Folsom City Council
Staff Report

MEETING DATE:	9/8/2026
AGENDA SECTION:	Public Hearing
SUBJECT:	Ordinance No. 1374– An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.102 (Density Bonus) of the Folsom Municipal Code (Introduction and First Reading), and Determination that the Action is Not Subject to Environmental Review Under the California Environmental Quality Act (CEQA)
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Conduct the first reading of Ordinance No. 1374– An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.102 (Density Bonus) of the Folsom Municipal Code and Determination that the Action is Not Subject to Environmental Review Under the California Environmental Quality Act (CEQA).

BACKGROUND / ISSUE

Project Context

The City of Folsom's Density Bonus Ordinance, Chapter 17.102 of the Folsom Municipal Code, plays a key role in promoting the development of affordable housing. Adopted in 2002 and amended in 2005, the ordinance is intended to govern density bonuses for residential projects that meet specified affordable housing percentages, consistent with State Law.

The city's 2021–2029 Housing Element identifies the need to update the Density Bonus Ordinance to ensure consistency with current State Density Bonus Law as part of the broader zoning code update. Due to delays in the comprehensive zoning code update, this update has not yet been completed. In the interim, the city has relied on State density bonus requirements when processing qualifying projects.

In recent years, density bonus provisions have been applied to several affordable housing projects, including Mangini Place Apartments, Harrington Grove Apartments, Vintage Senior Apartments, and the Persifer Street Habitat for Humanity for-sale project.

State Density Bonus Law Alignment

The California Density Bonus Law, originally enacted in 1979, requires cities and counties to provide density bonuses, incentives, concessions, parking reductions, and development standard waivers for housing developments that include qualifying levels of affordable or senior units. California courts have consistently recognized that the purpose of the law is to incentivize the production of affordable housing by allowing developers who include specified percentages of lower income units to exceed what local zoning would otherwise permit.

Under State density bonus requirements, a city must grant a density bonus and related incentives upon request when a project meets the applicable affordability thresholds. These requirements are mandatory and are intended to remove local regulatory barriers to producing affordable housing.

Since the city's 2005 update, the State density bonus requirements have evolved through a series of legislative amendments, including several substantial changes in recent years. A table summarizing the major legislative updates to State density bonus requirements is provided in Attachment 3. These cumulative changes, intended to expand affordable housing opportunities and reduce local regulatory barriers, have established clear statewide standards that guide how jurisdictions must evaluate qualifying housing projects.

As statewide reforms continue to expand and refine provisions related to eligibility, bonus calculation methods, development standard waivers, incentives and concessions, parking reductions, and administrative procedures, several sections of the city's existing ordinance have become inconsistent with current State requirements.

To maintain alignment with the latest State density bonus requirements and support the city's affordable housing goals, the ordinance must be updated as required by Government Code section 65915. Because the Legislature now revises these requirements almost annually, staff recommends structuring the ordinance to reference State law directly, rather than restating statutory language. This approach aims to ensure the ordinance remains consistent with future legislative amendments and avoids becoming outdated as new housing legislation takes effect.

Summary of Proposed Ordinance Updates

1. Updated Purpose and Intent Section (Section 17.102.010)

   The updated Purpose and Intent section clarifies that the city must interpret and apply the ordinance in a manner consistent with State Density Bonus Law, and that State law governs in the event of any conflict. This revision reflects HCD guidance and strengthens the ordinance's legal defensibility.

2. Updated Definitions - Defer to State Density Bonus Law (Section 17.102.020)

The updated Definitions section reduces the number of defined terms in the ordinance by deferring to the definitions contained in State Density Bonus Law, ensuring consistency and avoiding conflicts with statutory language. As a result, the ordinance no longer defines terms that are already established in State Law, improving clarity for both applicants and staff.

3. Clarified Density Bonus Calculation (Section 17.102.030 (B))

   The update includes defining “base density” in a manner consistent with Government Code Section 65915(f), clarifying that fractional units are rounded up, and explaining how inclusionary units may be applied toward density bonus eligibility. These changes ensure that density calculations remain accurate, consistent, and compliant with State requirements.

4. Updated Incentive and Concession Provisions (Section 17.102.030(C) and Section 17.102.060(B))

   The updated incentive and concession provisions incorporate the statutory definition of incentives and concessions, specify that the allowable number of incentives or concessions is established in Government Code Section 65915(d), clarify that qualifying projects are eligible for incentives and concessions regardless of whether they utilize an increase in density, and state that such projects must be approved without requiring alternative designs or reductions in density. These updates bring the city’s procedures into full alignment with State law.

5. Updated Waiver Provisions (Section 17.102.030 (D) and Section 17.102.060 (B))

   The updated waiver provisions confirm that applicants may request an unlimited number of waivers of development standards, clarify that the city may not require feasibility analyses, pro formas, or alternative designs in connection with a waiver request, and require approval of requested waivers unless the specific findings in Section 65915(e) can be made. These revisions ensure that development standards are not applied in a way that would physically prevent qualifying projects from being constructed.

6. Updated Parking Ratio Requirements (Section 17.102.030 (E))

   The updated parking ratio requirements incorporate the maximum parking ratios established in Government Code Section 65915(p) and clarify that parking studies may not be required and that parking reductions operate independently of incentives, concessions, and waivers. These updates strengthen consistency with State law.

7. Added Affordable Housing Agreement Requirement (17.102.050)

The updated ordinance now requires an Affordable Housing Agreement for any project receiving a density bonus, incentive, parking reduction, or waiver, and mandates that the agreement be recorded prior to approval of a final or parcel map or issuance of building permits. This ensures that long-term affordability commitments are legally binding, transparent, and enforceable, and strengthens the city's ability to monitor compliance with State Density Bonus Law.

8. Updated Application Requirements and Review Procedures

   The updated ordinance now includes clear timing requirements for application submittal, a detailed list of required application materials, a completeness review process consistent with the Permit Streamlining Act, and a consolidated findings section specifying the only allowable basis for denial. These additions streamline the review process and improve transparency for applicants.

Together, these updates ensure that the city's density bonus ordinance remains consistent with current State law, improves clarity for applicants, and strengthens the city's ability to implement its affordable housing objectives. Adoption of the updated ordinance will help maintain compliance with ongoing legislative changes and support streamlined, legally defensible housing approvals.

Public Outreach

Ahead of the Planning Commission hearing, staff notified stakeholders by email regarding the proposed updates to the city's Density Bonus Ordinance and provided a link to the staff report and draft ordinance. Notifications were sent to the North State Building Industry Association (BIA), the Sacramento Housing Alliance (SHA), and affordable housing developers. The city received one response from SHA expressing support for the update and appreciation for the outreach.

Planning Commission Hearing

The Planning Commission considered this item at their August 19, 2026, meeting. Following the staff presentation on Ordinance No. 1374, the Commission briefly discussed with staff the three minor clarifying revisions included in the green sheet. No public comments were received.

The Planning Commission adopted a motion (6-0-0-1, with one member absent) recommending that the City Council adopt the proposed Ordinance No. 1374 and determine that the project is not subject to CEQA.

Once adopted by the city, the new Density Bonus Ordinance will be subject to review and approval by the California Housing and Community Development Department (HCD) to ensure consistency with State Law.

POLICY / RULE

Government Code Section 65915 specifies certain requirements that the city must meet pertaining to density bonuses, as well as certain incentives that must be considered when a developer constructs a residential project containing specified percentages of housing for low and very low-income households. These provisions of State law are mandatory and conflict with certain provisions of the city's current density bonus ordinance. This ordinance is proposed to bring the city's density bonus ordinance in line with the requirements of State law.

Under Section 2.12 of the City Charter, amendments to the Folsom Municipal Code require review and approval by the City Council.

Furthermore, the city's 2021–2029 Housing Element, which is part of the city's General Plan, requires that the city update its density bonus ordinance to ensure consistency with State law.

ANALYSIS

The city's 2021 – 2029 Housing Element includes Program H-13, which requires updating the city's Density Bonus Ordinance to reflect changes in State Density Bonus Law as part of the broader zoning code update. The anticipated timeframe for this update was 2021; however, due to delays in the comprehensive zoning code update and the frequent legislative changes to State law, the required update has not yet been completed. Given these circumstances, staff recommends moving forward now to bring the ordinance into compliance and structuring the update in a way that reduces the need for frequent future revisions.

State Density Bonus Law Updates and Need for Local Action

In recent years, the Legislature has enacted numerous updates to State Density Bonus Law. As outlined in the State Housing Law Alignment section, these changes have rendered portions of the city's existing ordinance outdated or inconsistent with current State requirements. Given these legislative changes and the delay in the full zoning code update, staff finds it appropriate to bring the ordinance into compliance now. Updating the ordinance at this time will restore consistency with State law and help minimize the need for frequent amendments as State requirements continue to evolve.

Role of the Density Bonus Program

Density bonus provisions remain an important tool for encouraging developers to construct additional housing units and ensuring the inclusion of lower and moderate-income units in new residential projects. Consistent with the city's adopted Housing Element, Folsom remains committed to promoting equitable access to housing and supporting the development of new homes that meet the needs of all economic segments of the community.

Applicable General Plan Goals and Policies

The following City of Folsom General Plan policies support increasing housing capacity, encouraging a range of housing types, and improving the efficiency of the development review process. Updating the Density Bonus Ordinance is consistent with and helps implement these policies:

> Policy H-1.1 – Sufficient Land for Housing. The city shall ensure that sufficient land is designated and zoned in a range of residential densities to accommodate the city's regional share of housing.
>
> Policy H-1.3 – Multi-family Housing Densities. The city shall encourage home builders to develop their projects on multi-family-designated land at the high end of the applicable density range.
>
> Policy H-3.6 – Density Bonus. The city shall continue to make density bonuses available to affordable and senior housing projects, consistent with State law and Title 17 of the Folsom Municipal Code.

Conclusion

The proposed ordinance modernizes local regulations to reflect current State density bonus requirements, removes outdated or conflicting provisions, and establishes a clearer, more efficient framework for reviewing and administering density bonus requests. Replacing the ordinance ensures continued compliance with State mandates, reduces potential legal exposure, improves consistency and transparency for applicants and staff, and supports the city's long-term housing production and affordability goals.

FINANCIAL IMPACT

The proposed update to the City of Folsom's Density Bonus Ordinance is not expected to have a direct impact on the General Fund. The proposed amendments align the ordinance with current State Density Bonus Law and review of density bonus requests will continue to occur as part of standard project review within existing departmental workloads. Any future fiscal effects would result from private development rather than from adoption of the ordinance itself.

ENVIRONMENTAL REVIEW

The proposed ordinance is not a "Project" requiring environmental review under the California Environmental Quality Act (CEQA). "Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" are excluded from the definition of "Project" as defined by the CEQA Guidelines. (Section 15378(b)(5).) Here, the proposed ordinance will bring the city's Density Bonus Ordinance into compliance with state law and is ministerial in nature as it does not involve any discretionary decision-making by the city's legislative body.

Even if the proposed ordinance could be considered a "Project," the ordinance is exempt from CEQA pursuant to Section 15061(b)(3) "(Common Sense) of the CEQA Guidelines because it revises local procedures and regulatory requirements and does not authorize any activity that could cause a physical change to the environment. Any future projects will undergo their own

CEQA review, and there is no possibility of a significant environmental impact that will occur from the proposed action. Accordingly, the ordinance update is not subject to CEQA.

ATTACHMENTS

1. Ordinance No. 1374 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.102 (Density Bonus) of the Folsom Municipal Code and Determination that the Action is Not Subject to Environmental Review Under the California Environmental Quality Act (CEQA).

2. Existing FMC Chapter 17.102 (Density Bonus) To Be Repealed

3. Major Legislative Updates to State Density Bonus Requirements (2018–2025)

Submitted,

Pam Johns, Community Development Director

ATTACHMENT 1

Ordinance No. 1374 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.102 (Density Bonus) of the Folsom Municipal Code, and Determination that the Action is Not Subject to Environmental Review Under the California Environmental Quality Act (CEQA).

ORDINANCE NO. 1374

AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.102 (DENSITY BONUS) OF THE <u>FOLSOM MUNICIPAL CODE</u>

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend the Folsom Municipal Code to ensure consistency with State Density Bonus Law. The ordinance establishes the city's specific procedures, responsibilities, and required findings for implementing the Density Bonus Law.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 17.102 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 17.102
DENSITY BONUS

Sections:

17.102.010 Purpose and Intent.

This density bonus chapter establishes the city's density bonus program, which provides density bonuses, incentives, concessions, and waivers or reduction of development standards for the production of housing and implements California Government Code Sections 65915, et seq., as amended from time to time. The program is intended to support the development of housing for very low-, low-, and moderate-income households, as well as senior housing, student housing, housing for persons with disabilities, and other qualified housing types as provided by state law.

In enacting this chapter, it is the intent of the City of Folsom to affirm its commitment to implementing the goals, objectives, and policies of the housing element of the general plan, and to encouraging the development of a diverse range of housing opportunities within the community.

This chapter shall be interpreted and applied liberally to effectuate the purposes of State Density Bonus Law. Nothing in this chapter shall be construed to impose requirements or limitations on density bonus projects beyond those authorized by Government Code section 65915 et seq. If any provision of this chapter conflicts with State Density Bonus Law, State law shall control. (Ord. 1145 § 2 (part), 2011)

17.102.020 Definitions.

The terms used in this chapter, including those defined below, have the meanings provided in this title and in Government Code section 65915 et seq. In the event of a conflict between definitions, state law shall control.

A. “Affordable unit” means a housing unit affordable to a lower income household.

B. “Affordable housing agreement” means a recorded agreement between the applicant or property owner and the city that outlines the affordable housing obligations for a project approved under this ordinance or Government Code Section 65915.

C. “Applicant” means the property owner or any person or entity authorized in writing by the property owner to apply for a density bonus, incentive, concession, waiver, or related approval under this chapter.

D. "Concession" or "Incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs or for rents for the targeted units to be set.

2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

3. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be set.

E. “Housing development” means any residential or mixed-use project that includes dwelling units and is eligible for a density bonus under State Density Bonus Law.

F. “Lower income household” means a household whose income does not exceed eighty percent of the area median income (AMI) for the county or metropolitan area, adjusted for household size, as determined annually by the California Department of Housing and Community Development (HCD) pursuant to state law. Lower income households include very low income, extremely low income, and acutely low income households unless otherwise specified.

G. "Maximum allowable residential density" means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open-space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.

2. Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

H. “Targeted unit” means dwelling units within a housing development which will be reserved for sale or rent to lower income households, or senior residents.

I. "Waiver" or "Reduction of development standards" means a local development standard that will either be reduced or not enforced because the development standard would physically prevent the project from being built at the permitted density and with the granted concessions or incentives.

17.102.030 Implementation.

A. Density Bonus Eligibility. A housing development is eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratio reductions in accordance with Government Code section 65915. To request a density bonus, the applicant shall identify the applicable eligibility category under Government Code section 65915, including but not limited to affordable housing, senior housing, student housing, land donation, child-care facilities, or commercial development bonuses. The applicant shall also identify the percentage, number, and income level of the restricted units proposed to qualify the project under state law. The city may require reasonable documentation to establish eligibility for a requested density bonus.

If the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, and meets the requirements listed in Government Code section 65915(c)(3)(A), the applicant shall be ineligible for a density bonus or any other incentives or concessions unless the proposed housing development replaces those units, and either Government Code section 65915(c)(3)(A)(i) or (ii) apply.

If a housing development meets the eligibility criteria under Government Code section 65915, the city shall grant the density bonus and any related incentives, concessions, waivers, or parking reductions required by State law.

B. Density Bonus Calculation. The maximum density bonus a housing development project may receive shall be calculated in accordance with Government Code section 65915, including the density bonus provisions for affordable housing, land donation, child-care facilities, and commercial development. Maximum allowable residential density shall be calculated in accordance with the maximum allowable density under the applicable zoning, specific plan, or general plan designation, consistent with Government Code section 65915(f). The following provisions apply to the calculation of density and affordable unit requirements:

1. Rounding of Units. Any fractional unit resulting from the calculation of maximum allowable residential density or bonus density shall be rounded up to the next whole number. Any fractional affordable unit required to qualify for a density bonus shall also be rounded up to the next whole number.

2. Units Counted Toward Qualification. Units added through a density bonus shall not be included when determining the number of affordable units required to qualify for the bonus. affordable units provided on site to satisfy the city's inclusionary housing requirements pursuant to Folsom Municipal Code Chapter 17.104 may also be used to qualify for a density bonus if they meet the affordability requirements of Government Code section 65915. Payment of in-lieu fees in place of constructing affordable units shall not be used to qualify a project for a density bonus.

3. Election of Bonus Amount. An applicant may elect to accept a density bonus that is less than the maximum permitted, or to forgo a density bonus entirely, provided that the minimum affordable housing requirements of Government Code section 65915 are met.

C. Incentives or Concessions. A qualifying housing development is entitled to receive the number of incentives or concessions specified in Government Code section 65915(d), regardless of whether it elects to use the density bonus.

1. Types of Incentives or Concessions. In accordance with, and further defined in Government Code section 65915(k), incentives or concessions include:

a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards as specified in Government Code section 65915(k) that would otherwise be required that results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in section 50052.5 of the Health and Safety Code, or for affordable rents for the targeted units to be set as specified in Government Code section 65915(c).

b. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located as determined by the city in its reasonable discretion.

c. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in section 50052.5 of the Health and Safety Code, or for affordable rents for the targeted units to be set as specified in Government Code section 65915(c).

2. 100% Affordable Projects. For a housing development in which 100% of the units, exclusive of a manager's unit, are affordable to lower-income households, the city may grant a reduction in the minimum base density as a concession or incentive, provided that the applicant demonstrates that the reduction would result in an identifiable and actual cost savings to the project or that, absent such reduction, the project would be physically precluded from being constructed.

3. Approval Standard. The city shall grant a requested concession or incentive unless it makes a written finding, based on substantial evidence, of any of the reasons listed under Government Code section 65915(d)(1)(A)–(C).

D. Waivers or Reductions of Development Standards. In accordance with Government Code section 65915(e), the applicant for a housing development that qualifies for a density bonus may request waivers or reductions of development standard that would physically preclude construction of the housing development project at the permitted density or with the concessions or incentives. For purposes of this section, development standards include, but are not limited to, height limits, setback requirements, lot coverage, and Floor Area Ratio (FAR).

1. SThe applicant may submit a proposal for waivers or reductions of any development standard that would physically preclude the construction of the housing development at the density or with the incentives or concessions permitted by Government Code section 65915. The city shall not require the applicant to reduce the project's density or incentives as a condition of requesting or receiving a waiver.

2. The city shall grant a requested waiver or reduction of a development standard unless it makes a written finding, permitted under Government Code section 65915(e).

3. A request for a waiver or reduction of development standards is separate from incentives or concessions and does not count toward the number of incentives.

4. There is no limit on the number of waivers or reductions in development standards an applicant may request or receive, provided the applicant demonstrates that each requested waiver is necessary to physically accommodate the project at the permitted density or with the permitted incentives or concessions.

5. The city may engage in a voluntary, collaborative design dialogue with the applicant regarding requested waivers or reductions, including offering advisory recommendations to address community concerns or to explore ways the project might better align with overarching principles of the general plan, zoning ordinance, or design and development standards. All such recommendations shall be advisory only and shall not be a condition of approval unless voluntarily agreed to by the applicant. The city shall not require the applicant to modify the project, alter or withdraw any requested waiver or reduction in development standards, or otherwise delay, impede, or reduce the applicant's entitlement to waivers or reductions in development standards required under Government Code section 65915, subdivision (e).

E. Parking Ratios. In accordance with Government Code section 65915(p), the parking requirements for a housing development that qualifies for a density bonus shall not exceed the maximum parking ratios established by state law. These parking ratios apply notwithstanding any other provision of this Code. Parking reductions do not limit or reduce the applicant's entitlement to incentives, concessions, or waivers. The city shall not require the applicant to provide a report or study that is not otherwise required by state law, but it may require reasonable documentation to establish eligibility for the parking ratios established by state law.

F. Effect of Granting Density Bonus, Incentive, Concession, or other Modifications. In accordance with Government Code section 65915(j), the granting of a density bonus, incentives, concessions or waivers, reductions of development standards, and/or parking reductions shall not, in and of itself, require to be interpreted, to require a general plan amendment, specific plan amendment, zoning change, study or other discretionary approval.

17.102.040 Development Standards for Affordable Units.

A. Affordable units shall be constructed concurrently with market-rate units unless both the city and the applicant agree, in writing, to an alternative schedule for development.

B. Affordable units shall be integrated into the housing development to the greatest extent feasible. Where feasible, the bedroom count and bedroom mix of the affordable units shall be generally consistent with the bedroom mix of the non-affordable units, except that the applicant may provide a higher proportion of affordable units with more bedrooms. The design, materials, and exterior appearance of the affordable units shall be compatible with, and comparable to, the overall design of the housing development.

17.102.050 Affordable Housing Agreement

A. Requirement for Affordable Housing Agreement. If a density bonus, incentive or concession, parking reduction, or waiver or reduction of development standards is approved pursuant to this chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant with the city. The form and content of the affordable housing agreement shall be approved by the Community Development Director and the City Attorney.

B. Compliance and Enforcement. The affordable housing agreement shall establish compliance standards and identify the remedies available to the city in the event the applicant fails to comply with State Density Bonus Law, this chapter, or the affordable housing agreement.

C. Recordation and Timing. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map, or, if no map is required, prior to issuance of any building permit for the housing development.

D. Binding Effect. The affordable housing agreement shall run with the land and shall be binding on all future owners, successors, and assigns for the duration of the required affordability period.

17.102.060 Application Requirements and Review for Density Bonus Projects.

A. Application Timing and Processing. An application for a density bonus, incentive or concession, waiver or reduction of a development standard, or revised parking standard pursuant to this Chapter shall be submitted with the first application for approval of the housing development. The request shall be processed concurrently with all other required applications in accordance with applicable State law, including but not limited to the Permit Streamlining Act.

B. Application Contents. The application shall be submitted on a form prescribed by the city and shall include, at minimum, the following information:

1. Site Plan

A site plan showing:

- Total number of units;
- Number and location of affordable units;
- Number and location of proposed density bonus units.

2. Affordability Information.

The target income levels of the affordable units and the proposed method(s) for ensuring affordability.

3. Requested Incentives, Concessions, waivers, or Parking Reductions

A description of all requested incentives or concessions, waivers or reductions of development standards, or modified parking standards.

a. Incentives or Concessions. For any requested incentive or concession, the application shall include sufficient information for the city to evaluate the request in accordance with Government Code section 65915.

b. Waiver or Reduction of Development Standards. For any requested waiver or reduction of a development standard, the applicant shall provide sufficient information for the city to determine that the development standard would physically preclude construction of the residential project at the permitted density and with the requested incentives or concessions. The city shall not require the applicant to provide alternative designs, pro formas, or feasibility studies as a condition of requesting or receiving a waiver.

c. Parking Reductions. A summary table showing parking required by the zoning regulations, parking proposed under state density bonus law, and sufficient information for the city to determine that the housing development is eligible for the requested parking reductions. The city shall not require parking studies or additional documentation beyond what is necessary to verify eligibility under Government Code section 65915(p).

4. Requests Based on Any Qualifying Category Under State Law.

For any request made pursuant to a qualifying category under Government Code section 65915, the application shall include sufficient information to demonstrate that the project satisfies all applicable statutory requirements and findings for that category.

C. Application Review.

1. Completeness Review**.** Upon submittal, the city shall review the application for completeness in accordance with Government Code section 65943. If the application is determined to be incomplete, the city shall provide written notice identifying the additional information required in accordance with Government Code section 65943.

2. Eligibility Review. The city shall review the application to verify that the housing development qualifies for a density bonus and any requested incentives, concessions, waivers, reductions of development standards, or parking reductions pursuant to Government Code section 65915.

3. Required Findings**.** The review authority shall approve a density bonus and any requested incentives, concessions, waivers, reductions of development standards, or parking reductions unless it makes written findings as specified under Government Code section 65915, including, as applicable:

    a. The incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents;

    b. The incentive or concession would have a specific adverse impact, as defined in the Government Code, on public health or safety, or on a property listed in the

California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The concession or incentive would be contrary to state or federal law.

d. The waiver or reduction of a development standard is not necessary to physically accommodate the housing development at the permitted density and with the requested incentives or concessions.

4. Conditions of Approval. Any approval of a density bonus, incentive or concession, waiver or reduction of a development standard, or revised parking standard may include conditions necessary to ensure compliance with Government Code section 65915 and this chapter.

In accordance with Government Code section 65915(j), the granting of a density bonus, incentives, concessions or waivers, and/or reductions of development standards shall not, in and of itself, require a general plan amendment, specific plan amendment, zoning change, study or other discretionary approval.

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase is declared unconstitutional, invalid, or ineffective.

SECTION 5 NO MANDATORY DUTY

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the city.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on September 8, 2026, and the second reading occurred at the regular meeting of the City Council on September 22, 2026.

On a motion by Councilmember ________________ seconded by Councilmember ________, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 22nd day of September, 2026, by the following roll-call vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

____

Justin Raithel, MAYOR

ATTEST:

____

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Existing FMC Chapter 17.102 (Density Bonus) To Be Repealed

EXISTING FMC CHAPTER 17.102 TO BE REPEALED

Chapter 17.102
DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

Sections:

17.102.010 Purpose and intent.

This density bonus chapter is intended to provide incentives for the production of housing in accordance with Sections 65915 and 65917 of the California Government Code for very low, low, and moderate income households and senior households. In enacting this chapter, it is the intent of the city of Folsom to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city's housing element. (Ord. 1145 § 2 (part), 2011)

17.102.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

A. "Additional incentives or concessions" means such regulatory incentives or concessions as specified in California Government Code Section 65915(i) which include the reduction of site development standards or a modification of zoning code requirements or architectural design requirements, approval of mixed use zoning in conjunction with the housing development, direct financial assistance, or other regulatory incentives or concessions which result in identifiable cost reductions.

B. "Affordable rent" means monthly housing expenses, including a reasonable allowance for utilities (excluding telephone), for rental target units reserved for very low or low income households, not exceeding the following calculations:

1. Very low income: thirty percent of fifty percent of area median income (adjusted for household size).

2. Low income: thirty percent of eighty percent of area median income (adjusted for household size).

C. "Affordable sales price" means a sales price at which moderate, low, or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

D. "Affordable unit" means a housing unit affordable to a low income household or very low income household.

E. "Area median income" means the median income for the Sacramento Primary Metropolitan Statistical Area (PMSA) (El Dorado, Placer and Sacramento Counties) as established and periodically updated by the U.S. Department of Housing and Urban Development.

F. "Condominium" means and includes:

1. "Condominium" as defined by Section 783 of the Civil Code;

2. "Community apartment project" as defined by Section 11004 of the Business and Professions Code;

3. "Stock cooperative" as defined by Section 11003.2 of the Business and Professions Code; and

4. "Planned development" as defined by Section 11003 of the Business and Professions Code.

The term "condominium" specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsections (F)(1) through (4) of this section.

"Condominium conversion" or "conversion" means a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership.

"Condominium project" or "project" includes the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.

"Condominium units" or "units" means the individual spaces within a condominium project owned as individual estates.

G. “Density bonus” means a density increase over the otherwise maximum allowable residential density under the city’s land use element of the general plan, zoning ordinances and any applicable specific plan as of the date of application by the applicant/developer to the city. (Government Code Section 65915(g).)

H. “Density bonus units” means those residential units granted pursuant to the provisions of this chapter which exceed the otherwise maximum residential density for the development site.

I. “Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities (excluding telephone).

J. “Housing development” means one or more groups of projects for residential units, including (1) a project to substantially rehabilitate and convert an existing commercial building to residential use, or (2) the substantial rehabilitation of an existing multifamily dwelling, as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would be a net increase in available residential units.

K. “Low income household” means households as defined in Health and Safety Code Section 50079.5, whose income does not exceed the low income limits applicable to the city as published and periodically updated by the State Department of Housing and Community Development.

L. “Nonrestricted unit” means all units within a housing development excluding the target units.

M. “Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least thirty-five dwelling units and complies with the requirements in Civil Code Section 51.3.

N. “Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to very low, low, or moderate income households, or senior residents.

O. “Very low income household” means households as defined in Health and Safety Code Section 50105, whose income does not exceed the very low income limits applicable to the city, as published and periodically updated by the State Department of Housing and Community Development.

P. “Moderate income household” means households as defined in Health and Safety Code Section 50093, whose income does not exceed the moderate income limits applicable to the city, as published and periodically updated by the State Department of Housing and Community Development.

Q. “Child care facility” means a facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility. Such facilities include, but are not limited to, infant centers, preschools, extended day care facilities, school-age child care centers, or family day care homes. (Ord. 1145 § 2 (part), 2011)

17.102.030 Implementation.

A. Density Bonus.

1. The city shall grant a density bonus to an applicant or developer of a housing development, consisting of five or more dwelling units, who agrees to provide the following:

a. At least ten percent of the total units of a housing development for low income households; or

b. At least five percent of the total units of a housing development for very low income households; or

c. A senior citizen housing development.

All density calculations resulting in fractional units shall be rounded up to the next whole number.

2. In determining the number of target units to be provided pursuant to this section, the maximum residential density shall be multiplied by 0.05 where very low income households are targeted, or by 0.10 where low income households are targeted. The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any fractions of units shall be rounded to the next larger number.

3. Amount of Density Bonus.

a. General Density Bonus. The density bonus shall be a density increase of at least twenty percent, unless a lesser percentage is elected by the applicant/developer over the otherwise maximum allowable residential density. The amount of density bonus to which the applicant/developer is entitled shall vary according to the amount by which the percentage of affordable units exceeds the percentage set forth in subsection (A)(1) of this section. For each percent increase above ten percent in the percentage of units affordable to low income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent. For senior citizen housing developments, the density bonus shall be a flat twenty percent.

b. Density Bonus for Condominium Projects. If a development does not meet the requirements set forth above, but the applicant/developer agrees or proposes to construct a condominium project as defined in Section 1351(f) or a planned development as defined in Section 1351(k) of the Civil Code, in which at least ten percent of the total dwelling units are reserved for persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, a density bonus of at least five percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density. For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent.

c. Density Bonus for Land Dedication. When an applicant for a tentative subdivision map, parcel map, or other residential approval donates land to the city and otherwise satisfies the requirements of Government Code Section 65915(g), the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum ten percent land donation, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent. The land donation density bonus and general density bonus can be used together, up to a combined maximum of thirty-five percent (Government Code Section 65915(g).)

4. Upon request by the applicant, the city shall not require that a housing development meeting the requirements of this section provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds:

a. Zero (studio) to one bedrooms: one on-site parking space per unit;

b. Two to three bedrooms: two on-site parking spaces per unit;

c. Four and more bedrooms: two and one-half parking spaces per unit.

If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

B. Incentives or Concessions.

1. The city shall grant an incentive or concession unless the city makes one of the following findings:

a. The incentive or concession is not

b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

c. The concession or incentive would be contrary to state or federal law.

2. Number of Incentive(s) or Concession(s). In addition to the eligible density bonus percentage described in this section, and in accordance with Government Code Section 65915(d)(2), the applicant shall receive the following number of incentive(s) or concession(s):

a. One incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or planned development.

b. Two incentives or concessions for projects that include at least twenty percent of the total units for low income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a condominium or planned development.

c. Three incentives or concessions for projects that include at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a condominium or planned development. (Ord. 1145 § 2 (part), 2011)

17.102.040 Development standards.

A. Target units shall be constructed concurrently with nonrestricted units unless both the city and the applicant/developer agree, in writing, to an alternative schedule for development.

B. If the applicant/developer is entitled to a density bonus pursuant to this chapter and the city grants at least one additional incentive, the applicant/developer shall agree to and ensure the continued affordability of all low income and very low income target units for a minimum of thirty years or such longer period of time as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The target units for low income households shall be affordable at a rent that does not exceed thirty percent of eighty percent of area median income. The target units for very low income households shall be affordable at a rent that does not exceed thirty percent of fifty percent of area median income.

C. In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

SRO (single room occupancy) unit	75 percent of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	5 person

D. Target units shall be dispersed within the housing development wherever possible. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development and design standards, except those which may be modified as provided by this chapter.

E. Compliance with all of the provisions of this chapter shall be made a condition of the discretionary planning permits (e.g., tentative subdivision maps, tentative parcel maps, site plans, planned development permits, conditional use permits, etc.) for all housing developments.

F. Applicant/developer shall execute and record any agreements or documents reasonably deemed necessary by the city to ensure compliance with and implementation of this chapter. (Ord. 1145 § 2 (part), 2011)

17.102.050 Additional incentives or concessions.

The need for additional incentives or concessions will vary for different housing developments. Therefore, the allocation of additional incentives or concessions shall be determined on a case-by-case basis. The additional incentives or concessions may include any of the following:

A. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to:

1. Reduced minimum lot sizes and/or dimensions.

2. Reduced minimum lot setbacks.

3. Reduced minimum outdoor and/or private outdoor living area.

4. Increased maximum lot coverage.

5. Increased maximum building height and/or stories.

6. Reduced on-site parking standards, including the number or size of spaces and garage requirements.

7. Reduced minimum building separation requirements.

B. Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other nonresidential land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located.

C. Other regulatory incentives or concessions proposed by the applicant/developer or the city that result in identifiable cost reductions.

D. Priority processing of a housing development that provides income-restricted units or a senior citizen housing development. (Ord. 1145 § 2 (part), 2011)

17.102.055 Additional density bonus for child care facility.

A. Housing developments meeting the requirements of this section and including a child care facility that will be located on the premises of, as part of or adjacent to, the housing development shall receive either of the following:

1. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.

2. An additional incentive or concession to be determined by the city at its sole and complete discretion that contributes significantly to the economic feasibility of the construction of the child care facility.

B. The density housing bonus agreement for the housing development shall ensure that:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable.

2. Of the children who attend the child care facility, the children of very low income households, low income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to this section.

C. The city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities. (Ord. 1145 § 2 (part), 2011)

17.102.060 Application requirements and review.

A. An application pursuant to this chapter for a density bonus and an additional incentive or concession shall be processed concurrently with and in the same manner as any other application(s) required for the housing development unless the development is granted priority processing. If an applicant/developer is entitled to a density bonus pursuant to this chapter, final approval or denial of a request for an additional incentive or concession shall be made by: (1) the planning commission if no concurrent application requires city council approval and the applicant/developer only requests a reduction of site development standards or a modification of zoning code or architectural design requirements; or (2) the city council if a concurrent application requires city council approval or the applicant/developer requests an additional incentive or concession other than a reduction of site development standards or a modification of zoning code or architectural design requirements.

B. If an applicant/developer is requesting a waiver or modification of development and zoning standards on the grounds that existing development and zoning standards would otherwise inhibit utilization of a density bonus, such request shall be made concurrently with any request for an additional incentive or concession and shall be processed with and approved or denied in accordance with the provisions herein for the processing and approval or denial of a request for an additional incentive or concession. Waiver or modification of development and zoning standards shall only be allowed if the waiver or modification is necessary to make the housing units economically feasible.

C. Any approval or denial of a request for a waiver or modification of development and zoning standards or an additional incentive or concession shall be supported by written findings in support of such approval or denial. Nothing in this chapter requires the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or if the waiver or reduction would have an adverse impact on any real property listed in the California Register of Historic Resources or be contrary to state or federal law.

D. An applicant/developer may submit a preliminary proposal for the housing development prior to the submittal of any formal requests for general plan amendments, zoning amendments, or subdivision map approvals. Applicants are encouraged to schedule a pre-application conference with the community development director or designated staff to discuss and identify potential application issues, including prospective additional incentives or concessions pursuant to Section 17.102.050. A preliminary application shall include the following information:

1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed.

2. The zoning and general plan designations and assessor's parcel number(s) of the project site.

3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.

4. If a waiver or modification of development and zoning standards is requested, the application shall demonstrate how the existing development and zoning standards inhibit the utilization of the density bonus on the specific site and that the waiver or modification is necessary to make the housing units economically feasible.

5. If an additional incentive or concession is requested, the application should describe why the additional incentive or concession is necessary to provide the target units in accordance with this chapter.

E. The city shall, within ninety days of receipt of a written proposal, notify the applicant/developer, in writing, of project issues of concern and the procedures for compliance with this chapter, including procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. The procedures for the waiver or modification of development and zoning standards shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

F. The community development director shall inform the applicant/developer whether the requested waiver or modification of development and zoning standards and/or the additional incentive or concession shall be recommended for consideration with the proposed housing development, or whether alternative or modified development and zoning standards and/or additional incentive or concession shall be recommended for consideration in lieu of the requested waiver or modification of development and zoning standards or additional incentive or concession. (Ord. 1145 § 2 (part), 2011)

17.102.065 Resale and occupancy restrictions on moderate income units.

An applicant shall agree, and the city shall ensure, that the initial occupants of moderate income units that are directly related to the receipt of the density bonus in a condominium project are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The city shall enforce an equity sharing agreement in accordance with Government Code Section 65915. (Ord. 1145 § 2 (part), 2011)

17.102.070 Expiration and extension.

A. Any waiver or modification of development and zoning standards and/or the granting of additional incentives or concessions is project specific. In any case where a housing development with approved waivers or modifications of development and zoning standards and/or additional incentives or concessions has not commenced construction within the time limit set by either the planning commission or the city council (whichever has final approval authority over the particular housing development) or within one year, if no specific time limit has been set, then without further action such waivers or modifications of development and zoning standards and/or additional incentives or concessions shall be null and void. Construction is deemed commenced, for purposes of this section, upon issuance of a building permit for an approved dwelling unit.

B. The planning commission or the city council (whichever has final approval deadline for commencement of construction for a period or periods not to exceed twelve months upon receipt of a written request which shall include the reason for the delay and the requested extension and any other information as reasonably deemed necessary by the community development director. (Ord. 1145 § 2 (part), 2011)

17.102.080 Appeal procedure.

A. Any person dissatisfied with any final action of the planning commission on a request for a density bonus and an additional incentive or concession and/or waiver or modification of development and zoning standards may appeal therefrom to the city council, at any time within ten days after the rendition of the decision of the planning commission. The appeal is taken by filing a notice of appeal with the community development director. Upon filing of the notice of appeal, and payment of a filing fee, the community development director must, within ten days, transmit to the city clerk all exhibits and documents on file, together with the finding of the planning commission.

B. The city council shall hold a hearing upon said appeal after giving written notice to the applicant, property owners within three hundred feet of the subject property as shown on the last equalized assessment roll and any other persons who have filed a written request for notice. Such notices shall be mailed at least ten days prior to said hearing. (Ord. 1145 § 2 (part), 2011)

17.102.090 Other provisions.

No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceeding for a density bonus and an additional incentive(s) or concession(s) and/or waiver or modification of development and zoning standards is pending. (Ord. 1145 § 2 (part), 2011)

ATTACHMENT 3

Major Legislative Updates to State Density Bonus Requirements (2018–2025)

Major Legislative Updates to State Density Bonus Requirements 2018-2025

Statute / Year	Modification
SB 92 (2025)	• Limits the use of concessions that would allow an increase of commercial floor area ratio beyond 2.5 times the current allowed base zone commercial floor area. • Jurisdictions are not required to grant any concession that would serve to facilitate hotel or other transient lodging uses that are a part of a mixed-use development.
AB 3116 (2024)	• Added density bonus provisions for student housing developments.
AB 2694 (2024)	• Expanded density bonus eligibility to residential care facilities for the elderly.
AB 1287 (2023)	• Allows an additional 20% to 50% density bonus on top of the base density bonus, provided no more than 50% of the total units would be restricted as affordable. • Alters the definition of maximum allowable residential density to mean the greatest number of units allowed under the Zoning Ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, the greatest number of units allowed by the range. • Clarifies that a local government is not prohibited from requiring reasonable documentation to establish eligibility for a requested density bonus and parking ratios.

	• Authorizes up to four incentives or concessions for projects that include at least 16% of the units for very low-income households or at least 45% of the units for moderate income households in for-sale projects.
AB 682 (2022)	• Creates a density bonus for Shared Housing developments with the same affordability requirements and bonus amounts as currently available to standard-unit developments. Shared housing developments can provide up to 25% of their floor area as standard-unit housing and still qualify for a density bonus.
AB 1551 (2022)	• Creates a density bonus for commercial developers who partner with housing developers and support the provision of affordable housing through land donation, cash payment, or by directly building units. A commercial developer is eligible for up to a 20% density bonus. • To qualify, the housing development supported by the commercial developer must provide either 30% of units as affordable for low income (<80% AMI) or 15% of units as affordable for very-low income (<50% AMI).
AB 2334 (2022)	• Expands the available density bonus for 100% affordable housing developments in very low vehicle travel areas. Qualifying density bonus projects are not subject to maximum density controls, are entitled to up to 4 development incentives, and may receive an additional three-stories of height.

	• Clears up the grey area for application of the State density bonus in a form-based zoning district, requiring calculation of an average unit size multiplied by the density bonus amount to determine increase in floor area allowed.
SB 290 (2021)	• Expands the types of for-sale moderate-income housing units that can benefit from a density bonus by deleting the requirement that the units be in a common interest development. • Makes a student housing development containing at least 20% of the units for lower income students eligible for one incentive or concession. • Allows moderate-income housing developments that include 40% moderate-income for-sale housing and are within one-half mile of a major transit stop to receive a parking reduction of 0.5 parking spaces per bedroom.
AB 2345 (2020)	• Increases the maximum density bonus from 35% to 50%. • Requires the density-bonus units to be affordable in a 100-percent-affordable project, not just the non-bonus units. • Lowers the lower-income threshold to qualify for two incentives or concessions from 20 to 17 percent; and lowers the threshold to qualify for three from 30 to 24 percent. • Refines the way distance from a major transit stop is calculated and makes technical changes to definition of major transit stop. • Decreases parking ratio for certain units in density-bonus projects and prohibits parking requirements for

	certain transit-oriented developments or senior projects.
AB 1763 (2019)	• Provides an 80% density bonus for 100% affordable projects with up to 20% of the units available for moderate income households, while the remainder must be affordable to lower income households, and if the project is within 1/2 mile of a major transit stop, it allows a height increase of up to three additional stories, or 33 feet.
SB 1227 (2018)	• Extends the State Density Bonus Law to apply to student housing. It allows student housing projects where at least 20% of the units are affordable for lower income students to receive a 35% density bonus.
AB 2372 (2018)	• Authorizes cities or counties to grant a developer of an eligible housing development under the State Density Bonus Law a floor area ratio bonus in lieu of a bonus on the basis of dwelling units per acre.