**Affordable Housing Guidelines**
**(Submittal Requirements & Checklist)**

## Purpose

The City of Belmont has adopted Affordable Housing requirements in order to: 1) meet the City's regional share of housing needs; 2) implement the goals and objectives of the general plan and housing element; and 3) mitigate the impacts of residential and nonresidential projects on the need for affordable housing. This form serves as a guideline for projects subject to the City's affordable housing requirements.

## Applicability

The City's Affordable Housing requirements apply to all residential projects[1] and contiguous properties that are under common ownership or control, except for any residential project that is exempt under Section 29.4 (Affordable Housing) of the Belmont Zoning Ordinance (BZO), or unless an alternative means of compliance is approved under BZO Section 29.7.

## Submittal Requirements

This form and the accompanying information identified on it are submittal requirements for all applicable residential projects. In addition, all required application fees must be paid in full.

1) Affordable Housing Statement
   Submit a written statement describing the following:

   a. How the project complies with the City's Inclusionary Housing Ordinance
   b. Level of affordability that will be provided or the amount of in-lieu fees that will be paid
   c. Number and location of any affordable units provided
   d. Size and amenities available to any of the affordably units (i.e., number of bedrooms, bathrooms, floor area, storage, private open space, parking, etc.)

2) Affordable Housing Agreement
   Submit an Affordable Housing Agreement[2] in a form provided by (or approved by), the

[1] "Residential project" means any development for which a planning permit or building permit is required that includes the creation of one or more additional dwelling units, conversion of nonresidential uses to dwelling units, or the conversion of a use from a residential rental project to a residential ownership project.

[2] BZO Section 26.9 requires affordable housing agreements to be "executed by the City Manager, to the satisfaction of the City Attorney" before project approval; BZO Section 29.85 (b)(1) requires that the agreement be recorded before approval of a parcel map or final map, or before issuance of building permit, whichever occurs first.

City Attorney. Pursuant to BZO Section 29.85 (b)(2), the agreement shall include:

a. The number, type, location, size, and phasing of all affordable units
b. Provisions for income certification & screening of potential purchasers or renters
c. Resale control mechanisms, including the financing of ongoing administrative and monitoring costs, consistent with the approved affordable housing plan and any affordable housing guidelines, as determined by the City Manager or designee

3) Affordable Housing Plan

Housing projects of 25 units or more and projects proposing affordable housing require the submittal of an affordable housing plan.[3] The plan shall include the following:

a. A narrative that identifies how the project would comply with the standards in BZO Section 29.6 (a-d), unless an alternative means of compliance is proposed. The narrative shall specifically acknowledge that affordable units would include:
   - Comparable exterior appearance and overall quality of construction to market-rate units
   - Interior finishes and amenities equal to those provided in the base-model market-rate units
   - Equal access to and enjoyment of common open space, parking, storage, and other project amenities as the market rate units
b. Floor Plans that identify how the affordable units would be dispersed within the development.
c. A table listing the number and types of market rate and affordable units, with a breakdown by the number of bedrooms, bathrooms, floor area, and access to private open spaces (i.e., balconies and decks) for each unit type.

4) Density Bonus Eligibility Statement

A written eligibility statement is required for projects requesting a density bonus pursuant to Government Code Section 65915. The statement shall include the following information:

a. Number of "base project" units (see guidance for how to calculate base project units' number under floor area ratio - FAR).
b. Number and percent of affordable units and level of affordability
c. Percent density bonus requested/allowed pursuant to Government Code Section 65915
d. Waivers or modifications of development standards necessary to physically accommodate "density bonus" units (e.g., increased height or FAR, reduced setbacks or parking, etc.)
e. Explanation of why each waiver or modification is needed to accommodate "density bonus" units
f. If the project is requesting an incentive or concession, describe each incentive or

[3] BZO Section 29.85(a)(2) requires that a complete affordable housing plan be submitted before applicable housing development project applications can be deemed complete; BZO 29.8(a)(5) requires that an affordable housing plan be processed concurrently with all other permits required for the development project; Before approving the affordable housing plan, the decision-making body is required to find that the affordable housing plan conforms to BZO Section 29.6 (a-d).

concession being requested in addition to (or instead of) waivers or modifications necessary to accommodate density bonus

g. If the project is requesting an incentive or concession, the applicant must demonstrate that the incentive or concession would result in "identifiable and actual cost reductions" to provide for affordable housing costs. Submittal of a pro forma or other means of demonstrating the referenced cost reductions as they apply to the production of affordable housing is required.

## Affordable Housing Checklist

| | Required (by City) | Submitted (by applicant) | |
|---|---|---|---|
| ***Applications & Materials*** | ☒ | ☐ | **Affordable Housing Statement** |
| | ☒ | ☐ | **Affordable Housing Agreement** |
| | ☐ | ☐ | **Affordable Housing Plan** |
| | ☐ | ☐ | **Density Bonus Eligibility Statement** |
| | ☐ | ☐ | **Waiver Justifications** |
| | ☐ | ☐ | **Concession Justifications** |

## Applicant Declaration

By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this Application and any accompanying documents are true and correct.

| ***Submittal Authorization:*** | |
|---|---|
| Signature of Applicant: | Date: |
| Name of Applicant: | Title: |

## Affordable Housing Plan – Guidance

The Affordable Housing Plan application standards require applicants to submit floor plans that show the locations of the affordable units, and a table with a breakdown of the units by the number of bedrooms, bathrooms, floor area, and access to private open spaces (i.e., balconies and decks) for each unit type. These submittals are necessary to determine if the project would be consistent with the requirements of BZO Section 29.6(b)(1-3), which requires that the affordable and market rate units be comparable in terms of overall quality, and the average number of bedrooms. As explained below, the evaluation for compliance with these requirements will be different for projects that have one-unit type for each bedroom type or multiple unit types for each bedroom type.

One Unit Type

When there is one type of unit per bedroom type, then the table provided for the evaluation should reflect an equal percentage of bedroom types between the affordable units and the market rate units. For example, if a project includes 100 market rate units, with a bedroom type breakdown of 10% studio units (10 units), 50% one-bedroom units (50 units), and 40% two-bedroom units (40 units), then the affordable units should be consistent with those percentages. Thus, if 20 affordable units are proposed, then a consistent percentage would yield 10% studio units (2 units), 50% one-bedroom units (10 units), and 40% two-bedroom units (8 units).

Multiple Unit Types

Some projects propose more than one type of unit per bedroom type, such that all bedroom types are not equal in floor area. In such cases, applicants are required to conduct an additional calculation for floor area after determining the consistent percentage by bedroom type. Thus, if the project above included five different types of studio, one-bedroom, and two-bedroom units, then an applicant would need to: 1) Determine the consistent percentage of bedroom types; 2) choose a mix of unit types for affordable units that are generally comparable with the average floor area of the market rate units of the same bedroom type; and 3) calculate the overall average difference in floor area between the market rate and affordable units (the overall difference in average floor area should not exceed 10%). This last step adds flexibility in meeting the standards, for both bedroom type and floor area.

Amenity Variability

Some projects include variability in unit amenities, such that all bedroom types do not include the exact same amenities. For example, some one-bedroom units may include a balcony (private outdoor area) where others may not have access to a balcony. In such cases, the applicant should provide amenities for the affordable units that are consistent with the overall average of amenities available to the market rate units in the project.

## Guidance - Justifying Waivers without Numeric Density Standards

Because Belmont does not have density standards in some zoning districts, the City instead relies on zoning development standards and basic Building Code considerations to define a building envelope for a particular project site. The defining standards include, but are not limited to setbacks, parking, height, lot coverage, open space, floor area ratio, step backs, daylight plane, building wall height, and objective design requirements. Allowable maximum residential density is therefore the residential floor area that these standards can accommodate on a given parcel. This envelope becomes the "base project" for the purpose of calculating density.

### Justifying Density Bonus Waivers

The information and materials justifying the Density Bonus waivers should include the following:

Step 1: Define the "Base Project," i.e. the project that meets the "maximum allowable density" for the project site, without any discretionary permits.
Step 2: Provide a calculation of the Density Bonus, (i.e. the allowed density increases in number of units).
Step 3: Demonstrate that the Base Project and the Proposed Project are substantially consistent.
Step 4: Justify the Waivers.

1. Define the Base Project

   Provide a site plan, floor plans, and elevations sufficient to describe the base project. The base project must meet the "maximum allowable density" for the project site, without any discretionary permits. To this end, the base project must: Comply with all applicable development standards, without any discretionary permits to waive or modify a standard (such as additional height, reduced parking, setbacks or usable open space). All mechanical equipment and elevator penthouses must fit within the Base Project without the necessity of additional permits. Floor area that encroaches into the public right-of-way must be excluded, because it would require a permit from the Public Works Department.

   - Comply with applicable building and fire codes.
   - Include all required parking, even if the proposed project reduces the parking and the applicant proposes to pay an in-lieu fee.
   - Exclude any commercial space, unless such space is required by the zoning ordinance. In that case show only the minimum required commercial space.
   - Include any *space intended for use by residents*, such as dwelling units, common laundry rooms, lounges, open space, etc., unless these uses are requested as a concession.

2. Density Bonus Calculation

   Once a base project has been established for a parcel given the characteristics of the proposed project, this base density is multiplied by the required density increase per § 65915(f). The result is the density bonus a qualifying affordable housing project is entitled to develop pursuant to State law. Below is a summary of the required procedures:

- Determine percentage and income level of below market rate units based on § 65915(b), the 'qualifying units'
- Calculate the allowable bonus (%) based on § 65915(f)
- Apply the number of bonus units to the base project. Round any fraction up to the next whole number per § 65915(q).
- Apply for any desired concessions and incentives.

3. Base Project vs. Proposed Project

   The base project must be substantially consistent with the proposed project (not including waivers/reductions to allow the density bonus). The following design choices and development standards should be substantially consistent, unless the City has granted a concession or incentive for that feature:

   - Average Unit size
   - Configuration of parking; If parking is proposed in the basement of a base project, it must also be in the basement of the proposed project; if lifts are proposed in the base, they must also be in the proposed project
   - Configuration of usable open space; If useable open space is proposed on the roof of the base project, it must also be on the roof of the proposed project.
   - Ceiling heights
   - Amenities (such as open space areas, community rooms, recreation rooms, laundry rooms, etc.)

**Note:** Show all waivers on the site plans and elevations and provide a table showing each waiver requested and where requested.

4. Justify the Waivers

   Demonstrate how the Waivers or modifications of development standards are necessary to physically accommodate the "density bonus" units (e.g., increased height or FAR, reduced setbacks or parking (if less parking is provided than required by 65915(p), etc.), by providing:

   - A written explanation of why each waiver or modification is needed to accommodate the "density bonus" units and any approved incentive or concession (i.e., how the project would be physically precluded without the waivers).
   - Project plans and other associated materials sufficient to demonstrate that the waiver is justified.

**Note**: The cost of any outside review to evaluate the justification for the waivers shall be charged to the applicant.