

CITY OF WESTMINSTER
ORDINANCE NO. XXXX

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, APPROVING ZONING TEXT AMENDMENTS (CASE NO. 2025-0223) TO REPEAL AND READOPT CHAPTER 17.570 AFFORDABLE HOUSING DENSITY BONUSES AND AMEND SECTION 17.500.010 AUTHORITY FOR LAND USE AND ZONING DECISIONS RELATING TO DENSITY BONUS LAW (GOVERNMENT CODE SECTION 65915 ET SEQ.), AND AMEND SECTION 17.700.010 DEFINITIONS OF SPECIALIZED TERMS AND PHRASES OF THE WESTMINSTER MUNICIPAL CODE

WHEREAS, given the complexity of the California Density Bonus Law and the frequency with which it is amended, the City desires to utilize the provisions of the California Density Bonus Law as it may be amended from time to time with local implementation procedures; and

WHEREAS, the City desires to update its Municipal Code to comply with the new provisions of state law; and

WHEREAS, on February 5, 2025, the Planning Commission initiated a zoning code amendment to amend the City's density bonus provisions that regulate processes and requirements when an applicant requests a density bonus, per state law, with a proposed residential development; and

WHEREAS, on November 5, 2025, the Planning Commission held a duly noticed public hearing on this proposed Ordinance at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing, the Planning Commission voted 5-0 to adopt Resolution No. 25-020 recommending that the City Council adopt this Ordinance; and

WHEREAS, in accordance with Government Code Section 65091(a)(4), for projects affecting over 1,000 property owners, a one-eighth (1/8th) page notice of the public hearing describing the project, date, time and location of the hearing was advertised in the Westminster Herald Journal newspaper at least 10 days prior to the December 10, 2025 hearing date. A notice was also posted at the City Council Chambers, City Hall, Community Services and Recreation Building, and on the City's website; and

WHEREAS, on December 10, 2025, the City Council of the City of Westminster, California, held a duly noticed public hearing on the proposed amendment, considered written and oral comments, and review passed facts and evidence presented by City staff

and other interested parties, after which the City Council found that the proposed amendments are consistent with the goals and policies of the City's General Plan;

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

SECTION 1: Required Findings. Pursuant to Westminster Municipal Code (WMC) Section 17.620.030, the City Council approves Case No. 2025-0223, repealing and readopting Chapter 17.570 Affordable Housing Density Bonuses, amending Section 17.500.010 Authority for Land Use and Zoning Decisions, and amending Section 17.700.010 Definitions of Specialized Terms and Phrases of the Westminster Municipal Code based upon the following findings:

- A. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with the Zoning Code, in the case of a Zoning Code amendment.

The proposed Zoning Text Amendments will ensure that the City's code sections pertaining to density bonuses, including code definitions, processes and procedures, reflect state law. The proposed code amendments also ensure that all code sections within the City's Municipal Code are internally consistent. Additionally, the Zoning Text Amendments are consistent with Goal H-2, Housing Development – Assist in the development of new housing, including affordable, special needs and market-rate housing, and Goal H-3, Removal of Constraints – Remove or reduce constraints to the maintenance, improvement, and development of housing, of the Westminster 6th Cycle Housing Element.

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendments are not detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed amendments bring the City into compliance with state law, promote housing development, and clarify density bonus application procedures and processes.

- C. The proposed amendment is in compliance with the provisions of CEQA.

The proposed amendments are categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines Section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. The proposed amendments do not change the density, intensity, or allowed uses

or would have other effects on the environment. The changes are not for any specific project and therefore will not impact any environment of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources.

SECTION 2. Amendment to Section 17.500.010. Section 17.500.010 (Authority for Land Use and Zoning Decisions) of Chapter 17.500 (Applications, Processing, and Fees) of Article 5 (Land Use and Development Permit Procedures) of Title 17 (Land Use) of the Westminster Municipal Code is hereby amended by deleting the row of information relating to Affordable Housing Density Bonus Agreements to read as follows:

Type of Permit or Decision	Chapter/Section for Procedure	Director	Commission	Council
Affordable Housing Density Bonus Agreement	Chapter 17.570	Not Applicable	Recommend	Decision

SECTION 3. Repealing and Readopting Chapter 17.570. Chapter 17.570 (Affordable Housing Density Bonuses) of Title 17 (Land Use) of the Westminster Municipal Code is hereby repealed and a new Chapter 17.570 is hereby added to read as follows:

CHAPTER 17.570

AFFORDABLE HOUSING DENSITY BONUS, INCENTIVES AND WAIVERS

17.570.010 Purpose.

This Chapter is intended to implement the requirements of the California Density Bonus Law set forth within California Government Code Section 65915 et seq. and provides for local implementation procedures and requirements.

17.570.020 Adoption by Reference.

The California Density Bonus Law, set forth at Chapter 4.3 of the Planning and Zoning Law and found at Government Code Sections 65915 through 65918, as the same may be amended from time to time, shall govern the City of Westminster's regulation of density bonuses and other related incentives and waivers and shall be implemented in accordance with this Chapter.

17.570.030 Definitions.

For the purposes of this chapter:

A. The term “incentive” shall mean a “concession or incentive” as the same is defined in Government Code Section 65915(k).

B. The term “waiver” shall include a reduction in development standards as well as a complete waiver of such standards.

17.570.040 Applicability.

This Chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the California Density Bonus Law.

17.570.050 Affordable Housing Agreement.

Applicants requesting a density bonus and/or incentive(s) and waiver(s) shall agree to enter into an agreement with the City guaranteeing the affordability of the rental or ownership of the affordable units in accordance with this chapter and Government Code Section 65915.

17.570.060 Application Submittal, Contents and Review.

A. Application submittal. An application for a density bonus, an incentive(s) or waiver(s), shall be filed and processed concurrently with an application for a housing development. The application package shall include all of the information specified in the application form and the information set forth in subsection B, below.

B. Application contents. An application for a density bonus shall include the following information:

1. The base density of the property;
2. The total number of units being provided;
3. The number, percentage and income level of affordable units being provided;
4. The number of density bonus units being requested;
5. All incentives being requested that result in identifiable and actual cost reductions to provide for the affordable housing and reasonable documentation supporting such request;

6. All waivers being requested that would have the effect of physically precluding the construction of the housing development at the densities or with the allowed incentive(s) or concession(s) and reasonable documentation supporting such request; and

7. Any reduced parking ratio requested pursuant to Government Code Section 65915(p).

C. If an application for a density bonus is incomplete, the applicant shall be timely notified of the status and deficiencies in accordance with the provisions of applicable law.

D. If a proposed housing development would be inconsistent with the City's Zoning Code or the California Density Bonus Law, the applicant shall be provided notice of such inconsistency in accordance with the Housing Accountability Act, Government Code Section 65589.5.

E. Review Authority. Requests for a density bonus, incentives and waivers shall be reviewed and acted upon in conjunction with the associated residential development by the review authority authorized to approve the housing development application. A density bonus, incentives and waivers may only be denied if the findings can be made as specified in the California Density Bonus Law. If an appeal is taken of the project, then the request for a density bonus, incentives, or waivers shall be approved by the decision maker on appeal.

17.570.070 Requirements.

A. The applicant for a density bonus shall enter into an affordable housing agreement with the City in a form to be approved by the City Attorney. Said agreement shall be recorded against the property. The affordable housing agreement shall be approved by the approval authority on the underlying project. If an appeal is taken of the project, then the affordable housing agreement shall be approved by the decision maker on appeal.

B. The applicant shall be required to pay any costs incurred by the City in the drafting of the affordable housing agreement, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.

C. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the body approving the underlying project and the developer agree within the affordable housing agreement to an alternative schedule for development.

D. The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project

development and shall be consistent with any affordable residential development standards that may be prepared by the City.

1. The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.

2. If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market-rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.

E. The affordable units shall have the same amenities as the market-rate units, including the same access to and enjoyment of common open space, parking, storage and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Health and Safety Code Section 50052.5 and California Code of Regulations Title 25, Sections 6910 – 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

F. Any affordable units shall be spread throughout the project, not aggregated in distinct clusters, unless the units are a part of a supportive housing project or the project is one hundred percent affordable units.

G. If the development project is for-sale units, then the affordable dwelling units shall also be for-sale units. The affordable housing agreement may make provisions for rental of the units for the same level of affordability that qualified the applicant for the density bonus if the unit is not sold within the time-period specified in the agreement.

H. Any project utilizing the density bonus provisions shall be subject to all replacement requirements for low and very low-income housing as required by state law.

SECTION 4. Amendment to Section 17.700.010. The following definitions set forth in Section 17.700.010 (Definitions of Specialized Terms and Phrases) of Chapter 17.700 (Definitions of Specialized Terms) of Article 7 (Definitions) of Title 17 (Land Use) of the Westminster Municipal Code are hereby amended to read as follows; all other provisions remain the same.

~~*Accessory dwelling unit. See Government Code section 65852.2.*~~

Affordable housing agreement. A legally binding agreement between an applicant and the City to ensure that housing remains affordable or available to senior citizens in accordance with the provisions of applicable law or a negotiated Development Agreement. ~~the requirements of Chapter 17.570, Affordable Housing, Density Bonuses and Other Bonus Incentives, of this Title are satisfied.~~ The agreement, among other requirements, shall establish the number of affordable units, their size, location, terms and conditions of affordability, and production schedule.

Affordable rent. ~~Monthly housing expenses, including a reasonable allowance for utilities, for rental affordable units reserved for very low or low-income households or qualified residents, as defined in this Title.~~ Monthly housing expenses paid by the eligible household/tenant, including a reasonable allowance for utilities, as defined by California Health and Safety Code Section 50053, unless other law applies.

Affordable ~~sale~~housing cost price. ~~A sales price at which low or very low-income households or qualified residents can qualify for the purchase of affordable units, calculated on the basis of underwriting standards of mortgage financing available for the development.~~ As defined in California Health and Safety Code Section 50052.5.

Affordable unit. A dwelling unit within a ~~qualified affordable~~ housing development, which will be reserved for sale or rent to, and affordable to, ~~very low or low-~~lower or moderate-income households, as required by entitlement approvals and as set forth in an affordable housing agreement or qualified residents.

~~*Density bonus incentive.* "Incentive" means, a modification to a development standard, or another regulatory incentive provided by the City to a housing developer for purposes of reducing housing costs.~~

Dwelling unit. A building or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

- *Mobilehome dwelling unit.* A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways, on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like, which must be located in an approved City mobilehome park.
- *Multiple-family dwelling unit.* A building or portion thereof containing 3 or more dwelling units designed for the independent occupancy of 3 or more families.

- ~~Multiple-family dwelling unit, for purposes of Section 17.400.135 Accessory Dwelling Units only. A structure with 2 or more attached dwellings on a single lot. Multiple detached single-family dwellings on the same lot are not considered to be multifamily dwellings.~~
- *Multiple-family residential.* For the purpose of determining applicability with the provisions of this Title and the adopted Design Guidelines Manual, a multiple-family residential project or development shall include ~~two~~ 2 or more units, detached or attached, on a lot or in a development in the R-2 through R-5 zoning districts.
- *Single-family dwelling unit.* A detached building containing no more than 1 dwelling unit which is designed to be occupied, or occupied, by not more than 1 family, including all domestic employees for such family.
- *Two-family dwelling unit or duplex.* A building containing 2 dwelling units designed for the independent occupancy of 2 families.

~~Equivalent financial incentive. A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:~~

- ~~A density bonus and an additional incentive(s); or~~
- ~~A density bonus, where an additional incentive(s) is not requested or is determined to be unnecessary.~~

~~Immediate family member. A spouse and any minor child of a mobilehome owner currently residing with such owner.~~

Extremely low-income households. Households whose income does not exceed 30 percent of the Orange County median income, as published and periodically updated by the State Department of Housing and Community Development, as more specifically set forth in Section 50105 of the California Health and Safety Code.

Lower-income households. Households whose income does not exceed 80 percent of the Orange County median income, as published and periodically updated by the State Department of Housing and Community Development, as more specifically set forth in ~~pursuant to~~ Section 50079.5 of the California Health and Safety Code. Unless otherwise specified, lower-income households include very low-and extremely low-income households.

Maximum allowable density. The maximum number of residential units permitted by this Title at the time of application, excluding the provisions of Chapter 17.570, Affordable Housing, Density Bonuses, ~~and Other Bonus~~ Incentives and Waivers.

Moderate-income households. Households whose income does not exceed 120 percent of the Orange County median income, as published and periodically updated by the State Department of Housing and Community Development, as more specifically set forth in ~~pursuant to~~ Section ~~50079.5~~50093 of the California Health and Safety Code.

~~*Office of planning and research (OPR).* The State of California Office of Planning and Research.~~

~~*Qualifying affordable housing development project.* A proposed housing development, of at least 5 units, eligible for a density bonus and/or additional development incentive based on the criteria set forth in Chapter 17.570, *Affordable Housing, Density Bonuses and Other Bonus Incentives*.~~

Very low-income households. Households whose income does not exceed 50 percent of the Orange County median income, as published and periodically updated by the State Department of Housing and Community Development, as more specifically set forth in ~~pursuant to~~ Section ~~50079.5~~50105 of the California Health and Safety Code.

SECTION 5. CEQA. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines Section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance does not change the density, intensity, or allowed uses or would have other effects on the environment. The changes are not for any specific project and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources.

SECTION 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of 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 adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 8. Signing. The Mayor shall sign as to the passage, approval, and adoption of this Ordinance.

SECTION 9. Certification. The City Clerk certifies that the Mayor and City Council introduced and conducted first reading on the 10th day of December 2025. The City Clerk further certifies that the Mayor and City Council at its Regular Meeting on the XX day of XXX, 2026, conducted second reading, passed, and adopted Ordinance No. XXXX and shall affix their signature and City Seal and that the same shall be entered into the Book of Ordinances.

SECTION 10. Publication. This Ordinance will be published in accordance with state law.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2026.

CITY OF WESTMINSTER

CHI CHARLIE NGUYEN
MAYOR

ATTEST:

CHRISTINE CORDON
CITY MANAGER/ACTING CITY CLERK

APPROVED AS TO FORM:

SCOTT PORTER
CITY ATTORNEY

**CITY OF WESTMINSTER
CITY CLERK'S OFFICE**

**CERTIFICATION
OF
ORDINANCE**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, Christine Cordon City Manager/Acting City Clerk of Westminster, do hereby certify that the foregoing Ordinance No. XXXX was introduced for first reading on the 10th day of December 2025, and duly passed, approved, and adopted by the City Council of the City of Westminster at a Regular Meeting held on the ____ day of _____ 2026 with the following vote.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Christine Cordon
City Manager/Acting City Clerk

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