



City of Rohnert Park
Planning Commission Report

DATE: February 9, 2017

ITEM NO: 8.1

SUBJECT: Avram House

LOCATION: 2.26 acre area in the Central Rohnert Park Priority Development Area, bounded by Commerce Boulevard, Avram Avenue, Copeland Creek, and City Hall (APNs 143-380-034, 143-380-COM, and 143-380-037).

REQUEST: Conduct a Study Session of the Avram House Project

APPLICANT: Barney Aldridge, of Avram Partners, LLC

Request

Staff is requesting a study session for the Avram House project. The goal is to learn more about the project and to discuss any potential issues. Consideration of the Site Plan and Architectural Review application is tentatively scheduled for March 9, 2017.

Project Description

The Avram House apartments are located within the Central Rohnert Park Priority Development Area (PDA). This property is the site of the former City Hall and adjacent office buildings. All the buildings were demolished in 2016 and the site is now vacant. The Avram House project proposes 90 residential units spread between five residential buildings ranging in height from three to four stories. This project also takes advantage of the affordable housing density bonus allowed by state law. In exchange of a minimum number of affordable housing units, the density bonus increases the number of units allowed, allows for a modification to setbacks, and reduces the amount of required parking.

- **PDA.** The PDA prioritizes transit-oriented infill growth. This project is located in the Creekside Neighborhood subarea, which is characterized by multifamily complexes in close proximity to shopping and services, with convenient access to trails and transit. As part of the PDA process, the subject site was rezoned Downtown High Density Residential. The PDA also calls for enhancements to the Copeland Creek trail and its gateway at Commerce Boulevard.
- **Apartments.** The project proposes 90 units: 14 studios, 64 one bedroom, 8 two bedroom, and 4 three bedroom. The units will have access to ample amenities: internal (pool, club

house, business center) and external (the Copeland Creek Trail, proximity to bus transit, and accessibility to shopping and services).

- **Affordable Housing Density Bonus.** The project features increased residential densities as allowed by the density bonus ordinance (RPMC §17.07.H) and state law (Gov. Code §65915). Projects guaranteeing that a minimum portion of units will be affordable to households of low or very low income are eligible for the density bonus. Seven affordable units (very low income) will be included as part of the project. This qualifies the project for a 32.5% density bonus, allowing more units per acre than would otherwise be permitted. As proposed this increases the allowable unit count from 68 to 91 units. Applicant is proposing 90 units. Included with the density bonus is one concession (a reduction in setbacks from ten feet to five feet) that the applicant has requested and is entitled to and parking reductions mandated by state law. Based on the 90 units, 129 total on-site spaces would normally be required by the RPMC. However, as proposed with the density bonus, the parking ratio is reduced, and only 102 on-site spaces are required. Applicant is in fact planning to “over park” the site by providing 104 on-site spaces.
- **Sustainability Components.** This project features varied strategies to reduce its environmental impact – particularly related to air quality and greenhouse gases. Included are: electric vehicle charging stations, pedestrian and bicycle amenities, energy efficient building design, the ability to incorporate solar panels, onsite storm water detention and filtration, EV charging capabilities, and other provisions to offset the carbon footprint of the project. Applicant is also proposing improvements to the Copeland Creek trail.

Discussion

The following topics are intended to help guide but not limit discussion on the Avram House Design:

- **Does the Project Implement the PDA?** The PDA establishes several land use and development goals relevant to this project. Among those are: promote high-quality, compact infill growth, encourage a variety of new housing opportunities to serve different segments of the community, ensure an adequate supply of affordable rental opportunities, and encourage new developments to incorporate sustainable building principles. Avram House will be located close to transit and is a high-quality project that fits in to the existing neighborhood in a compact manner. It will feature a variety of unit types and price points. A variety of “green” measures including vehicle charging hookups, solar, bioswales, and energy efficient construction are included.
- **Does the Project Meet Design Objectives?** Applicant has worked with staff to develop a design that is attractive, urban, and walkable. A variety of high quality materials will make the project attractive for both residents and neighbors. The project is designed to relate well to the Copeland Creek Trail and avoids feeling like a “walled off” community. A number of “green” techniques are incorporated in to the project’s design.
- **Does the Project’s Site Relate Well to the Neighborhood?** This project is of the scale contemplated by the PDA and the zoning ordinance. Ample on-site parking that is largely hidden from the street will create an attractive appearance. The units along Avram Avenue are oriented towards the street, encouraging an urban, neighborhood feel. Improvements to the Copeland Creek Trail will be an amenity to the neighborhood.

Next Steps

- Administrative Use Permit for Density Bonus
- Site Plan and Architectural Review (SPAR)

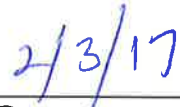
Exhibits:

- A. Avram House Planning Submittals
- B. RPMC §17.07.H. Density Bonus for Affordable Housing
- C. Gov. Code §65915. State Affordable Housing Density Bonus Law

APPROVALS:




Jeffrey Beiswenger, AICP
Planning Manager



Date



Zach Tusinger
Planner I



Date



PLANNING SUBMITTAL 11/07/2016

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PROJECT INFORMATION

EDD ARCHITECTS, LLC, ENVIRONMENTAL INNOVATIONS IN DESIGN IS PLEASED TO PROPOSE AVRAM HOME, DESIGNED AS SUSTAINABLE APARTMENT RESIDENCES AT 100 AVRAM AVENUE. A GATEWAY CENTER PIECE OF THE DESIGN IS THE GENEROUS COURTYARD WHICH INCLUDES AN EXPANSIVE SWIMMING POOL, TERRACED CASABAS, LOUNGE CHAIRS, HAMMOCK PARK, AND BEAUTIFUL SHADE TREES.

THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IS ENHANCED BY ENCODING THE MAJORITY OF THE AUTOMOBILE CIRCULATION AND AUTOPODS BOUND THE PROPOSED RESIDENTIAL UNIT. STYLING OF THE HOMES IS RENDERED IN A CLEAN, BRIGHT, MODERN, "ECO-FUNCTIONAL" MANNER WITH CARE AND SENSITIVITY TO THE SURROUNDING ENVIRONMENT. SOLAR ORIENTATION, AND NEIGHBORING HOMES, THE BUILDINGS ARE STRATEGICALLY PLACED ON THE SITE TO CELEBRATE THE BEAUTIFUL VIEWS OF COPELAND CREEK, WHOSE TRAILHEAD ENTRANCE WILL BE ENHANCED BY A SEAT AND WHEEL ENTRY FEATURE DESIGNED WITH GRACETUL AND NATURAL MATERIALS INSPIRED BY TREE UNID. CREOSOTE TRAIL.

COMMUNITY FACILITIES ARE PLANNED TO INCLUDE GEROUS EXERCISE EQUIPMENT AND MEDITATION AREAS WITH CALMING VIEWS OF THE COPELAND CREEK WIPARIAN TRAIL. A BITE STORAGE CAFE, MULTIPURPOSE GATHERING AND DINING AREA, INDOOR/OUTDOOR KITCHEN / LOI, NOE, LIFESTYLE ENHANCING PROFESSIONAL WE-WORK TYPE ACCOMMODATIONS AND EDUCATIONAL COMPUTER STATIONS.

THE BUILDING EXTERIORS ARE DESIGNED WITH A BLEND OF CONTEMPORARY NONCOMBUSTIBLE MATERIALS, SLIGHTLY TEXTURED ARTISAN FIBER CEMENT SIDING, A VARIETY OF STUCCO TEXTURES AND MODERN COLORS. A MIX OF FLAT AND STANDING SEAM ROOFS, WINDOWS AND DOORS ARE CONFIGURED TO ADDRESS DYNAMIC NATURAL LIGHTING, WHILE ACCOMMODATING EGRESS AND NATURAL VENTILATION.

GREEN DESIGN WILL SUPPORT A THRIVING RESIDENTIAL COMMUNITY. THE PROJECT WILL INCLUDE CUTTING-EDGE APPLICATIONS OF ENERGY EFFICIENT ADVANCED FRAMING TECHNIQUES AND RECYCLED BUILDING MATERIALS. SOME OF THE FEATURES EMPOWERED FOR THIS COMPONENT INCLUDE SOLAR ELECTRIC POWER SYSTEMS, HIGHLY EFFICIENT, DIMMABLE LED LIGHTING SYSTEMS, RADIANT ROOF BARRIERS, LOW-E WINDOWS, PASSIVE SOLAR DESIGN, SOLAR WINDOW SHADING, INCREASED INSULATION AND THERMALLY-BRAIDED BUILDING ENVELOPES, LOW VOC INTERIOR FINISHES AND RECYCLED BUILDING MATERIALS AND FLOORING.

LANDSCAPE ELEMENTS THROUGHOUT THE ENTIRE PROJECT WILL INCLUDE A VARIETY OF DROUGHT TOLERANT NATIVE CALIFORNIA PLANTS, SATELLITE CONTROLLED IRRIGATION SYSTEMS (WHERE FEASIBLE), PORCISE PAVING AND LOCAL MATERIALS. ADDITIONAL LANDSCAPE FEATURES INCLUDE EROSION VEGETATION, DRAINAGE DETENTION AREAS AND HYDRO-FILTRATION PLANTING.

THE ARCHITECTURAL STYLE FOR THIS PROJECT IS ECO-FUNCTIONALISM. THE PROJECT INCORPORATES MANY ECOLOGICALLY FRIENDLY COMPONENTS AND SYNTHESIZES THEM IN A FUNCTIONAL AND ATTRACTIVE MANNER.

VICINITY MAP

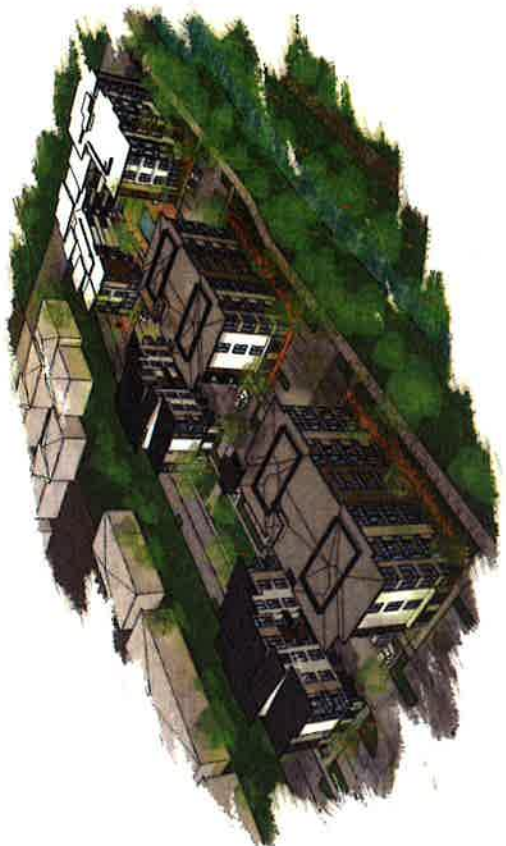


SHEET INDEX

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1 AERIAL SITE VIEW FROM AVRAM



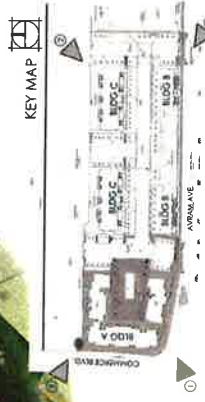
2 AERIAL SITE VIEW FROM CREEK



3 AERIAL SITE VIEW FROM COMMERCE



4 AERIAL SITE VIEW FROM AVRAM & COMMERCE



ED ARCHITECTS
ENVIRONMENTAL INNOVATION IN DESIGN
PHONE: 916.255.1111
WWW.EDARCHITECTS.COM

DATE
11-07-2016

AVRAM HOUSE
100 AVRAM AVE. RICHMOND PARK, CALIFORNIA 94528

SHEET NUMBER
A.04

PROPOSED SITE CONTEXT 3D IMAGES

PROJECT NAME
AVRAM HOUSE



DATE
11-07-2016

AVRAM HOUSE
100 AVRAM AVE, ROHNERT PARK, CALIFORNIA 94728

COURT TITLE
ILLUSTRATIVE SITE PLAN &
ACCESSIBLE PATH OF TRAVEL

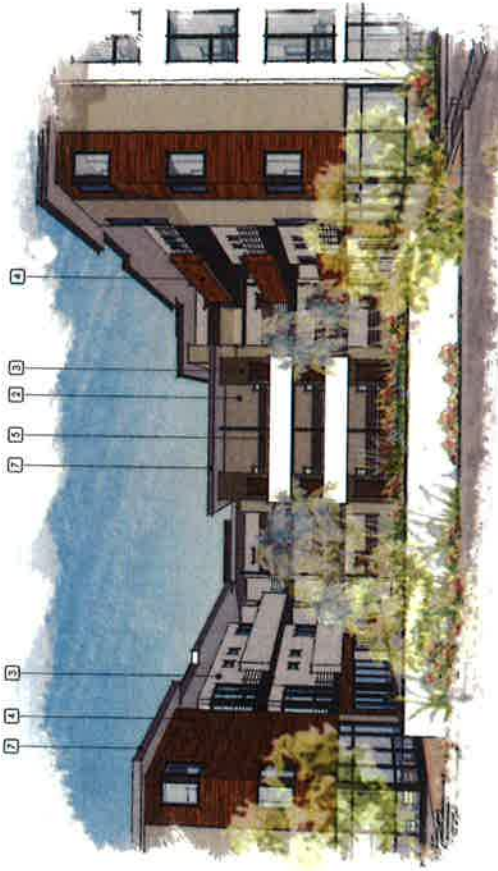
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A1.1A

ENVIRONMENTAL INNOVATIONS IN DESIGN
ARCHITECTS
WWW.EIARCHITECTS.COM





③ BUILDING "A" FROM AVRAM AVE



④ BUILDING "A" AT POOL - LOOKING WEST



① BUILDING "A" FROM COMMERCE BLVD.

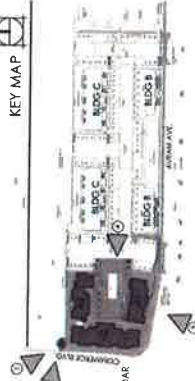


② CORLAND CREEK TRAILHEAD ARCHWAY

KEY NOTES

- 1 STUCCO - HEAVY TEXTURE
- 2 STUCCO - 20/20 SAND FINISH
- 3 STUCCO - SMOOTH TROWELED
- 4 FIBER CEMENT SIDING
- 5 WOOD - NATURAL REDWOOD OR CEDAR
- 6 GLAZING - HIGH PERFORMANCE
- 7 MONIQUET BRONZE - 1/2" ALUMINUM WINDOW FRAME MECHANICAL SCREEN

KEY MAP



AVRAM HOUSE
100 AVRAM AVE ROHNERT PARK, CALIFORNIA 94728

DATE
11-07-2016

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BLDG "A" -
CONCEPTUAL
RENDERINGS

SHEET NUMBER
AA.00

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100 AVRAM AVE, ROHNERT PARK, CA 94728
PHONE: 800-254-4775 WWW.EIARCHITECTS.COM



7 1 2 3 2

8 9 10 11 12 13



2 BUILDING "B" FROM AVRAM



1 BUILDING "B" FROM BUILDING "C"



3 WEST SITE ENTRANCE AT AVRAM AVE.

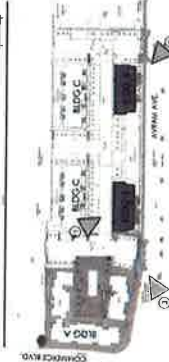
BUILDING "B"

KEY MAP

KEY NOTES

- 1 STUCCO - HEAVY TEXTURE
- 2 STUCCO - 20/20 SAND FINISH
- 3 STUCCO - SMOOTH TROWELED
- 4 FIBER CEMENT SIDING
- 5 WOOD - NATURAL REDWOOD OR CEDAR
- 6 GLAZING - HIGH PERFORMANCE
- 7 MIDNIGHT BRONZE -

- 8 FACIA SILLING - WINDOW FRAME
- 9 WESTPACON SCREEN



DATE
11-07-2016

AVRAM HOUSE
100 AVRAM AVE. ROHNERT PARK, CALIFORNIA 94028

BLDG "B" -
CONCEPTUAL
RENDERINGS

SHEET NUMBER
AB.00

ENVIRONMENTAL INNOVATIONS IN DESIGN
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ED
ARCHITECTS

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4 BUILDING "C" VIEW FROM PARKING LOT



2 BUILDING "C" VIEW FROM LOBBY



3 BUILDING "C" VIEW FROM CREEK

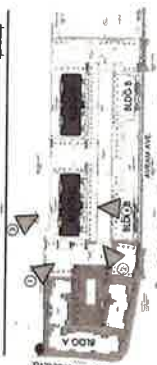


1 BUILDING "C" WITH "B" BEYOND,
VIEW FROM CREEK

KEY NOTES

- 1 STUCCO - HEAVY TEXTURE
- 2 STUCCO - 20/20 SAND FINISH
- 3 STUCCO - SMOOTH TROWELED
- 4 FIBER CEMENT SIDING
- 5 WOOD - NATURAL REDWOOD OR CEDAR
- 6 GLAZING - HIGH PERFORMANCE
- 7 MIDNIGHT BRONZE - FASCIA, RAILING, WINDOW FRAME MECHANICAL SCREEN

KEY MAP

DATE
11-07-2016

AVRAM HOUSE
100 AVRAM AVE ROHNERT PARK, CALIFORNIA 94768

SHEET NUMBER
AC.00

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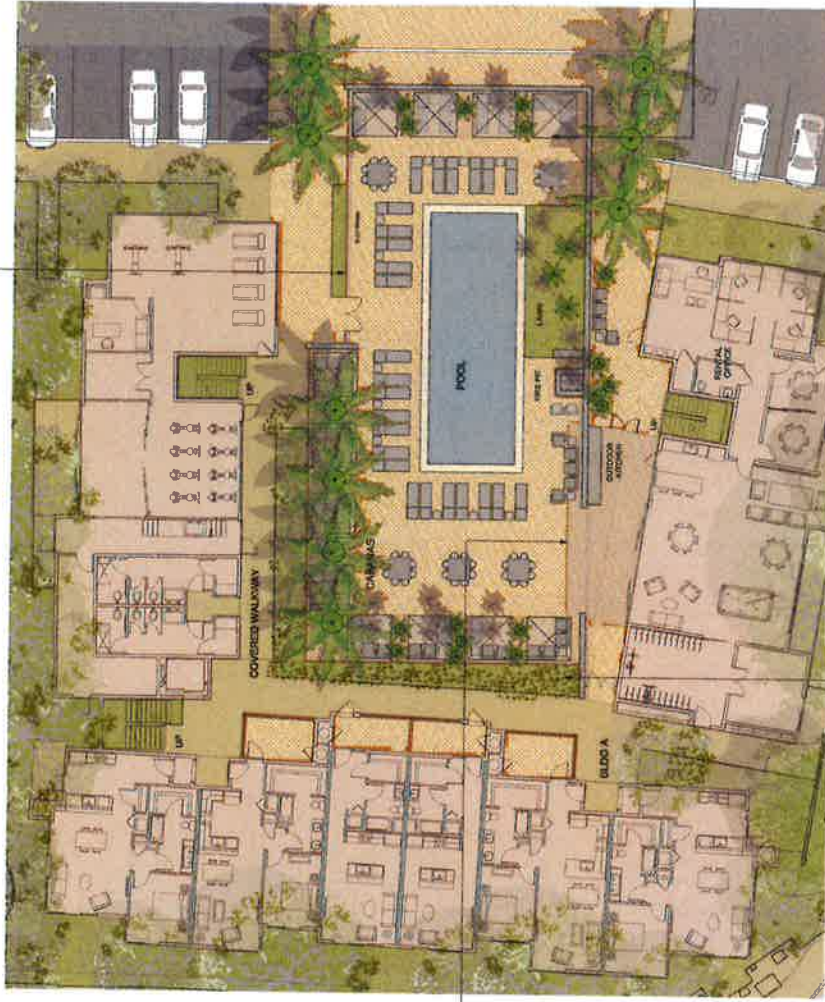
WOOD FENCE
& GATES



STONE WALL & METAL OVERHEAD



BAMBOO SCREEN
OPEN TO ABOVE



POOL COURTYARD PLAN



CABANAS



DATE 2/26/11-04

SHEET

L1.1

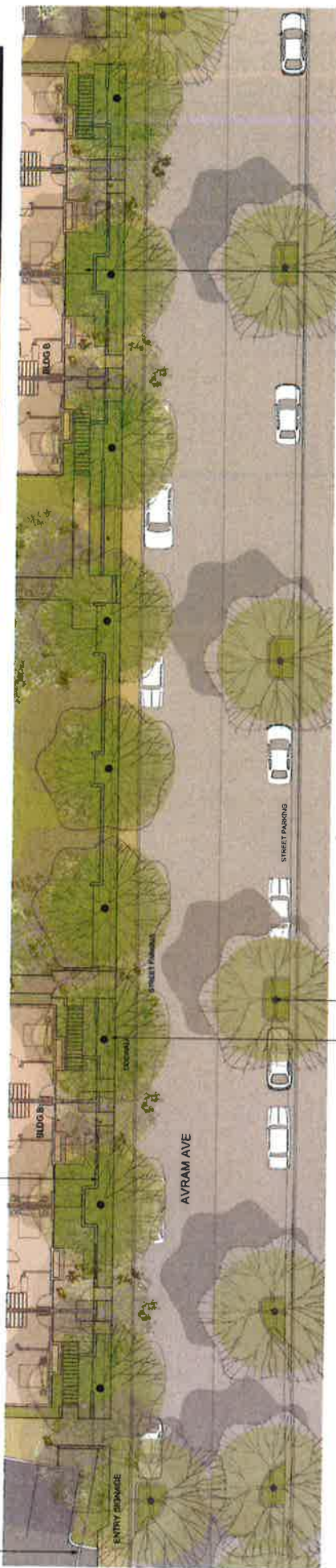


AVRAM HOUSE
118 AVRAM AVE. ROBERT PARK, CALIFORNIA 94208



ROLLING METAL ENTRY GATE
- 4' MAXIMUM HEIGHT

STUCCO WALLS,
METAL GATES & RAILINGS
- 4' MAXIMUM HEIGHT



BOULEVARD PLANTING AT STREET



ACCENT TREES AT ENTRIES



BAMBOO SCREEN AT WINDOWS & PATIOS -



AVRAM AVE FRONTAGE PLAN

AVRAM HOUSE
400 AVRAM AVE. RICHMONT PARK, CALIFORNIA 94801



DATE: 2016-11-01

111

L1.2



TRAILHEAD ARCHWAY
- METAL
- WITH COPELAND CREEK NAME
- SEE ARCHITECT'S DRAWINGS

OVERLOOK WITH
STONE SEATWALL

METAL PARAPET WITH
INTERPRETIVE SIGNAGE

NATIVE RIPARIAN
SIDE OF BANK PLANTING

COMMERCE BLVD

CREEK WATERWAY

EXISTING MATURE TREES

CREEK PATHWAY

PROPERTY LINE

DOG RUN

SPECIAL CONCRETE
PAVING

BLOG A

NATIVE RIPARIAN
TOP OF BANK PLANTING

PROPOSED NATIVE
ACCENT TREES



UNIVERSITY OF CALIFORNIA, DAVIS
SCHOOL OF ARCHITECTURE
PLANNING AND ENVIRONMENT
LANDSCAPE ARCHITECTURE

CREEK TRAILHEAD PLAN

1830 AVRAM AVE. RICHMOND PARK, CALIFORNIA 94804
AVRAM HOUSE

DATE: 2016-1-04
SHEET
L1.4

H. DENSITY BONUS FOR AFFORDABLE HOUSING.

1. Applicability. The purpose of this section is to comply with the state density bonus law (California Government Code Section 65915) and to implement the housing element of the Rohnert Park general plan, by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to households of low or very low income. The provisions of this section shall apply to the construction of five or more units of housing that satisfies one or more of the following criteria:

- a. At least ten percent of the total units are designated for low income households.
- b. At least five percent of the total units are designated for very low income households.
- c. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.
- d. At least ten percent of the total in a condominium project for moderate income households.

The density bonus shall not be included when determining the number of housing units that are to be affordable.

2. Definitions. The following terms are hereby defined for the purposes of this section:

"Affordable housing units" means housing units affordable to low and very low income persons provided through the affordable housing density bonus program pursuant to California Government Code Section 65915.

"Condominium project" means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

"Low income household" means a household whose income is equal to or less than eighty percent of the area median income, as published by the California Department of Housing and Community Development, and is considered to be able to afford rent that does not exceed thirty percent of sixty percent of the area median income.

"Very low income household" means a household whose income is equal to or less than fifty percent of the area median income, as published by the California Department of Housing and Community Development, and is considered to be able to afford rent that does not exceed thirty percent of fifty percent of the area median income.

"Density bonus" means a density increase of at least twenty percent (rounded up to the nearest whole unit) up to a maximum of thirty-five percent in accordance with Government Code Section 65915, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the Rohnert Park General Plan as of the date the application by the developer is accepted by the city as complete. For condo developments as identified in subsection (H)(1)(d) of this section, the minimum density bonus shall be at least five percent, up to a maximum of thirty-five percent in accordance with Government Code Section 65915 over the otherwise maximum allowable residential density, unless a lesser percentage is elected by the applicant, if at least ten percent of the total dwelling units are reserved for persons and families of moderate income. The granting of a density bonus shall not be interpreted in and of

itself to require a general plan amendment, zoning change, or other discretionary approval. For purposes of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

"Housing development" means one or more projects for new residential development consisting of five or more units.

"Senior citizens" means qualifying residents as defined in Section 51.2 of the California Civil Code.

3. Criteria and standards for density bonus and incentive:

a. In accordance with Government Code Section 65915, when a developer agrees to construct affordable housing, at least one of the following incentives or concessions, at the city's option, shall be granted if requested, in addition to a density bonus; provided the findings outlined in subsection (H)(4) (b)(3) of this section are satisfied:

(1) A reduction in site development standards or a modification of zoning requirements or architectural design requirements such as, but not limited to, private and common open space, landscaping, parking, minimum lot sizes, and setbacks.

(2) Approval of mixed-use zoning within the housing development where it is demonstrated that commercial, office, or other nonresidential land uses will reduce housing costs over residential-only uses on a site and will be compatible with the existing and planned housing units on the site and the surrounding neighborhood where the proposed housing development will be located.

(3) Other incentives proposed by the developer or the city which result in identifiable cost reductions, such as one of the following:

(i) Expedited "fast track" processing of development applications and permits (e.g., allowing plan check to begin during planning application process);

(ii) Use of redevelopment funds or powers, or other public financing.

There is no requirement, however, for the city to provide any direct financial assistance, to waive fees and/or dedication requirements, or to provide publicly owned land for a housing development.

b. If the developer agrees to construct twenty percent of the total units for low income households, ten percent of the units for very low income households, or at least twenty percent for persons and families of moderate income in a condominium or planned development, at least two of the above incentives or concessions, at the city's selection, shall be granted in addition to the density bonus.

c. If the developer agrees to construct at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a condominium or planned development, at least three of the incentives or concessions, of the city's selection, shall be granted in addition to the density bonus.

d. If an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city for the provision of affordable housing in accordance with Government Code Section 65915(h), the applicant shall be eligible for a density bonus ranging from fifteen percent to a maximum of thirty-five percent in accordance with Government Code Section 65915(h).

e. The following standards shall apply to the granting of the density bonus and incentives:

(1) Duration of affordability. If an incentive is granted, the affordable housing units receiving a density bonus shall be affordable for a minimum period of thirty years, or longer if required by a construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, the city's redevelopment assistance program, city's inclusionary housing program or an affordable housing agreement.

(2) Location and density of affordable housing units. The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings, and shall not differ in exterior appearance of the units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no event shall the affordable housing units be located in only one portion of the housing development or situated in one building of a multi-building development.

(3) Location of density bonus. The density bonus units can be located in geographic areas of the development site other than the areas where the units for the low income households are located, and can be located only on parcels for which the density bonus was granted.

(4) Zoning basis. The underlying zoning of the district and the number of units allowed in the district shall be the basis of which the density bonus is determined unless the project is a planned unit development, in which case the density bonus will be determined based on the general plan designation.

4. Procedures.

a. Preliminary proposal. A developer requesting a density bonus, or incentive(s) or concession(s) pursuant to this section may submit a preliminary proposal for staff comment (pursuant to item 4(b) below) prior to the submittal of any formal requests for approval of a density bonus and incentive(s) or concession(s) and other planning approvals such as a general plan amendment, subdivision map, development plan or design review, etc. The purpose of the preliminary proposal is to determine whether the proposed housing development is in compliance with applicable planning regulations and to establish the basis and procedures for granting the incentive(s). Approval of a preliminary proposal does not constitute approval of the housing development, but indicates that the housing development nominally complies with the city's applicable planning and zoning regulations, and establishes the type of incentive(s) or concession(s) and agreement to ensure compliance with this section to be recommended by staff.

(1) The following information shall be submitted for a preliminary proposal:

(i) A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval required.

(ii) A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways.

(iii) A written request for the specific incentive(s) sought, accompanied by the rationale and accurate supporting information sufficient to demonstrate that any requested incentive is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the applicant shall identify the proposed use of any housing subventions or programs for the housing development such as State Housing Community Development Programs, redevelopment funds, or other sources of funding.

(2) Within forty-five days of receipt of a complete preliminary proposal, the planning and community development director shall notify the applicant in writing what the staff will recommend as to how the city will comply with this section,

and shall indicate whether or not the housing development complies with this section and with the applicable planning and zoning regulations.

b. Housing density bonus and incentive(s) or concession(s) application and approval.

1. The request for approval of a density bonus and incentive(s) or concession(s) shall be made by applying for an administrative use permit. The procedures applicable to the processing of an administrative use permit shall apply to the request for approval of a density bonus and incentive(s) or concession(s). The findings required by Section 17.25.053 do not apply to Administrative Use Permits granted pursuant to this Section 17.07.020(H).

The request for approval of a density bonus and incentive(s) or concession(s) pursuant to this section shall be made along with other applicable related planning action requests for the project as specified in the Rohnert Park zoning ordinance, except for projects for which one or more approvals has been sought prior to the adoption of this section.

(2) The request for approval shall include the items specified under subsection (H)(4)(a)(1) of this section.

(3) All of the following findings must be made, as applicable, in order to approve a density bonus and incentive(s) or concession(s):

(i) That the incentive(s) or concession(s) are required in order to make the affordable housing units economically feasible or to set rents at qualifying levels for low income or very low income households.

(ii) That design, siting and income thresholds of the affordable housing units substantially comply with all of the requirements and standards set forth in this section.

(iii) That, prior to issuance of any building or grading permit for the housing development, there will exist an enforceable recorded agreement to maintain the affordability of the affordable housing units for the duration required by this section.

c. Denial of incentive application. The request for approval of incentive(s) or concession(s) above and beyond a density bonus may be denied if the city makes a written finding, based upon substantial evidence, of either of the following:

(1) The concession(s) or incentive(s) are not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 17.08.050(A) of this title.

(2) The concession(s) or incentive(s) would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, Title 7, Division 1, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

5. Criteria to evaluate requested incentive(s) or concession(s).

a. At least one of the following criteria shall be used to evaluate whether incentive(s) or concession(s) are sufficient to make the affordable housing units economically feasible:

(1) A development pro forma with the capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and the debt-coverage ratio including the contribution provided by any applicable subsidy programs, and the economic effect created by the thirty year use and income restrictions of the affordable housing units.

(2) An appraisal report indicating the value of the density bonus and of the incentive(s) and of the value of any other incentives.

(3) Sources and use of funds statement identifying the projected financing gap of the project with the affordable housing units that are the basis for granting the density bonus and incentive(s). The developer shall establish how much of the gap would be covered by the density bonus, leaving a remainder figure to be covered by an additional incentive.

b. Determination of the completeness and accuracy of the financial information submitted in support of a request for an incentive and evaluation of this information shall be made by the city, or by a third party agreed to jointly by the city and the developer.

6. Required affordable housing density bonus agreement.

a. Prior to the issuance of a building or grading permit for any dwelling unit in a development for which a density bonus has been awarded or incentives have been granted, the developer shall enter into a written agreement with the city for the duration of affordability. The terms and conditions of the agreement shall run with the land that is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Sonoma County recorder's office. The agreement shall be approved by the city attorney and shall include provisions for the following:

- (1) The number and proportion of housing units affordable to low income and very low income households by type, location, and number of bedrooms.
- (2) Standards for maximum qualifying household incomes and maximum rents or sale prices.
- (3) The party responsible for certifying rents and sales prices of affordable housing units.
- (4) The process that will be used to certify incomes of tenants or purchasers of the affordable housing units.
- (5) The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units.
- (6) Deed restrictions on the affordable housing units binding on property upon sale or transfer.
- (7) Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households.
- (8) Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units.

State of California

GOVERNMENT CODE

Section 65915

65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with Section 65943.

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

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

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

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age

requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

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

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

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment

assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

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

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, 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; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(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.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost 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 in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded

affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city

and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

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

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

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

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

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

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

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

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a

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

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

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

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

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

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

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

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

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

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

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26

32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

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

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

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

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

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

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

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

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

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

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

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

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

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

allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

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

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

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

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low-income or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a 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 Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If 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 Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

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

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

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(Amended by Stats. 2016, Ch. 761, Sec. 1.7. (AB 2556) Effective January 1, 2017.)