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Chapter 17.88

INCENTIVES FOR COMMUNITY BENEFITS

Sections:

17.88.010 Purpose.
17.88.020 Incentives restricted to added benefits.
17.88.030 Eligibility.
17.88.040 Allowable benefits.
17.88.050 Available incentives.
17.88.060 Relationship to state density bonus law.
17.88.070 Application submittal and review.
17.88.080 Findings.
17.88.090 Post-decision procedures.

17.88.010 Purpose.

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan and to encourage the development of a new hotel in the Village as called for by the general plan and the local coastal program (LCP). This chapter does not apply to development on the Capitola Mall property.

17.88.020 Incentives restricted to added benefits.

The city may grant incentives only when the community benefits or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements.

17.88.030 Eligibility.

A. Eligibility for Incentive. The city may grant incentives for the following projects:

1. Projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:

a. Front 41st Avenue, excluding the Capitola Mall property; or

b. Front Capitola Road between Clares Street and 42nd Avenue; or

2. A hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) in the mixed-use village zoning district.

B. Setback Required – 41st Avenue. Structures on properties fronting the east side of 41st Avenue must be set back a minimum of one hundred feet from the property line abutting a residential property.

17.88.040 Allowable benefits.

A. All Eligible Projects. The city may grant incentives to all eligible projects as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits. The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.

1. Public Open Space. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. The public space must either

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exceed the city's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.

2. Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agency.

3. Pedestrian and Bicycle Facilities. New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.

4. Low-Cost Visitor Serving Amenities. New or improved low-cost visitor serving recreational opportunities or accommodations within the Central Village area.

5. Transportation Options. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.

6. Historic Resources. Preservation, restoration, or rehabilitation of a historic resource.

7. Public Parking. A public parking structure that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the mixed-use village zoning district.

8. Green Building. Green building and sustainable development features that exceed the city's green building award status.

9. Public Art. Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.

10. Child Care Facilities. Child care centers and other facilities providing daytime care and supervision to children.

11. Other Community Benefits. Other community benefits not listed above, such as entertainment destinations, as proposed by the applicant that are significant and substantially beyond normal requirements.

B. 41st Avenue/Capitola Road Projects. In addition to the community benefits in subsection A of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares Street and 42nd Avenue (excluding the Capitola Mall property) that provide one or more of the following community benefits:

1. Surface Parking Lot Redevelopment. Redevelopment of existing surface parking lots fronting 41st Avenue and Capitola Road while introducing new sidewalk-oriented commercial buildings that place commercial uses along the street frontage.

17.88.050 Available incentives.

A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project fronting 41st Avenue, Capitola Road between Clares Street and 42nd Avenue (excluding the Capitola Mall property):

1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.

2. An increase in the maximum permitted building height to fifty feet.

B. Village Hotel. The city may grant the following incentives to a proposed hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10):

1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.

2. An increase to the maximum permitted building height; provided, that:

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a. The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel;

b. The bluff behind the hotel remains visible as a green edge (i.e., the upper bluff (i.e., below the blufftop edge) and upper bluff vegetation shall remain substantially visible across the length of the project site) when viewed from the southern parking area along the bluff of Cliff Drive (i.e., the parking area seaward of Cliff Drive and closest to Opal Cliff Drive) and from the Capitola wharf;

c. Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed; and

d. The rooftop shall be aesthetically pleasing and shall not significantly adversely affect public views from Cliff Avenue on Depot Hill. In addition to modifications to avoid structural incursions into this view, this can be accomplished through design features on top of the roof as well (e.g., use of a living roof, roof colors and materials that reduce its visual impacts, etc.). Rooftop appurtenances (e.g., elevator shafts, HVAC units, vents, solar panels, etc.) shall be screened from public view and integrated into/within the above-referenced rooftop design features to the greatest extent feasible.

17.88.060 Relationship to state density bonus law.

The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code.

17.88.070 Application submittal and review.

A. Request Submittal. A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.

2. All information needed by the city council to make the required findings described in Section 17.88.080 (Findings), including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.

B. Conceptual Review. Prior to city action on a request for an incentive, the request shall be considered by the planning commission and city council through the conceptual review process as described in Chapter 17.114 (Conceptual Review). Conceptual review provides the applicant with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater Site Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater site the planning commission or city council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.

D. Planning Commission Recommendation. Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The city council shall also review and act on other permits required for the project requesting incentives.

17.88.080 Findings.

A. All Eligible Projects. The city council may approve the requested incentives for all eligible projects only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

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1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.

2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.

3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.

4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.

5. If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.

B. Village Hotel. In addition to the findings in subsection A of this section, the city council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:

1. The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.

2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.

3. Hotel siting and design will (a) minimize impacts to public views, including views of the beach and Village from vantage points outside of the Village and from Cliff Avenue and Depot Hill behind the hotel; and (b) does not adversely impact any significant public views of the coastline as identified in the LCP's land use plan.

4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options.

17.88.090 Post-decision procedures.

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits.

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17.88.010 Purpose.

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41st Avenue and Capitola Road consistent with the vision for the corridors described in the general plan. This chapter does not apply to development on the Capitola Mall property bound by 41st Avenue, Capitola Road and Clares Street.

17.88.020 Incentives restricted to added benefits.

The city may grant incentives only when the community benefits or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements.

17.88.030 Eligibility.

Eligibility for the incentives described in this chapter is limited to projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:

A. Front 41st Avenue, excluding the Capitola Mall property; or

B. Front Capitola Road between Clares Street and 42nd Avenue, excluding the Capitola Mall property.

17.88.040 Allowable community benefits.

The city may grant incentives to projects located on eligible properties as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits.

A. **Public Open Space**. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather, that satisfy all of the following:

1. A minimum of 5 percent of the project site area, or 3,000 square feet, whichever is greater, shall be provided as additional open space as a community benefit. The open space shall be provided in addition to any minimum open space required by the applicable zoning district.

2. A minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs.

3. A minimum of one tree shall be planted per 400 square feet of open space.

4. The open space shall be publicly accessible for a minimum of 12 consecutive hours per day or during daylight hours, whichever is longer.

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5. The open space shall be directly accessible and visible from a publicly accessible street or pathway.

6. The open space shall have a minimum dimension of 20 feet in any direction.

7. The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).

8. The open space shall include lighting for nighttime use.

9. The open space must be either dedicated to the city or privately owned and maintained with dedication of a public access easement.

B. **Transit Center**. Land dedication or public easements for a public transit facility that satisfies all of the following:

1. The site accommodates a permanent public transit facility consistent with Santa Cruz METRO plans and requirements.

2. The site is of sufficient size, configuration, location, and condition to accommodate the intended transit facilities and associated passenger amenities.

3. The site provides direct and convenient access from a public street and is located where it can effectively serve the surrounding commercial district.

4. The site is accessible to pedestrians and bicyclists and provides safe connections to existing or planned pedestrian and bicycle facilities.

5. The site will accommodate a transit center with passenger loading and unloading areas, shelters, seating, lighting, wayfinding, and other amenities required by Santa Cruz METRO.

C. **Public Parking**. Construction of a parking structure that provides parking spaces in excess of the number of parking spaces required for the project, that satisfies all of the following:

1. The structure provides a minimum of 25 parking spaces in excess of the spaces required for the project, or additional spaces equal to 20 percent of the project's required parking, whichever is greater.

2. The additional parking spaces shall be available for use by the general public and shall not be reserved exclusively for the project's tenants, employees, customers, or residents.

3. The additional parking spaces shall be located and designed to serve the surrounding commercial district and shall be reasonably accessible from a public street or publicly accessible pedestrian connection.

4. The additional public parking shall be maintained and available for public use for the life of the development, unless the city council approves an alternative arrangement that provides an equivalent or greater public benefit.

5. The parking structure shall include safe and convenient pedestrian connections between the parking facility and surrounding public streets, sidewalks, and commercial uses.

6. The applicant shall be responsible for the construction, maintenance, operation, and other costs associated with the additional public parking spaces, unless otherwise agreed to by the city.

D. **Land for Public Facility**. Dedication of land to the city for a public facility that satisfies all of the following:

1. The property is accepted by the city for the specific public facility.

2. The property is of sufficient size and configuration to accommodate the intended facility.

3. The property has direct access from a public street.

4. The property is legally developable and does not have constraints that substantially limit its use.

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5. The property is conveyed free and clear of liens, encumbrances, hazardous materials, and other conditions that would prevent the city's use, or require the applicant to address them.

6. The property has utilities reasonably available or is capable of being served.

7. The property is permanently dedicated to, or secured for the benefit of, the city for the life of the public facility. The dedication may be accomplished through fee title conveyance or through a long-term lease or other legally binding agreement acceptable to the city, provided that the agreement has a term sufficient to ensure the continued availability and operation of the public facility for its useful life and provides the city with rights sufficient to develop, operate, maintain, and, if necessary, replace the facility.

E. **New Commercial Space**. New commercial space that satisfies all of the following:

1. Minimum net increase. The project provides net new commercial floor area equal to at least 10 percent of the project's total gross floor area, with a minimum of 5,000 square feet and a maximum requirement of 30,000 square feet. A project may provide more than 30,000 square feet of net new commercial floor area; however, no more than 30,000 square feet shall be required to satisfy this section.For purposes of this section, "net new commercial floor area" means commercial floor area proposed as part of the project that exceeds the amount of existing commercial floor area removed or replaced by the project.

2. No net loss. There is no net loss of existing commercial space on the site. Only commercial space provided in excess of the amount replaced shall count as net new commercial floor area. For purposes of calculating the required net new commercial floor area, the amount of existing commercial floor area on the site shall be established based on legally established floor area existing at the time of application. Commercial floor area that is demolished or converted to another use shall be counted as existing commercial floor area for purposes of determining the required replacement area.

3. Qualifying new uses. The minimum required commercial space shall be occupied by active, publicly accessible commercial, cultural, or entertainment uses open to the general public, including retail sales, restaurants, food and beverage establishments, and similar visitor-serving uses. Medical offices and clinics and uses that are membership-based personal service uses, including gyms, fitness centers, and yoga studios, shall not count toward the minimum required commercial floor area.

4. Phased development. Where a project is developed in phases, the required net new commercial floor area shall be provided proportionately with the development phases, unless an alternative phasing plan is approved by the City.

F. **Hotel**. A new hotel that satisfies all of the following:

1. Hotel Use Requirements.

   a. The hotel shall be maintained and operated for transient occupancy for a minimum of 30 years from the date of issuance of the certificate of occupancy. During the required operating period, the hotel use shall not be discontinued, converted, or redeveloped for residential, office, or other non-transient use except as provided in subsection c below.

   b. Prior to issuance of a building permit, the property owner shall execute and record a covenant, in a form approved by the City Attorney, requiring compliance with this subsection. The covenant shall run with the land and be binding upon all owners, successors, and assigns for the duration of the required operating period. The covenant shall not be amended, released, or terminated without approval of the City Council.

   c. During the minimum 30-year operating period, the city council may approve the discontinuation, conversion, or redevelopment of the hotel for a non-transient use only if the applicant demonstrates, based on substantial evidence, that continued operation as a hotel is no longer economically feasible despite reasonable efforts to maintain and operate the hotel as a transient lodging facility. Any approved conversion shall be subject to such conditions as the city council determines necessary to protect the city's community and economic development goals and objectives.

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2. Hotel Amenities. The project shall provide all required hotel-related amenities, parking, loading, and other facilities necessary to support hotel operations, and shall comply with all requirements in Section 17.88.070 (Hotel Standards).

17.88.050 Available incentives.

The city may grant incentives to eligible projects as identified in Section 17.88.030 (Eligibility) that provide one or more of the benefits identified in Section 17.88.040 (Allowable Community Benefits).

A. **Project Categories.** For purposes of determining available incentives, eligible projects that provide community benefits are classified as follows:

1. "General projects" are all projects that:

   a. Do not include a qualifying hotel; and

   b. Do not use state density bonus law (Government Code Sections 65915 through 65918).

2. "Hotel projects" are projects that include a qualifying hotel and do not use state density bonus law.

3. "Density bonus projects" are projects providing affordable and/or senior housing using state density bonus law.

B. **General Projects.** The city may grant the following incentives to qualifying general projects:

1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.

2. An increase in the permitted building height to a maximum of 50 feet.

C. **Hotel Projects.** The city may grant the following incentives to qualifying hotel projects:

1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.

2. An increase in the permitted building height to a maximum of 60 feet.

3. Reduced minimum on-site parking spaces as follows:

   a. Minimum of 0.75 parking spaces per guest room plus 1 parking space per 500 square feet of office area.

   b. Meeting space and conference facilities shall not require additional on-site parking spaces, provided the facilities are operated as part of the hotel and are not independently leased or operated as a primary assembly or event venue.

4. Meeting space and conference facilities are excluded from the floor area used to calculate a project's floor area ratio (FAR).

5. The hotel is required to obtain approval of a design permit and must conform with all design standards and operational standards in Section 17.88.070 (Hotel Standards). The hotel is allowed as a permitted use without the requirement to obtain a conditional use permit.

D. **Density Bonus Projects.**

1. For a qualifying density bonus project that provides a community benefit under this chapter, the city may grant one additional density bonus concession or incentive beyond the number specified in Government Code Section 65915(d)(2).

2. The additional density bonus concession or incentive available for providing a community benefit is supplemental and in addition to the benefits available to the project under state density bonus law.

3. A density bonus project shall not receive increased FAR or height as an incentive for providing a community benefit under this chapter. The project may request increased FAR or height as a concession,

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incentive, or waiver under state density bonus law.

4. For a project that uses state density bonus law, the project's base density shall be calculated solely from the objective development standards applicable to the zoning of the site before application of any incentives available under this chapter or any concession, incentive, waiver, or density increase available under state density bonus law.

5. Nothing in this chapter shall be construed to limit or interfere with an applicant's rights under Government Code Sections 65915 through 65918.

17.88.060 Residential transition standards.

A. **All Projects.** All projects receiving incentives for community benefits under this chapter shall comply with the setback, daylight plane, landscaping, and loading standards in Section 17.24.030.E (Residential Transition Standards).

B. **East Side of 41st Avenue.** In addition to complying with Section 17.24.030.E (Residential Transition Standards), structures on properties fronting the east side of 41st Avenue must be set back a minimum of 100 feet from the property line abutting a residential property.

17.88.070 Hotel standards.

The following standards apply to a hotel approved pursuant to this chapter.

A. **Design Standards.**

1. **Street Presence**. A minimum of one hotel building facade shall front a street in compliance with the following:

   a. Surface parking lots are prohibited between the building facade and the street-adjacent sidewalk.

   b. Street parking and porte-cocheres drop-off areas are permitted between the building facade and the street.

   c. A building entrance accessed from the sidewalk shall provide access to the hotel lobby.

   d. Loading docks and service areas may not be located on a street frontage.

2. **Parking Location**. Existing and new surface parking is permitted along all other building facades that do not provide the street presence as required by paragraph (1) of this subsection.

3. **Windows and Doors**. All windows above the ground floor shall include trim, reveals, recesses, or other detailing to define window openings.

4. **Rooftop Mechanical Equipment**. Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.

5. **Materials**. The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:

   a. Vinyl siding.

   b. T-111 plywood siding.

   c. Plastic or PVC-based siding systems.

   d. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.

   e. Simulated stone within the first 20 feet above the adjacent grade.

   f. Veneer products that are not rated for impact resistance within the first thirty inches above the

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adjacent grade.

g. Corrugated metal used as a primary facade material (roof and facade accents allowed).

B. **Operational Standards.**

1. **Site Operations.**

a. **Site Access.** The hotel shall maintain unobstructed access, consistent with the minimum widths and clearances required by the California Fire Code and Chapter 17.76 (Parking and Loading), for pedestrians, bicycles, passenger vehicles, deliveries, emergency vehicles, and solid waste collection vehicles.

b. **Guest Loading and Queuing.** Guest loading, passenger drop-off, valet operations, and queuing shall be accommodated entirely on-site and shall not obstruct public streets, sidewalks, drive aisles, fire lanes, or required parking spaces.

c. **Delivery and Service Operations.**

i. Loading and service areas shall be physically separated from guest entrances and required guest parking areas by a building wall, fencing, landscaping, or a minimum horizontal separation of 15 feet, and shall not share a common driveway or drive aisle with the primary guest entrance during hotel operating hours.

ii. All routine commercial deliveries, linen services, food and beverage deliveries, and service vehicles shall load and unload entirely on-site within designated loading areas or off-street parking spaces. Delivery vehicles shall not idle on public streets or block public rights-of-way.

d. **Emergency Access.** Fire lanes, emergency access routes, hydrants, and fire department connections shall remain unobstructed at all times.

e. **Public Utilities.** The hotel shall maintain connections to all required public utilities and infrastructure necessary to serve the development.

2. **Neighborhood Compatibility.**

a. **Hours for Outdoor Amenities.** Outdoor guest amenities, including pools, spas, patios, courtyards, rooftop gathering areas, and similar common areas, shall not be used between the hours of 10:00 p.m. and 7:00 a.m., except for pedestrian access.

b. **Exterior Lighting.** Exterior lighting fixtures shall be full cutoff or fully shielded, directed downward, and shall not exceed 0.5 foot-candles measured at any adjoining property line or public right-of-way.

c. **Mechanical Equipment.** Mechanical equipment shall comply with the noise standards of Chapter 9.12 (Noises) and Capitola General Plan Noise Element and shall be fully screened from view from adjoining properties and public rights-of-way.

d. **Loading and Service Hours.** Loading activities, refuse collection, and routine service deliveries using vehicles exceeding two axles shall occur only between 7:00 a.m. and 10:00 p.m. when the loading area is located within 100 feet of a residential zoning district, school, park, or another hotel or lodging use.

e. **Environmental Impacts.** Hotel operations shall comply with all applicable city standards regulating noise, lighting, smoke, odor, dust, vibration, and other environmental impacts.

3. **Maintenance and Safety.**

a. **Property Maintenance.** Buildings, parking areas, driveways, landscaping, fencing, lighting, and other site improvements shall be maintained free of broken, missing, or structurally damaged

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materials; peeling or faded paint visible from adjoining properties or public rights-of-way; and holes, cracks, or other surface deterioration beyond normal wear.

b. **Graffiti Removal.** Graffiti shall be removed within 72 hours of discovery.

c. **Landscape Maintenance.** Dead, diseased, or damaged landscaping shall be replaced within 60 days, weather permitting.

d. **Waste Collection Areas.**

i. Trash, recycling, and organic waste containers shall be maintained within required enclosures except during collection.

ii. Waste storage areas shall be sized to accommodate all anticipated trash, recyclable materials, and organic waste generated by the hotel, guest rooms, and accessory uses without overflow.

e. **Outdoor Storage.** Outdoor storage of equipment, furniture, supplies, or materials shall be prohibited except where specifically authorized by this code.

f. **Community Contact.** The hotel shall designate an on-site or on-call manager available 24 hours a day to respond to operational concerns from guests, neighbors, and the public, and shall post the manager's contact telephone number at the primary guest entrance and provide it to the city's Community and Economic Development Department.

4. **Municipal and Tax Compliance.**

a. **Business License and Taxes.** The hotel shall maintain an active, valid city business license at all times and shall remain fully compliant with all applicable provisions of the Municipal Code regarding the collection, reporting, and remittance of Transient Occupancy Tax (TOT) and any applicable Tourism Marketing District (TMD) assessments. Operational noncompliance with tax reporting or remittance obligations shall constitute a violation of this zoning standard.

17.88.080 Application submittal and review.

A. **Request Submittal.** A request for an incentive in exchange for community benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.

2. All information needed by the city council to make the required findings described in Section 17.88.090 (Findings).

B. **Conceptual Review.** For a projects with a community benefit that must be dedicated to the city (e.g., land for a public facility), the project shall be considered by the city council through the conceptual review process as described in Chapter 17.114 (Conceptual Review).

C. **Planning Commission Recommendation.** Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

D. **City Council Action.** After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The city council shall also review and act on other permits required for the project requesting incentives.

17.88.090 Findings.

The city council may approve the requested incentives for an eligible project only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

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A. The community benefits conform with all applicable objective standards.

B. The community benefits exceeds the minimum requirements of the zoning code or any other provision of local, state, or federal law.

17.88.100 Post-decision procedures.

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits.