



**CITY OF SAN BERNARDINO  
COMMUNITY & ECONOMIC DEVELOPMENT  
MEMORANDUM**

FROM: Mary Lanier, Interim Agency Director of Community, Housing, and Economic Development

TO: Community, Housing, and Economic Development Department

SUBJECT: Density Bonus

DATE: August 31, 2023

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Section 19.04.030(2)(D) (Density Bonus) of the City of San Bernardino Development Code (SBMC Title 19) regulates density bonuses for qualified affordable housing developments. As adopted, Section 19.04.030(2)(D) is out of compliance with Government Code sections 65915-65918.

The Planning Division of the Community, Housing, and Economic Development Department is currently in the process of preparing an ordinance that will bring the Development Code in compliance with State law. This ordinance is to be completed no later than April 17, 2024.

Until such time that the Development Code has been updated, effective immediately, staff is hereby directed to process and approve any application for a density bonus consistent with the terms of Government Code sections 65915-65918, notwithstanding any contrary terms in the San Bernardino Municipal Code. The approval of any application for a density bonus that is consistent with Government Code Section 65915 shall be consistent with the Stipulated Judgment between the City of San Bernardino and Promise Gracia et al.

Approved as to form:

*Albert J. Maldonado*

Best Best & Krieger LLP

*Mary E. Lanier*

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Mary Lanier