

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."

