

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

TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES				
Set-Aside	Extremely Low Income (30% AMI) ¹	Very Low Income (50% AMI) ¹	Lower Income (80% AMI) ¹	Moderate Income (120% AMI) ¹
	No. of Incentives	No. of Incentives	No. of Incentives	No. of Incentives
5%	3	1	-	-
6%	3	1	-	-
7%	3	1	-	-
8%	3	1	-	-
9%	3	1	-	-
10%	3	2	1	1
11%	3	2	1	1
12%	3	2	1	1
13%	3	2	1	1
14%	3	2	1	1
15%	3	3	1	1
16%	3	3	1	1
17%	3	3	1	1
18%	3	3	1	1
19%	3	3	1	1
20%	3	3	2	2
21%	3	3	2	2
22%	3	3	2	2
23%	3	3	2	2
24%	3	3	2	2
25%	3	3	2	2
26%	3	3	2	2
27%	3	3	2	2
28%	3	3	2	2
29%	3	3	2	2
30%- 79%99%	3	3	3	3
80%-99%	3 or 4 ²	3 or 4 ²	3 or 4 ²	3
100% -2-3	3 or 4 ²	3 or 4 ²	3 or 4 ²	3

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

TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES

Notes:

1. **Except as specified in Note 2, below, the granting of incentive(s) is subject to a Discretionary Housing Permit (Section 22.166.050), unless the findings specified in Section 22.166.040.C.1.a are satisfied, and the housing development is one of the following, in which case an Administrative Housing Permit (Section 22.166.040) application is required:**
 - a. A housing development with a very low or lower income housing set-aside;
 - b. A common interest development with a moderate income housing set-aside; or
 - c. 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; or
 - iii. A single-family residential subdivision with a moderate income housing set-aside.
2. **Notwithstanding Note 1, above, the granting of the fourth incentive is subject to an Administrative Housing Permit (Section 22.166.040), provided that:**
 - a. **The housing development is 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); and**
 - b. **The findings specified in Section 22.166.040.C.1.a are satisfied.**
3. **A housing development may request an additional density bonus as an incentive in addition to the density bonus provided in Table 22.120.050-A if the housing development includes a 100% affordable housing set-aside. The granting of an additional density bonus as an incentive is subject to a Discretionary Housing Permit (Section 22.166.050), unless both of the following are satisfied, in which case an Administrative Housing Permit (Section 22.166.040) application is required:**
 - a. **The findings specified in Section 22.166.040.C.1.a are satisfied; and**
 - b. **The housing development 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.**