



SUPPLEMENTAL FORM – AFFORDABLE HOUSING DENSITY BONUS

<https://www.oaklandca.gov>

Affordable Housing Density Bonus Requirements

State Government Code 65915-65918 re: Density Bonus, updated January 1, 2020:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65915

City of Oakland Planning Code (OPC), Chapter 17.107 Density Bonus and Incentive Procedure, last updated April 2, 2014:

https://www.municode.com/library/ca/oakland/codes/planning_code

In case of discrepancies between State law and the City Planning Code, State law typically prevails unless the City Planning Code provides for density bonuses greater than that described in State law.

1) Applicability (OPC Section 17.107.010)

The Density Bonus and Incentive Procedure is intended to comply with provisions of the California State Government Code 65915-65918 (inclusive) which 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 lower income households, moderate 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 Oakland 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.

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

- 100% of the Total Units, exclusive of a manager’s unit or units, are for low income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the Total Units may be for moderate income households, as defined in Section 50053 of the Health and Safety Code.
- 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 moderate income households, as defined in Section 50093 of the California Health and Safety Code (common interest development offered to the public for purchase unless on-site option for Impact Fees, see 15.72.100.B.4).
- A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the California Civil Code.
- At least 10% of the Total Units for transitional foster youth, as defined in California Education Code section 66025.9 (very low income households as defined in Section 50105 of the California Health and Safety Code).
- At least 10% of the Total Units for disabled veterans, as defined in California Government Code Section 18541 (very low income households as defined in Section 50105 of the California Health and Safety Code).
- At least 10% of the Total Units for homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) (very low income households, as defined in Section 50105 of the California Health and Safety Code).
- At least 20% of the Total Units for lower income students in a student housing development (that satisfies the requirements of California Government Code Section 65915(b)(1)(F)).
- Land donation (at least one acre in 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).)
- Child care facility (that satisfies the requirements of California Government Code Subsection 65915(h)).
- Condominium Conversion (that satisfies the requirements of California Government Code 65915.5)).

2) Project Data

Table 1: Project Data	
Project Site Address:	
Project Parcel Number:	
Maximum Allowable Residential Density (before application of Density Bonus):	
Total Base Number of Housing Units (before density bonus):	
Market Rate Base Housing Units (before density bonus):	
Affordable Base Housing Units (before density bonus):	
Size of Market Rate Units (# of Studios, 1 bedroom, 2 bedroom, etc.):	
Size of Affordable Units (# of Studios, 1 bedroom, 2 bedroom, etc.):	
Proposed number of restricted affordable units for Very Low Income Households (up to 50% AMI):	
Proposed number of restricted affordable units for Low Income Households (51% to 80% AMI):	
Proposed number of restricted affordable units for Moderate Income Households (81%-120% AMI):	
Percentage of Total Base Housing Units that are Affordable:	
Maximum Density Bonus Percentage (See chart on page 4):	
Number of Required Parking Spaces:	
Number of Parking Spaces Provided:	
Residential Tenure: Does the project propose rental or ownership units?	

3) Proposed Density Bonus and Incentives or Concessions

a) Density Bonus

Density Bonus Percentage _____ (calculate using the “Density Bonus Calculator” provided at the end of this application)

Total Number of Density Bonus Units: _____

Total Units in Development after Density Bonus Applied: _____

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)		Threshold for four (4) Incentives or Concessions* Granted (number of units)	
Very Low Income (up to 50% AMI)			5%		10%		15%		100% affordable (at least 80% low income, no more than 20% moderate income)	
Low Income (51-80% AMI)			10%		20%		30%			
Moderate Income (81-120% AMI)			10%		20%		30%			

* If the 100% affordable project seeks a density bonus of more than 80%, the project is eligible for a height increase of up to three additional stories, or 33 feet; however, the project cannot receive a waiver of any other development standards (but can still receive four incentives).

Please check the following reduction in development standards that are being requested in conjunction with a density bonus request:

- | | |
|--|---|
| <input type="checkbox"/> Required off-street parking | <input type="checkbox"/> Maximum Floor-Area Ratio (FAR) |
| <input type="checkbox"/> Required setback | <input type="checkbox"/> Minimum lot area |
| <input type="checkbox"/> Maximum building height | <input type="checkbox"/> Minimum courtyards |
| <input type="checkbox"/> Required open space | <input type="checkbox"/> Other _____ |

If a qualifying 100% affordable project is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the applicant shall also receive a height increase of up to three additional stories, or 33 feet. If this allowance is sought, please describe the major transit stop that is within one-half mile of the qualifying 100% affordable project:

c) Concessions and Incentives:

Please list the concessions and incentives (up to four, 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.

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.

e) Replacement Units:

Please describe the number of existing units on site, the current affordability level of existing units, and how the applicant will comply with the replacement unit requirements under the Density Bonus Law, California Government Code Section 65915(c)(3).

4) Supplemental Information

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

- a) Incentive Cost-Savings Documentation. This document should substantiate the cost reductions for the incentives and concessions that are requested 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.
- b) Architectural diagrams that clearly articulate how many units would be lost due to the application of any specific development standard that the applicant is seeking to have reduced as a waiver. Where more than one waiver is sought, the application should clearly demonstrate why the waivers are cumulatively necessary to prevent a development standard from physically precluding the construction of the development.
- c) (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 Oakland's Density Bonus Ordinance and the State of California Density Bonus Statutes

X _____
Signature of Applicant

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 left-hand column titled “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%
100% (at least 80% low income, and no more than 20% moderate income)	80% or unlimited (If an eligible 100% affordable project is located within ½ mile of a “major transit stop”, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the project will be exempt completely from any maximum controls on density)		