

State Density Bonus Law (Government Code Section 65915 *et seq.*)

State Density Bonus Law (Density Bonus Law), enacted in 1979, is intended to encourage construction of affordable and senior housing units by allowing a developer to increase density in a residential or mixed-use housing project above the maximum allowable in a City’s General Plan and utilize incentives, concessions, or waivers or reductions in development standards in exchange for providing a certain percentage of affordable units within its project.

What types of projects are qualified to use Density Bonus Law, and what is the allowable density bonus?

Residential projects with five or more units that meet at least one of the following type development or affordability:

Residential Project Type	Percentage of Affordable Units Proposed	Density Bonus Allowance
<input type="checkbox"/> Residential project with units for low-income households	Minimum 5% of the total base units	See density bonus percentage table on page 3
<input type="checkbox"/> Residential project with units for very low-income households	Minimum 10% of the total base units	See density bonus percentage table on page 3
<input type="checkbox"/> Residential project with units for moderate-income households	Minimum 10% of the total base units	See density bonus percentage table on page 3
<input type="checkbox"/> Senior citizen housing development or age-restricted mobile home park	100% of the units.	20% above the base density
<input type="checkbox"/> Residential project with housing for transitional foster youth, disabled veterans, or homeless persons	Minimum 10% of the total base units	20% above the base density
<input type="checkbox"/> Student housing development	Minimum 20% of the total base units	35% above the base density

Units must be restricted to their level of affordability for at least 55 years by a recorded document. A complete housing application utilizing Density Bonus Law must include a completed City [Density Bonus Application](#) as part of the submitted application packet.

Concessions/Incentives:

An applicant for a density bonus may request a “concession” or “incentive” of a development standard in order to facilitate the construction of the residential housing project, including the density bonus or “extra” units. A concession or incentive is a reduction in site development standards or modification of zoning code or objective design requirements that results in identifiable and actual cost reductions to provide for the on-site affordable housing.

A density bonus applicant of a qualified housing development is eligible to receive the following number of incentives or concessions, based on the overall percentage of provided affordable units and the provided affordable units’ levels of affordability.

Number of Concessions or Incentives	Minimum % of Affordable Units Required		
	Very Low Income	Low Income	Moderate Income
1*	5%	10%	10%**
2	10%	17%	20%**
3	15%	24%	30%**
4	16%	N/A	45%**
5	N/A	100%***	N/A

*Student housing developments with at least 20% of the total units for lower income students are eligible for one concession or incentive.

**Applicable to for-sale developments only.

***Except up to 20% of units may be for moderate-income households.

Waivers

An applicant is also authorized by Density Bonus Law to request waivers or reduction of development standards that would have the effect of physically precluding the construction of a project qualified to utilize Density Bonus Law or with the permitted concessions or incentives. The most typical requested reduction of standards are height limits and setbacks.

Denial of an incentive, concession or waiver

The City can deny the requested incentive, concession, or waiver if it finds, based upon substantial evidence, that the request would either:

1. Not result in an identifiable and actual cost reduction to providing affordable units (incentive/concession only);
2. Have a specific, adverse, and unavoidable impact on public health and safety;
3. Have an adverse impact on a property that is listed in the California Register of Historical Resources; or
4. Be contrary to local, state or federal law.

Land Donation

When an applicant for a tentative subdivision map, parcel map, or other residential project approval donates land to the City, the applicant is entitled to a 15 percent increase above the maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Density Bonus Percentage
10	15
11	16
12	17
13	18
14	19
15...+1	20...+1
30	35

When a density bonus application includes a land donation, the combined maximum density increase shall be 35 percent.

Parking Requirements

A density bonus project applicant may request to utilize the following parking ratios:

Dwelling Unit Size	On-Site Parking Per Unit
Studio to 1 Bedroom	1 space per unit
2 to 3 Bedrooms	1.5 spaces per unit
4 or More Bedrooms	2.5 spaces per unit

City's Affordable Housing Ordinance (Brea City Code Chapter 20.40)

The City's Affordable Housing Chapter (Chapter) encourages the development of extremely low to moderate-income housing and implementing the goals and objectives of the General Plan. All residential housing projects comprised of ten or more dwelling units or residential lots are subject to comply with the affordability requirements of this Chapter. Affordable units required by this Chapter can be used to qualify for Density Bonus Law provisions.

Incentives

If a residential housing project subject to this Chapter is also utilizing Density Bonus Law provisions, such project is eligible to request the number and types of incentives allowed in this Chapter and by Density Bonus Law provisions. An applicant for a residential housing project providing affordable units as required by this Chapter may request the following types of incentives:

- Modification to development standards;
- Deferral of Developer Impact Fee payments
- Application Assistance for public funds
- Partial waiver of fees; and
- Reasonable Alternatives.

Please see Brea City Code [Section 20.40.060](#) for more information.

State Density Bonus Law Resources

- [City Density Bonus Application](#)
- [California Government Code Section 65915](#)
- [Brea City Code Chapter 20.40](#)

Percentage of Base Units Proposed	Density Bonus Percentage		
	Very Low-Income	Low-Income	Moderate-Income
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%	50%	29%	11%
17%	50%	30.5%	12%
18%	50%	32%	13%
19%	50%	33.5%	14%
20%	50%	35%	15%
21%	50%	38.75%	16%
22%	50%	42.5%	17%
23%	50%	46.25%	18%
24%	50%	50%	19%
25%	50%	50%	20%
26%	50%	50%	21%
27%	50%	50%	22%
28%	50%	50%	23%
29%	50%	50%	24%
30%	50%	50%	25%
31%	50%	50%	26%
32%	50%	50%	27%
33%	50%	50%	28%
34%	50%	50%	29%
35%	50%	50%	30%
36%	50%	50%	31%
37%	50%	50%	32%
38%	50%	50%	33%
39%	50%	50%	34%
40%	50%	50%	35%
41%	50%	50%	38.75%
42%	50%	50%	42.5%
43%	50%	50%	46.25%
44%	50%	50%	50%