

§ 30-47. DENSITY BONUS.

- a. **Purpose and Authority.** The purpose of this Section is to establish a program in accordance with California Government Code § 65915 et seq. to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.
- b. **Applicability.**
 1. **General.** All proposed housing developments that qualify under California Government Code § 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code § 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code § 65915, as it may be amended from time to time.
 2. **Compliance.** The applicant shall comply with all requirements stated in California Government Code § § 65915 through 65918. The requirements of California Government Code § § 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.
 3. **Excluded development.** An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code § 65915.
 4. **Interpretation.** The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code § 65915. Any changes to California Government Code § 65915 shall be deemed to supersede and govern any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.
 5. **Replacement Housing Requirement.** Pursuant to subdivision (c)(3) of California Government Code § 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.
- c. **Density Increase and Other Incentives**
 1. **General.** If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code § 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code § 65915 et seq., and incentives or concessions also as described in California Government Code § 65915 et seq.
 2. **Density Bonus Units.** Except as otherwise required by California Government Code § 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
 3. **Market-rate senior citizen housing developments.** Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code § 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.
- d. **Physical Constraints and Parking Waivers.**
 1. **Physical Constraints.** Except as restricted by California Government Code § 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and

any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

- (a) The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
- (b) The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of § 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;
- (c) The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
- (d) The waiver or reduction of the development standard would be contrary to state or federal law.
- (e) Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code § 65915(p), as that section may be amended from time to time.

e. Retention of Density Bonus Units.

Consistent with the provisions of California Government Code § 65915 et seq., prior to a density increase or other incentives being approved for a project, the City of Compton and the applicant shall agree to an appropriate method of ensuring the continued availability of the density bonus units.

f. Application Procedure for Density Increase or Other Incentives.

- 1. Application Requirements.** An application for a density increase or other incentives under this Article for a housing development shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Article, and in connection with the project for which the request is made, including, but not limited to, the following:
 - (a) A brief description of the proposed housing development;
 - (b) The total number of housing units and/or shared housing units (as defined in California Government Code § 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;
 - (c) The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
 - (d) The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;
 - (e) The zoning, general plan designations, and assessor's parcel number(s) of the project site;
 - (f) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
 - (g) The proposed method of ensuring the continued availability of the density bonus units;

- (h) Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and
 - (i) A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.
2. **Application Processing.** The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Article shall be considered by the [Community Development Director] or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code § 65915 et seq.

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§ 30-47.1. PURPOSE. [ORD. #2163, § 1]

The purpose of this section is to establish procedures to implement the State's Affordable Housing Density Bonus as set forth in Government Code Section 65915. The incentives in this section are used by the City in order to encourage the provision of affordable housing to all economic groups living within the City.

§ 30-47.2. APPLICABILITY. [ORD. #2163, § 1]

These regulations apply only to residential developments or mixed-use housing developments of five or more residential units, including single-family and multi-family units, for sale or for rent. For purposes of this section, housing developments may include subdivisions, planned unit or condominium developments, the substantial remodel and conversion of an existing commercial building to residential use, the substantial remodel of an existing multi-family dwelling where the remodel would create a net of at least five residential units, qualifying mobile home parks, senior housing developments or residential developments proposed in the C-L (Limited Commercial) Zone. Qualified development projects must consist of five or more dwelling units not including units granted as a density bonus.

§ 30-47.3. DEFINITIONS. [ORD. #2163, § 1]

The following definitions shall be used in interpreting the provision of this section.

AFFORDABLE HOUSING COST— Shall mean the maximum cost of housing for lower income households, as set forth in Health & Safety Code Section 50052.5 or any successor statute.

CHILD CARE FACILITY— Shall mean a child care facility, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities and school age child care centers.

CONCESSIONS OR OTHER INCENTIVES— Shall mean and include a reduction in a site development standard or modification of another Zoning Code requirement or design requirement that results in identifiable, financially sufficient, and actual cost reduction, and that nonetheless exceeds the minimum building standards of the California Building Code. Also, 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; or another concession or regulatory incentive that results in identifiable, financially sufficient, and actual cost reduction, as determined by the City in its sole discretion. A concession or other incentive shall not include additional density beyond that allowed in this section.

DENSITY BONUS— Shall mean an increase in density above the otherwise maximum allowable residential density under this Chapter and the Land Use Element of the General Plan as of the date the development application for the project is deemed complete. The amount of the bonus shall vary according to the percentage of affordable housing provided by income group and other means established in this section. No development with less than five dwelling units shall be eligible for a density bonus. When calculating the number of density bonus units allowed, any fraction of a unit shall be counted as a whole unit. An applicant may elect to accept a lesser percentage of density bonus units, but may not seek a density bonus greater than provided in this section or by State law.

DEVELOPMENT STANDARD— For purposes of this section, shall mean a site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation. A development standard subject to waiver does not include additional density beyond that allowed in this section.

~~LOW INCOME—A household is "low income" if the total household income does not exceed 80% of the Los Angeles County median income, as published annually in the California Code of Regulations, and adjusted for family size.~~

~~MODERATE INCOME—A household is "moderate income" if the total household income does not exceed 120% of the Los Angeles County median income, as published annually in the California Code of Regulations, and adjusted for family size.~~

~~QUALIFYING MOBILE HOME PARK—Shall mean a mobile home park that limits residency based on age requirements of the Federal Fair Housing Act for housing for persons 55 years of age or older and those who reside with them.~~

~~SENIOR CITIZEN HOUSING DEVELOPMENT—Shall mean a senior citizen housing development is a housing development limited to seniors who are at least 55 years of age and their companions and which comply with the requirements of Civil Code Sections 51.3 and 51.12.~~

~~SPECIFIC ADVERSE IMPACT—Shall mean a specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date an application for an Affordable Housing Concession Permit is deemed complete.~~

~~VERY LOW INCOME—A household is "very low income" if the total household income does not exceed 50% of the Los Angeles County median income, as published annually in the California Code of Regulations, and adjusted for family size.~~

~~§ 30-47.4. DENSITY BONUS ALLOWANCE. [ORD. #2163, § 1]~~

- a. ~~**Density Bonus Requirement.** A request for a density bonus shall be considered in conjunction with any discretionary approval that may otherwise be granted by the City in approving the project, however a request for a density bonus pursuant to this section shall only be granted if an applicant seeks and agrees to construct one of the following.~~

- ~~1. At least 5% of the units are dedicated to very low income households;~~
- ~~2. At least 10% of the units are dedicated to low income and very low income households;~~
- ~~3. At least 10% of the units are dedicated to moderate income households and are available to the general public for sale; or~~
- ~~4. At least 35 dwelling units are available exclusively to persons aged 55 and older and to those residing with them and the development qualifies as either a senior citizen housing development~~

~~————— or a qualifying mobile home park.~~

- b. ~~**Density Bonus of Up to 35%.** In calculating the number of units required for very low-, low- and moderate income households, the density bonus units shall not be included. The maximum density bonus possible for very low-, low- and moderate income units is 35%, depending on the percentage of affordable units, as set forth below.~~

- ~~1. The density bonus for very low income units shall be calculated as follows:~~

Table 30.47.4a: Increase in Allowable Density for Very Low-Income Units	
Percentage of Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. The density bonus for low income units shall be calculated as follows:

Table 30.47.4b: Increase in Allowable Density for Low-Income Units	
Percentage of Low Income Units	Density Bonus Percentage
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

3. The density bonus for moderate-income ownership units shall be calculated as follows:

Table 30.47.4c: Increase in Allowable Density for Moderate-Income Ownership Units	
Percentage of Moderate-Income Units	Density Bonus Percentage
10	5
11	6

Table 30.47.4c: Increase in Allowable Density for Moderate-Income Ownership Units

Percentage of Moderate-Income Units	Density Bonus Percentage
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
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

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c. ~~Senior Housing Bonus and Qualifying Mobile Home Parks. The density bonus for a senior citizen housing development or a qualifying mobile home park shall be 20%.~~

d. ~~Bonuses Not Combined. The bonuses that are available under this section shall not be combined.~~

Target Group	Minimum % Restricted Units	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	% Affordable Units Required for Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income	10%	5%	1%	40%
Senior Housing/Mobile Home Park	100%	20%	—	—

§ 30-47.5. CONCESSIONS, WAIVERS AND OTHER INCENTIVES. [ORD. #2163, § 1]

a. ~~Concessions, Waivers and Other Incentives. In addition to the density bonus, an applicant may request one or more concessions or other incentives, in the form of waivers of development standards as follows:~~

- ~~1. One concession or other incentive for projects that include at least 5% of the units for very low income households, 10% of the units for low income households, or 10% of for sale units for moderate income households.~~
- ~~2. Two concessions or other incentives for projects that include at least 10% of the units for very low income households, 20% of the units for low income households, or 20% of for sale units for moderate income households.~~
- ~~3. Three concessions or other incentives for projects that include at least 15% of the units for very low income households, 30% of the units for low income households, or 30% of for sale units for moderate income households.~~
- ~~4. Affordable Housing Concession Permit Required. An applicant must submit an application for an Affordable Housing Concession Permit, for approval of a request for the concessions and other incentives.~~

Incentive/Concessions Summary Table

Target Group	Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

- b. **Application Requirements.** ~~An application for an Affordable Housing Concession Permit shall be filed in compliance with this section. The application shall be accompanied by the information identified in the Department handout for the Affordable Housing Concession application, including the specific economic information described in the handout. The applicant must provide evidence, to the satisfaction of the approval body, that the concession or incentive would result in identifiable, financially sufficient and actual cost reductions.~~
- c. **Procedure.** ~~An Affordable Housing Concession Permit shall be submitted concurrently with the application for Conditional Use Permit (Section 30-26) required for new construction of a residential development of five units or more, where an addition or conversion of units may result in five units or more, in the case of a building move or where residential units are proposed in the C-L (Limited Commercial) Zone. The Planning Commission, the approval body, has the following course(s) of action regarding the Affordable Housing Concession Permit, provided that the Planning Commission shall grant the applicant's first choice of concessions if the Commission makes all of the findings in paragraph d.~~
- ~~1. Approve the concession and/or other incentive described in the application for the Affordable Housing Concession Permit.~~
 - ~~2. Deny the concession and/or other incentive described in the application for the Affordable Housing Concession Permit.~~
 - ~~3. Approve one or more concession(s) and/or other incentives and deny one or more other concessions and/or incentives, if more than one concession or other incentives is described in the application for the Affordable Housing Concession Permit.~~
- d. **Findings.** ~~A concession or other incentive shall be approved upon making the following findings.~~
- ~~1. The concession or incentive is required in order for the designated units to provide for affordable housing costs and the applicant has submitted evidence, to the satisfaction of the approval body, that the concession or incentive would result in identifiable, financially sufficient and actual cost reductions; and~~
 - ~~2. The concession or incentive would not have a specific adverse impact on public health, on public safety, on the physical environment, or on a property that is listed in the California Register of Historical Resources; or~~
 - ~~3. The concession or incentive would likely have a specific adverse impact on public health, on public safety, on the physical environment, or on a property that is listed in the California Register of Historical Resources, but there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~