

AMENDED IN ASSEMBLY JUNE 23, 2025

AMENDED IN SENATE MAY 5, 2025

AMENDED IN SENATE MARCH 10, 2025

SENATE BILL

No. 92

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

January 22, 2025

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.

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, 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, *units* and meets other requirements.

This bill would specify that *a concession and incentive shall not result in a proposed project with a specified commercial floor area ratio. The bill would also 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.

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

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

23 (A) Adopt procedures and timelines for processing a density
24 bonus application.

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

29 (C) Notify the applicant for a density bonus whether the
30 application is complete in a manner consistent with the timelines
31 specified in Section 65943.

1 (D) (i) If the local government notifies the applicant that the
2 application is deemed complete pursuant to subparagraph (C),
3 provide the applicant with a determination as to the following
4 matters:

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

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

9 (III) If the applicant requests incentives or concessions pursuant
10 to subdivision (d) or waivers or reductions of development
11 standards pursuant to subdivision (e), whether the applicant has
12 provided adequate information for the local government to make
13 a determination as to those incentives, concessions, waivers, or
14 reductions of development standards.

15 (ii) Any determination required by this subparagraph shall be
16 based on the development project at the time the application is
17 deemed complete. The local government shall adjust the amount
18 of density bonus and parking ratios awarded pursuant to this section
19 based on any changes to the project during the course of
20 development.

21 (b) (1) A city, county, or city and county shall grant one density
22 bonus, the amount of which shall be as specified in subdivision
23 (f), and, if requested by the applicant and consistent with the
24 applicable requirements of this section, incentives or concessions,
25 as described in subdivision (d), waivers or reductions of
26 development standards, as described in subdivision (e), and parking
27 ratios, as described in subdivision (p), if an applicant for a housing
28 development seeks and agrees to construct a housing development,
29 excluding any units permitted by the density bonus awarded
30 pursuant to this section, that will contain at least any one of the
31 following:

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

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

1 (C) A senior citizen housing development, as defined in Sections
2 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits
3 residency based on age requirements for housing for older persons
4 pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes
5 of this subparagraph, “development” includes a shared housing
6 building development and a residential care facility for the elderly,
7 as defined in Section 1569.2 of the Health and Safety Code.

8 (D) Ten percent of the total dwelling units of a housing
9 development are sold to persons and families of moderate income,
10 as defined in Section 50093 of the Health and Safety Code,
11 provided that all units in the development are offered to the public
12 for purchase.

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

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

24 (I) All units in the student housing development shall be used
25 exclusively for undergraduate, graduate, or professional students
26 enrolled currently or in the past six months in at least six units at
27 an institution of higher education accredited by the Western
28 Association of Schools and Colleges or the Accrediting
29 Commission for Community and Junior Colleges. In order to be
30 eligible under this subclause, the developer shall, as a condition
31 of receiving a certificate of occupancy, provide evidence to the
32 city, county, or city and county that the developer has done any
33 one of the following:

34 (ia) Entered into an operating agreement or master lease with
35 one or more institutions of higher education for the institution or
36 institutions to occupy all units of the student housing development
37 with students from that institution or institutions. An operating
38 agreement or master lease entered into pursuant to this subclause
39 is not violated or breached if, in any subsequent year, there are

1 insufficient students enrolled in an institution of higher education
2 to fill all units in the student housing development.

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

6 (II) The applicable units in the student housing development
7 for lower income students shall be used for and occupied by lower
8 income students.

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

13 (IV) The development shall provide priority for the applicable
14 affordable units for lower income students experiencing
15 homelessness. A homeless service provider, as defined in paragraph
16 (3) of subdivision (e) of Section 103577 of the Health and Safety
17 Code, or institution of higher education that has knowledge of a
18 person's homeless status may verify a person's status as homeless
19 for purposes of this subclause.

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

24 (ii) For purposes of calculating a density bonus granted pursuant
25 to this subparagraph, the term "unit" as used in this section means
26 one rental bed and its pro rata share of associated common area
27 facilities. The units described in this subparagraph are subject to
28 a recorded affordability restriction of 55 years, which shall not tie
29 any rental bed reserved for lower income students to a specific
30 bedroom. Notwithstanding any other law, an affordability
31 restriction provision, state or county law or policy, or property
32 management policy shall not prevent a lower income student from
33 sharing a room or unit with a nonlower income student. Any
34 attempted waiver of the requirements of this clause is void as
35 against public policy.

36 (G) One hundred percent of all units in the development,
37 including total units and density bonus units, but exclusive of a
38 manager's unit or units, are for lower income households, as
39 defined by Section 50079.5 of the Health and Safety Code, except
40 that up to 20 percent of the units in the development, including

1 total units and density bonus units, may be for moderate-income
2 households, as defined in Section 50053 of the Health and Safety
3 Code. For purposes of this subparagraph, “development” includes
4 a shared housing building development.

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

10 (c) (1) (A) An applicant shall agree to, and the city, county,
11 or city and county shall ensure, the continued affordability of all
12 very low and low-income rental units that qualified the applicant
13 for the award of the density bonus for 55 years or a longer period
14 of time if required by the construction or mortgage financing
15 assistance program, mortgage insurance program, or rental subsidy
16 program.

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

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

24 (I) The rent for at least 20 percent of the units in the
25 development shall be set at an affordable rent, as defined in Section
26 50053 of the Health and Safety Code.

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

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

35 (i) The unit is initially sold to and occupied by a person or family
36 of very low, low, or moderate income, as required, and it is offered
37 at an affordable housing cost, as that cost is defined in Section
38 50052.5 of the Health and Safety Code and is subject to an equity
39 sharing agreement.

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

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

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

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

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

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

37 (C) The local government shall enforce an equity sharing
38 agreement required pursuant to clause (i) or (ii) of subparagraph
39 (A), unless it is in conflict with the requirements of another public
40 funding source or law or may defer to the recapture provisions of

1 the public funding source. The following apply to the equity
2 sharing agreement:

3 (i) Upon resale, the seller of the unit shall retain the value of
4 any improvements, the downpayment, and the seller's proportionate
5 share of appreciation.

6 (ii) Except as provided in clause (v), the local government shall
7 recapture any initial subsidy, as defined in clause (iii), and its
8 proportionate share of appreciation, as defined in clause (iv), which
9 amount shall be used within five years for any of the purposes
10 described in subdivision (e) of Section 33334.2 of the Health and
11 Safety Code that promote ~~homeownership~~. *home ownership*.

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

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

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

33 (3) (A) Except as provided in subclause (V) of clause (i) of
34 subparagraph (F) of paragraph (1) of subdivision (b), an applicant
35 shall be ineligible for a density bonus or any other incentives or
36 concessions under this section if the housing development is
37 proposed on any property that includes a parcel or parcels on which
38 rental dwelling units are located or, if the dwelling units have been
39 vacated or demolished in the five-year period preceding the
40 application, have been subject to a recorded covenant, ordinance,

1 or law that restricts rents to levels affordable to persons and
2 families of lower or very low income; subject to any other form
3 of rent or price control through a public entity’s valid exercise of
4 its police power; or occupied by lower or very low income
5 households, unless the proposed housing development replaces
6 those units, and either of the following applies:

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

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

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

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

1 replacement calculations resulting in fractional units shall be
2 rounded up to the next whole number. If the replacement units will
3 be rental dwelling units, these units shall be subject to a recorded
4 affordability restriction for at least 55 years. If the proposed
5 development is for-sale units, the units replaced shall be subject
6 to paragraph (2).

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

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

36 (i) Require that the replacement units be made available at
37 affordable rent or affordable housing cost to, and occupied by,
38 low-income persons or families. If the replacement units will be
39 rental dwelling units, these units shall be subject to a recorded
40 affordability restriction for at least 55 years. If the proposed

1 development is for-sale units, the units replaced shall be subject
2 to paragraph (2).

3 (ii) Require that the units be replaced in compliance with the
4 jurisdiction’s rent or price control ordinance, provided that each
5 unit described in subparagraph (A) is replaced. Unless otherwise
6 required by the jurisdiction’s rent or price control ordinance, these
7 units shall not be subject to a recorded affordability restriction.

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

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

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

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

28 (B) The concession or incentive would have a specific, adverse
29 impact, as defined in paragraph (2) of subdivision (d) of Section
30 65589.5, upon public health and safety or on any real property that
31 is listed in the California Register of Historical Resources and for
32 which there is no feasible method to satisfactorily mitigate or avoid
33 the specific, adverse impact without rendering the development
34 unaffordable to low-income and moderate-income households.

35 (C) The concession or incentive would be contrary to state or
36 federal law.

37 (2) The applicant shall receive the following number of
38 incentives or concessions:

39 (A) One incentive or concession for projects that include at least
40 10 percent of the total units for lower income households, at least

1 5 percent for very low income households, or at least 10 percent
2 for persons and families of moderate income in a development in
3 which the units are for sale.

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

9 (C) Three incentives or concessions for projects that include at
10 least 24 percent of the total units for lower income households, at
11 least 15 percent for very low income households, or at least 30
12 percent for persons and families of moderate income in a
13 development in which the units are for sale.

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

20 (E) One incentive or concession for projects that include at least
21 20 percent of the total units for lower income students in a student
22 housing development. If a project includes at least 23 percent of
23 the total units for lower income students in a student housing
24 project, the applicant shall instead receive two incentives or
25 concessions.

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

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
 10 to the city, county, or city and county, or, if elected by the
 11 applicant, a lesser percentage of density increase, including, but
 12 not limited to, no increase in density. The amount of density
 13 increase to which the applicant is entitled shall vary according to
 14 the amount by which the percentage of affordable housing units
 15 exceeds the 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:

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

| | Percentage Very Low Income Units | Percentage Density Bonus |
|----|----------------------------------|--------------------------|
| 1 | | |
| 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 calculated as follows:

| | Percentage Lower Income Units | Percentage Density Bonus |
|----|-------------------------------|--------------------------|
| 24 | | |
| 25 | | |
| 26 | 20 | 35 |
| 27 | 21 | 38.75 |
| 28 | 22 | 42.5 |
| 29 | 23 | 46.25 |
| 30 | 24 | 50 |

31
32 (D) For housing developments meeting the criteria of
33 subparagraph (G) of paragraph (1) of subdivision (b), the following
34 shall apply:

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

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

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

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

| | Percentage Moderate-Income Units | Percentage Density Bonus |
|----|----------------------------------|--------------------------|
| 7 | | |
| 8 | | |
| 9 | 10 | 5 |
| 10 | 11 | 6 |
| 11 | 12 | 7 |
| 12 | 13 | 8 |
| 13 | 14 | 9 |
| 14 | 15 | 10 |
| 15 | 16 | 11 |
| 16 | 17 | 12 |
| 17 | 18 | 13 |
| 18 | 19 | 14 |
| 19 | 20 | 15 |
| 20 | 21 | 16 |
| 21 | 22 | 17 |
| 22 | 23 | 18 |
| 23 | 24 | 19 |
| 24 | 25 | 20 |
| 25 | 26 | 21 |
| 26 | 27 | 22 |
| 27 | 28 | 23 |
| 28 | 29 | 24 |
| 29 | 30 | 25 |
| 30 | 31 | 26 |
| 31 | 32 | 27 |
| 32 | 33 | 28 |
| 33 | 34 | 29 |
| 34 | 35 | 30 |
| 35 | 36 | 31 |
| 36 | 37 | 32 |
| 37 | 38 | 33 |
| 38 | 39 | 34 |
| 39 | 40 | 35 |
| 40 | 41 | 38.75 |

| | | |
|---|----|-------|
| 1 | 42 | 42.5 |
| 2 | 43 | 46.25 |
| 3 | 44 | 50 |

4
5 (5) All density calculations resulting in fractional units shall be
6 rounded up to the next whole number. The granting of a density
7 bonus shall not require, or be interpreted, in and of itself, to require
8 a general plan amendment, local coastal plan amendment, zoning
9 change, or other discretionary approval.

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

| 16 | Percentage Very Low Income | Percentage Density Bonus |
|----|----------------------------|--------------------------|
| 17 | | |
| 18 | 10 | 15 |
| 19 | 11 | 16 |
| 20 | 12 | 17 |
| 21 | 13 | 18 |
| 22 | 14 | 19 |
| 23 | 15 | 20 |
| 24 | 16 | 21 |
| 25 | 17 | 22 |
| 26 | 18 | 23 |
| 27 | 19 | 24 |
| 28 | 20 | 25 |
| 29 | 21 | 26 |
| 30 | 22 | 27 |
| 31 | 23 | 28 |
| 32 | 24 | 29 |
| 33 | 25 | 30 |
| 34 | 26 | 31 |
| 35 | 27 | 32 |
| 36 | 28 | 33 |
| 37 | 29 | 34 |
| 38 | 30 | 35 |
| 39 | | |

1 (2) This increase shall be in addition to any increase in density
2 mandated by subdivision (b), up to a maximum combined mandated
3 density increase of 35 percent if an applicant seeks an increase
4 pursuant to both this subdivision and subdivision (b). All density
5 calculations resulting in fractional units shall be rounded up to the
6 next whole number. Nothing in this subdivision shall be construed
7 to enlarge or diminish the authority of a city, county, or city and
8 county to require a developer to donate land as a condition of
9 development. An applicant shall be eligible for the increased
10 density bonus described in this subdivision if all of the following
11 conditions are met:

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

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

20 (C) The transferred land is at least one acre in size or of
21 sufficient size to permit development of at least 40 units, has the
22 appropriate general plan designation, is appropriately zoned with
23 appropriate development standards for development at the density
24 described in paragraph (3) of subdivision (c) of Section 65583.2,
25 and is or will be served by adequate public facilities and
26 infrastructure.

27 (D) The transferred land shall have all of the permits and
28 approvals, other than building permits, necessary for the
29 development of the very low income housing units on the
30 transferred land, not later than the date of approval of the final
31 subdivision map, parcel map, or residential development
32 application, except that the local government may subject the
33 proposed development to subsequent design review to the extent
34 authorized by subdivision (i) of Section 65583.2 if the design is
35 not reviewed by the local government before the time of transfer.

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

1 (F) The land is transferred to the local agency or to a housing
2 developer approved by the local agency. The local agency may
3 require the applicant to identify and transfer the land to the
4 developer.

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

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

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

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

20 (B) An additional concession or incentive that contributes
21 significantly to the economic feasibility of the construction of the
22 childcare facility.

23 (2) The city, county, or city and county shall require, as a
24 condition of approving the housing development, that the following
25 occur:

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

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

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

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

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

23 (j) (1) The granting of a concession or incentive shall not require
24 or be interpreted, in and of itself, to require a general plan
25 amendment, local coastal plan amendment, zoning change, study,
26 or other discretionary approval. For purposes of this subdivision,
27 “study” does not include reasonable documentation to establish
28 eligibility for the concession or incentive or to demonstrate that
29 the incentive or concession meets the definition set forth in
30 subdivision (k). This provision is declaratory of existing law.

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

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

37 (1) A reduction in site development standards or a modification
38 of zoning code requirements or architectural design requirements
39 that exceed the minimum building standards approved by the
40 California Building Standards Commission as provided in Part 2.5

1 (commencing with Section 18901) of Division 13 of the Health
2 and Safety Code, including, but not limited to, a reduction in
3 setback and square footage requirements and in the ratio of
4 vehicular parking spaces that would otherwise be required that
5 results in identifiable and actual cost reductions, to provide for
6 affordable housing costs, as defined in Section 50052.5 of the
7 Health and Safety Code, or for rents for the targeted units to be
8 set as specified in subdivision (c).

9 (2) Approval of mixed-use zoning in conjunction with the
10 housing project if commercial, office, industrial, or other land uses
11 will reduce the cost of the housing development and if the
12 commercial, office, industrial, or other land uses are compatible
13 with the housing project and the existing or planned development
14 in the area where the proposed housing project will be located.

15 (3) Other regulatory incentives or concessions proposed by the
16 developer or the city, county, or city and county that result in
17 identifiable and actual cost reductions to provide for affordable
18 housing costs, as defined in Section 50052.5 of the Health and
19 Safety Code, or for rents for the targeted units to be set as specified
20 in subdivision (c).

21 *(l) (1) A concession or incentive shall not result in a proposed*
22 *project with a commercial floor area ratio that is greater than two*
23 *and a half times the premises' current allowed base zone*
24 *commercial floor area ratio.*

25 ~~(l) (1)~~

26 (2) Subdivision (e) and subdivision (k) do not require a city,
27 county, or city and county to approve, to grant a concession or
28 incentive requiring approval of, or to waive or reduce development
29 standards otherwise applicable to, a hotel, motel, bed and breakfast
30 inn, or other transient lodging, other than a residential hotel, as
31 defined in Section 50519 of the Health and Safety Code, as part
32 of a housing development subject to this section. For purposes of
33 this paragraph, "other transient lodging" does not include a
34 resident's use or marketing of their unit as short-term lodging, as
35 defined in Section 17568.8 of the Business and Professions Code,
36 subsequent to the issuance of a certificate of occupancy in a manner
37 otherwise consistent with local law.

38 ~~(2)~~

39 (3) Subdivision (k) does not limit or require the provision of
40 direct financial incentives for the housing development, including

1 the provision of publicly owned land, by the city, county, or city
2 and county, or the waiver of fees or dedication requirements.

3 (m) This section does not supersede or in any way alter or lessen
4 the effect or application of the California Coastal Act of 1976
5 (Division 20 (commencing with Section 30000) of the Public
6 Resources Code). Any density bonus, concessions, incentives,
7 waivers or reductions of development standards, and parking ratios
8 to which the applicant is entitled under this section shall be
9 permitted in a manner that is consistent with this section and
10 Division 20 (commencing with Section 30000) of the Public
11 Resources Code.

12 (n) If permitted by local ordinance, nothing in this section shall
13 be construed to prohibit a city, county, or city and county from
14 granting a density bonus greater than what is described in this
15 section for a development that meets the requirements of this
16 section or from granting a proportionately lower density bonus
17 than what is required by this section for developments that do not
18 meet the requirements of this section.

19 (o) For purposes of this section, the following definitions shall
20 apply:

21 (1) “Designated county” includes the Counties of Alameda,
22 Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside,
23 Sacramento, San Bernardino, San Diego, San Mateo, Santa
24 Barbara, Santa Clara, Solano, Sonoma, and Ventura, and the City
25 and County of San Francisco.

26 (2) “Development standard” includes a site or construction
27 condition, including, but not limited to, a height limitation, a
28 setback requirement, a floor area ratio, an onsite open-space
29 requirement, a minimum lot area per unit requirement, or a parking
30 ratio that applies to a residential development pursuant to any
31 ordinance, general plan element, specific plan, charter, or other
32 local condition, law, policy, resolution, or regulation that is adopted
33 by the local government or that is enacted by the local
34 government’s electorate exercising its local initiative or referendum
35 power, whether that power is derived from the California
36 Constitution, statute, or the charter or ordinances of the local
37 government.

38 (3) “Located within one-half mile of a major transit stop” means
39 that any point on a proposed development, for which an applicant
40 seeks a density bonus, other incentives or concessions, waivers or

1 reductions of development standards, or a vehicular parking ratio
2 pursuant to this section, is within one-half mile of any point on
3 the property on which a major transit stop is located, including
4 any parking lot owned by the transit authority or other local agency
5 operating the major transit stop.

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

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

20 (6) “Maximum allowable residential density” or “base density”
21 means the greatest number of units allowed under the zoning
22 ordinance, specific plan, or land use element of the general plan,
23 or, if a range of density is permitted, means the greatest number
24 of units allowed by the specific zoning range, specific plan, or land
25 use element of the general plan applicable to the project. Density
26 shall be determined using dwelling units per acre. However, if the
27 applicable zoning ordinance, specific plan, or land use element of
28 the general plan does not provide a dwelling-units-per-acre standard
29 for density, then the local agency shall calculate the number of
30 units by:

31 (A) Estimating the realistic development capacity of the site
32 based on the objective development standards applicable to the
33 project, including, but not limited to, floor area ratio, site coverage,
34 maximum building height and number of stories, building setbacks
35 and setbacks, public and private open-space requirements,
36 minimum percentage or square footage of any nonresidential
37 component, and parking requirements, unless not required for the
38 base project. Parking requirements shall include considerations
39 regarding number of spaces, location, design, type, and circulation.
40 A developer may provide a base density study and the local agency

1 shall accept it, provided that it includes all applicable objective
2 development standards.

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

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

17 (ii) A “shared housing building” may include other dwelling
18 units that are not shared housing units, provided that those dwelling
19 units do not occupy more than 25 percent of the floor area of the
20 shared housing building. A shared housing building may include
21 100 percent shared housing units.

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

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

39 (8) “Student housing development” means a development that
40 contains bedrooms containing two or more bedspaces that have a

1 shared or private bathroom, access to a shared or private living
2 room and laundry facilities, and access to a shared or private
3 kitchen.

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

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

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

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

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

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

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

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

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

37 (D) One bedspace in a student housing development: zero
38 parking spaces.

39 (2) (A) Notwithstanding paragraph (1), if a development
40 includes at least 20 percent low-income units for housing

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

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

29 (3) Notwithstanding paragraph (1), if a development meets the
30 criteria of subparagraph (G) of paragraph (1) of subdivision (b),
31 then, upon the request of the developer, a city, county, or city and
32 county shall not impose vehicular parking standards if the
33 development meets any of the following criteria:

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

37 (B) The development is a for-rent housing development for
38 individuals who are 55 years of age or older that complies with
39 Sections 51.2 and 51.3 of the Civil Code and the development has
40 either paratransit service or unobstructed access, within one-half

1 mile, to fixed bus route service that operates at least eight times
2 per day.

3 (C) The development is either a special needs housing
4 development, as defined in Section 51312 of the Health and Safety
5 Code, or a supportive housing development, as defined in Section
6 50675.14 of the Health and Safety Code. A development that is a
7 special needs housing development shall have either paratransit
8 service or unobstructed access, within one-half mile, to fixed bus
9 route service that operates at least eight times per day.

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

16 (5) This subdivision shall apply to a development that meets
17 the requirements of subdivisions (b) and (c), but only at the request
18 of the applicant. An applicant may request parking incentives or
19 concessions beyond those provided in this subdivision pursuant
20 to subdivision (d).

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

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

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

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

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

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

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

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

1 (2) It is therefore the intent of the Legislature to make
 2 modifications to the Density Bonus Law by the act adding this
 3 subdivision to further incentivize the construction of very low,
 4 low-, and moderate-income housing units. It is further the intent
 5 of the Legislature in making these modifications to the Density
 6 Bonus Law to ensure that any additional benefits conferred upon
 7 a developer are balanced with the receipt of a public benefit in the
 8 form of adequate levels of affordable housing. The Legislature
 9 further intends that these modifications will ensure that the Density
 10 Bonus Law creates incentives for the construction of more housing
 11 across all areas of the state.

12 (v) (1) Provided that the resulting housing development would
 13 not restrict more than 50 percent of the total units to
 14 moderate-income, lower income, or very low income households,
 15 a city, county, or city and county shall grant an additional density
 16 bonus calculated pursuant to paragraph (2) when an applicant
 17 proposes to construct a housing development that conforms to the
 18 requirements of paragraph (1) of subdivision (b), agrees to include
 19 additional rental or for-sale units affordable to very low income
 20 households or moderate-income households, and meets any of the
 21 following requirements:

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

25 (B) The housing development conforms to the requirements of
 26 subparagraph (B) of paragraph (1) of subdivision (b) and provides
 27 15 percent of the total units to very low income households.

28 (C) The housing development conforms to the requirements of
 29 subparagraph (D) of paragraph (1) of subdivision (b) and provides
 30 44 percent of the total units to moderate-income households.

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

| 35 | Percentage Very Low Income Units | Percentage Density Bonus |
|----|----------------------------------|--------------------------|
| 36 | 5 | 20 |
| 37 | 6 | 23.75 |
| 38 | 7 | 27.5 |
| 39 | 8 | 31.25 |
| 40 | 9 | 35 |

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

15
 16 (3) The increase required by paragraphs (1) and (2) shall be in
 17 addition to any increase in density granted by subdivision (b).

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

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

O