

Applicant \_\_\_\_\_  
Project Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN \_\_\_\_\_  
Date Submitted \_\_\_\_\_

## **Contra Costa County Department of Conservation and Development Density Bonus Proposal**

### DENSITY BONUS SUBMITTAL REQUIREMENTS

Requests for Density Bonuses are reviewed and processed for approval or denial by the Community Development and the Housing and Community Improvement Divisions. Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 of the Contra Costa County Ordinance Code. Density Bonus proposals are intended to provide incentives and/or concessions for housing developments for the production of housing for very low-income, lower-income, moderate-income, or senior households; to facilitate the development of affordable housing; to implement the goals, objectives, and policies of the County General Plan's Housing Element.

The Density Bonus request will be reviewed and processed concurrently with the complete submittal of a development application, which may include but is not limited to applications, for subdivisions, planned unit developments, development plans, land use permits, rezones, and/or general plan amendments.

1. DENSITY BONUS PROPOSAL. The proposal must include:
  - a. A full description of the proposed project.
  - b. The type of housing development proposed as required by the State's Density Bonus law (rental, for-sale, low-income, senior housing, foster youth, common interest development, student housing, etc.).
  - c. Maximum base unit calculation for the site.
  - d. The percentage of density bonus requested.
  - e. The total number of units and the affordability level (based on percentage of area median income) of all units in the project.
  - f. The number of incentives/concessions for the project, including the referenced Government Code Section that supports the number requested for the project.
  - g. The requested incentive/concession.
  - h. A list of requested waivers or reductions of development standards.
  - i. The number of existing residential units on site. Are the existing units rental units?
  - j. Are there any deed restrictions on the parcel that restricts the ownership or rental of the property/unit to persons below the area median income?
  - k. The number of buildings proposed in the project.
  - l. The unit types, numbers, and distribution (i.e. studio, 1 bedroom, 3 bedroom, etc.).
  - m. Whether the project will be phased and the approximate timeline for development.
  - n. Location of the affordable units and what phase they will be developed.
2. VICINITY/LOCATION MAP.
3. SITE PLAN. Site plan should be legibly drawn to scale, and include the following:

Applicant \_\_\_\_\_  
Project Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN \_\_\_\_\_  
Date Submitted \_\_\_\_\_

- a. Square footage and acreage of parcel(s)
  - b. Property lines and dimensions
  - c. Street right-of-way
  - d. Existing easements
  - e. Existing/proposed on-site buildings and any buildings within 100 feet of property
  - f. Driveway and parking layout
  - g. Existing and proposed trees and landscaping
  - h. Location of the proposed affordable units
  - i. Zoning
  - j. General Plan
  - k. Gross acreage
  - l. Net acreage
4. FINANCIAL ANALYSIS REPORT. The financial analysis report for the project should indicate that the proposed Density Bonus and concessions and/or incentives are necessary to provide the proposed affordable units. (Optional)
5. ADDITIONAL INFORMATION.
- a. Any pertinent information that is relevant for staff’s review and processing of the request.
  - b. Is the proposed development located on property that includes or included affordable units that have been subject to a recorded covenant, ordinance, or law restricting rents or sales prices?
  - c. Is the proposed development located on property where dwelling units have been vacated or demolished in the five-year period preceding the submittal of the application proposal for development?
  - d. Are any existing housing units on the site proposed to be demolished? If so, are the units currently occupied, when were they last occupied, and what is the current/last known rent and bedroom size?”
6. ATTACH COMPLETED INCLUSIONARY HOUSING ORDINANCE HOUSING PLAN. This Housing Plan is required for projects of five or more residential units to demonstrate compliance with the County’s Inclusionary Housing Ordinance. See Chapter 822-4 of the County Ordinance Code for the standards and requirements for applicability and compliance.

### **Density Bonus Agreement Requirements**

A density bonus agreement is typically combined with an inclusionary housing agreement (Agreement) for compliance with both the density bonus ordinance/density bonus state law and inclusionary housing ordinance deed restriction requirements.

Prior to the issuance of a demolition permit, grading permit, building permit, or recordation of a subdivision map for the development, whichever occurs first, the applicant/owner must execute an Agreement, and it shall be recorded. The preparation and approval of an Agreement will be a minimum three-month process or may be longer due to the complexities of the project and scheduling before the Board of Supervisors for approval of the Agreement prior to the Department of Conservation and Development’s signature on behalf of the County and subsequent recordation. The

Applicant \_\_\_\_\_  
Project Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN \_\_\_\_\_  
Date Submitted \_\_\_\_\_

Agreement is not considered to be executed until all parties have signed and the document is recorded.

To initiate the preparation of an Agreement on the normal timeline, the applicant must file a COA Compliance Review Application after the final entitlement approval (discuss earlier options with Housing staff early in the process), accompanied by the following information:

- Preliminary Title Report
- Written Narrative to include:
  - List all owners of the property.
  - If the owners are entities, please provide the names and titles of the two managers of the LLC who have the authority to sign the agreement on behalf of the entity. If the owner is an LLC, or multiple LLCs that were not consistent with owners listed on the entitlement application, proof of ownership and a copy of the Articles of Incorporation for each entity are required.
  - Developer's mailing address. This must be a local contact and address for notices required by the IHA.
  - Identify the lender who has been or will provide financing for the development and the recorded deed of trust that has been recorded, including the referenced document number of the recorded deed of trust.
- Exhibit A Legal Description
- Density Bonus Plan Maps that are legible, in black and white, and scaled to 8 ½" x 11" sheets that comply with document recording requirements
- Detailed timeline for the project including constructing the units, including phasing of the development, marketing the units, reviewing applications for qualified households, and sale of density bonus for-sale units or occupancy of density bonus rental units.
- Any other information that may be required for staff to prepare the Agreement.

### **Density Bonus Units Construction and Occupancy**

For all projects where density bonus housing will be built for sale or rental, the applicant must submit documentation and other information to DCD for review and approval along with the filing of a condition of approval compliance review application and fees at least 90 days prior to construction completion and the request for a final building inspection and occupancy of the building. The following documents and information required for review and approval include, but are not limited to the following:

- Marketing Plan
- Marketing Materials, including translated Marketing Materials
- Proof of Publication of the advertising of the Density Bonus Units to all publications listed in the Marketing Plan
- Certification Statement listing all organizations and groups that were distributed marketing materials for the density bonus units

Applicant \_\_\_\_\_  
Project Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN \_\_\_\_\_  
Date Submitted \_\_\_\_\_

- Tenant Selection Plan or Homeowner Selection Plan, whichever is applicable to the project
- Tenant Rent Roll (pre-certified households for DCD review)

The expectation is for the developer to market the units in the project prior to construction completion, select qualified tenants or qualified homeowners for density bonus units prior to construction completion, and submit a list of the qualified households to DCD for review prior to final inspection/final occupancy.

A copy of the prequalified households for for-sale units will be submitted to DCD for review and approval and the file record. The prequalification approval by DCD will include the applicant's submittal of income documentation and income certification forms for review. The prequalification approval will be valid for six months. The income must be recertified by DCD at least 30 days prior to sale.

For density bonus rental units, a copy of the tenant rent roll must be submitted for review and approval by DCD and kept in the file record. The tenant rent roll should include information including, but not limited to, the tenant's name, income, unit number, unit affordability level, household size, tenant rents, utility costs, and gross rents. The owner/property manager may be instructed to upload this information to a secure database as indicated by DCD for review and approval.

Annual monitoring reports will be required from the property manager and a sample of the density bonus units will be selected by DCD for periodic review of tenant income documentation, certification, and unit occupancy qualification. The annual monitoring reports must be submitted with a condition of approval compliance review application and fees.

## **Housing Element Sites Inventory Findings**

The Housing Element Sites Inventory's no net loss rule is a separate requirement of the State of California and is distinct from the State's Density Bonus Code or the County's Density Bonus Ordinance Requirements. Government Code Section 65863 requires the county to ensure that its housing element sites inventory can accommodate its share of the regional housing need throughout the planning period. The law prohibits the county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density on sites listed in the inventory. It also prohibits the county from permitting or causing the inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

Housing developments that are located on a parcel(s) identified in the County's Housing Element sites inventory will require written findings for the proposal if the housing development includes fewer units by income category or fewer units by density from that which is identified in the sites inventory. Compliance with the no net loss rule is required prior to a recommendation for approval or entitlement decision. Compliance with the law may include the requirement for the applicant/developer to assist in identifying an alternative site to be rezoned and/or added to the sites

Applicant \_\_\_\_\_  
Project Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN \_\_\_\_\_  
Date Submitted \_\_\_\_\_

inventory to account for any net loss in the county's share of the regional housing needs due to the proposed housing development.

To determine if your parcel(s) is listed in the County's Housing Element sites inventory, please contact the DCD Application and Permits Center staff and they can verify whether the property is listed in the County's Housing Element sites inventory.

\* To assist the project planner in preparing the required findings for a parcel or parcels identified in the housing element sites inventory, you may attach a narrative and explanation of the project's compliance with the no net loss requirement. (optional)

**Applicant & Property Owner Verification:**

I/We certify that all statements made on this form or any accompanying attachment or exhibit are true and complete to the best of my knowledge. Should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the County Ordinance or State law that it may result in denial of the request and increased processing time and/or costs. I/We understand that any false statements may result in denial of the requested permit, revocation of any issued permit, or penalties. I/We further certify that permission has been granted by the property owner to conduct the proposed development applied for herein.

Applicant Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_