

# Density Bonus #23-02

Devonwood Village Apartments

Planning Commission 10/4/2023

# Density Bonus Law

- ☐ California Density Bonus Law adopted in 1976.
- ☐ Intended to address California's growing affordable housing needs.
- ☐ The law has been amended several times since its adoption.
- ☐ The City originally adopted a Density Bonus Ordinance in 1993.
- ☐ The current version of the City's DB Ordinance was adopted in 2016.
- ☐ The City is in the process of updating its ordinance. The new ordinance, which complies with state law, will be effective Nov. 18<sup>th</sup>.

# Density Bonus Law

- ❖ A project that meets the requirements of state law for providing affordable housing is allowed an increase in density “by right.”
- ❖ The amount of the density bonus is determined based on the percentage of affordable housing units provided at each income level.
- ❖ The increase in density may exceed what is allowed by the General Plan and Zoning designations for the project site.
- ❖ The City may require an agreement to memorialize the affordability component of the development or any other incentives given to assist the project.
- ❖ A project may apply for Concessions and Waivers without requesting an increase in density.
- ❖ If requested by the owner/developer, minimum parking requirements outlined in the law shall apply. These requirements are less than the City’s requirements.

# Concessions & Incentives

The number of Concessions allowed is based on the percentage of affordable units. The maximum number of concessions allowed for a project is 4.

A concession or incentive is defined as:

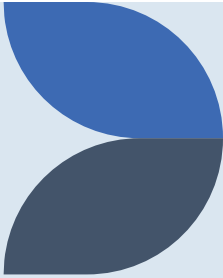
1. A reduction in site development standards or modification of zoning requirements or architectural design requirements that exceed the minimum State building standards, such as reductions in setback, square footage, or vehicular and bicycle parking space requirements. The requested concession or incentive must result in an identifiable and actual cost reduction to provide for affordable housing costs or rents.
2. Approval of mixed-use zoning for housing projects if associated commercial, office, industrial, or other land uses will reduce the cost of the housing project, and existing or planned development in the immediate area.
3. Other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs, which may include the provision of direct financial incentives or land for housing development by the City.

## Concessions, Incentives, & Waivers

- The City is required to grant the concession or incentive proposed, unless it finds one of the following:
  - That the proposed concession or incentive does not result in identifiable and actual cost reductions; or,
  - Would cause a public health or safety problem; or,
  - Would cause an environmental problem; or,
  - Would harm historical property; or,
  - Would be contrary to law.

The City has the burden of proof in the event it denies a requested concession. Financial incentives, fee waivers, and reductions in dedication requirements may be, but are not required to be granted by the City.

## Waivers & Reductions



Projects that are eligible for a Density Bonus, and are approved for concessions or incentives, cannot be subjected to any development standard that will have the effect of physically precluding the construction of the project.

If a local development standard is found to have this effect, the applicant may request a waiver or reduction of any development standard that may preclude completion of the project.

Waivers or reductions do not take the place of concessions or incentives that the project is qualified to receive.

# Parking Requirements

In addition to waivers or reductions, upon request from the developer, the City may not require more than the following parking ratios for a density bonus project:

Type of Unit	Parking Requirement
Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 spaces



## Background

- ❑ The proposed apartment complex was proposed with General Plan Amendment (GPA) #20-01 and Site Utilization Plan Revision (SUPR) #23 to P-D #16.
- ❑ The City Council approved the GPA and SUPR on 8/16/21.
- ❑ Site Plan Review #479 was subsequently approved to finalize the design of the proposed apartment complex.
- ❑ The developer working on the project at that time was unable to secure funding for the project.
- ❑ A new developer is now working on the project and has requested a Density Bonus to accommodate some changes needed to make the project viable for affordable housing.

The new developer is the Richman Group. They are experienced developers in both market rate and affordable housing. They recently completed the Childs Court Apartments at Childs & B Streets.



## Proposed Project - Devonwood Village Apartments

156 Units

# Site Plan

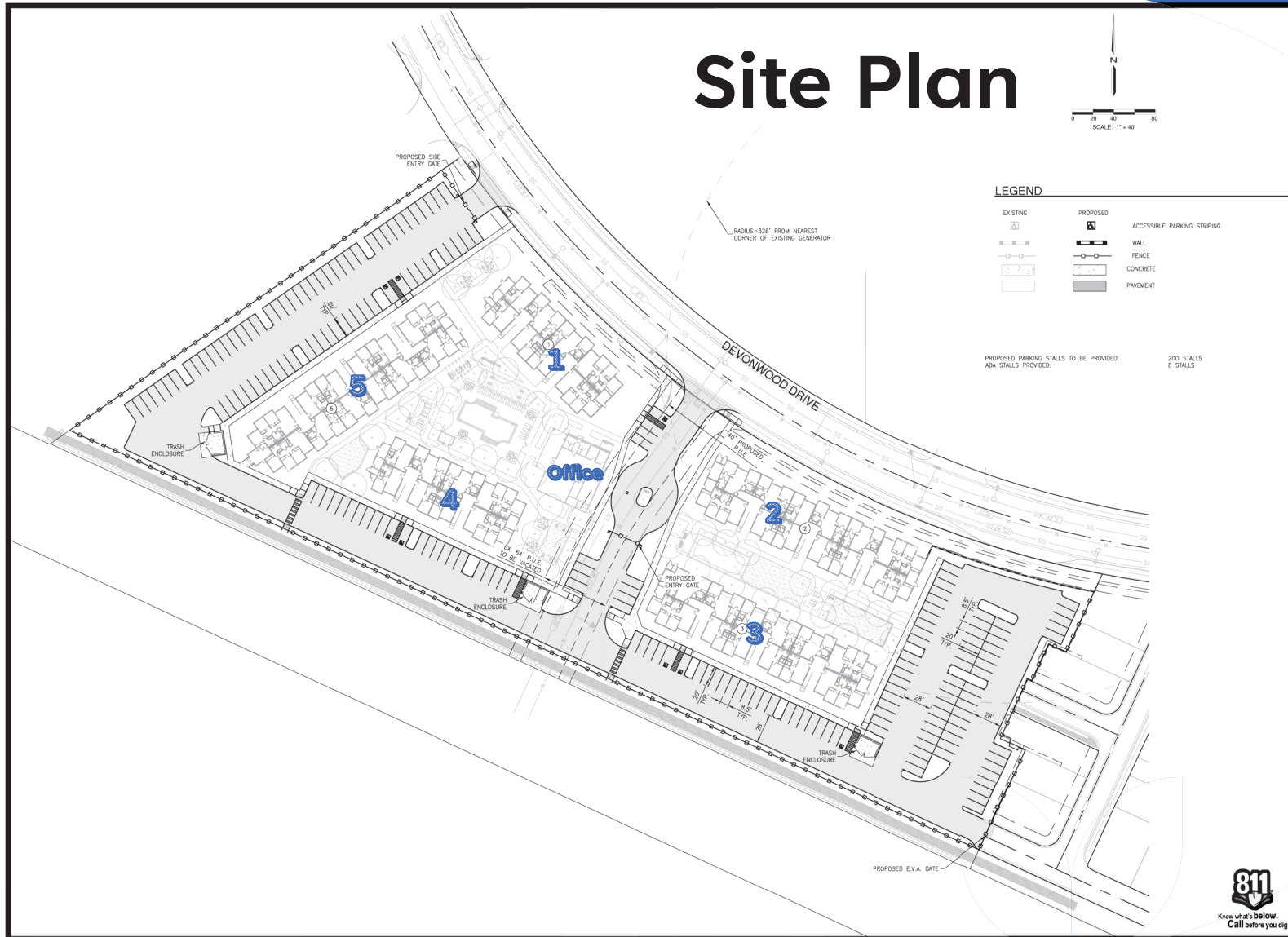


## LEGEND

EXISTING	PROPOSED	
		ACCESSIBLE PARKING STRIPING
		WALL
		FENCE
		CONCRETE
		PAVEMENT

PROPOSED PARKING STALLS TO BE PROVIDED:  
ADA STALLS PROVIDED:

200 STALLS  
8 STALLS



# Elevations



## Project Details

- 156 Units, including a manager's unit
- Affordable to acutely low-, extremely low-, very low-, and low-income households.
- The units would remain affordable for a minimum of 55 years.

Type of Unit	No. of Units
1-Bedroom	69
2-Bedroom	48
3-Bedroom	39

# Concessions

## Concession

Mechanical Equipment – allow roof-mounted mechanical equipment.

## Concession

Eliminate the Design Standard requiring Private Outdoor Space.

The applicant is NOT seeking an increase in density.

# Request for Parking Reduction

State Density Bonus Law (SDBL) allows an applicant to request a reduction in the minimum parking requirements.

A parking reduction granted under SDBL does not constitute a concession or waiver.

The applicant has requested that the parking requirements be reduced from 248 spaces to 200 spaces.

Based on SDBL, 200 spaces is the minimum number of spaces allowed.

Type of Unit	No. of Spaces Required/Unit	No. of Units	Total Spaces Required
1-Bedroom	1	69	69
2-Bedroom	1.5	48	72
3-Bedroom	1.5	39	59

## Findings A & B

### Finding A – State Density Bonus Law

- Explains the law and what the City is required to grant and what is discretionary.
- Outlines the number of incentives/concessions are allowed based on the income level of the units.
- Defines concessions/incentives.
- Defines maximum number of parking spaces the City may require per unit.

### Finding B – Parking Requirements

- The applicant is requesting a reduction in parking based on State Density Bonus Law (SDBL). The project would provide a minimum of 200 parking spaces which is consistent with SDBL.



## Finding C

- ❖ The City's Zoning Ordinance sets forth 4 specific findings that must be made to grant a density bonus.
- ❖ Refer to Finding C of Draft Planning Commission Resolution #4123 at Attachment A of Staff Report #23-824.
- ❖ Findings 1, 2, and 3 do not apply to this project.

### Finding #4

*If a waiver or modification is requested, the developer has to prove by submitting substantial evidence that the waiver or modification is necessary to make the housing units economically feasible.*

The City may not require a pro forma, but the City may require that an applicant show that a requested concession will result in cost reductions for the project.

The requested concession and waiver are outlined in the staff report along with the applicant's justification as to why the request is needed. Documentation provided by the applicant, including the justification for each request is provided in Finding D of Planning Commission Resolution #4123 and a letter describing the cost savings is provided at Attachment G of Staff Report #23-824.



# Planning Commission Action

Recommend to City Council

Approval/Denial of:

1. Environmental Review #23-30  
(Categorical Exemption)
2. Density Bonus #23-02

Questions...