

AMENDED IN SENATE MAY 5, 2025

AMENDED IN SENATE MARCH 10, 2025

## SENATE BILL

No. 92

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**Introduced by Senator Blakespear**  
(Coauthor: Assembly Member Quirk-Silva)

January 22, 2025

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

### LEGISLATIVE COUNSEL'S DIGEST

SB 92, as amended, Blakespear. Housing development: ~~density bonuses; mixed-use developments;~~ *density bonuses*.

Existing law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development, as defined, within the city or county with a density ~~bonus~~ *and bonus*, other incentives or concessions, *and waivers or reductions of development standards*, 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. ~~Existing law defines "housing development" to mean a development project for 5 or more residential units, including mixed-use developments, as specified.~~

~~This bill would define "mixed-used developments" to mean mixed-used developments consisting of residential and nonresidential uses that meet specified conditions. By revising and expanding the duties for a city, county, or a city and a county to administer the Density Bonus Law with respect to mixed-use developments, this bill would impose a state-mandated local program.~~ *specify that certain provisions of the Density Bonus Law do not require a city, county, or city and*

county to approve, grant a concession or incentive requiring approval of, or waive or reduce development standards otherwise applicable to, transient lodging as part of a housing development, except as specified. The bill would also specify that a city, county, or city and county is authorized, but not required, to provide concessions or incentives or waivers or reductions of development standards allowing for an increase in floor area to apply to the nonresidential portion, or specified parking, of a housing development.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

*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,
- 6 that local government shall comply with this section. A city,
- 7 county, or city and county shall adopt an ordinance that specifies
- 8 how compliance with this section will be implemented. Except as
- 9 otherwise provided in subdivision (s), failure to adopt an ordinance
- 10 shall not relieve a city, county, or city and county from complying
- 11 with this section.
- 12 (2) A local government shall not condition the submission,
- 13 review, or approval of an application pursuant to this chapter on
- 14 the preparation of an additional report or study that is not otherwise
- 15 required by state law, including this section. This subdivision does
- 16 not prohibit a local government from requiring an applicant to
- 17 provide reasonable documentation to establish eligibility for a
- 18 requested density bonus, as described in subdivision (b), and
- 19 parking ratios, as described in subdivision (p).

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

4 (A) Adopt procedures and timelines for processing a density  
5 bonus application.

6 (B) Provide a list of all documents and information required to  
7 be submitted with the density bonus application in order for the  
8 density bonus application to be deemed complete. This list shall  
9 be consistent with this chapter.

10 (C) Notify the applicant for a density bonus whether the  
11 application is complete in a manner consistent with the timelines  
12 specified in Section 65943.

13 (D) (i) If the local government notifies the applicant that the  
14 application is deemed complete pursuant to subparagraph (C),  
15 provide the applicant with a determination as to the following  
16 matters:

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

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

21 (III) If the applicant requests incentives or concessions pursuant  
22 to subdivision (d) or waivers or reductions of development  
23 standards pursuant to subdivision (e), whether the applicant has  
24 provided adequate information for the local government to make  
25 a determination as to those incentives, concessions, waivers, or  
26 reductions of development standards.

27 (ii) Any determination required by this subparagraph shall be  
28 based on the development project at the time the application is  
29 deemed complete. The local government shall adjust the amount  
30 of density bonus and parking ratios awarded pursuant to this section  
31 based on any changes to the project during the course of  
32 development.

33 (b) (1) A city, county, or city and county shall grant one density  
34 bonus, the amount of which shall be as specified in subdivision  
35 (f), and, if requested by the applicant and consistent with the  
36 applicable requirements of this section, incentives or concessions,  
37 as described in subdivision (d), waivers or reductions of  
38 development standards, as described in subdivision (e), and parking  
39 ratios, as described in subdivision (p), if an applicant for a housing  
40 development seeks and agrees to construct a housing development,

1 excluding any units permitted by the density bonus awarded  
2 pursuant to this section, that will contain at least any one of the  
3 following:

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

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

12 (C) A senior citizen housing development, as defined in Sections  
13 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits  
14 residency based on age requirements for housing for older persons  
15 pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes  
16 of this subparagraph, “development” includes a shared housing  
17 building development and a residential care facility for the elderly,  
18 as defined in Section 1569.2 of the Health and Safety Code.

19 (D) Ten percent of the total dwelling units of a housing  
20 development are sold to persons and families of moderate income,  
21 as defined in Section 50093 of the Health and Safety Code,  
22 provided that all units in the development are offered to the public  
23 for purchase.

24 (E) Ten percent of the total units of a housing development for  
25 transitional foster youth, as defined in Section 66025.9 of the  
26 Education Code, disabled veterans, as defined in Section 18541,  
27 or homeless persons, as defined in the federal McKinney-Vento  
28 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units  
29 described in this subparagraph are subject to a recorded  
30 affordability restriction of 55 years and shall be provided at the  
31 same affordability level as very low income units.

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

35 (I) All units in the student housing development shall be used  
36 exclusively for undergraduate, graduate, or professional students  
37 enrolled currently or in the past six months in at least six units at  
38 an institution of higher education accredited by the Western  
39 Association of Schools and Colleges or the Accrediting  
40 Commission for Community and Junior Colleges. In order to be

1 eligible under this subclause, the developer shall, as a condition  
2 of receiving a certificate of occupancy, provide evidence to the  
3 city, county, or city and county that the developer has done any  
4 one of the following:

5 (ia) Entered into an operating agreement or master lease with  
6 one or more institutions of higher education for the institution or  
7 institutions to occupy all units of the student housing development  
8 with students from that institution or institutions. An operating  
9 agreement or master lease entered into pursuant to this subclause  
10 is not violated or breached if, in any subsequent year, there are  
11 insufficient students enrolled in an institution of higher education  
12 to fill all units in the student housing development.

13 (ib) Established a system for confirming its renters' status as  
14 students to ensure that all units of the student housing development  
15 are occupied with students from an institution of higher education.

16 (II) The applicable units in the student housing development  
17 for lower income students shall be used for and occupied by lower  
18 income students.

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

23 (IV) The development shall provide priority for the applicable  
24 affordable units for lower income students experiencing  
25 homelessness. A homeless service provider, as defined in paragraph  
26 (3) of subdivision (e) of Section 103577 of the Health and Safety  
27 Code, or institution of higher education that has knowledge of a  
28 person's homeless status may verify a person's status as homeless  
29 for purposes of this subclause.

30 (V) The student housing development is not located on a site  
31 that pursuant to paragraph (3) of subdivision (c) would require  
32 replacement units for projects with greater than a 35 percent density  
33 bonus.

34 (ii) For purposes of calculating a density bonus granted pursuant  
35 to this subparagraph, the term "unit" as used in this section means  
36 one rental bed and its pro rata share of associated common area  
37 facilities. The units described in this subparagraph are subject to  
38 a recorded affordability restriction of 55 years, which shall not tie  
39 any rental bed reserved for lower income students to a specific  
40 bedroom. Notwithstanding any other law, an affordability

1 restriction provision, state or county law or policy, or property  
2 management policy shall not prevent a lower income student from  
3 sharing a room or unit with a nonlower income student. Any  
4 attempted waiver of the requirements of this clause is void as  
5 against public policy.

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

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

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

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

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

34 (I) The rent for at least 20 percent of the units in the  
35 development shall be set at an affordable rent, as defined in Section  
36 50053 of the Health and Safety Code.

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

1 (2) (A) An applicant shall agree to ensure, and the city, county,  
2 or city and county shall ensure, that a for-sale unit that qualified  
3 the applicant for the award of the density bonus meets one of the  
4 following conditions:

5 (i) The unit is initially sold to and occupied by a person or family  
6 of very low, low, or moderate income, as required, and it is offered  
7 at an affordable housing cost, as that cost is defined in Section  
8 50052.5 of the Health and Safety Code and is subject to an equity  
9 sharing agreement.

10 (ii) If the unit is not purchased by an income-qualified person  
11 or family within 180 days after the issuance of the certificate of  
12 occupancy, the unit is purchased by a qualified nonprofit housing  
13 corporation that meets all of the following requirements pursuant  
14 to a recorded contract that satisfies all of the requirements specified  
15 in paragraph (10) of subdivision (a) of Section 402.1 of the  
16 Revenue and Taxation Code:

17 (I) The nonprofit corporation has a determination letter from  
18 the Internal Revenue Service affirming its tax-exempt status  
19 pursuant to Section 501(c)(3) of the Internal Revenue Code and  
20 is not a private foundation as that term is defined in Section 509  
21 of the Internal Revenue Code.

22 (II) The nonprofit corporation is based in California.

23 (III) All of the board members of the nonprofit corporation have  
24 their primary residence in California.

25 (IV) The primary activity of the nonprofit corporation is the  
26 development and preservation of affordable home ownership  
27 housing in California that incorporates within their contracts for  
28 initial purchase a repurchase option that requires a subsequent  
29 purchaser of the property that desires to resell or convey the  
30 property to offer the qualified nonprofit corporation the right to  
31 repurchase the property prior to selling or conveying that property  
32 to any other purchaser pursuant to an equity sharing agreement or  
33 affordability restrictions on the sale and conveyance of the property  
34 that ensure that the property will be preserved for lower income  
35 housing for at least 45 years for owner-occupied housing units and  
36 will be sold or resold only to persons or families of very low, low,  
37 or moderate income, as defined in Section 50052.5 of the Health  
38 and Safety Code.

39 (B) For purposes of this paragraph, a “qualified nonprofit  
40 housing corporation” is a nonprofit housing corporation organized

1 pursuant to Section 501(c)(3) of the Internal Revenue Code that  
2 has received a welfare exemption under Section 214.15 of the  
3 Revenue and Taxation Code for properties intended to be sold to  
4 low-income families who participate in a special no-interest loan  
5 program.

6 (C) The local government shall enforce an equity sharing  
7 agreement required pursuant to clause (i) or (ii) of subparagraph  
8 (A), unless it is in conflict with the requirements of another public  
9 funding source or law or may defer to the recapture provisions of  
10 the public funding source. The following apply to the equity  
11 sharing agreement:

12 (i) Upon resale, the seller of the unit shall retain the value of  
13 any improvements, the downpayment, and the seller's proportionate  
14 share of appreciation.

15 (ii) Except as provided in clause (v), the local government shall  
16 recapture any initial subsidy, as defined in clause (iii), and its  
17 proportionate share of appreciation, as defined in clause (iv), which  
18 amount shall be used within five years for any of the purposes  
19 described in subdivision (e) of Section 33334.2 of the Health and  
20 Safety Code that promote homeownership.

21 (iii) For purposes of this subdivision, the local government's  
22 initial subsidy shall be equal to the fair market value of the home  
23 at the time of initial sale minus the initial sale price to the  
24 moderate-income household, plus the amount of any downpayment  
25 assistance or mortgage assistance. If upon resale the market value  
26 is lower than the initial market value, then the value at the time of  
27 the resale shall be used as the initial market value.

28 (iv) For purposes of this subdivision, the local government's  
29 proportionate share of appreciation shall be equal to the ratio of  
30 the local government's initial subsidy to the fair market value of  
31 the home at the time of initial sale.

32 (v) If the unit is purchased or developed by a qualified nonprofit  
33 housing corporation pursuant to clause (ii) of subparagraph (A)  
34 the local government may enter into a contract with the qualified  
35 nonprofit housing corporation under which the qualified nonprofit  
36 housing corporation would recapture any initial subsidy and its  
37 proportionate share of appreciation if the qualified nonprofit  
38 housing corporation is required to use 100 percent of the proceeds  
39 to promote home ownership for lower income households as



1 defined by Section 50079.5 of the Health and Safety Code within  
2 the jurisdiction of the local government.

3 (3) (A) Except as provided in subclause (V) of clause (i) of  
4 subparagraph (F) of paragraph (1) of subdivision (b), an applicant  
5 shall be ineligible for a density bonus or any other incentives or  
6 concessions under this section if the housing development is  
7 proposed on any property that includes a parcel or parcels on which  
8 rental dwelling units are located or, if the dwelling units have been  
9 vacated or demolished in the five-year period preceding the  
10 application, have been subject to a recorded covenant, ordinance,  
11 or law that restricts rents to levels affordable to persons and  
12 families of lower or very low income; subject to any other form  
13 of rent or price control through a public entity's valid exercise of  
14 its police power; or occupied by lower or very low income  
15 households, unless the proposed housing development replaces  
16 those units, and either of the following applies:

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

20 (ii) Each unit in the development, exclusive of a manager's unit  
21 or units, is affordable to, and occupied by, either a lower or very  
22 low income household.

23 (B) For the purposes of this paragraph, "replace" shall mean  
24 either of the following:

25 (i) If any dwelling units described in subparagraph (A) are  
26 occupied on the date of application, the proposed housing  
27 development shall provide at least the same number of units of  
28 equivalent size to be made available at affordable rent or affordable  
29 housing cost to, and occupied by, persons and families in the same  
30 or lower income category as those households in occupancy. If  
31 the income category of the household in occupancy is not known,  
32 it shall be rebuttably presumed that lower income renter households  
33 occupied these units in the same proportion of lower income renter  
34 households to all renter households within the jurisdiction, as  
35 determined by the most recently available data from the United  
36 States Department of Housing and Urban Development's  
37 Comprehensive Housing Affordability Strategy database. For  
38 unoccupied dwelling units described in subparagraph (A) in a  
39 development with occupied units, the proposed housing  
40 development shall provide units of equivalent size to be made

1 available at affordable rent or affordable housing cost to, and  
2 occupied by, persons and families in the same or lower income  
3 category as the last household in occupancy. If the income category  
4 of the last household in occupancy is not known, it shall be  
5 rebuttably presumed that lower income renter households occupied  
6 these units in the same proportion of lower income renter  
7 households to all renter households within the jurisdiction, as  
8 determined by the most recently available data from the United  
9 States Department of Housing and Urban Development's  
10 Comprehensive Housing Affordability Strategy database. All  
11 replacement calculations resulting in fractional units shall be  
12 rounded up to the next whole number. If the replacement units will  
13 be rental dwelling units, these units shall be subject to a recorded  
14 affordability restriction for at least 55 years. If the proposed  
15 development is for-sale units, the units replaced shall be subject  
16 to paragraph (2).

17 (ii) If all dwelling units described in subparagraph (A) have  
18 been vacated or demolished within the five-year period preceding  
19 the application, the proposed housing development shall provide  
20 at least the same number of units of equivalent size as existed at  
21 the highpoint of those units in the five-year period preceding the  
22 application to be made available at affordable rent or affordable  
23 housing cost to, and occupied by, persons and families in the same  
24 or lower income category as those persons and families in  
25 occupancy at that time, if known. If the incomes of the persons  
26 and families in occupancy at the highpoint is not known, it shall  
27 be rebuttably presumed that low-income and very low income  
28 renter households occupied these units in the same proportion of  
29 low-income and very low income renter households to all renter  
30 households within the jurisdiction, as determined by the most  
31 recently available data from the United States Department of  
32 Housing and Urban Development's Comprehensive Housing  
33 Affordability Strategy database. All replacement calculations  
34 resulting in fractional units shall be rounded up to the next whole  
35 number. If the replacement units will be rental dwelling units,  
36 these units shall be subject to a recorded affordability restriction  
37 for at least 55 years. If the proposed development is for-sale units,  
38 the units replaced shall be subject to paragraph (2).

39 (C) Notwithstanding subparagraph (B), for any dwelling unit  
40 described in subparagraph (A) that is or was, within the five-year

1 period preceding the application, subject to a form of rent or price  
2 control through a local government's valid exercise of its police  
3 power and that is or was occupied by persons or families above  
4 lower income, the city, county, or city and county may do either  
5 of the following:

6 (i) Require that the replacement units be made available at  
7 affordable rent or affordable housing cost to, and occupied by,  
8 low-income persons or families. If the replacement units will be  
9 rental dwelling units, these units shall be subject to a recorded  
10 affordability restriction for at least 55 years. If the proposed  
11 development is for-sale units, the units replaced shall be subject  
12 to paragraph (2).

13 (ii) Require that the units be replaced in compliance with the  
14 jurisdiction's rent or price control ordinance, provided that each  
15 unit described in subparagraph (A) is replaced. Unless otherwise  
16 required by the jurisdiction's rent or price control ordinance, these  
17 units shall not be subject to a recorded affordability restriction.

18 (D) For purposes of this paragraph, "equivalent size" means  
19 that the replacement units contain at least the same total number  
20 of bedrooms as the units being replaced.

21 (E) Subparagraph (A) does not apply to an applicant seeking a  
22 density bonus for a proposed housing development if the  
23 applicant's application was submitted to, or processed by, a city,  
24 county, or city and county before January 1, 2015.

25 (d) (1) An applicant for a density bonus pursuant to subdivision  
26 (b) may submit to a city, county, or city and county a proposal for  
27 the specific incentives or concessions that the applicant requests  
28 pursuant to this section, and may request a meeting with the city,  
29 county, or city and county. The city, county, or city and county  
30 shall grant the concession or incentive requested by the applicant  
31 unless the city, county, or city and county makes a written finding,  
32 based upon substantial evidence, of any of the following:

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

38 (B) The concession or incentive would have a specific, adverse  
39 impact, as defined in paragraph (2) of subdivision (d) of Section  
40 65589.5, upon public health and safety or on any real property that

1 is listed in the California Register of Historical Resources and for  
2 which there is no feasible method to satisfactorily mitigate or avoid  
3 the specific, adverse impact without rendering the development  
4 unaffordable to low-income and moderate-income households.

5 (C) The concession or incentive would be contrary to state or  
6 federal law.

7 (2) The applicant shall receive the following number of  
8 incentives or concessions:

9 (A) One incentive or concession for projects that include at least  
10 10 percent of the total units for lower income households, at least  
11 5 percent for very low income households, or at least 10 percent  
12 for persons and families of moderate income in a development in  
13 which the units are for sale.

14 (B) Two incentives or concessions for projects that include at  
15 least 17 percent of the total units for lower income households, at  
16 least 10 percent for very low income households, or at least 20  
17 percent for persons and families of moderate income in a  
18 development in which the units are for sale.

19 (C) Three incentives or concessions for projects that include at  
20 least 24 percent of the total units for lower income households, at  
21 least 15 percent for very low income households, or at least 30  
22 percent for persons and families of moderate income in a  
23 development in which the units are for sale.

24 (D) Five incentives or concessions for a project meeting the  
25 criteria of subparagraph (G) of paragraph (1) of subdivision (b).  
26 If the project is located within one-half mile of a major transit stop  
27 or is located in a very low vehicle travel area in a designated  
28 county, the applicant shall also receive a height increase of up to  
29 three additional stories, or 33 feet.

30 (E) One incentive or concession for projects that include at least  
31 20 percent of the total units for lower income students in a student  
32 housing development. If a project includes at least 23 percent of  
33 the total units for lower income students in a student housing  
34 project, the applicant shall instead receive two incentives or  
35 concessions.

36 (F) Four incentives or concessions for projects that include at  
37 least 16 percent of the units for very low income households or at  
38 least 45 percent for persons and families of moderate income in a  
39 development in which the units are for sale.

1 (3) The applicant may initiate judicial proceedings if the city,  
2 county, or city and county refuses to grant a requested density  
3 bonus, incentive, or concession. If a court finds that the refusal to  
4 grant a requested density bonus, incentive, or concession is in  
5 violation of this section, the court shall award the plaintiff  
6 reasonable attorney's fees and costs of suit. This subdivision shall  
7 not be interpreted to require a local government to grant an  
8 incentive or concession that has a specific, adverse impact, as  
9 defined in paragraph (2) of subdivision (d) of Section 65589.5,  
10 upon health or safety, and for which there is no feasible method  
11 to satisfactorily mitigate or avoid the specific, adverse impact.  
12 This subdivision shall not be interpreted to require a local  
13 government to grant an incentive or concession that would have  
14 an adverse impact on any real property that is listed in the  
15 California Register of Historical Resources. The city, county, or  
16 city and county shall establish procedures for carrying out this  
17 section that shall include legislative body approval of the means  
18 of compliance with this section.

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

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

shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

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

(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

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

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

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5

1	18	32
2	19	33.5
3	20	35
4	21	38.75
5	22	42.5
6	23	46.25
7	24	50

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

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

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

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

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Lower Income Units	Percentage Density Bonus
20	35
21	38.75
22	42.5

1 23 46.25  
 2 24 50

3

4 (D) For housing developments meeting the criteria of  
 5 subparagraph (G) of paragraph (1) of subdivision (b), the following  
 6 shall apply:

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

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

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

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

19

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



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

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

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

	Percentage Very Low Income	Percentage Density Bonus
29		
30	10	15
31	11	16
32	12	17
33	13	18
34	14	19
35	15	20
36	16	21
37	17	22
38	18	23
39	19	24
40	20	25

1	21	26
2	22	27
3	23	28
4	24	29
5	25	30
6	26	31
7	27	32
8	28	33
9	29	34
10	30	35

11  
12 (2) This increase shall be in addition to any increase in density  
13 mandated by subdivision (b), up to a maximum combined mandated  
14 density increase of 35 percent if an applicant seeks an increase  
15 pursuant to both this subdivision and subdivision (b). All density  
16 calculations resulting in fractional units shall be rounded up to the  
17 next whole number. Nothing in this subdivision shall be construed  
18 to enlarge or diminish the authority of a city, county, or city and  
19 county to require a developer to donate land as a condition of  
20 development. An applicant shall be eligible for the increased  
21 density bonus described in this subdivision if all of the following  
22 conditions are met:

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

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

31 (C) The transferred land is at least one acre in size or of  
32 sufficient size to permit development of at least 40 units, has the  
33 appropriate general plan designation, is appropriately zoned with  
34 appropriate development standards for development at the density  
35 described in paragraph (3) of subdivision (c) of Section 65583.2,  
36 and is or will be served by adequate public facilities and  
37 infrastructure.

38 (D) The transferred land shall have all of the permits and  
39 approvals, other than building permits, necessary for the  
40 development of the very low income housing units on the

1 transferred land, not later than the date of approval of the final  
2 subdivision map, parcel map, or residential development  
3 application, except that the local government may subject the  
4 proposed development to subsequent design review to the extent  
5 authorized by subdivision (i) of Section 65583.2 if the design is  
6 not reviewed by the local government before the time of transfer.

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

11 (F) The land is transferred to the local agency or to a housing  
12 developer approved by the local agency. The local agency may  
13 require the applicant to identify and transfer the land to the  
14 developer.

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

18 (H) A proposed source of funding for the very low income units  
19 shall be identified not later than the date of approval of the final  
20 subdivision map, parcel map, or residential development  
21 application.

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

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

30 (B) An additional concession or incentive that contributes  
31 significantly to the economic feasibility of the construction of the  
32 childcare facility.

33 (2) The city, county, or city and county shall require, as a  
34 condition of approving the housing development, that the following  
35 occur:

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

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

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

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

(i) ~~(1)~~ “Housing development,” as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

~~(2) For the purposes of this section, “mixed-use developments” has the same meaning as that term is used in subparagraph (B) of paragraph (2) of subdivision (h) of Section 65589.5.~~

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision,

1 “study” does not include reasonable documentation to establish  
2 eligibility for the concession or incentive or to demonstrate that  
3 the incentive or concession meets the definition set forth in  
4 subdivision (k). This provision is declaratory of existing law.

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

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

11 (1) A reduction in site development standards or a modification  
12 of zoning code requirements or architectural design requirements  
13 that exceed the minimum building standards approved by the  
14 California Building Standards Commission as provided in Part 2.5  
15 (commencing with Section 18901) of Division 13 of the Health  
16 and Safety Code, including, but not limited to, a reduction in  
17 setback and square footage requirements and in the ratio of  
18 vehicular parking spaces that would otherwise be required that  
19 results in identifiable and actual cost reductions, to provide for  
20 affordable housing costs, as defined in Section 50052.5 of the  
21 Health and Safety Code, or for rents for the targeted units to be  
22 set as specified in subdivision (c).

23 (2) Approval of mixed-use zoning in conjunction with the  
24 housing project if commercial, office, industrial, or other land uses  
25 will reduce the cost of the housing development and if the  
26 commercial, office, industrial, or other land uses are compatible  
27 with the housing project and the existing or planned development  
28 in the area where the proposed housing project will be located.

29 (3) Other regulatory incentives or concessions proposed by the  
30 developer or the city, county, or city and county that result in  
31 identifiable and actual cost reductions to provide for affordable  
32 housing costs, as defined in Section 50052.5 of the Health and  
33 Safety Code, or for rents for the targeted units to be set as specified  
34 in subdivision (c).

35 *(l) (1) Subdivision (e) and subdivision (k) do not require a city,*  
36 *county, or city and county to approve, to grant a concession or*  
37 *incentive requiring approval of, or to waive or reduce development*  
38 *standards otherwise applicable to, a hotel, motel, bed and breakfast*  
39 *inn, or other transient lodging, other than a residential hotel, as*  
40 *defined in Section 50519 of the Health and Safety Code, as part*

1 of a housing development subject to this section. For purposes of  
2 this paragraph, “other transient lodging” does not include a  
3 resident’s use or marketing of their unit as short-term lodging, as  
4 defined in Section 17568.8 of the Business and Professions Code,  
5 subsequent to the issuance of a certificate of occupancy in a  
6 manner otherwise consistent with local law.

7 (⊕)

8 (2) Subdivision (k) does not limit or require the provision of  
9 direct financial incentives for the housing development, including  
10 the provision of publicly owned land, by the city, county, or city  
11 and county, or the waiver of fees or dedication requirements.

12 (m) This section does not supersede or in any way alter or lessen  
13 the effect or application of the California Coastal Act of 1976  
14 (Division 20 (commencing with Section 30000) of the Public  
15 Resources Code). Any density bonus, concessions, incentives,  
16 waivers or reductions of development standards, and parking ratios  
17 to which the applicant is entitled under this section shall be  
18 permitted in a manner that is consistent with this section and  
19 Division 20 (commencing with Section 30000) of the Public  
20 Resources Code.

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

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

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

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

1 local condition, law, policy, resolution, or regulation that is adopted  
2 by the local government or that is enacted by the local  
3 government's electorate exercising its local initiative or referendum  
4 power, whether that power is derived from the California  
5 Constitution, statute, or the charter or ordinances of the local  
6 government.

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

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

27 (5) "Major transit stop" has the same meaning as defined in  
28 subdivision (b) of Section 21155 of the Public Resources Code.

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

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

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

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

27 (ii) A “shared housing building” may include other dwelling  
28 units that are not shared housing units, provided that those dwelling  
29 units do not occupy more than 25 percent of the floor area of the  
30 shared housing building. A shared housing building may include  
31 100 percent shared housing units.

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



1 section, the local definition shall apply to the extent that it does  
2 not conflict with the requirements of this section.

3 (ii) “Shared housing unit” for purposes of a residential care  
4 facility for the elderly, as defined in Section 1569.2 of the Health  
5 and Safety Code, includes a unit without an individual kitchen  
6 where a unit may be shared by unrelated persons, and a unit where  
7 a room that may be shared by unrelated persons meets the  
8 “minimum room area” requirements of clause (i).

9 (8) “Student housing development” means a development that  
10 contains bedrooms containing two or more bedspaces that have a  
11 shared or private bathroom, access to a shared or private living  
12 room and laundry facilities, and access to a shared or private  
13 kitchen.

14 (9) (A) “Total units” or “total dwelling units” means a  
15 calculation of the number of units that:

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

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

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

24 (10) “Very low vehicle travel area” means an urbanized area,  
25 as designated by the United States Census Bureau, where the  
26 existing residential development generates vehicle miles traveled  
27 per capita that is below 85 percent of either regional vehicle miles  
28 traveled per capita or city vehicle miles traveled per capita. For  
29 purposes of this paragraph, “area” may include a travel analysis  
30 zone, hexagon, or grid. For the purposes of determining “regional  
31 vehicle miles traveled per capita” pursuant to this paragraph, a  
32 “region” is the entirety of incorporated and unincorporated areas  
33 governed by a multicounty or single-county metropolitan planning  
34 organization, or the entirety of the incorporated and unincorporated  
35 areas of an individual county that is not part of a metropolitan  
36 planning organization.

37 (p) (1) Except as provided in paragraphs (2), (3), and (4), upon  
38 the request of the developer, a city, county, or city and county shall  
39 not require a vehicular parking ratio, inclusive of parking for  
40 persons with a disability and guests, of a development meeting the

1 criteria of subdivisions (b) and (c), that exceeds the following  
2 ratios:

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

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

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

7 (D) One bedspace in a student housing development: zero  
8 parking spaces.

9 (2) (A) Notwithstanding paragraph (1), if a development  
10 includes at least 20 percent low-income units for housing  
11 developments meeting the criteria of subparagraph (A) of paragraph  
12 (1) of subdivision (b) or at least 11 percent very low income units  
13 for housing developments meeting the criteria of subparagraph  
14 (B) of paragraph (1) of subdivision (b), is located within one-half  
15 mile of a major transit stop, and there is unobstructed access to  
16 the major transit stop from the development, then, upon the request  
17 of the developer, a city, county, or city and county shall not impose  
18 a vehicular parking ratio, inclusive of parking for persons with a  
19 disability and guests, that exceeds 0.5 spaces per unit.  
20 Notwithstanding paragraph (1), if a development includes at least  
21 40 percent moderate-income units for housing developments  
22 meeting the criteria of subparagraph (D) of paragraph (1) of  
23 subdivision (b), is located within one-half mile of a major transit  
24 stop, as defined in subdivision (b) of Section 21155 of the Public  
25 Resources Code, and the residents of the development have  
26 unobstructed access to the major transit stop from the development  
27 then, upon the request of the developer, a city, county, or city and  
28 county shall not impose a vehicular parking ratio, inclusive of  
29 parking for persons with a disability and guests, that exceeds 0.5  
30 spaces per bedroom.

31 (B) For purposes of this subdivision, “unobstructed access to  
32 the major transit stop” means a resident is able to access the major  
33 transit stop without encountering natural or constructed  
34 impediments. For purposes of this subparagraph, “natural or  
35 constructed impediments” includes, but is not limited to, freeways,  
36 rivers, mountains, and bodies of water, but does not include  
37 residential structures, shopping centers, parking lots, or rails used  
38 for transit.

39 (3) Notwithstanding paragraph (1), if a development meets the  
40 criteria of subparagraph (G) of paragraph (1) of subdivision (b),

1 then, upon the request of the developer, a city, county, or city and  
2 county shall not impose vehicular parking standards if the  
3 development meets any of the following criteria:

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

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

13 (C) The development is either a special needs housing  
14 development, as defined in Section 51312 of the Health and Safety  
15 Code, or a supportive housing development, as defined in Section  
16 50675.14 of the Health and Safety Code. A development that is a  
17 special needs housing development shall have either paratransit  
18 service or unobstructed access, within one-half mile, to fixed bus  
19 route service that operates at least eight times per day.

20 (4) If the total number of parking spaces required for a  
21 development is other than a whole number, the number shall be  
22 rounded up to the next whole number. For purposes of this  
23 subdivision, a development may provide onsite parking through  
24 tandem parking or uncovered parking, but not through onstreet  
25 parking.

26 (5) This subdivision shall apply to a development that meets  
27 the requirements of subdivisions (b) and (c), but only at the request  
28 of the applicant. An applicant may request parking incentives or  
29 concessions beyond those provided in this subdivision pursuant  
30 to subdivision (d).

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

34 (7) Notwithstanding paragraphs (2) and (3), if a city, county,  
35 city and county, or an independent consultant has conducted an  
36 areawide or jurisdictionwide parking study in the last seven years,  
37 then the city, county, or city and county may impose a higher  
38 vehicular parking ratio not to exceed the ratio described in  
39 paragraph (1), based upon substantial evidence found in the parking  
40 study, that includes, but is not limited to, an analysis of parking

1 availability, differing levels of transit access, walkability access  
2 to transit services, the potential for shared parking, the effect of  
3 parking requirements on the cost of market-rate and subsidized  
4 developments, and the lower rates of car ownership for low-income  
5 and very low income individuals, including seniors and special  
6 needs individuals. The city, county, or city and county shall pay  
7 the costs of any new study. The city, county, or city and county  
8 shall make findings, based on a parking study completed in  
9 conformity with this paragraph, supporting the need for the higher  
10 parking ratio.

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

14 (q) Each component of any density calculation, including base  
15 density and bonus density, resulting in fractional units shall be  
16 separately rounded up to the next whole number. The Legislature  
17 finds and declares that this provision is declaratory of existing law.

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

20 (s) Notwithstanding any other law, if a city, including a charter  
21 city, county, or city and county has adopted an ordinance or a  
22 housing program, or both an ordinance and a housing program,  
23 that incentivizes the development of affordable housing that allows  
24 for density bonuses that exceed the density bonuses required by  
25 the version of this section effective through December 31, 2020,  
26 that city, county, or city and county is not required to amend or  
27 otherwise update its ordinance or corresponding affordable housing  
28 incentive program to comply with the amendments made to this  
29 section by the act adding this subdivision, and is exempt from  
30 complying with the incentive and concession calculation  
31 amendments made to this section by the act adding this subdivision  
32 as set forth in subdivision (d), particularly subparagraphs (B) and  
33 (C) of paragraph (2) of that subdivision, and the amendments made  
34 to the density tables under subdivision (f).

35 (t) When an applicant proposes to construct a housing  
36 development that conforms to the requirements of subparagraph  
37 (A) or (B) of paragraph (1) of subdivision (b) that is a shared  
38 housing building, the city, county, or city and county shall not  
39 require any minimum unit size requirements or minimum bedroom

1 requirements that are in conflict with paragraph (7) of subdivision  
2 (o).

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

11 (2) It is therefore the intent of the Legislature to make  
12 modifications to the Density Bonus Law by the act adding this  
13 subdivision to further incentivize the construction of very low,  
14 low-, and moderate-income housing units. It is further the intent  
15 of the Legislature in making these modifications to the Density  
16 Bonus Law to ensure that any additional benefits conferred upon  
17 a developer are balanced with the receipt of a public benefit in the  
18 form of adequate levels of affordable housing. The Legislature  
19 further intends that these modifications will ensure that the Density  
20 Bonus Law creates incentives for the construction of more housing  
21 across all areas of the state.

22 (v) (1) Provided that the resulting housing development would  
23 not restrict more than 50 percent of the total units to  
24 moderate-income, lower income, or very low income households,  
25 a city, county, or city and county shall grant an additional density  
26 bonus calculated pursuant to paragraph (2) when an applicant  
27 proposes to construct a housing development that conforms to the  
28 requirements of paragraph (1) of subdivision (b), agrees to include  
29 additional rental or for-sale units affordable to very low income  
30 households or moderate-income households, and meets any of the  
31 following requirements:

32 (A) The housing development conforms to the requirements of  
33 subparagraph (A) of paragraph (1) of subdivision (b) and provides  
34 24 percent of the total units to lower income households.

35 (B) The housing development conforms to the requirements of  
36 subparagraph (B) of paragraph (1) of subdivision (b) and provides  
37 15 percent of the total units to very low income households.

38 (C) The housing development conforms to the requirements of  
39 subparagraph (D) of paragraph (1) of subdivision (b) and provides  
40 44 percent of the total units to moderate-income households.

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

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

Percentage Moderate-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3) The increase required by paragraphs (1) and (2) shall be in addition to any increase in density granted by subdivision (b).

(4) The additional density bonus required under this subdivision shall be calculated using the number of units excluding any density bonus awarded by this section.

*(w) A city, county, or city and county may, but is not required to, provide under this section a concession or incentive or waiver or reduction of development standards that allows for an increase in floor area to the nonresidential portion of, or any parking not required by any other section of law for, a housing development.*

~~SEC. 2.— If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made~~

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

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