



TO: Mayor and Councilmembers

SUBMITTED BY: Peter T. Imhof, Planning and Environmental Review Director

PREPARED BY: Lucy Graham, Senior Housing Analyst

SUBJECT: Adoption of Density Bonus Guidelines

RECOMMENDATION:

Adopt Resolution No. 25-___, entitled, "A Resolution of the City Council of the City of Goleta, California, Adopting the City of Goleta Density Bonus Guidelines and Finding that Adoption of the Guidelines is Exempt from the California Environmental Quality Act."

BACKGROUND:

In 2024, the Council directed the Planning and Environmental Review (PER) Department, as part of its Annual Work Program, to develop procedures and timelines for implementation of California's Density Bonus Law, as required by state law. Specifically, under California Government Code (G.C.) 65915(a)(3)(A), local governments are required to "[a]dopt procedures and timelines for processing a density bonus application." Accordingly, PER staff has drafted Density Bonus Guidelines, containing submittal requirements, permit procedures, and processing timelines for consideration by the Council for adoption by Resolution (Attachment 1).

DISCUSSION:

California's Density Bonus Law, enacted in 1979, aims to address the state's housing shortage by granting benefits to housing projects that provide housing for certain populations or provide deed-restricted affordability for a specified period of time. The program is intended to stimulate the production of housing units in the state by reducing development costs and regulatory barriers while increasing a developer's return on investment.

Potential benefits under Density Bonus Law are numerous, including increased allowable housing density (number of units), waived development standards, and other incentives to remove or reduce physical and financial barriers to the construction of housing. The text of the statute is complex, however, and explicitly requires that local jurisdictions adopt procedures and timelines for processing a density bonus application. As drafted, the

proposed Density Bonus Guidelines reflect current state law and clarify how the City implements G.C. 65915 to process applications for housing projects seeking benefits under density bonus regulations. The draft Guidelines (Exhibit A to Attachment 1) is organized in sections intended to be useful in practice: Introduction; Definitions; Eligibility; Density Bonuses; Incentives, Waivers, and Reduced Parking Ratios; Affordable Housing Requirements; Application and Approval Requirements; and Application Process and Timelines. Throughout the document, parenthetical references to the source Government Code and other relevant law have been included to assist both applicants and staff in confirming that the appropriate provisions are applied to a project, according to the specifics of the proposal.

Should Council adopt the Guidelines via the Resolution provided as Attachment 1, the Guidelines would become effective immediately. Following adoption, the document can be updated administratively to comply with best practices and changes in the statute. The Guidelines work in concert with the City's Affordable Housing Policies and Procedures Manual, adopted in September 2023, and clarify that, in case of conflict, Density Bonus Law takes precedence, followed by Goleta Municipal Code, and finally the Guidelines.

Environmental Review

Pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), adoption of the proposed Guidelines document does not constitute a "project" for the purposes of CEQA because it constitutes continuing administrative or maintenance activities, such as "general policy and procedure making," and it will not result in direct or indirect physical changes in the environment. Hence, there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15378(b)(2) and Section 15061(b)(3)).

GOLETA STRATEGIC PLAN:

Adoption of Density Bonus Guidelines is consistent with Goleta's 2025-2027 Strategic Plan.

City-Wide Initiative 4: Support Economic Vitality

Strategic Goal 4.7: Support organizations, programs, and policies that facilitate affordable housing for the Goleta workforce.

FISCAL IMPACTS:

There is no fiscal impact associated with this item, as staff is already obligated to implement State Density Bonus Law.

ALTERNATIVES:

Council could direct staff to make revisions to the Guidelines and return to Council at a later date.

LEGAL REVIEW BY: Isaac Rosen, City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENT:

1. Resolution No. 25-__, entitled, "A Resolution of the City Council of the City of Goleta, California, Adopting the City of Goleta Density Bonus Guidelines and Finding that Adoption of the Guidelines is Exempt from the California Environmental Quality Act"
Exhibit A – Density Bonus Guidelines
Exhibit B – Notice of Exemption
2. Staff PowerPoint Presentation

ATTACHMENT 1

Resolution No. 25-__ entitled, "A Resolution of the City Council of the City of Goleta, California, Adopting the City of Goleta Density Bonus Guidelines and Finding that Adoption of the Guidelines is Exempt from the California Environmental Quality Act"

RESOLUTION NO. 25-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADOPTING THE CITY OF GOLETA DENSITY BONUS GUIDELINES AND FINDING THAT ADOPTION OF THE GUIDELINES IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City's General Plan and Coastal Land Use Plan contain policies that seek to promote and maintain a balanced, equitable, and economically diverse community with a mix of workplaces and residential uses that offer a variety of housing types; and

WHEREAS, the City strives to ensure that an adequate supply of affordable housing is accessible to persons and households at all economic levels of the community; and

WHEREAS, the State of California has enacted Government Code Sections 65915 - 65918 (State Density Bonus Law), which grant benefits to projects that provide housing for certain populations or deed-restricted affordability; and

WHEREAS, the State legislature has amended State Density Bonus Law annually for more than a decade; and

WHEREAS, the City implements State Density Bonus Law by offering density bonuses, parking reductions, and certain incentives and waivers for qualifying housing projects in the City; and

WHEREAS, Section 65915(a)(3) of the Government Code requires local governments to adopt procedures and timelines for processing a density bonus application, as well as a list of documents and information required for the application to be deemed complete; and

WHEREAS, the City wishes to adopt Density Bonus Guidelines containing administrative procedures and timelines and submittal requirements to implement State Density Bonus Law; and

WHEREAS, the Guidelines should be adopted and published to ensure fairness, predictability, and transparency in implementation of affordable housing programs and projects; and

WHEREAS, once adopted, the Guidelines shall be updated administratively, as needed, to reflect best practices and statutory amendments to State Density Bonus Law.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GOLETA, CALIFORNIA, AS FOLLOWS:**

SECTION 1. Incorporation. The above Recitals are true and correct and are incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. Adoption; Staff Authorization. Based on the foregoing, the City Council hereby adopts the City of Goleta Density Bonus Guidelines, attached hereto as Exhibit A and incorporated herein by reference. The City Council further authorizes City staff to administratively update the Guidelines as necessary to reflect best practices and any future Legislative changes to State Density Bonus Law.

SECTION 3. Environmental Assessment. The City Council finds that adoption of the Guidelines is not subject to the requirements of the California Environmental Quality Act (CEQA) for the following reasons: Adoption of the Guidelines is (1) not a “project” within the meaning of Section 15378(b)(2) of the State CEQA Guidelines because the Guidelines are an administrative document that establishes generally applicable policies and procedures for density bonus projects, and (2) exempt under State CEQA Guidelines Section 15061(b)(3), the General Rule exemption, because it can be seen with certainty that there is no possibility that these Guidelines may have a significant impact on the environment. The City’s actions do not authorize any new development or any action that has the potential to significantly impact the environment.

SECTION 4. Action. The City Council hereby takes the following actions:

- A. Directs City staff to apply and update the Guidelines in implementation of State Density Bonus Law for projects in the City;
- B. Directs staff to file the CEQA Notice of Exemption attached hereto as Exhibit B within five (5) business days.

SECTION 5. Effective Date. This Resolution shall take immediate effect upon adoption.

SECTION 6. City Clerk Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 7. Records. The documents and materials associated with this Resolution that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 130 Cremona Drive, Suite B, Goleta CA 93117.

PASSED, APPROVED AND ADOPTED this 19th day of August 2025.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 25-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19th day of August 2025 by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 1 EXHIBIT A

Density Bonus Guidelines



Density Bonus Guidelines

Planning and Environmental Review Department
Adopted August 2025

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I. Introduction

California's Density Bonus Law (codified at Government Code §§ 65915 et seq.) aims to encourage the development of affordable housing by providing housing developers with certain incentives. These incentives include increases in density above the maximum allowed on the site by local zoning, reductions in local parking standards, concessions to reduce project costs, and reductions or waivers of applicable development standards.

The City is responsible for implementing the provisions of State Density Bonus Law. The City does this for housing projects at the local level during the permitting stage. The purpose of these Density Bonus Program Guidelines ("Guidelines") is to provide administrative guidance for implementation of the State Density Bonus Law and the City's Density Bonus Ordinance under Chapter 17.27 of the Goleta Municipal Code (GMC).

State Density Bonus Law has been and likely will be modified in the future by the State Legislature. Where conflicts between state law, the City Code, and this document arise, State Density Bonus Law shall have precedence, followed by City Code, then these Guidelines.

When using these Guidelines, users must check the referenced Code sections for additional detail and requirements. State Density Bonus Law is lengthy and complex and is amended almost every year. These Guidelines only summarize relevant provisions.

Unless otherwise noted, all references are to the Government Code. Statutory references below incorporate successor provisions.

These Guidelines are not comprehensive. The City reserves the right to change these Guidelines without notice to comply with state law. Check back regularly to ensure that you are using the latest version of these Guidelines. LAST UPDATED: August 2025

II. Definitions

A. State Bonus Law Definitions

Affordable Rent. The maximum monthly payment of rent, including a reasonable utility allowance, that does not exceed the following:

- a. For very low-income households, one twelfth (1/12) of the product of 30 percent times 50 percent of the area median income adjusted for assumed household size. [Health & Safety Code § 50053]
- b. For lower-income households, whose gross incomes exceed the maximum income for very low-income households, one twelfth (1/12) of the product of 30 percent times 60 percent of the area median income adjusted for assumed household size. [§ 65915(c)(1)(B)(i); Health & Safety Code § 50053; 25 CCR § 6918.]
- c. For moderate-income households, one twelfth (1/12) of the product of 30 percent times 110 percent of the area median income adjusted for assumed household size. [Health & Safety Code § 50053.]

- d. For a project where 100 percent of the units, including bonus units and excluding a manager's unit, are for lower-income households (except that 20 percent of the units may be for moderate-income households), rents for at least 20 percent of the units must be set at affordable rent as defined above, and the rents for the remainder of the units cannot exceed those for lower-income households as set by the California Tax Credit Allocation Committee. [§ 65915(c)(1)(B)(ii).]

The City publishes an annual schedule of maximum affordable rents, also known as maximum rent amounts, for below-market-rate, deed-restricted units, per the methodology in the Affordable Housing Policies and Procedures Manual. The maximum rent amounts set by the City vary by bedroom count and incorporate a set percentage of Area Median Income, as well as a reasonable utility allowance.

Affordable Housing Cost. The maximum purchase price where monthly payments, after a reasonable down payment, and including interest, principal, mortgage insurance, property taxes, homeowner's insurance, homeowner's association fees, space rent (if any), a reasonable utility allowance, and a reasonable allowance for property maintenance and repairs, do not exceed the following:

- a. For very low-income households, one twelfth (1/12) of the product of 30 percent times 50 percent of the area median income adjusted for assumed household size;
- b. For lower-income households whose gross incomes exceed the maximum income for very low-income households, one twelfth (1/12) of the product of 30 percent times 70 percent of the area median income adjusted for assumed household size; and
- c. For moderate-income households, one twelfth (1/12) of the product of 35 percent times 110 percent of area median income adjusted for assumed household size. [§ 65915(c)(2)(A)(i); Health & Safety Code § 50052.5; 25 CCR § 6920.]

The City publishes an annual schedule of maximum purchase prices, also known as maximum sale prices, for below-market-rate, deed-restricted units, per the methodology in the Affordable Housing Policies and Procedures Manual. The maximum sale prices set by the City vary by bedroom count and incorporate current assumptions for the housing costs mentioned above (interest, principal, mortgage insurance, property taxes, homeowner's insurance, homeowner's association fees, a reasonable utility allowance, and a reasonable allowance for property maintenance and repairs).

Area Median Income. The median household income in the County of Santa Barbara, adjusted for household size, as published annually in the California Code of Regulations, Title 25, Section 6932, or successor provision, by the California Department of Housing and Community Development.

Assumed Household Size. One person for a studio; two persons for a one-bedroom unit; three persons for a two-bedroom unit; and one additional person for each additional bedroom.

Base Density. See definition of Maximum Allowable Residential Density.

Childcare Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers, or as otherwise defined in § 65915(h)(4).

Concessions (Incentives). A concession or incentive as defined in § 65915(k).

Density Bonus. As defined in §§ 65915(f) and 65915.5(b).

Development Bonus. A mutually agreed upon incentive between a commercial developer and the City for the commercial developer's provision of housing pursuant to § 65915.7.

Development Standard. A site or construction condition, including, but not limited to, a height limitation, setback requirement, floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government's electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government or otherwise as defined in § 65915(o)(2).

Disabled Veteran. Any veteran who is currently declared by the United States Veterans Administration to be ten percent (10 percent) or more disabled as a result of service in the armed forces, or as otherwise defined in § 18541.

Homeless Person. A "homeless person" as defined in the federal McKinney-Vento Homeless Assistance Act and codified at 42 U.S.C. § 11302(a).

Housing Development. As defined in § 65915(i).

Located Within One-Half Mile of a Major Transit Stop. As defined in § 65915(o)(3).

Lower-Income Household. A household whose income does not exceed the qualifying limits for lower-income households applicable to Santa Barbara County, as published annually in the California Code of Regulations, Title 25, Section 6932, or successor provision, by the California Department of Housing and Community Development. Lower-income households include very low-income households and extremely low-income households. [§ 65915(b)(1)(A); Health & Safety Code § 50079.5.]

Lower-Income Student. As defined in § 65915(o)(4).

Major Transit Stop. A site containing any of the following or where one of the following is included in the Regional Transportation Plan:

- a. An existing rail or bus rapid transit station;
- b. A ferry terminal served by either a bus or rail transit service; or
- c. An intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods. [§ 65915(o)(5); Public Resources Code §§ 21155(b); 21064.3.]

Maximum Allowable Residential Density. As defined in § 65915(o)(6).

Moderate Income Household. A household whose income exceeds the income limit for lower-income households but whose income does not exceed the qualifying limits for moderate-income households applicable to Santa Barbara County, as published annually in the California Code of Regulations, Title 25, Section 6932, or successor provision, by the California Department of Housing and Community Development. [§ 65915(b)(1)(D); Health & Safety Code § 50093.]

Qualified Nonprofit Housing Corporation. As defined in § 65915(c)(2)(B).

Senior Citizen Housing Development. A senior citizen housing development as defined in Civil Code §§ 51.3 and 51.12, requiring at least 35 dwelling units; or a mobile home park that limits residency based on age for older persons under Civil Code §§ 798.76 or 799.5. [§ 65915(b)(1)(C).]

Shared Housing Building. As defined in § 65915(o)(7)(A).

Shared Housing Unit. As defined in § 65915(o)(7)(B).

Student Housing Development. As described in § 65915(o)(8).

Total Units or Total Dwelling Units or Base Units. As “total units” and “total dwelling units” are defined in § 65915(o)(9).

Transitional Foster Youth. A person in California whose dependency was established and continued by a court of competent jurisdiction, including a tribal court, on or after the youth’s 13th birthday and who is no older than 25 years of age at the commencement of the academic year, or as otherwise defined in § 66025.9 of the Education Code. [§ 65915(b)(1)(E).]

Very Low-Income Household. A household whose income does not exceed the qualifying limits for very low-income families applicable to Santa Barbara County, as published annually in the California Code of Regulations, Title 25, Section 6932, or successor provision, by the California Department of Housing and Community Development. [§ 65915(b)(1)(A); Health & Safety Code § 50105.]

Very Low Vehicle Travel Area. As defined in § 65915(o)(10).

Waiver. A waiver or reduction of a development standard that would have the effect of physically precluding the construction of a development eligible for a density bonus at the density or with the incentives permitted by § 65915. [§ 65915(e)(1).]

III. Eligibility for Density Bonuses

A housing development may be eligible for a density bonus when it meets the following minimum criteria:

1. The base units (units proposed excluding any density bonus units) equal at least five (5) dwelling units. See example below in Section III.A.
2. The housing development as proposed is eligible for a density bonus as outlined in this section.
3. If the housing development seeks to demolish any existing dwelling units on the site, or any units were demolished on the site in the five years preceding the application, then the project must also meet the replacement housing requirements described below in Section III.E.

The percentage of affordable units required to establish eligibility for a density bonus is a percentage of the “base units” (referenced as “total units” in the statute; see § 65915(o)(9)). These are the units proposed in the housing development, **excluding** any units added by a density bonus.

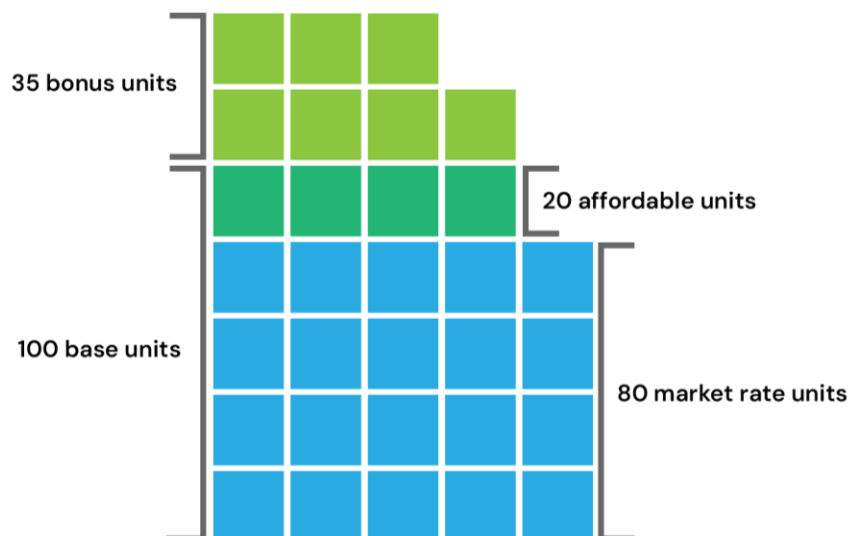
A. Basic Eligibility Requirements

The most common eligibility requirements are listed in *Table III.1*. [§ 65915(b)(1)(A-D and G.)]

Table III.1. Basic Eligibility Requirements

Eligible Housing Type	Basic Eligibility Requirements
Very Low-Income Units	At least 5 percent of the base units must be dedicated to very low-income households.
Lower-Income Units	At least 10 percent of the base units must be dedicated to lower-income households (which include very low-income and low-income households).
Moderate-Income Units (For-Sale Projects Only)	At least 10 percent of the base units must be dedicated to moderate income households, provided all of the units in the development are offered to the public for purchase.
Senior Citizen Housing Development	Project meets the definition of a senior citizen housing development. No affordable housing required.
100 percent Affordable Housing	All units, including both the total units and the density bonus units but excluding any manager's unit(s), are dedicated to moderate-or-lower income.

Example: A project that proposes 100 base units (total units), 20 of which are affordable at low-income, is allowed to build 35 bonus units if it meets all eligibility requirements.



B. Donation of Land (§ 69515(g))

An applicant for a housing development may qualify for an additional density bonus¹ by donating land, if all of the following conditions are met:

- The applicant donates and transfers the land on or before the date of approval of the final subdivision map, parcel map, or residential development application.
- The developable acreage and zoning classification of the land being donated and transferred are both sufficient to permit construction of units affordable to very low-income households in an amount at least equal to **10 percent of the number of residential units of the proposed housing development.**
- The transferred land is at least one acre or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned with appropriate development standards for development at 20 units per acre, and will be served by adequate public facilities and infrastructure.
- The transferred land must have all of the permits and approvals, except building permits, necessary for the development of very low-income units on the transferred land not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may require design review of the proposed development to the extent permitted by § 65583.2(i) if the design has not been reviewed before the property is transferred.
- Both the transferred land and the affordable units must be subject to a recorded deed restriction ensuring the continued affordability of the units as required by Section III.F, recorded at the time of property transfer.
- The land must be transferred either to the City or to a housing developer approved by the City.
- The transferred land must be within the boundary of the proposed housing development, or, if the City agrees, within one-quarter mile of the housing development.
- A proposed source of funding for the development of the very low-income units must be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application for the housing development.

C. Special Development Types

A housing development project may be eligible for a density bonus if it proposes to set aside units affordable to the following targeted populations: transitional foster youth, disabled veterans, homeless individuals and households, or low-income students, or where it proposes to construct an on-site childcare facility or shared housing; or convert rental housing to a condominium.

¹ This additional density bonus per § 65915(g)(1) shall be combined with any increase in density under § 65915(b), up to a maximum combined density increase of 35 percent. [§ 65915(g)(2).]

Table III.2. Special Development Types

Eligible Development Type	Minimum Eligibility Requirements
Transitional Foster Youth, Disabled Veterans, or Homeless Persons § 65915(b)(1)(E)	At least 10 percent of the base units must be dedicated to transitional foster youth, disabled veterans, or homeless persons at the same level of affordability as very low-income units.
Student Housing Development § 65915(b)(1)(F)	At least 20 percent of the base units must be dedicated to lower-income students with rents calculated at 30 percent of 65 percent of area median income for a <i>single-room occupancy unit type</i> . One rental bed and its pro rata share of the common area is considered a “unit.” Priority for the affordable units must be provided for lower-income students experiencing homelessness. Owner must enter into agreement with university or college to rent all units to students.
Shared Housing Building § 65915(o)(7)	Eligibility is calculated as in <i>Table III.1</i> , but a “shared housing unit” consists of a room not within another dwelling unit that includes a bathroom, sink, refrigerator, and microwave.
Condominium Conversion § 65915.5	At least 33 percent of the total units must be set aside for lower- or moderate-income households, or at least 15 percent of the total units are set aside for lower-income households. See § 65915.5 for other requirements.
Childcare Facility § 65915(h)	Construction of a childcare facility on or adjacent to the housing development, which shall remain operative for at least as long as density bonus units are to remain affordable. The percentage of children who attend the childcare facility from very low-, low-, or moderate-income households must be at least equal to the percentage of dwelling units required for those types of households in the housing development.

D. Commercial Development Bonus (§ 65915.7)

A commercial development may be eligible for a development bonus where the commercial developer partners with an affordable housing developer to construct affordable housing on the commercial project site, or offsite elsewhere in the City located near schools and employment centers and within one-half mile of a major transit stop.

The commercial developer may participate through the donation of land or funds for the affordable housing, or through direct construction of the housing units.

To be eligible for a development bonus, at least **30 percent** of the housing units must be set aside for low-income households or **15 percent** of the housing units must be set aside for very low-income households.

E. Replacement Housing Requirements (§ 65915(c)(3))

A housing development is not eligible for a density bonus, incentives, waivers, or parking reductions unless it “replaces” any rental housing that existed on the site in the past five years. These replacement housing requirements apply to any project requesting a density bonus regardless of the applicability of the Housing Crisis Act of 2019. (§ 66300 et seq.) **Note, however, that if the housing development is subject to the provisions of the Housing Crisis Act, additional benefits are available to any lower-income households residing on the site, including relocation payments and a right of first return to an affordable unit. Other benefits are available to all tenants. See § 66300.5.**

Replacement housing requirements in Density Bonus Law do not apply to density bonus applications that were submitted to or processed by the City prior to January 1, 2015. [§ 65915(c)(3)(E).]

Density Bonus Protected Units

Certain units that either now exist or that existed on the site in the last five (5) years preceding submission of the development application must be replaced. These units are all those units that are or were at any time during the last five (5) years preceding submission of the development application:

1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very low-income; or
2. Subject to some form of rent or price control through a public entity's valid exercise of its police power; or
3. Occupied by lower- or very low-income households.

Collectively, these units are referred to as “Density Bonus Protected Units.”

Replacement Requirement

If the housing development proposes to demolish one or more Density Bonus Protected Units, or if one was demolished in the past five years, they must be "replaced" in accordance with the requirements below. **Replacement units may qualify a project for a density bonus and may satisfy the City's inclusionary housing requirement, so long as the replacement units meet the requirements under both Density Bonus law and the Inclusionary Housing Ordinance.**

Occupied; Incomes Known. If the Density Bonus Protected Units are occupied at the time of submission of the density bonus application and the incomes of the households occupying the Density Bonus Protected Units are known, the proposed housing development must provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to and occupied by persons and families in the same or lower income category as those households in occupancy. [§ 65915(c)(3)(B)(i).]

Occupied; Incomes Unknown. If the Density Bonus Protected Units are occupied at the time of submission of the density bonus application but the incomes of the households occupying the Density Bonus Protected Units are not known, lower-income households are (rebuttably) presumed to occupy the units in the same proportion as lower-income renter households to all renter households in the City, as shown in the Department of Housing and Urban Development's (HUD) most recent [Comprehensive Housing Affordability Strategy \(CHAS\) database](#). The housing development must provide units at affordable rent or affordable housing cost to be occupied by lower-income households in the same proportion as indicated by the CHAS data. All fractions must be rounded up. [§ 65915(c)(3)(B)(i).]

Example: A project proposes to demolish 20 existing units. The incomes of 10 tenant households are known. Of the units where incomes are known, five units are occupied by very low-income households and five units are occupied by higher-income (i.e., above-moderate income) households.

For the 10 units where the household incomes are unknown, the CHAS data shows that 42 percent are lower-income. Forty-two percent of 10 units = 4.2 lower-income units, which must be rounded up to 5 units.

Therefore, the new project must include at least 20 units, with at least 5 very low-income units (5 known very low-income households) and 5 lower-income units (5 assumed). The developer could also elect to replace the required lower-income units with very low-income units.

Unoccupied (in a development with any occupied units); Incomes Known. If some of the Density Bonus Protected Units are unoccupied (in a development where some units are occupied) at the time of submission of the density bonus application and the income category of the last household in occupancy is known, the proposed housing development must provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to and occupied by persons and families in the same or lower income category as the last household in occupancy. [§ 65915(c)(3)(B)(i).]

Unoccupied (in a development with any occupied units); Incomes Unknown. If some of the Density Bonus Protected Units are unoccupied (in a development where some units are occupied) at the time of submission of the density bonus application but the income category of the last household in occupancy is not known, lower-income households are (rebuttably) presumed to have occupied the units in the same

proportion as shown for lower-income renter households to all renter households in the City in the most recent Department of Housing and Urban Development's (HUD) [Comprehensive Housing Affordability Strategy \(CHAS\) database](#). The housing development must provide units at affordable rent or affordable housing cost to be occupied by lower-income households in the same proportion as indicated by the CHAS data. All fractions must be rounded up. [§ 65915(c)(3)(B)(i).]

Demolished and/or Vacated; Incomes Known. For a project where all of the Density Bonus Protected Units were demolished or vacated in the five (5) years preceding the application and the incomes of the last households in occupancy are known, the proposed housing development must provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period to be made available at affordable rent or affordable housing cost to and occupied by persons and families in the same or lower income category as the last household(s) in occupancy. [§ 65915(c)(3)(B)(ii).]

Demolished and/or Vacated; Incomes Unknown. For a project where all of the Density Bonus Protected Units were demolished or vacated in the five (5) years preceding the application and the incomes of the last households in occupancy are not known, low-income and very low-income renter households are (rebuttably) presumed to have occupied the units in the same proportion as low-income and very low-income renter households to all renter households in the City, as shown in HUD's most recent CHAS database. The proposed housing development must provide units at affordable rent or affordable housing cost to and occupied by low-income and very low-income households in the same proportion as indicated by the CHAS data. All fractions must be rounded up. [§ 65915(c)(3)(B)(ii).]

Example: *A project proposes to demolish 20 existing units, all of which were vacated two years ago. The incomes of the last households in occupancy are unknown.*

The CHAS data shows that 20 percent of the renter households in the City are very low-income, and 22 percent are lower-income. Twenty percent of 20 units = 4 very low-income units; 22 percent of 20 units = 4.4 lower-income units, which must be rounded up to 5 units.

Therefore, the new project must include at least 20 units, with at least 4 very low-income units and 5 lower-income units as replacement units. The developer could also elect to replace the required low-income units with very low-income units.

Requirements for Replacement Units

Equivalent Size. Regardless of which of the above-mentioned categories the units fall into, the development must provide at least the same number of units of "equivalent size" as the units replaced, to be offered at an affordable rent or affordable housing cost. "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

Example 1: *One three-bedroom unit could be replaced by three one-bedroom units, or one two-bedroom unit and one one-bedroom unit. However, three one-bedroom units could NOT be replaced with one three-bedroom unit, because the number of units must at least equal the number of units that need to be replaced.*

Example 2: *In the scenario where one three-bedroom unit is replaced by three one-bedroom units, all three of the one-bedroom units would need to be offered at the appropriate level of affordability.*

Replacement Unit Type. The units may be of any type (apartments, accessory dwelling units, townhomes, condominiums, duplexes, etc.) and may be for sale or for rent.

Deed Restrictions Recorded. Deed restrictions must be recorded restricting affordable replacement units, in accordance with the following:

Rental Replacement Units. Rental replacement units must be subject to a deed restriction limiting occupancy to lower-income households at affordable rents for 55 years.

For-Sale Replacement Units. For-sale replacement units must be subject to a deed restriction limiting sale to lower-income buyers at affordable housing cost for 55 years.

F. Required Income and Rent Levels and Term of Affordability

Maximum Incomes

Maximum income for each income level (very low, low, and moderate) for the affordable units is determined using the most recent [Official State Income Limits](#) published annually for each County by the California Department of Housing and Community Development (HCD). Current income levels for Santa Barbara County are shown in *Table III.3*. [§ 65915(b).]

Table III.3 Current 2025 Income Levels for the City

Number of Persons in Household:		1	2	3	4	5	6	7	8
Santa Barbara County Area Median Income: \$119,100	Acutely Low	12500	14300	16050	17850	19300	20700	22150	23550
	Extremely Low	37100	42400	47700	52950	57200	61450	65700	69900
	Very Low Income	61800	70600	79450	88250	95350	102400	109450	116500
	Low Income	98850	113000	127100	141200	152500	163800	175100	186400
	Median Income	83350	95300	107200	119100	128650	138150	147700	157200
	Moderate Income	100050	114300	128600	142900	154350	165750	177200	188650

Calculating Affordable Rent and Affordable Housing Cost

Affordable rent and affordable housing cost are calculated as outlined in paragraphs (1) and (2), respectively, of Section II.A, Definitions of these Program Guidelines. [§§ 65915(c)(1)(B)(i) and 65915(c)(2)(A)(i).]

Calculating Affordable Rent in 100-Percent Affordable Projects. (§ 65915(c)(1)(B)(ii))

Where the housing development is a 100 percent lower-income project (excluding managers' units), the applicant must calculate the rents for at least 20 percent of the units in the housing development project based on the definition of "affordable rent" in the Health and Safety Code. The City publishes maximum rent amounts annually on its website. The units may be offered at either lower- or moderate-income rents. Up to 80 percent of the units in the housing development may utilize lower-income rents established by the California Tax Credit Allocation Committee (CTCAC). [CTCAC rent limits](#) are published annually.

Note: If the applicant is receiving funding for a 100 percent affordable project from a source that requires household income or affordable rent to be calculated a manner that is different from either the Health and

Safety Code or CTCAC, the applicant should consider whether the housing development will be able to meet the requirements of the funding source(s) and State Density Bonus Law.

Term of Affordability

Rental Units: Rental units that qualify a housing development for a density bonus must be occupied by very low-income or lower-income households, as applicable, and are subject to a term of affordability of at least fifty-five (55) years, or longer if required by a construction or mortgage financing program, mortgage insurance program, or rental subsidy program. [§ 65915(c)(1)(A).]

For-Sale Units: For-sale units that qualify a housing development for a density bonus shall initially be sold to and occupied by a very low-, low-, or moderate-income household at an affordable housing cost. [§ 65915(c)(2)(A)(i).]

If the unit is not purchased by an income-qualified household within 180 days after the issuance of the certificate of occupancy, then it must be sold pursuant to a contract that satisfies the requirements of Revenue & Taxation Code § 402.1(a)(10) to a qualified nonprofit housing corporation that meets all of the requirements of §§ 65915(c)(2)(A)(ii) and (B).

In either case, the unit shall be subject to the City's requirement of long-term affordability (55 years) for for-sale units. [§ 65915(c)(2)(C).] A new 55-year affordability housing covenant will be required upon any change of ownership, transfer, or conveyance (whether voluntarily or by operation of law) of an owner-occupied affordable housing unit. [GMC 17.27.030(A)(B)(9).]

G. Relation to Inclusionary Ordinance

Residential development in the City is subject to the Inclusionary Housing Ordinance, as codified at GMC Chapter 17.28. The Inclusionary Housing Ordinance requires that 20 percent of the units in a housing development be affordable (2.5% to extremely low-, 2.5% to very low-, 5% to low-, 5% to moderate-, and 5% to workforce-income households). Actual developed units in a housing development that are set aside for very low-, low- or moderate-income households to qualify the project for a density bonus shall count towards meeting the project's obligations under the City's Inclusionary Housing Ordinance, and units required to satisfy the Inclusionary Ordinance shall qualify a housing development for a density bonus, provided that the units meet the requirements of both the Inclusionary Housing Ordinance and State Density Bonus Law. Payment of an inclusionary in-lieu fee does not count towards Density Bonus under State law.

IV. Density Bonuses

A. Density Bonus Percentages

Housing developments are eligible for a density bonus where they meet or exceed the minimum eligibility requirements described in Section III. Projects that provide more than the minimum required percentage of very low-, low-, or moderate-income housing may be entitled to a greater density bonus.

However, except in the case of a land donation, **the density bonus must be selected from only one of the categories listed** in § 65915(b)(1) and shown in the tables below. For instance, bonuses for lower-income and senior units cannot be combined, even if the housing development includes lower-income senior

units; the applicant must choose whether to claim the lower-income bonus or the senior bonus. [§ 65915(b)(2).]

Table IV.1 Density Bonus for Very Low-, Low- and Moderate-Income Units

Percentage of Units	Very Low-Income Percentage Density Bonus (§ 65915(f)(2))	Low-Income Percentage Density Bonus (§ 65915(f)(1))	Moderate-Income Percentage Density Bonus (§ 65915(f)(4))
5	20	-	-
6	22.5	-	-
7	25	-	-
8	27.5	-	-
9	30	-	-
10	32.5	20	5
11	35	21.5	6
12	38.75	23	7
13	42.5	24.5	8
14	46.25	26	9
15	50	27.5	10
16	-	29	11
17	-	30.5	12
18	-	32	13
19	-	33.5	14
20	-	35	15
21	-	38.75	16
22	-	42.5	17
23	-	46.25	18
24	-	50	19
25	-	-	20
26	-	-	21
27	-	-	22
28	-	-	23

Percentage of Units	Very Low-Income Percentage Density Bonus (§ 65915(f)(2))	Low-Income Percentage Density Bonus (§ 65915(f)(1))	Moderate-Income Percentage Density Bonus (§ 65915(f)(4))
29	-	-	24
30	-	-	25
31	-	-	26
32	-	-	27
33	-	-	28
34	-	-	29
35	-	-	30
36	-	-	31
37	-	-	32
38	-	-	33
39	-	-	34
40	-	-	35
41	-	-	38.75
42	-	-	42.5
43	-	-	46.25
44	-	-	50
100	80 percent of lower-income units or no maximum if within one-half mile of a major transit stop or very low-income VMT area	80 percent of lower-income units or no maximum if within one-half mile of a major transit stop or very low-income VMT area	-

Density Bonuses for Senior Citizens Housing Developments (§ 65915(f)(3)(A))

A senior citizens housing development is eligible for a density bonus of 20 percent of the number of senior units. No income or affordability restrictions are associated with this density bonus.

Density Bonuses for 100 Percent Affordable Projects (§ 65915(f)(3)(D))

A housing development with 100 percent of the units, exclusive of the manager's unit(s), set aside as housing for lower-income households is eligible for an 80 percent density bonus. If, for example, 20

percent of the units are set aside for moderate-income households, the bonus is calculated on the lower-income units only (resulting in a bonus of 64 percent for the entire project). However, there are no density limits on 100 percent affordable projects located either (1) within one-half mile of a major transit stop or (2) in a very low vehicle travel area within the City.

Additional Density Bonuses for Additional Units. (§ 65915(v))

A housing development project is eligible for an additional density bonus, as shown in *Tables IV.4 and IV.5* below, where the housing development project meets all of the following criteria:

1. The housing development project would not restrict more than 50 percent of the total units to moderate-income, lower-income, or very low-income households;
2. The housing development project does any of the following: (i) provides 24 percent of the total units to lower-income households; (ii) provides 15 percent of the total units to very low-income households, or (iii) provides 44 percent of the total units to moderate-income households; and
3. The housing development project would provide 5 to 10 percent additional very low-income units, or 5 to 15 percent additional moderate-income units.

Table IV.2 Additional Density Bonus for Very Low- and Moderate-Income Units (§ 65915(v)(2))

Percentage of Units	Very Low-Income Percentage Density Bonus	Moderate-Income Percentage Density Bonus
5	20	20
6	23.75	22.5
7	27.5	25
8	31.25	27.5
9	35	30
10	38.75	32.5
11	-	35
12	-	38.75
13	-	42.5
14	-	46.25
15	-	50

Example: A housing development project with 25 percent very low-income units (15 percent plus 10 percent) is entitled to a total density bonus of 88.75 percent (50 percent bonus for 15 percent very low-income, plus 38.75 percent bonus for an additional 10 percent very low-income).

Density Bonuses for Donations of Land (§ 65915(g)(1))

If an applicant donates land for a housing development as described in Section III.B above, the applicant shall be entitled to a density bonus based on the number of affordable units that may be accommodated on the donated land, as a percentage of the total units in the housing development. For instance, if base density of the housing development is 400 units, and the donated land accommodates 40 very low-income units, the percentage of affordable units would be calculated as 10 percent of the housing development.

The density bonus allowed for land donation may be added to any other density bonus, up to a maximum of 35 percent. For instance, if a market-rate senior project were entitled to a 20 percent density bonus, and a land donation entitled the developer to an additional bonus of 15 percent, the senior project as a whole would be entitled to a 35 percent bonus.

Table IV.3 Density Bonus for Land Donation

Percentage of Base Units for Very Low-Income Units	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
26	31
27	32
28	33
29	34
30	35

Other Types of Density Bonuses

Table IV.4 Special Housing Types

Eligible Development Type	Density Bonus
Transitional Foster Youth, Disabled Veterans, and Homeless Persons § 65915(f)(3)(B)	20 percent of the total number of units in the housing development set aside for transitional foster youth, disabled veterans, or homeless persons.
Student Housing Development § 65915(f)(3)(C)	35-50 percent of the student housing units.
Shared Housing Building §§ 65915(o)(7), (o)(8)(B)	Percent bonus is calculated as in the previous tables in this Section IV, but a “shared housing unit” consists of a room not within another dwelling unit that includes a bathroom, sink, refrigerator, and microwave. A “unit” for bonus purposes means one shared housing unit and its pro rata share of common area facilities.
Condominium Conversion § 65915.5	Project may receive either of the following: (a) 25 percent of the total apartments to be provided in existing structure(s) proposed for conversion; OR (b) “Other incentives of equivalent financial value.”
Childcare Facility § 65915(h)(1)	Additional square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility plus one additional concession or incentive that contributes significantly to the economic feasibility of the childcare facility.
Commercial Development Bonus § 65915.7(b)	As mutually agreed between the City and the developer. Various options listed in statute.

B. Calculating the Bonus Units

The density bonus allowed for a housing development is the percentage increase in the number of housing units allowed over the “otherwise maximum allowable gross residential density,” also called the “base density.” [§§ 65915(f); 65915(o)(6).] The base density may be calculated in two ways: using dwelling units per acre; or, if no maximum density is specified, determining the density of a “base project” as described below.

All density that results in a fractional number must be **rounded up to next whole number**. This rule applies to the base density; to the density bonus; and to the number of affordable units required to qualify the housing development for a density bonus. [§ 65915(q).]

Maximum Allowable Residential Density – Density Determined by Dwelling Units Per Acre. (§ 65915(o)(6))

Where the applicable provisions of the General Plan, Zoning Code, or Specific Plan define density using “dwelling units per acre,” the base density is equal to the **maximum** number of units allowed by the General Plan, Zoning Code, or Specific Plan. If a range of density is designated for the site, the base density is equal to the **maximum** density in the range. If the maximums allowed by the General Plan, Zoning Code, and Specific Plan are different, the base density is the **greatest** density permitted by any of the three documents.

Example: The General Plan shows a site with a density of 30 units per acre. The Zoning Ordinance and Specific Plan allow 20 to 35 units per acre. The base density for the purpose of a density bonus is 35 units per acre, the greatest density permitted in the General Plan, Zoning Code, and Specific Plan.

Maximum Density Chart (confirm with regulations in GMC Title 17)

Designation	Maximum Density
RS – Single Family Residential	5 units/acre
RP – Planned Residential	13 units/acre
RM Residential – Medium Density	20 units/acre
RH Residential – High Density	30 units/acre
RHMP Residential – Mobile Home Park	15 units/acre
CC – Community Commercial	20 units/acre
OT – Old Town Commercial	20 units/acre
CG – General Commercial	20 units/acre
OI – Office Institutional	20 units/acre

Example 1: A 48-unit development is proposed on a 1.6-acre site in the RM District, where the maximum density under the zoning ordinance is 20 dwelling units per acre, allowing 32 units. However, the General Plan allows 30 units per acre, allowing 48 units.

The base density is 48 units because the greatest permitted density must be used. Under the statute's definition of "density bonus," the additional 16 units are not considered to be an increase in density over the base density of 48 units. So long as the project provides the minimum affordable units (5 percent of 48, or 3 very low-income units), it is considered to be eligible for a density bonus and hence for the incentives/concessions, waivers, and parking reductions discussed in the next section.

Example 2: A 52-unit rental development is proposed on a 1.24-acre site in the RH where the maximum density is 30 dwelling units per acre in both the zoning and the general plan.

Base Density = 30 units/acre x 1.24 acres = 37.2 units, which must be rounded up to 38 units.

The proposed density bonus is 35 percent: 35 percent x 38 units = 13.3 units, which must be rounded up to 14 units. Total units = 38 (base density) + 14 (bonus) = 52 units.

The housing development must propose the base density of 38 units as either 11 percent very low-income (11 percent x 38 = 4.18, which rounds up to 5 units) or 20 percent low-income (20 percent x 38 = 7.6, which rounds up to 8 units) to be eligible for the 35 percent density bonus.

V. Incentives, Waivers, and Reduced Parking Ratios

A. Overview

Projects that meet density bonus eligibility requirements are entitled to a finite number of incentives and concessions based on the amount of affordable housing provided and other factors. Incentives must result in "identifiable and actual cost reductions to provide for affordable housing costs . . . or rents." A housing development that meets density bonus eligibility requirements may also seek unlimited waivers of development standards **as necessary** to allow the project to be built at the density allowed by the bonus or with the approved incentives.

B. No Increase in Density Required to Qualify

State law defines a "density bonus" to include a project that is eligible for a density bonus but proposes no actual density increase over the base density. [§ 65915(f).] However, once a housing development is *eligible* for a density bonus, it is entitled to apply for the incentives, concessions, waivers, and parking ratios described in this section, whether it elects to increase project density or not.

C. Incentives and Concessions

Applicants for an eligible housing development may request the number of incentives or concessions identified in the following *Tables V.1 to V.3*. (Incentives and concessions are identical, and a reference to one includes the other.)

Incentives are defined in § 65915(k). They include any regulatory incentive that results in "identifiable and actual cost reductions to provide for affordable housing costs... or rents." Mixed use zoning can also be

requested as a concession, if it will reduce the cost of the housing development and is compatible with the development and existing and planned used in the area.

The City is not required to provide any direct financial incentives for the housing development, including the provision of publicly owned land, fee waivers, or waivers of dedication requirements. [§ 65915(l).]

The City requires reasonable documentation from the applicant for an eligible housing development to demonstrate that the concession will result in “identifiable and actual cost reductions to provide for affordable housing costs... or rents.” [§ 65915 (j)(1).]

Table V.1 Incentives for Number of Units by Income Level (§ 65915 (d)(2))

Incentives/ Concessions	Percentage of Base Units, Very Low- Income	Percentage of Base Units, Low-Income	Percentage of Base Units, Moderate- Income
1	5-9	10-16	10-19
2	10-14	17-23	20-29
3	15-99	24-79	30-44
5	100; or 80 percent very low income and 20 percent moderate income	100; or 80 percent very low income and 20 percent moderate income	45 or greater

Incentives for Student Housing Projects. A student housing project is entitled to one (1) incentive, and a student housing project with at least 23 percent lower income student housing units is entitled to two (2) incentives and concessions. [§ 65915(d)(2)(E).]

Incentives for For-Sale Projects with Very Low-Income Units. A housing development project in which the units are for sale, and which provides a total of 16 percent very low-income units is entitled to four (4) incentives and concessions. [§ 65915(d)(2)(F).]

Height Increase for 100 Percent Affordable Projects. A housing development with 100 percent of the units, exclusive of the manager’s unit(s), set aside as housing for lower-income households, or with 20 percent designated for moderate-income households and 80 percent designated for lower-income households, that is located either (1) within one-half mile of a major transit stop or (2) *in a very low vehicle travel area within the City* may also receive a height increase of up to three additional stories, or 33 feet. [§ 65915(d)(2)(D).]

D. Waivers (§ 65915(e))

Waivers are reductions or modifications of any development standard that would “have the effect of physically precluding the construction of [an eligible development] at the densities or with the [permitted] concessions and incentives.” [§ 65915(e)(1).]

“Development standards” are site and construction conditions such as height, setback, floor area ratio, open space, and parking requirements. [§ 65915(o)(2).] A housing development eligible for a density bonus may request waivers of development standards. There is no limit on the number of waivers that may be requested.

However, density limitations cannot be waived beyond those prescribed by State Density Bonus Law. Waivers are provided to accommodate the permitted density, not increase the density beyond what is required by State Density Bonus Law.²

100-Percent Affordable Projects Receiving Unlimited Density Not Entitled to Waivers. If a 100 percent affordable project utilizes the unlimited density provision applicable to projects near public transit or in low VMT areas, the City is not required to approve any waivers, although it may agree to do so. [§ 65915(e)(3).]

E. Reduced Parking Ratios (§ 65915(p))

Housing developments that qualify for a density bonus are also eligible for reduced parking ratios.³ These parking ratios are based on the unit types included in the project and may be further reduced for certain projects that are located within one-half mile of a major transit stop. See *Table V.4* below. The parking ratios are inclusive of parking for persons with disabilities and guests, and parking may be provided through tandem parking or uncovered parking, but not through on-street parking. [§§ 65915(p)(1) & (4).]

Parking ratios may be further reduced if proposed as a qualifying incentive or waiver. All parking calculations that result in a fraction must be rounded up to the next whole number. [§ 65915(p)(4).]

² Note, however, that the statute defines a development standard to include “a minimum lot area per unit requirement.” A request to waive this density standard is not applicable, as the City uses a units per acre standard.

³ An applicant may also reduce a parking requirement by applying for a waiver, since parking requirements are included in the definition of “development standard.” [§ 65915(o)(2).]

Table V.4 Summary of Parking Ratios

Qualifications	Maximum Parking Ratio
Any housing development eligible for a density bonus. § 65915(p)(1)	1 space for each 0-1 bedroom unit 1.5 spaces for each 2-3 bedroom unit 2.5 spaces for each 4+ bedroom unit
Student housing where 20 percent of the units are for lower-income students § 65915(b)(1)(F)	0 spaces for each bedspace
Projects located within one-half mile of a major transit stop (unobstructed access) and meeting any of the following criteria: <ul style="list-style-type: none"> At least 11 percent of base units set aside for very low-income households; or At least 20 percent of base units set aside for lower-income households. [§ 65915(p)(2)] 	0.5 space per unit
Projects located within one-half mile of a major transit stop (unobstructed access) and at least 40 percent of base units set aside for moderate-income households. [§ 65915(p)(2)]	0.5 space per bedroom
Projects where 100 percent of the units are set aside affordable (up to 20 percent moderate, others low) and meeting any of the following criteria: <ul style="list-style-type: none"> Located with one-half mile of a major transit stop (unobstructed access); or Senior citizen housing development that has either paratransit service or unobstructed access, within one-half mile of a fixed bus route that operates at least eight times per day; or Supportive housing development for people with disabilities; or Special needs housing development that has either paratransit service or unobstructed access, within one-half mile of a fixed bus route that operates at least eight times per day. [§ 65915(p)(3).] 	No off-street parking required.

VI. Affordable Housing Requirements

A. Fair Housing Requirements

In compliance with fair housing principles, the General Plan and the City's Affordable Housing Policies and Procedures Manual, the size, quality, and appearance of the affordable units should be equivalent to the market-rate units in the development. All affordable housing units must be dispersed within market-rate projects whenever feasible. [GMC 17.27.020(B).]

Size of Affordable Units. The affordable units in a housing development must contain the same proportional mix of bedroom sizes as the market-rate units.

Quality of Affordable Units. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market-rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.

Affordable Units in Mixed-Income Buildings. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units. The affordable units must be located throughout the building(s) and not isolated in one building, on one floor or to an area on a specific floor. [Health & Safety Code § 17929.]

B. Affordable Housing and Senior Housing Agreements

For all projects except market-rate Senior Housing Developments

The property owner and applicant shall enter into an affordable housing agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager. [§§ 65915(c)(1) & (c)(2); GMC 17.27.030(B)(7).]

For Senior Housing Developments

The property owner and applicant shall enter into a restrictive covenant with the City in a form approved by the City Attorney, to be executed by the City Manager, to require that the housing development be operated as "housing for senior citizens" consistent with state and federal fair housing laws. [§ 65915(b)(1)(C).]

All Affordable Housing Agreements

The executed agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The agreement shall be binding on all future owners and successors in interest. For more information about special development types, see *Table IV.4*.

The provisions listed below should be included in all affordable housing agreements:

- Recitals regarding approvals and legal bases for the affordability requirements;

- Legal description of the entire property;
- Development schedule in relation to the affordable and market-rate units; implementation of concurrency requirements to ensure that affordable units are constructed concurrently with market-rate units;
- Type and location of affordable units (single family, condominium, townhouse, apartments, etc.);
- Number of bedrooms and square footage;
- Affordable unit design and appearance;
- Level of affordability and length of affordability;
- Procedures for setting initial affordable sales prices or rents, in compliance with the City's Affordable Housing Policies and Procedures; and
- Procedures for city approval of marketing plan (and tenant selection plan, if applicable).

Rental Housing Developments

For rental housing developments, the affordable housing agreement must require the continued affordability of all rental units that qualified the housing development for a density bonus, and any incentives, waivers, or parking reductions, for a minimum of 55 years, or for a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, or by the City's inclusionary ordinance. The rental housing agreement may be drafted as a long-term agreement that will apply to successive owners of the development. In that case, it should include, in addition to the terms listed above:

- Calculation of affordable rents and mechanisms for city approval of annual rent increases;
- Determination of tenant eligibility and annual certification of incomes;
- Policies for over-income tenants;
- Procedures for marketing of vacant units;
- Required lease terms;
- Property management and maintenance;
- Required record-keeping;
- Term and requirements for tenant notification when term expires;
- Provisions for minor and substantive amendments; and
- Remedies in the event of default.

For-Sale Housing Developments

For for-sale housing developments, the affordable housing agreement will expire after the units are sold to qualified buyers and replaced with individual agreements with each homebuyer. The City's chief aim in this situation is to require that the units be constructed and then sold at an affordable housing cost to either qualified lower- or moderate-income households (as applicable), or that the units are purchased by a qualified nonprofit housing corporation. The City will enter into resale restrictions with the homebuyer.

Provisions to be included in the agreement in addition to those listed above include:

- Provisions for recording restrictions against individual units as the affordable units are sold in the future;
- Procedures for selecting initial buyers, verifying incomes, determining affordable housing cost, and ensuring that buyers sign, and are aware of, required restrictions; and
- Mechanism for terminating the master developer agreement once homebuyer restrictions are recorded.

Any proposed purchase of a for-sale unit by a qualified nonprofit housing corporation must conform with the provisions of §§ 65915(c)(2)(A)(ii) and (c)(2)(B) and the provisions described above may be modified accordingly.

Market-Rate Senior Housing Development

For a market-rate senior housing development that receives a density bonus or any waivers or parking reductions, the City and the developer will enter into a restrictive covenant, running with the land, in a form approved by the City Attorney, to be executed by the City Manager (or their designee) to require the housing development to be operated as “housing for senior citizens” under California Civil Code §§ 51.3 and 51.12.

VII. Application and Approval Requirements

A. Basic Application Requirements

Any applicant requesting a density bonus, or any incentives, waivers, or parking reductions must provide the following documentation:

Project Summary Table. A summary table showing the maximum allowable residential density (base density) permitted by the zoning, specific plan, and general plan designations, excluding any density bonus; proposed affordable units by income level; proposed density bonus percentage; all units in the projects; and resulting density in dwelling units per acre. Specify whether the development is proposing shared housing or student housing.

Plans. The following plans/drawings must be submitted:

- A tentative map or preliminary site plan, drawn to scale, showing the number of proposed units and designating the location of proposed affordable units, parking, and trash enclosures,
- Architectural drawings,
- Landscape drawings,
- Lighting plans with technical information (e.g., photometric analysis, cut sheets),
- Stormwater calculations and, as applicable, plans showing drainage, and
- Archaeological, historical, or other reports, as applicable.

Student Housing. If student housing is proposed, evidence that all units will be used exclusively for full-time students and that an institution of higher education intends to enter into an operating agreement or master lease for all the units. Provide evidence of the median income of residences of single-room occupancy units and proposed rents for the units to be rented to lower-income students.

Site Description. The zoning and general plan designations, assessor's parcel number(s) of the housing development site, and if reduced parking or unlimited density is requested based on location, the distance to the nearest major transit stop, unless unlimited density is requested based on a low VMT designation.

Phasing. A description of the phasing of the affordable units in relation to the market-rate units in the housing development.

Requested Incentives/Concessions. The following minimum information must be provided for each incentive requested:

- The number of incentives for which the housing development is eligible;
- The City's usual regulatory standard and the requested incentive;
- Reasonable documentation that the requested incentives will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

Requested Waivers. For each waiver requested, the City's usual development standard and the requested development standard.

Parking Reductions. If a reduction in required parking is being requested, the following items must be submitted:

- A summary table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, and reasonable documentation that the housing development is eligible for the requested parking reduction.
- Diagram showing parking spaces with dimensions, adequate maneuvering space, and turning radii.

Land Donation. If the housing development is applying for a density bonus on the basis of a proposed land donation, the applicant must provide the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements in § 65915(g) can be met.

Childcare Facility for a Housing Development. If a density bonus or incentive is requested for a childcare facility in a housing development, reasonable documentation that all of the requirements included in § 65915(h) can be met.

Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in § 65915.5 can be met.

Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus and reasonable documentation that each of the standards included in § 65915.7 has been met.

B. Information Regarding Replacement Housing Obligations

An applicant for a housing development that is requesting a density bonus must provide the information needed to comply with the replacement housing requirements. Below is the information that an applicant for a housing development must provide if the project proposes to demolish one or more units:

Restricted Affordable Lower-Income Units: Indicate the number of units by bedroom size existing on the site in the past five years that were at any time subject to a recorded covenant, ordinance, or law that restricted rents or prices to be affordable to lower- or very low-income households.

Units Subject to Rent Control or Price Control: Indicate the number of units by bedroom size on the site that in the past five years have been subject to rent control (through either a local rent control ordinance or an inclusionary ordinance) or price control.

Incomes of Existing Tenant Households: Provide documentation of the names, property address, and current incomes of any households now occupying units on the site, by bedroom size of units. If current incomes cannot be ascertained, provide a signed affidavit to that effect. Also indicate what efforts have been made to determine tenant incomes.

If Any of the Units Are Still Occupied, Incomes of Households Formerly Occupying Vacant Units: For any vacant units, provide documentation of the income of the last household occupying the unit, by bedroom size. If that household's income is unknown, provide a signed affidavit to that effect. Also indicate what efforts have been made to determine tenant's income.

No Units Occupied; All Units Vacant or Demolished; Incomes of Former Tenants: If all units that existed on the site in the last five years are currently vacant or have been demolished, indicate the maximum number of units, by bedroom size, that existed on the site in the past five years and the income of each household occupying a unit at the time when the maximum number of units existed on the site. If the income of those households cannot be ascertained, provide a signed affidavit to that effect. Also indicate what efforts have been made to determine tenant incomes.

C. Findings for Approval

An application for a density bonus shall be approved pursuant to State Density Bonus Law, if, along with any findings required for other permits for the housing development, the applicable Review Authority makes the written findings for approval required by GMC Chapter 17.27, if any.

D. Findings Allowing Denial

An application for a density bonus shall be denied pursuant to State Density Bonus Law, if the applicable Review Authority makes the written findings for denial required by GMC Chapter 17.27, if any.

VIII. Application Process & Timelines

A. Overview of Permit Process

An applicant for a housing project who is considering requesting a density bonus, or any incentives, waivers, or parking reductions must follow the City's permitting process. Depending on the specifics of

the project site characteristics and the proposed use, the following steps may comprise the permit process. (Note: Not all steps will be required for every project, and this list is only a summary.)

Planner Consultation. A preliminary request for general information on a specific site in the City that includes but is not limited to such topics as zoning and allowable uses, review of the site plan/drawings to identify consistency/inconsistency with applicable standards, notable permit history, and other miscellaneous advisories including Inclusionary Housing requirements, etc. While this step is optional, it can provide useful information to shape the project.

Application Submittal and Initial Review. Using the online permit system (“Magnet”), the applicant uploads an application form and required submittal materials including writing justification statement, title reports, required plans (architectural, site plan, lighting, stormwater, landscaping/irrigation etc.) and any required technical reports to comply with applicable objective standards. Once staff verifies that the required documents have been provided, the applicant is directed to pay the applicable review fee deposit. Submittal checklists are provided by permit type to ensure that the appropriate materials are provided to facilitate project review.

Staff Review for Completeness. Once the application has been taken in, City staff (primarily in Planning and Public Works Departments) along with outside responsible agencies review the submittal materials for completeness. Not later than 30 calendar days after receipt of the application/payment of applicable review deposit, the applicant will be apprised of the completeness/incomplete status of the submitted materials. The purpose of the completeness review is to determine if there is sufficient information provided to process the proposal. An applicant should endeavor to submit as complete a packet as possible, because missing information from the application will cause delays and multiple rounds of completeness review.

Environmental Review. Once an application is deemed complete, the first step in the review process is the determination regarding the project’s appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA). Staff will oversee the preparation of any necessary CEQA documents including the noticing. The applicant is responsible for all costs associated with environmental review/analysis including the applicable filing fees with the County of Santa Barbara and the California Department of Fish and Wildlife.

Design Review. If applicable, the Design Review Board will consider and evaluate if the project complements and enhances the visual aesthetics of the community to prevent poor quality of design as outlined in GMC Chapter 17.58. Projects undergo conceptual review, preliminary, and final review with a recommendation for approval to the applicable Review Authority.

Planning Commission Review. If applicable, staff will present the project to the Planning Commission for review and consideration at a noticed public hearing. The Planning Commission will consider the merits of the project based on the applicable review findings and will either take action if they are the designated Review Authority or will make a recommendation to City Council if the City Council is the designated Review Authority as outlined in GMC Chapter 17.50.

City Council Review. If applicable, staff will present the project to the City Council for review and a decision.

Staff Level Review. If a project meets the requirements as outlined in state law for ministerial review of housing projects, then the applicable review process will be handled at staff level through a Land Use Permit. Staff would apply the objective design standards, and no hearings before the Design Review Board, Planning Commission, or City Council would be necessary unless staff's decision was appealed.

Zoning Clearance: Following entitlement (granted by staff or a higher-level Review Authority), the applicant/permittee is required to submit for a Zoning Clearance which is used to document compliance with the adopted conditions of approval. Conditions of approval typically include but are not limited to applicable mitigation measures, storm water and drainage improvements, public right-of-way improvements plans, grading plans, final design review of architectural, landscaping, lighting/irrigation plans, preparation and recordation of applicable agreements, and submittal of bonds. Once Zoning clearance has been issued, then the construction documents, along with the stormwater plans, can be submitted to Building for plan check and review. Applicants can submit multiple zoning clearances for different aspects such as grading plans, building plans, etc.

Building Plan Check/ Permit(s). Following issuance of the Zoning Clearance(s), an applicant submits application materials and technical plans for building plan check. Once the building plan check process has been completed and all fees, bonds, and applicable conditions have been satisfied, building permits are issued.

Final Sign-off / Certificate of Occupancy. Upon completion of the buildings, parking, landscaping, lighting, stormwater facilities, public improvements, etc. and following the final inspection by a building inspector, sign-off by applicable City Departments (Planning and Public Works) and outside Agencies (Fire Department, Water District, Sanitation District, Southern California Electric, etc.), and payment of applicable Development Impact Fees, the housing project is considered complete, and a Certificate of Occupancy is issued, after which the units can be occupied.

B. Review of a Density Bonus Application

To comply with state law during processing of a density bonus application, the City will do the following:

- Provide a checklist of all documents and information required to be submitted with the permit application in order for the application to be deemed complete. See *Exhibit A*.
- Notify the applicant for a density bonus within 30 days whether the application is complete.
- If the City notifies the applicant that the application is deemed complete, the completeness letter will note what the City understands the applicant's project description to include such as the following matters:
 1. The amount of density bonus for which the applicant is eligible and requesting.
 2. If the applicant requests a reduced parking ratio, the parking ratio for which the applicant is eligible.
 3. If the applicant requests incentives, concessions, waivers, or reductions of development standards, whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards.

Note: Any determination as described in this section shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

EXHIBIT A: Submittal Requirements

Any applicant requesting a density bonus, or any incentives, waivers, or parking reductions must provide documentation to demonstrate compliance with state law. In addition to the submittal requirements outlined for the applicable application type, the following information needs to be provided. The applicable checklists can be accessed here: <https://www.cityofgoleta.org/your-city/planning-and-environmental-review/permits-and-regulations>.

☐ **Project Description.** Provide a description of the project that includes the following information:

- A brief overview of the project in general, including:
 - Zoning and general plan designations
 - Assessor's parcel number(s) of the housing development site
 - (If reduced parking or unlimited density is requested based on location) the distance to the nearest major transit stop, unless unlimited density is requested based on a low VMT designation
- Whether the project proposes rental or ownership units
- Whether there are any residential units on the property currently or were any in the last five (5) years? If so, how many units? Identify type (rental or ownership units). If rental units, provide the monthly rental rate of the units (with a detailed explanation of how you obtained the rental rate information).
- A description of phasing for construction of the affordable units in relation to the market-rate units.

☐ **Site Plans.** Provide the following items:

- A tentative map or preliminary site plan, drawn to scale (using vertical control datum NAVD88), showing the number of proposed units, designating the location of proposed affordable units, parking spaces, and trash enclosures
- Architectural drawings
- Landscape drawings
- Lighting plans with technical information (e.g., photometric analysis, cut sheets)
- Stormwater calculations and, as applicable, plans showing drainage
- Archaeological, historical, or other reports, as applicable

☐ **Project Summary Table.** Provide a standalone table with the following information, as applicable to the project:

- Total number of proposed housing units
- Number of market rate housing units
- Number of affordable housing units
 - Number of restricted affordable units for very low-income households
 - Number of restricted affordable units for low-income households
 - Number of restricted affordable units for moderate income households
- Percentage of total units in the development that are affordable, broken down by affordability level
- Density allowed by zoning (dwelling units per acre)

- Proposed density of project (dwelling units per acre)
 - Density Bonus percentage requested
 - Size of market rate units (number of studios, one bedroom, two bedroom, etc.)
 - Size of affordable units (number of studios, one bedroom, two bedroom, etc.)
 - Size of senior units (number of studios, one bedroom, two bedroom, etc.)
 - Number of parking spaces required
 - Number of parking spaces provided
 - Specify whether the development is proposing senior housing, shared housing, or student housing.
- ☐ **Objective Design Standards (if applicable and eligible per GMC Chapter 17.44).** If the project is seeking streamlined, ministerial permit processing under GMC Chapter 17.44, provide information demonstrating compliance with all objective City policies, development standards, and design standards as established in the General Plan and the Goleta Municipal Code.
- ☐ **Senior Housing only.** If senior housing is proposed, provide the number of senior housing units, including the number of restricted affordable senior units proposed, if any, and the affordability level for each.
- ☐ **Student Housing only.** If student housing is proposed, provide evidence:
- That all units will be used exclusively for full-time students,
 - That an institution of higher education intends to enter into an operating agreement or master lease for all of the units, and
 - Of the median income of residences of single-room occupancy units and proposed rents for the units to be rented to lower-income students.
- ☐ **Requested Incentives/Concessions.** Provide the following minimum information:
- The number of incentives for which the housing development is eligible,
 - The City's usual regulatory standard and the requested incentive, and
 - *For each incentive requested*, reasonable documentation that the requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
- ☐ **Requested Waivers.** Provide the following minimum information for each waiver or reduction of development standard requested:
- The City's usual development standard and the requested development standard, and
 - *For each waiver or reduction of development standard requested*, reasonable documentation of how the development standard would physically preclude the construction of the qualified affordable housing development.
- ☐ **Parking Reductions.** If requesting reduced parking, provide the following items:
- A standalone summary table showing
 - Parking required by the zoning regulations,
 - Parking proposed under State Density Bonus Law, and
 - Reasonable documentation that the housing development is eligible for the requested parking reduction.
 - Diagram showing:
 - Parking spaces with dimensions,

- Adequate maneuvering space, and
- Turning radii.

- ☐ **Land Donation.** If the housing development is applying for a density bonus on the basis of a proposed land donation, the applicant must provide:
 - The location of the land to be dedicated,
 - Proof of site control, and
 - Reasonable documentation that all requirements in § 65915(g) can be met.
- ☐ **Childcare Facility for a Housing Development.** If a density bonus or incentive is requested for a childcare facility in a housing development, reasonable documentation that all of the requirements included in § 65915(h) can be met.
- ☐ **Condominium Conversion.** If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in § 65915.5 can be met.
- ☐ **Commercial Development Bonus.** If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus and reasonable documentation that all standards included in § 65915.7 have been met.

ATTACHMENT 1 EXHIBIT B

Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

☒ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title:

Adoption of Density Bonus Guidelines

Project Applicant:

City of Goleta Planning and Environmental Review Department

Project Location (Address and APN):

Citywide

Description of Nature, Purpose, and Beneficiaries of Project:

Adoption of Density Bonus Guidelines as a guiding document in implementation of the California's Density Bonus Law under Government Code Section 65915.

Name of Public Agency Approving the Project:

City Council of the City of Goleta

Name of Person or Agency Carrying Out the Project:

City of Goleta

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☐ Categorical Exemption: *(Insert Type(s) and Section Number(s))*
- ☒ Other Statutory Exemption: Sec. 15378(b)(2) (not a project), 15061(b)(3) (general rule)

Reason(s) why the project is exempt:

Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), adoption of the proposed Density Bonus Guidelines does not constitute a "project" for the purposes of CEQA because it is continuing administrative or maintenance activities, such as "general policy and procedure making," and it will not result in direct or indirect physical changes in the environment. Hence, there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15378(b)(2) and Section 15061(b)(3)).

NOTICE OF EXEMPTION (NOE)

City of Goleta Contact Person, Telephone Number, and Email:

Lucy Graham, Senior Housing Analyst
805-961-7546
lgraham@cityofgoleta.org

Peter Imhof, Director, Planning and Environmental Review Dept.

Date

If filed by the applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐Yes ☐No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code

ATTACHMENT 2

Staff PowerPoint Presentation



Density Bonus Guidelines

Presentation By:
Peter Imhof, PER Director
Lucy Graham, Senior Housing Analyst

Goleta City Council
August 19, 2025

Purpose of the Guidelines

- Comply with Gov. Code § 65915(a)(3)(A):
 - Adopt procedures & timelines for processing a Density Bonus (DB) application
- Part of PER Annual Work Program



Guidelines Contents

- State Density Bonus Law:
 - Provisions
 - Examples
- DB Permit Procedures
- Submittal requirements
- Processing steps



Adoption & Updates

- Adoption by Council resolution
- Effective immediately
- Administrative updates to address:
 - Changes to state law
 - Best practices



Staff Recommendation

Adopt Resolution No. 25-___, entitled, "A Resolution of the City Council of the City of Goleta, California, Adopting the City of Goleta Density Bonus Guidelines and Finding that Adoption of the Guidelines is Exempt from the California Environmental Quality Act"



Questions?

Thank you!