

RESOLUTION NO. 14891

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING DENSITY BONUS AND INCENTIVES REGULATIONS APPLICABLE TO HOUSING DEVELOPMENT PROJECTS THAT QUALIFY FOR A DENSITY BONUS AS SET FORTH IN SAN RAFAEL MUNICIPAL CODE SECTION 14.16.030

WHEREAS, the City's Density Bonus regulations, set forth in San Rafael Municipal Code ("SRMC") Section 14.16.030(D) ("Affordable housing") establish eligibility criteria, review procedures and allowable density bonuses, concessions/incentives, and waivers/reductions of development standards; and

WHEREAS, San Rafael Municipal Code Section 14.16.030(D) was last amended in 2010; and

WHEREAS, over the past 10 years there have been a number of changes set forth in Government Code Section 65915, commonly referred to as the State Density Bonus Law, that are meant to encourage development of affordable housing and/or remove barriers to housing in general; and

WHEREAS, some of the provisions outlined in SRMC section 14.16.030(D) no longer align with Government Code Section 65915 in that the allowed percentage of density bonus and number of concessions and incentives have been modified by the State; and

WHEREAS, the City Council has adopted amendments to SRMC Section 14.16.030 setting forth the City's intent to comply with State Density Bonus Law and providing in new subsection 14.16.030(C) for the City's Density Bonus regulations to be established by City Council resolution; and

WHEREAS, the City desires to provide clarity in the applicability of State Density Bonus Law and flexibility in amending the density bonus regulations as may be required from time to time due to changes by the State Legislature; and

WHEREAS, the State Density Bonus Law applies citywide, including Downtown San Rafael. The City recently completed and released the Downtown San Rafael Precise Plan (DTPP), which proposes affording building height bonuses for projects providing affordable housing. The draft DTPP provisions for a building height bonus are currently being reviewed and assessed in tandem with the State Density Bonus Law. The outcome of this review may result in changes to the recommended bonus provisions for Downtown San Rafael, which are unknown at this time. When the DTPP provisions are finalized and adopted, it is anticipated that this policy resolution will be amended to incorporate the final DTPP bonus provisions;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the following Density Bonus and Incentives Regulations to implement the provisions of SRMC Section 14.16.030(C):

- A. **Purpose:** In accordance with, Government Code Section 65915 and to avoid any undue economic burden or cost to the applicant providing affordable units required by the city, residential development projects of five (5) or more units are eligible for a state density bonus

and other applicable concessions, incentives and/or waivers and reductions of development standards, as set forth in this resolution.

- B. Density Bonus.** A density bonus means a density increase over the otherwise maximum allowable gross residential density as of the date of application. A density bonus may also be a lesser percentage of density increase, including, but not limited to, no increase in density. When calculating a density bonus any calculation resulting in a fractional unit shall be rounded to the next larger whole number. This rounding shall apply to the base density, required affordable unit, and any density bonus unit. Eligible projects defined in Section C below shall be allowed a Density Bonus equal to the allowable percentages set forth in Table 3 of this Resolution.
- C. Eligible Projects** – unless a project is otherwise ineligible for a density bonus as specified in Section D below, the following projects are eligible for a density bonus:
- a. Projects that provide at affordable housing units at the minimum levels of affordability as listed in Government Code Section 65915 and as set forth in Table 3 of this Resolution. The amount of density bonus shall be as specified in that table.
 - i. An applicant shall agree to continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for at least 55 years.
 - b. One hundred percent (100%) affordable housing projects that meet the criteria listed under Government Code Section 65915(b)(1)(G) and as described below shall be eligible for a density bonus listed under 2. below:
 - i. All units must be for lower income households except:
 - 1. Does not apply to managers unit
 - 2. Up to 20 percent may be for moderate-income households,
 - ii. An applicant shall agree to continued affordability for at least 55 years
 - iii. If the 100% affordable housing development 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 choose one of the following density bonuses:
 - 1. Waivers or Concessions as specified in Table 4 of this Resolution;OR
 - 2. No maximum controls on density.
 - c. Projects that provide housing for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in California Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The amount of Density bonus shall be as specified in Table 3 of this Resolution and shall apply to projects that also meet the following criteria:
 - i. shall be subject to a recorded affordability restriction of 55 years
 - ii. shall be provided at the same affordability level as very low income units.
 - d. Qualified Student Housing. A qualified student housing development shall be one that meets all of the following criteria
 - i. At least 20% units are for lower income students as follows:

1. The rent available to lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
 - ii. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. Verification of such shall be made by a local homeless service provider, or institution of higher education that has knowledge of a person's homeless status.
 - iii. 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.
 - iv. Units shall be subject to a recorded affordability restriction of 55 years.
 - v. Prior to certificate of occupancy, the applicant/project proponent shall provide evidence that the applicant/project proponent has entered into an operating agreement or master lease with one or more qualifying institution to occupy all units of the student housing development with students from that institution(s).
 - vi. 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.
- e. Senior Housing. A qualified senior housing development shall be a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home 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.
- f. Child Care Facilities. for projects that include a childcare facility, an applicant shall be eligible for density bonus if an applicant proposes to construct a childcare facility meeting the criteria in section (i) below.
- i. An eligible childcare facility shall meet all of the following requirements:
 1. It will be located on the premises of, as part of, or adjacent to a proposed housing development.
 2. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 3. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.
 4. "Childcare facility" as used in this section, means a child daycare facility (other than a family daycare home) including, but not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers.
 - ii. Amount of Density Bonus. An allowable density bonus shall be one the following:
 1. An additional density bonus that is in an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.

2. An additional concession or incentive designated by the City that contributes significantly to the economic feasibility of the construction of the childcare facility.
- g. Land Donations meeting all of the following requirements:
- i. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - ii. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - iii. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.
 - iv. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - v. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units for a at least 55 years from the time of development of the transferred property.
 - vi. The land shall be transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
 - vii. The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
 - viii. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
- h. Commercial Projects that partner with a qualified affordable housing project. When an applicant for approval of a commercial development has entered into an agreement for partnered housing as described below to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, shall grant the commercial developer a development bonus listed as described below. Housing shall be constructed on the site of the commercial development or on a site that meets all of the following criteria:
- i. Eligible site:
 1. Is located within the city limits.
 2. The commercial developer may directly build the units; may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing; or may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

3. At least 30 percent of the affordable housing units shall be for low-income households or at least 15 percent of the total units for very low-income households.
 4. Is located in close proximity to public amenities including schools and employment centers.
 5. Is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
- ii. Permitted Development Bonus. One or more of the of the following as deemed appropriate by the City:
1. Up to a 20-percent increase in maximum allowable intensity in the General Plan.
 2. Up to a 20-percent increase in maximum allowable floor area ratio.
 3. Up to a 20-percent increase in maximum height requirements.
 4. Up to a 20-percent reduction in minimum parking requirements.
 5. Use of a limited-use/limited-application elevator for upper floor accessibility.
 6. An exception to a zoning ordinance or other land use regulation.
 7. Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under allowed under Government Code Section 65915.
 8. A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

D. Ineligible Projects The following projects shall not be eligible for a Density Bonus:

An applicant shall be ineligible for a density bonus, development bonus, or any other incentives or concessions if the project is proposed on any property that includes a parcel or parcels on which rental dwelling units are, 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, unless the proposed housing development replaces those units, and either of the following applies:

- i. The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at minimum percentages set forth in subdivision C.a.
- ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

E. Amount of Density Bonus. The amount of density bonus shall be as specified in Table 3 of this resolution. The applicant may request a lesser density bonus, however, the city shall not be required to similarly reduce the number of units required to be dedicated for affordable housing. In calculating the density bonus for a project, each project shall be entitled to only one density

bonus to be selected from the categories in Table 3. Density bonuses from more than one income category may not be combined.

- F. **Concession or Incentives.** Concession or incentive shall mean any reduction in site development standards or any modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or 65915(e) that would result in identifiable and actual cost reductions, and facilitate the construction of the residential development project at the densities provided for in Section 65915. Eligible projects as defined in subsection C above shall be allowed the number of concessions set forth in Table 4 of this Resolution. The following concessions/incentives are not required to demonstrate identifiable and actual cost reductions:
 - a. Parking concessions shown in Tables 1 and 2.
 - b. Waiver of planning and building fees subject to City Council Resolution No. 11025.
 - c. Height bonuses, as identified and listed in Exhibit 10 of the General Plan 2020 Land Use Element.
 - d. Twenty percent (20%) reduction in the require yard setback, lot coverage, or landscape requirement. Each reduction shall count as one concession.
- G. **Waivers or Reduction of Development Standards.** A housing development is eligible for a waiver or reduction of any development standard that physically precludes the construction of an affordable housing development at the densities or with the concessions or incentives permitted by this section. The applicant shall submit the documents outlined in section J. as well as any additional documents needed to demonstrate how the development standards would impede development of the project. There is no limit to the number of waivers or reductions requested. A waiver or reduction shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.
- H. **Waiver of planning and building fees.** An applicant for an affordable housing development may request a waiver of planning fees pursuant to City Council Resolution No. 11025.
- I. **Parking Concessions.** The maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project as follows:

TABLE 1 MAXIMUM PARKING RATIOS* FOR AFFORDABLE HOUSING PROJECTS	
UNIT TYPE	# OF SPACES PER UNIT**
Studio	1
1 Bedroom	1
2 bedrooms	2
3 + bedrooms	2

*Exception: Residential development projects in the downtown zoning districts which do not qualify for parking ratios in Table 2 below shall comply with the parking requirements set forth in Sections 14.18.040 and 14.04.060 of this title.

** fractional units shall be rounded up.

TABLE 2 MAXIMUM PARKING RATIOS FOR SPECIAL PROJECTS NEAR TRANSIT		
WITH PARATRANSIT SERVICE OR ACCESSIBLE BUS ROUTE *	WITHIN 1/2 MILE OF MAJOR TRANSIT STOP**	# OF SPACES REQUIRED
	Rental/for sale projects with at least 11% very low income or 20% lower income units	0.5 spaces per bedroom
Rental senior projects 100% affordable to lower income	Rental projects 100% affordable to lower income	0.5 spaces per unit
Rental senior projects 100% affordable to lower income		0.5 spaces per unit
Rental special needs projects 100% affordable to lower income households	Rental supportive housing developments 100% affordable to lower income households	0 spaces per unit
* Bus routes operating at least 8 routes per day		
**Major Transit Stop as defined herein		

J. Application for a Density Bonus and/or Concessions or Incentives for Residential Development Projects. Application for a Density Bonus shall be made in the following manner:

- a. Request for a Density Bonus and/or request for concessions or incentives for a residential project shall be made by filing a separate application along with the following information:
 - i. Density Bonus size requested;
 - ii. Density Bonus submittal checklist: This checklist shall include, but not be limited to the following information: Property location; lot size, zoning allowable residential density, and allowable number of base units;
 - iii. Density Bonus eligibility table: This table shall include: the Number of market rate units in the project; the number of affordable housing units proposed & level of affordability for each of the designated affordable units; the number of other eligible units (senior housing, supportive housing, etc); number of density bonus

- units requested; total allowable density bonus (see Table 3 of this City Council Resolution);
- iv. Project plans showing the total number of units, the number and location of the affordable units and the number and location of the proposed density bonus units;
 - v. Parking Ratios Table: this table shall include the total number of proposed parking and the total number of required parking spaces for affordable housing units or for special projects as shown in Tables 1 and 2 above;
 - vi. List of requested Concessions/Incentives: The application shall include the total number of concessions or incentives being requested; the total number of concessions or incentives for which the project is eligible for by this City Council Resolution Table 4; a list of the requested concessions or Incentives; written financial documentation that demonstrates how the requested concessions/incentives result in identifiable and actual cost reductions. The written statement shall include the actual cost reduction achieved through the concession/incentive and evidence that the concession/incentive allows the applicant to develop affordable housing at the specified affordable rents/sales price; The cost of reviewing any required financial data submitted as part of the application in support of a request for a concession or incentive, including, but not limited to, the cost to the city of hiring a consultant to review said data, shall be borne by the applicant;
 - vii. A list of requested waivers or reduction of development standards. Any request for waivers or reduction of development standards shall be accompanied with evidence that the development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915;
 - viii. If a density bonus is requested for a qualified land donation, the application shall show the location of the land to be dedicated and provide evidence that the requirements of Subsection C.g. of this Section have been met, thus entitling the project to the requested density bonus;
 - ix. If a density bonus is requested for construction of a child care facility the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Subsection C.f. above have been met, thus entitling the project to the requested density bonus.
- b. Completeness Review. Within 30 days of submitting a density bonus application, the City shall notify the applicant of their maximum allowable density bonus and the maximum number of concessions/incentives. In addition, the applicant shall be notified of any additional information needed to justify the requested density bonus, concessions/incentives and any requested waiver or reduction of development standards.
 - c. Procedures and timelines for processing. The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus projects shall be subject to the same appeal process applied to associated discretionary permits.

K. Findings for Denial of Concessions or Incentives. The decision-making body shall not approve a concession or incentive if it makes any of the following findings, in writing and supported by substantial evidence:

- a. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable rents or affordable ownership costs;
- b. The waiver or reduction would have a specific, adverse impact, on upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
- c. Would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
- d. The grant of a waiver or reduction would be conflict with state or federal law.

L. **Findings for Denial of a Waiver or Reduction of Development Standards.** The decision-making body shall not approve a waiver or reduction of development standards if any of the following findings are made:

- a. The development standard for which a waiver is requested would not physically preclude the construction of the housing development with the density bonus and incentives permitted by this Resolution.
- b. The waiver or reduction would have a specific, adverse impact, on upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- c. The waiver or reduction of development standards would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- d. The grant of a waiver or reduction would be conflict with state or federal law.or
- e. The applicant has requested and will receive a waiver from maximum controls on density as provide in Section C.b. above.

M. Definitions

“Condominium Project” means a development consisting of condominiums as defined in California Civil Code Section 1351

“Planned development” shall be as defined in California Civil Code Section 1351, a "planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features: (1) the common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; (2) a power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Civil Code Sections 1367 or 1367.1.

“Major Transit Stop” means a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

A project shall be considered to be within one-half mile of a major transit stop if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

BE IT FURTHER RESOLVED that any and all amendments to regulations herein as deemed necessary from time-to-time shall be adopted by resolution of the City Council.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of the City of San Rafael held on the 16th day of February 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: Kertz

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBITS

1. TABLE 3 -Percent allowable Density Bonus by Type of Project
2. TABLE 4- Allowable Concessions and Waivers

**TABLE 3
PERCENT ALLOWABLE DENSITY BONUS BY TYPE OF PROJECT**

PERCENT OF UNITS DEDICATED AS AFFORDABLE UNITS	1. EXTREMELY LOW OR VERY LOW INCOME UNITS	2. LOWER INCOME UNITS	3. MODERATE INCOME² UNITS	4. QUALIFIED LAND DONATION	5. QUALIFIED SUPPORTIVE HOUSING	6. QUALIFIED COLLEGE STUDENT HOUSING	7. DENISTY BONUS FOR ALL SENIOR HOUSING³
0	0	0	0	0	0	0	20%
5%	20%	0	0	0	0	0	20%
6%	22.50%	0	0	0	0	0	20%
7%	25%	0	0	0	0	0	20%
8%	27.50%	0	0	0	0	0	20%
9%	30%	0	0	0	0	0	20%
10%	32.50%	20%	5%	15%	20%	0	20%
11%	35%	21.50%	6%	16%	20%	0	20%
12%	38.75%	23%	7%	17%	20%	0	20%
13%	42.50%	24.50%	8%	18%	20%	0	20%
14%	46.25%	26%	9%	19%	20%	0	20%
15%	50%	27.50%	10%	20%	20%	0	20%

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PERCENT OF UNITS DEDICATED AS AFFORDABLE UNITS	1. EXTREMELY LOW OR VERY LOW INCOME UNITS	2. LOWER INCOME UNITS	3. MODERATE INCOME² UNITS	4. QUALIFIED LAND DONATION	5. QUALIFIED SUPPORTIVE HOUSING	6. QUALIFIED COLLEGE STUDENT HOUSING	7. DENISTY BONUS FOR ALL SENIOR HOUSING ³
16%	50%	29.00%	11%	21%	20%	0	20%
17%	50%	30.50%	12%	22%	20%	0	20%
18%	50%	32%	13%	23%	20%	0	20%
19%	50%	33.50%	14%	24%	20%	0	20%
20%	50%	35%	15%	25%	20%	35%	20%
21%	50%	38%	16%	26%	20%	35%	20%
22%	50%	42%	17%	27%	20%	35%	20%
23%	50%	46%	18%	28%	20%	35%	20%
24%	50%	50%	19%	29%	20%	35%	20%
25%	50%	50%	20%	30%	20%	35%	20%
26%	50%	50%	21%	31%	20%	35%	20%
27%	50%	50%	22%	32%	20%	35%	20%

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PERCENT OF UNITS DEDICATED AS AFFORDABLE UNITS	1. EXTREMELY LOW OR VERY LOW INCOME UNITS	2. LOWER INCOME UNITS	3. MODERATE INCOME² UNITS	4. QUALIFIED LAND DONATION	5. QUALIFIED SUPPORTIVE HOUSING	6. QUALIFIED COLLEGE STUDENT HOUSING	7. DENISTY BONUS FOR ALL SENIOR HOUSING³
28%	50%	50%	23%	33%	20%	35%	20%
29%	50%	50%	24%	34%	20%	35%	20%
30%	50%	50%	25%	35%	20%	35%	20%
31%	50%	50%	26%	35%	20%	35%	20%
32%	50%	50%	27%	35%	20%	35%	20%
33%	50%	50%	28%	35%	20%	35%	20%
34%	50%	50%	29%	35%	20%	35%	20%
35%	50%	50%	30%	35%	20%	35%	20%
36%	50%	50%	31%	35%	20%	35%	20%
37%	50%	50%	32%	35%	20%	35%	20%
38%	50%	50%	33%	35%	20%	35%	20%
39%	50%	50%	34%	35%	20%	35%	20%

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PERCENT ALLOWABLE DENSITY BONUS BY TYPE OF PROJECT**

PERCENT OF UNITS DEDICATED AS AFFORDABLE UNITS	1. EXTREMELY LOW OR VERY LOW INCOME UNITS	2. LOWER INCOME UNITS	3. MODERATE INCOME² UNITS	4. QUALIFIED LAND DONATION	5. QUALIFIED SUPPORTIVE HOUSING	6. QUALIFIED COLLEGE STUDENT HOUSING	7. DENISTY BONUS FOR ALL SENIOR HOUSING³
40%	50%	50%	35%	35%	20%	35%	20%
41%	50%	50%	38.75%	35%	20%	35%	20%
42%	50%	50%	42.50%	35%	20%	35%	20%
43%	50%	50%	46.25%	35%	20%	35%	20%
44% or greater	50%	50%	50%	35%	20%	35%	20%
100% ¹	80%	80%	80%	35%	20%	35%	20%

1. Applies when 100% of the total units (other than manager's units) are restricted to very low, lower and moderate income (maximum 20% moderate). Resources Code, the city, county, or city and county shall not impose any maximum controls on density.

2. Moderate income density bonus applies to for sale units, not to rental units.

3. senior housing developments are not obligated to the affordability requirements. Affordable senior units would be offered an additional density bonus in line with this table

An applicant who requests a density bonus shall elect the basis of the bonus based on one of the categories (1-6) in this table.

The Density Bonus for Senior housing (7) may be aggregated with a density bonus for categories 1-6 based on level of affordability

**TABLE 4
ALLOWABLE CONCESSIONS/INCENTIVES
OR WAIVERS/REDUCTIONS IN DEVELOPMENT STANDARDS
BY LEVEL OF AFFORDABILITY**

AFFORDABILITY RATE			NUMBER OF ALLOWABLE INCENTIVES/ CONCESSIONS	ADDITIONAL INCENTIVES IF WITHIN 1/2 MILE OF TRANSIT STOP	ALLOWABLE WAIVERS OR REDUCTIONS IN DEVELOPMENT STANDARDS
Extremely low/Very Low	Lower Income	Moderate Income (if part of a common interest property)		-	NO MAXIMUM
5%	10%	10%	1	-	NO MAXIMUM
10%	20%	20%	2	-	NO MAXIMUM
15%	30%	30%	3	-	NO MAXIMUM
100%	100%	100% **	4*	height bonus of up to 33 feet.	NO MAXIMUM

* only applies to project when no more than the 20% affordable units are at moderate income rates

** includes rental or for sale