



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 22, 2011

SUBJECT: Design Overlay Review No. 1399-11
Conditional Use Permit No. 857-11

APPLICANT: Affirmed Housing
Attn: Anna Scott
13520 Evening Creek Drive North, Suite 160
San Diego, CA 92128

REQUEST: To construct a three-story affordable housing apartment complex, which includes development of a 40-unit multi-family 100 percent affordable housing development on 1.36 acres in the RM-25-D (Residential, Multi-Family 25 units/acre – Design Overlay) zone and within the Carson Consolidated Redevelopment Project Area.

PROPERTY INVOLVED: 21227-21245 S. Figueroa Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Park			Saenz
		Brimmer			Schaffer
		Diaz			Verrett
		Goolsby			

Item No. 11H

I. Introduction

The applicant, Anna Scott representing Affirmed Housing, is requesting approval to construct a three-story affordable housing community on a 1.36-acre property. The Carson Redevelopment Agency (RDA) owns 1.03-acres and the remainder is owned by Affirmed Housing. The subject property is located at 21227-21245 S. Figueroa Street and is in the RM-25-D (Residential, Multi-Family 25 units/acre – Design Overlay) zone and within The Carson Consolidated Redevelopment Project Area. Affirmed Housing has an exclusive negotiating agreement (ENA) with the RDA to develop the property. The application includes:

- Design Overlay Review No. 1399-11: Site plan and design review for construction within a “D” overlay zone, and within The Carson Consolidated Redevelopment Project Area.
- Conditional Use Permit No. 857-11: Construction of a multi-family development in the RM-25-D zoning district.

Affirmed Housing is an award-winning developer a Southern-California based affordable housing developer specializing in tax-credit and tax-exempt bond financed multi-family and single family developments. Since 1994, they have been responsible for the development of 26 affordable communities comprised of over 2,200 financed housing units.

The proposed project, Carson Family Residences, includes the following features:

- Three-story, 40-unit affordable apartment development, including:
 - 14 one-bedroom units
 - 12 two-bedroom units
 - 14 three-bedroom units
- The proposed project features five housing types ranging from 672-square-foot one-bedroom, one-bath units to 1,093-square-foot three-bedroom, two-bath units.
- Sixty-seven (67) resident parking spaces will be located in a gated parking structure with parking wrapped around the building and screened from the public right-of-way.
- Guest parking spaces are available along the main driveway and entrance to the tuck-under and structure-covered parking areas on the western and southern portions.
- 3 van-accessible handicap parking spaces are provided, compliant with applicable ADA standards for design.
- An 8,080-square-foot ground-level central courtyard in the middle of the site surrounded on three sides by the apartment building. The courtyard includes a tot lot, barbeque area, patio, seating, and landscaping.



- Laundry room and appurtenant facilities.
- A resident community area of 2,200 square feet, including a multi-use room, conference room, kitchen, lounge, library, computer room, laundry room, fitness room, media room, and restrooms.
- Management office for full-time, on-site manager use, as well as one unit dedicated for manager occupancy.

TABLE 1 – UNIT SUMMARY: FLOOR NOS. 2 AND 3 HAVE SAME LAYOUT

PLAN	DESCRIPTION	FLOOR NO.	QUANTITY	SIZE (s.f.)	PRIVATE OPEN SPACE (s.f.)
1	1 bedroom / 1 bath	2	7	672	80
1	1 bedroom / 1 bath	3	7	672	47
2	2 bedroom / 1 bath	2	6	858	116
2	2 bedroom / 1 bath	3	6	858	41
3	3 bedroom / 2 bath	2	1	1,086	40
3	3 bedroom / 2 bath	3	1	1,086	40
4	3 bedroom / 2 bath	2	2 **	1,093	113
4	3 bedroom / 2 bath	3	2	1,093	41
5	3 bedroom / 2 bath	2	4	1,079	200
5	3 bedroom / 2 bath	3	4	1,079	41
TOTAL			40		

** One of these units is designated as a manager unit

Affordability Component

The proposal is for a 100 percent affordable housing development as described in Table 2. Designated affordable units will be determined at the time of occupancy. The terms for the affordable units will be negotiated with the Redevelopment Agency, but are typically 55-year covenants.

TABLE 2 – AFFORDABLE COMPONENT BREAKDOWN

INCOME LEVEL	DESCRIPTION	PROPOSED UNITS	UNIT PERCENTAGE
Very-Low	No greater than 50% HCD Median	19	47.5



Low	No greater than 60% HCD Median	3	7.5
Moderate	No greater than 120% HCD Median	17	42.5
Manager's Unit	No Income Restriction	1	2.5
TOTAL		40	100%

II. Background

Previous attempts have been made to develop the property with affordable housing projects. The following is a list of previously approved projects that have failed to develop for various reasons, mostly related to developers' inability to obtain adequate financing, which typically result in approved permit(s) expiring, or applications being "pulled":

- Design Overlay Review No. 815-03 and Conditional Use Permit No. 538-03: Construction of a 32-unit affordable housing complex. On July 15, 2003, the Redevelopment Agency approved Design Overlay Review (DOR) No. 815-03. However, the applicant was unable to secure the necessary funding to construct the project. As such, the applicant was unable to continue with the project and allowed DOR No. 815-03 and CUP No. 538-03 to expire.
- Design Overlay Review No. 965-06 and Conditional Use Permit No. 635-06: Construction of a 32-unit affordable housing complex, essentially the same as the 2003 iteration of the plan. On February 20, 2007, the Redevelopment Agency approved Design Overlay Review (DOR) No. 965-06. The project failed due to similar reasons as the previous iteration.

In response to an earlier request for proposals, in March, 2010 the RDA selected Affirmed Housing as the developer for an affordable project on the subject property. Currently, RDA staff is working with Affirmed Housing to craft the terms of a DDA.

Zoning and General Plan

The project site and adjacent properties to the south are zoned RM-25-D, which is consistent with the Land Use Element of the General Plan which designates the project site as High Density (Residential). Adjacent to the north of the project site is ML-D (Manufacturing, Light – Design Overlay) zoned property. East, across Figueroa Street, are properties zoned ML-D, RM-6-D, and RS (Residential, Single-Family). All of the surrounding properties share the General Plan land use designations that are consistent with their respective zoning. Adjacent to the west side of the subject property is the 110 (Harbor) Freeway, and west of that are properties located in the unincorporated area of Los Angeles County.



Surrounding Land Uses

To the north is a contractor's equipment yard. To the east, across Figueroa Street is a large church, office and warehouse uses, and low density residential development. To the south are two single-family housing units which are set to be purchased by Affirmed Housing and subsequently demolished to make way for the proposed development. South of those homes is a high-density apartment complex. To the west is the 110 (Harbor) Freeway and west of it is single-family residential development.

Regional Access

Access to the property is via Figueroa Street adjacent to the east side of the subject property. Regional access is via the 110 (Harbor) Freeway located about 1.5 miles south and the 405 Freeway located approximately 3 miles east or north.

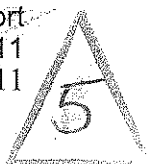
Affordable Housing Definitions

In order to be considered an affordable housing project as described in Section 9126.91 of the Carson Municipal Code, a project must include a minimum of 10% of the units proposed for affordable and/or senior citizen households. The affordable units must be kept as affordable for a period of not less than 30 years. However, longer periods of up to 55 years are required when involving RDA financial input. This section defines "Affordable Households" as follows:

- *Very low-income households* – Households with an income that is 50% or less of the area median family income published approximately annually by the State Department of Housing and Community Development (HCD) based on information provided by the Federal Department of Housing and Urban Development (HUD).
- *Lower-income households* – Households with an income this is more than 50% or 60% or less of the area median family income published annually by HCD based on information provided by HUD.
- *Low-income households* – Households with an income this is more than 60% or 80% or less of the area median family income published annually by HCD based on information provided by HUD.
- *Moderate-income households* – Households with an income this is more than 80% or 120% or less of the area median family income published annually by HCD based on information provided by HUD.

In Section 9401 of Ordinance No. 10-1456, adopted by City Council October 5, 2010, "Affordable Rent" is defined as annual rent, including utilities and all fees for housing services, which does not exceed the following:

- *Very low-income households* – 50% of area median family income adjusted for assumed household size based on unit size, multiplied by 30%.
- *Lower-income households* – 60% of area median family income adjusted for assumed household size based on unit size, multiplied by 30%.



In the same Section, "Affordable Units" are defined as dwelling units which are affordable to very low, lower, or moderate income households as defined by this chapter or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.

The proposed affordable housing project meets or exceeds requirements to be defined as affordable pursuant to applicable zoning codes and is therefore able to benefit from density bonuses and certain deviations from standards as permitted in such codes. The deviations requested by the applicant are further defined below.

Housing Needs Assessment

The State of California requires that every city provide the opportunity for the development of its fair share of housing for all segments and income levels of society. This fair share is determined by the Southern California Association of Governments, more frequently referred to as SCAG.

Carson has been notified by SCAG that to meet the City's fair share of the region's housing needs, which includes Los Angeles, Orange, San Bernardino and Riverside Counties, it will be necessary to provide the opportunity for the development of 1,812 dwelling units by 2014. A portion of those units must be affordable to very low and low-income persons and families. The regional housing needs assessment (RHNA) for the city of Carson for 2006-2014 are shown in Table 3.

**TABLE 3 – REGIONAL HOUSING NEEDS ASSESSMENT
FOR CITY OF CARSON FOR 2006-2014**

Income Group	Number of Housing Units	Percent
Very Low (<50% AMI*)	461	25%
Low (50-80% AMI*)	287	16%
Moderate (80-120% AMI*)	307	17%
Above Moderate (>120% AMI*)	757	42%
TOTAL	1,812	100%

*Area Mean Income

Source: SCAG 2009

The State of California also requires that every city provide a Housing Element as part of its General Plan. Section 65580 of the California Government Code states that "... each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the General Plan and to cooperate with other local governments and the state in addressing regional housing needs." In stipulating the content of the Housing Element, Section 65583 of the Government Code indicates that the element shall consist of "... an identification and analysis of the existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing." This section further states that the element "... shall identify adequate sites for housing, including rental housing,



factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community."

Tax Increment Set Aside

The primary program that generates revenue for the creation of affordable housing units is via the Carson Redevelopment Agency. Twenty percent of the Redevelopment Agency's tax increment must be set aside for the purposes of increasing, improving, and preserving housing that is affordable to very low (<50% Area Mean Income (AMI)), low (50% - 80% AMI), and moderate households (80%-120% AMI). Furthermore, the set aside revenue must be proportionately distributed between the various income groups. As shown in Table 4, very low income groups comprise 44%, low income groups comprise 27%, and moderate income groups comprise 29% of the total affordable housing needs. Since set aside revenue must be distributed proportionately between the various income groups, 44% of the set aside revenue can go to building very low income housing, 27% can go to low income housing, and 29% can go to moderate income housing. The Redevelopment Agency may opt to distribute a higher proportion of set aside revenue to very low income housing or low income housing. However, the Redevelopment Agency cannot distribute a higher proportion to moderate income housing and cannot distribute less than 44% for very low income housing.

TABLE 4 – ALLOCATION FOR SET ASIDE REVENUE

Income Group	Number of Units	Percent
Very Low (<50% AMI*)	461	44%
Low (50-80% AMI*)	287	27%
Moderate (80-120% AMI*)	307	29%
TOTAL	1,055	100%

III. Analysis

Deviations Permitted for Affordable Housing Projects

The proposal is a 100 percent affordable housing project and is subject to the affordable housing standards identified in Section 9126.91 as discussed above, as well as the recently adopted Ordinance No. 10-1456. In approving development plans for residential projects qualifying under Section 9126.91, the Planning Commission may allow deviations from the following development standards:

1. Site requirements in Sections 9125.2 (Minimum Lot Area), 9125.3 (Street Frontage and Access), and 9125.4 (Minimum Lot Width).
2. Residential Site Development Standards in Division 6 of the Carson Municipal Code, which include those regulations that address: height of buildings and structures, ground coverage, future rights-of-way, parking setbacks, front, side and rear yards, passageways, space between buildings, usable open space, encroachments, fences, walls and hedges, trash and recycling areas, parking, loading and driveways, signs, utilities, and site planning and design.



3. Vehicular Parking, Loading and Maneuvering Areas development standards in Section 9162.1 (off-street parking, general requirements) and 9162.21 (parking spaces required).
4. The following portions of Section 9128.54 (development standards) for Multiple-Family Dwellings: private open space, length of and separation between buildings, landscaping requirements, recreational facilities.

Furthermore, in accordance with SB 1818 which requires cities to grant incentives or concessions for the development of affordable housing, Sections 9407-9409 (Chapter 4) of the CMC allows for the same types of concessions as those defined in Section 9126.91. The applicant is requesting the following deviations from the development standards of the Carson Municipal Code as shown in Table 5.

TABLE 5 - DEVIATIONS

CMC Section	Requirement	Proposed Project	Comments
Private Open Space (9128.54)	130 s.f. for each 0- and 1-bdrm. unit 150 s.f. for each larger unit	47-80 s.f. for 1-bdrm. units, 41-116 s.f. for 2-bdrm units, and 40-200 s.f. for 3-bdrm. units	A reduction in the amount of private open space may be authorized by the Planning Commission pursuant to Section 9172.23 (Site Plan and Design Review) and can be considered a "concession" per CMC Section 9407
Vehicular Parking (9162.21)	2 spaces within a garage or carport for each dwelling unit. 1 guest parking space for every unit 3 bedrooms or more, and ½ space for each unit 2 bedrooms or less.	1 space for each 1 bedroom unit (14), and 2 spaces for each 2 and 3 bedroom unit (52), plus one additional space for a total of 67 spaces	Per SB 1818, and subsequently CMC Section 9407, allows such parking concession for 100% affordable projects. Furthermore, the Planning Commission is authorized by CMC Section 9126.91(C)(1) for projects qualifying as affordable.

The Planning Commission may also impose additional requirements as conditions of approval if it finds in writing that such deviations and additional requirements are justified in order to achieve one or more of the objectives listed in Section 9126.9B, which are:



- To promote residential amenities beyond those expected under conventional development.
- To develop attractive neighborhoods through creative and imaginative planning as a unit.
- To achieve a higher quality of design through flexibility of development standards and integrated planning, design and control of development.
- To achieve harmony between each development and the existing or future surrounding development.
- To assist in improving the quality and quantity of housing available to meet the needs of all social and economic groups within the community.
- To preserve areas of natural scenic beauty or of historical, cultural or scientific interest.
- To provide for appropriate use of land which is sufficiently unique in physical characteristics or other circumstances to warrant special methods of development.

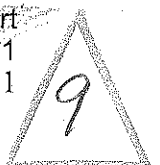
As a guideline to be used in considering development plans for affordable multiple-family residential projects, the Planning Commission may also utilize the development criteria as provided for in Section 9128.55 (Development Criteria for Multiple-family Dwellings). The proposed project meets those criteria in that it is an affordable housing development that creates unique rental opportunities through an attractive and contemporary architectural design, as well as a plethora of community-benefiting amenities, for an otherwise economically disadvantaged segment of the city's population and is compatible with surrounding land uses.

Project Design

Carson Family Residences will blend traditional and modern ideas into a progressive design that provides for the needs of the individuals and families while also promoting interaction among the future residents. The 3-story, "u"-shaped building will have community and utility spaces and parking at the ground floor, with residences on the 2nd and 3rd floors. An elevator and three staircases will provide access to the residences, which will be entered off wide, open-air single or double-loaded corridors designed to create natural air flow throughout the building. More than half of the units will open onto the central courtyard, and the entire development will be designed to current ADA accessibility standards.

The 40 apartments will include 14 one-bedroom, 12 two-bedroom and 14 three-bedroom units which will be bright, airy and efficiently designed. Most units will have private decks, and all three-bedroom units will have two full bathrooms. Each unit will have well-detailed kitchens with durable finishes and Energy Star appliances, and the kitchens will open onto spacious living areas. Ceiling fans in living areas and bedrooms will also be included, and free internet access will be provided to each unit.

The first floor will include management offices, community space, a laundry room, trash, recycling and utility rooms, and covered parking that will provide a minimum of one covered space per unit. The community room and adjacent TV/lounge area will



include a small kitchenette to facilitate resident gatherings and will open onto the central courtyard. A computer lab for use by the residents will also be an integral part of the community space. The management office and laundry room will also open onto the central courtyard to provide ample supervision of a tot lot and activity areas that will include BBQ's, seating and landscaped planters.

The building architecture will feature a distinctive sound wall facing the 110 Freeway. The proposed three-story building uses contemporary design techniques with rectangular shapes and parapet roofs. Bold color accents will enliven the exterior as well as the interior common spaces. Roofs will accommodate mechanical equipment plus solar hot water and photovoltaic panels designed to offset much of the building's hot water and common area electricity needs. Site design will include lush, water-wise landscaping, and the completed project will be LEED certified Gold or better.

One main driveway is provided, accessible from Figueroa Street for ingress and egress of vehicles from the project site. A common, adequately sized, driveway leads west onto the project site from Figueroa Street and wraps south-ward along the backside of the residences where tuck-under parking is provided, then east-ward along the south property line underneath the three-story building where covered parking is provided. A fire truck turnaround is provided along the mid-point of the west property line. The traffic circulation pattern and turnaround have both been vetted by the City Traffic Engineer and the Los Angeles County Fire Department.

Findings

Based on the discussions above, it staff's opinion that the proposal for affordable housing is consistent with the General Plan and applicable zoning code sections, as well as the intent of SB 1818. The proposed deviations are reasonable for this type of development and staff can make all of the findings required under Section 9172.21 and 9172.23 for the CUP and DOR. Details for the findings can be found in the attached resolution.

V. Environmental Review

Pursuant to the California Public Resources Code Section 15194, the proposed project is for an affordable housing community and is exempt from environmental review requirements of the California Environmental Quality Act (CEQA) Guidelines based on the following:

- The project site is less than five acres;
- The 40-unit project will be required to have an affordability component to last for at least 55 years;
- The surrounding urban area is developed; and
- There are at least 5,000 persons per square mile in the vicinity

VI. Conclusion

The proposed project is in conformance with the vision, goals and policies described within the General Plan, and RM zone district, and the housing density ordinance. The project will help create a distinctive character along Figueroa Street, and facilitate with the redevelopment of currently underutilized and unattractive parcels



along Figueroa Street. The affordability component assists the City in meeting its RHNA obligation as described in the Housing Element.

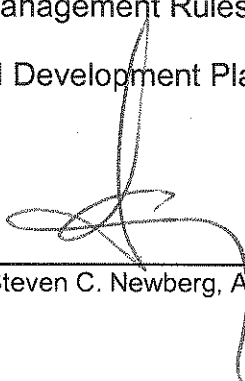
VII. Recommendation


That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 857-11 and recommend to the Redevelopment Agency approval of Design Overlay Review No. 1399-11 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 857-11 AND RECOMMENDING TO THE REDEVELOPMENT AGENCY APPROVAL OF DESIGN OVERLAY REVIEW NO. 1399-11 FOR THE CONSTRUCTION OF A THREE-STORY 40-UNIT AFFORDABLE HOUSING COMMUNITY FOR PROPERTY LOCATED AT 21227 S. FIGUEROA STREET."

Exhibits

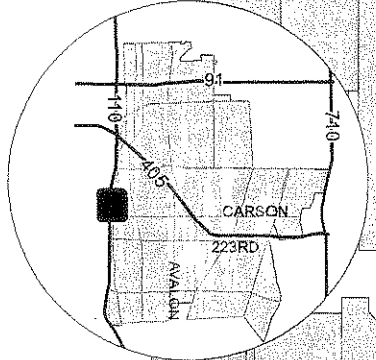
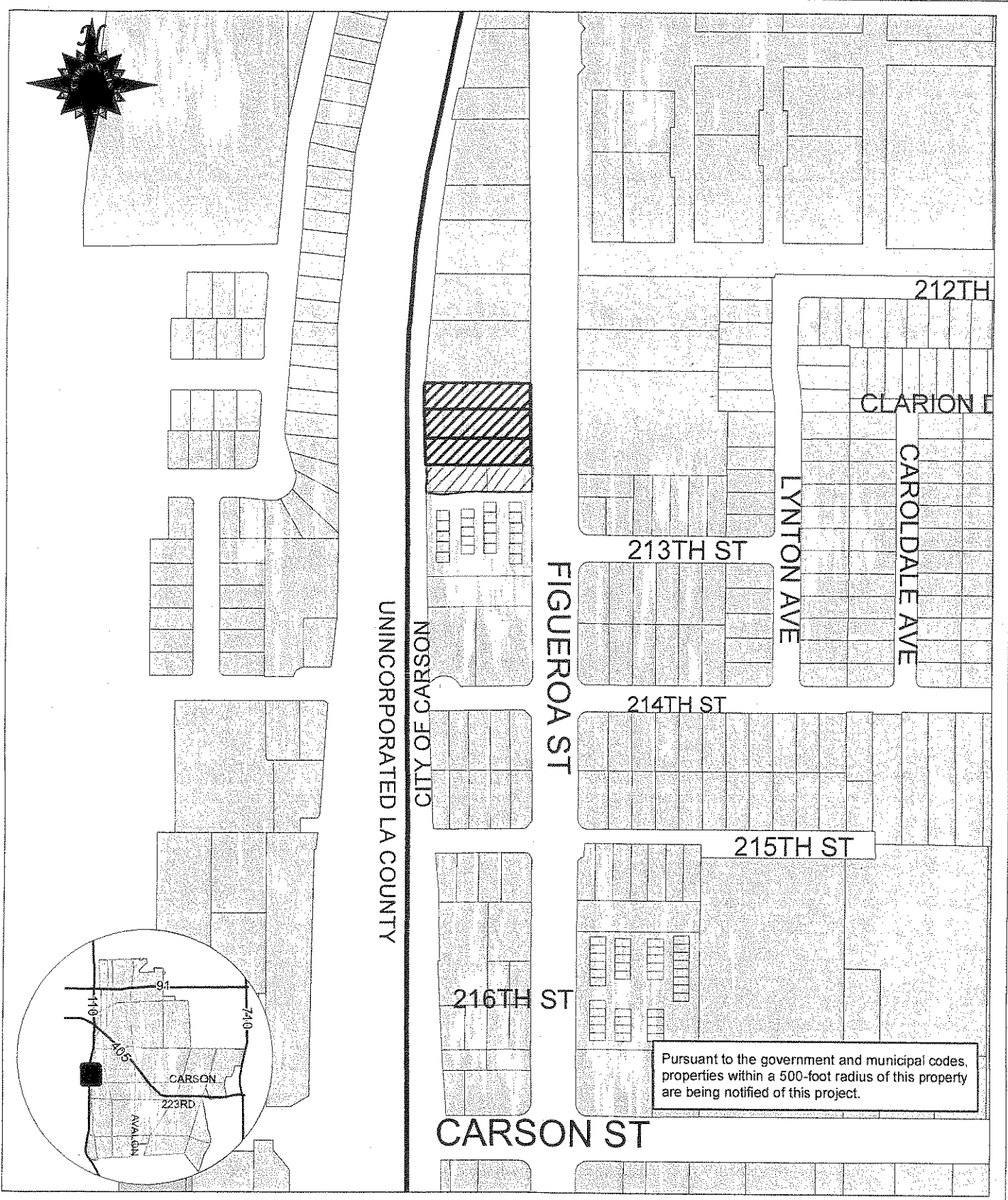
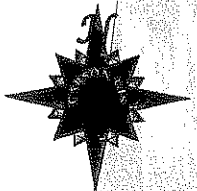
1. Zoning Map
2. Draft Resolution
3. Ordinance No. 10-1456 (Housing Density Bonus Provisions)
4. Solaris Management Rules and Regulations for Carson Family Residences
5. Proposed Development Plans (submitted under separate cover)

Prepared by: 
Steven C. Newberg, AICP, Associate Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp Loadsman, Planning Officer





Pursuant to the government and municipal codes, properties within a 500-foot radius of this property are being notified of this project.

City of Carson
SITE LOCATION MAP FOR
21227 - 21245 FIGUEROA ST  **PROJECT SITE**

11/16/2006
M:\backups\Planning_Division\Radius Maps\21227-21239 Figueroa\Pub\HearingMap.mxd

EXHIBIT No. 1

EXHIBIT NO. 1-

12

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 857-11 AND RECOMMENDING TO THE REDEVELOPMENT AGENCY APPROVAL OF DESIGN OVERLAY REVIEW NO. 1399-11 FOR THE CONSTRUCTION OF A THREE-STORY 40-UNIT AFFORDABLE HOUSING COMMUNITY FOR PROPERTY LOCATED AT 21227 S. FIGUEROA STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Affirmed Housing, with respect to real property located at 21227 Figueroa Street as described in Exhibit "A" attached hereto, requesting the approval of a three-story 40-unit 100 per cent affordable housing community on 1.36 acres. The request includes:

- Design Overlay Review (DOR) No. 1399-11 for development in the RM-25-D (Residential, Multi-family - 25 units per acre – Design Overlay) zoning district and within the Carson Consolidated Redevelopment Project Area; and
- Conditional Use Permit (CUP) No. 857-11 is required pursuant to Section 9121.1 of the Carson Municipal Code (CMC) for construction of a multifamily development in the RM-25-D zoning district.

Section 2. A public hearing was duly held on February 22, 2011, at 6:30 P.M. at the Carson City Hall Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. As identified in Section 1 above, the project is subject to the discretionary approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23, and Conditional Use Permit (CUP) procedures as provided in Section 9172.21. The Planning Commission finds that:

1. The proposed project is consistent with the Carson General Plan High Density Residential Land Use designation and adheres to the policies, goals and objectives said designation. The proposed affordable housing development is consistent with development standards of the RM-25-D zoning district.
2. The list of community benefits the project will provide is extensive and includes a large community space, a laundry room, trash, recycling and utility rooms, a small kitchenette to facilitate resident gatherings, a computer lab for use by the residents and free internet for each residential unit, a large central courtyard to provide ample supervision of a tot lot and activity areas that will include BBQ's, seating and landscaped planters. The management company intends to provide free monthly educational activities and classes for residents and community members who wish to attend. All of these amenities serve to make the project a viable



and sustainable community which is consistent with the intent of the Carson Consolidated Redevelopment Project Area, General Plan, and zoning code.

3. The building architecture features a distinctive sound wall facing the 110 Freeway. The proposed three-story building uses contemporary design techniques with rectangular shapes and parapet roofs. Bold color accents will enliven the exterior as well as the interior common spaces. Roofs can accommodate mechanical equipment plus solar hot water and photovoltaic panels designed to offset much of the building's hot water and common area electricity needs. Site design will include lush, water-wise landscaping, and the completed project will be LEED certified Gold or better.
4. The proposed affordable housing project is compatible with similar approved housing projects and anticipated development elsewhere in the city, particularly along Carson Street in the MU-CS (Mixed Use – Carson Street) zoning district. Specifically, the Villagio development located at Carson Street and Grace Avenue and the City Center development further east of the Villagio, at the southeastern corner of Carson Street and Avalon Boulevard. The redevelopment of the vacant project site will be an asset to the City and adheres to the goals and vision of the Carson Consolidated Redevelopment Project Area. As such, the project is compatible with the existing and anticipated development for the area.
5. The on-site circulation pattern and parking areas meet the requirements of the RM-25-D zoning district. One main driveway is provided, accessible from Figueroa Street for ingress and egress of vehicles from the project site. A common, adequately sized, driveway leads west onto the project site from Figueroa Street and wraps south-ward along the backside of the residences where tuck-under parking is provided, then east-ward along the south property line underneath the three-story building where covered parking is provided. A fire truck turnaround is provided along the mid-point of the west property line. Resident and guest parking areas located on the ground floor provide adequate and safe circulation of vehicles and pedestrians on site. Figueroa Street is a major thoroughfare that can accommodate the expected traffic to be generated from the proposed development.
6. Based on Section 9162.21 of the CMC, 107 parking spaces are required for the proposed development and 67 spaces are provided. The project meets the requirements for compact spaces, parking stall size, and backup space. As the project contains affordable housing, it qualifies for a deviation from the parking requirements of the CMC. Per California SB 1818, and subsequently CMC Section 9407, such parking concessions are allowed for 100 percent affordable projects. Furthermore, the Planning Commission is authorized by CMC Section 9126.91(C)(1) to authorize deviations in parking requirements for projects qualifying as affordable.
7. The proposed 100 percent affordable housing project will create unique rental opportunities through an attractive and contemporary architectural design, as well as a plethora of community-benefiting amenities, for an otherwise economically disadvantaged segment of the city's population.

8. Review by the Los Angeles County Fire Department will be conducted to ensure the proposed project has adequate water supply to meet current and anticipated fire suppression needs. The County Fire Department will impose conditions as needed, which must be satisfied prior to issuance of a final building permit.
9. Approval of Conditional Use Permit No. 857-11 is contingent upon the Redevelopment Agency's approval of the Design Overlay Review No. 1399-11. All additional and applicable sections can be satisfied provided that the conditions of approval are applied. Therefore, this finding can be made in the affirmative.

Section 4. Pursuant to the California Public Resources Code Section 15194, the proposed project is for an affordable housing community and is exempt from environmental review requirements of the California Environmental Quality Act (CEQA) Guidelines based on the following:

- The project site is less than five acres;
- The 65-unit project will be required to have an affordability component to last for at least 30 years;
- The surrounding urban area is developed; and
- There are at least 5,000 persons per square mile in the vicinity.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit No. 857-11 and recommends to the Redevelopment Agency approval of Design Overlay Review No. 1399-11, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF FEBRUARY, 2011.

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
OFFICE OF ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION

DESIGN OVERLAY REVIEW NO. 1399-11; CONDITIONAL USE PERMIT NO. 857-11

Property Address: 21227-21245 S. Figueroa Street

Assessor Parcel Nos: 7343-007-012 and 7343-007-014

Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

Parcel 1:

That portion of Lot 3 of Tract 3612, in the City of Carson, as per map recorded in Book 40 Pages 5 and 6 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at the intersection of the West line of Figueroa Street 50 feet wide, with the South line of Lot 3; thence Northerly along said Westerly line a distance of 60 feet; thence South 89 degrees 40' 20" West to the East line of Harbor Freeway; thence Southerly along said East line to the South line of said Lot 3; thence Easterly along said Southerly line to the point of beginning.

Parcel 2:

That portion of Lot 10 of Tract 3612, in the City of Carson, as per map recorded in Book 40 Pages 5 and 6 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at the intersection of the West line of Figueroa Street 50 feet wide, with the North line of Lot 10; thence Southerly along said Westerly line a distance of 66 feet; thence south 89 degrees 40' 20" West to the East line of Harbor Freeway; thence Northerly along said East line to the Northerly line of said Lot 10; thence Easterly along said Northerly line to the point of beginning.

Parcel 3:

The Northerly 60.00 feet of the Southerly 244.00 feet of Lot 10 of Tract No. 3612, in the City of Carson, as per map recorded in Book 40 Pages 5 and 6 of Maps, in the office of the county recorder of said county.

Except therefrom that portion of said land lying Westerly of the Easterly line of the land described in the deed to the State of California, recorded March 23, 1959 as Instrument No. 1686, of Official Records.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

DESIGN OVERLAY REVIEW NO. 1399-11

CONDITIONAL USE PERMIT NO. 857-11

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1399-11 and Conditional Use Permit No. 857-11, said permits shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. Prior to issuance of a building permit, the lots shall be merged to form one continuous lot.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Development Services Group a cashier's check or money order payable to the County Clerk in the amount of \$75.00 (seventy-five dollars) to enable the City to file the Notice of Exemption. If within such forty-eight hour period the applicant has not delivered to the Development Services Group the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.
6. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
7. The applicant shall submit two complete sets of plans and related documentation that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
8. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.



9. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
11. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1399-11 and Conditional Use Permit No. 857-11. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PARKING

13. The required parking shall meet all applicable standards as outlined in the Carson Municipal Code.
14. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
15. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
16. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
17. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
18. Decorative colored concrete pattern shall occur at all driveway entrance areas, subject to review and approval by the Planning Division.
19. Electrical wiring and features appropriate to support alternative fuel vehicles shall be provided for resident and guest parking subject to the approval of the

18

Planning Division. If not provided prior to the adoption of these conditions of approval, the applicant shall demonstrate appropriate features necessary to support the future service of alternative fuel vehicles.

LANDSCAPING/IRRIGATION

20. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
21. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
22. 6" x 6" concrete curbs are required around all landscaped planter areas, as deemed necessary by the Planning Division.
23. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
24. Landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:
 - a. Annual flowers wherever possible;
 - b. Five and one gallon shrubs;
 - c. Flats of ground cover planted 8-inches on center; and
 - d. Tree height and plant materials to be approved by the project planner prior to installation.
25. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
26. A minimum of 40 specimen trees (minimum 30-inch box) shall be provided for construction of 40 dwelling units per Section 9128.54 of the CMC. Location and size shall be reviewed and approved by the Planning Division.

GRAFFITI LANDSCAPING

27. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti, as determined by the Planning Division.
28. Graffiti shall be removed from all project areas within three (3) days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

UTILITIES

29. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities



shall be installed underground, unless screened from public right-of-way to the satisfaction of the Planning Division.

30. The applicant shall remove at his own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
31. Prior to issuance of a building permit, the applicant shall enter into an agreement with the city franchise cable TV operator to permit the installation of cable in a common utility trench; or provide documentation that steps to provide cable TV to the proposed development have been initiated to the satisfaction of the City.
32. The applicant shall provide a central antenna with connections to each unit via underground or internal wall wiring to provide for satellite TV and internet service. Any satellite dish shall be screened from public view to the greatest extent feasible.
33. Any above-ground utility box, piping, or structure not shown on the development plan that is subsequently required by a utility company shall be screened to the satisfaction of the Planning Division prior to issuance of certificate of compliance.

AESTHETICS

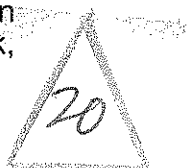
34. High quality postal delivery receptacles shall be provided and located in an area convenient for each resident, subject to the approval of the Planning Division.
35. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
36. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.
37. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.

SIGNS

38. All signs shall conform to the requirements of a sign program which shall be approved by the Planning Division prior to the issuance of a building permit. The sign program shall detail all signs to be erected including location, size, type, materials, etc., and shall comply with the requirements of Section 9138.17(F) of the CMC. A temporary sign shall also be erected before and during construction which describes the project and displays building elevations.

FENCES/WALLS

39. Perimeter walls shall conform to the requirements of the Carson Municipal Code and shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
40. Where walls are used, they shall conform to the requirements of the Carson Municipal Code and shall be of decorative material to include stucco block,



slumpstone or splitface, or other material first reviewed and approved by the Planning Division.

LIGHTING

41. A precise lighting plan shall conform to the requirements of the Carson Municipal Code and shall be submitted showing all proposed street, parking, walkway, and recreational area lighting, subject to the approval of the Planning Division.
42. Onsite lighting shall conform to the requirements of the Carson Municipal Code and shall be directed downward and inward so as not to cause light and glare impacts to adjacent residences and motorists.

AIR QUALITY

Construction

43. Use zero Volatile Organic Compounds (VOC) content architectural coatings on buildings. These reduce VOC (ROG) emissions by 95% over conventional architectural coatings. The following websites provide lists of manufacturers and major brand names:
 - a. <http://www.aqmd.gov/business/brochures/zerovoc.html>
 - b. <http://www.delta-institute.org/publications/paints.pdf>
 - c. <http://www.cleanaircounts.org/factsheet/FS%20PDF/Low%20VOC%20Paint.pdf>
 - Restrict the number of gallons of coatings used per day.
 - Encourage water-based coatings or other low-emitting alternatives.
 - Consider requiring the use of coatings with a lower VOC content than 100 grams per liter.
 - Where feasible, paint contractors should use hand applications as well instead of from spray guns.
44. The grading contractor shall do the following:
 - a. Provide watering of the active grading area at least twice a day, throughout the grading phase.
 - b. Apply soil stabilizers to inactive areas.
 - c. Replace ground cover in disturbed areas quickly.
45. General contractor(s) shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues would turn their engines off, when not in use, to reduce vehicle emissions. Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.
46. Electricity from power poles, rather than temporary diesel or gasoline powered generators, shall be used to the extent feasible.



47. All construction vehicles shall be prohibited from idling in excess of five minutes, both on and off-site.
48. All construction related equipment shall use aqueous diesel fuel, a diesel particulate filter and cooled exhaust gas recirculation.
49. All construction vehicles tires shall be washed at the time these vehicles exit the project site.
50. All fill material carried by haul trucks and stock piles shall be covered by a tarp or other means.
51. Reduce speed on unpaved roads to less than 15 miles per hour (mph).
52. Supply lunch van to construction site for employees, to reduce vehicle trips.

Operations

Service and Support Facilities (point sources)

53. All point source facilities shall obtain all required permits from the SCAQMD. The issuance of these permits by the SCAQMD shall require the operators of these facilities to implement Best Available Control Technology and other required measures that reduce emissions of criteria air pollutants.

Natural Gas Consumption and Electricity Production

54. All residents and non-residential buildings shall meet the California Title 24 Energy Efficiency standards for water heating, space heating and cooling, to the extent feasible.
55. All fixtures used for lighting of exterior common areas shall be regulated by automatic devices to turn off lights when they are not needed, but a minimum level of lighting should be provided for safety.

Building Materials, Architectural Coatings and Cleaning Solvents

56. Building materials, architectural coatings and cleaning solvents shall comply with all applicable SCAQMD rules and regulations.

Transportation System Management and Demand Management

57. The applicant shall, to the extent feasible, schedule deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods.
58. The applicant shall coordinate with the Carson Circuit Transit System, the City of Carson, the MTA, Los Angeles Department of Transportation, and Torrance Transit to provide information with regard to local bus and rail services.
59. During site plan review, consideration shall be given regarding the provision of safe and convenient access to bus stops and public transportation facilities.
60. Applicant shall provide bicycle racks located at convenient locations throughout the project site.



CULTURAL RESOURCES

61. A qualified archaeologist shall be on site during all earth moving and trenching activities. The archaeologist shall be empowered to stop and/or relocate earth-moving activities if cultural resources are identified. In the event that previously unknown archaeological remains are uncovered during construction, land alteration work in the general vicinity of the find shall be halted. Prompt evaluations would then be made regarding the finds and an appropriate course of action would be implemented as directed by the archaeologist. If prehistoric archaeological deposits are discovered, local Native American organizations shall be consulted and involved in making cultural resources management decisions. All such procedures shall comply with CEQA Guidelines Section 15064.5, Public Resources Code 5097.98, and Health and Safety Code 7050.5. All resources shall be documented and curated, and a report shall be filed with the City's Planning Department within 30 days of the find.

GEOLOGY AND SOILS

62. Prior to issuance of building permits, the Building Department shall review and approve all structural plans to assure compliance with the seismic safety design parameters set forth in the most current version of the City's Building Code. Compliance with these requirements would ensure implementation of appropriate measures, such as reinforcement and shoring, designated construction zones, barriers, and other methods, to anticipate and avoid the potential for significant and adverse impacts caused by building site instability and falling debris during construction activities (as caused by a seismically induced event). Such plans shall be prepared in consultation with or certified by a qualified structural engineer, experienced with earthquake-resistant design techniques.
63. Prior to issuance of a grading permit, the Building Department shall ensure that the recommendations of a certified geologist's site-specific report are incorporated into the grading plan to mitigate seismically-induced ground shaking hazards and all applicable requirements of the City's grading ordinance.

NOISE

64. All construction equipment powered by internal combustion engines shall be equipped with proper mufflers and air-intake silencers in good working order.
65. All equipment maintenance activities shall be performed within the center of the project site as is practical.
66. Stationary equipment such as concrete pumps, generators and compressors shall be located more than 200 feet from the nearest residential uses. Alternately, they may be located behind a structure or temporary noise barrier constructed of minimum 3/4" thick plywood with no gaps or cracks that blocks line of site between the residential uses within 200 feet of the unit and the unit itself.
67. Mechanical ventilation shall be provided for all dwelling units along Carson Street. This will enable residents to close all windows to achieve the City's interior noise level standard of 45 dBA CNEL or less. Compliance with this requirement shall be shown on the architectural plans, prior to issuance of building permits.
68. Exterior construction activities at the project site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and shall exclude public



holidays. Interior construction activities that do not generate exterior noise are exempt from this requirement.

TRASH

69. Trash collection shall comply with the requirements of the City Waste Management Specialist and franchise trash collection company.
70. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
71. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. Recycle bins shall be provided at all upper levels next to trash chutes and shall be emptied on a daily basis by maintenance staff. Recycle bins shall be conveniently located for residents and properly screened. The size, location, and number of all recycle bins shall be approved by the Planning Division prior to Certificate of Occupancy.
72. All other trash collection, including green wastes, shall comply with the requirements of the City's trash collection company.

THE GAS COMPANY

73. Applicant must furnish the Gas Company with "signed" final plans, before construction, including profiles and subsequent plan revisions as soon as they are available. A minimum of twelve (12) weeks is needed to analyze the plans and design alterations for any conflicting facilities.
74. Underground Service Alert (USA), (800) 442-4133 or (800) 227-2600, must be notified within 48 hours prior to commencing work. Inform Gas Co. of construction schedules, pre-construction meetings, etc. so that they can plan ahead.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

75. The applicant shall comply with all requirements of the LA County Fire Department.

COUNTY SANITATION DISTRICTS – COUNTY OF LOS ANGELES

76. The applicant shall pay the appropriate connection fee to the County Sanitation Districts of Los Angeles County for connection or incremental expansion of the Sewerage System. Payment of the connection fee shall be required prior to issuance of sewer connection permit.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

77. Any hazardous wastes/materials encountered during construction shall be remediated in accordance with local, state, and federal regulations.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

79. The Developer shall submit a copy of **approved** Grading plans on bond paper to the City of Carson – Engineering Division.



80. The Developer shall submit a copy of **approved** plans on mylars (such as, Sewer, Street and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of construction permits.
81. On-site flatwork (e.g. base, paving, curb and gutters) are subject to inspection by Public Works Inspectors. Permit shall be obtained from City of Carson Engineering Services.
82. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
83. A construction permit is required for any work to be done in the public right-of-way.

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

84. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division.
85. CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities are required.
86. The Developer shall comply with the applicable SUSMP requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.
87. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory.
 - a) Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
88. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
89. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
90. The Developer shall submit improvement plans to the Development Services Group – Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
 - a) Sewer Main Improvements (if any) along Figueroa Street as determined by the aforementioned sewer area study.



- b) Storm Drain Improvements (if any) along Figueroa Street as determined by the aforementioned requirement.
91. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of Building Permit.
92. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

93. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
94. Repair any broken or raised sidewalk, curb and gutter along Figueroa Street within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
95. The Developer shall fill in any missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
96. Plant approved parkway trees on locations where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134.
97. Install irrigation system for the purpose of maintaining the parkway trees to be planted along the frontage of the development on Figueroa Street.
98. Remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
99. The Developer shall modify any existing driveways to be used in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.
100. The developer shall construct new driveway approaches per City of Carson Standard and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 30 feet.
101. Install streetlights on concrete poles with underground wiring along Figueroa Street to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works. (Contact Jeff Chow, LACDPW, (626)300-4753
102. All new utility lines, servicing the proposed development abutting the proposed development shall be underground to the satisfaction of the City Engineer.
103. Install striping and pavement legend per City of Carson standard.
104. Paint Curbs Red along Figueroa Street within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.



105. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
106. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a) Comply with mitigation measures recommended by the water purveyor.
107. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
108. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)
109. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
110. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

111. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, shall obtain a City Business License.



ORDINANCE NO. 10-1456

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING ARTICLE IX OF THE CARSON MUNICIPAL CODE BY ADDING A NEW CHAPTER 4, DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS, TO ARTICLE IX TO ESTABLISH DENSITY BONUS STANDARDS FOR AFFORDABLE RESIDENTIAL UNITS

WHEREAS, Government Code Sections 65915, 65915.5, and 65917 require cities to provide certain incentives, concessions or density bonuses to an applicant constructing housing units, a portion of which are restricted as affordable units or units restricted for senior citizens; and

WHEREAS, said Government Code Sections were amended in 2004 by Senate Bill ("SB") 1818, in 2005 by SB 435 making clarifications to amendments made in 2004 by SB 1818, and in 2008 by SB 2280 making further clarifications in the density bonus law; and

WHEREAS, the City Council of the City of Carson has not yet enacted density bonus regulations in the City's Planning and Zoning provisions at Article IX in accordance with State law; and

WHEREAS, the City Council would like to amend its density bonus regulations as required by State law.

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

Section 1. A new Chapter 4, entitled "Density Bonus Provisions For Residential Units" is hereby added to Article IX of the Carson Municipal Code to read, in its entirety, as follows:

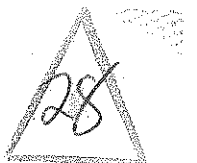
"CHAPTER 4 DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS

Section 9400	Purpose.
Section 9401	Definitions.
Section 9402	Density Bonuses for Affordable and Senior Citizen Housing.
Section 9403	Additional Density Bonus for Donations of Land.
Section 9404	Density Bonus & Incentives for Condominium Conversions.
Section 9405	Density Bonus & Incentives for Child Care Facilities.
Section 9406	General Provisions Governing Density Bonus Calculations.
Section 9407	Incentives and Concessions for Affordable Housing.
Section 9408	Waivers & Modifications of Development Standards.

[MORE]

EXHIBIT NO. 3

EXHIBIT NO. 3 -



Section 9409	Parking Incentives.
Section 9410	Standards for Density Bonus Housing Developments.
Section 9411	Application Requirements.
Section 9412	Application Review.
Section 9413	Developer Affordable Housing Agreement.

Section 9400 Purpose.

This chapter is being enacted: (1) to provide incentives for the production of housing for very low income, low income, moderate income and senior citizen households; (2) to provide incentives for the creation of rental housing serving lower and moderate income households; (3) to provide incentives for the construction of child care facilities serving very low, lower and moderate income households; and (4) to implement Sections 65915, 65915.5, and 65917 of the California Government Code as required by Section 65915(a). In enacting this chapter, the city also intends to implement the goals, objectives, and policies of the city's general plan housing element to encourage the construction of affordable housing in the city. It is also the city's intent to encourage the development of rental housing to serve an economically diverse community. Accordingly, the city desires to provide a density bonus upon the request of an applicant when the applicant includes affordable or senior citizen restricted units in a project. This chapter implements the laws for density bonuses and other incentive and concessions available to qualified applicants under Government Code Sections 65915 through 65918. In the event these Government Code sections are amended, those amended provisions shall be incorporated into this chapter as if fully set forth herein.

Section 9401 Definitions.

For purposes of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this chapter its most reasonable interpretation.

- a. "Affordable Ownership Costs" means average annual housing costs, including mortgage payments, property taxes, homeowners insurance, and homeowners' association dues, if any, which do not exceed the following:

Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 70% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Moderate income households: 110% of area median income, adjusted for assumed household size based on unit size, multiplied by 35%.

- b. "Affordable Rent" means annual rent, including utilities and all fees for housing services, which does not exceed the following:

[MORE]



Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 60% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

- c. "Affordable Units" are dwelling units which are affordable to very low, lower, or moderate income households as defined by this chapter or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.
- d. "Applicant" means a developer or applicant for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of this chapter pursuant to Section 65915, subdivision (b), of the California Government Code.
- e. "Area Median Income" means area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.
- f. "Assumed Household Size Based on Unit Size" means a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.
- g. "Child Care Facility" means a child day care facility other than a family day care home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
- h. "Common Interest Development" bears the same meaning as defined in Section 1351 of the California Civil Code.
- i. "Density Bonus" means a density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to this chapter.
- j. "Density Bonus Units" means residential units granted pursuant to this chapter which exceed the otherwise allowable zoning maximum residential density for a housing development.
- k. "Development Standard" means any site or construction condition including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a housing development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, or regulation. A "site and construction condition" is a development condition or law that provides a specification for the physical development of a site and buildings on the site in a housing development.

- l. "First Approval" means the first of the following approvals to occur with respect to a housing development: specific plan, development agreement, planned development permit, tentative map, minor land division, use permit, design permit, building permit, or any other similar permit or entitlement listed this code.
- m. "Household Income" means the combined adjusted gross household income for all adult persons living in a residential unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.
- "Very Low Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50105.
- "Lower Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50079.5.
- "Moderate Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50093.
- n. "Housing Development," means one or more groups of projects for residential units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. For purposes of this chapter, "Housing Development" does not include projects for less than five (5) dwelling units.
- o. "Incentives and Concessions" are regulatory concessions as listed in section 9407 of this chapter.
- p. "Market-Rate Unit" means a dwelling unit which is not an affordable unit or an inclusionary unit.
- q. "Maximum Residential Density" means the maximum number of dwelling units permitted by the zoning ordinance and land use element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a

housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this chapter.

- r. "Senior Citizen Housing Development" means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units) and Section 51.12 of the California Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- s. "Specific Adverse Impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

Section 9402 Density Bonuses for Affordable and Senior Citizen Housing.

A. Very Low and Lower Income Housing and Senior Citizen Housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of twenty percent (20%) over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:

1. Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or
2. Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to lower income households; or
3. A senior citizen housing development. For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided.

B. Moderate Income Housing. Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent (5%) over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:

1. At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and

2. The housing development is a common interest project as defined by Section 1351 of the California Civil Code; and
3. All of the dwelling units in the housing development are offered for sale to the public.

C. Higher Density Bonus For Greater Contribution Of Affordable Units. Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsections (A) or (B) above, as follows:

1. Very low income units - For each one percent (1%) increase above five percent (5%) in affordable units for very low income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty-five percent (35%), as follows:

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

2. Lower income units - For each one percent (1%) increase above ten percent (10%) in affordable units for lower income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of thirty-five percent (35%), as follows:

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

3. Moderate income ownership units - For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent (1%) up to a maximum of thirty-five percent (35%), as follows:

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

D. Continued Affordability. Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:



- a. Very low income, low income and moderate household units shall remain affordable to the designated income group for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.
- b. Each household unit shall remain affordable for the period set forth in paragraph a. above unless circumstances require the household to sell and they are unable to find qualified buyers in which event an equity sharing repayment to the City or the Agency Low and Moderate Income Housing Fund shall be required.
- c. Notwithstanding the foregoing, very low-, low-, and moderate-income units in housing developments qualified for a density bonus that are located in or found by the redevelopment agency to benefit a redevelopment project area shall remain at an affordable level for a period of not less than forty-five (45) years for owner-occupied units, and not less than fifty-five (55) years for rental units, in accordance with applicable provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.).
- d. Any contract, deed restriction, or other instrument used to implement the continued affordability pursuant to this section, shall be signed by the applicant and by the city as parties. If the housing development is located in or found by the redevelopment agency to benefit a redevelopment project area, such contract, deed restriction, or other instrument shall be signed by the redevelopment agency as a party or, at the redevelopment agency's election, the contract, deed restriction, or other instrument shall identify the redevelopment agency as an express third-party beneficiary with the right to enforce the terms of such contract, deed restriction, or other instrument.

E. Specification of Basis For Density Bonus. Each applicant who requests a density bonus pursuant to Section 9403(A), shall elect whether the bonus will be awarded on the basis of subsection (A)(1), (A)(2), (A)(3) or subsection (B) of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower-income affordable housing units or moderate-income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

Section 9403 Additional Density Bonus for Donations of Land.

A. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to Section 9402 also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market-rate units being constructed for the project. The density bonus

provided pursuant to this section shall be in addition to any density bonus granted pursuant to Section 9402, up to a maximum combined density bonus of thirty-five percent (35%).

B. To qualify for the additional density bonus described in subsection A of this Section 9403 the donation of land must meet all of the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to Section 9402; and
2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and
3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and
4. The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and
5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code Section 65583.2 subsection (i) if the design is not reviewed by the city prior to the time of transfer; and
6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with Section 9402(D), which deed restriction shall be recorded upon the donated property at the time of its transfer; and
7. The land will be transferred to the city, the redevelopment agency of the city, or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and
8. The land is within the boundary of the proposed housing development or within one-quarter mile of the boundary of the proposed housing development ; and

[MORE]



9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.

C. Additional Density Bonus Based On Greater Suitability Of Land For Very Low Income Housing. For each one percent (1%) increase above the minimum ten percent (10%) in the number of very low income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty-five percent (35%), as follows:

<u>Percentage of Very Low Income Units That Can Be Accommodated on Donated Land</u>	<u>Percentage of Additional Density Bonus</u>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

Section 9404 Density Bonus & Incentives for Condominium Conversions.

A. An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: (i) at least thirty-three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income as

defined in Section 50093 of the Health and Safety Code, *or* (ii) at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, *and* (iii) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this Section.

B. Condominium conversions qualified under Subsection (A), above, may receive one of the following, at the city's option:

1. A flat density bonus of twenty-five percent (25%) to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this Chapter 4 or pursuant to California Government Code Section 65915. An applicant may choose to implement a lower density bonus.
2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.

C. The city reserves the right to place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value pursuant to this Section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

D. Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this Section 9404, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant other sections of this Chapter 4. Nothing in this section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.

Section 9405 Density Bonus & Concessions/Incentive for Child Care Facilities.

A. A housing development that is eligible for a density bonus pursuant to Section 9402, above, and also includes a child care facility qualified under this Section 9405 is eligible for either of the following, at the option of the city, if requested in writing by the applicant:

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

B. A child care facility will only qualify the housing development for an additional density bonus or incentive or concession if it is (i) located on the premises of, as part of, or adjacent to the housing development, and (ii) the housing development is otherwise eligible for a density bonus pursuant to Section 9402. As a condition of approving the additional density bonus for the housing development, the child care facility must meet all of the following criteria:

1. The child care facility may be used only for child care for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to section 9402(D); and
2. Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower income households, or moderate income households pursuant to section 9402.

C. Notwithstanding any requirement of this Section, the city shall not be required to provide a density bonus or concession or incentive for a child care facility if it makes a written finding, based upon substantial evidence, that the community already has adequate child care facilities.

Section 9406 General Provisions Governing Density Bonus Calculations.

A. For the purposes of any provisions in this Chapter 4, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.

C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

D. For the purposes of this Chapter 4, the "total units" or "total dwelling units" in a housing development does not include those units added by any density bonus.

E. Regardless of the number or extent of affordable units, senior housing, land dedication, child care facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty-five percent (35%).

TABLE 1: Density Bonus Summary

Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum %	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	% Affordable Units Required for Maximum 35% Bonus
A density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a child care facility.				
Affordable Housing				
- Very low income	5%	20%	2.5%	11%
- Lower income	10%	20%	1.5%	20%
- Moderate income (ownership units only)	10%	5%	1%	40%
Senior citizen housing	Qualified senior citizen housing development	20% of the senior citizen housing units	--	--
Land donation for very low income housing	Land donated can accommodate 10% of market rate units, plus housing development qualifies for density bonus as an affordable or senior project.	15%	1%	30% of market-rate units (assuming housing development provides 5% very low income units)
Condominium Conversion				
- Lower income	15%	25% ⁽¹⁾	--	--
- Low/Mod income	33%	25% ⁽¹⁾	--	--
Child care facility	Housing development qualifies for density bonus as an affordable or senior project.	Sq. ft. in child care facility ⁽¹⁾	--	--
Notes: (1) Maximum of 25% bonus for condominium conversions, or an incentive of equal value, at the city's option.				

[MORE]



Section 9407 Incentives and Concessions for Affordable Housing.

A. Definition Of A Qualified Concession Or Incentive. An applicant for a density bonus pursuant to Section 9402 may also submit to the city a written proposal for specific incentives or concessions as provided in this Section. The applicant may also request a meeting with the Director to discuss such proposal. For purposes of this chapter, concessions and incentives include any of the following:

1. Reductions in site development standards or modifications of zoning requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health & Safety Code. These include, without limitation, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required. In order to qualify as a "concession or incentive," the city must be able to find that the requested reductions in site development standards result in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with the housing development 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 development and the existing or planned development in the area where the proposed housing development will be located; or
3. Other regulatory incentives or concessions proposed by the applicant or the city, so long as the city can find that such proposals result in identifiable, financially sufficient, and actual cost reductions.

B. Findings To Deny Concession Or Incentive. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive is not required in order to provide for affordable housing costs or for affordable rents for the targeted units to be set as specified in Section 9202; or
2. The concession or incentive would have a specific adverse impact; or
3. The concession or incentive would be contrary to State or Federal Law.

C. Number Of Concessions Or Incentives. If all other provisions of this Section are satisfied, an applicant will be eligible for the following number of incentives and concessions:

1. One incentive or concession for housing developments where at least five percent (5%) of the total units are for very low income households, at least ten percent (10%) of the total units are for lower income households, or at least ten percent

(10%) of the total units in a common interest development are sold to moderate income households; or

2. Two incentives or concessions for housing developments where at least ten percent (10%) of the total units are for very low income households, at least twenty percent (20%) of the total units are for lower income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate income households.
3. Three incentives or concessions for housing developments where at least fifteen percent (15%) of the total units are for very low income households, at least twenty percent (30%) of the total units are for lower income households, or at least twenty percent (30%) of the total units in a common interest development are sold to moderate income households.

TABLE 2: Incentives and Concessions Summary

Affordable units or Category	% of Affordable units		
Pursuant to State Density Bonus			
Affordable Housing			
- Very low income	5%	10%	15%
- Lower income	10%	20%	30%
- Moderate income (ownership units only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)⁽¹⁾⁽²⁾⁽³⁾	1	2	3
Notes: ⁽¹⁾ An incentive or concession may be requested only if an application is also made for a density bonus. ⁽²⁾ Incentives or concessions may be selected from only one category (very low, lower, or moderate). ⁽³⁾ No incentives or concessions are available for land donation.			

D. This Section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly-owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.

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

Section 9408 Waivers & Modifications of Development Standards.

A. Applicants granted a density bonus pursuant to Section 9402 may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development



at the densities or with the concessions or incentives permitted pursuant to this chapter. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.

B. In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of Section 9402(A), at the densities or with the concessions or incentives permitted by this chapter.

C. A proposal for the waiver or reduction of development standards pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 9407.

D. The city may deny a request for any waiver, modification or reduction of development standards if the wavier, modification or reduction would have a specific adverse impact.

Section 9409 Parking Incentives.

Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under Section 9402, the city shall not require a vehicular parking ratio that exceeds the following:

1. Zero to one-bedroom units: one on-site parking space.
2. Two to three-bedroom units: two on-site parking spaces.
3. Four and more bedroom units: two and one-half parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking. For purposes of this chapter, the parking ratios set forth in this Section shall be deemed a concession or incentive available to the applicant under Section 9407.

Section 9410 Standards for Density Bonus Housing Developments.

A. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market-rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of the Carson Municipal Code.

B. For developments with multiple market-rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market-rate unit mix.



C. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

Section 9411 Application Requirements.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development in compliance with Section 9173.1 of the Carson Municipal Code. Further, a qualified density bonus application providing affordable housing shall be exempt from CMC Section 9172.21 "Conditional Use Permit", however, all density bonus applications for affordable housing shall be subject CMC Section 9172.23 "Site Plan and Design Review".

B. For affordable units qualifying the housing development for a density bonus, the application shall include the following information:

1. A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and
2. Proposed category(-ies) qualifying the housing development for a density bonus; and
3. Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and
4. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.
5. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 9403 can be made.
6. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, the application shall demonstrate that the project meets the qualifications for a density bonus applicable to such projects under this chapter.
7. If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the findings included in Section 9405 can be made.

C. Upon submission of the application to the city, the Director shall determine if the application is complete and conforms to the provisions of the requirements hereof and the

[MORE]



requirements of Section 9173.1 of the Carson Municipal Code. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable and or qualified senior housing plan is submitted conforming to the provisions of this chapter.

D. A request for a minor modification of an approved application may be granted by the Director if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

Section 9412 Application Review.

A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be reviewed as part of the first approval of the housing development. Such application shall be submitted to the Director pursuant to Section 9173.1 of this Municipal Code. An applicant proposing a housing development pursuant to this chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.

B. Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the Director can support when making a recommendation to the city council), and the procedures for compliance with this chapter. The Director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

C. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

1. The housing development is (i) eligible for a density bonus, and/or (ii) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this chapter, and (iii) supported by a financing mechanism for all implementation and monitoring costs.
2. If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in Section 9403.
3. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, that the application meets the qualifications for a density bonus applicable to such projects under this chapter

[MORE]



4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the application meets the qualifications and findings stated in Section 9405.
5. If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in Section 9408.

D. If the findings stated in subpart (C) of this Section 9412 can be made, and a request for an incentive or concession is otherwise consistent with this chapter, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in Section 9407(B) for the denial or disqualification of a concession or incentive.

E. If the required findings stated in subpart (C) of this Section 9412 can be made, and a request for a waiver or modification is otherwise consistent with this chapter, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in 9408(D) for the denial or disqualification of a waiver or modification.

F. Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

G. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed as provided in Section 9173.4 of the Carson Municipal Code. In accordance with State law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

Section 9413 Developer Affordable Housing Agreement.

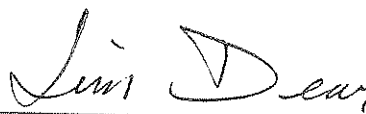
A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this chapter and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.

B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest."

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

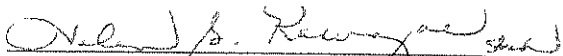
Section 4. The City Clerk is hereby directed to certify the passage and adoption of this Ordinance and cause it to be published or posted as required by law.

PASSED, APPROVED and ADOPTED on this 5th day of October, 2010.




Mayor Jim Dear

ATTEST:



City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:



City Attorney

[MORE]



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 10-1456 passed first reading on September 21, 2010, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, held on the 5th day of October, 2010, and that the same was passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS: Mayor Dear, Santarina, Gipson, Davis-Holmes and Ruiz-Raber
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

Helen S. Kawagoe
City Clerk Helen S. Kawagoe

48

SAMPLE Rules and Regulations

The staff at _____, strive to make your living experience here pleasant and comfortable. The following regulations were designed for your comfort and convenience, as well as your neighbors. We wish to take this opportunity to tell you about them:

“Premises” as used in the Rules and Regulations include not only the apartment but all of the land and improvements including parking lots, driveways and common areas privately owned by the Owner/Agent and generally referred to as the apartment community.

SECTION A. PROPERTY/ MOVE-IN INFORMATION

1. OFFICE HOURS: The Rental Office is open on the days posted. Office hours are as posted on the office and/or on the bulletin board. In case of emergency, Management may be contacted after office hours via answering service/ pager system.
2. RENT COLLECTIONS: All rents are due and payable to Management at the Rental Office on or before the first day of each month. Please make check or money order payable to the apartment community. Cash payments are not accepted.
3. LATE CHARGES: All rents are collected on the 3rd day of the month or thereafter are subject to a late fee of as specified in your rental agreement. Rent is due on the first day of the month. Late payment after the first day of the month is a *courtesy* and should not be abused. Three late payments in a twelve (12) month period is considered material non compliance for chronic late payment of rent.

Collection of Late Rent: The following step-by-step procedure will be used to collect all rent in arrears:

- a. A 3 or 10 Day Notice to Pay Rent or Quit will be served, depending on the funding source at your community.
 - b. Unlawful Detainer Action will be initiated.
4. RETURNED / NSF CHECKS: if Resident offers one returned check, Resident will be notified that Management will not accept any further personal checks, and rents thereafter will have to be paid by money order or cashiers check. The returned check must be paid for with a money order or cashiers check within 24 hours after Resident's receipt of notice. Any check that is returned is subject to a \$25.00 processing fee in addition to the late charge.
 5. LOST KEYS/LOCK OUTS: Residents locked out after office hours will be charged a fee of \$25.00 to have their door opened or Resident may call a locksmith at resident's expense to open the door. Locks will be changed for a fee of \$25.00 per



lock. Door and mailbox keys must be returned to Management when Resident vacates.

6. EXTENDED ABSENCES: Resident should advise Management of any planned absence for an extended period of time. "House-sitters" are not permitted without prior written consent of management.
7. MAIL AND NEWSPAPERS: Only registered Residents are to receive mail. All mail must contain the full address of your residence, which includes the apartment number as well as the building number (if applicable). Unwanted or "throw-away" advertising should be disposed of properly.
8. APARTMENT INSPECTION: Each new Resident is required to accompany and assist the Management staff in the completion of an apartment move-in inspection form. This form is designed to record the condition of the apartment at the time of move-in and to help determine the final disposition of the security deposit after terminating residency. Bi-Annually, Management will enter each apartment for inspection and will also check the smoke detector(s) and replace the air conditioner/heater air filter, to properly maintain the unit's equipment. Each resident will be notified of the inspections with a written notice 24 hours in advance.

Upon vacating, Resident is entitled to an inspection of the apartment to assess move-out charges. Resident will be given a minimum of a 48-hour notice prior to the inspection. Resident will have the right to be present for the inspection, approve for management to conduct the inspection without being present, or waive the right to the inspection.

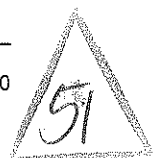
9. WATER FURNITURE: Waterbeds are permitted only in accordance with California law which insurance protecting owner in an amount not less that \$100,000, and an increase in your deposit equal to one-half month's rent. Resident must also install, maintain and dismantle the bed in accordance with industry standards. Resident may not have on the premises an aquarium or any equivalent type of device with a capacity in excess of ten (10) gallons without prior written consent of Landlord.

SECTION B: USE OF PREMISES:

10. UTILITY SERVICE: Utility service must be maintained in resident's apartment, at resident's expense AT ALL TIMES. Resident also agrees to cooperate with energy conservation measures. Failure to maintain utility services or to cooperate with energy conservation measures will be considered cause for termination of residency.
11. SMOKE DETECTOR: Smoke detection device has been installed in each apartment. It is the Resident's responsibility during residency to periodically test the device. Resident must inform the Management Representative immediately in writing of any defect, malfunction or failure of any detector(s). REMOVING OR TAMPERING WITH A SMOKE DETECTOR will be considered cause for termination of residency.



12. UNSAFE CONDITIONS: Resident agrees to report immediately to Management any accident, injury, damage or loss, or need of service or repairs to water or gas pipes, electrical wiring, drains, toilets, fixtures, or any other property or equipment covered by the lease, including all breakage, damage, or loss of any kind including but not limited to water intrusion, water leaks or moisture problems of any kind, damage from overflow of water from sinks, bathtubs, toilets, or other basins. Resident further agrees to immediately notify Management of unsafe conditions in the common areas and grounds of the premises which may lead to damage or injury.
13. ALTERATIONS OR ADDITIONS: Resident shall not make any alterations or additions to the premises. If any repairs, alterations or additions are necessary, Resident shall notify Management in writing, Resident shall make no repairs, alterations, exterior alterations include but are not limited to posting of signs, flags, plants on ledges and wind chimes, addition to the dwelling structure inside or out without first obtaining written consent from Management. American flags may be displayed within the laws of the state and proper flag etiquette. Interior alterations include but are not limited to, changing light fixtures, painting, hanging wallpaper, etc.
14. OUTWARD APPEARANCE: Alterations that affect the apartment community's outward appearance, such as installing personal window coverings, foil on windows, towels, blankets or clothing draped over balconies or partitions is not permitted. Signs or advertising materials will not be permitted to be posted. No foil, sign advertisements, poster, or similar display, shall be affixed to any door, window or exterior wall that may be visible from the outside of the building by other residents.
15. ANTENNAS: The Federal Communications Commission states that Residents have a limited right to install a satellite dish or receiving antenna within the leased premises. Management is allowed to impose reasonable restrictions to such installation. All requests for installation must be submitted to Management *in writing*. The rental agreement must be amended to incorporate requirements and restrictions prior to any installation. For information on requirements and restrictions, contact Management. Resident shall not install any external television or radio reception device nor climb or have others climb upon the roof. A separate deposit is required prior to installation.
16. BARBEQUES: Due to fire and other safety hazard concerns, no charcoal briquette barbeque grills, gas or propane grills, cooking/heating instruments, smokers, hibachi grills, portable gas stoves, etc. are to be stored or operated in the apartments or on patios, balconies or breezeway areas. Any use of open flame is prohibited including but not limited to barbeques and torches.
- Electric coil grills may be used. Electric coil grill must be at least three (3) feet away from any part of the apartment structure, or in a designated area.
 - The barbeque must be in a clear, safe place. No flammable material should be within a radius of five feet around and above.
 - An adult must be in attendance at all times.
 - A hose attached to a water supply, a fire extinguisher, or at least five (5) gallons of water must be available at all times.



17. **WINDOWS AND/OR SCREENS:** Residents shall be responsible for replacement and/or repair of windows and/or screens damaged or removed by resident, members of Resident's household or guests.
18. **BUSINESS:** Resident shall not use the premises or permit their premises to be used for any business purpose, without the prior written consent of Management.
19. **LOCKS:** Residents shall not alter any lock or install a new lock or knocker on any door of the premises without the written consent of Management; and if installed, they shall not be removed. In such case consent is given Resident shall provide Management with a key for the use of Management, pursuant to Management's right to access to the premises. Locks or chains must be left in place when Resident vacates.
20. **EQUIPMENT:** Apartments are provided with stoves, refrigerators and heaters. Some apartments also have air conditioning units, garbage disposals, dishwashers and washers/dryers. Resident assumes responsibility for any misuse of this equipment. No personal dish-washing machine, clothes washing machine, clothes dryer or other large appliances is permitted in the apartment without prior written consent of management.
21. **PARCELS:** Resident is responsible for making arrangements for parcel delivery that does not fit in the provided mail receptacle. Management representatives are not authorized to sign for parcels. This includes parcels from UPS, Federal Express, U.S. Postal Service or other mail and delivery services.

SECTION C: USE OF COMMON AREAS

22. The common area entrances, walkways, parking lots and landscaped areas shall not be obstructed in any manner nor used for storage or any other purpose other than that for which they were designed. No flea markets, yard sales, consuming alcoholic beverages, etc. are permitted in the common areas.
23. Notices by Residents must be approved by Management and may be posted only in the laundry rooms and only on the bulletin boards provided for that purpose. Management will regulate and approve all items that are to be placed on the bulletin boards.
24. The Community Room is provided for the exclusive use of the Community's Residents and their accompanied guests. Most facilities are available when the facility is open and are to be used at the Resident's own risk. Residents wanting to use the Community Room for private parties may do so by reserving the room, completing the Community Room Agreement, and placing a cleaning deposit. Any person(s) creating a disturbance or using disorderly conduct in the Community Room will be restricted from the area. Residents will be responsible for their household members and guests at all times and liable for any and all damages to the Community Room.

25. Nothing shall be placed or left overnight in the common area, nor shall any linen, clothing, curtains, rugs, mops, or other items be shaken or hung on or any window, door, railing, or balcony.
26. All flowerpots on the balconies and in apartments must have a drainage dish underneath to prevent water damage. No plants may be placed on the railings.
27. Bicycles shall be stored only in the apartments or in the bicycle racks. Bicycle riding is not allowed within the complex. This includes the walkways and grass areas. Skateboard riding, scooter riding and rollerblading are also not allowed within the complex, this includes walkways and parking lot areas.
28. The mailbox area is to be kept clean and free from debris.
29. Management shall not be responsible for any item intended for delivery to a Resident that are delivered to or left in any public area.
30. Nothing shall be swept or thrown out of windows or over balconies of the buildings. Mops, brooms, towels, bicycles and similar items may not be left on balconies.
31. The patio/balcony cannot be used as a storage area and must be kept in a clean and sanitary condition at all times.
32. The open space around the building has been provided for your use and enjoyment. Any activity that may damage the lawn, plantings, etc., is prohibited and any damaged will be charged to the responsible Resident.
33. No items, including but not limited to, outdoor furniture or children's wading pools, shall remain overnight in the common areas.
34. Management is not responsible for any lost or missing articles of Residents or guests.
35. Great care should be taken when moving furniture on the premises. Any damage to the premises will be charged to the responsible Resident. Damage to the premises will be charged to the responsible Resident.

SECTION D: MAINTENANCE/DAMAGE

36. **EMERGANCIES:** Emergencies affecting the premises should be promptly reported to Management. Please report emergencies occurring after office hours to the emergency number as posted at the Rental Office. Residents are cautioned to use discretion in reporting emergencies after office hours, as only EMERGANCIES will receive attention after regular hours.
37. **SERVICE REQUESTS:** Routine requests for maintenance will be given to Management in writing whenever possible, including permission to enter in Resident's absence or a request for appointment. Scheduled appointments will be



set in a 4 hour window. Management has the right to enter if Management believes an emergency exists. Resident agrees to promptly report need of service or repairs to the property or equipment covered by the lease, including unsafe conditions in the common areas and grounds of the premises that may be a threat to health and safety or lead to damage or injury.

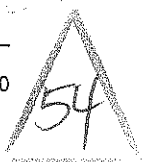
24. SEWER STOPPAGES: The sewer system is adequate to handle all normal waste, but the system will not handle disposable diapers, feminine products or other such refuse. Addition of toilet cleansing tabs can cause stoppage. Stoppages resulting from alterations to equipment, addition of commercial deodorizer and/or resident's negligence will be cleared at Resident's expense.

SECTION E: HOUSEKEEPING

25. STANDARDS: Resident shall keep the interior of the apartment clean according to good housekeeping standards. This includes maintaining all utility services. Resident will assume full responsibility for keeping their patio, entry doors, entrance walkways, porches, patios and balconies area cleaned, neatly arranged and free from unsightly or unused items.

Resident shall keep the premises and such other areas as may be assigned for Resident's exclusive use, including but not limited to, the apartment fixtures, appliances, entry doors, windows and screens, sidewalks, parking space(s) and grounds, in a clean, safe and sanitary condition. Resident shall refrain from shaking, cleaning, hanging clothes, towels, rugs or other personal property from windows, balconies or railings.

26. PREVENTION OF MOISTURE PROBLEMS: Moisture problems must be prevented and treated immediately to prevent mold. Proper ventilation is essential for preventing mold. If you should have mold develop on windows, walls, or ceilings, or a musty odor is present in the carpeting, report these conditions to the rental office immediately including the window tracks. Condensation, which develops on windows from indoor moisture, must be wiped down immediately including the window tracks. Condensation on windows indicates that fresh air is not being circulated in the home to prevent moisture buildup. Open your windows and air out your home for short periods of time to keep fresh air present. Excessive running of your heater will cause condensation in your home. Report any running or dripping faucets, plumbing leaks, roof leaks, discoloration of walls or water intrusion immediately to the rental office.
27. PEST CONTROL: Resident shall report the need for pest control to Management. Resident agrees to cooperate with the pest control service and abide by guidelines given by the pest control service or management.
28. HEALTH AND SAFETY: Resident agrees to comply with all obligations imposed upon Residents by applicable provisions of State and local building and housing codes materially affecting health and safety, including maintaining adequate housekeeping standards.



29. **STORAGE:** Garbage cans, bottles, brooms, mops, toys, bicycles, fitness equipment, cardboard boxes, household furniture, and similar personal property are to be kept inside the apartment or appropriately designated storage areas and out of view. Patios and/or balconies are to be used for patio furniture only. Areas located outside front doors or on stairway landings are part of the common area and cannot be used for storage.
30. **SMOKING:** Resident acknowledges that damage caused by smoking will not be considered normal wear and tear. Households having one or more smokers, or guests that smoke, will be held responsible for additional costs related to smoke related damages. Smoke related damages can be, but are not limited to, yellowed walls and ceilings; mini blinds and draperies, painting or treatment required due to smoke odor, burns to counters, sinks or extra cleaning of carpets due to smoking. Interference with other resident's rights to the quiet enjoyment of the premises as a result of second hand smoke may be grounds for termination of tenancy.
31. **HOUSEHOLD ODORS:** Resident acknowledges that odors caused by cooking or use of strong chemicals will not interfere with other residents rights to the quiet enjoyment of the premises. A resident agrees to utilize proper fans and ventilation when cooking.
32. **TRASH:** Resident shall deliver and place all garbage and trash in proper bins at designated locations. If the bin you normally use is full, please use another bin. To maximize available space, please break down large objects such as cardboard boxes. Trash bins and/or enclosures are NOT to be used for large items such as furniture, etc. Removal of large items, such as furniture, from the premises is Resident's responsibility.
33. **RECYCLING:** Resident agrees to comply with all present and future laws, orders and regulations of all state, federal, municipal and local governments regarding the collection, sorting, separating and recycling of waste products, garbage, refuse and trash.

SECTION F: SUPERVISION HOUSEHOLD MEMBER/ VISITORS/ GUESTS

34. **GUESTS:** Guests staying in excess of 72 hours MUST register with the office. Resident may be permitted to have a guest(s) visit their household. However, any adult person(s) making REOCCURRING visits OR one continuous visit of 14 days and nights in a 45 day period without consent of Management is a violation of the lease. Persons receiving mail to the premises will be considered occupants. All adult household members must submit a completed application and qualify for residency.
35. **SUPERVISION:** Resident agrees that Resident is responsible for the conduct of any member of their household, visitors and guests, and agrees to pay for any damage to the premises caused by member of household or guests. Resident shall prevent household members or guests from tampering, in any way, with the landscape, sprinkler system or plants, shrubbery, trees or equipment that is appurtenant to the premises.



36. WALKWAYS: Resident shall not store nor allow any personal household property outside the apartment in a manner that may be detrimental to the appearance of the premises or interfere with free passage upon any street or sidewalk in the premises. Walkways are for pedestrian use. No bicycling, roller skating or in-line skating, skateboarding, coaster riding, etc. is allowed on walkways. Walkways are to be kept clear of toys, bicycles, etc.

37. WADING POOLS: Use of wading pools on the premises is prohibited.

SECTION G: CONDUCT

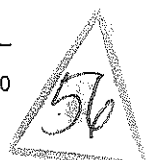
38. LOITERING: Residents, household members or guests shall not loiter outside the apartments, after 10:00 PM Residents shall conduct themselves, and cause other persons who are on the premises with their consent to conduct themselves in a manner, which will be conducive to maintaining the premises in a decent, safe, and sanitary condition; and to promote the quiet enjoyment of the premises for all residents. Resident will not make, or cause to be made, or permit any disturbance or loud noises in or on the premises, street, or common areas.

39. NOISE: Residents, household members and guests shall not make or allow to be made any disturbing noises upon the premises by Resident, household members or guests, etc., nor permit anything to be done by such persons that will interfere with the rights, comforts, or convenience of other Residents. Residents, household members and guests are advised to take care when approaching and leaving their apartment during the quiet time between the hours of 10:00 pm and the following 8:00 am and show consideration of other residents at all times. No Resident shall play upon or allow to be played upon, any musical instrument or operate or allow to be operated audio equipment, radio, or television in or on the premises between the hours of 10:00 pm and the following 8:00 am, if the same shall disturb or annoy other occupants of the Apartment Community.

40. THREATS/ OFFENSIVE CONDUCT: To assist in ensuring the safety and quiet enjoyment of all tenants, Residents, household members and guests shall not engage in offensive conduct or language on or about the premises. Resident, all members of the Resident's household and guests shall not cause or threaten to cause serious physical injury to another person on the premises, or be involved in a fight while on the premises; commit abuse upon any person on the premises, and will abstain from any activity which impairs the physical or social environment of the premises.

41. ALCOHOL/ PUBLIC INTOXICATION: Resident shall not, and Resident shall take reasonable action to prevent all members of Resident's household and guests from, drinking alcoholic beverages or using illegal substances in or on common areas, walkways or streets of the premises, or in vehicles parked or moving on the premises.

42. ILLEGAL ACTIVITY: Resident, any member of the Resident's household, or a guest or other person under the Residents control shall not engage in illegal or criminal activity, nor in any act intended to facilitate illegal or criminal activity, including gang



or drug-related illegal or criminal activity, on or near the premises. Resident, all members of the Resident's household and guests shall not engage in the manufacture, sale, or distribution of illegal drugs or be under the influence of any controlled or illegal substance at any location, whether on or near the premises or otherwise, nor permit the dwelling unit to be used for, or to facilitate, any illegal or criminal activity.

43. ACTS OF VIOLENCE: Resident or members of the household or guests shall not engage in any acts of violence including but not limited to the display of brandishing, or using in a threatening manner, any dangerous weapons or objects in or about the premises. Resident shall not keep or use on or about the premises or project any explosive, flammable, or repellent device, or otherwise dangerous device, and to take every care and precaution to prevent fires.

SECTION H: VEHICLES:

44. PARKING/ SPEED LIMITS: Resident shall observe, and cause all members of Resident's household and guests to observe, the posted speed limits on drives in the premises, to park and cause members of Resident's household and guests to park only in assigned parking areas; not to block access for emergency vehicles, or to other residences, and not drive, or park any vehicle on the lawn, driveway, or other areas for common use in the premises. Resident agrees that any vehicle that is improperly parked, or in violation of vehicle or parking policies without written permission of Management may be removed at the expense of the vehicle's owner.

Assigned Parking: Apartment Communities with assigned parking, the following applies: Residents have one assigned parking space and Management requests that Resident always use the space assigned to them. Residents that have more than one vehicle per apartment must use only unassigned/unmarked parking spaces for the second vehicle. Additional vehicles are to be parked off the premises.

Unassigned Parking: Apartment Communities with unassigned parking, the following applies: Parking is on a first come/ first serve basis. Residents having more than one vehicle per household are requested to be considerate of other residents when parking second vehicles. Infrequently used second vehicles are to be parked in more remote parking areas or on streets as designated by Management. Additional vehicles are to be parked off the premises

45. VEHICLE REGISTRATION: Resident shall register all household vehicles with Management. Resident agrees to provide vehicle information (licenses number, make, model, etc.) and provide updated information in the event of changes. Vehicles on the premises must be currently registered and properly insured according to state law.
46. MOTERCYCLES/TRAILERS/BOATS/RV'S: Motorcycles are considered vehicles and must be parked in an appropriately designated parking space. Motorcycles may not be parked on the sidewalks, in stairwells, on patios, on porches or in any other area not designated for the parking of vehicles. No recreational vehicles, trailers or boats are allowed on the premises except with written consent on Management.



- 47. **INOPERABLE VEHICLES:** Vehicle maintenance on the premises is prohibited. Residents and/or guests shall not park vehicles in a state of disrepair on premises. This includes operational vehicles leaking on parking surfaces. Leaks and spills and/or damages caused by same are the responsibility of Resident. The owner of any vehicle that leaks oil in the parking lot will be held responsible for clean-up and/or damage charges. Non-operable vehicles may be removed at the expense of the vehicles owner.
- 48. **WASHING VEHICLES:** Residents may wash or spray off vehicles only in designated areas of the premises. Resident will make every effort to not waste water if a designated area exists. If no designated area exists, Residents may not wash or spray off vehicles anywhere on the premises.

SECTION I: PETS:

- 49. **PETS:** Please refer to separate Pet Rules.

SECTION J: MOVE-OUT INFORMATION:

- 50. **PERSONAL PROPERTY:** Resident agrees to remove all personal property when vacating the premises. All personal property left on the premises when the apartment is vacated shall be deemed to be property abandoned by Resident and may be disposed of according to law. All personal property removed from the premises at the time of physical eviction of Resident shall deemed abandoned if not claimed with the time prescribed by law, and may be disposed of by Management according to law thereafter.
- 51. **MOVE OUT CHARGES:** Residents will be charged for damage to the apartment beyond "normal wear and tear". Repair and replacement damages will be determined by Management. Please see your Check-in/Check-out sheet for additional information concerning this matter.

SECTION K: HOLD HARMLESS AND WAIVER:

- 52. **DEPOSITS:** Deposits will be refunded when ALL keys are returned and premises are vacated and the apartment is left in the same general condition as when first occupied, with the exception of normal wear and tear, in accordance with state law.
- 53. **INSURANCE:** No insurance is provided by Management for Resident's personal property or additional living expenses. Resident agrees to indemnify and hold Management harmless and in no way accountable for any liability for personal injury or property damage caused or permitted by Resident or any other person on the premises with Residents consent except as may be caused by the negligence of Management. The Residents hereby advised and understand that the personal property of the Resident is not insured by the Management for either damage or loss, and the Management assumes no liability for any such loss.



_____ Management recommends that the resident secure insurance to protect him/herself and his/her property.

_____ Management recommends resident maintain at their expense a standard type of renters homeowner insurance policy or it's equivalent, issued by a licensed insurance company of resident's selection which provides limits of liability of at least \$25,000 personal liability.

In accordance with Provision #16 of the Lease Agreement, these Rules and Regulations are part of your Lease Agreement.

Resident Signature

Date

Resident Signature

Date

Management Representative

Date

