

Attachment A
AB 1763 – Changes in Density Bonus Law (redlined)

TABLE 22.120.050-A: AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSES				
	Extremely Low Income (30% AMI)¹	Very Low Income (50% AMI)¹	Lower Income (80% AMI)¹	Moderate Income (120% AMI)¹
Set-Aside	Density Bonus	Density Bonus	Density Bonus	Density Bonus
5%	25%	20%	-	-
6%	30%	22.50%	-	-
7%	35%	25%	-	-
8%	40%	27.50%	-	-
9%	45%	30%	-	-
10%	55%	32.50%	20%	5%
11%	55%	35%	21.50%	6%
12%	55%	35%	23%	7%
13%	55%	35%	24.50%	8%
14%	55%	35%	26%	9%
15%	60.5%	40.5%	27.50%	10%
16%	60.50%	40.50%	29%	11%
17%	60.50%	40.50%	30.50%	12%
18%	60.50%	40.50%	32%	13%
19%	60.50%	40.50%	33.50%	14%
20%	64%	44%	35%	15%
21%	64%	44%	35%	16%
22%	64%	44%	35%	17%
23%	64%	44%	35%	18%
24%	64%	44%	35%	19%
25%	67.5%	47.5%	38.75%	20%
26%	67.5%	47.5%	38.75%	21%
27%	67.5%	47.5%	38.75%	22%
28%	67.5%	47.5%	38.75%	23%
29%	67.5%	47.5%	38.75%	24%
30%	71%	51%	41.5%	25%
31%	71%	51%	41.5%	26%
32%	71%	51%	41.5%	27%
33%	71%	51%	41.5%	28%
34%	71%	51%	41.5%	29%
35%	74.5%	54.5%	44.25%	30%
36%	74.5%	54.5%	44.25%	31%
37%	74.5%	54.5%	44.25%	32%
38%	74.5%	54.5%	44.25%	33%
39%	74.5%	54.5%	44.25%	34%
40% - 44%	78%	58%	47%	35%
45% - 49%	81.5%	61.5%	49.75%	38%

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	Extremely Low Income (30% AMI)¹	Very Low Income (50% AMI)¹	Lower Income (80% AMI)¹	Moderate Income (120% AMI)¹
Set-Aside	Density Bonus	Density Bonus	Density Bonus	Density Bonus
50% - 54%	85%	65%	52.50%	40%
55% - 59%	88.5%	68.5%	55.25%	42%
60% - 64%	92%	72%	58%	44%
65% - 69%	95.5%	75.5%	60.75%	46%
70% - 74%	99%	79%	63.5%	48%
75% - 79%	102.5%	82.5%	66.25%	50%
80% - 84%	106% or as specified otherwise ²	86% or as specified otherwise ²	69% or as specified otherwise ²	52%
85% - 89%	109.5% or as specified otherwise ²	89.5% or as specified otherwise ²	71.75% or as specified otherwise ²	54%
90% - 94%	113% or as specified otherwise ²	93% or as specified otherwise ²	74.5% or as specified otherwise ²	56%
95% - 99%	116.5% or as specified otherwise ²	96.5% or as specified otherwise ²	77.25% or as specified otherwise ²	58%
100%	120% or as specified otherwise ²	100% or as specified otherwise ²	80% or as specified otherwise ²	60%

Notes:

1. **Except as specified in Note 2, below, the granting of density bonuses is subject to a Discretionary Housing Permit (Section 22.166.050), unless the housing development is one of the following, in which case an Administrative Housing Permit (Section 22.166.040) application is required:**
 - a. One of the following housing developments requesting a density bonus of up to 35 percent, if an affordable housing set-aside is provided pursuant to this Table:
 - i. A housing development with a very low or lower income housing set-aside; or
 - ii. A common interest development with a moderate income housing set-aside.
 - b. One of the following housing developments, if it meets the criteria for a California Environmental Quality Act exemption related to affordable or infill housing or proximity to transit, such as Sections 21159.23, 21159.24, or 21155-21155.3 of the California Public Resources Code:
 - i. A housing development with an extremely low income housing set-aside;
 - ii. A rental housing development with a moderate income housing set-aside;
 - iii. A single-family residential subdivision with a moderate income housing set-aside; or
 - iv. One of the following housing developments requesting a density bonus of more than 35 percent, if an affordable housing set-aside is provided pursuant to this table:
 - (a) A housing development with a very low or lower income housing set-aside; or
 - (b) A common interest development with a moderate income housing set-aside.
2. **The granting of the following density bonus is subject to an Administrative Housing Permit (Section 22.166.040) for a rental housing development with 1) at least 80% affordable housing set-aside for lower, very low, or extremely low income households, with the remaining baseline dwelling units, excluding a manager's unit or units, set aside for moderate income households; 2) rents for at least 20% of all dwelling units, including the density bonus units but excluding the manager's unit or units, set at an affordable rent as defined in Section 50053 of the California Health and Safety Code; and 3) rents for all remaining units, excluding the manager's unit or units, set at an amount consistent with the maximum rent levels for a housing development that received an allocation of state or federal low-income tax credits from the California Tax Credit Allocation Committee (TCAC):**
 - a. **80% of the number of dwelling units set aside for lower, very low, or extremely low income households; or**
 - b. **Any amount of density bonus units, if the rental housing development is located within 1/2 mile of a major transit stop, in which case such development:**
 - i. **Shall not receive any waivers or reductions of development standards provided in Section 22.120.090; and**
 - ii. **Is entitled to a height increase of up to three additional stories, or 33 feet, which is not counted toward the incentives provided in Subsection C (Incentives) of Section 22.120.050.**