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OFFICE OF THE CITY CLERK  
OAKLAND

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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. 87670 C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB

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**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1763 (CHIU) THAT WOULD REQUIRE A CITY OR COUNTY TO PROVIDE 100% AFFORDABLE HOUSING DEVELOPMENT PROJECTS WITH VARIOUS DENSITY BONUS LAW BENEFITS, AS WELL AS HEIGHT INCREASES IF NEAR A MAJOR TRANSIT STOP OR HIGH-QUALITY TRANSIT CORRIDOR**

**WHEREAS**, Californians are facing a housing affordability crisis, but the most significant impact is on low-income renters. Of 6 million renter households in the state, 1.7 million are paying more than 50% of their income toward rent. In the current market, 2.2 million extremely low-income and very low-income renter households are competing for 664,000 affordable rental units; and

**WHEREAS**, to solve the shortage, the National Low Income Housing Coalition estimates that the state needs an additional 1.5 million housing units that very low-income Californians can afford; and

**WHEREAS**, since the Oakland City Council approved "A Roadmap Toward Equity: Housing Solutions for Oakland, California" in September 2015, Oakland is outpacing its market-rate housing goals by a factor of 100% but has reached only 42% of its goal of 825 additional protected affordable units by end 2018; and

**WHEREAS**, Oakland and Alameda County voters approved local bond measures in 2016 for affordable housing production and acquisition but the affordable housing deficit will take years to overcome; and

**WHEREAS**, while the most significant barrier to the construction of affordable housing is a lack of public funding, the other major obstacle is low-density zoning because affordable housing projects need density to leverage the economies of scale that are necessary when investing limited public dollars; and

**WHEREAS**, while the existing State Density Bonus law allows a 35% increase in densities for projects with an affordable housing component, the heights and/or units per square foot restrictions for most jurisdictions still preclude necessary densities to make the economics of these projects work. Additionally, because the State Density Bonus law does not distinguish between projects in which 20% of the units are restricted to lower income households and 100% of the units are restricted to lower income households, it puts affordable housing at a competitive disadvantage with market rate housing; and

**WHEREAS**, Assembly Bill (AB) 1763 would revise the state density bonus law (DBL) to require a city or county to award a developer additional density, concessions and incentives, and height increases if 100% of the units in a development are restricted to lower income households. Specifically, this bill would:

- Allow a developer of a housing development that will contain 100% of the total units for lower income households to seek an 80% increase in density and up to four incentives and concessions, in contrast to existing law which allows for up to a 35% increase in density and up to three incentives and concessions.
- For developments that will contain 100% of the total units for lower income households and are within one-half mile of a major transit stop, prohibit a local government from imposing any maximum controls on density and require that local government to provide an additional increase in height of up to three stories (33 feet), and an increase in the allowable floor area ratio (FAR) of up to 55% or 4.25, whichever is greater.
- For developments that will contain 100% of the total units for lower income households and are within one-half mile of a high-quality transit corridor, prohibit a local government from imposing any maximum controls on density and would allow up to two additional stories (22 feet), and an increase in the allowable FAR of up to 55%, or 3.75, whichever is greater; and

**WHEREAS**, with these enhanced density bonuses for 100% affordable housing developments, AB 1763 will increase the number of units available to low-income residents, maximizing our limited resources in the fight to build more housing and make this a California for all; and

**WHEREAS**, AB 1763 is supported by affordable housing organizations such as California Housing Consortium (sponsor), Corporation for Supportive Housing, EAH Housing, and Housing California, as well as affordable housing developers such as Abode Communities, Affirmed housing, and C & C Development; now, therefore be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 1763 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

**MAY - 7 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~WILSON, MCLELLAN~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN -7

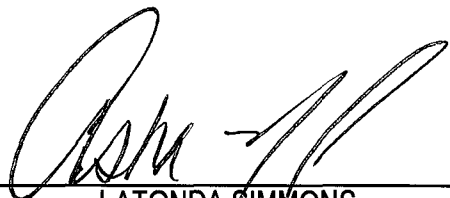
NOES - 0

ABSENT - 0

ABSTENTION - 0

*Excused - 1 McElmurray*

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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NOES -

ABSENT -

ABSTENTION -

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LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California