

Inclusionary Housing Plan – Section 18.37.090

Overview

Residential Developments in East Palo Alto that create new or additional dwelling units (“Residential Developments”) are subject to the requirements of the Inclusionary Housing Ordinance.

All residential developments seeking permits are required to submit an Inclusionary Housing Plan Application (“Inclusionary Housing Plan Application”), as described below. Developers who claim their project is exempt or waived from the Inclusionary Housing Ordinance must comply with this process in order for the claim to be evaluated by Housing Division staff.

As part of the application for First Approval of any Residential Developments, there is an Inclusionary Housing Plan application processing fee. The current processing fee can be found on the Housing Division’s webpage of the City’s website [Note to applicant: there is no fee in place at this time.]

Inclusionary Housing Ordinance Requirements

Please refer to the Inclusionary Housing Guidelines for further information on the following requirements.

- 1.) The inclusionary requirement for Residential Developments of fewer than 5 units is an In-Lieu Fee payment.
- 2.) The inclusionary requirement for Residential Developments of 5 or more units is the provision of 20% of the units on-site, i.e., within the Residential Development, at the affordability levels indicated below¹:
 - a. **For-Sale:** 10% of units affordable to households at or below 80% AMI and 10% of units affordable to households at or below 120% AMI
 - b. **Rental:** 5% of units affordable to households at or below 35% AMI; 10% of units affordable to households at or below 50% AMI; and 5% of units affordable to households at or below 60% AMI

The Inclusionary Units must not be geographically concentrated in the development and must meet standards intended to ensure Inclusionary Units are comparable to the market rate units. These standards can be found in the Inclusionary Housing Guidelines.

- 3.) Any developments that contain residential units are subject to the Ordinance, including mixed-use developments. The Ordinance applies only to the residential portion of the development.

¹ Please refer to Section 18.37 of the East Palo Alto Municipal Code and the Inclusionary Housing Guidelines Main Document for further detail on affordability levels and definitions.

- 4.) For Developers seeking to pursue any Alternative Compliance Option, including, but not limited to: Off-Site Construction, payment of an In-Lieu Fee, or other alternatives, the inclusionary requirement is 25%. The proposed Alternative Compliance Option must be identified in the Inclusionary Housing Plan. All Alternative Compliance Options are subject to City Council approval. It is the responsibility of the Developer to demonstrate that the Alternative Compliance Option meets the inclusionary requirements. Demonstrating such findings will not result in automatic approval of the proposed Alternative Compliance Option. Please see the Inclusionary Housing Guidelines for more information on Alternative Compliance Options.
- 5.) Please refer to the [Inclusionary Housing Ordinance](#) for projects that are exempt from the Inclusionary Housing Ordinance requirements.

Please note that a Residential Development that has tentative map(s) or other map(s) or plan(s) allowing the creation of separately conveyable dwelling units or interests (such as condominiums, stock cooperatives, or community apartments) will be considered For-Sale even if the Developer intends to rent the units.

Inclusionary Housing Plan Application

As part of the application for First Approval² of any development, the Developer must submit the completed Inclusionary Housing Plan Application and all relevant attachments (including the Unit Mix Worksheet and Fair Housing & Marketing Plan) to the Housing Division. The Inclusionary Housing Plan is processed concurrently with all other permits and must be submitted and accepted by the Housing Division two weeks prior to scheduling of an entitlement hearing.

If the project is a mix of For-Sale and Rental, attach two separate Unit Mix Worksheets. All information supporting the qualification for an exemption or waiver must also be submitted with this packet.

If an Inclusionary Housing Plan was not submitted and approved at First Approval, it is due when a Developer applies for any other Planning or Building permit and must be approved and before any permits are issued.

Review Process

As a part of the initial permit application review process, the Housing Division will provide the Developer an initial response letter with a preliminary determination of the Inclusionary Housing obligations associated with the project.

The Housing Division may contact the Developer to request additional information required in connection with the Inclusionary Housing Plan Application and/or the

² First Approval is defined as the first approval to occur for either a Planning permit or Building permit for the Residential Development, as applicable.

Developer's proposed method of satisfying the obligation. Failure to fully complete the application and provide all attachments may delay approval of the Inclusionary Housing Plan.

After review of the Inclusionary Housing Plan, if it is complete, consistent with the IHO and Guidelines, and all required submittals have been provided, the Plan will be approved and the permit conditions will be provided to Planning and Building Divisions and the Developer. These permit conditions will be made a part of the project's conditions of approval.

Please submit the completed plan to the Housing Project Manager at housing@cityofepa.org.

City of East Palo Alto Inclusionary Housing Plan

Residential Developments in East Palo Alto (“Residential Developments”) are subject to the requirements of [Chapter 18.37 of the East Palo Alto Municipal Code – Inclusionary Housing](#).

An application for First Approval of a Residential Development must include an Inclusionary Housing Plan. This will be processed concurrently with all other permits required for the Residential Development and must be approved prior to issuance of any permits or scheduling of an entitlement hearing.

Please fill out the application below and submit it together with the Unit Mix Table and Unit Mix Details to the Housing Project Manager at housing@cityofepa.org.

Application for Inclusionary Housing Plan

Developer Information
Company name
Address
Phone
Contact name
Email/Phone
Project Information
Project Name: Project Address: Project APNs: Planning file number if assigned: Number of residential buildings: Total number of units: For-sale housing project? Y <input type="checkbox"/> N <input type="checkbox"/> For rent housing project? Y <input type="checkbox"/> N <input type="checkbox"/> Is this project a mixed use (commercial/residential)? Y <input type="checkbox"/> N <input type="checkbox"/> Total square footage of non-residential space: Is this a rehab project? Y <input type="checkbox"/> N <input type="checkbox"/> If so, number of units to be added:

Will any residential units be demoed or converted? Y N

Does developer intend to obtain a parcel, or tentative, and final map for the project? Y N

Does developer intend to create condos, coops, or similar housing requiring CA BRE report approval? Y N

Does Developer intend to request a Density Bonus (Section 18.37.060)? Y N

Exemption (Section 18.37.040)

Does developer intend to seek an exemption for the project? Y N

Additional documentation may be required.

1. Map Act Vesting: Project has subdivision map(s) which the Developer claims confer vesting rights under the Subdivision Map Act:
 Tentative or parcel: Y N

Approval date:
 Final: Y N

Approval date (if applicable):
Please indicate if any maps are phased or vesting.

2. Building permit issued Y N

Issue date:
 3. Previously executed Development Agreement: Y N

Approval date:
Please attach an explanation to this application with supporting documentation, including any approved maps or permits needed to support your claim.

Compliance Methods (Section 18.37.050)

Check all that apply

In-Lieu Fee (for projects of < 5 units)

On-site (20% Inclusionary Units)

In-Lieu Fee for fraction of unit (for projects of 5+ units)

Alternative Compliance Options (Section 18.37.080)

Developer must seek approval from City Council.

In-Lieu Fee (25% Inclusionary Units)

Off-Site (25% Inclusionary Units)

Other (25% Inclusionary Units)

By signing below, Developer acknowledges that most claims of exemption can only be conditionally approved at the time the Inclusionary Housing Plan Application is approved. The Developer will be required to record an Inclusionary Housing Agreement agreeing to satisfy the Obligation if conditions of exemption are not met.

Developer Signature

Date

Planning acceptance of application Date

Housing acceptance of application Date

Unit Mix Table

Please see Section [18.37.050](#) and [Section 18.37.060](#).

1. Please provide the unit mix of market-rate vs. Inclusionary Units using a table like the ones shown below. Note that:
 - a) The inclusionary unit mix should reflect that of the market-rate units. The total number of bedrooms in the Inclusionary Units should reflect 20% of the total number of bedrooms in the project.
 - b) The square footage of the Inclusionary Units must be comparable to that of the market-rate units. The average square footage of the Inclusionary Units should be no less than 85% of the average square footage of the market rate units with the same number of bedrooms.

2. Please indicate the affordability levels of the Inclusionary Units in the table.³
 - a) **For-Sale requirement:** 10% of units affordable to households at or below 80% AMI and 10% of units affordable to households at or below 120% AMI.
 - b) **Rental requirement:** 5% of units affordable to households at or below 35% AMI; 10% of units affordable to households at or below 50% AMI; and 5% of units affordable to households at or below 60% AMI.

Inclusionary Unit Mix Example Table [50-Unit Rental Project]

Unit Type	AMI	Bedrooms	Sq Ft.	# Units	Total Bedrooms	Total Sq. Ft.
Type A	35	1	900	1	1	900
Type B	35	2	1200	1	2	1200
Type B	50	2	1200	2	4	2400
Type B	60	2	1200	2	4	2400
Type C	35	3	1800	1	3	1800
Type C	50	3	1800	2	6	3600
Type C	60	3	1800	1	3	1800
			Total	10	23	14100

Market-Rate Unit Mix Example Table [50-Unit Rental Project]

Unit Type	Bedrooms	Sq. Ft.	# Units	Total Bedrooms	Total Sq. Ft.
Type A	1	900	10	10	9000
Type B	2	1200	20	40	24000
Type C	3	1800	10	30	18000
		Total	40	80	51000

³ Please note that the inclusionary requirement for any Alternative Compliance Option is 25%. See the Inclusionary Housing Guidelines Main Document for breakdown by affordability level.

Unit Mix Details

Please see Section [18.37.060](#).

- 1.) Please indicate in the project site plan the location and size of the Inclusionary Units.
 - a) The Inclusionary Units must not be geographically concentrated in the development and must meet standards intended to ensure Inclusionary Units are comparable to the market rate units. See Section [18.37.060](#).
- 2.) Please describe construction appearance and quality of the Inclusionary Units.
 - a) The Inclusionary Units must be comparable in exterior appearance and overall quality of construction to the market-rate units.
- 3.) Please describe access to private open space and other amenities of the Inclusionary Units, including parking.
 - a) The Inclusionary Units must have the same access to amenities as the market-rate units. This includes common areas, parking, and storage.
- 4.) Please outline a Fair Housing and Marketing plan, which must comply with all applicable Fair Housing laws and not discriminate in the sale or rental of Inclusionary Units on the basis of race, national origin, color, religion, gender, disability, familial status, age, income source, or marital status. This includes application of the City's Local Preference Policy.