



SUPPLEMENTAL FORM – AFFORDABLE HOUSING DENSITY BONUS

<https://www.oaklandca.gov>

Affordable Housing Density Bonus Requirements

California Government Code §§ 65915-65918 re: Density Bonus, updated January 1, 2024:

https://leginfo.legislature.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 19, 2022:

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 and Project Data

The Density Bonus and Incentive Regulations are intended to comply with provisions of the California Government Code Sections 65915-65918 (inclusive), which provides that a local government shall grant a density bonus, incentives or concessions, waivers or reductions of development standards, and/or reduced parking ratios, to a developer of a residential housing development constructing a specified percentage of housing for lower income households, moderate income households, or other specifically identified households and facilities. These procedures shall apply to all proposals, citywide, to create five (5) or more living units in which the developer is requesting a 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 5.

Please check one of the following applicable to the proposed housing development (as proposed at the time of application submittal):

- 100% of all units in the development, including Total Units and density bonus units, but 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 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.
- 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 (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.
- At least 10% of the Total Units for disabled veterans, as defined in California Government Code Section 18541.
- 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.).
- 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)).

Table 1: Project Data

1a. Project Site Address:	
1b. Project Parcel Number:	
1c. Maximum Allowable Residential Density: (before application of Density Bonus)	
1d. Total Base Number of Housing Units: (before density bonus)	
1e. Market Rate Base Housing Units: (before density bonus)	
1f. Affordable Base Housing Units: (before density bonus)	
1g. Size of Market Rate Units: (# of studios, 1 bedroom, 2 bedroom, etc.)	
1h. Size of Affordable Units: (# of Studios, 1 bedroom, 2 bedroom, etc.)	
1i. Proposed Number of Restricted Affordable Units for Very Low Income Households: (up to 50% AMI)	
1j. Proposed Number of Restricted Affordable Units for Low Income Households: (51% to 80% AMI)	
1k. Proposed Number of Restricted Affordable Units for Moderate Income Households: (81%-120% AMI)	
1l. Percentage of Total Base Housing Units that are Affordable:	
1m. Maximum Density Bonus Percentage Allowed: (See Table 3 below)	
1n. Maximum Density Bonus Percentage Proposed:	
1o. Total Number of Proposed Density Bonus Units:	
1p. Total Units in Development after Density Bonus Applied:	
1q. Residential Tenure: (Does the project propose rental or ownership units)	

2) Additional Density Bonus for Projects Providing Low or Moderate Income Units On Top of Maximum Threshold

If an application proposes to include very low, low, or moderate-income units at the maximum amount identified in Table 3, the Density Bonus Calculator, such that it receives a 50 percent density bonus, then the project may receive an additional “over the top” density bonus for including additional very low or moderate units on top of the maximum identified amount. (See Gov. Code Sec. 65915(v).)

- Confirm that the project proposes to provide at least 15 percent of the total base units to very low income households, at least 24 percent of the total base units to low income households, or at least 44 percent of the total base units to moderate-income households.

If you checked the box above, you may complete Table 2-A to receive an additional bonus as shown in Table 2-B below, provided that the resulting housing development would not restrict more than 50 percent of the total base units to moderate-income, lower income, or very low income-households.

Table 2-A: Over-the-Top Density Bonus Proposal	
2a. Restatement of total market rate units proposed in base project prior to over-the-top density bonus proposal: [Line 1e]	
2b. Restatement of total affordable units proposed in base project prior to over-the-top density bonus proposal: [Line 1f]	
2c. Proposed additional base units to be restricted affordable units for very low-income households:	
2d. Proposed additional base units to be restricted affordable units for moderate-income households:	
2e. Proposal for total market rate units in base project after applying over-the-top proposal: [Line 2a – Line 2c – Line 2d]	
2f. Proposal for total affordable units in base project after applying over-the-top proposal: [Line 2b + Line 2c + Line 2d]	
2g. Over-the-top Density Bonus Percentage: (From Table 2-B):	
2h. Sum of density bonus and over-the-top density bonus percentages: [Line 1n + Line 2g]	
2i. Total number of density bonus units: [Line 1d x Line 2h]	
2j. Total units in development after density bonus and over the top density bonus applied: [Line 1d + Line 2i]	

Table 2-B: Over-the-Top Density Bonus Calculator

Percent Very Low-Income Units	Percent Density Bonus	Percent Moderate-Income Units	Percent Density Bonus
5	20	5	20
6	23.75	6	22.5
7	27.5	7	25
8	31.25	8	27.5
9	35	9	30
10	38.75	10	32.5
		11	35
		12	38.75
		13	42.5
		14	46.25
		15	50

3) Incentive/Concession Calculator

A density incentive is a benefit in the form of a reduction in development standards granted by the City that results in identifiable and actual cost reductions necessary to provide for the reduced rents or sales prices for the affordable living units.

The project is eligible for the following number of incentives (please check one):

- One incentive** based on the project including at least 5 percent of the total units for very low income households, at least 10 percent for lower income households, at least 10 percent for moderate income households, or at least 20 percent for lower income students in a student housing development.
- Two incentives** based on the project including at least 10 percent of the total units for very low income households, at least 17 percent for lower income households, or at least 20 percent for moderate income households.
- Three incentives** based on the project including at least 15 percent of the total units for very low income households, at least 24 percent for lower income households, or at least 30 percent for moderate income households.
- Four incentives** based on the project including at least 16 percent for very low income households, or at least 45 percent for moderate income households.
- Five incentives** based on the project being a 100 percent affordable housing development including at least 80 percent of the total units for lower income households. (Note: If the 100% affordable project is located within one-half mile of a major transit stop, the project is also eligible for a height increase of up to three additional stories, or 33 feet; however, if the project also seeks a waiver from any maximum controls on density, the project cannot receive a waiver of any other development standards but can still receive five incentives.)

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:

Requested Incentives: Please check the following reduction in development standards being requested as incentives 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 _____ |

Please list the incentives the project is seeking and describe how each requested incentive would result in identifiable and actual cost reductions to provide for affordable housing costs. Include schematics or drawings as necessary.

Requested 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. Include schematics or drawings as necessary. Information should include narrative descriptions, analyses, and architectural diagrams that clearly articulate how many units would be lost due to the application of the specific development standard. Where more than one waiver is sought, the response should clearly demonstrate why the waivers are cumulatively necessary to prevent a development standard from physically precluding the construction of the development

Off-Street Parking: If reduction of parking standards is sought pursuant to California Government Code Section 65913(p), please describe in detail the requested applicable parking ratio and the basis for eligibility under subdivision (p).

4) Replacement Units

Unless replacement units are provided consistent with local and state requirements, a developer shall be ineligible for a density bonus or any other incentives or waivers if the residential housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by lower or very low income households.

How many rental units are currently located on the site proposed for development? _____

For each unit, describe the affordability level:

How many rental units have been vacated or demolished in the five-year period preceding this application? _____

For each unit, describe the affordability level:

Note: If the income category of the current or last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied the units in the same proportion of lower income renter households to all renter households within the City of Oakland as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

Please describe the how the applicant will comply with the replacement unit requirements under the Density Bonus Law, California Government Code Section 65915(c)(3), including the provision of replacement units at an equivalent size, where "equivalent size" means that the replacement units contain at least the same total number of bedrooms and bathrooms as the units being replaced.

5) 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.).

6) 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

Table 3: Density Bonus Calculator

Locate the percentage of affordable units proposed in the left-hand column and locate the density bonus under the column that corresponds to the income level for the units proposed. Enter the figure into the box for “Density Bonus Percentage” in Table 1.

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%	38.75%	23%	7%
13%	42.5%	24.50%	8%
14%	46.25%	26%	9%
15%	50%	27.50%	10%
16%	50%	29%	11%
17%	50%	30.50%	12%
18%	50%	32%	13%
19%	50%	33.50%	14%
20%	50%	35%	15%
21%	50%	38.75%	16%
22%	50%	42.5%	17%
23%	50%	46.25%	18%
24%	50%	50%	19%
25%	50%	50%	20%
26%	50%	50%	21%
27%	50%	50%	22%
28%	50%	50%	23%
29%	50%	50%	24%
30%	50%	50%	25%
31%	50%	50%	26%
32%	50%	50%	27%
33%	50%	50%	28%
34%	50%	50%	29%
35%	50%	50%	30%
36%	50%	50%	31%
37%	50%	50%	32%
38%	50%	50%	33%
39%	50%	50%	34%
40%	50%	50%	35%
41%	50%	50%	38.75
42%	50%	50%	42.5
43%	50%	50%	46.25
44%	50%	50%	50%
100% (at least 80% lower income)	80%, or unlimited if within ½ mile of major transit stop		