



City of Albany

AFFORDABLE HOUSING DENSITY BONUS REQUIREMENTS SUPPLEMENTAL FORM

CA Government Code 65915-65918
"Density Bonus and Other Incentives"

The Density Bonus, Incentives or Concessions, Waivers or Reductions provisions of the Albany Municipal Code implements California State Government Code 65915-65918 (inclusive).¹ This law provides that a local government shall grant a density bonus and concessions, or financially equivalent incentive(s), to a developer of a housing development constructing a specified percentage of housing for low income households, very low income households, senior citizens, or providing child care facilities. This procedure shall apply to all proposals, citywide, to create five (5) or more living units in which the developer is requesting the density bonus. Any provision in California Government Code Section 65915-65918 (inclusive) not included in this Chapter is considered by the City of Albany to be valid and applicable. In order for the City to deem an application for a density bonus complete, Applicants shall submit a completed version of this form and all supplemental information required under Section 4.

1. APPLICABILITY

Please check one or more of the following (as proposed at the time of application submittal, subject to change):

- At least 5% of the Total Units for very low-income households, as defined in Section 50105 of the California Health and Safety Code.
- At least 10% of the Total Units for lower income households, as defined in Section 50079.5 of the California Health and Safety Code.
- At least 10% of the Total Units for lower income households, as defined in Section 50079.5 of the California Health and Safety Code
- At least 5% of the Total Units for moderate income households for common interest sale development, as defined by the City of Albany Zoning Ordinance 20.40.040(c)(2).
- Up to 20% of the Total Units for senior housing development, as defined by the City of Albany Zoning Ordinance 20.40.040(Table H-1).
- Up to 20% of the Total Units for transitional foster youth, disabled veterans, or homeless persons for very-low-income households, as defined by the City of Albany Zoning Ordinance 20.40.040(Table H-1)
- Land donation (at least one acre is size, or of sufficient size to permit development of at least 40 units and otherwise satisfies the requirements of California Government Code Section 65915(g))
- Childcare facility (that satisfies the requirements of California Government Code Subsection 65915(h)(1))
- Condominium Conversion (satisfies the requirements of California Government Code 65915.15))

¹ Applicability: Albany Zoning Ordinance: 20.40.040 "Density Bonus, Incentives or Concessions, Waivers or Reductions" was last updated in July 2018 (Ordinance 2018-04)
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65915

2. PROJECT DATA

Table 1: Project Data	
Site Info	
Project Site Address:	540 San Pablo Avenue, Albany, CA 94706
Project Parcel Number:	66-2797-2-3; 66-2797-4; 66-2797-5; 66-2797-6; 66-2797-7-2; 66-2797-9-2; 66-2797-23; 66-2797-24; 66-2797-25
Total Number of Housing Units:	207
Market Rate Housing Units:	186
Affordable Housing Units:	21
Prior Use: Are there currently any residential units on the property, or has there been any residential use of the property in the last five years?	No
Unit Info	
Size of Market Rate Units (# of Studios, 1 bedroom, 2 bedrooms, etc.)	29 Studios (15.5% of total Market Rate Units) 90 1-Bedrooms (48.3% of total Market Rate Units) 67 2-Bedrooms (36.2% of total Market Rate Units)
Size of Affordable Units (# of Studios, 1 bedroom, 2 bedrooms, etc.)	3 Studios (15.5% of total Affordable Units) 10 1-Bedrooms (48.3% of total Affordable Units) 8 2-Bedrooms (36.2% of total Affordable Units)
Proposed Number of Restricted Affordable Units for Very Low-Income Households (up to 50% AMI)	21
Proposed Number of Restricted Affordable Units for Low Income Households (51%-80% AMI)	0
Proposed Number of Restricted Affordable Units for Moderate Income Households (81%-120% AMI)	0
Percentage of Total Units of the Development that are Affordable:	15% of the base project (See table in Item 3)
Maximum Density Bonus Percentage (see chart on page 4)	50% per new State Density Bonus tables; see Attachment 1
Residential Tenure: Does the project propose rental or ownership units?	Rental
Parking	
Number of Required Parking Spaces:	165
Number of Parking Spaces Provided:	197
Disclosure	
Has the applicant or any partner, member, or principal of the applicant previously applied for and received a density bonus in the City for a different project? If so, please provide the address and brief description of the project.	Yes, the applicant has previously applied for a Density Bonus for projects at the following address: (However, both projects were for a different Project Sponsor and Owner) 634 Kains Ave - 9-Unit Multi-family Residential Project 423 Evelyn Ave - 14-Unit Multi-family Residential Project

3. PROPOSED DENSITY BONUS AND INCENTIVES OR CONCESSIONS

a. Density Bonus:

Density Bonus Percentage 15 (calculate using the "Density Bonus Calculator" provided at the end of this application)

b. Incentives/Concession Calculator:

Table 2: Incentives/Concessions Calculator								
Affordability Level	Restricted Affordable Units Provided in Project	% of Base Project	Threshold for one (1) Incentive or Concession Granted (number of units)		Threshold for two (2) Incentives or Concessions Granted (number of units)		Threshold for three (3) Incentives or Concessions Granted (number of units)	
Very Low Income (up to 50% AMI)	21	15	%5	7	10%	14	15%	21
Low Income (51-80% AMI)	0	0	10%	14	20%	28	30%	42
Moderate Income (81-120% AMI)	0	0	10%	14	20%	28	30%	42

Please check the following reduction in development standards in order to allow utilization of a density bonus that are being requested:

- Required off-street parking
- Required setback
- Maximum building height
- Required open space
- Maximum Floor-Area Ratio (FAR)
- Minimum lot area
- Minimum courtyards
- Other ADAMS ST. SOLAR PLANE; PUD REQUIREMENTS PER 20.100.060

c. Concessions and Incentives:

Please list the concessions and incentives (up to three, see Incentive/Concessions Calculator" above) the project is seeking, and describe how each requested incentive or concession would result in identifiable and actual cost reductions to provide for affordable housing costs.

While the project is eligible for three cost-reduction concessions, only two concessions are being requested to 1) modify the open space requirement to 13,997 sq. ft. so that additional open space does not have to be constructed up on roof decks above the buildings, and 2) exempt the project from the PUD requirement required for the Planned Residential/Commercial Overlay District (per section 20.24.030.D.1). The requested concession to reduce the required open space allows the additional roof decks and associated stair and elevator extensions to not have to be constructed, which, as is self-evident, results in the "identifiable and actual cost reductions" since the additional roof decks could not be constructed free of costs. The request to exempt the PUD requirement is to reduce the additional time and cost of submitting another application that is not necessary for the project.

d. Waivers:

Please list any waivers the project is seeking and describe how the development standard for which a waiver is proposed would have the effect of physically precluding the construction of the project.

The project is requesting the waivers of the following standards which would otherwise have the effect of physically precluding the construction of the density bonus units:

1. Without additional building height beyond the base standards, the density bonus units could not be physically constructed.
2. Similarly, without additional building height beyond the base standard solar plane at Adams Street, the density bonus units could not be physically constructed.
3. Without additional floor area beyond the base FAR, the floor area of the density bonus units could not be physically constructed.

4. SUPPLEMENTAL INFORMATION:

In addition to completing this checklist and form, please submit the following along with your application materials:

a. Project Pro-Forma:

This document should indicate the incentives and concessions that are required to provide the affordable housing. This should outline the financial justification for EACH specific incentive and concession requested for the Project. The information submitted should clearly demonstrate how and to what extent a grant of each incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs. A suggested format is to include a cost comparison of the project without the requested incentives and concessions ("base case") versus the proposed Project with the density bonus and each requested incentive and concession. The pro-forma should include the base case, base case plus one incentive or concession, base case plus 2 incentives or concessions, and a base case with all proposed incentives and concessions. Pro-forma submissions should include direct construction costs, indirect costs, financing costs, sales revenues by product type and income restriction category, and show total profit for the applicant.

b. (Optional) Any other information that may assist the City in evaluating your Project and its eligibility for a density bonus (summary Project description, clarification of unit breakdown or mix, etc.)

5. CERTIFICATION:

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely satisfy and comply with the requirements of the City of Albany's Density Bonus Ordinance and the State of California Density Bonus Statutes.

X 

Signature of Applicant

03/01/2021

Date

Density Bonus Calculator

To calculate the allowable density bonus for a project, locate the percentage of affordable units proposed to be included within your project in the right-hand column for "Percentage of Affordable Units," and locate the density bonus under the column that corresponds to the income level for the units that are proposed. Enter the figure into the box for "Density Bonus Percentage" in Section 3(a).

Table 3: Density Bonus Calculator			
Percentage of Affordable Units	Very Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus (For-Sale Common Interest Developments)
5%	20%	0%	0%
6%	22.50%	0%	0%
7%	25%	0%	0%
8%	27.50%	0%	0%
9%	30%	0%	0%
10%	32.50%	20%	5%
11%	35%	21.50%	6%
12%	35%	23%	7%
13%	35%	24.50%	8%
14%	35%	26%	9%
15%	35%	27.50%	10%
16%	35%	29%	11%
17%	35%	30.50%	12%
18%	35%	32%	13%
19%	35%	33.50%	14%
20%	35%	35%	15%
21%	35%	35%	16%
22%	35%	35%	17%
23%	35%	35%	18%
24%	35%	35%	19%
25%	35%	35%	20%
26%	35%	35%	21%
27%	35%	35%	22%
28%	35%	35%	23%
29%	35%	35%	24%
30%	35%	35%	25%
31%	35%	35%	26%
32%	35%	35%	27%
33%	35%	35%	28%
34%	35%	35%	29%
35%	35%	35%	30%
36%	35%	35%	31%
37%	35%	35%	32%
38%	35%	35%	33%
39%	35%	35%	34%
40%	35%	35%	35%

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65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.

(D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(b)(1)(b) (B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(I) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).

(3) For the purposes of this section, "total units," "total dwelling units," or "total rental beds" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) (A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(B) (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an

20	35
21	38.75
22	42.5
23	46.25
24	50

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clause (ii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the city, county, or city and county shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5