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Density Bonus Interim Guidelines

Government Code Section 65915 defines the State of California’s requirements for Density Bonus, which cities must comply with. In January 2005, the state made significant changes to the Density Bonus requirements, many of which are being clarified according to problems encountered by local jurisdictions. The current law is expected to be modified significantly over the coming several years to address these problems. As such, the City of Lafayette shall comply with state law (Government Code sections 65915-65918) until these issues are resolved and has adopted the Interim Guidelines to clarify sections that allow city discretion. It is the City’s intent to adopt an ordinance once the law is settled.

Applicability. The City’s policy prohibits developers from seeking a density bonus for units provided in compliance with the inclusionary requirements for affordable housing in the Redevelopment Project Area. In addition, the policy prohibits developers from seeking a density bonus in any other City-enacted mandatory inclusionary housing program areas.

If, however, a developer proposes additional affordable units that exceed what is required in either the Redevelopment Project Area or in any City-enacted mandatory inclusionary housing program area, the developer may request a density bonus for the voluntary affordable units that exceed the required affordable units.

Calculations. The following tables provide information regarding the maximum rents and for-sale prices established in 2005 and are subject to change.

Maximum Rents for Set-Aside Units, 2005¹

Number of Bedrooms	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Lower Income 60% AMI	Moderate Income 110% AMI
	\$435	\$725	\$863	\$1,583
1	\$496	\$828	\$986	\$1,808
2	\$559	\$931	\$1,110	\$2,035
3	\$621	\$1,035	\$1,233	\$2,261
4	\$671	\$1,118	\$1,332	\$2,442

Maximum Purchase Price for Set-Aside Units (Moderate Income Only), 2005²

Housing Type	Number of Bedrooms	Moderate Income 110% AMI
Condo	0	\$237,048
Condo	1	\$278,724
Condo	2	\$320,654

¹ The income level used to determine eligibility track the RDA language for inclusionary units instead of the HUD language. This is to ensure consistent rate standards for density bonus units and inclusionary units within the RDA.

² Assumptions for the maximum purchase price include homeowner’s association dues and property taxes, consistent with Redevelopment Law. At this time, the City specifies maximum prices based upon condos because it is highly unlikely that the City will receive a request for a density bonus or incentive for a single-family residence due to the considerable gap between affordable prices and market prices for housing.