

## **Northgate Town Square Project Density Bonus Application**

By this application, Merlone Geier Partners, LLC, requests to use the State Density Bonus Law, Government Code section 65915, in connection with the proposed Northgate Town Square project at the 44.76-acre Northgate Mall property located at 5800 Northgate Drive in the City of San Rafael (the "Property").

### **A. Project Eligibility Under the Density Bonus Law**

The proposed project is described in detail in the Project Description enclosed with the General Planning Application and is referred to here as the "Project." As further described in the Project Description, the Project is an integrated mixed-use development that includes both residential and non-residential uses. The Project will be developed in two phases identified as the 2025 Master Plan and the 2040 Vision Plan.

The Project will provide affordable and market-rate residential units as follows:

- Under the 2025 Master Plan, the Project includes 907 new residential units. Ninety-six (96) of these 907 units will be set aside for low-income households, while the remaining 811 units will be offered at market rates. Accordingly, 10.6 percent of units provided under the 2025 Master Plan will be affordable to low-income households.
- All 96 low-income units under the 2025 Master Plan will be located on proposed Lot 2 (also identified in application materials as "Residential 1"). All 96 units developed on Lot 2/Residential 1 will be affordable to low-income households.
- Under the 2040 Vision Plan, the Project includes a total of 1,320 residential units. The 2040 Vision Plan includes development of 413 new units, while the remaining 907 units will have been constructed under the 2025 Master Plan. At least 42 of the 413 new units will be set aside for low-income households, while no more than 371 of these new units will be offered at market rates. Accordingly, at least 10.2 percent of new units provided under the 2040 Vision Plan will be affordable to low-income households.
- Twenty-seven (27) newly-developed low-income units under the 2040 Vision Plan will be located on proposed Lot 13 (also identified in application materials as "Residential 5"), while the remaining 15 low-income units will be located on proposed Lot 16 (also identified as "Residential 6").
- Of the 1,320 total units developed under the Project, at least 138 units will be set aside for low-income households. At least 10.5 percent of all Project units, therefore, will be affordable to low-income households.

The unit counts identified above can be summarized in table form, as follows:

<b>Phase</b>	<b>Total Units</b>	<b>Minimum Affordable Units</b>	<b>Affordable Unit Share of Total</b>	<b>Max. Market-Rate Units</b>
2025 Master Plan	907	96 low-income units	10.6%	811
2040 Vision Plan (new units)	413	42 low-income units	10.2%	371
2040 Vision Plan (total units)	1,320	138 low-income units	10.5%	1,182

Under Government Code section 65915(b)(1)(A), the Project qualifies for benefits under the Density Bonus Law because the Project is a “housing development” that contains at least 10 percent of total units for rental or sale to low-income households. The Density Bonus Law defines “housing development” to mean “a development project for five or more residential units, including mixed-use developments.” (See Gov’t Code § 65915(i).)

**B. No Requested Increase in Density**

As expressly authorized by Government Code section 65915(f), the Project applicant requests no increase in density over the otherwise maximum allowable gross residential density. The Project complies with the density limitations (1) imposed by San Rafael General Plan 2040 and (2) that will be imposed by the zoning regulations proposed for the Northgate Town Square Planned Development District. The Project, therefore, requires no increase in density under the Density Bonus Law.

**C. Request for Incentive/Concession**

“Incentives or concessions” are available to qualifying projects under the Density Bonus Law on a sliding scale based on the percentage of affordable units provided and their level of affordability. The Project is eligible for one incentive/concession, as at least 10 percent of Project units are for low-income households. Gov’t Code § 65915(d)(2)(A).

The Project applicant requests an incentive/concession to increase the height limit for buildings and structures across the Property to 75 feet from the Property height limit of 36 feet that is both (1) identified in Figure 3-3 of San Rafael General Plan 2040 and (2) incorporated into proposed development standards for the Northgate Town Square Planned Development District.

Consistent with state law, the Project applicant reserves the right to modify this request and the analysis provided in this Density Bonus Application, and to request later any requisite waivers or reductions of development standards.