

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 20.40.040 “DENSITY BONUS” OF THE ALBANY MUNICIPAL CODE

WHEREAS, California’s “State Density Bonus Law” (Government Code Sections 65915 through 65918) gives housing developers the right to build additional dwelling units and obtain flexibility in local development requirements, in exchange for building affordable or senior housing; and

WHEREAS, Section 20.40.040 “Density Bonus” of the Albany Municipal Code includes provisions for density bonus requirements in the City of Albany and implements these State requirements; and

WHEREAS, the City of Albany most recently amended Section 20.40.040 “Density Bonus” in 2014; and

WHEREAS, in 2016 the California Legislature approved several bills to clarify State law and strengthen its encouragement of affordable and senior housing development; and

WHEREAS, the updated State requirements became effective on January 1, 2017; and

WHEREAS, Section 20.100 “Procedures” contains references which are out of compliance with State law and common land use law practices and require amendments for consistency; and

WHEREAS, the Planning & Zoning Commission adopted Resolution of Intention 2018-02 to amend Section 20.40.040 “Density Bonus” on April 11, 2018; and

1 **WHEREAS**, the Albany Planning and Zoning Commission held a public hearing to
2 discuss revisions to the City’s density bonus ordinance to bring it into conformance with
3 State law on March 28, 2018 and May 23, 2018; and
4

5 **WHEREAS**, the Planning & Zoning Commission held a public hearing on May 23,
6 2018 considered all public comments received, the presentation by City staff, the staff
7 report, and all other pertinent documents regarding the proposed request, and adopted a
8 Resolution forwarding a recommendation to the City Council to amend Section 20.40.040
9 “Density Bonus” of the Albany Municipal Code; and
10

11 **WHEREAS**, a public hearing notice was published in the West County Times and
12 posted in three public places pursuant to California Government Code Section 65090 on
13 June 8, 2018; and
14

15 **WHEREAS**, the City Council held a public hearing on June 18, 2018 and considered
16 all public comments received, the presentation by City staff, the staff report, and all other
17 pertinent documents regarding the proposed request.
18

19 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
20 **FOLLOWS:**
21

22 **20.40.040 Density Bonus, Incentives or Concessions, Waivers or Reductions.**
23

24 The City will facilitate ~~provide incentives for~~ the production of housing units for
25 eligible households in accordance with California Government Code Sections 65915
26 through 65918, as described in this subsection. For purposes of this subsection, "Housing
27 Development" shall have the meaning stated in Government Code Section 65915 (ji). The
28 City will grant ~~Incentives will be in the form of~~ a density bonus, incentives or concessions,
29

1 and/or waivers or reductions of development standards and parking ratios, ~~plus other~~
2 ~~incentives or concessions~~, as described below.

3
4 As provided by Government Code Section 65915 ~~(g) and (k)-(j)~~, ~~neither the granting~~
5 ~~of a the density bonus, nor the incentives or concessions shall not require or be interpreted,~~
6 ~~in and of themselves itself, to require a general plan amendment, zoning change or other~~
7 ~~discretionary approval.~~

8
9 **A. Qualification for Density Bonus.**

10
11 1. To qualify for a density bonus, an applicant shall seek and agree to
12 construct a housing development that includes a proportion of dwelling units
13 designated for very-low-income households, low-income households, or persons
14 and families of moderate-income, ~~or a senior citizen housing development~~
15 ~~or mobilehome park, transitional foster youth, disabled veterans, or homeless~~
16 ~~persons, all as specified in Government Code Section 65915 (b).~~

17
18 2. California Civil Code Sections 51.3 and 51.12 provide, among other
19 qualifications, that a senior citizen housing development contain at least thirty-five
20 (35) dwelling units.

21
22 ~~3. Any housing development for which a density bonus and related~~
23 ~~incentives or concessions is proposed shall be planned to achieve the maximum~~
24 ~~density permitted for the zoning district in which the project would be located,~~
25 ~~exclusive of the additional density that would result from the bonus.~~

26
27 **B. Determination of Designated Units.** The numbers of units to be designated
28 for eligible households shall be determined as specified in Government Code Section 65915
29 (b).

1
2 **C. Calculation of Density Bonus.**
3

4 1. Unless a lesser percentage is elected by the applicant, ~~The~~ the density
5 bonus for projects with a qualifying percentage of low- or very-low-income
6 households shall be ~~a density increase of at least twenty (20%) percent, unless a~~
7 ~~lesser percentage is elected by the applicant, and no more than~~ up to thirty-five
8 (35%) percent over the maximum gross residential density, expressed in units per
9 acre of site area, assigned to a site by the Land Use Element of the General Plan and
10 Zoning Ordinance as of the date of application ~~for approval of the housing~~
11 ~~development project~~ to the City. The amount of density bonus to which the applicant
12 is entitled shall be calculated according to Government Code Section 65915 (f)
13 ~~(g)~~(1) through (32). See Table H-1 below.
14

15 2. For common interest development projects for moderate-income
16 households, where all units in the development are offered to the public for purchase,
17 the density bonus shall be a density increase of at least five (5%) percent, unless a
18 lesser percentage is elected by the applicant, and up to ~~no more than~~ thirty-five
19 (35%) percent over the maximum gross residential density, expressed in units per
20 acre of site area, assigned to a site by the Land Use Element of the General Plan and
21 Zoning Ordinance as of the date of application to the City ~~for approval of the housing~~
22 ~~development project~~. The amount of density bonus to which the applicant is entitled
23 shall be calculated according to Government Code Section 65915 (gf) (4). See Table
24 H-1 below.
25

26 3. For senior housing developments, and housing for transitional foster
27 youth, disabled veterans, or homeless persons at very-low-income levels, the density
28 bonus shall be a density increase of up to twenty (20%) percent over the maximum
29 gross residential density, expressed in units per acre of site area, assigned to a site

1 by the Land Use Element of the General Plan and Zoning Ordinance as of the date
2 of application to the City. The amount of density bonus to which the applicant is
3 entitled shall be calculated according to Government Code Section 65915 (f)(3). See
4 Table H-1 below.

5
6 34. When an applicant for a residential development approval,
7 including a tentative subdivision map or a parcel map, agrees to donate land to the
8 City under terms specified in Government Code Section 65915 (gh)(1) and (2), the
9 density bonus shall be a density increase of at least fifteen (15%) percent, unless a
10 lesser percentage is elected by the applicant, and up to ~~no more than~~ thirty-five
11 (35%) percent over the maximum gross residential density, expressed in units per
12 acre of site area, assigned to a site by the Land Use Element of the General Plan and
13 Zoning Ordinance as of the date of application to the City ~~for approval of the housing~~
14 ~~development project~~. A density bonus for land may be in addition to a density bonus
15 calculated in paragraphs 1. ~~or~~ 2., or 3. above, but in no case shall the combined
16 density increase exceed thirty-five (35%) percent. See Table H-1 below.

17 45. When an applicant proposes to construct a housing development
18 project that qualifies for a density bonus under paragraph A. of this subsection, and
19 includes a child care facility that will be located on the premises of, as part of, or
20 adjacent to the development project, the City will grant either an additional density
21 bonus or an additional concession or incentive, subject to the terms and ~~to~~ conditions
22 stated in Government Code Section 65915 (i-h). See Table H-1 and H-2 below.

23
24 56. The applicant for a density bonus shall elect whether the bonus shall
25 be awarded on the basis of ~~which of~~ subparagraph (A), (B), (C), ~~or~~ (D), or (E) of
26 Government Code Section ~~95915~~-65915 (b)(1).

27
28 Any density bonus shall be granted only for ~~dedication~~ provision of the
29 minimum required proportion of units for the particular class of bonus, e.g., five

(5%) percent of units for very-low-income, ten (10%) percent of units for lower-income. Fractional proportions of units shall not qualify for a density bonus. All density calculations resulting in fractional units shall be rounded up to the next whole number.

Table H-1 Calculation of Density Bonus.

Housing Target Group or Development	Minimum % of units dedicated to target group	Density Bonus (basic)	Increase in Density Bonus	
			Additional Dedicated units	Additional bonus
Lower-income (up to 80% median income)	10% of pre-bonus total	20% above maximum allowed units per acre	Each 1% increase	1.5%, up to 35% maximum bonus
Very-low-income (up to 50% median income)	5% of pre-bonus total	20% above maximum allowed units per acre	Each 1% increase	2.5%, up to 35% maximum bonus
Senior Citizen Housing Development	All units in a development having at least 35 units	20% above maximum allowed units per acre	Not applicable	
Moderate-income (80% to 120% median income)	10% of pre-bonus total (condominium or planned unit development)	5% above maximum allowed units per acre	Each 1% increase	1.0%, up to 35% maximum bonus
Land donation for units for very low Income households	Land area of at least one acre or sufficient to permit development of at least 40 units, and sufficient to support 10% of pre-bonus unit total	15% above maximum allowed units per acre	Each 1% increase in area of land donation	1.0%, up to 35% maximum bonus including any other bonus
Child care facility	Based on area of facility	One square foot additional floor area for each one square foot of child care	Not applicable	
Transitional foster youth, disabled veterans, or homeless persons for very-low-income households	10% of pre-bonus total	20% above maximum allowed units per acre	Not applicable	
All density calculations resulting in fractional units shall be rounded up to the next whole number.				

D. Incentives or Concessions. In addition to granting a density bonus to an applicant who qualifies under the terms of paragraph A. above, the City will also provide

1 as many as three (3) incentives or concessions, as defined by Government Code Section
2 65915 (d) & (k).

3
4 **1. Types of Incentives or Concessions:**

5
6 a. A reduction in site development standards or a modification of
7 zoning code requirements that would otherwise be required ~~Concessions~~ that
8 result in identifiable, ~~financially sufficient~~, and actual cost reductions to
9 provide for affordable housing costs, as defined in Section 50052.5 of the
10 Health and Safety Code, or for rents for the targeted units to be set as
11 specified in Government Code Section 65915 (c).

12
13 ~~— 1) Reduction in site development standards, i.e., site or~~
14 ~~construction conditions that apply to a residential development~~
15 ~~pursuant to any ordinance, general plan element, specific plan,~~
16 ~~charter amendment or other City condition, law, policy, resolution or~~
17 ~~regulation.~~

18 -
19 ~~— 2) Modification of zoning code requirements set forth in~~
20 ~~Section 20.24, Development Standards. The City hereby establishes~~
21 ~~two (2) classes of potential modifications:~~

22 -
23 ~~— a) The City recognizes that modification to the~~
24 ~~following requirements (not listed in any order of priority)~~
25 ~~could result in financially sufficient, and actual cost reductions:~~

26 -
27 ~~— (1) Setback from a street or non residential~~
28 ~~property line.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

~~—(2)— Off-street parking requirement for commercial space in a mixed-use development.~~

~~-~~

~~—(3)— Maximum lot coverage.~~

~~-~~

~~—(4)— Setback from a residential property line, except where a daylight plane is required.~~

~~-~~

~~b) Where an applicant desires to seek modifications of the following requirements as concessions, the applicant shall be responsible for presenting detailed financial information to demonstrate that such concession would result in necessary, identifiable, financially sufficient, and actual cost reductions that could not be achieved without the concession:~~

~~—(1)— Floor area ratio for commercial space in a mixed-use development.~~

~~-~~

~~—(2)— Floor area ratio for residential space.~~

~~-~~

~~—(3)— Combined floor area ratio of a mixed-use development.~~

~~-~~

~~—(4)— Height limit within a commercial district, except within fifteen (15) feet of a street right-of-way line.~~

~~-~~

~~—(5)— Height limit within a commercial district, abutting a street right-of-way line.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

~~—(6)— Setback requirement or height limit where a daylight plane is required.~~

~~—(7)— Minimum usable open space.~~

~~—(8)— Height limit in a residential district.~~

~~—(9)— Reduction of off-street parking ratios below those that may be approved pursuant to Government Code Section 65915 (p).~~

~~—3)— Modification of 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 California Health and Safety Code.~~

~~—b.— 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 with the existing or planned development in the area where the proposed housing project will be located.~~

~~—eb. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient and actual cost reductions to provide for affordable housing costs, as defined in~~

1 Section 50052.5 of the Health and Safety Code, or for rents for the targeted
2 units to be set as specified in Government Code Section 65915(c).

3
4 ~~— d. At the City's sole discretion, direct financial incentives~~
5 ~~including the provision of publicly owned land, or the waiver of fees or~~
6 ~~dedication requirements. Any such incentives would require that the project~~
7 ~~comply with legal requirements regarding prevailing wage.~~

8
9 2. **Number of Incentives or Concessions to be Provided:** The number
10 of incentives or concessions will depend upon the proportion of units proposed to
11 be dedicated and how those units are allocated among qualifying groups, according
12 to the formulas stated in Government Code Section 65915 (d)(2), and shall not
13 exceed a total of three (3) concessions or incentives for any development project.
14 See Table H-2 below.

15
16
17
18
19

Table H-2 Calculation of Incentives and Concessions		
Housing Target Group	Number of Incentives or Concessions, with basic density bonus	Additional incentives or concessions with increase in % of dedication of pre-bonus units
Lower-income (up to 80% median income)	1 with dedication of 10% of units	1 additional with 20% 2 additional with 30%
Very-low-income (up to 50% median income)	1 with dedication of 5% of units	1 additional with 10% 2 additional with 15%
Senior (over age 55)	Not applicable	
Moderate-income (80% to 120% median income) in a common interest development	1 with dedication of 10% of units	1 additional with 20% 2 additional with 30%

20
21
22
23
24
25
26
27
28
29

1 Land donation for units for very low income	Not applicable
2 Child care facility	1 incentive or concession may be granted in lieu of square foot bonus, if it contributes to economic feasibility of construction of child care facility

3
4
5 3. **Findings for Denial of Incentives or Concessions:** The City shall
6 provide incentives or concessions as requested unless the City makes a written
7 finding, based upon substantial evidence, of either any of the following:

8
9 a. The concession or incentive does not result in identifiable and
10 actual cost reductions ~~is not required in order~~ to provide for affordable
11 housing costs, as defined in California Health and Safety Code Section
12 50052.5, or the rents for the targeted units to be set as specified in
13 Government Code Section 65915 (c).

14
15 b. The concession or incentive would have a specific adverse
16 impact, as defined in Government Code Section 65589.5 (d)(2) upon public
17 health and safety or the physical environment or on any real property that is
18 listed in the California Register of Historical Resources and for which there
19 is no feasible method to satisfactorily mitigate or avoid the specific adverse
20 impact without rendering the development unaffordable to low- and
21 moderate-income households.

22
23 c. The concession or incentive would be contrary to state or
24 federal law.

25
26 4. **Project-Specific Action.** City approval of any incentive or
27 concession in conjunction with a density bonus shall be applicable only to the project
28 or development for which an application is submitted, and shall not have the effect
29 of amending the General Plan, the zoning ordinance, any development standard or

1 other regulation or policy, as such may apply generally in the City or to other
2 developments that exist or may exist in the future.

3
4
5 **E. ~~Other~~ Waivers or Reductions.**

6
7 1. An applicant may submit to the City a proposal for waiver or
8 reduction of any development standard that will have the effect of physically
9 precluding the construction of a housing development project that qualifies, under
10 paragraph A. of this subsection, for a density bonus at the permitted density and with
11 the granted concessions(s) or incentives(s). ~~A development standard shall be defined~~
12 ~~as in paragraph D.1.a.1) above.~~

13
14 ~~2. The applicant shall submit evidence, including relevant financial~~
15 ~~data, to demonstrate that the waiver or reduction is necessary to make the~~
16 ~~development of affordable housing units economically feasible.~~

17
18 32. The City may approve such waiver or reduction, without
19 requirement of a variance, upon the finding that, without such waiver or reduction,
20 the development standard will have the effect of physically precluding the
21 construction of the affordable housing units that would qualify the development
22 project for a density bonus.

23
24 4-3. The City is not required to approve such a proposal if the City finds
25 that the waiver or reduction would have a specific, adverse impact, as defined in
26 Government Code Section 65589.5 (d) (21), upon health, safety, or the physical
27 environment or on any real property that is listed in the California Register of
28 Historical Resources and for which there is no feasible method to satisfactorily
29

1 mitigate or avoid the specific adverse impact, or that the waiver or reduction is
2 contrary to state or federal law.

3
4 **F. Off-Street Parking.**

5
6 1. **Parking Ratios.** Notwithstanding the provisions of Section 20.28 of
7 this Chapter, the City will permit, if specifically requested by an applicant for
8 approval of a housing development project that qualifies for a density bonus under
9 paragraph A. of this subsection, an off-street parking ratio, inclusive of handicapped
10 and guest parking, to be limited, without requirement of a variance, to the ratios
11 mandated by Government Code Section 65915 (p), as follows:

- 12 a. Zero (0) to one (1) bedroom: one (1) on-site parking space
13 b. Two (2) to three (3) bedrooms: two (2) on-site parking
14 spaces
15 c. Four (4) and more bedrooms: two and one-half (2-1/2)
16 on-site parking spaces

17
18 2. **Configuration.** Off-street parking spaces provided pursuant to this
19 paragraph may be arranged in tandem and may be uncovered.

20
21 3. **Proximity to Transit.** Notwithstanding the provision of subsection
22 1. above, if a development includes the maximum percentage of low-income or very
23 low income units provided for in Government Code Section 65915 (f) (1) and (2),
24 and is located within one-half mile of a major transit stop, as defined in of Section
25 21155(b) of the Public Resources Code, and there is unobstructed access to the major
26 transit stop from the development, then, upon the request of the developer, the City
27 shall not impose parking ratios that exceed ~~the following:~~

- 28 a. ~~All projects meeting this subsection requirements:~~ 0.5 spaces per bedroom.
29

1 4. **Affordable Rental Units.** Notwithstanding the provision of
2 subsection 1. above, if a development consists solely of rental units, exclusive of a
3 manager's unit or units, with an affordable housing cost to lower income families,
4 as provided in Section 50052.5 of the Health and Safety Code, then, upon the request
5 of the developer, the city shall not impose a vehicular parking ratio, inclusive of
6 handicapped and guest parking, that exceeds the following ratios:

7
8 a. b. Developments consisting solely of rental units 0.5 spaces per
9 unit.

10
11 b. e. Rental housing for individuals who are 62 years of age or older
12 that complies with Sections 51.2 and 51.3 of the Civil Code: 0.5 spaces per
13 unit. The development shall have either paratransit service or unobstructed
14 access, within one-half mile, to fixed bus route service that operates at least
15 eight times per day.

16
17 c. d. Special needs housing development, as defined in Section 51312
18 of the Health and Safety Code: 0.3 spaces per unit. The development shall
19 have either paratransit service or unobstructed access, within one-half mile,
20 to fixed bus route service that operates at least eight times per day.

21
22 3 5. This subdivision shall apply to a development that meets the
23 requirements of California Government Code 65915 subdivision (b) but only at the
24 request of the applicant. A request pursuant to this subdivision shall neither reduce
25 nor increase the number of incentives or concessions to which the applicant is
26 entitled ~~An applicant may request parking incentives or concessions beyond those~~
27 ~~provided in this subdivision~~ pursuant to subdivision (d) of California Government
28 Code Section 65915. (Ord. No. 2014-11 § 6)

1 **G. Affordable Housing Agreement - Density Bonus:** Applicants for density
2 bonuses shall enter into an Affordable Housing Agreement with the City, for the purpose of
3 assuring continuing compliance with applicable provisions of Government Code Section
4 65915 and all applicable regulations and conditions of the City. Such Agreement shall be
5 subject to approval by the City Council, upon recommendation of the Planning and Zoning
6 Commission. Where project approval includes a subdivision of land, execution of an
7 Affordable Housing Agreement shall be made a condition of approval of a tentative map.
8 The contents of the Agreement shall be as specified in subsection 20.40.030.D.1 above,
9 except that the requirements of paragraphs f., j., and k. thereof shall be replaced by the
10 requirements of paragraphs 1. and 2. below:

11
12 1. An applicant who seeks a density bonus for rental units targeted for
13 lower-income and very low-income households shall agree to continued
14 affordability under the terms specified in Government Code Section 65915(c)(1).

15
16 2. An applicant who seeks a density bonus for moderate-income units
17 in a common interest development project shall agree that:

18
19 a. The initial occupants of the moderate-income units that are
20 directly related to the receipt of the density bonus are persons and families
21 of moderate-income, as defined in Section 50093 of the Health and Safety
22 Code, and that the units are offered at an affordable housing cost, as that cost
23 is defined in Section 50052.5 of the Health and Safety Code.

24
25 b. An equity-sharing agreement, to be enforced by the City, shall
26 apply to resale of the units, which shall be subject to the terms specified in
27 Government Code Section 65915(c)(2)(A) through (C).

28
29 **H. Application Procedures for Density Bonus.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1. General.

a. The granting of a density bonus is exempted, by Government Code Section 65915, from discretionary approvals. However, elements of housing development proposals may be subject to discretionary approvals or other procedures set forth in Section 20.100.

b. All incentives or concessions that may be proposed pursuant to the requirements of Government Code Section 65915 shall be subject to final action by the City Council.

2. Preapplication Review. Prior to filing an application for a density bonus and concessions pursuant to Government Code Section 65915 and this subsection, an applicant shall participate with City staff in a preliminary review of project plans and the justifications for any concessions requested. The Community Development Director may determine that such review be held with the Planning and Zoning Commission, in a publicly noticed meeting.

3. Application Requirements. An applicant for a density bonus pursuant to Government Code Section 65915 and this subsection shall submit an application for any discretionary approval required by this Chapter for the proposed development project. If no discretionary action is required, the applicant shall submit a Zoning Clearance application for City review of the proposed density bonus. At a minimum, All applications for development projects that propose a density bonus shall include the following items, ~~in addition to other materials that may be required by the City:~~

a. The desired density increase;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

b. Additional incentive(s) or concession(s) requested;

c. Any waivers or reductions in development standards that are requested in addition to proposed incentives or concessions;

d. Off-street parking ratios requested;

de. The number, type, location, size and construction scheduling of all units;

ef. ~~A project financial report to allow the City to evaluate the financial need for the specific incentive(s) or concession(s) requested, and Documentation to demonstrate that any requested concession or incentive results in identifiable and actual cost reductions, to provide for affordable housing costs. waiver or reduction of zoning, development or building standards is necessary to make the development of affordable housing units economically feasible.~~

~~f. Any other relevant information that the Community Development Director may determine to be necessary in the evaluation of the proposal.~~

4. **Review of Application.** An application for a development project that includes a density bonus and incentives shall be reviewed and acted upon according to procedures described in Section 20.100, except that, following the rendering of a recommendation by the Planning and Zoning Commission, the City Council shall be the decision-making body on all applications involving a density bonus. The City Council shall have the final authority to deny requested incentives or concessions with the findings required by Government Code Section 65915. The

1 City shall notify the applicant for a density bonus whether the application is
2 complete in a manner consistent with Government Code 65943.

3
4 **5. Waiver or Reduction of Development Standards. ~~Conditions of~~**
5 **~~Project Approval:~~** If the applicant can demonstrate, ~~based on verifiable financial~~
6 ~~information,~~ that any development standard that is applied as a condition of a City
7 ~~approval of~~ action on a housing development project that qualifies for a density
8 bonus would physically preclude construction of the development project ~~by making~~
9 ~~the housing units economically infeasible,~~ the applicant may request that the City
10 Council waive or reduce such condition. ~~City actions that might contain conditions~~
11 ~~include: approvals of a use permit, a tentative subdivision map or design review.~~
12 The City Council shall either grant such a request or make a finding pursuant to
13 paragraph E.3 4. above.
14

15 **20.40.050 Development Criteria.**

16
17 The following criteria shall apply to housing development projects that contain
18 affordable dwelling units created pursuant to Subsections 20.40.030 and/or 20.40.040
19 above.

20 A. Affordable dwelling units shall be constructed concurrently with or prior to
21 non-restricted units, unless the City and the project sponsor agree, within the required
22 Affordable Housing Agreement, to an alternative schedule for development.
23

24 B. Affordable dwelling units shall be dispersed throughout the project site.
25

26 C. Affordable dwelling units shall have, to the extent feasible, the same
27 bedroom mix as the market-rate units in the same development, except that the project
28 sponsor may include a higher number of bedrooms in the affordable dwelling units.
29

1 D. The design and appearance of affordable dwelling units shall be compatible
2 with the design of the total housing development, and with the context of the surrounding
3 neighborhood.

4
5 E. Other development criteria and requirements may be established as
6 conditions of project approval, and all such conditions shall be incorporated into the
7 Affordable Housing Agreement.

8
9 **SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

10 This ordinance shall be posted at three public places within the City of Albany and
11 shall become effective thirty days after the date of its posting.

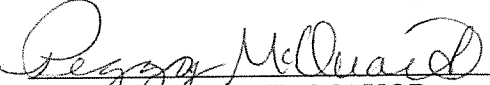
12
13 **PASSED AND ADOPTED** by the City Council of the City of Albany at its
14 meeting on the 16th day of July, 2018 by the following vote:

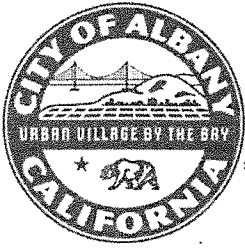
15 AYES: *Council members: Barnes, Maass, Nason, Pilch + Mayor*
McQuaid

16 NOES:

17 ABSENT:

18 ABSTAIN:

19
20
21 
22 PEGGY MCQUAID, MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2018-04

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 16th day of July, 2018 by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch, Mayor McQuaid

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

25th day of July, 2018.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK