Proposed Redline Changes to Zoning Code

Chapter 20-36 – Parking and Loading Standards

Section 20-36.040 – Number of parking spaces required

Each principally or conditionally permitted use shall provide at least the minimum number of off-street automobile and bicycle parking spaces required by this section, except where parking requirements are adjusted in compliance with Section 20-36.050 (Adjustments to parking requirements), or where otherwise indicated in this Section. Also see Section 20-36.090 (Bicycle parking requirements and design standards).

A. Parking requirements by land use. Each land use shall be provided the number of automobile and bicycle parking spaces required by Table 3-4, except where a greater or lesser number of spaces is required through conditions of approval or indicated elsewhere in this Section.

B. Basis for calculations.

1. Floor area. Where Table 3-4 establishes a parking requirement based on the floor area of a use in a specified number of square feet (e.g., one space per 1,000 square feet), the floor area shall be construed to mean gross floor area.

2. Fractions. Where application of the requirements in Table 3-4 results in a fractional requirement, a fraction of 0.5 or greater shall be increased to the next higher number and a fraction of less than 0.5 shall be reduced to the next lower number.

C. Expansion of structure, change in use.

1. Expansion of structure. When existing conforming or nonconforming structures, other than single-family dwellings, are enlarged or increased in capacity by more than 10 percent, or when an expansion in use requires more parking than is presently provided, parking spaces shall be provided in accordance with Table 3-4.

2. Change in use. When a building's use changes to a new use, for example a retail use to a restaurant, without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater.

D. Reduction of capacity. No existing parking or loading facility may be reduced in capacity unless sufficient replacement capacity is provided in compliance with this Chapter or a reduction is approved in compliance with Section 20-36.050 (Adjustments to parking requirements). Parking and loading facilities required by this Chapter shall remain available for the loading and parking of motor vehicles. Bicycle parking shall remain available for bicycles. Any contrary use of such facilities shall constitute a violation of this Code.

E. Multi-use sites. A site with multiple uses shall provide the aggregate number of parking spaces required for each separate use, except where:

1. The site was developed comprehensively as a shopping center, the parking ratio shall be that required for the shopping center as a whole regardless of individual uses listed in Table 3-4; or

2. The site qualifies for shared parking in compliance with Section 20-36.050 (Adjustments to parking requirements).

F. Uses not listed. A land use not specifically listed in Table 3-4 shall provide parking as determined by the Director. The Director shall use the requirements of Table 3-4 for similar uses as a guide in determining the minimum number of parking spaces to be provided and may require the applicant to fund a parking study to determine parking demand.

G. Bench or bleacher seating. Where fixed seating is provided (e.g., benches or bleachers), a seat shall be construed to be 18 inches of bench space for the purpose of calculating the number of required parking space.

H. Development projects within one-half mile of public transit. There is no minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of a major transit stop, as defined in Section 20-70.020. This waiver of minimum parking requirements may be subject to certain exceptions and conditions found in subdivisions (I) through (O) of this Section ("related subdivisions"). This and related subdivisions do not apply to development projects where any portion is designated for use as hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of the housing development project is designated for use as a residential hotel, as defined in Section 20-70.020.

I. Exception to subdivision (H) for substantially negative impacts. Notwithstanding subdivision (H), the City may impose or enforce minimum automobile parking requirements on a project that is located within one-half mile of public transit if the public agency makes written findings, within 30 days of the receipt of a completed application, that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:

1. The City's ability to meet its share of the regional housing need for low- and very low income households, as defined in Section 20-70.020;

2. The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the City's housing element; or

3. Existing residential or commercial parking within one-half mile of the housing development project.

J. Exception to subdivision (I) for certain housing development projects. For a housing development project, as defined in Section 20-70.020, subdivision (I) shall not apply if the housing development project satisfies any of the following:

1. The development dedicates a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities (as these terms are defined in Section 20-70.020;

2. The development contains fewer than 20 housing units; or

3. The development is subject to parking reductions based on the provisions of any other applicable law.

K. Exception to subdivision (H) for event center parking. Notwithstanding subdivision (H), an event center shall provide parking, as required by local ordinance, for employees and other workers.

L. No reductions of required parking spaces for persons with disabilities or for electric vehicles. Subdivision (H) and related subdivisions shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if subdivision (H) and related subdivisions did not apply.

M. Parking developed voluntarily. When a project provides parking voluntarily, the City may impose requirements on that voluntary parking to require spaces for car share vehicles, require spaces to be shared with the public, or require parking owners to charge for parking. The City may not require that voluntarily provided parking is provided to residents free of charge.

N. Impact of subdivision (H) on contractual agreements. Subdivision (H) shall not apply to commercial parking requirements if it conflicts with an existing contractual agreement of the City that was executed before January 1, 2023, provided that all of the required commercial parking is shared with the public. This subdivision shall apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements.

O. Voluntarily added private parking. A project may voluntarily build additional parking that is not shared with the public.

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	**Bicycle**
AGRICULTURAL AND OPEN SPACE USES (1)		
Agricultural activities, including crop production, horticulture, orchard, vineyard, and animal keeping	None.	
Plant nursery	1.25 spaces per employee.	None.
Wildlife or botanical preserve or sanctuary	Determined by Conditional Use Permit.	
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING		
Industrial and manufacturing, except the uses listed below:		
Less than 50,000 sf.	1 space for each 350 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 7,000 sf. or as determined by CUP.
Equal to or greater than 50,000 sf.	1 space for each 700 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf. or as determined by CUP.
Cannabis—Cultivation	1 space per 1,000 sf. or as determined by CUP.	1 space per 14,000 sf. or as determined by CUP.
Cannabis—Distribution	1 space per 1,000 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.
Cannabis—Manufacturing:		
Less than 50,000 sf	1 space per 350 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 7,000 sf. or as determined by CUP.
Equal to or greater than 50,000 sf	1 space per 700 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf. or as determined by CUP.

Cannabis—Testing laboratory	1 space per 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.
Laboratory	1 space for each 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.

~~**Notes:**~~

~~(1) Properties located within the boundaries of the Downtown Station Area Specific Plan shall use the land use type "Downtown Station Area Specific Plan" to determine the number of parking spaces required.~~

~~(2) Properties located within the boundaries of the North Santa Rosa Station Area Specific Plan shall use the land use type "North Station Area Specific Plan" to determine the number of parking spaces required.~~

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING (continued)		
Recycling facility	1 space for each 1,000 sf. or as determined by CUP. The gross floor area may include incidental office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.
Research and development	1 space for each 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.
Self storage (personal storage and mini warehouse facilities)	2 spaces for manager or caretaker unit, 1 of which must be covered, and a minimum of 5 customer parking spaces located adjacent or in close proximity to the manager's unit.	None required.
Warehouse, wholesaling, distribution, and storage (not including mini-storage for personal use)	1 space for each 1,000 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY		
Adult entertainment	As determined by CUP.	
Commercial recreation facility—Indoor	1 space for each 250 sf.	1 space per 5,000 sf.
Commercial recreation facility—Outdoor	As determined by MUP.	
Conference, convention facility	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 5,000 sf.
Golf courses/country club, public or quasi-public	8 spaces for each hole.	None required.
Equestrian facility	As determined by CUP.	
Health club/fitness facility	1 space for each 250 sf., not including that area devoted to athletic courts located within the building, plus 2 spaces per athletic court.	1 space per 4,000 sf.
Library, museum	1 space for each 300 sf., plus 1 space for each official vehicle.	1 space per 6,000 sf.

Meeting facility, public or private **(2)**	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 4,000 sf.
Park/playground, public or quasi-public	As determined by review authority.	

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	**Bicycle**
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY (continued)		
School, public or private		
Elementary/middle school	1.5 spaces for each classroom, plus 1 space for every 200 sf. of assembly area in an auditorium.	1 space per 4,000 sf. of assembly area in an auditorium.
High school	0.33 spaces for each student, plus 1 space for each employee.	1 space per 4,000 sf. of assembly area in an auditorium.
College	0.5 spaces for each student, plus 1 space for each employee.	1 space per 1,000 sf. of assembly area in an auditorium.
Trade and business schools	1 space for each student.	1 space per 10 students.
Sports and entertainment assembly facility	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area, whichever is greater.	1 space per 4,000 sf.
Studio: art, dance, martial arts, music, etc.	1 space for each 200 sf.	1 space per 4,000 sf.
Theater, auditorium	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 4,000 sf.
RESIDENTIAL USES (~~3~~2)		
Accessory dwelling units	1 space in addition to that required for the primary single-family dwelling unit; unless exempted by Section 20-42.130.E.9; the space may be uncovered, compact, or tandem, and located within the setback, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific topographical or fire and life safety conditions.	None required.

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	**Bicycle**
RESIDENTIAL USES (3) (continued)		
Duplex, multifamily dwelling, rowhouse, condominium and other attached multi-family and single-family dwellings, and including multifamily in a small-lot subdivision	Studio and 1-bedroom units—1 covered space plus 0.5 visitor spaces per unit. Visitor spaces may be in tandem with spaces for the unit; or on-street abutting the site, except on a street identified by the General Plan as a regional street.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedroom units—1 covered space plus 1.5 visitor spaces per unit. Visitor spaces may be in tandem with spaces for the unit; or on-street abutting the site, except on a street identified by the General Plan as a regional street.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Emergency shelter	1 space for every 10 beds provided, plus 1 space for each staff person on duty.	
Group quarters (including boarding/rooming houses, dormitories, organizational houses)	1.5 spaces for each sleeping room or 1 space for each 100 sf. of common sleeping area.	1 space per room.
Junior accessory dwelling units	No off-street parking required. Parking required for the primary single-family dwelling in accordance with this Table 3-4.	None required.
Live/work and work/live units	2 spaces for each unit. The review authority may modify this requirement for the re-use of an existing structure with limited parking.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Mixed-use projects	See Section 20-36.050.A (Shared parking for mixed uses).	
Mobile home parks	1.75 spaces for each unit, which may be in tandem, one of which must be covered. At least one-third of the total spaces required shall be distributed throughout the mobile home park and available for guest parking.	0.5 spaces per unit.

Multifamily affordable housing project	Studio/1 bedroom unit—1 space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedrooms—2 spaces per unit.	

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
RESIDENTIAL USES (3) (continued)		
Senior housing project (with occupancy for persons 55 or older, as set forth in and which complies with Section 20-28.080)	1 space per unit with 0.5 of the spaces covered, plus 1 guest parking for each 10 units.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Senior affordable housing project (with occupancy for persons 55 or older, as set forth in and which complies with Section 20-28.080)	1 space per unit.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Single-family dwellings—Detached (see duplexes, etc., above for attached units)	Standard lot—4 spaces per unit, 1 of which must be on-site, covered, and outside setbacks. The remaining 3 spaces may be on-site (in the driveway and tandem) or on a public or private street when directly fronting the lot.	None required.
	Flag lot—2 spaces per unit, 1 of which must be covered, both of which must be located outside the required setback area plus 2 on-site, paved guest spaces located outside the required setbacks and which may be tandem.	None required.
Single room occupancy facilities	0.5 spaces per unit.	
Supportive housing	No minimum parking requirements for units occupied by supportive housing residents within 1/2 mile of a public transit stop. Otherwise, subject to the same parking requirements as other residential uses.	
Transitional housing	Subject to the same parking requirements as other residential uses.	
RETAIL TRADE		
All retail trade uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
Auto and vehicle sales and rental	1 space for each 450 sf. of covered display or building area.	1 space per 9,000 sf.

Bar/tavern	1 space for each 50 sf. of seating area and waiting/lounge area exclusive of dance floor, plus 1 space for each 30 sf. of dance floor.	1 space per 4,000 sf.
Building and landscaping material sales—Indoor	1 space for each 300 sf. of indoor display area.	1 space per 6,000 sf.

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
RETAIL TRADE (continued)		
Building and landscaping material sales—Outdoor	1 space for each 300 sf. of indoor display area, plus 1 space for each 1,000 sf. of outdoor display area.	1 space per 6,000 sf.
Cannabis—Retail (dispensary) and delivery	1 space for each 250 sf.	1 space per 5,000 sf.
Construction and heavy equipment sales and retail	1 space for each 450 sf. of covered display or building area.	1 space per 9,000 sf.
Drive-through retail sales	As determined by MUP. See Section 20-42.064.	1 space per 6,000 sf.
Farm supply and feed store	1 space for each 300 sf. of indoor display area, plus 1 space for each 1,000 sf. of outdoor display area.	1 space per 6,000 sf.
Fuel dealer	As determined by CUP.	
Furniture, furnishings, appliance/equipment store	1 space for each 300 sf. of indoor display area.	1 space per 6,000 sf.
Gas stations	1 space for each service bay plus 1 space per employee. Parking space for ancillary uses (e.g., convenience store, take-out restaurant, car wash, etc.) shall be provided in compliance with the requirements of this table for the specific use.	1 space per 10 employees. Bicycle parking for ancillary uses (e.g., convenience store, take-out restaurant, car wash, etc.) shall be provided in compliance with the requirements of this table for the specific use.
Mobile home, boat, or RV sales	1 space for each 450 sf. of covered display or building area.	1 space per 9,000 sf.
Night club	1 space for each 50 sf. of seating area and waiting/lounge area exclusive of dance floor, plus 1 space for each 30 sf. of dance floor.	1 space per 4,000 sf.
Restaurant, café, coffee shop—Counter ordering	1 space for each 75 sf.	1 space per 4,000 sf.
Restaurant, café, coffee shop—Outdoor dining	As determined by MUP.	None required.

Restaurants, café, coffee shop—Table service	1 space for each 3 dining seats capacity.	1 space per 4,000 sf.

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	**Bicycle**
RETAIL TRADE (continued)		
Shopping center	1 space for each 250 sf. of gross leasable area.	1 space per 5,000 sf.
Warehouse retail	1 space for each 375 sf.	1 space per 7,500 sf.
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL		
All business, financial, and professional service uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
ATM	2 spaces per machine. See also Section 20-42.044.	None required.
Medical service		
Clinic, lab, urgent care	1 space for each 300 sf.	1 space per 6,000 sf.
Doctor's office	1 space for each 200 sf.	1 space per 4,000 sf.
Health care facility	As determined by MUP.	
Hospital	As determined by CUP.	
Integrated medical health center	1 space for each 250 sf. of recreation and fitness area, not including that area devoted to athletic courts located within the building, plus 2 spaces per athletic court, plus 1 space per 300 sf. of medical clinic/office use.	1 space per 4,000 sf.

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
RETAIL TRADE (continued)		
Shopping center	1 space for each 250 sf. of gross leasable area.	1 space per 5,000 sf.
Warehouse retail	1 space for each 375 sf.	1 space per 7,500 sf.
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL		
All business, financial, and professional service uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
ATM	2 spaces per machine. See also Section 20-42.044.	None required.
Medical service		
Clinic, lab, urgent care	1 space for each 300 sf.	1 space per 6,000 sf.
Veterinary clinic, arrival hospital	As determined by MUP.	
SERVICES—GENERAL		
All service uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
Catering service	1 space per employee, plus 1 space per company vehicle.	None required.
Cemetery, mausoleum, columbarium	1 space for each 4 seats of chapel capacity, and 1 space per employee.	1 space per 5,000 sf.
Day care		
Adult day care	1 space per employee, plus 1 space per 10 clients, plus adequate loading space as required by review authority.	As determined by MUP or CUP.
Child day care—Center	1 space per employee, plus 1 space per 10 children, plus adequate loading space as required by review authority.	As determined by MUP or CUP.

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
SERVICES—GENERAL (continued)		
Child day care—Large family day care home	3 spaces, no more than 1 of which may be provided in a garage or carport. Parking may be on-street if contiguous to the site. May include spaces already provided to meet residential parking requirements.	As determined by MUP or CUP.
Child day care—Small day care home	As required by State license.	None required.
Community care facility—6 or fewer clients	1 space for each 3 beds.	None required.
Community care facility—7 or more clients	1 space for each 3 beds.	As determined by MUP or CUP.
Drive-through service	As required by MUP or CUP. See Section 20-42.064.	
Equipment rental	1 space for each 350 sf. of floor area; none required for outdoor rental yard.	1 per 10 full time employees.
Kennel, animal boarding	1 space for each 500 sf., plus 1 space for each 1,000 sf. of boarding area.	1 per 10 full time employees.
Lodging—Bed & breakfast inn (B&B), hotels, and motels	1 space for each guest room, plus required spaces for accessory uses such as restaurants and conference space.	1 space plus 1 per 10 guest rooms.
Mortuary, funeral home	1 space for each 4 seats of chapel capacity and 1 space per employee.	1 per 10 full time employees.
Personal services	2 spaces per customer chair, or 1 space for 250 sf., whichever is greater.	1 space per 4,000 sf.
Personal services—Restricted	2 spaces per customer chair, or 1 space for 250 sf., whichever is greater.	1 space per 4,000 sf.
Public safety facility	As determined by MUP.	
Repair service—Equipment, large appliances, etc.	1 space for each 375 sf.	1 space per 7,500 sf.
Vehicle services—Minor, and major repair/body work	1 space for each service bay, plus 1 space per employee.	1 space per 10 full time employees.

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE		
All uses, except the following	As required by MUP or CUP.	
Broadcasting studio	1 space per 200 sf.	1 space per 4,000 sf.
Medical cannabis transporter	As required by MUP.	

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
DOWNTOWN STATION AREA SPECIFIC PLAN—ATTACHED MULTIFAMILY RESIDENTIAL USES		
Residential—Attached Single-Family	No minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Residential—Multifamily	No minimum.	
DOWNTOWN STATION AREA SPECIFIC PLAN—DETACHED SINGLE-FAMILY RESIDENTIAL USES		
Residential—Detached Single-Family	No minimum.	None required.
DOWNTOWN STATION AREA SPECIFIC PLAN—AFFORDABLE RESIDENTIAL USES		
Affordable residential uses	No minimum.	1 space per 4 units if units do not have a private

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
		garage or private storage space for bike storage.
DOWNTOWN STATION AREA SPECIFIC PLAN—SENIOR HOUSING PROJECT (OCCUPANCY RESTRICTED TO PERSONS 55 OR OLDER)		
Senior housing project	No minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
DOWNTOWN STATION AREA SPECIFIC PLAN—NONRESIDENTIAL USES		
All nonresidential uses	No minimum.	1 space per 5,000 sf
NORTH SANTA ROSA STATION AREA SPECIFIC PLAN		
Multifamily attached residential	1.5 spaces per unit minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Affordable multifamily attached residential	1 space per unit minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.

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TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE (continued)

Land Use Type:	Number of Parking Spaces Required	
	Vehicle	Bicycle
NORTH SANTA ROSA STATION AREA SPECIFIC PLAN (continued)		
Senior multifamily attached residential	0.5 spaces per unit minimum.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Nonresidential	2.5 spaces for each 1,000 sf. minimum.	1 space per 5,000 sf.

Notes:

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(2) For a project that proposes a religious institution affiliated housing development, as defined in Section 20-70.020, the City shall allow the reduction of up to 50% of the required number of religious-use parking spaces, as defined in Section 20-70.020, for either (1) a newly constructed religious facility or (2) a religious facility that exists at the time the request is made. However, the reduction in parking spaces shall not reduce the number of spaces to below one space per unit, unless either (1) the parcel is located within one-half mile of a Major Transit Stop, as defined in Section 20-70.020, or (2) there is a car share vehicle located within one block of the parcel. Application of this reduction allowance shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that otherwise applies.

(3) Properties located within the boundaries of the North Santa Rosa Station Area Specific Plan shall use the land use type "North Station Area Specific Plan" to determine the number of parking spaces required.

(Ord. 2021-012 §§ 24–26; Ord. 2020-014 § 20; Ord. 2020-001 § 7; Ord. 2017-025 § 5; Ord. 2017-024 § 6; Ord. 4001 § 7, 2012; Ord. 3997 § 5, 2012; Ord. 3995 § 7, 2012; Ord. 3992 § 4, 2012; Ord. 3985 § 5, 2012; Ord. 3972 §§ 4, 5, 2011; Ord. 3950 § 15, 2010; Ord. 3760 § 3 Exh. A, 2006; Ord. 3711 § Exh. A, 2005; Ord. 3677 § 1, 2004)

Chapter 20-31 – Density Bonus and Other Developer Incentives

Sections 20-31.010 – 20-31.110

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20-31.010 Purpose.

This Chapter is intended to provide incentives for the production of Affordable Housing, Specialized Housing, Senior Housing and the development of Child Care Facilities. In enacting this Chapter, it is the intent of the City of Santa Rosa to implement the goals, objectives, and policies of the General Plan and applicable specific plans, implement the Santa Rosa Housing Action Plan to address housing needs in the community, and ensure consistency between local regulations and California Government Code Section 65915 (State Density Bonus Law).

State density bonus law shall apply city-wide to eligible projects as defined in this Chapter and in State law. In addition, a Supplemental Density Bonus is available for eligible projects located within the North Station Specific Plan and Downtown Station Specific Plan as outlined in this Chapter.

In the event that any provision in this Chapter conflicts with State law, State law shall control.

20-31.020 Definitions.

The following terms used in this Chapter shall be defined as follows:

Affordable Housing. A housing unit which is available for rent or sale to households with income levels at the extremely low-, very low-, low-, or moderate-income level as those terms are defined in this Section.

Affordable Rent. Monthly rent charged to extremely low-, very low-, low-, and moderate-income households for housing units as calculated in accordance with Section 50053.b of the California Health and Safety Code.

Base Project. The number of housing units included in the Housing Development prior to the inclusion of any units granted through a Density Bonus.

Bedroom. A habitable space within a dwelling unit in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. A bedroom shall include two methods of ingress and egress, and be a minimum of 70 square feet, with no linear dimension smaller than 7 feet.

Child Care Facility. A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

Common Interest Development. Defined in California Civil Code Section 4100 to mean (a) a community apartment project; (b) a condominium project; (c) a planned development; or (d) a stock cooperative.

Density Bonus. See Division 7 (Glossary)

Density Bonus Housing Agreement. A legally binding agreement between an Applicant and the Housing Authority of the City of Santa Rosa (Housing Authority) to ensure that continued affordability of the affordable housing units required by this Chapter persists and the units are maintained in accordance with this Chapter.

Density Bonus Units. Those additional residential units granted pursuant to the provisions of this Chapter.

Development Costs. "Development costs" means the aggregate of all costs incurred in connection with a Housing Development which are approved by the City as reasonable and necessary, including, but not limited to, those costs listed in California Health and Safety Code Section 50065.

Development Standard. A site or construction condition, including, but not limited to, minimum lot area per unit requirement, height limits, required setbacks, maximum floor area ratio, onsite open-space requirement, or required parking that applies to a residential development pursuant to any ordinance, General Plan, Specific Plan, charter, or other local condition, law, policy, resolution, or regulation.**Downtown Station Area Specific Plan.** See Zoning Ordinance Section 20-28.060 (Station Area (-SA) combining district).

Eligibility Points. The number of Eligibility Points that is calculated pursuant to Section 20-31.070 (Supplemental Density Bonus) must be earned by an applicant for a Housing Development to establish eligibility for a Supplemental Density Bonus. Eligibility Points are earned through the provision of affordable housing units, or through the provision of affordable housing together with approved community benefits as provided in this Chapter.

Equivalent Size. Equivalent size for the purposes of enforcing affordable housing replacement unit provisions outlined in this Chapter shall mean that replacement units must contain at least the same total number of bedrooms as the units being replaced.

Family-Size Units. A dwelling unit with three or more bedrooms.

Housing Authority of the City of Santa Rosa. An appointed body of the City authorized to engage in or assist in the development or operation of affordable housing.

Housing Development. A development project of five or more residential units, including mixed-use developments. For the purposes of this Chapter, "Housing Development" also includes projects defined in California Government Code Section 65915(i), including a subdivision or Common Interest Development, as defined in Section 4100 of the California Civil Code, approved by a City 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 California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

Incentives or Concessions. Regulatory Incentives or Concessions which include, but are not limited to, the reduction of site development standards or Zoning Code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory Incentives or Concessions proposed by the Applicant or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for affordable rents as outlined in this Chapter.

Income (Household), Extremely Low. A household whose gross income does not exceed 30 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development, pursuant to Section 50079.5 of the California Health and Safety Code.

Income (Household), Very Low. A household whose gross income does not exceed 50 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

Income (Household), Low. A household whose gross income does not exceed 80 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development, pursuant to Section 50079.5 of the California Health and Safety Code.

Income (Household), Lower. A household whose gross income falls under the categories or extremely low-, very low-, or low-income as those terms are defined in this Section.

Income (Household), Moderate. A household whose gross income does not exceed 120 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

Initial Subsidy. The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g., X (fair market value of the home to be purchased) - Y (the price the moderate-income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

Located within one-half mile of a Major Transit Stop. Means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating a major transit stop. A different definition of "located within one-half mile of a major transit stop," found in Section 20-70.020, may apply if the project falls under certain provisions of section 65915, subdivision (p), paragraph (2) of the Government Code pertaining to moderate income projects.

Lower Income Student. 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 Education Code. The eligibility of a student for this income level shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution(s) of higher education involved in the proposed density bonus Housing Development, or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.

Major Transit Stop. Defined in Section 20-70.020. However, for the purposes of this chapter, a major transit stop also includes major transit stops that are included in the applicable regional transportation plan. See above definition of "located within one-half mile of a major transit stop."

~~**Major Transit Stop**. An existing rail transit station or the intersection of two or more bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Includes Major Transit Stops that are included in the applicable regional transportation plan, as well as corridors served in parallel by two or more distinct bus routes each with service intervals of 15 minutes or less.~~**Maximum Allowable Density.** The maximum number of dwelling units per acre as allowed under the General Plan Land Use Designation. If the density allowed under the General Plan Land Use Designation or Specific Plan is inconsistent with the Zoning Code, the greater shall prevail. Where a Housing Development is permitted in a Land Use Designation that does not provide a residential density allowance, the bonus shall be calculated in reference to the residential density allowance designated in the Zoning Code. For a Housing Development located in a General Plan Land Use Designation and Zoning District without a defined residential density limit, the Maximum Allowed Density shall be imputed by the Housing Development plan, submitted by the Applicant and subject to approval by the Director, which demonstrates the maximum number of dwelling units, without the inclusion of

Density Bonus Units or associated Incentives, Concessions, waivers, and reductions, that can be developed on the site in substantial conformance with General Plan policies, and applicable Development Standards and Design Guidelines.

North Santa Rosa Station Area Specific Plan. See Zoning Ordinance Section 20-28.060 (Station Area (-SA) combining district).

Proportionate Share of Appreciation. The ratio of the local government's initial subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g., X (initial subsidy) ÷ Y (fair market value) = Proportionate Share of Appreciation).

Replacement Unit. Housing units that are constructed to replace rental dwelling units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower-income; subject to any other form of rent or price control through a valid exercise of police power; or occupied by lower-income households. Replacement unit requirements also apply to dwelling units subject to these affordability restrictions that have been vacated or demolished in the five-year period preceding the application. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-income do not require replacement units to be eligible for a density bonus.

Residential Density. Notwithstanding Section 20-12.020.C (Calculations), the residential density associated with a Housing Development is the ratio of the number of dwelling units on a lot to the gross lot area in acres, rounded up to the nearest whole number.

School Facility. A school facility as used in this chapter includes public institutions operated by local, state, and federal governments; chartered schools; magnet schools; private schools; parochial or religious schools. School facilities associated with virtual or online schools; after-school learning and tutoring centers or similar facilities; and private home schools are not considered school facilities for the purposes of this Chapter.

Senior Citizen Housing Development. A residential development restricted for senior citizen residents developed, substantially rehabilitated, or renovated, that has at least 35 dwelling units in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, 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.

Shared Housing Building. A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A "shared housing building" may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units. 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 level of the shared housing building closest to the street or sidewalk of the shared housing building.

Shared Housing Unit. One or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that means 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.

Significant, Adverse Impact. A significant, quantifiable, direct, and unavoidable impact to public health and safety, or the physical environment, or on any real property that is listed or eligible for listing, in the California Register of Historical Resources, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower-income and moderate-income households. Inconsistency with the Zoning Ordinance or General Plan Land Use Designation shall not constitute a specific, adverse impact upon the public health or safety. In Santa Rosa, specific, adverse impacts include but are not limited to:

- Development within a Preservation District wherein a proposed development Concession or Incentive would irreparably alter a historic resource, either individual or a district, in a manner that is inconsistent with the *Secretary of The Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.

- Development on land which does not currently have adequate water or wastewater facilities to service the development, or the provision of such services is infeasible at the level of residential density proposed in the development.

Specialized Housing. 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 Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

Total Units or Total Dwelling Units. A calculation of the number of units* that:

i. Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a density bonus,
ii. Includes a unit designated to satisfy an inclusionary zoning requirement, and

*For purposes of calculating a density bonus for a shared housing building, a "unit" includes one shared housing unit and its pro rata share of associated common area facilities.

Unobstructed Access. Unobstructed access means a resident of a Housing Development has pedestrian access to a Major Transit Stop or a fixed bus route without encountering natural or constructed impediments including freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

20-31.030 Application for Density Bonus and Incentives or Concessions.

At the time the Applicant of a proposed Housing Development, seeking a density bonus and Concessions or Incentives under this Chapter, files a Density Bonus application with the Department the Applicant is required to submit a Density Bonus Worksheet and the following information:

A. State density bonus applications. For a project seeking a density bonus pursuant to State law, the following information is required:
   1. Signed and completed Density Bonus Application form.
   2. Signed and completed Density Bonus Application Submittal checklist.
   3. The location, acreage, residential density, and the maximum number of base units allowed under the Zoning and the Land Use Designation under the General Plan without the density bonus.
   4. The total number of the following:
      a. Market rate units in the Base Project;
      b. Affordable Housing units and their targeted income level or other provisions (e.g. land donation), which will demonstrate eligibility for a State density bonus under this Chapter; and
      c. Density bonus units to be received, if any (see Section 20-31.040.B (Processing of density bonus application))
   5. The requested Concessions or Incentives that will result in identifiable and actual cost reductions to provide for affordable housing costs. This requirement at the time of application does not prevent the applicant from substituting a different Incentive or Concession from what is initially proposed at a later phase of the application.
   6. A clear statement of how the requested Concessions or Incentives result in identifiable and actual cost reductions to provide for affordable housing costs. The information should be sufficiently detailed to enable City staff to examine the conclusions reached by the Applicant.
   7. Projects in Areas with No Maximum Density. The General Plan and Zoning Code include Land Use Designations and corresponding Zoning Districts with no applicable residential density limit. To derive the "maximum allowable density" in these areas, applicants must complete the Maximum Allowable Density Worksheet available in the Planning Division.

B. Supplemental Density Bonus applications.
   1. A Housing Development requesting a Supplemental Density Bonus shall apply for a Minor Conditional Use Permit pursuant to Chapter 20-52 and subject to the additional findings required by Section 20-31.070(J).
      a. All Supplemental Density Bonus provisions and requirements shall be an in addition to the State density bonus provisions outlined in this Chapter.
      b. All Supplemental Density Bonus Housing Development projects shall provide

affordable housing and other community benefits sufficient to earn the requisite number of Eligibility Points pursuant to Section 20-31.070 (Supplemental density bonus).

c. Supplemental Density Bonuses granted to a Housing Development subject to a Development Plan and Policy Statement shall comply with the requirements of this section, but shall not require a Minor Conditional Use Permit and shall be considered as part of the Development Plan and Policy Statement approval process pursuant to Chapter 20-26 (PD zoning district standards).

2. Application Requirements. In addition to the State Density Bonus application requirements as outlined in Subsection (A), the Supplemental Density Bonus application shall clearly identify the total number of the following:

   a. Housing units in the Base Project;

   b. Affordable Housing units and the targeted income level provided as a share of the units in the Base Project to qualify for a State density bonus, or identification of other qualifying criteria for the State density bonus;

   c. Affordable Housing units and the targeted income levels provided as a share of the units in the Base Project in addition to those provided in Subsection (A), to generate at least 60% of the required Eligibility Points for the requested Supplemental Density Bonus as outlined in Section 20-31.070 (Supplemental density bonus).

   d. Any additional Affordable Housing units and the targeted income levels provided as a share of the units in Base Project, or specified community Benefits pursuant to Section 20-31.070 (Supplemental density bonus) to generate the remaining 40% of the required Eligibility Points for the requested Supplemental Density Bonus as outlined in Section 20-31.070 (Supplemental density bonus).

3. Housing Developments requesting a Supplemental Density Bonus that generate the requisite number of Eligibility Points shall receive a total of three (3) Incentives or Concessions inclusive of Incentives and Concessions received under State Density Bonus provisions. No Housing Development requesting a Supplemental Density Bonus shall receive more than three Incentives or Concessions. Applications for a Supplemental Density Bonus shall identify any additional Concessions or Incentives that will result in identifiable and actual cost reductions to provide for affordable housing costs associated with the Supplemental Density Bonus, if not already identified in the State density bonus application.

   a. Requested Incentives or Concessions to qualify for a State Density Bonus can be utilized to offset the cost of affordable housing associated with establishing eligibility for a Supplemental Density Bonus.

   b. Projects that qualify for a State density bonus but are not entitled to Incentives or Concessions, such as land donations and senior citizen projects, shall be eligible for three (3) Incentives or Concessions if eligible for a Supplemental Density Bonus.

c. Cost Reduction Statement. A clear statement of how requested Concessions or Incentives result in identifiable and actual cost reductions to provide for affordable housing costs, if not already defined in the application for a State Density Bonus. The information should be sufficiently detailed to enable City staff to examine the conclusions reached by the Applicant.

20-31.040 Processing of Density Bonus Application.

A. Concurrent Processing. Once deemed complete, the Density Bonus application shall be processed, and determinations made concurrent with the planning entitlement(s) for the Housing Development.

B. Applicants are entitled to accept a lesser percentage of density bonus, including, but not limited to, no increase in density than they are otherwise eligible to receive pursuant to this Chapter and California Government Code Section 65915. The amount of density increase, if any, that is accepted by the applicant shall not reduce or otherwise impact eligibility for requested Incentives and Concessions, waivers or reductions associated with an eligible project.

C. Review Authority. A request for a density bonus will be reviewed by the Zoning Administrator, or the same review authority as the Housing Development's other entitlements, if applicable. The reviewing authority shall not grant the density bonus and requested Incentive(s) or Concession(s) unless the findings in Section 20-31.090(B) (Available Incentives and Concessions) are made.

D. Priority Processing. A Housing Development including at least 20 percent of total units affordable to lower income households, with the affordability maintained through an agreement with the Housing Authority or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the City and the Applicant.

E. Application for Density Bonus Housing Agreement. Once the proposed Housing Development has received its approval for a State or Supplemental Density Bonus, as described above, the Applicant shall file an application, including the payment of any processing fees with the Housing Authority, for approval and finalization of the Density Bonus Housing Agreement in compliance with the requirements set forth in Section 20-31.100 (General Provisions for Density Bonuses and Incentives or Concessions).

20-31.050 Eligibility Criteria for Density Bonus.

A. The City shall consider a density bonus and provide Incentives or Concessions, as described in Section 20-31.090 (Available Incentives and Concessions), when an Applicant for a Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following.

1. Low-Income Projects. Ten percent of the total units of a Housing Development,

including a shared housing building development, strictly for low-income households as defined herein;

2. Very Low-Income Projects. Five percent of the total units of a Housing Development, including a shared housing building development, strictly for very low-income households as defined herein.
3. Senior Housing Projects. A Senior Citizen Housing Development, as defined herein. For purposes of this paragraph, "development" includes a shared housing building development.
4. For-Sale Projects. Ten percent of the total dwelling units in a Common Interest Development for persons and families of moderate-income households as defined herein, provided that all units in the development are offered to the public for purchase.
5. Specialized Housing Projects. Ten percent of the total units of a Housing Development for Specialized Housing, as defined in Section 20-31.020. 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.
6. Commercial Projects. When an applicant of an approved commercial project has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the Applicant development intensity bonuses relative the maximum allowances defined in the General Plan, or Zoning Ordinance if the General Plan does not provide a maximum allowance, as prescribed in California Government Code Section 65915.7 that may include:
    a. Up to a 20% increase in maximum allowable intensity in the General Plan.
    b. Up to a 20% increase in maximum allowable floor area ratio.
    c. Up to a 20% increase in maximum height requirements.
    d. Up to a 20% reduction in minimum parking requirements.
    e. Use of a limited-use elevator for upper floor accessibility.
    f. An exception to a Zoning Code or other land use regulation.
7. Redevelopment of Existing Dwelling Units. A Housing Development shall be ineligible for a density bonus, and any associated Incentives or Concessions, if the Housing Development involves the redevelopment of existing dwelling units, or dwelling units that have been vacated or demolished in the five-year period preceding the application, that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to lower-income households or that have been occupied by lower or very low income households, unless the project provides replacement units, and either of the following applies:
    a. The proposed Housing Development, inclusive of the replacement units, contains Affordable Housing units at the percentages required to establish eligibility for a density bonus as set forth in Section 20-31.040 (Processing Density Bonus

Applications); or

b. Each unit in the Housing Development, exclusive of a manager's unit or units, is affordable to, and occupied by a lower-income household.

8. Student Housing Development. A student housing development that sets aside twenty percent of the total units for lower income students, subject to the following requirements:

   a. All units in the Student Housing Development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the Applicant for the Housing Development shall, as a condition of receiving a Certificate of Occupancy, provide evidence to the City that the Applicant has entered into an Operating Agreement or Master Lease with one or more institutions of higher education for the institution(s) to occupy all units of the Student Housing Development with students from that institution(s). An Operating Agreement or Master Lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in the institution(s) to fill all units in the Student Housing Development.

   b. The applicable 20-percent of units in the Housing Development will be used for Lower Income Students.

   c. The applicable 20-percent of units shall be subject to a recorded affordability restriction of 55 years.

   d. The rent provided in the applicable units for Lower Income Students shall be calculated at 30 percent of 65 percent of the Area Median Income for a single-room occupancy unit type.

   e. The Housing Development will provide priority for the applicable affordable units for Lower Income Students experiencing homelessness. A Homeless Service Provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless.

   f. For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities.

9. One Hundred Percent Lower- and Moderate-Income Projects. One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined herein, except that up to 20 percent of the units in the development, including total

units and density bonus units, may be for moderate-income households, as defined herein. For purposes of this subparagraph, "development" includes a shared housing building development.

B. Rental Projects and Replacement Units. If the proposed development is rental units, the replacement units shall be subject to the provisions of California Government Code Section 65915(c):

1. Fractional Units. All replacement calculations resulting in fractional units or number shall be rounded up to the next whole number.
2. Rental Affordability Term. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction of at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 20-31.110 (Density Bonus Agreement and Terms).

C. For-Sale Projects and Replacement Units. If the Housing Development is for-sale units, the units replaced shall be subject to all the following:

1. The initial occupant of all for-sale units that qualified the applicant for the award of the density bonus shall be persons and families of very low, low, or moderate income, as defined herein for density bonus eligibility.
2. The units are offered at an affordable housing cost at the appropriate income level as defined in Section 20-31.020 (Definitions).
3. The applicant and City shall establish an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source as outlined in Section 20-31.110 (Density Bonus Agreement and Terms).

D. Subsections (B), (C), and (D) do not apply to an applicant seeking a density bonus for a proposed Housing Development if its application was submitted or processed before January 1, 2015.

E. When an applicant proposes to construct a housing development that conforms to the requirements of paragraph (1) or (2) of subsection (A) of this Section that is a shared housing building, the City shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with permissible Shared Housing Buildings and Shared Housing Units, as defined in this Chapter.

20-31.060 State Density Bonus.

The City will allow a Housing Development a 50 percent ~~35 percent~~ maximum density bonus and Concessions or Incentives meeting all the applicable eligibility requirements of this Chapter. In the event that the minimum requirements for granting a density bonus or the number of applicable Concessions or Incentives as set forth in California Government Code Section 65915 are amended after the adoption of this Chapter by the City, then the lowest minimum requirements shall apply.

A. Very low-income households. If an Applicant elects to construct units for very low-

income households, including Specialized Housing as defined in Section 20-31.050A.5 (Eligibility Criteria for Density Bonus), the development shall be entitled to the density bonus corresponding to the very low-income unit set aside percentage listed in Table 3.1 Density Bonus.

B. Density bonus for low-income households. If an Applicant elects to construct units for low-income households, the Housing Development shall be entitled to the density bonus corresponding to the low-income unit set aside percentage listed in Table 3.1 Density Bonus.

C. Moderate-income units in a Common Interest Development. If an Applicant elects to construct units for moderate income households, the development shall be entitled to the density bonus corresponding to the moderate-income unit set aside percentage listed in Table 3.1 Density Bonus.

D. Senior housing. If an Applicant elects to construct a Senior Citizen Housing Development, the density bonus shall be 20 percent of the total number of allowed housing units without the density bonus.

E. Density bonus for land donation. When an applicant for a Housing Development donates at least one acre of land or enough land to develop 40 dwelling units, then the applicant shall be entitled to a density bonus on the entire Housing Development site as follows:

1. Nothing in this Subsection shall be construed to enlarge or diminish the authority of the City to require an Applicant to donate land as a condition of development.
2. The density bonus for land dedication shall be in addition to any density bonus earned pursuant to this Section up to a maximum combined increase of 50 percent.
3. An applicant with a land donation shall be eligible for the density bonus if all the following conditions are met:
    a. The applicant donates and transfers the land to the City no later than the date of approval by the City of the planning entitlement application for the proposed Housing Development seeking the density bonus.
    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 Housing Development seeking the density bonus. The minimum unit size for the units to be accommodated on the donated land shall be consistent with the minimum required for an efficiency unit as defined in California Health and Safety Code Section 17958.1.
    c. The land proposed to be donated to the City:
        (1) Has the appropriate General Plan Land Use Designation and is appropriately zoned for development at the density described in paragraph (3) of Subsection (c) of California Government Code Section 65583.2; and
        (2) Is or will be served by adequate public facilities and infrastructures; and
        (3) Is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a density bonus and has all the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land; and

(4) Is transferred to the City or an Applicant for a Housing Development approved by the City; and

(5) Shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and

(6) Must have a proposed source of funding for the very low-income units prior to the approval of the final subdivision map, parcel map or Housing Development application seeking the density bonus.

d. The transferred land and the affordable housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 55 years from the date of occupancy.

e. The density bonus available for land donation to an eligible project shall correspond to the very low-income unit set aside percentage listed in Table 3.1 Density Bonus.

F. Condominium conversions. Density bonus for condominium conversion, shall be considered and approved in accordance with Section 65915.5 of the California Government Code for specifications.

G. Student Housing. For Housing Development that meets the Student Housing eligibility criteria in Section 20-31.050.A.8 and sets aside at least 20 percent of the units for lower income students, the Density Bonus shall be 35 percent in accordance with Table 3.1 Density Bonus.

Table 3.1 STATE DENSITY BONUS * PERCENTAGE SET-ASIDE FOR EACH QUALIFIED HOUSING DEVELOPMENT TYPE							
Base Project Set Aside **	Very Low Income	Low Income	Mod Income ***	Land Donation	Senior ****	Foster Youth, Disabled Vets, Homeless	Student Housing
5%	20%	-	-	-	20%	-	-
6%	22.5%	-	-	-	20%	-	-
7%	25%	-	-	-	20%	-	-
8%	27.5%	-	-	-	20%	-	-
9%	30%	-	-	-	20%	-	-
10%	32.5%	20%	5%	15%	20%	20%	-
11%	35%	21.5%	6%	16%	20%	20%	-
12%	38.75~~35~~ %	23%	7%	17%	20%	20%	-
13%	42.5~~35~~ %	24.5%	8%	18%	20%	20%	-
14%	46.25~~35~~ %	26%	9%	19%	20%	20%	-
15%	50~~35~~%	27.5%	10%	20%	20%	20%	-
16%	50~~35~~%	29~~27.5~~%	11%	21%	20%	20%	-
17%	50~~35~~%	30.5%	12%	22%	20%	20%	-
18%	50~~35~~%	32%	13%	23%	20%	20%	-
19%	50~~35~~%	33.5%	14%	24%	20%	20%	-
20%	50~~35~~%	35%	15%	25%	20%	20%	35%
21%	50~~35~~%	38.75~~35~~%	16%	26%	20%	20%	35%
22%	50~~35~~%	42.5~~35~~%	17%	27%	20%	20%	35%
23%	50~~35~~%	46.25~~35~~%	18%	28%	20%	20%	35%
24%	50~~35~~%	50~~35~~%	19%	29%	20%	20%	35%
25%	50~~35~~%	50~~35~~%	20%	30%	20%	20%	35%
26%	50~~35~~%	50~~35~~%	21%	31%	20%	20%	35%
27%	50~~35~~%	50~~35~~%	22%	32%	20%	20%	35%
28%	50~~35~~%	50~~35~~%	23%	33%	20%	20%	35%
29%	50~~35~~%	50~~35~~%	24%	34%	20%	20%	35%
30%	50~~35~~%	50~~35~~%	25%	35%	20%	20%	35%
31%	50~~35~~%	50~~35~~%	26%	35%	20%	20%	35%
32%	50~~35~~%	50~~35~~%	27%	35%	20%	20%	35%
33%	50~~35~~%	50~~35~~%	28%	35%	20%	20%	35%
34%	50~~35~~%	50~~35~~%	29%	35%	20%	20%	35%
35%	50~~35~~%	50~~35~~%	30%	35%	20%	20%	35%
36%	50~~35~~%	50~~35~~%	31%	35%	20%	20%	35%
37%	50~~35~~%	50~~35~~%	32%	35%	20%	20%	35%
38%	50~~35~~%	50~~35~~%	33%	35%	20%	20%	35%
39%	50~~35~~%	50~~35~~%	34%	35%	20%	20%	35%
40%	50~~35~~%	50~~35~~%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%

44%	50%	50%	50%	35%	20%	20%	35%
100%*****	80%	80%	80%	35%	20%	20%	35%

* All density bonus calculations resulting in fractions are rounded up to the next whole number.
**Affordable unit percentage is calculated excluding units added by a density bonus, i.e., the percentage of the number of units allowed without a density bonus.
***Moderate income density bonus applies to for sale units, not to rental units.
****No affordable units are required for senior units.
***** Applies when no less than 80% of the total units (other than manager's units) are allocated lower income units and no more than 20% are moderate income units.

20-31.070 Supplemental Density Bonus

This Section outlines the eligibility requirements for Supplemental Density Bonuses in excess of the State density bonus (i.e., California Government Code Section 65915). An eligible project may qualify for a Supplemental Density Bonus of up to but not greater than 100 percent above the maximum residential density permitted in the applicable Land Use Designation pursuant to the provisions in this Section.

~~**A. Duration of Supplemental Density Bonus**. Five years after the effective date of this Section, or January 15, 2024, whichever is sooner, the Department shall schedule a review by the City Council to consider the impacts of the supplemental density bonus provisions contained in this Chapter and examine the cumulative effects of said provisions on the city's housing supply and its capacity to accommodate additional housing. At that time, the Council will determine whether or not to continue with the supplemental density bonus program~~.

A. ~~B~~. Relationship to State Density Bonus. Affordable housing provided to establish eligibility for a Supplemental Density Bonus shall be calculated on the "Base Project", not including State Density Bonus Units granted pursuant to this Chapter and California Government Code Section 65915. The affordable housing units used to generate Eligibility Points toward a supplemental bonus shall be in addition to affordable housing provided to establish eligibility for a State density bonus.

B. ~~C~~. Eligible Locations. A project that receives the maximum State Density Bonus is eligible for a Supplemental Density Bonus above the maximum State Density Bonus if it is:

1. located within the Downtown Station Area Specific Plan or North Santa Rosa Station Area Specific Plan, and
2. the project site is designated one of the following General Plan Land Use Designations:
   a. ~~(1)~~ Medium-Low Density Residential (see note below)
   b. ~~(2)~~ Medium Residential (see note below)
   c. ~~(3)~~ Medium-High Residential (see note below)
   d. ~~(4)~~ Retail/Medium Residential (see note below)
   e. ~~(5)~~ Office (see note below)
   f. ~~(6)~~ Office/Medium residential (see note below)

g. ~~(7)~~ Business Park (see note below)

h. ~~(8)~~ Light Industrial/Medium Residential (see note below)

i. ~~(9)~~ Transit Village Medium

j. ~~(10)~~ Transit Village Mixed Use

k. ~~(11)~~ Retail & Business Services

Note: Housing Projects on sites with these Land Use Designations are not eligible for a supplemental bonus if the site is inside a Historic Preservation District. This restriction does not apply to the Transit Village Medium, Transit Village Mixed Use, and Retail & Business Services Land Use Designations.

C. ~~D~~. Supplemental Bonus Amount. Table 3.2 lists the maximum Supplemental Density Bonus available to an eligible project in the applicable Land Use Designations, depending on the proximity of the property to a Major Transit Stop or School Facility, or if the property is a designated General Plan Housing Opportunity Site.

Table 3.2: Maximum Supplemental Density Bonus

	Maximum Supplemental Density Bonus for a Project in a Station Specific Plan, on Eligible Land Use Designations pursuant to this Section [1], and Located:					
	In an eligible Land Use only (A) [2]	(A) and ½ Mile to Major Transit Stop (B) [3]	(A) and ½ Mile to a School Facility (C) [3]	All of (A), (B) and (C)	In Medium-Low Density Land Use and (B) and (C) [2]	On a Housing Opportunity Site
Supplemental Bonus Amount	10% [2]	30%	30%	50%	10%	50%
Max. State Density Bonus	50%	50%	50%	50%	50%	50%
Total Bonus (with 50~~35~~% State Density Bonus)	60% [2]	80%	80%	100%	60%	100%

Notes:
(1) Pursuant to Subsection 20-31.070.C.2, within Historic Preservation Districts, only the Retail and Business Services, Transit Village Medium, and Transit Village Mixed Use Land Use Designations are eligible for a supplemental density bonus pursuant to this table.
(2) Properties in the Medium-Low Density General Plan Land Use that are not located both within ½ Mile of a Major Transit Stop and School Facility are not eligible for a Supplemental Density Bonus.
(3) Distances to a Major Transit Stop or a School Facility shall be measured as the shortest distance from the edge of the property boundaries of the project and facility.

D. ~~E.~~ Eligibility Points. The requirements to establish eligibility for a Supplemental Density Bonus are based on Eligibility Points, which are calculated using the following formula:

$$\left(\frac{Percent\ Bonus\ Requested\ above\ 50\%}{Max\ Supplemental\ Bonus\ (see\ Table\ 3.2\ )}\right) X\ 100$$
$$= Eligibility\ Points\ (rounded\ to\ the\ next\ multiple\ of\ 5)$$

E. ~~F.~~ Affordable Housing. At least 60 percent of the project's Eligibility Point requirement shall be fulfilled by providing affordable housing units on-site, based on a percentage of Base Project units, in compliance with Table 3.3.

F. ~~G.~~ Rental Projects. Rental projects shall meet the affordable housing requirement by providing affordable housing units on-site at a mix of income levels as prescribed in Table 3.3

G. ~~H.~~ 100% Affordable Projects. Rental projects in which all proposed units will be affordable to very low- or low-income households are eligible for a 100% density bonus in accordance with Section 20-31.060.

H. ~~I.~~ Specialized Housing. Instead of providing Affordable Housing units across the three identified income levels in Table 3.3, rental projects can earn some or all their required Eligibility Points by including Specialized Housing units at the very low-income level pursuant to the schedule in Table 3.3.

I. ~~J.~~ For-Sale Projects. For-sale projects can earn Eligibility Points by including a percentage of housing units at the moderate-income level pursuant to the schedule in Table 3.3.

Table 3.3: Eligibility Points Schedule for Supplemental Density Bonuses

ELIGIBILITY POINTS AWARDED	RENTAL PROJECTS (1): PERCENT OF TOTAL UNITS IN BASE PROJECT REQUIRED BY INCOME:			SPECIALIZED VERY-LOW INCOME HOUSING (1)	FOR-SALE PROJECTS (1):
	VERY LOW	LOW	MODERATE		MODERATE INCOME
5	1.7%	2.6%	3.2%	2.5%	20.5%
10	1.8%	2.8%	3.4%	3.0%	21.0%
15	1.9%	3.0%	3.7%	3.5%	21.5%
20	2.0%	3.2%	3.9%	4.0%	22.0%

25	2.1%	3.3%	4.1%	4.5%	22.5%
30	2.2%	3.5%	4.3%	5.0%	23.0%
35	2.3%	3.7%	4.5%	5.5%	23.5%
40	2.4%	3.9%	4.7%	6.0%	24.0%
45	2.5%	4.0%	4.9%	6.5%	24.5%
50	2.6%	4.2%	5.2%	7.0%	25.0%
55	2.8%	4.4%	5.4%	7.5%	25.5%
60	2.9%	4.6%	5.6%	8.0%	26.0%
65	3.0%	4.7%	5.8%	8.5%	26.5%
70	3.1%	4.9%	6.0%	9.0%	27.0%
75	3.2%	5.1%	6.2%	9.5%	27.5%
80	3.3%	5.3%	6.5%	10.0%	28.0%
85	3.4%	5.4%	6.7%	10.5%	28.5%
90	3.5%	5.6%	6.9%	11.0%	29.0%
95	3.6%	5.8%	7.1%	11.5%	29.5%
100	3.7%	6.0%	7.3%	12.0%	30.0%
If the calculation for the required number of units at each income level results in a fractional number, the required number of units shall be rounded up to the next whole number.					

J. ~~K.~~ Community Benefits. No more than 40 percent of the Eligibility Points required for a project may be earned through the provision of community benefits in accordance with Table **3.4**.

Table 3.4: Community Benefits and Eligibility Points

Community Benefit	Point Calculation	Notes
Public Open Space, either option A or B:	A: For projects seeking 20 pts or less, 4 pts. per 1% of site area or 1,000 sf, whichever is greater. For projects seeking 21-30 pts: 3 pts. per 1% of site area or 1,500 sf, whichever is greater. For projects seeking 31-40 pts, 2.5 pts. per 1% of site area or 2,000 sf, whichever is greater.	The landscape design must comply with applicable provisions of the Santa Rosa Design Guidelines and/or other applicable guidelines and be approved as part of design review for the project. The open space must be publicly accessible at all times. Provisions must be made for operation and maintenance in perpetuity
	B: 10 pts per 1% of project construction valuation contributed to Park Impact Fee, up to 40 pts.	
Historic or Landmark Preservation	10 pts per 1% of project construction valuation contributed toward rehabilitating or improving a landmark property up to 40 pts.	If the landmark property is not owned by the project applicant, a joint rehabilitation/improvement agreement must be submitted with the landmark property owner.
Infrastructure/ Capital Improvement	10 pts per 1% of project construction valuation contributed to Capital Facilities/Utilities Impact Fee up to 40 pts.	
Family-sized rental units	5 pts. per each 8% of the project's Affordable Housing units with three or more bedrooms up to 40 pts.	Round up to the next whole number of units when calculating the share of family-sized units.
Innovative Community Benefit	The Council may approve an innovative community benefit and grant points on a schedule of 10 pts. per 1% of project construction valuation paid toward the proposed innovative benefit, up to 40 pts.	The benefit must be significant and substantially beyond normal requirements.

K. ~~L~~. Findings. To approve a Minor Conditional Use Permit for a Supplemental Density Bonus, as prescribed in this Chapter, the following findings must be made in addition to the findings required by Chapter 20-52:

1. For projects in all eligible Land Use Designations:

   a. The proposed project will generate a sufficient number of Eligibility Points by providing at least 60% of all required Eligibility Points through affordable housing pursuant to Table 3.3, and that the remaining 40% are provided through additional affordable housing pursuant to Table 3.3 or through community benefits pursuant to Table 3.4 as outlined in this Section.

   b. The proposed community benefits for the project are significant and clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.

   c. That the proposed community benefits for the project are acceptable and appropriate for the project and will provide tangible benefits to the community.

2. For projects requesting approval of an innovative community benefit, the review authority shall evaluate the innovative benefit against the following findings and provide a recommendation to the Council for consideration:

   a. The proposed innovative community benefit is consistent with, or otherwise furthers the policies of the General Plan and any applicable Specific Plan or Area Plan.

   b. The proposed innovative community benefit will be accessible to the public.

   c. The proposed innovative community benefit is significant and clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.

L. ~~M~~. Standard Conditions of Approval. The following conditions of approval shall apply to all Supplemental Density Bonus projects:

1. No community benefit for which a bonus has been granted may be eliminated or reduced in size without the approval of the review authority. To grant such approval, the review authority must find that there is a corresponding reduction in intensity, height, and/or density, a substitution of an equivalent community benefit, or a combination of the two.

2. Before a Certificate of Occupancy is issued for a project, the applicant shall certify to the Director that the Eligibility Points upon which the project's residential density bonus was based have been achieved.

20-31.80 Child Care Facility Density Bonus.

A. A Housing Development meeting the requirements of Sections 20-31.050 and 20-31.060 and including a Child Care Facility that will be located on the same site, shall receive either of the following:
   1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility, such that the bonus square footage shall not exceed:
      a. Existing Structures: a maximum of five square feet of floor area for each one square foot of floor area contained in the Child Care Facility for projects involving existing structures;
      b. New Structures: a maximum of 10 square feet of floor area for each one square foot of floor area contained in the Child Care Facility for projects involving new structures.
   2. An additional Incentive or Concession that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

B. For purposes of calculating the density bonus under this Section, both indoor and outdoor square footage requirements for the Child Care Facility as set forth in applicable State child care licensing requirements shall be included in the floor area of the Child Care Facility.

C. When a Housing Development is providing a Child Care Facility consistent with the Code codified in this Chapter, then pursuant to California Government Code Section 65915(h)(2), the project conditions of approval shall require that:
   1. The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Housing units are required to remain affordable; and
   2. Of the children who attend the Child Care Facility, the percentage of children of lower- or moderate-income households shall be equal to or greater than the percentage of Affordable Housing Units that are required to establish eligibility for a density bonus pursuant to Section 20-31.050 (Eligibility Criteria for Density Bonus).

D. The City shall not be required to provide a density bonus or Incentive or Concession for a Child Care Facility if it makes a written finding, based upon substantial evidence, that the community has adequate childcare facilities.

20-31.090 Available Incentives and Concessions.

In addition to a density bonus set forth in Section 20-31.060 (State Density Bonus), an Applicant may request a number of Incentives or Concessions corresponding to the minimum affordable housing set aside percentage listed in the following table. Furthermore, an Applicant for a 100% lower income housing development qualifying for four incentives and concessions and located within ½ mile of a Major Transit Stop, as defined in 20-31.020, or within a Very Low Vehicle Travel Area, as defined in Section 20-70.020, shall also receive a height increase of up to three additional stories, or 33 feet, and shall not be subject to any maximum controls on density.

Table 3.5: Incentives or Concessions Allowed Based on Affordable Housing Set Aside

Incentives	Minimum Very Low	Minimum Low-	Minimum

or Concessions	Income Percentage	Income Percentage	Moderate-Income Percentage
1	5%	10%	10%
2	10%	17~~20~~%	20%
3	15%	24~~30~~%	30%
4	100% Low/Very Low/Mod (20% Moderate Allowed)*		

A. An Incentive or Concession may mean:
   1. A reduction in the site development standards or a modification of Zoning Code requirements.
   2. Approval of mixed-use development in conjunction with the proposed Housing Development if the nonresidential land uses will reduce the cost of the proposed Housing Development, and the nonresidential land uses are compatible with the proposed Housing Development and surrounding development;
   3. Other regulatory Incentives or Concessions proposed by the applicant or that the City determines will result in identifiable, financially sufficient, and actual cost reductions.

B. The City shall grant Incentive(s) or Concession(s) requested by the applicant unless the City can make a written finding, based upon the substantial evidence, of any of the following:
   1. The Concession or Incentive does not result in identifiable and actual cost reductions, as defined in California Government Code Section 65915, to provide for affordable housing costs or for rents for the targeted units as specified in Section 20-31.060 (State Density Bonus).
   2. The Concession or Incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5 or Section 20-31.020 (Definitions), 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.
   3. The Incentive or Concession would be contrary to State or Federal law.

C. To streamline the approval of density bonus projects, the following Concessions or Incentives shall be considered pre-approved by the City. No supporting evidence is required to establish that pre-approved Concessions result in identifiable and actual cost reductions, as defined in California Government Code Section 65915, to provide for affordable housing costs or for rents for the targeted units as specified in Section 20-31.060 (State Density Bonus). The City may deny a pre-approved Concession or Incentive pursuant to the provisions of Subsection (B). A pre-approved Concession or Incentive may be requested only once; additional requests for the same Incentive or Concessions, or a request for a greater Incentive or Concession than those stated below, may require supporting evidence that the Incentive over and above those stated below would result in identifiable and actual cost reductions to offset the cost of affordable housing in the project.
   1. Setback Reduction. A setback reduction of up to 25%, but not to be less than 20% below

the average of the developed lots on the same block face.

2. Auto Parking. Up to 50% reduction where State Density Bonus Law reduced parking ratios are not already applied. This Incentive or Concession does not apply on rights-of-way with narrow travel lane widths where on-street parking could impair emergency access at the determination of the Director in consultation with emergency services providers.
3. Lot Coverage. Increase in allowable lot coverage by up to 10% of lot area.
4. Building Height. Increase of the larger of up to 12 feet or 10% beyond current maximum permitted. If this pre-approved Concession is utilized, all floors above two stories in the development, not only additional stories that result from a density bonus, shall be stepped back a minimum of 6 feet from the story below.

20-31.100 General Provisions for Density Bonuses and Incentives/Concessions.

A. Relationship to Housing Allocation Plan. An Affordable Housing unit provided in order to be eligible under this Chapter shall also be considered an Allocated Unit as defined in Section 21-02.060 (Relationship to density bonus provisions) of the City's Housing Allocation Plan.

B. Density Bonus Calculation. All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

C. Relationship to Existing Plans and Regulations. 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.

D. Residential Density Calculation. Where a Housing Development is permitted in a Land Use Designation that does not provide a residential density allowance, the bonus shall be calculated in reference to the residential density allowance designated in the Zoning Code. For projects located within General Plan Land Use Designations and Zoning Districts where no applicable maximum residential density is defined, the density bonus shall be calculated based on the maximum number of units that are proposed within a "Base Project" that substantially conforms to General Plan policies and all applicable development standards established for the underlying Zoning District.

E. Multiple Density Bonus Designations.

1. If a portion of the lot or lots associated with the Housing Development site qualify for two (2) or more maximum density bonus designations, the applicable density bonus shall apply to each portion of the lot(s), except that the larger density bonus may be applied to the entire lot(s) subject to the following two conditions:
    a. At least fifty percent (50%) of the lot area is covered by a larger density bonus; and
    b. The entire lot could be included in the larger density bonus by shifting the density bonus boundary by less than fifty feet (50') measured perpendicularly from the existing boundary at any point.
2. If Subsection D does not apply, the maximum permissible residential density for the lot

shall be calculated based on the residential densities that apply to each portion of the lot. However, the resulting dwelling units may be located anywhere on the lot, subject to applicable height limits, setbacks, and any other dimensional requirements for each portion of the lot taking into consideration any and all development Incentives, Concessions, waivers, or reductions that may apply.

F. State parking reduction. Per California Government Code Section 65915(p)1, upon request by the Applicant, the City shall not require a Housing Development eligible for a density bonus to provide more than the parking ratios listed in Table 3.6.

Table 3.6: Density Bonus Housing Development Maximum Parking Ratios *

Proximity to Transit	Affordability and Project Type	Number of Spaces
With paratransit or within ½ mile of a fixed bus route	100% rental housing affordable to lower or very low-income households	0.5 space per dwelling unit
	Senior citizen housing development	0.5 space per dwelling unit
	Special needs housing development	No parking required
	Supportive housing development	No parking required
Within ½ mile of a major transit stop	Other 100% rental housing affordable to lower or very low-income households	No parking required ~~0.5 space per dwelling unit~~
	At least 11% very low-income housing set-aside**	0.5 space per bedroom **
	At least 20% lower income housing set-aside	No parking required. ~~0.5 space per bedroom~~
	Extremely low-income dwelling units	No parking required for the extremely low-income dwelling units only
All Other Projects		0-1 bedroom: 1 space per unit
		2-3 bedrooms: 1.5~~2~~ spaces per unit
		4 or more bedrooms: 2.5 spaces per unit
* Inclusive of parking for guests and persons with a disability ** May not require parking pursuant Zoning Code 20-36.040		

1. The reduced parking requirements established in this Subsection shall apply only at the request of the Applicant. An applicant may request parking Incentives or Concessions beyond those provided in this Subsection as outlined in Section 20-31.090 (Available Incentives and Concessions). A request for reduced parking requirements pursuant to this Subsection shall neither reduce nor increase the number of Incentives or Concessions to which the applicant is entitled.
2. If the City or an independent consultant has conducted a citywide parking study in the

last seven years, the City may impose a lower vehicular parking requirement than described in this Subsection based upon substantial evidence 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 shall pay the costs of any new study and make the findings consistent with this Subsection to support a reduced parking requirement.

3. If the total number of parking spaces required for the proposed Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Subsection, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

G. Waiver or Reduction of Development Standard. The City shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section 20.31.060 at the densities or with the Incentives permitted by this Chapter. An applicant may submit with its application to the City a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of Incentives or Concessions being requested. Nothing in this Subsection, however, shall be interpreted to require the City 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 of the California Government Code, 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 the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to provide reasonable documentation demonstrating the project cannot be built if the development standard is not waived or reduced.

H. Location and design of affordable housing. To encourage the integration of market rate and affordable housing units in mixed-income developments, the location and design of affordable housing units are subject to the following limitations:

1. Be constructed at the same time as the market units are constructed;
2. Affordable housing units shall be dispersed throughout the development such that:
   a. No more than 50% of the proposed affordable housing units are consolidated into one structure in developments with several multi-unit structures, and
   b. No more than 20% of affordable housing units in a single multi-unit structure may be consolidated into a distinct section (e.g. in one distinct location within the structure); and
   c. No more than 20% of the affordable housing units may be consolidated a distinct and identifiable area within single-family residential subdivisions.

Applicants may utilize an available Concession or Incentive for relief from the dispersion requirements of this Subsection if supporting evidence is provided to the Director that

demonstrates that the provisions of this Subsection reduce the financing feasibility of the project.;

3. The affordable housing units shall be of a similar unit type/size to the overall Housing Development; and
4. The affordable housing units shall be consistent in terms of their exterior design such as their appearance, materials, and quality of exterior finish.

20-31.110 Density Bonus Agreement and Terms.

A. A Density Bonus Housing Agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the Housing Development, whichever comes first. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development.

B. The Density Bonus Housing Agreement shall:

1. Identify the type, size and location of each affordable housing unit required hereunder;
2. Identify the term of the agreement, which would define the term of affordability of the required units;
3. Require that the affordable housing units be constructed and completed by the Applicant as specified in this Chapter and in accordance with State law;
4. Require that each affordable housing unit be kept available only to members of the identified income group and rented for no more that the specified affordable rent during the term of the agreement;
5. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the Housing Authority may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Sonoma County Recorder; and
6. The Density Bonus Housing Agreement shall be reviewed and approved by the Executive Director of the Housing Authority and the affordability of the required units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is hereby expressly authorized to act as the City's agent to enter into the Density Bonus Housing Agreement and any necessary subsequent amendments for the purpose of enforcing the terms of the agreement consistent with this Chapter.

C. Required terms for the continued availability of Affordable Housing units.

1. Low and very low-income households. An applicant for a Housing Development providing low and very low-income units in accordance with this Chapter must continue to restrict those units to low or very low-income households for a minimum of 55 years or longer term under another Regulatory Agreement from the date of initial occupancy.
2. Except as otherwise provided in paragraph (3), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 20-31.020.
3. For housing developments meeting the criteria of paragraph (9) of subsection (A), rents for all units in the development, including both base density and density bonus units, shall be as follows:

a. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 20-31.020.
b. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.

4. Moderate Income Households. In the case of a Housing Development providing moderate income units, the initial occupant of the unit must be a person or family of moderate income.
   a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into the Housing Authority Trust Account to be used in accordance with Subsection (e) of Section 33334.2 of the California Health and Safety Code."

Chapter 20-33 Residential Development on Commercial or Educational Lands

Section 20-33.010—Adoption of the Middle-Class Housing Act of 2022 and the Affordable Housing and High Road Jobs Act of 2022

The "Middle-Class Housing Act of 2022" (Chapter 4 section 65852.24 of Division 1 of Title 7 of the Government Code) and the "Affordable Housing and High Road Jobs Act of 2022" (Chapter 4.1, commencing with section 65912.100, of Division 1 of Title 7 of the Government Code) are hereby adopted by reference and incorporated into this code except as expressly superseded, amended, or not adopted by the local amendments set forth in this chapter.

Government Code section 65852.24 deems a housing development project to be an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements related to density, public notice, comment, hearing or other procedures, site location and size, consistency with a sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce.

Government Code section 65912.100 et seq. authorizes a development proponent to submit an application for a housing development that meets specified objective standards, affordability, and site criteria, including being located within a zone where office, retail, or parking are a principally permitted use, and would make the development a use by right and subject to one or two streamlined, ministerial processes. Further, those Government Code sections require that certain wage and labor standards be met, including a requirement that all construction workers will be paid at least the general prevailing rate of wages.

Section 20-33.020—Definitions.

The following terms used in Section 20-33.030 shall be defined as follows:

Qualified urban use. Any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

Development footprint. The portion of the property that is developed for the housing development, inclusive of parking and roadways developed internal to the site to serve the housing development, and other above ground improvements developed to serve the housing development.

Local educational agency. A school district or county office of education.

Local educational agency employee. A "teacher or school district employee," as defined in subdivision (c) of Section 53572 of the Health and Safety Code.

Local public employee. Includes employees of a city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

Real property owned by a local educational agency. Real property owned by a local education agency as of January 1, 2023.

Section 20-33.030—By Right Housing on Educational Agency Lands

A. Notwithstanding any law, a housing development project shall be deemed an allowable use on any real property owned by a local educational agency if the housing development satisfies all of the following:

1. The housing development consists of at least 10 housing units.

2. The housing development shall have a recorded deed restriction that ensures, for a period of at least 55 years, that the majority of the units of the housing development shall be set at an affordable rent to lower income or moderate-income households. However, at least 30 percent of the units shall be affordable to lower income households.

3. One hundred percent of the units of the housing development shall be rented by local educational agency employees, local public employees, and general members of the public pursuant to the following procedures:

   a. A local educational agency shall first offer the units to the agency's local educational agency employees.

   b. If the local educational agency receives an insufficient number of local educational agency employees to apply for and occupy the units, the unoccupied units may be

offered to employees of directly adjacent local educational agencies.

c. If the local educational agency receives an insufficient number of employees of directly adjacent local educational agencies to apply for and occupy the units, the unoccupied units may be offered to public employees who work for a local agency within the jurisdiction of the local educational agency.

d. If the local agency receives an insufficient number of local public employees to apply for and occupy the units, the unoccupied units may be offered to general members of the public.

e. When units in the housing development become unoccupied and available for rent, a local educational agency shall first offer the units to the agency's local educational agency employees.

4. The residential density for the housing development, as measured on the development footprint, shall be the greater of the following:

a. The residential density allowed on the parcel by the City.

b. The applicable density deemed appropriate to accommodate housing for lower income households, as specified in paragraph (3) of subdivision (c) of Section 65583.2.

5. The height limit for the housing development shall be the greater of the following:

a. The height limit allowed on the parcel; or

b. Thirty-five feet.

6. The property is adjacent to a property that permits residential uses as a principally permitted use.

7. The property is located on an infill site. For purposes of this Section, "infill site" means a site in an urban area, as determined by the 2020 United States Census, that meets either of the following criteria:

a. The site has not been previously developed for urban uses and both of the following apply:

i. The site is immediately adjacent to parcels that are developed with qualified urban uses, as defined in Section 20-33.020, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

ii. No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

b. The site has been previously developed for qualified urban uses, as defined in Section 20-33.020.

8. Objective Zoning Standards:

a. The housing development shall satisfy other local objective zoning standards, objective subdivision standards, and objective design review standards that do not preclude the housing development from achieving the residential density permitted pursuant to paragraph (4) or the height permitted pursuant to paragraph (5).

b. If the City has not adopted objective standards as provided in clause (i) applicable to residential development on the parcel, the housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development on the nearest parcel in a multifamily zone that meets or exceeds the density and height provided in paragraphs (4) and (5).

9. The property is located entirely within any applicable urban limit line or urban growth boundary as established under this Code.

10. The housing development complies with all infrastructure-related requirements, including impact fees that are existing or pending at the time the application is submitted.

B. Notwithstanding any City law or ordinance, a housing development that meets the requirements of this section shall be deemed consistent, compliant, and in conformity with the City's development standards, zoning codes or maps, and the general plan.

C. The local educational agency shall maintain ownership of a housing development that meets the requirements of this section for the length of the 55-year affordability requirement described in paragraph (2) of subdivision (A).

D. Subject to the requirements of Article 8 (commencing with Section 17515) and Article 9 (commencing with Section 17527) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, any land used for the development of a housing development that meets the requirements of this section may be jointly used or jointly occupied by the local educational agency and any other party.

E. Any land used for the development of a housing development that meets the requirements of this section shall be exempt from the requirements of all of the following:

1. Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

2. Article 2 (commencing with Section 17230) of Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education Code.

3. Article 4 (commencing with Section 17455) of Chapter 4 of Part 10.5 of Division 1 of

Title 1 of the Education Code.

Chapter 20-50 Permit Application Filing and Processing

20-50.020 Authority for land use and zoning decisions.

A. Zoning Code. Table 5-1 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of permit application required by this Zoning Code. The following standards apply to the use of Table 5-1.

1. The Zoning Administrator may defer action on any decision assigned to the Zoning Administrator by Table 5-1, and refer the request to the Commission, so that the Commission may instead make the decision.

2. The Subdivision Committee may defer action on any decision assigned to the Subdivision Committee by Table 5-1, and refer the request to the Commission, so that the Commission may instead make the decision.

B. Other City approvals. Other City approvals may be required beyond those identified in Table 5-1. Examples include the following:

1. Environmental Protection—Chapter 17-04; and

2. Surface Mining and Reclamation—Chapter 17-32.

TABLE 5-1 – REVIEW AUTHORITY

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB	Subdivision Committee	CHB	Planning Commission	City Council
Administrative and Amendment Decisions							

TABLE 5-1 – REVIEW AUTHORITY

Type of Action	Role of Review Authority						
	Director	**Zoning Administrator**	**DRB**	**Subdivision Committee**	**CHB**	**Planning Commission**	**City Council**
Development Agreement	Recommend					Recommend	Decision
Interpretation		Decision				Appeal (1)	Appeal
General Plan Amendment	Recommend					Recommend	Decision
Request for Reasonable Accommodation		Decision				Appeal	
Zoning Code Amendment						Recommend	Decision
Zoning Map Amendment						Recommend	Decision
Concept Review							
CHB Concept Review					Comment		
DRB Concept Review			Comment				
Land Use Permits/Development Decisions							
Conditional Use Permit	Recommend					Decision	Appeal
Minor Conditional Use Permit	Recommend	Decision				Appeal	
Design Review—DRB	Recommend		Decision				Appeal
Design Review—Zoning Administrator		Decision	Appeal				
Design Review—Administrative	Decision		Appeal				
Density Bonus/Affordable Housing Incentives	**Decision** ~~Recommend~~					~~Recommend~~	~~Decision~~
Supplemental Density Bonus		**Decision**				**Appeal**	
Hillside Permit—Single dwelling and additions	Recommend	Decision				Appeal (1)	
Hillside Permit—All others	Recommend					Decision	Appeal
Minor Adjustment	Decision					Appeal (1)	
Sign Permit	Decision		Appeal				

TABLE 5-1 – REVIEW AUTHORITY

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB	Subdivision Committee	CHB	Planning Commission	City Council
Sign Program	Decision		Appeal				
Sign Variance		Decision	Appeal				
Temporary Use Permit	Decision					Appeal	
Tree Permit	Decision					Appeal	
Variance	Recommend					Decision	Appeal
Minor Variance		Decision				Appeal (1)	
Zoning Clearance	Decision				Comment	Appeal	

Note:

(1) Commission makes decision if matter is referred to Commission by Director or Zoning Administrator, in which case appeals are then elevated to the next higher.

Historic and Cultural Preservation Decisions							
Landmark or Preservation District Designation					Recommend		Decision
Landmark Alteration Permit—Major					Decision		Appeal
Landmark Alteration Permit—Minor		Decision			Appeal		
Sign Permit/Program					Decision		Appeal
Subdivision Decisions (refer to City Code Title 19)							
Certificates of Compliance	Decision						Appeal
Lot Line Adjustments	Decision						Appeal
Parcel Mergers	Decision						Appeal
Reversions to Acreage	Recommend					Decision	Appeal
Tentative Parcel Maps and Extensions	Recommend			Decision		Appeal	Appeal
Tentative Maps and Extensions	Recommend					Decision	Appeal

Note:

(1) Commission makes decision if matter is referred to Commission by Director or Zoning Administrator, in which case appeals are then elevated to the next higher.

Chapter 20-70 Definitions

20-70.020 Definitions of specialized terms and phrases.

Housing Development Project. (1) Residential units only, (2) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or (3) Transitional housing or supportive housing.

Located within one-half mile of a Major Transit Stop. For the purpose of transit priority projects, a project is considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area further than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor. For density bonus projects, see Section 20-31.020 for definition.

Lower Income Households. Lower income households mean persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include very low-income households (50 percent of area median income) and extremely low-income households (30 percent of area median income).

Major Transit Stop. A Major Transit Stop is a site containing either of the following: (1) an existing rail or bus rapid transit station or (2) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Religious Institution Affiliated Housing. A housing development project that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being collocated religious-use parking by being any of the following:

  (i) Located on one or more parcels that collectively contain religious-use parking.

  (ii) (ii) Located adjacent to a parcel owned by the religious institution that contains religious-us parking.

  (iii) Located adjacent to a parcel owned by the religious institution that contains religious -use parking.

(C) The housing development project qualifies for a density bonus.

Religious-Use Parking Spaces. "Parking spaces that are required under the City's parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship."

Residential Hotel. Any building containing six or more guestrooms or efficiency units, as defined by Section 17958.1 of the Health and Safety Code, intended or designed to be used, or

which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, but does not mean any building containing six or more guestrooms or efficiency units, which is primarily used by transient guests who do not occupy that building as their primary residence.

Very Low Vehicle Travel Area. An urbanized area, as designated by the United States Census Bureau, where existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita, or city vehicle miles traveled per capita. For purposes of this paragraph, "area" may include a travel analysis zone, hexagon, or grid. For purposes of determining "regional vehicle miles traveled per capita," a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization.