

- B. **Large family day care.** As allowed by *Health and Safety Code Sections 1597.465 et seq.*, a large family day care shall be approved if it complies with the following standards:
1. The facility shall comply with all applicable State and fire codes.
 2. Location requirements. A separation of 300 feet shall be required from any other large family day care home.
 3. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.
 4. Noise standards. The facility shall not exceed City noise limits as established by the City's General Plan.
 5. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
 6. Parking. Parking shall be provided in compliance with Chapter 4.04 (Parking Standards).
 7. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.
- C. **Family day care centers.** The following standards apply to family day care centers:
1. The facility shall comply with all applicable State and fire codes.
 2. Noise. Noise sources shall be identified through the Conditional Use Permit approval process. The facility shall not exceed City noise limits as established by the City's General Plan.
 3. Parking. Parking shall be provided in compliance with Section 4.04 (Parking Standards).
 4. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
 5. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

6.02.030**Density Bonuses****A. Purpose.**

1. The purpose of this Section is to comply with State density bonus law (California Government Code Section 65915-65918), by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, or include child care facilities.

2. All developments shall be in compliance with Section 10.06.050 (Affordable Housing) for inclusionary housing. However, for the purposes of calculating the number of affordable units required by Section 10.06.050, any additional units authorized as a density bonus under this Section will not be counted in determining the required number of inclusionary units.
- B. **Applicability.** The provisions of this Section apply to the construction of five or more housing units that satisfy one or more of the following criteria:
1. At least 10 percent of the units are designated for low-income households.
 2. At least five percent of the units are designated for very low-income households.
 3. 100 percent of the units are designated for seniors citizens as defined in Section 51.3 and 51.12 of the Civil Code or 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 Civil Code.
 4. At least 10 percent of the units in a common interest development are designated for moderate-income households, provided that all units in the development are offered to the public for purchase.
- C. **Calculating the density bonus.** The density bonus shall be calculated as shown in Table 6.2. for very low-, low-, and moderate-income households. For housing developments meeting the criteria of Subsection B.3. , above, the density bonus shall be 20 percent of the number of senior housing units. All density calculations resulting in fractional units shall be rounded up to the next whole number.

Table 6.2: Percentage of Set-Aside Units and Corresponding Density Bonus.					
Very Low-Income Households Earning < 50% AMI		Low-Income Households Earning 50% - 80% AMI		Moderate-Income Persons/ Families in Common Interest Development	
Very Low- Income Units	Percentage of Density Bonus¹	Low-Income Units	Percentage of Density Bonus¹	Moderate- Income Units	Percentage of Density Bonus¹
5%	20.0%	10%	20.0%	10%	5.0%
6%	22.5%	11%	21.5%	11%	6.0%
7%	25.0%	12%	23.0%	12%	7.0%
8%	27.5%	13%	24.5%	13%	8.0%
9%	30.0%	14%	26.0%	14%	9.0%
10%	32.5%	15%	27.5%	15%	10.0%
11%	35.0%	16%	29.0%	16%	11.0%
		17%	30.5%	17%	12.0%
		18%	32.0%	18%	13.0%
		19%	33.5%	19%	14.0%
		20%	35.0%	20%	15.0%
				21%	16.0%
				22%	17.0%
				23%	18.0%
				24%	19.0%
				25%	20.0%
				26%	21.0%
				27%	22.0%
				28%	23.0%
				29%	24.0%
				30%	25.0%
				31%	26.0%
				32%	27.0%
				33%	28.0%
				34%	29.0%
				35%	30.0%
				36%	31.0%
				37%	32.0%
				38%	33.0%
				39%	34.0%
				40%	35.0%

Notes.

1. Density bonus is above the highest range of base density.

D. Developer incentives.

1. Restrictions. When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the City will grant the number of developer incentives as required by Subsection B., below, unless it makes any of the following findings:
 - a. The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c) of the Government Code.
 - b. The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or an any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The developer incentives would be contrary to State or Federal law.
2. Number of developer incentives. The number of developer incentive shall be in compliance with Table 6.3.

Table 6.3: Number of Developer Incentives

Number of Developer Incentives	Set Aside Units		
	Very Low-Income Units	Low-Income Units	Moderate-Income Units in Common Interest Developments ¹
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

Note:

1. Common interest development includes common interest developments of, or in a planned development as defined in Subdivision (k) of Section 1351 of the Civil Code that are offered to the public for purchase.

3. Developer incentives defined.

- a. For the purposes of this Section, concession or incentive means any of the following:
 - (1) Reduced site development standards or modified zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 - (2) Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project

and the existing or planned development in the area; and

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

E. Waivers and modifications of development standards.

- I. Proposal. In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if they would physically preclude the construction of a development meeting under the criteria of Subsection C.2. (Applicability), at the densities or with the developer incentives permitted by this Section.

A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Subsection 4.b.

2. Grounds for denial. In accordance with Government Code Section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:
 - a. The application does not conform with the requirements of this Section or Government Code Section 65915-65918.
 - b. The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site.
 - c. The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 - d. The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
 - e. The waiver or reduction would be contrary to State or Federal law.

F. Application procedure.

- I. An application for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:
 - a. The total number of base units;
 - b. The number of proposed affordable housing units;
 - c. The specific developer incentive(s) sought, if any;
 - d. The specific waiver or modification to development standards sought, if any;
 - e. If seeking an developer incentive, documentation regarding the necessity of the developer incentive in order to provide affordable housing costs or rents;
 - f. If seeking a waiver or modification of development standards, documentation regarding the necessity of the waver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;
 - g. If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of Section 65915 and this Code; and
 - h. If requesting a density bonus based on the provision of a child day care facility in

accordance with Government Code Section 65915(h), the application must:

- (1) Provide the location of the proposed child day care facility and the proposed operator;
- (2) Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
- (3) Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued; and
- (4) Agree that the child day care facility will be in operation when the first certificate of occupancy is issued.

6.02.040 Hazardous Materials

- A. The City Council finds that the present set of local, state, and federal regulations implemented through the building permit, hazardous materials operations permit, and inspection processes provide a high level of regulatory oversight for the use of hazardous materials.
- B. The City Council declares that identification and regulation of hazardous materials in the commercial and industrial areas are necessary to protect the public health and general welfare.
- C. Use of hazardous materials, including but not limited to storage (whether or not for resale), distribution, processing, production, use in processes, or creation as a byproduct of processes, shall maintain compliance with all applicable local, state, and federal regulations and associated standards, including but not limited to the fire and building codes, and shall be operated to avoid any substantial adverse effect on the health, safety and/or general welfare of users of adjacent or proximate property, and to avoid any substantial adverse impact on public facilities or services on the environment.
- D. Business operations with hazardous materials are intended for the industrial and commercial areas and not permitted in residential areas except as allowed in conjunction with an approved home occupation permit (Section 6.02.060).
- E. **Disclosure.** Any person requesting approval of the storage or use of hazardous materials shall be required to disclose information regarding the classification, type and quantities of hazardous materials. Business shall comply with Government Code and Health and Safety Code requirements for disclosure to the department related to the Hazardous Materials Business Plan and the California Accidental Release Prevention Program.
- F. **Notification.** Upon issuance of required permits when a use of hazardous materials initially exceeds the threshold amounts in Table 6.4, an informational notice including but not limited to the materials classification permitted shall be mailed to property owners and occupants of property within 300 feet of the property for which the permits were issued. The Planning Commission members shall be provided a copy of the notice and shall annually be provided a summary of the locations for which notices were sent.