards and shall be deemed consistent.

5. The community development director's determination shall be forwarded to the city's planning commission consideration as part of the ministerial design review/public oversight process as provided for in subsection F below, under California Government Code Section 65913.4(d).

F. Planning Commission Ministerial Design Review/Public Oversight. The planning commission, at a noticed public meeting, shall undertake ministerial design review and public oversight as provided for in California Government Code Section 65913.4(d). Planning commission review shall include a review of the community development director's determination as outlined in subsection E above. Furthermore, the planning commission's review under this process shall be objective and strictly focused on the project's compliance with the criteria required for a streamlined project pursuant to the California Government Code Section

65913.4 and consistency with city reasonable objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project, which have been adopted prior to the submittal of the application to the city and apply to other developments within the city.

The Planning Commission's review and a final determination on whether an application complies with the criteria under California Government Code Section 65913.4 and the reasonable objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project must be completed in 90 days for projects with 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of the application submittal.

The Planning Commission's ministerial review and public oversight process shall not in any way inhibit, chill, or preclude the ministerial approval of the project if it is in compliance with criteria specified in Government Code Section 65913.4 and consistent with the objective zoning standards, objective subdivision standards, and objective design review standards applicable to the project.

G. Submission of Application and Payment of Fees. Development projects submitted pursuant to California Government Code Section 65913.4 must include a copy of the City's City SB 423 Checklist Application as well as required documents for a plot plan application. Payment of application fees are due at time of submittal.

H. Public Hearing. The public hearing on an application hereunder shall be scheduled within the time frames provided for in subsection F above.

I. Modification. An applicant can request modification of approval after ministerial review and approval but prior to issuance of a final building permit pursuant to California Government Code Section 65914.3, subsection (g). If the modification request falls within the parameters in Section 65913.4, subsection (g), (3) (A) or (B) 1, then such modification shall be subject to review pursuant to subsections E-H above. Otherwise, the modification shall be reviewed by the community development director to confirm compliance with California Government Code Section 65913.4.

J. Parking. A qualifying SB *423* project is required to provide one parking space per residential unit. Furthermore, the city shall not impose any parking requirements for qualifying projects if any of the following instances are present:

1. The development is located within one-half mile of the transit.
2. The development is located within an architecturally and historically significant historic district.
3. When on-street parking permits are required but not offered to the development's occupants.
4. When there is a car share vehicle located within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street

from the development.

5. Mixed-use projects must provide parking for the commercial component of the development as required by Section 9.11.040 (Off-street parking requirements).

K. The expiration dates for projects approved under SB 35 are as follows [Govt Code Section 65913.4(f)(2)]:

1. No expiration: Projects where 50% of the units are affordable to households making below 80% of the area median income (below moderate-income levels) and the project includes public investment in housing affordability beyond tax credits.

2. After three years: Projects not including affordable housing are noted in the bullet above. Projects shall remain valid for three years and stay in effect as long as construction has begun and not ceased for more than 180 days. A one-year extension to the original three-year period may be granted if progress is made toward construction.

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

"Application" means a submission requesting Streamlined Ministerial Approval pursuant to Government Code Section 65913.4 and the Guidelines, which contain information pursuant to Section 300(b) describing the development's compliance with the criteria outlined in Article IV of the Guidelines.

"Guidelines" shall mean the Updated Streamlined Ministerial Approval Process issued by the California Department of Housing and Community Development, as updated March 30, 2021, and as may be updated in the future.

"Ministerial approval" means approval of a project that complies with requirements and guidelines as set forth in Government Code Section 65913.4 that is non-discretionary and cannot require a conditional use permit or other discretionary local government review or approval.

"Ministerial processing" means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government but uses no special discretion or judgment in reaching a decision.

"Objective zoning standard", "objective subdivision standard", and "objective design review standard" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or development proponent and the public official prior to submittal, and includes only such standards as are published and adopted by ordinance

or resolution by a local jurisdiction before submission of a development application.

"Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.

§ 9.08.160. Geologic/ Seismic hazards.

In accordance with provisions of the Alquist-Priolo Special Studies Zone Act (Division 2, Chapter 7.5 of the Public Resource Code) and the Safety Element of the City General Plan, a geologic investigation shall be required for any development proposal involving structures for human occupancy within the special study zone for the San Jacinto Fault, as identified on the special studies zone maps prepared by the state of California Department of Conservation, or the Casa Loma Fault, as identified on the seismic zone map in the City's General Plan (Safety Element).

A. Application requirements.

1. With exception to the provisions of Section 9.08.160.B of this chapter, all projects that lie within an earthquake fault zone shall require a geologist's report from a State Geologist before the project may be approved by the City.

2. The report shall be issued by a geologist that is registered in the state, shall be directed toward the problem of potential surface fault displacement, and shall be prepared in accordance with the Act.

B. Exemptions. Exemptions from the provisions of this section may be granted under the following circumstances:

1. This chapter shall not apply to the conversion of an existing apartment complex into a condominium.

2. Any single-family wood frame dwelling not exceeding two stories that is not part of a development of four or more such dwellings and mobile homes are exempt from a geologist's report.

3. An alteration to any structure for human occupancy if the value of the alteration does not exceed 50 percent of the appraised value of the structure and, if the alteration results in a change in the use or occupancy of the structure, the change does not authorize a greater human occupant load and is less hazardous, based on life and fire risk, than the existing authorized use or occupancy of the structure permitted by the city or county with jurisdiction over the structure.

4. An applicant may have the City apply to the State Geologist for an exemption, and the State Geologist shall grant the exemption only if the structure located within the earthquake fault zone is not situated upon a trace of an active fault line, as delineated in the official earthquake fault zone map or in more recent geologic data, as determined by the State Geologist. Exemption applications require all items listed in California Public Resources Code Section 2621.7(3).

C. Geologic Investigation. Geologic/soils investigations shall be prepared by a geologist or soils engineer registered in the state of California. The City has the option to require a second-party review of the investigation by a geologist registered in the state of California. The applicant shall be responsible for all associated review costs. Copies of all geologic investigations shall be kept on file in Public Works –

Land Development.

All investigations involving proposals within the San Jacinto Fault and the Casa Loma earthquake fault zones shall be filed with the state geologist within thirty days following acceptance.

D. No application for a permit shall be considered as completed for filing, and the time limitations for processing a permit shall not begin to run until the geologic report required by this chapter shall be accepted as complete or until a waiver thereof has been finally approved.

§ 9.09.300. SB 9 Two-unit residential developments.

A. Purpose and Intent. The purpose of this section is to regulate qualifying SB 9 two-unit residential developments and urban lot splits within single-family residential zones in accordance with California Government Code Sections 65852.21 and 66411.7.

B. Applicability. The standards and limitations set forth in this section shall apply to urban lot splits and the development and use of SB 9 two-unit residential developments within a single-family residential zone in the city, notwithstanding any other conflicting provisions of this code. In the event of a conflict between the provisions of this section and any other provision of this code, the provisions of this section shall prevail.

C. Permit Application and Review Procedures. An application for an SB 9 two-unit residential development or an urban lot split shall be submitted on a form prescribed by the city, along with all information and materials prescribed by such form. The community development director will review the application for consistency with state law, consider and approve or disapprove a complete application for an SB 9 two-unit residential development or an urban lot split ministerially, without discretionary review or public hearing.

1. Nonconforming Conditions. An SB 9 two-unit residential development may only be approved if all nonconforming zoning conditions are corrected. The correction of legal nonconforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.

2. Effectiveness of Approval. The ministerial approval of an SB 9 two-unit residential development or a parcel map for an urban lot split does not take effect until the city has confirmed that all required documents have been recorded.

3. Hold Harmless. Approval of an SB 9 two-unit residential development or a parcel map for an urban lot split shall be conditioned on the applicant agreeing to defend, indemnify and hold harmless the city, its officers, agents, employees and/or consultants from all claims and damages (including attorney's fees) related to the approval and its subject matter.

4. Specific and/or Adverse Impacts. Notwithstanding anything else in this section, the community development director may deny an application for an SB 9 two-unit residential development or a parcel map for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, on either public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

5. An application for a proposed housing development pursuant to this section

shall be considered and approved or denied within 60 days from the date the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.

6. If the City denies an application for a proposed housing development pursuant to Section 65852.21 of the Government Code, the City shall, within the time period of 60 days, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

D. Qualifying Requirements. A proposed urban lot split or SB 9 two-unit residential development must meet all of the following requirements in order to qualify for ministerial review pursuant to the provisions of this section. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the community development director that each of these requirements is satisfied. The applicant and each owner of the property shall provide a sworn statement, attesting to all facts necessary to establish that each requirement is met.

1. The subject property shall be located within a single-family residential zone.

2. The proposed development shall not be located on any site identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation.

3. The proposed development shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code.

4. The proposed development shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

5. The proposed development shall not require the demolition or alteration of housing that is subject to any form of rent or price control.

6. The proposed development shall not require the demolition or alteration of housing that has been occupied by a tenant within the last three years.

7. The subject property shall be owned solely by one or more individual property owners.

8. In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.

9. In the case of an urban lot split, the lot proposed to be subdivided ("subject lot") is not adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.

10. No unpermitted construction or illegal nonconforming zoning conditions shall exist on the property.

11. All units shall have a dedicated address.

E. Permitted Locations. A lot on which an urban lot split or SB 9 two-unit residential development is proposed must be located within a single-family residential zone. A lot located within a multiple-family or mixed-use zone shall not be eligible to be subdivided through an urban lot split or developed with an SB 9 two-unit residential development pursuant to this section.

F. Number of Dwelling Units Permitted on a Lot.

1. Notwithstanding any other provisions of this code, state law requires the city to permit a lot located within a single-family residential zone to contain two primary dwelling units, provided both units are developed and maintained in compliance with the standards and requirements set forth in this section.

1. Provided the lot is not subdivided or created through an urban lot split, development of two primary dwelling units on a lot through an SB 9 two-unit residential development in conformance with this section does not preclude the development or maintenance of one or more ADUs and/or JADUs on the lot to the extent permitted by Section 9.09.130 and state law.

2. No more than two dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.

G. Separate Conveyance.

a. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all individual owners of the lot.

b. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots ("CC&Rs") for

construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this code.

c. Condominium airspace divisions and common interest developments are not permitted on a lot created through an urban lot split or containing an SB 9 two-unit residential development.

H. Residential Use Only. No nonresidential use is permitted on any lot created through an urban lot split or containing an SB 9 two-unit residential development.

I. No Short-Term Rentals Permitted. The rental of any dwelling unit on a lot created through an urban lot split or containing an SB 9 two-unit residential development shall be for a term longer than 30 consecutive days.

J. Housing Crisis Act Replacement Housing Obligations. If the proposed development will result in the demolition of protected housing, as defined in California Government Code Section 66300, the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to subsection (d) of Government Code Section 66300.

K. Standards and Requirements. A qualifying SB 9 two-unit residential development and any development on a lot created through an urban lot split shall be subject to the standards and criteria set forth in this section.

a. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

b. Except for those circumstances described above in subsection (K)(1), the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the single-family residential zone.

c. Except for those circumstances described above in subsection D, Qualifying Requirements, the demolition or alteration of a structure is allowed for developments proposed under this section.

d. The applicant shall provide easements for the provision of public services and facilities as required.

e. Off-street parking shall be limited to one space per unit, except that no parking requirements shall be imposed if the parcel is located within one-half mile walking distance of either a high quality transit corridor as defined by Public Resources Code Section 21155(b) or a major transit stop as

defined in Public Resources Code Section 21064.3.

f. Any residential accessory structure proposed in conjunction with or following the development of, a two-unit residential development shall meet the requirements of Section 9.08.030 (Accessory structures) of Chapter 9.08 (General Development Standards).

g. All setback areas, and all areas not designated for walkways, parking, drive aisles, and private open space, shall be fully landscaped and irrigated. Each development shall comply with the landscaping and irrigation requirements contained in Section 9.17.070 (Single-family residential development) of Chapter 9.17 (Landscape and Water Efficiency Requirements).

h. If there is an existing primary dwelling that was legally established on the lot prior to the filing of a complete application for a two-unit development or an urban lot split, any new additional primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch.

i. If two new primary dwelling units are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch.

j. All developments shall provide each unit with the appropriate number of containers for recyclables, organics, and non-recyclable solid waste ("trash containers").

L. Additional Requirements for Urban Lot Splits.

a. An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this code, except as otherwise provided in this section. Notwithstanding the foregoing, no dedication of rights-of-way or construction of off-site improvements is required solely for an urban lot split. (§ 66411.7(c)(1).)

b. Lot Size. The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than 40% of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet.

c. The City’s objective design review standards are required for urban lot splits, but only as they relate to the design or improvements of a parcel. The lot split will conform to all applicable objective design review standards so long as they do not physically preclude two units on each lot of 800 sf each and allow a setback of four feet from the rear and side property lines (or less if in an existing structure or new structure built to the same dimensions.

M. Easements.

1. The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

2. Each easement must be shown on the tentative parcel map and the final parcel map.

3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final parcel map may be approved.

N. Improvements Required. Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the city, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot.

Approval of a parcel map for an urban lot split shall be subject to the city's approval of such related improvement plans and all related entitlements or other approvals required by this code. Any proposed development on one of the lots that is inconsistent with or not shown on the improvement plans approved concurrently with the urban lot split shall be subject to review and approval by the city in accordance with the applicable requirements of this code.

O. Deed Restrictions. Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB 9 two-unit residential development, the owner(s) of record of the property shall provide a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property in a form acceptable to the city, and that does each of the following:

1. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.

2. Expressly prohibits any nonresidential use of the lot.

3. Expressly prohibits primary dwelling units located on the same lot from being owned or conveyed separately from one another.

4. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.

5. Expressly prohibits condominium airspace divisions and common interest developments on the property.

6. States that the property was formed and/or developed pursuant to the provisions of this section and is therefore subject to the city regulations set forth in this section, including all applicable limits on dwelling size and development.

7. Expressly prohibits more than two dwelling units of any kind from being constructed or maintained on a lot that results from an urban lot split.

8. States the following:

    a. That the deed restriction is for the benefit of and is enforceable by the city;

    b. That the deed restriction shall run with the land and shall bind future owners, their heirs, and successors and assigns;

    c. That lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property;

    d. That, if the city is required to bring legal action to enforce the deed restriction, then the city shall be entitled to its attorneys' fees and court costs; and

    e. That the deed restriction may not be modified or terminated without the prior written consent of the city.

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

"Accessory dwelling unit (ADU)" and "junior accessory dwelling unit (JADU)" shall have the meanings ascribed to these terms in Section 9.09.130.

"Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

"New primary dwelling unit" means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an ADU or a JADU.

"SB 9 two-unit residential development" shall mean a housing development containing no more than two primary residential units within a single-family residential zone that qualifies for ministerial review pursuant to California Government Code Section 65852.21 and this section. A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing primary unit.

"Single-family residential zone" shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes all single-family residential zoning districts and any property within a planned unit development district or a specific plan area where a single-family dwelling is a permitted use, but a duplex, triplex, or multiple-family dwelling is not a permitted or conditionally permitted use.

"Urban lot split" shall have the same meaning as stated in California Government Code Section 66411.7.

Q. Interpretation. The provisions of this section shall be interpreted to be consistent with the provisions of California Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with state law. The city shall not apply any requirement or development standard provided for in this section to the extent prohibited by any provision of state law.

9.09.130 Accessory dwelling units (ADUs).

A. Purpose and Intent. The purpose of these standards is to ensure:

1. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as defined herein are a permitted accessory use. This section establishes standards for the construction and occupancy of ADUs and JADUs. The standards herein serve to ensure ADUs and JADUs are constructed in a manner that is consistent with the requirements and allowances of state law, and contribute to a suitable living environment for all.

2. General Plan Consistency. ADUs and JADUs are a residential use consistent with the existing general plan and zoning designation. This section furthers the goals, objectives, and policies of the General Plan Housing Element.

3. Applicability. Under state law, the city must allow for ADUs and JADUs. A local homeowner's association cannot prohibit the construction of an ADU or a JADU. This section addresses all requirements of state law regarding ADUs.

B. Approval Authority. Approval of an ADU or JADU within a residential, mixed-use zone, or specific plan zone allowing residential or mixed use is considered a ministerial action, and the approval authority is the community development director. Approval of an accessory dwelling unit is subject to all applicable requirements established within this section as well as all building, fire, engineering, flood, water quality, environmental codes, standards, and permitting fees established by the city.

C. Application and Processing.

1. Applications for the following types of ADUs that meet all the requirements of this section shall be ministerial and reviewed and processed with a building permit, subject to conditions of approval.

a. Single-family internal ADU within previously permitted existing space or within a new single-family residence; or

b. Single-family attached or detached ADU; or

c. Junior ADU. The building plan check application will include all the items in subsection (C)(3) below.

2. Applications for multiple-family ADUs consistent with this section: Applications for multiple-family ADUs either detached or within an existing permitted structure or dwelling, shall be made to the community development department and shall be permitted ministerially with approval of both an administrative plot plan and building permit. The administrative plot plan will include all the items in subsection (C)(3) below.

3. With regard to evaluating whether the ADU meets the standards of this section, the building permit application or administrative plot plan application, as applicable, shall include the following:

a. A detailed description and scaled, dimensioned floor plan of the proposed ADU, clearly illustrating the bedroom(s), bathroom(s), kitchen and other features or other proposed habitable areas;

b. A detailed description and scaled, dimensioned elevation of the proposed ADU,

clearly illustrating the exterior entrance of the ADU;

c. A scaled, dimensioned site plan of the property clearly illustrating the location of all improvements on site (existing primary residence, garage, driveway(s), fences/walls, accessory structures, public right-of-way improvements, etc.) and where the ADU shall be located;

d. The scaled, dimensioned site plan of the property shall note the use(s) of all buildings existing on the site.

4. Applications to create an ADU or JADU shall be approved or denied within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, there will be a delay in approving or denying the permit application for the ADU or JADU until the City approves or denies the permit application to create a new single-family or multifamily dwelling on the lot. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

5. If any ADU or JADU application is denied, the applicant will receive a full set of comments listing the specific items that are defective or deficient, along with a description on how the application can be remedied by the applicant pursuant to California Government Code Section 66317.

D. Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards as described below and as shown in Tables 1 and 2:

1. Permitted ADUs. An ADU is permitted if the lot is zoned for single-family, multifamily use, or mixed use allowing for residential use, and contains an existing single-family structure or multifamily structure. The ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. Additionally, an ADU or JADU is allowed within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling, or an accessory structure.

a. Existing Single-Family Structure/Primary Dwelling Unit. For an existing single-family structure, one ADU and one JADU is permitted. An ADU may be detached or attached. A JADU must be contained within the space of an existing single-family structure. For an existing single-family structure, a homeowner, who meets specified requirements, may create one (1) detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks, one (1) converted ADU, and one (1) JADU, in any order, totaling up to three (3) units. To qualify for three ADUs on one lot, the ADUs must meet the requirements of Government Code Section 66323.

b. Existing Multifamily Structure. Within an existing multifamily structure, up to 8 detached ADUs are allowed on a lot, provided that the number of ADUs does not exceed

the number of existing units on the lot. At least one (but no more than 25% of the number of existing units) attached ADU can be created from the conversion of existing non-habitable space. These units must also meet the requirements of Section 66323.

c. Proposed Multifamily Structure. Up to 2 detached ADUs on a lot. These units must also meet the requirements of Section 66323.

d. Accessory Structure Conversion. The ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. Additionally, an ADU is allowed within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling, or an accessory structure. A JADU is allowed within the proposed space of a single-family dwelling or the existing space of a single-family dwelling.

2. Lot Size. There is no minimum lot size required if the ADU meets the setbacks described in this section.

3. ADU Size.

a. Minimum. The minimum unit size for a JADU per state law is one hundred fifty (150) square feet. There is no minimum unit size for other ADU structures, provided that the ADU is in compliance with state laws, including building, health, and safety codes.

b. Maximum. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. (Gov. Code, § 66323, subd. (a)(1).)

c. Detached ADUs for Single-Family or Multifamily. The maximum unit size shall be eight hundred fifty (850) square feet for an efficiency or one bedroom, and one thousand (1,000) square feet for two or more bedrooms.

d. Attached ADUs. If there is an existing single-family dwelling on the site, the attached ADU shall be no larger in size than eight hundred fifty (850) square feet for an efficiency or one bedroom, and no larger than one thousand (1,000) square feet for two or more bedrooms. For multifamily, the ADU shall be no more than eight hundred (800) square feet.

e. Lot Coverage/Floor Area Ratio/Open Space. If all of the following standards are satisfied for an attached ADU or detached ADU, lot coverage, floor area ratio, and open space requirements would not apply. All other development standards as described in this section would apply. (See Tables 1 and 2.)

f. Up to eight hundred (800) square foot accessory unit.

g. No more than sixteen (16) feet in height.

h. Four-foot side and rear yard setbacks.

i. For all other ADUs allowed by this section, lot coverage, floor area ratio, and open space requirements of the underlying zone would apply.

4. ADU/JADU Height.

a. Detached ADUs. For a detached primary dwelling unit on a site, the ADU is permitted to be at least sixteen (16) feet in height. Exceptions include the following:
   1. A height of 18 feet for a detached ADU on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code is allowed (Government Code section 66321, subdivision (b)(4)(B)).
   2. An additional two feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit is allowed (maximum of 20 feet).
   3. Additionally, subdivision (b)(4)(C) requires the allowance of "A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

b. Attached ADUs. For JADUs and internal ADUs, the height limits are not applicable, except that the height limit of the residential zone would apply if constructed in conjunction with a new single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

5. Setbacks.

a. Front Setbacks. ADUs shall comply with the front setback requirement of the underlying zone; the front setback does not apply to an internal ADU or JADU.

b. Side and Rear Yard Setbacks. Setbacks for ADUs are summarized in Tables 1 and 2. Setbacks would generally not apply to JADUs or internal ADUs entirely contained within an existing dwelling unit; however, if constructed in conjunction with a new single-family residence, then the setbacks for the underlying zone would apply. Setbacks would not apply to an existing accessory building converted into an ADU.

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

6. Distance Between Structures. The standard for distance between structures of the underlying residential zone will apply where feasible, but if necessary, will be adjusted to accommodate an ADU that is eight hundred (800) square feet or less, sixteen (16) feet in height, and with rear and side setbacks of no less than four feet. Any accommodation for the distance between structures will need to be evaluated for consistency with building codes for protection of public safety and approved by the community development director or designee.

7. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall include a kitchen and bathroom.

E. Design Requirements.

1. The entrance to an attached ADU shall be separate from the entrance to the primary dwelling unit.

2. All exterior changes shall be architecturally compatible with existing structures. When a garage is converted, the garage door shall be removed and framed-in.
3. When a garage is converted into an ADU, a landscaped area with a depth of at least two feet shall be provided for the area adjacent to the garage door.
4. Plans that demonstrate an unobstructed pathway extending from a street to one entrance of the ADU are desirable prior to approval of an ADU application; however, this is not a mandatory requirement for an ADU.
5. If a manufactured home is the proposed structure for the ADU, it should still be compatible with the primary dwelling unit on the site.
6. ADUs, when converted from existing accessory buildings, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety, provided that no more than one hundred fifty (150) square feet is added for ingress/egress subject to the requirements of state law.
7. Outside stairways serving ADUs should not be located on any building elevation facing a public street.

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

	Conversion of Accessory Building per State Law	**New Construction**	
		Detached ADU (single-family)	Detached ADU (multifamily)
Required Main Use on the Lot	Existing single-family dwelling	Existing or proposed single-family dwelling.	Existing multifamily dwelling.
Minimum Dwelling Size	None	Determined based on compliance with building and health and safety codes.	Determined based on compliance with building and health and safety codes.
Unit Size Maximum	None, plus 150 square feet maximum addition for ingress/egress subject to this section	No greater than 850 square feet for an efficiency or one bedroom; For 2 or more bedrooms: up to 1,200-square feet.	For multifamily, no greater than 850 square feet for an efficiency or one bedroom; For 2 or more bedrooms: up to 1,200-square feet.
ADU Height/Story Limit	None	At least 16 feet is permitted, but above 16 feet the ADU may not exceed the height of	

	Conversion of Accessory Building per State Law	New Construction	
		the existing primary dwelling on the site.[1, 2]	
ADU Front Setback	Not applicable	Front setback standard of the underlying zone applies.[3]	Front setback standard of the underlying zone applies.
ADU Minimum Side and Rear Yard Setbacks	Not applicable	If ADU is 16 feet or less in height: 4 feet for interior side yard and rear yard. If ADU is more than 16 feet in height: interior side and rear yard setbacks of the underlying zone would apply.	4 feet for interior side yard and rear yard.
Minimum Distance Between Structures (Primary Dwelling and ADU)	Not applicable	The standard of the underlying zone will apply where feasible, however, the city must still accommodate an ADU of up to at least 800 square feet or less, 16 feet in height, and with 4 foot rear and/or side yard setbacks.	
Parking	None	See parking requirements under subsection F of this section.	

Notes:

1. A detached ADU may be up to eighteen (18) feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of twenty (20) feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

2. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed eighteen (18) feet in height.

3. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an eight hundred (800) square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.

Table 2: Junior and Attached Accessory Dwelling Units

	Junior ADU per State Law	Internal ADU (Proposed ADU contained within existing SFD)	Attached ADU (addition to residence)	Attached Multiple-Family ADUS per State Law
Minimum Unit Size	150 square feet	Determined based on compliance with building and health and safety codes.		
Unit Size Maximum	500 square feet	The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. (Gov. Code, § 66323, subd. (a)(1).) Proposed attached ADUs are limited in size to not greater than 50 percent of the existing primary dwelling as a maximum unit size, but only if it does not restrict an ADU's size to less than 850 square feet, or 1,000 square feet for ADUs with more than one bedroom (Gov. Code, §§ 66314, subd. (d)(4); 66321 (b)(2)).		No more than 800 square feet.
ADU/JADU Height Limit	Not applicable, except height limit of the underlying zone would apply if constructed in conjunction with new single-family residence.	Not applicable, except height limit of residential zone would apply if constructed in conjunction with new single-family residence.	An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed 2 stories.	An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed 2 stories.
Front Setback	Not applicable, JADU must be within walls of primary	Front setback standard of the underlying zone applies.[5]		

	Junior ADU per State Law	Internal ADU (Proposed ADU contained within existing SFD)	Attached ADU (addition to residence)	Attached Multiple-Family ADUS per State Law
	dwelling unit.			
ADU/JADU Min. Side and Rear Yard Setbacks	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence.	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence.	An attached ADU shall meet the requirements of the underlying zone, except that if the attached ADU is 800 square feet or less and no taller than 16 feet, the side setbacks may be 4 feet.	4 feet for ADU portion if new building or addition.
Parking	See parking requirements under subsection F of this section.	See parking requirements under subsection F of this section.		

Notes:

1. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an eight hundred (800) square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.

F. Parking Requirements.

1. Parking requirements, consistent with Chapter 9.11 of this title:

a. Unless the JADU or ADU is exempt from parking requirements as described in subsection (F)(2), one parking space is required per accessory dwelling unit or per bedroom of an accessory dwelling unit, whichever is less, and may be provided through tandem parking on a driveway unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

b. Parking is allowed in rear and side setback areas, and in a paved driveway in the front setback area if parking in the rear and side setback areas is not possible, provided that all other development standards are satisfied including minimum front yard landscaping standards.

c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the off-street parking spaces will not be required to be replaced.

d. No replacement parking when an uncovered parking space is demolished for or replaced with an ADU.

2. Parking Exemptions. Additional parking spaces are not required for ADUs, nor for JADUs in any of the instances listed in subsections (F)(2)(a) through (e) below. Further, JADUs within the living area of the primary dwelling unit are exempt from all parking requirements, but the standards in subsection (F)(1) would apply if a garage is converted to a JADU.

a. The ADU is located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or

b. The ADU is located within one block of a car share parking spot; or

c. The ADU is located in a historic district listed in or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources or as a city historic preservation overlay zone; or

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

e. The accessory dwelling unit is part of the existing dwelling unit or an existing accessory structure.

G. JADU Requirements. As specified in state law, specific requirements apply only to junior accessory dwelling units. The development standards for JADUs are summarized in Table 2. The standards and requirements for JADUs are as follows:

1. JADUs must be constructed entirely within the walls of the primary structure and have their own entrance.

2. The JADU cannot exceed five hundred (500) square feet.

3. JADUs are limited to one per residential lot if a single-family residence is already constructed on a lot.

4. The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence.

5. The owner shall execute a covenant and agreement in a form acceptable to the city to document that either the primary dwelling unit or the accessory dwelling unit will be owner-occupied. If the owner of the property is a governmental agency, land trust, or housing organization, then owner occupancy cannot be required.

6. The JADU must include a cooking facility with appliances (Government Code section 66333, subdivision (f)(1)).

7. The JADU may share a bath with the primary residence or may have its own bath.

8. An interior entry into the single-family residence is not required, unless JADU shares a bathroom with the primary dwelling. In this instance, the JADU is required to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the JADU and primary dwelling.

9. The JADU is to be considered part of the single-family residence for purposes of fire and life protection ordinances and regulations, such as sprinklers and smoke alarms.

10. Additional parking may only be required if a garage is converted into a JADU as described in subsection F above.

11. Water, sewer, and power connection fees may not be required.

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

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

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

K. ADUs may be sold or otherwise conveyed separately from the primary residence as a condominium pursuant to Section 66341.

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

M. Unpermitted ADUs or JADUs (Section 66332 of the Government Code - AB 2533). Notwithstanding any other law, a local agency shall not deny a permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:

1. The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
2. The accessory dwelling unit or junior accessory dwelling unit does not comply with this article or Article 3 (commencing with Section 66333), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.
3. This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
4. Homeowners, before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit’s existing condition or potential scope of building improvements before submitting an application for a permit.
5. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to

comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized by subdivision (e) of Section 66324.

6. Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the City of Moreno Valley may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

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

"Livable space" means only spaces intended for human habitation, including living, sleeping, eating, cooking, or sanitation. Multifamily buildings can convert non-livable space to ADUs, which will allow spaces such as laundry rooms and community rooms to be converted to ADUs.

"Multifamily Dwelling" means, for the purposes of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

§ 9.09.310. Supportive and transitional housing.

A. Use and Zoning. Supportive and transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This includes residential zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the requirements of Government Code Section 65651.

B. Nonresidential floor area shall be used for onsite supportive services and administrative office space in the following amounts:

1. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

2. For a development with more than 20 units, at least 3 percent of the total floor area shall be provided for onsite supportive services restricted to tenant use only, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

3. The total floor area dedicated to administrative office space shall not exceed 25 percent of the total floor area.

C. Definitions. For the purposes of this section, certain words or phrases used in this section are defined as follows:

"Administrative office space" means an organizational headquarters or auxiliary office space utilized by a nonprofit organization for the purpose of providing onsite supportive services at a supportive housing development entitled to the by-right approval process and includes other nonprofit operations beyond the scope of the corresponding development, including parking necessary to serve the office space.

"Supportive housing" means a facility that provides housing with no limit on length of stay, that is occupied by the target population as defined by Section 50675.2 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist tenants in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community. Supportive housing includes transitional housing for youth and young adults and includes nonresidential uses and administrative office space.

"Target population" means adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code, commencing with Section 4500) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from

institutional settings, veterans, or homeless people (Health and Safety Code Section 50675.14(3)(A)).

"Transitional housing" and "transitional housing development" 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 (Health and Safety Code Section 50675.2(h)).

§ 9.09.320. Low barrier navigation centers.

A. Purpose and Intent. The purpose of this section is to implement the provisions of Government Code Section 65660 et seq. relating to low barrier navigation centers.

B. General Standards. A low barrier navigation center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing.

3. It complies with Chapter 6.5 of Housing First and Coordinating Council (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

5. Low barrier navigation centers shall also comply with the standards established for emergency shelters in Section 9.09.170 of the Moreno Valley Municipal Code.

C. Review Process. Low barrier navigation centers may be established and operated subject to nondiscretionary approval of a site plan review in compliance with Section 9.02.030 of the Moreno Valley Municipal Code.

D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning, or otherwise defined in Government Code Sections 65660 et seq.:

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations, as specified in Government Code Section 65662, and any related requirements, are designed to coordinate program participant intake, assessment, and referrals.

"Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
2. Pets;

3. The storage of possessions; or
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

“Low Barrier Navigation Center” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable.

Section 9.09.350. Affordable Housing Units on Religious Facility Sites

A. Purpose and Intent. The purpose of this section is to allow and encourage the development of affordable housing units on properties owned by religious institutions in the City of Moreno Valley. The City recognizes the potential of religious institution-owned properties to address the growing affordable housing crisis, and the State mandated regional housing needs while preserving the cultural, social, and community-oriented functions of religious facilities. This section establishes standards and incentives that exceed the minimum provisions of California Government Code, Section 65913.16 (Affordable Housing on Faith and Higher Education Lands Act of 2023), Chapter 4.2 of Division 1, Title 7 to facilitate the development of affordable housing and ensure the long-term sustainability of such projects.

B. Applicability. Affordable housing units shall be allowed by right, without discretionary review, on properties owned by religious institutions in any residential zoning district where religious institutions are permitted and conditionally approved. Religious institutions include, but are not limited to, churches, synagogues, mosques, and other places of worship. These developments must meet the following criteria:
   1. The site must be owned by a religious institution.
   2. At least eighty percent (80%) of the units shall be developed, offered to, and sold or rented to households of lower income at an affordable housing cost, as defined in California Code, Health and Safety Code - HSC § 50079.5
   3. The affordable housing units must meet the affordability standards outlined in this section and be available to households at or below eighty percent (80%) of the area median income (AMI) for Riverside County.
   4. If the development project consists of units for sale, it may instead develop, offer to, and sell a minimum of ninety percent (90%) of units to households of moderate income, as defined in California Code, Health and Safety Code - HSC § 50093.
   5. The development project is not adjoined to any site where more than one-third of the square footage on the site is dedicated to light industrial use.

C. Development Standards and Incentives. To encourage the construction of affordable housing, development standards shall comply with the R30 Zone unless otherwise specified in this Section.

1. Density:
   a. The maximum allowable development density for a development project located in the following zones, shall be thirty (30) units per acre.
      i. Rural Residential (RR)
      ii. Hillside Residential (HR)

iii. Residential 1 (R1)
iv. Residential 2 (R2)
v. Residential Agriculture 2 (RA2)
vi. Residential 3 (R3)
vii. Residential 5 (R5)
viii. Residential 10 (R10)
ix. Residential 15 (R15)
x. Residential 20 (R20)
xi. Residential 30 (R30)
xii. Residential Single-family 10 (RS10)
xiii. CC (Community Commercial)
xiv. VC (Village Commercial)
xv. OC (Office Commercial)
xvi. O (Office)
xvii. MUN (Mixed-Use Neighborhood Overlay)
xviii. MUC (Mixed-Use Community Overlay)
xix. MUI (Mixed-Use Institutional Anchor Overlay) NC (Neighborhood Commercial)

b. The maximum allowable development density for a development project located in the following zones, shall be forty (40) units per acre.
   i. P (Public)
   ii. I (Industrial)
   iii. LI (Light Industrial)
   iv. BP (Business Park)
   v. BPX (Business Park-Mixed Use)

c. Religious facility sites may receive a density bonus as outlined in Section 9.03.050 (Density Bonus Program for Affordable Housing) of the Moreno Valley Municipal Code.

2. Height Limit:
   a. The maximum height allowed shall be a height of one story above the maximum height otherwise applicable to the parcel on which the development project is located.
3. Off-Street Parking:
   a. Except if the project site is within one-half mile of transit or there is a car share vehicle within one block of the site or state or local law allows less, a development project shall be required to provide off-street parking up to one (1) space per unit.
   b. Senior citizen housing projects, which by their design appeal to age categories significantly older than age 55, may request reduced

parking requirements if it can be demonstrated that less demand will be generated with approval of a parking study pursuant to Section 9.11.070(A).

c. The number of religious-use parking spaces requested to be eliminated, or reduced in the case of a plan for a new development, by a developer of a religious institution affiliated housing development project pursuant to this section shall not exceed the following:
    i. In the case of an existing place of worship to be retained, 50 percent of the number of religious-use parking spaces that are available at the time the request is made.
    ii. In the case of a newly constructed place of worship, 50 percent of the number of religious-use parking spaces that would be required for a newly constructed place of worship.

C. Affordability Requirements. All housing developments processed under the standards of this section shall be subject to all of the elements required for a density bonus affordable housing agreement in Moreno Valley Municipal Code Section § 9.03.050.P. (Density Bonus Program for Affordable Housing).

9.09.360. Extremely Affordable Adaptive Reuse Projects

A. Purpose and Intent. The purpose of this section is to regulate qualifying multifamily residential developments in accordance with California Government Code Sections 65913.12.

B. Applicability. Multifamily housing developments projects that involve retrofitting and repurposing of a residential or commercial building shall be permitted if the development meets the following criteria:
   1. The development is a multifamily housing project.
   2. The development involves the retrofitting and repurposing of a residential building or commercial building that currently allows temporary dwelling or occupancy, to create new residential units.
   3. The development will be entirely within the existing building.
   4. The development is proposed to be located on a site that is an infill parcel as defined in this section.
   5. The development is not proposed to be located on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. For purposes of this section, parcels separated only by a street or highway shall be considered adjoined.
   6. The development does not eliminate any existing open space on the parcel.
   7. For developments of 50 units or more, the development shall provide onsite management services.
   8. The development meets all of the following affordability criteria:
      a. One hundred percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.
      b. At least 50 percent of the units within the development project shall be dedicated to very low income households at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.
      c. The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.

C. Development Standards.
   1. Minimum Dwelling Unit Sizes.
      a. Studio and one-bedroom: 450 square feet;
      b. Two-bedroom: 800 square feet;
      c. Three-bedroom: 1,000 square feet.

D. Application and Processing.
   1. Applications for multifamily projects that meet all the standards of Subsection B shall be permitted in all zones provided a plot plan has been approved.

2. A proposed development that is consistent with the provisions of subsection B shall be deemed consistent, compliant, and in conformity with all applicable city provisions.
3. If an application is determined to be in conflict with any of the standards of Subsection B, the City shall provide the applicant written documentation that identifies the conflicting standard and explains the reason the project conflicts with said standard within the following timeframes:
    a. Within 60 days of submittal of the completed proposal for the development project to the city if the development contains 150 or fewer housing units.
    b. Within 90 days of submittal of the completed proposal for the development project to the city if the development contains more than 150 housing units.
4. If the city does not make a timely determination within the timeframes described in this section, the application shall be deemed consistent, compliant, and in conformity with the applicable provision.
5. The city shall not impose or require the curing of any preexisting deficit of or conflict with any of the following standards;
    a. Any maximum density requirements.
    b. Any maximum floor area ratio requirements.
    c. Any requirement to add additional parking.
    d. Any requirement to add additional open space.
6. A local agency may deny a project that is proposed to be located on a site or adjoined to any site where any of the square footage on the site is dedicated to industrial use if the local agency makes written findings that approving the development would have an adverse effect on public health and safety.

E. Definitions. For the purposes of this section, the following definition shall apply:

“Infill Parcel” means a parcel that is either of the following:

At least 75 percent of the perimeter of the site of the development adjoins parcels that are developed with urban uses. For purposes of this paragraph, parcels that are separated by a street or highway shall be considered adjoined.

The parcel is within one-half mile of public transit.

9.09.370. Community Clinic

A. Purpose and Intent. The purpose of this section is to regulate qualifying community clinic developments in accordance with California Government Code Sections 65914.900.

B. Applicability. Community clinics licensed pursuant to Section 1204 of the Health and Safety Code that provides reproductive health services as defined in subdivision (f) of Section 423.1 of the Penal Code shall be reviewed on an administrative, nondiscretionary basis if the development meets the following criteria:

1. The development project is located in the following zones;
    a. Mixed-Use Neighborhood Overlay (MUN)
    b. Mixed-Use Community Overlay (MUC)
    c. Mixed-Use Institutional Anchor Overlay (MUI)
    d. Neighborhood (NC)
    e. Community Commercial (CC)
    f. Village Commercial (VC)
    g. Office Commercial (OC)
    h. Office (O)
    i. Industrial (I)
    j. Light Industrial (LI)
    k. Business Park (BP)
    l. Business Park-Mixed Use (BPX)
2. The development does not require the demolition of housing or a historic structure that was placed on a national, state, or local historic register.
3. The development is not located on a site described in paragraph 6 of subdivision a of Section 65913.4
4. The project will not result in adverse impacts to a tribal cultural resource, as defined in subsection (a) of Section 21074 of the Public Resource Code.

C. Application and Processing.
1. Applications for Community Clinics that meet all the standards of Subsection B shall be permitted ministerially with approval of both an administrative plot plan and building permit. The City shall approve or deny the application within 60 days of submission of the application.
2. If an application is determined to be in conflict with any of the standards of Subsection B, the City shall provide the applicant written documentation that identifies the conflicting standard and explains the reason the project conflicts with said standard. The applicant may submit materials to address and resolve the conflict identified. Within 60 calendar days after the City receives

the materials, The City shall determine whether the development is consistent with the standards of Subsection B.

D. Appeals. Appeals shall be processed as outlined in Section 9.02.240. except the City shall provide a final written determination on an applicant's submitted appeal no later than 60 calendar days after the City has received the written appeal.