

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2556

Introduced by Assembly Member Nazarian

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2556, as amended, Nazarian. ~~Housing density bonus.~~ *Density bonuses.*

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a 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. That law makes an applicant ineligible for a density bonus if the housing development is proposed on property with existing or certain former dwelling units subject to specific affordability requirements, including a form of rent or price control through a public entity's valid exercise of its police power, or on property with existing units occupied by lower or very low income households, unless the proposed housing development replaces those units as prescribed. That law defines "replace" for those purposes.

This bill would include in that definition, if the property for the proposed housing development is subject to a form of rent or price control through a local government's valid exercise of its police power

and is or was occupied by a person or family with an income above lower income, dwelling units that are made available, at the discretion of the city, county, or city and county, at affordable rent or affordable housing cost to, and are occupied by, a low-income person or family. By increasing the duties of local officials, 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 no reimbursement is required by this act for a specified reason.

~~The Planning and Zoning Law requires, when a developer of housing 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 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 declare the intent of the Legislature to enact legislation relating to housing density bonuses.~~

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

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

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

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

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

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

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

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

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

(3) (A) 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 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

1 households, unless the proposed housing development replaces
2 those units, and either of the following applies:

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

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

9 (B) For the purposes of this paragraph, "replace" shall mean
10 ~~either~~ *any* of the following:

11 (i) If any dwelling units described in subparagraph (A) are
12 occupied on the date of application, the proposed housing
13 development shall provide at least the same number of units of
14 equivalent size or type, or both, to be made available at affordable
15 rent or affordable housing cost to, and occupied by, persons and
16 families in the same or lower income category as those households
17 in occupancy. For unoccupied dwelling units described in
18 subparagraph (A) in a development with occupied units, the
19 proposed housing development shall provide units of equivalent
20 size or type, or both, to be made available at affordable rent or
21 affordable housing cost to, and occupied by, persons and families
22 in the same or lower income category in the same proportion of
23 affordability as the occupied units. All replacement calculations
24 resulting in fractional units shall be rounded up to the next whole
25 number. If the replacement units will be rental dwelling units,
26 these units shall be subject to a recorded affordability restriction
27 for at least 55 years. If the proposed development is for-sale units,
28 the units replaced shall be subject to paragraph (2).

29 (ii) If all dwelling units described in subparagraph (A) have
30 been vacated or demolished within the five-year period preceding
31 the application, the proposed housing development shall provide
32 at least the same number of units of equivalent size or type, or
33 both, as existed at the highpoint of those units in the five-year
34 period preceding the application to be made available at affordable
35 rent or affordable housing cost to, and occupied by, persons and
36 families in the same or lower income category as those persons
37 and families in occupancy at that time, if known. If the incomes
38 of the persons and families in occupancy at the highpoint is not
39 known, then one-half of the required units shall be made available
40 at affordable rent or affordable housing cost to, and occupied by,

1 very low income persons and families and one-half of the required
2 units shall be made available for rent at affordable housing costs
3 to, and occupied by, low-income persons and families. All
4 replacement calculations resulting in fractional units shall be
5 rounded up to the next whole number. If the replacement units will
6 be rental dwelling units, these units shall be subject to a recorded
7 affordability restriction for at least 55 years. If the proposed
8 development is for-sale units, the units replaced shall be subject
9 to paragraph (2).

10 *(iii) If the property described in subparagraph (A) is or was*
11 *subject to a form of rent or price control through a local*
12 *government's valid exercise of its police power and is or was*
13 *occupied by a person or family with an income above lower*
14 *income, the dwelling units on that property in the proposed housing*
15 *development are made available, at the discretion of the city,*
16 *county, or city and county, at affordable rent or affordable housing*
17 *cost to, and are occupied by, a low-income person or family.*

18 ~~(C) Paragraph (3) of subdivision (e) Subparagraph (A) does not~~
19 ~~apply to an applicant seeking a density bonus for a proposed~~
20 ~~housing development if his or her application was submitted to,~~
21 ~~or processed by, a city, county, or city and county before January~~
22 ~~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 is not required in order to
32 provide for affordable housing costs, as defined in Section 50052.5
33 of the Health and Safety Code, or for rents for the targeted units
34 to be set as specified in subdivision (c).

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

1 adverse impact without rendering the development unaffordable
2 to low- 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 common interest
11 development.

12 (B) Two incentives or concessions for projects that include at
13 least 20 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 common
16 interest development.

17 (C) Three incentives or concessions for projects that include at
18 least 30 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 common
21 interest development.

22 (3) The applicant may initiate judicial proceedings if the city,
23 county, or city and county refuses to grant a requested density
24 bonus, incentive, or concession. If a court finds that the refusal to
25 grant a requested density bonus, incentive, or concession is in
26 violation of this section, the court shall award the plaintiff
27 reasonable attorney's fees and costs of suit. Nothing in this
28 subdivision shall be interpreted to require a local government to
29 grant an incentive or concession that has a specific, adverse impact,
30 as defined in paragraph (2) of subdivision (d) of Section 65589.5,
31 upon health, safety, or the physical environment, and for which
32 there is no feasible method to satisfactorily mitigate or avoid the
33 specific adverse impact. Nothing in this subdivision shall be
34 interpreted to require a local government to grant an incentive or
35 concession that would have an adverse impact on any real property
36 that is listed in the California Register of Historical Resources.
37 The city, county, or city and county shall establish procedures for
38 carrying out this section, that shall include legislative body
39 approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

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

(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
11	35

(3) 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.

(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

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

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

36 (g) (1) When an applicant for a tentative subdivision map,
37 parcel map, or other residential development approval donates
38 land to a city, county, or city and county in accordance with this
39 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
24	29
25	30
30	35

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

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

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

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

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

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

26 (F) The land is transferred to the local agency or to a housing
27 developer approved by the local agency. The local agency may
28 require the applicant to identify and transfer the land to the
29 developer.

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

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

37 (h) (1) When an applicant proposes to construct a housing
38 development that conforms to the requirements of subdivision (b)
39 and includes a child care facility that will be located on the

premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

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

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

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

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

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

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

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

(i) “Housing development,” as used in this section, means a development project for five or more residential units. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in

subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

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

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

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

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

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

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

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

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

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

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

14 (o) For purposes of this section, the following definitions shall
15 apply:

16 (1) "Development standard" includes a site or construction
17 condition, including, but not limited to, a height limitation, a
18 setback requirement, a floor area ratio, an onsite open-space
19 requirement, or a parking ratio that applies to a residential
20 development pursuant to any ordinance, general plan element,
21 specific plan, charter, or other local condition, law, policy,
22 resolution, or regulation.

23 (2) "Maximum allowable residential density" means the density
24 allowed under the zoning ordinance and land use element of the
25 general plan, or if a range of density is permitted, means the
26 maximum allowable density for the specific zoning range and land
27 use element of the general plan applicable to the project. Where
28 the density allowed under the zoning ordinance is inconsistent
29 with the density allowed under the land use element of the general
30 plan, the general plan density shall prevail.

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

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

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

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

39 (2) Notwithstanding paragraph (1), if a development includes
40 the maximum percentage of low- or very low income units

provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, 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 a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

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

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

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide on-site parking through

1 tandem parking or uncovered parking, but not through on-street
2 parking.

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

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

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

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *a local agency or school district has the authority to levy service*
30 *charges, fees, or assessments sufficient to pay for the program or*
31 *level of service mandated by this act, within the meaning of Section*
32 *17556 of the Government Code.*

33 ~~SECTION 1. It is the intent of the Legislature to enact~~
34 ~~legislation relating to the provision of density bonuses with respect~~
35 ~~to housing developments.~~