



City of East Palo Alto

Density Bonus Handout

Consistent with Government Code Section 65915-65918, the **City of East Palo Alto's Municipal Code (EPAMC) Chapter 18.36**¹ provides the regulations for the granting of density bonuses, incentives, or concessions for the production of housing for very low income, lower income, moderate income households or senior households, including condominium conversions, projects to substantially rehabilitate and convert commercial buildings to residential use, rehabilitate an existing multiple family dwelling to increase residential units, and for child day care facilities. For the complete text of the regulations, please see the following link for [EPAMC Chapter 18.36](#)².

What is a Density Bonus?

A Density Bonus is an incentive for developers to build more residential units than would have been allowed by the Development Code in order to construct affordable housing. The incentives may include the following:

- 4, An increase in the number of primary dwelling units on a property for qualifying projects in compliance with this chapter and with Government Code Section 65915 et seq.
- 5, Incentives, waivers and concessions as specified in Government Code Section 65915 to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance or incentives, approval of mixed use zoning in conjunction with the housing development, or any other incentive that would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus for development incentives and concessions. Incentives, waivers and concessions requested may not be more than what is necessary to accommodate the bonus. They may also not be used to waive applicable building code and life safety standards.

The City shall grant a density bonus and at least one additional incentive or concession to an applicant/developer of a housing development who agrees to provide, at a minimum, one of the following:

1. At least five percent of the total units of the housing development as target units affordable to very low income households; or
2. At least 10 percent of the total units of the housing development as target units affordable to lower income households; or

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https://library.municode.com/ca/east_palo_alto/codes/code_of_ordinances?nodetd=EAPAALDECO2018EDCUORN009-2020ADDE152020_TIT18DECO_ART3REAPALZO_CH18.36AFHOENBO

² If there is a conflict between any provision of Chapter 18.35 and state law, state law shall control.

3. A senior citizen housing development as defined in Civil Code Sections 51.2 and 51.3, or mobile home park that limits residency based on age requirements for housing for older persons in compliance with Civil Code Sections 798.76 or 799.5; or
4. At least 10 percent of the total units of a newly constructed common interest development project as target units affordable to moderate income households; or
5. At least 10 percent of the total units of the housing development for transitional foster youth as defined in Education Code Section 66025.9, disabled veterans as defined in Section 18541 or homeless persons as defined in the federal McKenny-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.) with a recorded affordability restriction of at least 55 years, provided at the same affordability level as very low income units; or
6. A child day care facility containing at least the minimum square footage required by applicable state child care licensing requirements, provided affordable housing also is developed as required by Government Code Section 65915.

Consistent with and subject to the provisions of Government Code Section 65915.5, the City shall grant either a density bonus of 25 percent over the number of apartments/units to be provided within the existing structure(s) proposed for conversion, or other equivalent financial incentives if the applicant/developer agrees to provide 33 percent of the total units in a condominium conversion project as target units affordable to low or moderate income households as defined in Health and Safety Code Section 50093, or 15 percent of the total units in a condominium conversion project as target units to lower income households as defined in Health and Safety Code Section 50079.5. The conversion of apartments to condominiums shall be in compliance with Municipal Code Chapter 14.24.

Per EPAMC Chapter 18.36.070, a Density Bonus Housing Agreement is required to be recorded prior to a final map approval, or where a map is not being processed, before the issuance of a building permit. The agreement shall include information such as the total number of units, including the target units, location, size, use restrictions, schedule for completion and occupancy and other requirements defined in the Municipal Code and State law.

For more information on the Density Bonus Ordinance, please contact the Planning Division to determine initial project eligibility. A discussion with the Housing Division will follow to determine the next steps:

(650) 853-3189

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