

AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1287**

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**Introduced by Assembly Member Alvarez**

February 16, 2023

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An act to amend Section 65915 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1287, as amended, Alvarez. Density Bonus Law: additional density bonus and incentives or concessions: California Coastal Act of 1976.

Existing law, referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other concessions or incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income households or very low income households, and meets other requirements.

This bill would require a city, county, or city and county to grant an additional density bonus, calculated as specified, when (1) an applicant proposes to construct a housing development that conforms to specified ~~requirements and requirements~~, (2) *the applicant agrees to include additional units affordable to very low income households or moderate income households, as specified*, and (3) *the housing development provides 24% of the base density units to lower income households, conforms to specified requirements and provides 15% of the base density units to very low income households, or conforms to specified*

requirements and provides 44% of the total units to moderate-income units. The bill would require a city, county, or city and county to grant ~~additional four~~ incentives or concessions for a project that ~~meets any of those categories and also includes certain percentages of units for persons and families of moderate income. By imposing additional duties on local officials in administering the Density Bonus Law, this bill would create a state-mandated local program.~~ *includes at least 16% of the units for very low income households or at least 45% for persons and families of moderate income in a development in which the units are for sale. The bill would increase the incentives or concessions for a project in which 100% of all units are for lower income households, as specified, from 4 to 5.*

Existing law, the California Coastal Act of 1976 (act), regulates development, as defined, in the coastal zone, as defined, and requires a new development to comply with specified requirements. The Density Bonus Law provides that its provisions do not supersede or in any way alter or lessen the effect or application of the act, and requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner consistent with the act.

This bill would provide that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted notwithstanding the act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65915 of the Government Code is
- 2 amended to read:
- 3 65915. (a) (1) When an applicant seeks a density bonus for
- 4 a housing development within, or for the donation of land for
- 5 housing within, the jurisdiction of a city, county, or city and county,

1 that local government shall comply with this section. A city,  
2 county, or city and county shall adopt an ordinance that specifies  
3 how compliance with this section will be implemented. Except as  
4 otherwise provided in subdivision (s), failure to adopt an ordinance  
5 shall not relieve a city, county, or city and county from complying  
6 with this section.

7 (2) A local government shall not condition the submission,  
8 review, or approval of an application pursuant to this chapter on  
9 the preparation of an additional report or study that is not otherwise  
10 required by state law, including this section. This subdivision does  
11 not prohibit a local government from requiring an applicant to  
12 provide reasonable documentation to establish eligibility for a  
13 requested density bonus, incentives or concessions, as described  
14 in subdivision (d), waivers or reductions of development standards,  
15 as described in subdivision (e), and parking ratios, as described in  
16 subdivision (p).

17 (3) In order to provide for the expeditious processing of a density  
18 bonus application, the local government shall do all of the  
19 following:

20 (A) Adopt procedures and timelines for processing a density  
21 bonus application.

22 (B) Provide a list of all documents and information required to  
23 be submitted with the density bonus application in order for the  
24 density bonus application to be deemed complete. This list shall  
25 be consistent with this chapter.

26 (C) Notify the applicant for a density bonus whether the  
27 application is complete in a manner consistent with the timelines  
28 specified in Section 65943.

29 (D) (i) If the local government notifies the applicant that the  
30 application is deemed complete pursuant to subparagraph (C),  
31 provide the applicant with a determination as to the following  
32 matters:

33 (I) The amount of density bonus, calculated pursuant to  
34 subdivision (f), for which the applicant is eligible.

35 (II) If the applicant requests a parking ratio pursuant to  
36 subdivision (p), the parking ratio for which the applicant is eligible.

37 (III) If the applicant requests incentives or concessions pursuant  
38 to subdivision (d) or waivers or reductions of development  
39 standards pursuant to subdivision (e), whether the applicant has  
40 provided adequate information for the local government to make

1 a determination as to those incentives, concessions, or waivers or  
2 reductions of development standards.

3 (ii) Any determination required by this subparagraph shall be  
4 based on the development project at the time the application is  
5 deemed complete. The local government shall adjust the amount  
6 of density bonus and parking ratios awarded pursuant to this section  
7 based on any changes to the project during the course of  
8 development.

9 (b) (1) A city, county, or city and county shall grant one density  
10 bonus, the amount of which shall be as specified in subdivision  
11 (f), and, if requested by the applicant and consistent with the  
12 applicable requirements of this section, incentives or concessions,  
13 as described in subdivision (d), waivers or reductions of  
14 development standards, as described in subdivision (e), and parking  
15 ratios, as described in subdivision (p), if an applicant for a housing  
16 development seeks and agrees to construct a housing development,  
17 excluding any units permitted by the density bonus awarded  
18 pursuant to this section, that will contain at least any one of the  
19 following:

20 (A) Ten percent of the total units of a housing development,  
21 including a shared housing building development, for rental or  
22 sale to lower income households, as defined in Section 50079.5  
23 of the Health and Safety Code.

24 (B) Five percent of the total units of a housing development,  
25 including a shared housing building development, for rental or  
26 sale to very low income households, as defined in Section 50105  
27 of the Health and Safety Code.

28 (C) A senior citizen housing development, as defined in Sections  
29 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits  
30 residency based on age requirements for housing for older persons  
31 pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes  
32 of this subparagraph, “development” includes a shared housing  
33 building development.

34 (D) Ten percent of the total dwelling units of a housing  
35 development are sold to persons and families of moderate income,  
36 as defined in Section 50093 of the Health and Safety Code,  
37 provided that all units in the development are offered to the public  
38 for purchase.

39 (E) Ten percent of the total units of a housing development for  
40 transitional foster youth, as defined in Section 66025.9 of the

1 Education Code, disabled veterans, as defined in Section 18541,  
2 or homeless persons, as defined in the federal McKinney-Vento  
3 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units  
4 described in this subparagraph shall be subject to a recorded  
5 affordability restriction of 55 years and shall be provided at the  
6 same affordability level as very low income units.

7 (F) (i) Twenty percent of the total units for lower income  
8 students in a student housing development that meets the following  
9 requirements:

10 (I) All units in the student housing development will be used  
11 exclusively for undergraduate, graduate, or professional students  
12 enrolled full time at an institution of higher education accredited  
13 by the Western Association of Schools and Colleges or the  
14 Accrediting Commission for Community and Junior Colleges. In  
15 order to be eligible under this subclause, the developer shall, as a  
16 condition of receiving a certificate of occupancy, provide evidence  
17 to the city, county, or city and county that the developer has entered  
18 into an operating agreement or master lease with one or more  
19 institutions of higher education for the institution or institutions  
20 to occupy all units of the student housing development with  
21 students from that institution or institutions. An operating  
22 agreement or master lease entered into pursuant to this subclause  
23 is not violated or breached if, in any subsequent year, there are not  
24 sufficient students enrolled in an institution of higher education  
25 to fill all units in the student housing development.

26 (II) The applicable 20-percent units will be used for lower  
27 income students.

28 (III) The rent provided in the applicable units of the development  
29 for lower income students shall be calculated at 30 percent of 65  
30 percent of the area median income for a single-room occupancy  
31 unit type.

32 (IV) The development will provide priority for the applicable  
33 affordable units for lower income students experiencing  
34 homelessness. A homeless service provider, as defined in paragraph  
35 (3) of subdivision (e) of Section 103577 of the Health and Safety  
36 Code, or institution of higher education that has knowledge of a  
37 person's homeless status may verify a person's status as homeless  
38 for purposes of this subclause.

39 (ii) For purposes of calculating a density bonus granted pursuant  
40 to this subparagraph, the term "unit" as used in this section means

1 one rental bed and its pro rata share of associated common area  
2 facilities. The units described in this subparagraph shall be subject  
3 to a recorded affordability restriction of 55 years.

4 (G) One hundred percent of all units in the development,  
5 including total units and density bonus units, but exclusive of a  
6 manager's unit or units, are for lower income households, as  
7 defined by Section 50079.5 of the Health and Safety Code, except  
8 that up to 20 percent of the units in the development, including  
9 total units and density bonus units, may be for moderate-income  
10 households, as defined in Section 50053 of the Health and Safety  
11 Code. For purposes of this subparagraph, "development" includes  
12 a shared housing building development.

13 (2) For purposes of calculating the amount of the density bonus  
14 pursuant to subdivision (f), an applicant who requests a density  
15 bonus pursuant to this subdivision shall elect whether the bonus  
16 shall be awarded on the basis of subparagraph (A), (B), (C), (D),  
17 (E), (F), or (G) of paragraph (1).

18 (c) (1) (A) An applicant shall agree to, and the city, county,  
19 or city and county shall ensure, the continued affordability of all  
20 very low and low-income rental units that qualified the applicant  
21 for the award of the density bonus for 55 years or a longer period  
22 of time if required by the construction or mortgage financing  
23 assistance program, mortgage insurance program, or rental subsidy  
24 program.

25 (B) (i) Except as otherwise provided in clause (ii), rents for the  
26 lower income density bonus units shall be set at an affordable rent,  
27 as defined in Section 50053 of the Health and Safety Code.

28 (ii) For housing developments meeting the criteria of  
29 subparagraph (G) of paragraph (1) of subdivision (b), rents for all  
30 units in the development, including both base density and density  
31 bonus units, shall be as follows:

32 (I) The rent for at least 20 percent of the units in the  
33 development shall be set at an affordable rent, as defined in Section  
34 50053 of the Health and Safety Code.

35 (II) The rent for the remaining units in the development shall  
36 be set at an amount consistent with the maximum rent levels for  
37 lower income households, as those rents and incomes are  
38 determined by the California Tax Credit Allocation Committee.

39 (2) (A) An applicant shall agree to ensure, and the city, county,  
40 or city and county shall ensure, that a for-sale unit that qualified

1 the applicant for the award of the density bonus meets either of  
2 the following conditions:

3 (i) The unit is initially occupied by a person or family of very  
4 low, low, or moderate income, as required, and it is offered at an  
5 affordable housing cost, as that cost is defined in Section 50052.5  
6 of the Health and Safety Code and is subject to an equity sharing  
7 agreement.

8 (ii) The unit is purchased by a qualified nonprofit housing  
9 corporation pursuant to a recorded contract that satisfies all of the  
10 requirements specified in paragraph (10) of subdivision (a) of  
11 Section 402.1 of the Revenue and Taxation Code and that includes  
12 all of the following:

13 (I) A repurchase option that requires a subsequent purchaser of  
14 the property that desires to resell or convey the property to offer  
15 the qualified nonprofit corporation the right to repurchase the  
16 property prior to selling or conveying that property to any other  
17 purchaser.

18 (II) An equity sharing agreement.

19 (III) Affordability restrictions on the sale and conveyance of  
20 the property that ensure that the property will be preserved for  
21 lower income housing for at least 45 years for owner-occupied  
22 housing units and will be sold or resold only to persons or families  
23 of very low, low, or moderate income, as defined in Section  
24 50052.5 of the Health and Safety Code.

25 (B) For purposes of this paragraph, a “qualified nonprofit  
26 housing corporation” is a nonprofit housing corporation organized  
27 pursuant to Section 501(c)(3) of the Internal Revenue Code that  
28 has received a welfare exemption under Section 214.15 of the  
29 Revenue and Taxation Code for properties intended to be sold to  
30 low-income families who participate in a special no-interest loan  
31 program.

32 (C) The local government shall enforce an equity sharing  
33 agreement required pursuant to clause (i) or (ii) of subparagraph  
34 (A), unless it is in conflict with the requirements of another public  
35 funding source or law or may defer to the recapture provisions of  
36 the public funding source. The following apply to the equity  
37 sharing agreement:

38 (i) Upon resale, the seller of the unit shall retain the value of  
39 any improvements, the downpayment, and the seller’s proportionate  
40 share of appreciation.

1 (ii) Except as provided in clause (v), the local government shall  
 2 recapture any initial subsidy, as defined in clause (iii), and its  
 3 proportionate share of appreciation, as defined in clause (iv), which  
 4 amount shall be used within five years for any of the purposes  
 5 described in subdivision (e) of Section 33334.2 of the Health and  
 6 Safety Code that promote home ownership.

7 (iii) For purposes of this subdivision, the local government’s  
 8 initial subsidy shall be equal to the fair market value of the home  
 9 at the time of initial sale minus the initial sale price to the  
 10 moderate-income household, plus the amount of any downpayment  
 11 assistance or mortgage assistance. If upon resale the market value  
 12 is lower than the initial market value, then the value at the time of  
 13 the resale shall be used as the initial market value.

14 (iv) For purposes of this subdivision, the local government’s  
 15 proportionate share of appreciation shall be equal to the ratio of  
 16 the local government’s initial subsidy to the fair market value of  
 17 the home at the time of initial sale.

18 (v) If the unit is purchased or developed by a qualified nonprofit  
 19 housing corporation pursuant to clause (ii) of subparagraph (A)  
 20 the local government may enter into a contract with the qualified  
 21 nonprofit housing corporation under which the qualified nonprofit  
 22 housing corporation would recapture any initial subsidy and its  
 23 proportionate share of appreciation if the qualified nonprofit  
 24 housing corporation is required to use 100 percent of the proceeds  
 25 to promote home ownership for lower income households as  
 26 defined by Health and Safety Code Section 50079.5 within the  
 27 jurisdiction of the local government.

28 (3) (A) An applicant shall be ineligible for a density bonus or  
 29 any other incentives or concessions under this section if the housing  
 30 development is proposed on any property that includes a parcel or  
 31 parcels on which rental dwelling units are or, if the dwelling units  
 32 have been vacated or demolished in the five-year period preceding  
 33 the application, have been subject to a recorded covenant,  
 34 ordinance, or law that restricts rents to levels affordable to persons  
 35 and families of lower or very low income; subject to any other  
 36 form of rent or price control through a public entity’s valid exercise  
 37 of its police power; or occupied by lower or very low income  
 38 households, unless the proposed housing development replaces  
 39 those units, and either of the following applies:



1 (i) The proposed housing development, inclusive of the units  
2 replaced pursuant to this paragraph, contains affordable units at  
3 the percentages set forth in subdivision (b).

4 (ii) Each unit in the development, exclusive of a manager’s unit  
5 or units, is affordable to, and occupied by, either a lower or very  
6 low income household.

7 (B) For the purposes of this paragraph, “replace” shall mean  
8 either of the following:

9 (i) If any dwelling units described in subparagraph (A) are  
10 occupied on the date of application, the proposed housing  
11 development shall provide at least the same number of units of  
12 equivalent size to be made available at affordable rent or affordable  
13 housing cost to, and occupied by, persons and families in the same  
14 or lower income category as those households in occupancy. If  
15 the income category of the household in occupancy is not known,  
16 it shall be rebuttably presumed that lower income renter households  
17 occupied these units in the same proportion of lower income renter  
18 households to all renter households within the jurisdiction, as  
19 determined by the most recently available data from the United  
20 States Department of Housing and Urban Development’s  
21 Comprehensive Housing Affordability Strategy database. For  
22 unoccupied dwelling units described in subparagraph (A) in a  
23 development with occupied units, the proposed housing  
24 development shall provide units of equivalent size to be made  
25 available at affordable rent or affordable housing cost to, and  
26 occupied by, persons and families in the same or lower income  
27 category as the last household in occupancy. If the income category  
28 of the last household in occupancy is not known, it shall be  
29 rebuttably presumed that lower income renter households occupied  
30 these units in the same proportion of lower income renter  
31 households to all renter households within the jurisdiction, as  
32 determined by the most recently available data from the United  
33 States Department of Housing and Urban Development’s  
34 Comprehensive Housing Affordability Strategy database. All  
35 replacement calculations resulting in fractional units shall be  
36 rounded up to the next whole number. If the replacement units will  
37 be rental dwelling units, these units shall be subject to a recorded  
38 affordability restriction for at least 55 years. If the proposed  
39 development is for-sale units, the units replaced shall be subject  
40 to paragraph (2).

1 (ii) If all dwelling units described in subparagraph (A) have  
2 been vacated or demolished within the five-year period preceding  
3 the application, the proposed housing development shall provide  
4 at least the same number of units of equivalent size as existed at  
5 the highpoint of those units in the five-year period preceding the  
6 application to be made available at affordable rent or affordable  
7 housing cost to, and occupied by, persons and families in the same  
8 or lower income category as those persons and families in  
9 occupancy at that time, if known. If the incomes of the persons  
10 and families in occupancy at the highpoint is not known, it shall  
11 be rebuttably presumed that low-income and very low income  
12 renter households occupied these units in the same proportion of  
13 low-income and very low income renter households to all renter  
14 households within the jurisdiction, as determined by the most  
15 recently available data from the United States Department of  
16 Housing and Urban Development's Comprehensive Housing  
17 Affordability Strategy database. All replacement calculations  
18 resulting in fractional units shall be rounded up to the next whole  
19 number. If the replacement units will be rental dwelling units,  
20 these units shall be subject to a recorded affordability restriction  
21 for at least 55 years. If the proposed development is for-sale units,  
22 the units replaced shall be subject to paragraph (2).

23 (C) Notwithstanding subparagraph (B), for any dwelling unit  
24 described in subparagraph (A) that is or was, within the five-year  
25 period preceding the application, subject to a form of rent or price  
26 control through a local government's valid exercise of its police  
27 power and that is or was occupied by persons or families above  
28 lower income, the city, county, or city and county may do either  
29 of the following:

30 (i) Require that the replacement units be made available at  
31 affordable rent or affordable housing cost to, and occupied by,  
32 low-income persons or families. If the replacement units will be  
33 rental dwelling units, these units shall be subject to a recorded  
34 affordability restriction for at least 55 years. If the proposed  
35 development is for-sale units, the units replaced shall be subject  
36 to paragraph (2).

37 (ii) Require that the units be replaced in compliance with the  
38 jurisdiction's rent or price control ordinance, provided that each  
39 unit described in subparagraph (A) is replaced. Unless otherwise

1 required by the jurisdiction’s rent or price control ordinance, these  
2 units shall not be subject to a recorded affordability restriction.

3 (D) For purposes of this paragraph, “equivalent size” means  
4 that the replacement units contain at least the same total number  
5 of bedrooms as the units being replaced.

6 (E) Subparagraph (A) does not apply to an applicant seeking a  
7 density bonus for a proposed housing development if the  
8 applicant’s application was submitted to, or processed by, a city,  
9 county, or city and county before January 1, 2015.

10 (d) (1) An applicant for a density bonus pursuant to subdivision  
11 (b) may submit to a city, county, or city and county a proposal for  
12 the specific incentives or concessions that the applicant requests  
13 pursuant to this section, and may request a meeting with the city,  
14 county, or city and county. The city, county, or city and county  
15 shall grant the concession or incentive requested by the applicant  
16 unless the city, county, or city and county makes a written finding,  
17 based upon substantial evidence, of any of the following:

18 (A) The concession or incentive does not result in identifiable  
19 and actual cost reductions, consistent with subdivision (k), to  
20 provide for affordable housing costs, as defined in Section 50052.5  
21 of the Health and Safety Code, or for rents for the targeted units  
22 to be set as specified in subdivision (c).

23 (B) The concession or incentive would have a specific, adverse  
24 impact, as defined in paragraph (2) of subdivision (d) of Section  
25 65589.5, upon public health and safety or on any real property that  
26 is listed in the California Register of Historical Resources and for  
27 which there is no feasible method to satisfactorily mitigate or avoid  
28 the specific, adverse impact without rendering the development  
29 unaffordable to low-income and moderate-income households.

30 (C) The concession or incentive would be contrary to state or  
31 federal law.

32 (2) The applicant shall receive the following number of  
33 incentives or concessions:

34 (A) One incentive or concession for projects that include at least  
35 10 percent of the total units for lower income households, at least  
36 5 percent for very low income households, or at least 10 percent  
37 for persons and families of moderate income in a development in  
38 which the units are for sale.

39 (B) Two incentives or concessions for projects that include at  
40 least 17 percent of the total units for lower income households, at

1 least 10 percent for very low income households, or at least 20  
 2 percent for persons and families of moderate income in a  
 3 development in which the units are for sale.

4 (C) Three incentives or concessions for projects that include at  
 5 least 24 percent of the total units for lower income households, at  
 6 least 15 percent for very low income households, or at least 30  
 7 percent for persons and families of moderate income in a  
 8 development in which the units are for sale.

9 (D) ~~Four~~ Five incentives or concessions for a project meeting  
 10 the criteria of subparagraph (G) of paragraph (1) of subdivision  
 11 (b). If the project is located within one-half mile of a major transit  
 12 stop or is located in a very low vehicle travel area in a designated  
 13 county, the applicant shall also receive a height increase of up to  
 14 three additional stories, or 33 feet.

15 (E) One incentive or concession for projects that include at least  
 16 20 percent of the total units for lower income students in a student  
 17 housing development.

18 (F) Four incentives or concessions for projects that include at  
 19 least ~~5 percent of the total units for persons and families of~~  
 20 ~~moderate income pursuant to subdivision (v): 16 percent of the~~  
 21 ~~units for very low income households or at least 45 percent for~~  
 22 ~~persons and families of moderate income in a development in~~  
 23 ~~which the units are for sale.~~

24 (G) ~~Five incentives or concessions for projects that include at~~  
 25 ~~least 10 percent for persons and families of moderate income~~  
 26 ~~pursuant to subdivision (v):~~

27 (H) ~~Six incentives or concessions for projects that include at~~  
 28 ~~least 15 percent for persons and families of moderate income~~  
 29 ~~pursuant to subdivision (v):~~

30 (3) The applicant may initiate judicial proceedings if the city,  
 31 county, or city and county refuses to grant a requested density  
 32 bonus, incentive, or concession. If a court finds that the refusal to  
 33 grant a requested density bonus, incentive, or concession is in  
 34 violation of this section, the court shall award the plaintiff  
 35 reasonable attorney’s fees and costs of suit. This subdivision shall  
 36 not be interpreted to require a local government to grant an  
 37 incentive or concession that has a specific, adverse impact, as  
 38 defined in paragraph (2) of subdivision (d) of Section 65589.5,  
 39 upon health or safety, and for which there is no feasible method  
 40 to satisfactorily mitigate or avoid the specific, adverse impact.

1 This subdivision shall not be interpreted to require a local  
2 government to grant an incentive or concession that would have  
3 an adverse impact on any real property that is listed in the  
4 California Register of Historical Resources. The city, county, or  
5 city and county shall establish procedures for carrying out this  
6 section that shall include legislative body approval of the means  
7 of compliance with this section.

8 (4) The city, county, or city and county shall bear the burden  
9 of proof for the denial of a requested concession or incentive.

10 (e) (1) In no case may a city, county, or city and county apply  
11 any development standard that will have the effect of physically  
12 precluding the construction of a development meeting the criteria  
13 of subdivision (b) at the densities or with the concessions or  
14 incentives permitted by this section. Subject to paragraph (3), an  
15 applicant may submit to a city, county, or city and county a  
16 proposal for the waiver or reduction of development standards that  
17 will have the effect of physically precluding the construction of a  
18 development meeting the criteria of subdivision (b) at the densities  
19 or with the concessions or incentives permitted under this section,  
20 and may request a meeting with the city, county, or city and county.  
21 If a court finds that the refusal to grant a waiver or reduction of  
22 development standards is in violation of this section, the court  
23 shall award the plaintiff reasonable attorney's fees and costs of  
24 suit. This subdivision shall not be interpreted to require a local  
25 government to waive or reduce development standards if the waiver  
26 or reduction would have a specific, adverse impact, as defined in  
27 paragraph (2) of subdivision (d) of Section 65589.5, upon health  
28 or safety, and for which there is no feasible method to satisfactorily  
29 mitigate or avoid the specific, adverse impact. This subdivision  
30 shall not be interpreted to require a local government to waive or  
31 reduce development standards that would have an adverse impact  
32 on any real property that is listed in the California Register of  
33 Historical Resources, or to grant any waiver or reduction that would  
34 be contrary to state or federal law.

35 (2) A proposal for the waiver or reduction of development  
36 standards pursuant to this subdivision shall neither reduce nor  
37 increase the number of incentives or concessions to which the  
38 applicant is entitled pursuant to subdivision (d).

39 (3) A housing development that receives a waiver from any  
40 maximum controls on density pursuant to clause (ii) of

1 subparagraph (D) of paragraph (3) of subdivision (f) shall only be  
 2 eligible for a waiver or reduction of development standards as  
 3 provided in subparagraph (D) of paragraph (2) of subdivision (d)  
 4 and clause (ii) of subparagraph (D) of paragraph (3) of subdivision  
 5 (f), unless the city, county, or city and county agrees to additional  
 6 waivers or reductions of development standards.

7 (f) For the purposes of this chapter, “density bonus” means a  
 8 density increase over the otherwise maximum allowable gross  
 9 residential density as of the date of application by the applicant to  
 10 the city, county, or city and county, or, if elected by the applicant,  
 11 a lesser percentage of density increase, including, but not limited  
 12 to, no increase in density. The amount of density increase to which  
 13 the applicant is entitled shall vary according to the amount by  
 14 which the percentage of affordable housing units exceeds the  
 15 percentage established in subdivision (b).

16 (1) For housing developments meeting the criteria of  
 17 subparagraph (A) of paragraph (1) of subdivision (b), the density  
 18 bonus shall be calculated as follows:

19	Percentage Low-Income Units	Percentage Density
20		Bonus
21	10	20
22	11	21.5
23	12	23
24	13	24.5
25	14	26
26	15	27.5
27	16	29
28	17	30.5
29	18	32
30	19	33.5
31	20	35
32	21	38.75
33	22	42.5
34	23	46.25
35	24	50
36		
37		

38 (2) For housing developments meeting the criteria of  
 39 subparagraph (B) of paragraph (1) of subdivision (b), the density  
 40 bonus shall be calculated as follows:

1	Percentage Very Low Income Units	Percentage Density Bonus
2	5	20
3	6	22.5
4	7	25
5	8	27.5
6	9	30
7	10	32.5
8	11	35
9	12	38.75
10	13	42.5
11	14	46.25
12	15	50

13  
 14 (3) (A) For housing developments meeting the criteria of  
 15 subparagraph (C) of paragraph (1) of subdivision (b), the density  
 16 bonus shall be 20 percent of the number of senior housing units.

17 (B) For housing developments meeting the criteria of  
 18 subparagraph (E) of paragraph (1) of subdivision (b), the density  
 19 bonus shall be 20 percent of the number of the type of units giving  
 20 rise to a density bonus under that subparagraph.

21 (C) For housing developments meeting the criteria of  
 22 subparagraph (F) of paragraph (1) of subdivision (b), the density  
 23 bonus shall be 35 percent of the student housing units.

24 (D) For housing developments meeting the criteria of  
 25 subparagraph (G) of paragraph (1) of subdivision (b), the following  
 26 shall apply:

27 (i) Except as otherwise provided in clauses (ii) and (iii), the  
 28 density bonus shall be 80 percent of the number of units for lower  
 29 income households.

30 (ii) If the housing development is located within one-half mile  
 31 of a major transit stop, the city, county, or city and county shall  
 32 not impose any maximum controls on density.

33 (iii) If the housing development is located in a very low vehicle  
 34 travel area within a designated county, the city, county, or city and  
 35 county shall not impose any maximum controls on density.

36 (4) For housing developments meeting the criteria of  
 37 subparagraph (D) of paragraph (1) of subdivision (b), the density  
 38 bonus shall be calculated as follows:

39	Percentage Moderate-Income Units	Percentage Density Bonus
40		

1	10	5
2	11	6
3	12	7
4	13	8
5	14	9
6	15	10
7	16	11
8	17	12
9	18	13
10	19	14
11	20	15
12	21	16
13	22	17
14	23	18
15	24	19
16	25	20
17	26	21
18	27	22
19	28	23
20	29	24
21	30	25
22	31	26
23	32	27
24	33	28
25	34	29
26	35	30
27	36	31
28	37	32
29	38	33
30	39	34
31	40	35
32	41	38.75
33	42	42.5
34	43	46.25
35	44	50

37 (5) All density calculations resulting in fractional units shall be  
38 rounded up to the next whole number. The granting of a density  
39 bonus shall not require, or be interpreted, in and of itself, to require



1 a general plan amendment, local coastal plan amendment, zoning  
2 change, or other discretionary approval.

3 (g) (1) When an applicant for a tentative subdivision map,  
4 parcel map, or other residential development approval donates  
5 land to a city, county, or city and county in accordance with this  
6 subdivision, the applicant shall be entitled to a 15-percent increase  
7 above the otherwise maximum allowable residential density for  
8 the entire development, as follows:  
9

10	Percentage Very Low Income	Percentage Density Bonus
11	10	15
12	11	16
13	12	17
14	13	18
15	14	19
16	15	20
17	16	21
18	17	22
19	18	23
20	19	24
21	20	25
22	21	26
23	22	27
24	23	28
25	24	29
26	25	30
27	26	31
28	27	32
29	28	33
30	29	34
31	30	35

32  
33 (2) This increase shall be in addition to any increase in density  
34 mandated by subdivision (b), up to a maximum combined mandated  
35 density increase of 35 percent if an applicant seeks an increase  
36 pursuant to both this subdivision and subdivision (b). All density  
37 calculations resulting in fractional units shall be rounded up to the  
38 next whole number. Nothing in this subdivision shall be construed  
39 to enlarge or diminish the authority of a city, county, or city and  
40 county to require a developer to donate land as a condition of

1 development. An applicant shall be eligible for the increased  
2 density bonus described in this subdivision if all of the following  
3 conditions are met:

4 (A) The applicant donates and transfers the land no later than  
5 the date of approval of the final subdivision map, parcel map, or  
6 residential development application.

7 (B) The developable acreage and zoning classification of the  
8 land being transferred are sufficient to permit construction of units  
9 affordable to very low income households in an amount not less  
10 than 10 percent of the number of residential units of the proposed  
11 development.

12 (C) The transferred land is at least one acre in size or of  
13 sufficient size to permit development of at least 40 units, has the  
14 appropriate general plan designation, is appropriately zoned with  
15 appropriate development standards for development at the density  
16 described in paragraph (3) of subdivision (c) of Section 65583.2,  
17 and is or will be served by adequate public facilities and  
18 infrastructure.

19 (D) The transferred land shall have all of the permits and  
20 approvals, other than building permits, necessary for the  
21 development of the very low income housing units on the  
22 transferred land, not later than the date of approval of the final  
23 subdivision map, parcel map, or residential development  
24 application, except that the local government may subject the  
25 proposed development to subsequent design review to the extent  
26 authorized by subdivision (i) of Section 65583.2 if the design is  
27 not reviewed by the local government before the time of transfer.

28 (E) The transferred land and the affordable units shall be subject  
29 to a deed restriction ensuring continued affordability of the units  
30 consistent with paragraphs (1) and (2) of subdivision (c), which  
31 shall be recorded on the property at the time of the transfer.

32 (F) The land is transferred to the local agency or to a housing  
33 developer approved by the local agency. The local agency may  
34 require the applicant to identify and transfer the land to the  
35 developer.

36 (G) The transferred land shall be within the boundary of the  
37 proposed development or, if the local agency agrees, within  
38 one-quarter mile of the boundary of the proposed development.

39 (H) A proposed source of funding for the very low income units  
40 shall be identified not later than the date of approval of the final

1 subdivision map, parcel map, or residential development  
2 application.

3 (h) (1) When an applicant proposes to construct a housing  
4 development that conforms to the requirements of subdivision (b)  
5 and includes a childcare facility that will be located on the premises  
6 of, as part of, or adjacent to, the project, the city, county, or city  
7 and county shall grant either of the following:

8 (A) An additional density bonus that is an amount of square  
9 feet of residential space that is equal to or greater than the amount  
10 of square feet in the childcare facility.

11 (B) An additional concession or incentive that contributes  
12 significantly to the economic feasibility of the construction of the  
13 childcare facility.

14 (2) The city, county, or city and county shall require, as a  
15 condition of approving the housing development, that the following  
16 occur:

17 (A) The childcare facility shall remain in operation for a period  
18 of time that is as long as or longer than the period of time during  
19 which the density bonus units are required to remain affordable  
20 pursuant to subdivision (c).

21 (B) Of the children who attend the childcare facility, the children  
22 of very low income households, lower income households, or  
23 families of moderate income shall equal a percentage that is equal  
24 to or greater than the percentage of dwelling units that are required  
25 for very low income households, lower income households, or  
26 families of moderate income pursuant to subdivision (b).

27 (3) Notwithstanding any requirement of this subdivision, a city,  
28 county, or city and county shall not be required to provide a density  
29 bonus or concession for a childcare facility if it finds, based upon  
30 substantial evidence, that the community has adequate childcare  
31 facilities.

32 (4) “Childcare facility,” as used in this section, means a child  
33 daycare facility other than a family daycare home, including, but  
34 not limited to, infant centers, preschools, extended daycare  
35 facilities, and schoolage childcare centers.

36 (i) “Housing development,” as used in this section, means a  
37 development project for five or more residential units, including  
38 mixed-use developments. For the purposes of this section, “housing  
39 development” also includes a subdivision or common interest  
40 development, as defined in Section 4100 of the Civil Code,

1 approved by a city, county, or city and county and consists of  
2 residential units or unimproved residential lots and either a project  
3 to substantially rehabilitate and convert an existing commercial  
4 building to residential use or the substantial rehabilitation of an  
5 existing multifamily dwelling, as defined in subdivision (d) of  
6 Section 65863.4, where the result of the rehabilitation would be a  
7 net increase in available residential units. For the purpose of  
8 calculating a density bonus, the residential units shall be on  
9 contiguous sites that are the subject of one development  
10 application, but do not have to be based upon individual  
11 subdivision maps or parcels. The density bonus shall be permitted  
12 in geographic areas of the housing development other than the  
13 areas where the units for the lower income households are located.

14 (j) (1) The granting of a concession or incentive shall not require  
15 or be interpreted, in and of itself, to require a general plan  
16 amendment, local coastal plan amendment, zoning change, study,  
17 or other discretionary approval. For purposes of this subdivision,  
18 “study” does not include reasonable documentation to establish  
19 eligibility for the concession or incentive or to demonstrate that  
20 the incentive or concession meets the definition set forth in  
21 subdivision (k). This provision is declaratory of existing law.

22 (2) Except as provided in subdivisions (d) and (e), the granting  
23 of a density bonus shall not require or be interpreted to require the  
24 waiver of a local ordinance or provisions of a local ordinance  
25 unrelated to development standards.

26 (k) For the purposes of this chapter, concession or incentive  
27 means any of the following:

28 (1) A reduction in site development standards or a modification  
29 of zoning code requirements or architectural design requirements  
30 that exceed the minimum building standards approved by the  
31 California Building Standards Commission as provided in Part 2.5  
32 (commencing with Section 18901) of Division 13 of the Health  
33 and Safety Code, including, but not limited to, a reduction in  
34 setback and square footage requirements and in the ratio of  
35 vehicular parking spaces that would otherwise be required that  
36 results in identifiable and actual cost reductions, to provide for  
37 affordable housing costs, as defined in Section 50052.5 of the  
38 Health and Safety Code, or for rents for the targeted units to be  
39 set as specified in subdivision (c).

1 (2) Approval of mixed-use zoning in conjunction with the  
2 housing project if commercial, office, industrial, or other land uses  
3 will reduce the cost of the housing development and if the  
4 commercial, office, industrial, or other land uses are compatible  
5 with the housing project and the existing or planned development  
6 in the area where the proposed housing project will be located.

7 (3) Other regulatory incentives or concessions proposed by the  
8 developer or the city, county, or city and county that result in  
9 identifiable and actual cost reductions to provide for affordable  
10 housing costs, as defined in Section 50052.5 of the Health and  
11 Safety Code, or for rents for the targeted units to be set as specified  
12 in subdivision (c).

13 (l) Subdivision (k) does not limit or require the provision of  
14 direct financial incentives for the housing development, including  
15 the provision of publicly owned land, by the city, county, or city  
16 and county, or the waiver of fees or dedication requirements.

17 (m) Any density bonus, concessions, incentives, waivers or  
18 reductions of development standards, and parking ratios to which  
19 an applicant is entitled under this section shall be permitted  
20 notwithstanding the California Coastal Act of 1976 (Division 20  
21 (commencing with Section 30000) of the Public Resources Code).

22 (n) If permitted by local ordinance, nothing in this section shall  
23 be construed to prohibit a city, county, or city and county from  
24 granting a density bonus greater than what is described in this  
25 section for a development that meets the requirements of this  
26 section or from granting a proportionately lower density bonus  
27 than what is required by this section for developments that do not  
28 meet the requirements of this section.

29 (o) For purposes of this section, the following definitions shall  
30 apply:

31 (1) “Designated county” includes the Counties of Alameda,  
32 Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside,  
33 Sacramento, San Bernardino, San Diego, ~~San Francisco~~, San  
34 Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and ~~Ventura~~.  
35 *Ventura, and the City and County of San Francisco.*

36 (2) “Development standard” includes a site or construction  
37 condition, including, but not limited to, a height limitation, a  
38 setback requirement, a floor area ratio, an onsite open-space  
39 requirement, a minimum lot area per unit requirement, or a parking  
40 ratio that applies to a residential development pursuant to any

1 ordinance, general plan element, specific plan, charter, or other  
2 local condition, law, policy, resolution, or regulation.

3 (3) “Located within one-half mile of a major transit stop” means  
4 that any point on a proposed development, for which an applicant  
5 seeks a density bonus, other incentives or concessions, waivers or  
6 reductions of development standards, or a vehicular parking ratio  
7 pursuant to this section, is within one-half mile of any point on  
8 the property on which a major transit stop is located, including  
9 any parking lot owned by the transit authority or other local agency  
10 operating the major transit stop.

11 (4) “Lower income student” means a student who has a  
12 household income and asset level that does not exceed the level  
13 for Cal Grant A or Cal Grant B award recipients as set forth in  
14 paragraph (1) of subdivision (k) of Section 69432.7 of the  
15 Education Code. The eligibility of a student to occupy a unit for  
16 lower income students under this section shall be verified by an  
17 affidavit, award letter, or letter of eligibility provided by the  
18 institution of higher education in which the student is enrolled or  
19 by the California Student Aid Commission that the student receives  
20 or is eligible for financial aid, including an institutional grant or  
21 fee waiver from the college or university, the California Student  
22 Aid Commission, or the federal government.

23 (5) “Major transit stop” has the same meaning as defined in  
24 subdivision (b) of Section 21155 of the Public Resources Code.

25 (6) “Maximum allowable residential density” or “base density”  
26 means the maximum number of units allowed under the zoning  
27 ordinance, specific plan, or land use element of the general plan,  
28 or, if a range of density is permitted, means the maximum number  
29 of units allowed by the specific zoning range, specific plan, or land  
30 use element of the general plan applicable to the project. If the  
31 density allowed under the zoning ordinance is inconsistent with  
32 the density allowed under the land use element of the general plan  
33 or specific plan, the greater shall prevail. Density shall be  
34 determined using dwelling units per acre. However, if the  
35 applicable zoning ordinance, specific plan, or land use element of  
36 the general plan does not provide a dwelling-units-per-acre standard  
37 for density, then the local agency shall calculate the number of  
38 units by:

39 (A) Estimating the realistic development capacity of the site  
40 based on the objective development standards applicable to the

1 project, including, but not limited to, floor area ratio, site coverage,  
2 maximum building height and number of stories, building setbacks  
3 and setbacks, public and private open-space requirements,  
4 minimum percentage or square footage of any nonresidential  
5 component, and parking requirements, unless not required for the  
6 base project. Parking requirements shall include considerations  
7 regarding number of spaces, location, design, type, and circulation.  
8 A developer may provide a base density study and the local agency  
9 shall accept it, provided that it includes all applicable objective  
10 development standards.

11 (B) Maintaining the same average unit size and other project  
12 details relevant to the base density study, excepting those that may  
13 be modified by waiver or concession to accommodate the bonus  
14 units, in the proposed project as in the study.

15 (7) (A) (i) “Shared housing building” means a residential or  
16 mixed-use structure, with five or more shared housing units and  
17 one or more common kitchens and dining areas designed for  
18 permanent residence of more than 30 days by its tenants. The  
19 kitchens and dining areas within the shared housing building shall  
20 be able to adequately accommodate all residents. If a local  
21 ordinance further restricts the attributes of a shared housing  
22 building beyond the requirements established in this section, the  
23 local definition shall apply to the extent that it does not conflict  
24 with the requirements of this section.

25 (ii) A “shared housing building” may include other dwelling  
26 units that are not shared housing units, provided that those dwelling  
27 units do not occupy more than 25 percent of the floor area of the  
28 shared housing building. A shared housing building may include  
29 100 percent shared housing units.

30 (B) “Shared housing unit” means one or more habitable rooms,  
31 not within another dwelling unit, that includes a bathroom, sink,  
32 refrigerator, and microwave, is used for permanent residence, that  
33 meets the “minimum room area” specified in Section R304 of the  
34 California Residential Code (Part 2.5 of Title 24 of the California  
35 Code of Regulations), and complies with the definition of  
36 “guestroom” in Section R202 of the California Residential Code.  
37 If a local ordinance further restricts the attributes of a shared  
38 housing building beyond the requirements established in this  
39 section, the local definition shall apply to the extent that it does  
40 not conflict with the requirements of this section.

1 (8) (A) “Total units” or “total dwelling units” means a  
2 calculation of the number of units that:

3 (i) Excludes a unit added by a density bonus awarded pursuant  
4 to this section or any local law granting a greater density bonus.

5 (ii) Includes a unit designated to satisfy an inclusionary zoning  
6 requirement of a city, county, or city and county.

7 (B) For purposes of calculating a density bonus granted pursuant  
8 to this section for a shared housing building, “unit” means one  
9 shared housing unit and its pro rata share of associated common  
10 area facilities.

11 (9) “Very low vehicle travel area” means an urbanized area, as  
12 designated by the United States Census Bureau, where the existing  
13 residential development generates vehicle miles traveled per capita  
14 that is below 85 percent of either regional vehicle miles traveled  
15 per capita or city vehicle miles traveled per capita. For purposes  
16 of this paragraph, “area” may include a travel analysis zone,  
17 hexagon, or grid. For the purposes of determining “regional vehicle  
18 miles traveled per capita” pursuant to this paragraph, a “region”  
19 is the entirety of incorporated and unincorporated areas governed  
20 by a multicounty or single-county metropolitan planning  
21 organization, or the entirety of the incorporated and unincorporated  
22 areas of an individual county that is not part of a metropolitan  
23 planning organization.

24 (p) (1) Except as provided in paragraphs (2), (3), and (4), upon  
25 the request of the developer, a city, county, or city and county shall  
26 not require a vehicular parking ratio, inclusive of parking for  
27 persons with a disability and guests, of a development meeting the  
28 criteria of subdivisions (b) and (c), that exceeds the following  
29 ratios:

30 (A) Zero to one bedroom: one onsite parking space.

31 (B) Two to three bedrooms: one and one-half onsite parking  
32 spaces.

33 (C) Four and more bedrooms: two and one-half parking spaces.

34 (2) (A) Notwithstanding paragraph (1), if a development  
35 includes at least 20 percent low-income units for housing  
36 developments meeting the criteria of subparagraph (A) of paragraph  
37 (1) of subdivision (b) or at least 11 percent very low income units  
38 for housing developments meeting the criteria of subparagraph  
39 (B) of paragraph (1) of subdivision (b), is located within one-half  
40 mile of a major transit stop, and there is unobstructed access to



1 the major transit stop from the development, then, upon the request  
2 of the developer, a city, county, or city and county shall not impose  
3 a vehicular parking ratio, inclusive of parking for persons with a  
4 disability and guests, that exceeds 0.5 spaces per unit.  
5 Notwithstanding paragraph (1), if a development includes at least  
6 40 percent moderate-income units for housing developments  
7 meeting the criteria of subparagraph (D) of paragraph (1) of  
8 subdivision (b), is located within one-half mile of a major transit  
9 stop, as defined in subdivision (b) of Section 21155 of the Public  
10 Resources Code, and the residents of the development have  
11 unobstructed access to the major transit stop from the development  
12 then, upon the request of the developer, a city, county, or city and  
13 county shall not impose a vehicular parking ratio, inclusive of  
14 parking for persons with a disability and guests, that exceeds 0.5  
15 spaces per bedroom.

16 (B) For purposes of this subdivision, “unobstructed access to  
17 the major transit stop” means a resident is able to access the major  
18 transit stop without encountering natural or constructed  
19 impediments. For purposes of this subparagraph, “natural or  
20 constructed impediments” includes, but is not limited to, freeways,  
21 rivers, mountains, and bodies of water, but does not include  
22 residential structures, shopping centers, parking lots, or rails used  
23 for transit.

24 (3) Notwithstanding paragraph (1), if a development meets the  
25 criteria of subparagraph (G) of paragraph (1) of subdivision (b),  
26 then, upon the request of the developer, a city, county, or city and  
27 county shall not impose vehicular parking standards if the  
28 development meets any of the following criteria:

29 (A) The development is located within one-half mile of a major  
30 transit stop and there is unobstructed access to the major transit  
31 stop from the development.

32 (B) The development is a for-rent housing development for  
33 individuals who are 55 years of age or older that complies with  
34 Sections 51.2 and 51.3 of the Civil Code and the development has  
35 either paratransit service or unobstructed access, within one-half  
36 mile, to fixed bus route service that operates at least eight times  
37 per day.

38 (C) The development is either a special needs housing  
39 development, as defined in Section 51312 of the Health and Safety  
40 Code, or a supportive housing development, as defined in Section

1 50675.14 of the Health and Safety Code. A development that is a  
2 special needs housing development shall have either paratransit  
3 service or unobstructed access, within one-half mile, to fixed bus  
4 route service that operates at least eight times per day.

5 (4) If the total number of parking spaces required for a  
6 development is other than a whole number, the number shall be  
7 rounded up to the next whole number. For purposes of this  
8 subdivision, a development may provide onsite parking through  
9 tandem parking or uncovered parking, but not through onstreet  
10 parking.

11 (5) This subdivision shall apply to a development that meets  
12 the requirements of subdivisions (b) and (c), but only at the request  
13 of the applicant. An applicant may request parking incentives or  
14 concessions beyond those provided in this subdivision pursuant  
15 to subdivision (d).

16 (6) This subdivision does not preclude a city, county, or city  
17 and county from reducing or eliminating a parking requirement  
18 for development projects of any type in any location.

19 (7) Notwithstanding paragraphs (2) and (3), if a city, county,  
20 city and county, or an independent consultant has conducted an  
21 areawide or jurisdictionwide parking study in the last seven years,  
22 then the city, county, or city and county may impose a higher  
23 vehicular parking ratio not to exceed the ratio described in  
24 paragraph (1), based upon substantial evidence found in the parking  
25 study, that includes, but is not limited to, an analysis of parking  
26 availability, differing levels of transit access, walkability access  
27 to transit services, the potential for shared parking, the effect of  
28 parking requirements on the cost of market-rate and subsidized  
29 developments, and the lower rates of car ownership for low-income  
30 and very low income individuals, including seniors and special  
31 needs individuals. The city, county, or city and county shall pay  
32 the costs of any new study. The city, county, or city and county  
33 shall make findings, based on a parking study completed in  
34 conformity with this paragraph, supporting the need for the higher  
35 parking ratio.

36 (8) A request pursuant to this subdivision shall neither reduce  
37 nor increase the number of incentives or concessions to which the  
38 applicant is entitled pursuant to subdivision (d).

39 (q) Each component of any density calculation, including base  
40 density and bonus density, resulting in fractional units shall be

1 separately rounded up to the next whole number. The Legislature  
2 finds and declares that this provision is declaratory of existing law.

3 (r) This chapter shall be interpreted liberally in favor of  
4 producing the maximum number of total housing units.

5 (s) Notwithstanding any other law, if a city, including a charter  
6 city, county, or city and county has adopted an ordinance or a  
7 housing program, or both an ordinance and a housing program,  
8 that incentivizes the development of affordable housing that allows  
9 for density bonuses that exceed the density bonuses required by  
10 the version of this section effective through December 31, 2020,  
11 that city, county, or city and county is not required to amend or  
12 otherwise update its ordinance or corresponding affordable housing  
13 incentive program to comply with the amendments made to this  
14 section by the act adding this subdivision, and is exempt from  
15 complying with the incentive and concession calculation  
16 amendments made to this section by the act adding this subdivision  
17 as set forth in subdivision (d), particularly subparagraphs (B) and  
18 (C) of paragraph (2) of that subdivision, and the amendments made  
19 to the density tables under subdivision (f).

20 (t) When an applicant proposes to construct a housing  
21 development that conforms to the requirements of subparagraph  
22 (A) or (B) of paragraph (1) of subdivision (b) that is a shared  
23 housing building, the city, county, or city and county shall not  
24 require any minimum unit size requirements or minimum bedroom  
25 requirements that are in conflict with paragraph (7) of subdivision  
26 (o).

27 (u) (1) The Legislature finds and declares that the intent behind  
28 the Density Bonus Law is to allow public entities to reduce or even  
29 eliminate subsidies for a particular project by allowing a developer  
30 to include more total units in a project than would otherwise be  
31 allowed by the local zoning ordinance in exchange for affordable  
32 units. It further reaffirms that the intent is to cover at least some  
33 of the financing gap of affordable housing with regulatory  
34 incentives, rather than additional public subsidy.

35 (2) It is therefore the intent of the Legislature to make  
36 modifications to the Density Bonus Law by the act adding this  
37 subdivision to further incentivize the construction of very low,  
38 low-, and moderate-income housing units. It is further the intent  
39 of the Legislature in making these modifications to the Density  
40 Bonus Law to ensure that any additional benefits conferred upon

1 a developer are balanced with the receipt of a public benefit in the  
2 form of adequate levels of affordable housing. The Legislature  
3 further intends that these modifications will ensure that the Density  
4 Bonus Law creates incentives for the construction of more housing  
5 across all areas of the state.

6 (v) (1) ~~When~~ A city, county, or city and county shall grant an  
7 additional density bonus calculated pursuant to paragraph (2)  
8 when an applicant proposes to construct a housing development  
9 that conforms to the requirements of subparagraph (A) of paragraph  
10 (1) of subdivision ~~(b)~~ (b), agrees to include additional units  
11 affordable to very low income households or moderate income  
12 households, and ~~provides~~ meets any of the following requirements:

13 (A) The housing development provides 24 percent of the base  
14 density units to lower income households, or conforms households.

15 (B) The housing development conforms to the requirements of  
16 subparagraph (B) of paragraph (1) of subdivision (b) and provides  
17 15 percent of the base density units to very low income households,  
18 or conforms households.

19 (C) The housing development conforms to the requirements of  
20 subparagraph (D) of paragraph (1) of subdivision (b) and provides  
21 44 percent of the total units to moderate-income units, the units.

22 (2) A city, county, or city and county shall grant an additional  
23 density bonus for a housing development that meets the  
24 requirements of paragraph (1), calculated as follows:

25  
26

<i>Percentage Very Low Income Units</i>	<i>Percentage Density Bonus</i>
5	20
6	23.75
7	27.5
8	31.25
9	35
10	38.75

34  
35

<i>Percentage Moderate-Income Units</i>	<i>Percentage Density Bonus</i>
5	20
6	22.5
7	25
8	27.5

36  
37  
38  
39  
40

1	9	30
2	10	32.5
3	11	35
4	12	38.75
5	13	42.5
6	14	46.25
7	15	50

8  
9

10 ~~(2)~~

11 (3) The increase required by ~~paragraph~~ *paragraphs* (1) and (2)  
12 shall be in addition to any increase in density granted by  
13 subdivision (b).

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 a local agency or school district has the authority to levy service  
17 charges, fees, or assessments sufficient to pay for the program or  
18 level of service mandated by this act, within the meaning of Section  
19 17556 of the Government Code.