

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2442**

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**Introduced by Assembly Member Holden**

February 19, 2016

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2442, as amended, Holden. Density bonuses.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would additionally require a density bonus to be provided to a developer that agrees to construct a housing development that includes at least ~~5%~~ 10% of the total units for transitional foster youth, *disabled veterans, or homeless persons*, as defined. By increasing the duties of local agencies, this bill would ~~impose~~ *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 no reimbursement is required by this act for a specified reason.

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

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

1     SECTION 1. Section 65915 of the Government Code is  
2     amended to read:  
3     65915. (a) When an applicant seeks a density bonus for a  
4     housing development within, or for the donation of land for housing  
5     within, the jurisdiction of a city, county, or city and county, that  
6     local government shall provide the applicant with incentives or  
7     concessions for the production of housing units and child care  
8     facilities as prescribed in this section. All cities, counties, or cities  
9     and counties shall adopt an ordinance that specifies how  
10    compliance with this section will be implemented. Failure to adopt  
11    an ordinance shall not relieve a city, county, or city and county  
12    from complying with this section.  
13    (b) (1) A city, county, or city and county shall grant one density  
14    bonus, the amount of which shall be as specified in subdivision  
15    (f), and incentives or concessions, as described in subdivision (d),  
16    when an applicant for a housing development seeks and agrees to  
17    construct a housing development, excluding any units permitted  
18    by the density bonus awarded pursuant to this section, that will  
19    contain at least any one of the following:  
20    (A) Ten percent of the total units of a housing development for  
21    lower income households, as defined in Section 50079.5 of the  
22    Health and Safety Code.  
23    (B) Five percent of the total units of a housing development for  
24    very low income households, as defined in Section 50105 of the  
25    Health and Safety Code.  
26    (C) A senior citizen housing development, as defined in Sections  
27    51.3 and 51.12 of the Civil Code, or a mobilehome park that limits  
28    residency based on age requirements for housing for older persons  
29    pursuant to Section 798.76 or 799.5 of the Civil Code.  
30    (D) Ten percent of the total dwelling units in a common interest  
31    development, as defined in Section 4100 of the Civil Code, for  
32    persons and families of moderate income, as defined in Section  
33    50093 of the Health and Safety Code, provided that all units in the  
34    development are offered to the public for purchase.

1 (E) ~~Five~~Ten percent of the total units of a housing development  
2 for transitional foster youth, as defined in Section 66025.9 of the  
3 Education-~~Code~~. *Code, disabled veterans, as defined in Section*  
4 *18541, or homeless persons, as defined in the federal*  
5 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301*  
6 *et seq.).*

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

12 (3) For the purposes of this section, “total units” or “total  
13 dwelling units” does not include units added by a density bonus  
14 awarded pursuant to this section or any local law granting a greater  
15 density bonus.

16 (c) (1) An applicant shall agree to, and the city, county, or city  
17 and county shall ensure, the continued affordability of all very low  
18 and low-income rental units that qualified the applicant for the  
19 award of the density bonus for 55 years or a longer period of time  
20 if required by the construction or mortgage financing assistance  
21 program, mortgage insurance program, or rental subsidy program.  
22 Rents for the lower income density bonus units shall be set at an  
23 affordable rent as defined in Section 50053 of the Health and Safety  
24 Code.

25 (2) An applicant shall agree to, and the city, county, or city and  
26 county shall ensure that, the initial occupant of all for-sale units  
27 that qualified the applicant for the award of the density bonus are  
28 persons and families of very low, low, or moderate income, as  
29 required, and that the units are offered at an affordable housing  
30 cost, as that cost is defined in Section 50052.5 of the Health and  
31 Safety Code. The local government shall enforce an equity sharing  
32 agreement, unless it is in conflict with the requirements of another  
33 public funding source or law. The following apply to the equity  
34 sharing agreement:

35 (A) Upon resale, the seller of the unit shall retain the value of  
36 any improvements, the downpayment, and the seller’s proportionate  
37 share of appreciation. The local government shall recapture any  
38 initial subsidy, as defined in subparagraph (B), and its proportionate  
39 share of appreciation, as defined in subparagraph (C), which  
40 amount shall be used within five years for any of the purposes

1 described in subdivision (e) of Section 33334.2 of the Health and  
2 Safety Code that promote home ownership.

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

10 (C) For purposes of this subdivision, the local government's  
11 proportionate share of appreciation shall be equal to the ratio of  
12 the local government's initial subsidy to the fair market value of  
13 the home at the time of initial sale.

14 (3) (A) An applicant shall be ineligible for a density bonus or  
15 any other incentives or concessions under this section if the housing  
16 development is proposed on any property that includes a parcel or  
17 parcels on which rental dwelling units are or, if the dwelling units  
18 have been vacated or demolished in the five-year period preceding  
19 the application, have been subject to a recorded covenant,  
20 ordinance, or law that restricts rents to levels affordable to persons  
21 and families of lower or very low income; subject to any other  
22 form of rent or price control through a public entity's valid exercise  
23 of its police power; or occupied by lower or very low income  
24 households, unless the proposed housing development replaces  
25 those units, and either of the following applies:

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

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

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

34 (i) If any dwelling units described in subparagraph (A) are  
35 occupied on the date of application, the proposed housing  
36 development shall provide at least the same number of units of  
37 equivalent size or type, or both, to be made available at affordable  
38 rent or affordable housing cost to, and occupied by, persons and  
39 families in the same or lower income category as those households  
40 in occupancy. For unoccupied dwelling units described in

1 subparagraph (A) in a development with occupied units, the  
2 proposed housing development shall provide units of equivalent  
3 size or type, or both, to be made available at affordable rent or  
4 affordable housing cost to, and occupied by, persons and families  
5 in the same or lower income category in the same proportion of  
6 affordability as the occupied units. All replacement calculations  
7 resulting in fractional units shall be rounded up to the next whole  
8 number. If the replacement units will be rental dwelling units,  
9 these units shall be subject to a recorded affordability restriction  
10 for at least 55 years. If the proposed development is for-sale units,  
11 the units replaced shall be subject to paragraph (2).

12 (ii) If all dwelling units described in subparagraph (A) have  
13 been vacated or demolished within the five-year period preceding  
14 the application, the proposed housing development shall provide  
15 at least the same number of units of equivalent size or type, or  
16 both, as existed at the highpoint of those units in the five-year  
17 period preceding the application to be made available at affordable  
18 rent or affordable housing cost to, and occupied by, persons and  
19 families in the same or lower income category as those persons  
20 and families in occupancy at that time, if known. If the incomes  
21 of the persons and families in occupancy at the highpoint is not  
22 known, then one-half of the required units shall be made available  
23 at affordable rent or affordable housing cost to, and occupied by,  
24 very low income persons and families and one-half of the required  
25 units shall be made available for rent at affordable housing costs  
26 to, and occupied by, low-income persons and families. All  
27 replacement calculations resulting in fractional units shall be  
28 rounded up to the next whole number. If the replacement units will  
29 be rental dwelling units, these units shall be subject to a recorded  
30 affordability restriction for at least 55 years. If the proposed  
31 development is for-sale units, the units replaced shall be subject  
32 to paragraph (2).

33 (C) Paragraph (3) of subdivision (c) does not apply to an  
34 applicant seeking a density bonus for a proposed housing  
35 development if his or her application was submitted to, or  
36 processed by, a city, county, or city and county before January 1,  
37 2015.

38 (d) (1) An applicant for a density bonus pursuant to subdivision  
39 (b) may submit to a city, county, or city and county a proposal for  
40 the specific incentives or concessions that the applicant requests

1 pursuant to this section, and may request a meeting with the city,  
2 county, or city and county. The city, county, or city and county  
3 shall grant the concession or incentive requested by the applicant  
4 unless the city, county, or city and county makes a written finding,  
5 based upon substantial evidence, of any of the following:

6 (A) The concession or incentive is not required in order to  
7 provide for affordable housing costs, as defined in Section 50052.5  
8 of the Health and Safety Code, or for rents for the targeted units  
9 to be set as specified in subdivision (c).

10 (B) The concession or incentive would have a specific adverse  
11 impact, as defined in paragraph (2) of subdivision (d) of Section  
12 65589.5, upon public health and safety or the physical environment  
13 or on any real property that is listed in the California Register of  
14 Historical Resources and for which there is no feasible method to  
15 satisfactorily mitigate or avoid the specific adverse impact without  
16 rendering the development unaffordable to low- and  
17 moderate-income households.

18 (C) The concession or incentive would be contrary to state or  
19 federal law.

20 (2) The applicant shall receive the following number of  
21 incentives or concessions:

22 (A) One incentive or concession for projects that include at least  
23 10 percent of the total units for lower income households, at least  
24 5 percent for very low income households, or at least 10 percent  
25 for persons and families of moderate income in a common interest  
26 development.

27 (B) Two incentives or concessions for projects that include at  
28 least 20 percent of the total units for lower income households, at  
29 least 10 percent for very low income households, or at least 20  
30 percent for persons and families of moderate income in a common  
31 interest development.

32 (C) Three incentives or concessions for projects that include at  
33 least 30 percent of the total units for lower income households, at  
34 least 15 percent for very low income households, or at least 30  
35 percent for persons and families of moderate income in a common  
36 interest development.

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

1 violation of this section, the court shall award the plaintiff  
2 reasonable attorney's fees and costs of suit. Nothing in this  
3 subdivision shall be interpreted to require a local government to  
4 grant an incentive or concession that has a specific, adverse impact,  
5 as defined in paragraph (2) of subdivision (d) of Section 65589.5,  
6 upon health, safety, or the physical environment, and for which  
7 there is no feasible method to satisfactorily mitigate or avoid the  
8 specific adverse impact. Nothing in this subdivision shall be  
9 interpreted to require a local government to grant an incentive or  
10 concession that would have an adverse impact on any real property  
11 that is listed in the California Register of Historical Resources.  
12 The city, county, or city and county shall establish procedures for  
13 carrying out this section, that shall include legislative body  
14 approval of the means of compliance with this section.

15 (e) (1) In no case may a city, county, or city and county apply  
16 any development standard that will have the effect of physically  
17 precluding the construction of a development meeting the criteria  
18 of subdivision (b) at the densities or with the concessions or  
19 incentives permitted by this section. An applicant may submit to  
20 a city, county, or city and county a proposal for the waiver or  
21 reduction of development standards that will have the effect of  
22 physically precluding the construction of a development meeting  
23 the criteria of subdivision (b) at the densities or with the  
24 concessions or incentives permitted under this section, and may  
25 request a meeting with the city, county, or city and county. If a  
26 court finds that the refusal to grant a waiver or reduction of  
27 development standards is in violation of this section, the court  
28 shall award the plaintiff reasonable attorney's fees and costs of  
29 suit. Nothing in this subdivision shall be interpreted to require a  
30 local government to waive or reduce development standards if the  
31 waiver or reduction would have a specific, adverse impact, as  
32 defined in paragraph (2) of subdivision (d) of Section 65589.5,  
33 upon health, safety, or the physical environment, and for which  
34 there is no feasible method to satisfactorily mitigate or avoid the  
35 specific adverse impact. Nothing in this subdivision shall be  
36 interpreted to require a local government to waive or reduce  
37 development standards that would have an adverse impact on any  
38 real property that is listed in the California Register of Historical  
39 Resources, or to grant any waiver or reduction that would be  
40 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).

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus 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
17	30.5
18	32
19	33.5
20	35

(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



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2

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

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

9

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

1 40 35

2

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

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

14

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

37

38 (2) This increase shall be in addition to any increase in density  
39 mandated by subdivision (b), up to a maximum combined mandated  
40 density increase of 35 percent if an applicant seeks an increase

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

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

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

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

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

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

37 (F) The land is transferred to the local agency or to a housing  
38 developer approved by the local agency. The local agency may  
39 require the applicant to identify and transfer the land to the  
40 developer.

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

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

8 (h) (1) When an applicant proposes to construct a housing  
9 development that conforms to the requirements of subdivision (b)  
10 and includes a child care facility that will be located on the  
11 premises of, as part of, or adjacent to, the project, the city, county,  
12 or city and county shall grant either of the following:

13 (A) An additional density bonus that is an amount of square  
14 feet of residential space that is equal to or greater than the amount  
15 of square feet in the child care facility.

16 (B) An additional concession or incentive that contributes  
17 significantly to the economic feasibility of the construction of the  
18 child care facility.

19 (2) The city, county, or city and county shall require, as a  
20 condition of approving the housing development, that the following  
21 occur:

22 (A) The child care facility shall remain in operation for a period  
23 of time that is as long as or longer than the period of time during  
24 which the density bonus units are required to remain affordable  
25 pursuant to subdivision (c).

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

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

38 (4) "Child care facility," as used in this section, means a child  
39 day care facility other than a family day care home, including, but

1 not limited to, infant centers, preschools, extended day care  
2 facilities, and schoolage child care centers.

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

20 (j) (1) The granting of a concession or incentive shall not be  
21 interpreted, in and of itself, to require a general plan amendment,  
22 local coastal plan amendment, zoning change, or other discretionary  
23 approval. This provision is declaratory of existing law.

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

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

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

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

7 (3) Other regulatory incentives or concessions proposed by the  
8 developer or the city, county, or city and county that result in  
9 identifiable, financially sufficient, and actual cost reductions.

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

14 (m) This section does not supersede or in any way alter or lessen  
15 the effect or application of the California Coastal Act of 1976  
16 (Division 20 (commencing with Section 30000) of the Public  
17 Resources Code).

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

24 (o) For purposes of this section, the following definitions shall  
25 apply:

26 (1) "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, or a parking ratio that applies to a residential  
30 development pursuant to any ordinance, general plan element,  
31 specific plan, charter, or other local condition, law, policy,  
32 resolution, or regulation.

33 (2) "Maximum allowable residential density" means the density  
34 allowed under the zoning ordinance and land use element of the  
35 general plan, or if a range of density is permitted, means the  
36 maximum allowable density for the specific zoning range and land  
37 use element of the general plan applicable to the project. Where  
38 the density allowed under the zoning ordinance is inconsistent  
39

1 with the density allowed under the land use element of the general  
2 plan, the general plan density shall prevail.

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

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

9 (B) Two to three bedrooms: two onsite parking spaces.

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

11 (2) Notwithstanding paragraph (1), if a development includes  
12 the maximum percentage of low- or very low income units  
13 provided for in paragraphs (1) and (2) of subdivision (f) and is  
14 located within one-half mile of a major transit stop, as defined in  
15 subdivision (b) of Section 21155 of the Public Resources Code,  
16 and there is unobstructed access to the major transit stop from the  
17 development, then, upon the request of the developer, a city,  
18 county, or city and county shall not impose a vehicular parking  
19 ratio, inclusive of handicapped and guest parking, that exceeds 0.5  
20 spaces per bedroom. For purposes of this subdivision, a  
21 development shall have unobstructed access to a major transit stop  
22 if a resident is able to access the major transit stop without  
23 encountering natural or constructed impediments.

24 (3) Notwithstanding paragraph (1), if a development consists  
25 solely of rental units, exclusive of a manager's unit or units, with  
26 an affordable housing cost to lower income families, as provided  
27 in Section 50052.5 of the Health and Safety Code, then, upon the  
28 request of the developer, a city, county, or city and county shall  
29 not impose a vehicular parking ratio, inclusive of handicapped and  
30 guest parking, that exceeds the following ratios:

31 (A) If the development is located within one-half mile of a major  
32 transit stop, as defined in subdivision (b) of Section 21155 of the  
33 Public Resources Code, and there is unobstructed access to the  
34 major transit stop from the development, the ratio shall not exceed  
35 0.5 spaces per unit.

36 (B) If the development is a for-rent housing development for  
37 individuals who are 62 years of age or older that complies with  
38 Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed  
39 0.5 spaces per unit. The 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 (C) If the development is a special needs housing development,  
4 as defined in Section 51312 of the Health and Safety Code, the  
5 ratio shall not exceed 0.3 spaces per unit. The development shall  
6 have either paratransit service or unobstructed access, within  
7 one-half mile, to fixed bus route service that operates at least eight  
8 times per day.

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

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

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

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

39 SEC. 2. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because



- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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