

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: mixed-use developments.

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 other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income households or very low income households, and meets other requirements. 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 revise and recast the definition of "housing development" for purposes of the Density Bonus Law to instead mean a development project for 5 or more residential units, including mixed-use developments if at least two thirds of the square footage of the mixed-use development is designated for residential use, as specified.~~ *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.

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.
State-mandated local program: yes.

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

1 SECTION 1. Section 65915 of the Government Code is
2 amended to read:

3 65915. (a) (1) When an applicant seeks a density bonus for
4 a housing development within, or for the donation of land for
5 housing within, the jurisdiction of a city, county, or city and county,
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~~(r)~~, (s), failure to adopt an
10 ordinance shall not relieve a city, county, or city and county from
11 complying 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~~(o)~~, (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

1 density bonus application to be deemed complete. This list shall
2 be consistent with this chapter.

3 (C) Notify the applicant for a density bonus whether the
4 application is complete in a manner consistent with the timelines
5 specified in Section 65943.

6 (D) (i) If the local government notifies the applicant that the
7 application is deemed complete pursuant to subparagraph (C),
8 provide the applicant with a determination as to the following
9 matters:

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

12 (II) If the applicant requests a parking ratio pursuant to
13 subdivision ~~(e)~~, (p), the parking ratio for which the applicant is
14 eligible.

15 (III) If the applicant requests incentives or concessions pursuant
16 to subdivision (d) or waivers or reductions of development
17 standards pursuant to subdivision (e), whether the applicant has
18 provided adequate information for the local government to make
19 a determination as to those incentives, concessions, waivers, or
20 reductions of development standards.

21 (ii) Any determination required by this subparagraph shall be
22 based on the development project at the time the application is
23 deemed complete. The local government shall adjust the amount
24 of density bonus and parking ratios awarded pursuant to this section
25 based on any changes to the project during the course of
26 development.

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

38 (A) Ten percent of the total units of a housing development,
39 including a shared housing building development, for rental or

1 sale to lower income households, as defined in Section 50079.5
2 of the Health and Safety Code.

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

7 (C) A senior citizen housing development, as defined in Sections
8 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits
9 residency based on age requirements for housing for older persons
10 pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes
11 of this subparagraph, “development” includes a shared housing
12 building development and a residential care facility for the elderly,
13 as defined in Section 1569.2 of the Health and Safety Code.

14 (D) Ten percent of the total dwelling units of a housing
15 development are sold to persons and families of moderate income,
16 as defined in Section 50093 of the Health and Safety Code,
17 provided that all units in the development are offered to the public
18 for purchase.

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

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

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

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

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

12 (II) The applicable units in the student housing development
13 for lower income students shall be used for and occupied by lower
14 income students.

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

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

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

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

1 attempted waiver of the requirements of this clause is void as
2 against public policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (B) For purposes of this paragraph, a “qualified nonprofit
38 housing corporation” is a nonprofit housing corporation organized
39 pursuant to Section 501(c)(3) of the Internal Revenue Code that
40 has received a welfare exemption under Section 214.15 of the

1 Revenue and Taxation Code for properties intended to be sold to
2 low-income families who participate in a special no-interest loan
3 program.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (C) Notwithstanding subparagraph (B), for any dwelling unit
38 described in subparagraph (A) that is or was, within the five-year
39 period preceding the application, subject to a form of rent or price
40 control through a local government's valid exercise of its police

1 power and that is or was occupied by persons or families above
2 lower income, the city, county, or city and county may do either
3 of the following:

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

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

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

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

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

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

36 (B) The concession or incentive would have a specific, adverse
37 impact, as defined in paragraph (2) of subdivision (d) of Section
38 65589.5, upon public health and safety or on any real property that
39 is listed in the California Register of Historical Resources and for
40 which there is no feasible method to satisfactorily mitigate or avoid

1 the specific, adverse impact without rendering the development
2 unaffordable to low-income and moderate-income households.

3 (C) The concession or incentive would be contrary to state or
4 federal law.

5 (2) The applicant shall receive the following number of
6 incentives or concessions:

7 (A) One incentive or concession for projects that include at least
8 10 percent of the total units for lower income households, at least
9 5 percent for very low income households, or at least 10 percent
10 for persons and families of moderate income in a development in
11 which the units are for sale.

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

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

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

28 (E) One incentive or concession for projects that include at least
29 20 percent of the total units for lower income students in a student
30 housing development. If a project includes at least 23 percent of
31 the total units for lower income students in a student housing
32 project, the applicant shall instead receive two incentives or
33 concessions.

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

38 (3) The applicant may initiate judicial proceedings if the city,
39 county, or city and county refuses to grant a requested density
40 bonus, incentive, or concession. If a court finds that the refusal to

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

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

18 (e) (1) In no case may a city, county, or city and county apply
19 any development standard that will have the effect of physically
20 precluding the construction of a development meeting the criteria
21 of subdivision (b) at the densities or with the concessions or
22 incentives permitted by this section. Subject to paragraph (3), an
23 applicant may submit to a city, county, or city and county a
24 proposal for the waiver or reduction of development standards that
25 will have the effect of physically precluding the construction of a
26 development meeting the criteria of subdivision (b) at the densities
27 or with the concessions or incentives permitted under this section,
28 and may request a meeting with the city, county, or city and county.
29 If a court finds that the refusal to grant a waiver or reduction of
30 development standards is in violation of this section, the court
31 shall award the plaintiff reasonable attorney's fees and costs of
32 suit. This subdivision shall not be interpreted to require a local
33 government to waive or reduce development standards if the waiver
34 or reduction would have a specific, adverse impact, as defined in
35 paragraph (2) of subdivision (d) of Section 65589.5, upon health
36 or safety, and for which there is no feasible method to satisfactorily
37 mitigate or avoid the specific, adverse impact. This subdivision
38 shall not be interpreted to require a local government to waive or
39 reduce development standards that would have an adverse impact
40 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
18	32
19	33.5
20	35

1	21	38.75
2	22	42.5
3	23	46.25
4	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
23	46.25
24	50

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

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

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

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

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

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

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

(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
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28

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

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

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

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

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

35 (D) The transferred land shall have all of the permits and
36 approvals, other than building permits, necessary for the
37 development of the very low income housing units on the
38 transferred land, not later than the date of approval of the final
39 subdivision map, parcel map, or residential development
40 application, except that the local government may subject the

1 proposed development to subsequent design review to the extent
2 authorized by subdivision (i) of Section 65583.2 if the design is
3 not reviewed by the local government before the time of transfer.

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

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

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

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

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

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

27 (B) An additional concession or incentive that contributes
28 significantly to the economic feasibility of the construction of the
29 childcare facility.

30 (2) The city, county, or city and county shall require, as a
31 condition of approving the housing development, that the following
32 occur:

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

37 (B) Of the children who attend the childcare facility, the children
38 of very low income households, lower income households, or
39 families of moderate income shall equal a percentage that is equal
40 to or greater than the percentage of dwelling units that are required

1 for very low income households, lower income households, or
2 families of moderate income pursuant to subdivision (b).

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

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

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

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

33 (i)

34 (j) (1) The granting of a concession or incentive shall not require
35 or be interpreted, in and of itself, to require a general plan
36 amendment, local coastal plan amendment, zoning change, study,
37 or other discretionary approval. For purposes of this subdivision,
38 “study” does not include reasonable documentation to establish
39 eligibility for the concession or incentive or to demonstrate that

1 the incentive or concession meets the definition set forth in
2 subdivision ~~(j)~~ (k). This provision is declaratory of existing law.

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

7 ~~(j)~~

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

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

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

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

34 ~~(k)~~

35 (l) Subdivision ~~(j)~~ (k) does not limit or require the provision of
36 direct financial incentives for the housing development, including
37 the provision of publicly owned land, by the city, county, or city
38 and county, or the waiver of fees or dedication requirements.

39 ~~(l)~~

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

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

~~(n)~~
(o) For purposes of this section, the following definitions shall apply:

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

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

~~(3) (A) “Housing development” means a development project for five or more residential units, including mixed-use developments that meet the requirements of subparagraph (B). For~~

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

17 (B) “Housing development” includes a mixed-use development
18 provided that at least two-thirds of the square footage of the
19 development is designated for residential use.

20 (4)

21 (3) “Located within one-half mile of a major transit stop” means
22 that any point on a proposed development, for which an applicant
23 seeks a density bonus, other incentives or concessions, waivers or
24 reductions of development standards, or a vehicular parking ratio
25 pursuant to this section, is within one-half mile of any point on
26 the property on which a major transit stop is located, including
27 any parking lot owned by the transit authority or other local agency
28 operating the major transit stop.

29 (5)

30 (4) “Lower income student” means a student who has a
31 household income and asset level that does not exceed the level
32 for Cal Grant A or Cal Grant B award recipients as set forth in
33 subdivision (k) of Section 69432.7 of the Education Code. The
34 eligibility of a student to occupy a unit for lower income students
35 under this section shall be verified by an affidavit, award letter, or
36 letter of eligibility provided by the institution of higher education
37 in which the student is enrolled or by the California Student Aid
38 Commission that the student receives or is eligible for financial
39 aid, including an institutional grant or fee waiver from the college

1 or university, the California Student Aid Commission, or the
2 federal government.

3 ~~(6)~~

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

6 ~~(7)~~

7 (6) “Maximum allowable residential density” or “base density”
8 means the greatest number of units allowed under the zoning
9 ordinance, specific plan, or land use element of the general plan,
10 or, if a range of density is permitted, means the greatest number
11 of units allowed by the specific zoning range, specific plan, or land
12 use element of the general plan applicable to the project. Density
13 shall be determined using dwelling units per acre. However, if the
14 applicable zoning ordinance, specific plan, or land use element of
15 the general plan does not provide a dwelling-units-per-acre standard
16 for density, then the local agency shall calculate the number of
17 units by:

18 (A) Estimating the realistic development capacity of the site
19 based on the objective development standards applicable to the
20 project, including, but not limited to, floor area ratio, site coverage,
21 maximum building height and number of stories, building setbacks
22 and setbacks, public and private open-space requirements,
23 minimum percentage or square footage of any nonresidential
24 component, and parking requirements, unless not required for the
25 base project. Parking requirements shall include considerations
26 regarding number of spaces, location, design, type, and circulation.
27 A developer may provide a base density study and the local agency
28 shall accept it, provided that it includes all applicable objective
29 development standards.

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

34 ~~(8)~~

35 (7) (A) (i) “Shared housing building” means a residential or
36 mixed-use structure, with five or more shared housing units and
37 one or more common kitchens and dining areas designed for
38 permanent residence of more than 30 days by its tenants. The
39 kitchens and dining areas within the shared housing building shall
40 be able to adequately accommodate all residents. If a local

1 ordinance further restricts the attributes of a shared housing
2 building beyond the requirements established in this section, the
3 local definition shall apply to the extent that it does not conflict
4 with the requirements of this section.

5 (ii) A “shared housing building” may include other dwelling
6 units that are not shared housing units, provided that those dwelling
7 units do not occupy more than 25 percent of the floor area of the
8 shared housing building. A shared housing building may include
9 100 percent shared housing units.

10 (B) (i) “Shared housing unit” means one or more habitable
11 rooms, not within another dwelling unit, that includes a bathroom,
12 sink, refrigerator, and microwave, is used for permanent residence,
13 that meets the “minimum room area” specified in Section R304
14 of the California Residential Code (Part 2.5 of Title 24 of the
15 California Code of Regulations), and complies with the definition
16 of “guestroom” in Section R202 of the California Residential Code.
17 If a local ordinance further restricts the attributes of a shared
18 housing building beyond the requirements established in this
19 section, the local definition shall apply to the extent that it does
20 not conflict with the requirements of this section.

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

27 ~~(9)~~

28 (8) “Student housing development” means a development that
29 contains bedrooms containing two or more bedspaces that have a
30 shared or private bathroom, access to a shared or private living
31 room and laundry facilities, and access to a shared or private
32 kitchen.

33 ~~(10)~~

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

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

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

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

~~(11)~~

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

~~(6)~~

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

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

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

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

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

(2) (A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose

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

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

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

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

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

36 (C) The development is either a special needs housing
37 development, as defined in Section 51312 of the Health and Safety
38 Code, or a supportive housing development, as defined in Section
39 50675.14 of the Health and Safety Code. A development that is a
40 special needs housing development shall have either paratransit

1 service or unobstructed access, within one-half mile, to fixed bus
2 route service that operates at least eight times per day.

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

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

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

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

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

37 ~~(p)~~

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

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

3 ~~(q)~~

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

6 ~~(r)~~

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

22 ~~(s)~~

23 (t) When an applicant proposes to construct a housing
24 development that conforms to the requirements of subparagraph
25 (A) or (B) of paragraph (1) of subdivision (b) that is a shared
26 housing building, the city, county, or city and county shall not
27 require any minimum unit size requirements or minimum bedroom
28 requirements that are in conflict with paragraph—(8) (7) of
29 subdivision—(n): (o).

30 ~~(t)~~

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

39 (2) It is therefore the intent of the Legislature to make
40 modifications to the Density Bonus Law by the act adding this

subdivision to further incentivize the construction of very low, low-, and moderate-income housing units. It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing. The Legislature further intends that these modifications will ensure that the Density Bonus Law creates incentives for the construction of more housing across all areas of the state.

~~(u)~~

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

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

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

(C) The housing development conforms to the requirements of subparagraph (D) of paragraph (1) of subdivision (b) and provides 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

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

13
14 (3) The increase required by paragraphs (1) and (2) shall be in
15 addition to any increase in density granted by subdivision (b).

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

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.