

CHAPTER 30: ZONING

§ 30-47 DENSITY BONUS

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§ 30-47.1 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.

§ 30-47.2 APPLICABILITY

- a. **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.
- b. **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.
- c. **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.
- d. **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.
- e. **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.

§ 30-47.3 DENSITY INCREASE AND OTHER INCENTIVES

- a. **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.
- b. **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.

- c. **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.

§ 30-47.4 PHYSICAL CONSTRAINTS AND PARKING WAIVERS

- a. **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:
 - 1. 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;
 - 2. 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;
 - 3. 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
 - 4. The waiver or reduction of the development standard would be contrary to state or federal law.
- 5. **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.

§ 30-47.5 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.

§ 30-47.6 APPLICATION PROCEDURE FOR DENSITY INCREASE OR OTHER INCENTIVES

- a. **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:
 - 1. A brief description of the proposed housing development;
 - 2. 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;
 - 3. 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;

4. 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;
 5. The zoning, general plan designations, and assessor's parcel number(s) of the project site;
 6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
 7. The proposed method of ensuring the continued availability of the density bonus units;
 8. 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
 9. 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.
- b. **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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