

## CHAPTER 30.36 – DENSITY BONUS INCENTIVES

### Sections:

- 30.36.010 – Purpose
- 30.36.020 – Applicability
- 30.36.030 – Definitions
- 30.36.040 – Authority
- 30.36.050 – Calculation of Density Bonus
- 30.36.060 – Amount of Density Bonus
- 30.36.070 – Number of Incentives and Concessions
- 30.36.080 – Findings
- 30.36.090 – Parking Concessions
- 30.36.100 – Affordability
- 30.36.110 – Donation of Land
- 30.36.120 – Child Care Facilities
- 30.36.130 – Density Bonus Housing Agreement
- 30.36.140 – Density Bonus Housing Plan
- 30.36.150 – Appeal Procedure
- 30.36.160 – Charts for Calculating Incentives

### 30.36.010 – Purpose

This Chapter is intended to provide incentives for the production of housing for very low, low income and senior households and for the production of for-sale housing for moderate income households residing in condominium development projects.

### 30.36.020 – Applicability

This Chapter shall apply to all zones where residential developments of five or more dwelling units are proposed and where the applicant proposes density beyond that permitted by the applicable zone. Section 30.36.090 of this Chapter shall apply to any residential development meeting the requirements of Section 30.36.050(A).

### 30.36.030 – Definitions

The following words or phrases used in this Chapter shall have the following meanings. These definitions shall only apply to this Chapter.

“**Child care facility**” – means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child centers.

“**Density bonus**” – means a density increase of a least 20 percent, unless a lesser percentage is elected by the applicant over the maximum residential density permitted in the applicable zone.

“**Development standard**” – means any site or construction condition that applies to a residential development.

“**Housing development**” – means one or more groups of projects for residential units constructed in the city. For purposes of this Chapter, “housing development” also includes a subdivision, planned unit

development or condominium project, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, as defined in Section 65863.4 where the rehabilitation or conversion would create a net increase of residential units.

**“Incentives or concessions”** – 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, 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, financially sufficient, and actual cost reductions.
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 is 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 applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.
4. The city is not limited or required to provide direct financial incentives, including publicly owned land or the waiver of fees or dedication requirements.

**“Maximum residential density”** – means the maximum number of residential units permitted by the applicable zoning designation. In the Downtown Specific Plan (DSP) area, the maximum number of units shall be calculated by determining the maximum number of units allowed within the building envelope that would be created by complying with all of the design standards and guidelines in the DSP, including but not limited to height, number of stories, setbacks, FAR, and minimum unit size. For mixed-use projects in the DSP, the maximum residential density shall exclude all square footage dedicated to non-residential uses.

### **30.36.040 – Authority**

- A. The request for approval of a Density Bonus Housing Plan, including a Density Bonus, Incentives or Concessions, and/or Parking Concessions shall be reviewed by the Director of Community Development without a public hearing.
- B. The request for approval of a Density Bonus Housing Plan, including a Density Bonus, Incentives or Concessions, and/or Parking Concessions with a request for Waivers or Modifications of Development Standards shall be reviewed by the Hearing Officer with a public hearing. If the case involves the above requests and a variance related to a use, the Director of Community Development may authorize the entitlement requests to be considered by the Planning Commission rather than both the Hearing Officer and the Planning Commission. Requests in a redevelopment project area, as adopted by the Legislative Body/Glendale Redevelopment Agency shall be reviewed by the Glendale City Council with a public hearing. Notice for this hearing shall be the same as that given for a variance in Chapter 30.61.

- C. Nothing herein shall be construed to waive or modify the requirement that each housing development obtain design review approval under Glendale Municipal Code Chapter 30.47 or the design review process for those projects in redevelopment project areas; provided, however, the review authority shall not, through the design review process, reverse, negate, or limit any density bonus, incentive or concession, waiver or modification or development standards or parking concession granted pursuant to this Code.

**30.36.050 – Calculation of Density Bonus**

- A. Upon submittal of an application for a housing development or donation of land, a density bonus and incentives or concession shall be granted when the applicant agrees to construct one of the following:
1. At least 10 percent of the total units of a housing development for low income households as defined in Section 50079.5 of the California Health and Safety Code; or
  2. At least 5 percent of the total units of a housing development for very low income households as defined in Section 50105 of the California Health and Safety Code; or
  3. A senior citizen housing development as defined in Section 51.3 and 51.12 of the California Civil Code; or
  4. At least 10 percent of the total dwelling units in a condominium project, or in a planned development for person and families of moderate income as defined in Section 50093 of the California Health and Safety Code.

**30.36.060 – Amount of Density Bonus**

- A. In determining the number of density bonus units to be granted, the maximum residential density for the site shall increase according to the amount by which the percentage of affordable housing units exceeds the percentage established by Section 30.36.050 – Calculation of Density Bonus.
1. For each 1 percent increase above 10 percent in the percentage of units affordable to low income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.
  2. For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
  3. For each 1 percent above 10 percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent.
  4. An applicant must select only one housing type to merit a density bonus. A combination of affordable housing types is not permitted to be combined to increase the amount of density bonus.

**Table 30.36 – A**

<b>Housing Type</b>	<b>Amount of Density Bonus</b>
Lower Income Households (10% Minimum)	20% plus 1.5% for each percentage of affordability over 10% (35% maximum bonus)
Very Low Income Households (5% Minimum)	20% plus 2.5% for each percentage of affordability over 5% (35% maximum bonus)
Moderate Income Households	5% plus 1% for each percentage of affordability over 10% (35% maximum bonus)
Senior Citizen Housing Developments 35 or more units	20%
Affordable Housing projects with a child care facility component	Additional square footage for residential component in amount equal to square footage of child care component, or an additional incentive or concession that contributes significantly to the feasibility of the child care center.

- B. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- C. The density bonus units shall not be included when determining the number of affordable units.
- D. The applicant may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units.
- E. Applicants are not entitled to a density bonus of more than 35 percent. However, the City may grant a density bonus greater than the amount of density bonus described in this section for a development that meets the requirements of this chapter. For developments that do not meet all the requirements of this Chapter, the City may grant a density bonus and incentives in proportion to the amount of affordable or senior housing provided.
- F. A density bonus request shall not require a general plan amendment, zone change, or other discretionary approval.
- G. The proposed affordable dwelling units shall be reasonably dispersed throughout the project to the satisfaction of the Director of Community Development and shall be of comparable size and similar exterior.

**30.36.070 – Number of Incentives and Concessions**

- A. When an applicant seeks a density bonus, the zoning administrator shall grant the following number of incentives or concessions as follows:
  - 1. One incentive or concession for projects that include at least 10 percent of the total units for low income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.
  - 2. Two incentives or concession for projects that include at least 20 percent of the total units for low income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.
  - 3. Three incentives or concessions for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

4. No incentives or concessions shall be given for senior citizen housing development projects. A waiver or modification of development standards may be requested pursuant to 30.36.080.B.

**Table 30.36 – B**

Number of Concessions	Level of Affordability
1	10% affordable to lower income households (rental) 5% affordable to very low income households (rental) 10% affordable to moderate income (condominium)
2	20% affordable to lower income households (rental) 10% affordable to very low income households (rental) 20% affordable to moderate income (condominium)
3	30% affordable to lower income households (rental) 15% affordable to very low income households (rental) 30% affordable to moderate income (condominium)

**30.36.080 – Findings**

**A. Incentives or Concessions.** When an applicant for a density bonus requests incentives or concessions, the Director of Community Development shall grant the requested incentives or concessions, unless he or she makes a written finding, based upon substantial evidence, of either of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or to provide affordable rents.
2. The incentive or concession would have a “specific adverse impact 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. As used herein, “specific adverse impact upon public health or safety” means a significant, quantifiable, direct, and unavoidable impact, based on conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or the land use designation in the General Plan shall not constitute a specific, adverse impact upon public health or safety.

**B. Waivers or Modifications of Development Standards.** An applicant may request waivers or modification of development standards in addition to the incentives or concessions requested. The Hearing Officer shall review such request for waivers or modifications of development standards in conjunction with the density bonus and incentive or concession requests at a public hearing. The Hearing Officer shall deny the request for waivers or modifications of development standards pursuant to this section unless he or she makes the following written findings:

1. The application of said development standard(s) will have the effect of precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to this Chapter; and
2. The requested waivers or modification are necessary to make the housing development economically feasible.

**30.36.090 – Parking Concessions**

- A. An applicant for a housing development meeting the minimum requirements to qualify for a density bonus may apply for a parking concession pursuant to the following ratios inclusive of handicapped and guest parking:

Number of Bedrooms	Minimum Number of Parking Spaces
Zero (0) to one (1) bedrooms	1 onsite parking space
Two (2) to three (3) bedrooms	2 onsite parking spaces
Four (4) and more bedrooms	2 and ½ parking spaces

- B. 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.
- C. For the purposes of this chapter only, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.
- D. An applicant may request additional parking incentives or concessions beyond those provided above subject to 30.36.080 – Findings.

**30.36.100 – Affordability**

- A. Affordable units offered for rent to low income and very low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development. The units shall remain affordable as follows:
  - 1. Those units targeted for lower income households shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income.
  - 2. Those units targeted for very low income households shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income.
- B. An applicant and the city shall agree to ensure that the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the condominium project or planned unit development are persons and families of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment and the seller’s proportionate share of appreciation. The city shall recapture its proportionate share of appreciation which shall be used within three years for any of the purposes that promote homeownership. The city’s proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale.

**30.36.110 – Donation of Land**

- A. When an applicant of a housing development of 5 or more dwelling units donates land to the City as provided in this Section, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density permitted in the applicable zone. For each 1 percent increase above the minimum 10 percent land donation described in B.2 of this Section, the density bonus shall be increased 1 percent, up to a maximum of 35 percent. This increase shall be in addition to any

increase in density allowed by Section 30.36.050, up to a maximum combined density bonus of 35 percent if an applicant seeks both the increase required by this Section and Section 30.36.050.

- B. A housing development shall be eligible for the density bonus described in this Section if the Director of Community Development finds all of the following conditions are met:
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or other development application for the housing development.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as very low income housing, and will, at the time of transfer or at the time of construction, be served by adequate public facilities and infrastructure at no cost to the City. The land shall also be appropriately zoned and have the appropriate development standards to make the development of the very low income units feasible. No later than the date of approval of the final subdivision map, parcel map, or the development application for the housing development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land including design review approval, if applicable.
  4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which restriction shall be recorded on the property at the time of dedication.
  5. The land shall be transferred to the City, Redevelopment Agency or to a housing developer approved by the City.
  6. The transferred land shall be within the boundary of the proposed development or, if the City Council agrees, within one-quarter mile of the boundary of the proposed development.

**30.36.120 – Child Care Facilities**

- A. When an applicant proposes to construct a housing development that includes affordable units and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, unless the Director of Community Development or Hearing Officer finds, based on substantial evidence, that the community had adequate child care facilities, he or she shall grant either the following if requested by the applicant:
1. An additional density bonus that is an amount of square feet or residential space that is equal to or greater than the amount of the square feet in the child day care facility.
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The Director of Community Development or Hearing Officer shall also require as a condition of approving the housing development the following:

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 density bonus units are required to remain affordable pursuant to Section 30.36.100 – Affordability.
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 be equal to or greater than the percentage of dwelling units that are required to be affordable to very low income households, low income households, or moderate income households.

### **30.36.130 – Density Bonus Housing Agreement**

The Director of Community Development’s or the Hearing Officer’s approval of a density bonus housing plan, including any density bonus, incentive or concession, waiver or modification of development standards, or parking concession, shall be subject to the execution by the applicant of a density bonus housing agreement approved by the Director of Community Development and the City Attorney. The density bonus housing agreement shall restrict the rental or sale of the required percentage of dwelling units in the housing development to persons or families of very low, lower, or low and moderate income households, as applicable, for affordable housing developments, or to senior citizens for senior citizen housing developments. The density bonus housing agreement shall be consistent with the following provisions:

- A. Applicants requesting a density bonus shall agree to enter into a density bonus housing agreement with the City approved by the Director of Community Development and the City Attorney and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.
- B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or where the housing development does not include a map, prior to the issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind all future owners and successors in interest.

### **30.36.140 – Density Bonus Housing Plan**

An applicant for a housing development seeking a density bonus, incentive or concession (including parking) shall including the following:

- A. The number of dwelling units proposed;
- B. The maximum number of dwelling units permitted in the zone of the proposed residential development;
- C. The number of proposed affordable dwelling units meeting the requirements of Amount of Density Bonus described above, or whether the proposed residential development is a senior citizen housing development, as defined in Civil Code Section 51.3;
- D. The amount of density bonus requested by the applicant, if any;
- E. The number and description of incentives or concession requested, if any;

- F. The number and description of waivers or modifications of development standards requested by the applicant along with a justification as to why such waivers or modifications of development standards are necessary to make the housing units economically feasible;
- G. The amount of parking concession request by the applicant, if any;
- H. If the applicant proposes to construct a child care facility in conjunction with an affordable housing development that will be located on or adjacent to the site of the proposed affordable housing development, the applicant shall state whether it seeks an additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility, or an additional concession or incentive.

**30.36.150 – Appeal Procedure**

For appeal procedures, see Chapter 30.62.

**30.36.160 – Charts for Calculating Incentives**

**Lower Income Households**

Percent Affordable	Amount of Density Bonus (Percentage)	Number of Incentives
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	1
18	32	1
19	33.5	1
20	35	2
30	35	3

**Very Low Income**

Percent Affordable	Amount of Density Bonus (Percentage)	Number of Incentives
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2
15	35	3

**Moderate Income**

<b>Percent Affordable</b>	<b>Amount of Density Bonus (Percentage)</b>	<b>Number of Incentives</b>
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3

**Senior Housing**

<b>Percent of Units for Seniors</b>	<b>Amount of Density Bonus (Percentage)</b>	<b>Number of Incentives</b>
100	20	0