

Overview

California's Density Bonus Law (Government Code Sections 65915 – 65918) provides developers with tools to encourage the development of affordable and senior housing, including up to a 50% increase in project densities for most projects, depending on the amount of affordable housing provided, and an 80% increase in density for projects that are completely affordable. In addition to the actual density bonus, the law provides a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, and incentives and concessions such as reduced setback and minimum square footage requirements.

A density bonus application may be submitted for a residential project pursuant to Chapter 17.720 of the Brentwood Municipal Code (Density Bonus Program). A density bonus is defined as an increase over the otherwise maximum allowable residential density as of the date of application to the City. The application applies to a project with five or more units, or a project to substantially rehabilitate existing units as defined by Government Code Section 65863.4, where the rehabilitation would result in a net increase in residential units. A density bonus application shall be treated as part of the corresponding development application.

Submittal Requirements

One hard copy (and a corresponding electronic version) of the following information shall be submitted to the satisfaction of the Community Development Director:

1. A description of the project, including the total number of proposed market rate units, affordable housing units, and/or senior housing units.
2. The General Plan land use designation, zoning designation, and assessor's parcel number(s) of the project site.
3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout.
4. A description of the concessions or incentives requested.
5. If an additional incentive(s) is requested, the application shall describe why the additional incentive(s) is necessary to provide the affordable housing units.
6. A draft affordable housing plan meeting the following requirements:
 - a. The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size of proposed market-rate and affordable housing units, and the proposed tenure and size of non-residential uses included in the development.
 - b. A floor or site plan depicting the location of the affordable housing units and a floor plan describing the size of the affordable housing units in square feet.
 - c. The income level to which each affordable housing unit will be made affordable.
 - d. Draft documents to be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deeds of trust, and rights of first refusal and other documents.
 - e. For phased developments, a phasing plan that provides for the timely development of affordable housing units in proportion to other housing units in each proposed phase of development.
 - f. A marketing plan that describes how the applicant will inform the public, and those within the appropriate income groups, of the availability of affordable housing units.
 - g. A financial report (pro forma) to evaluate: (1) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions; and (2) whether the concessions or incentives sought would reduce the cost of the project.
7. At any time during the review process, the Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or to determine the



DENSITY BONUS SUBMITTAL REQUIREMENTS

Planning Division

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development's consistency with the requirements of California's Density Bonus Law and the Brentwood Municipal Code.

Public Hearing(s) Required

A density bonus application requires a public hearing with the Planning Commission and/or City Council. The entity with approval authority for the primary entitlement requested by the applicant (e.g., subdivision map) shall consider the requested density bonus, incentives, and concessions.

Appeal Process

Decisions made by the Planning Commission are subject to appeal, in accordance with Chapter 17.880 of the Brentwood Municipal Code. Decisions of the Planning Commission become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.