Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

May 31, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

HEARING ON AMENDMENTS TO COUNTY CODE TITLE 21 (SUBDIVISIONS) AND TITLE 22 (PLANNING AND ZONING) RELATING TO DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES (ALL SUPERVISORIAL DISTRICTS) (3-VOTES)

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Consider the attached Negative Declaration together with any comments received during the public review process, find on the basis of the whole record before the Board that there is no substantial evidence that the project will have a significant effect on the environment, find that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Negative Declaration;

2. Approve the recommendation of the Regional Planning Commission as reflected in the attached draft ordinance amending the provisions applicable to density bonuses and incentives for affordable housing and senior citizen housing within the unincorporated area pursuant to the authority granted to the County by the State of California in Section 65915 of the Government Code, and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan and the County's Strategic Plan;

3. Find that approval of the proposed amendments to Title 21 and Title 22 of the Los Angeles County Code is *de minimus* in its effect on fish and wildlife resources, and authorize the Director of Planning to complete and file a Certificate of Fee Exemption for the project;

4. Instruct County Counsel to prepare an ordinance to amend Title 21 and Title 22 of the Los Angeles County Code as recommended by the Commission and include any changes directed by the Board.

PURPOSE OF RECOMMENDED ACTION

The proposed County Code amendments were prepared in response to the Regional Planning Commission's motion on January 26, 2005. The motion instructed the Department of Regional Planning to make changes in the County Code to reflect the recent changes to State Density Bonus Law (Section 65915 of the Government Code), to remove the discretionary conditional use permit requirement, which is inconsistent with Sections 65915(g)(5) and (k), and to provide meaningful incentives to facilitate the production of affordable housing.

The proposed County Code amendments are in response to changes to State Density Bonus Law that have occurred over the years, the most recent and substantive changes having occurred with the passage of SB 1818 (effective January 1, 2005) and SB 435 (effective January 1, 2006). The County's density bonus ordinance amendment provides a means to implement the changes in the State-mandated requirements.

JUSTIFICATION

There continues to be a housing shortage in Los Angeles County, which adversely affects housing affordability for all of Los Angeles County's residents. The widespread lack of permanent housing with long-term affordability speaks to the importance of State-mandated local strategies, such as density bonuses and housing affordability incentives, which encourage a diversity of housing types for different needs and levels of income.

The County's experience suggests the need to go beyond the basic minimum required by State Density Bonus Law. In the Department of Regional Planning's 2005 Annual Progress Report to the Board of Supervisors on the General Plan, it is noted that the County has achieved less than 10 percent of its Regional Housing Needs Assessment (RHNA) fair-share housing goals for low- and very-low income dwelling units for the period 1998-2005. This indicates a deficit of 7,260 low-income units and 8,363 very-low income units from the RHNA goals determined by the Southern California Association of Governments. For the 10-year period, starting January 1, 1995, the County approved 357 affordable units through the existing density bonus program. This low amount suggests that more substantial measures are needed to stimulate increased affordable housing production.

There is also a need to streamline the entitlements process for affordable housing and senior citizen housing by reducing unnecessary regulatory barriers and providing incentives.

The Third Revision of the Housing Element of the Countywide General Plan was adopted by the Board of Supervisors on October 23, 2001. The Housing Element identifies the density bonus provisions of the County Zoning Ordinance as a principal means for promoting the production of affordable housing and senior citizen housing toward meeting regional housing needs within the unincorporated area.

IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS

The proposed amendments promote the County's strategic planning goals of "service excellence" by developing clear and reasonable requirements, incentives, and standards that housing developers can accomplish. The goal of "organizational effectiveness" is also promoted by providing continuous quality improvements to our services.

FISCAL IMPACT

Implementation of the proposed amendments will not result in any significant new costs to the Department of Regional Planning or other County departments. The proposed ordinance contains fees that are intended to recover the full cost for services provided in reviewing, evaluating, and monitoring density bonus projects.

FINANCING

The amendments will not result in additional net County costs, and therefore a request for financing is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The State passed SB 1818 in September 2004, which enacted significant amendments to Section 65915 of the Government Code (State Density Bonus Law), and passed SB 435 in September 2005, which enacted additional minor changes and clarifications to the statute.

Section 65915 et seq. mandates that all local governments must grant a density bonus and/or incentives or concessions to eligible housing developments of five or more units, if they include a specified percentage of affordable housing or senior citizen housing, or if the applicant donates land for the purpose of building affordable housing.

Section 65915(a) of the Government Code requires that the County must adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented.

The proposed ordinance amendments are intended to implement state-mandated density bonus provisions for affordable housing and senior citizen housing by granting density bonuses and incentives to qualified projects through a non-discretionary procedure. The proposed ordinance replaces the requirement for a conditional use permit with an administrative housing permit, which implements the provisions for by-right density bonuses and incentives for affordable housing and senior citizen housing consistent with the provisions of Sections 65915(g)(5) and (k) of the Government Code.

Section 65915(n) of the Government Code authorizes the County to adopt special code provisions that allow the granting of density bonuses that are greater than the basic bonuses required under Sections 65915(b)(1) and (g), or for proportionately lower density bonuses for developments that do not meet the basic requirements. The proposed ordinance provides additional options that are tailored to address the specific future housing needs of the County.

Amending the County's density bonus provisions will reduce unnecessary regulatory barriers and facilitate the production of affordable and senior citizen housing consistent with the intent of Section 65583(a)(4) of State Housing Element Law, and is in conformance with regulatory concessions that reduce governmental constraints as identified in the County's adopted and State-certified Housing Element (at Chapter 6, Page 21).

The proposed ordinance is compatible with and supportive of the policies of the Los Angeles County General Plan and the Los Angeles County Housing Element in that it provides needed affordable housing and senior citizen housing to the residents of unincorporated Los Angeles County.

The Regional Planning Commission conducted a public hearing regarding the proposed County Code amendments on June 22, 2005. The Commission heard testimony from nine individuals in support of the ordinance, and one testifier raised concerns over the proposed ordinance's effects on neighborhoods.

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Section 6061, 65090 and 65856 of the Government Code relating to notice of public hearing.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ordinance will not significantly impact County services.

EXEMPTION/ENVIRONMENTAL IMPACTS

The proposed ordinance amendments constitute a regulatory action that may have a significant adverse effect on the environment. The attached Initial Study shows that there is no substantial evidence, in light of the whole record before your Board, that the adoption of the proposed ordinance amendments will have a significant effect on the environment. Therefore, in accordance with Section 15070 of the State CEQA guidelines, a Negative Declaration was prepared.

A copy of the proposed Negative Declaration was transmitted to 85 public libraries for public review. Public notice was published in 11 newspapers of general circulation not later than May 23, 2005, pursuant to Public Resources Code Section 21092. No comments on the proposed Negative Declaration were received during the public review period.

Based on the attached Negative Declaration, adoption of the proposed ordinance amendments will not have a significant effect on the environment.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Acting Director of Planning

JEH:RDH:jtm

Attachments:

1. State Density Bonus Law (Cal. Govt. Code Section 65915)
2. Resolution of the Regional Planning Commission
3. Project Summary
4. Recommended Ordinance for Board Adoption
5. Environmental Document
6. Summary of RPC Proceeding
7. Legal Notice of Board Hearing
8. List of Persons to be Notified

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor - Controller

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **65915**-65918

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local **government** shall provide the applicant incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (g), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety **Code**.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety **Code**.

(C) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil **Code**, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil **Code**.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil **Code** for persons and families of moderate income, as defined in Section 50093 of the Health and Safety **Code**, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low-and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety **Code**. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety **Code**.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil **Code**, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety **Code**, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety **Code**. The local **government** shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local **government** shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety **Code** that promote homeownership.

(B) For purposes of this subdivision, the local **government**'s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local **government**'s proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety **Code**, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local **government** to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5,

upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local **government** to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

(e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local **government** to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local **government** to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

(g) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26

15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12

18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subdivision (b), "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this section or any local law granting a greater density bonus. The density bonus provided by this section shall apply to housing developments consisting of five or more dwelling units.

(h) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land

being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local **government** may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local **government** prior to the time of transfer.

(D) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.

(E) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(F) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the

planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil **Code**, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(k) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(l) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning **code** requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety **Code**, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources **Code**.

(n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

(p) (1) Upon the request of the developer, no city, county, or

city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedrooms: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing on June 22, 2005 and further discussed the matter of amendments to the Los Angeles County Code relating to density bonuses for affordable housing and senior citizen housing on October 26, 2005, February 15, 2006, and March 22, 2006; and

WHEREAS, the Commission finds as follows:

1. There continues to be: a housing shortage in Los Angeles County, which adversely affects housing affordability for all of Los Angeles County's residents; a widespread lack of permanent housing with long-term affordability; and, a need to develop strategies that encourage a diversity of housing types for different needs and levels of income.

2. The County's experience suggests the need to go beyond the basic minimum required by State Density Bonus Law. In the Department of Regional Planning's 2005 Annual Progress Report to the Board of Supervisors on the General Plan, it is noted that the County has achieved less than 10 percent of its Regional Housing Needs Assessment (RHNA) fair-share housing goals for low- and very-low income dwelling units for the period 1998-2005. This indicates a deficit of 7,260 low-income units and 8,363 very-low income units from the RHNA goals determined by the Southern California Association of Governments. For the 10-year period, starting January 1, 1995, the County approved 357 affordable units through the existing density bonus program, and this low amount suggests that more substantial measures are needed to stimulate increased affordable housing production.

3. There is a need to streamline the entitlements process for affordable housing and senior citizen housing by reducing unnecessary regulatory barriers and providing incentives.

4. The State passed SB 1818, in September 2004, which enacted significant amendments to Section 65915 of the California Government Code (also referred to as the "State Density Bonus Law"), and passed SB 435 in September 2005, which enacted additional minor changes and clarifications to the statute.

5. Section 65915 et seq. mandates that all local governments must grant a density bonus and/or incentives or concessions to eligible housing developments of five or more units, if they include a specified percentage of affordable housing or senior citizen housing, or if the applicant donates land for the purpose of building affordable housing.

6. Section 65915(a) of the Government Code requires that the County must adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented.

7. Section 65915(c)(1) of the Government Code requires that the applicant shall agree to, and the county shall ensure, continued affordability of all lower and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

8. Section 65915(c)(2) of the Government Code requires that the applicant shall agree to, and the county shall ensure, that the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in a common interest development are persons and families of moderate income, and that the county shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law.

9. Sections 65915(g)(5) and (k) of the Government Code state that the granting of a density bonus, or incentive or concession, shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zoning change, conditional use permit, or other discretionary approval.

10. The County Zoning Ordinance currently requires a conditional use permit (CUP) for density bonuses and incentives for affordable housing and senior citizen housing, which is inappropriate under Section 65915 because a CUP requires a discretionary review procedure.

11. On January 26, 2005, the Regional Planning Commission instructed DRP staff to commence work on amending the Los Angeles County Code to reflect the recent major changes made to State Density Bonus Law, to remove the discretionary CUP requirement, and to provide meaningful incentives to facilitate the production of affordable housing.

12. On June 22, 2005, the Regional Planning Commission held a duly noticed public hearing. After receiving testimony from 10 individuals (9 in support and one expressing concern), the Commission closed the public hearing regarding the draft density bonus ordinance, and requested staff to report back to the Commission with a revised draft ordinance addressing the concerns and feedback received from the Commission, the County staff and testifiers.

13. The proposed ordinance amendments are intended to implement state-mandated density bonus provisions for affordable housing and senior citizen housing by granting density bonuses and incentives to qualified projects through an administrative procedure. The proposed ordinance replaces the requirement for a conditional use permit with an administrative housing permit, which implements

the provisions for by-right density bonuses and incentives for affordable housing and senior citizen housing consistent with the provisions of Sections 65915(g)(5) and (k).

14. Section 65915(n) of the Government Code authorizes the County to adopt special code provisions that allow the granting of density bonuses that are greater than the basic bonuses required by State Density Bonus Law, or for proportionately lower density bonuses for developments that do not meet the basic requirements, and so the proposed ordinance provides additional options that are tailored to address the specific future affordable and senior citizen housing needs of the County.

15. The proposed ordinance supports the County's efforts to encourage appropriate infill development, and therefore provides additional density bonuses and incentives to eligible participants in the County Infill Sites Program, which accommodates housing developments of four units or less, through an administrative housing permit procedure.

16. The proposed ordinance supports the County's efforts to encourage a broad range of affordable moderate income for-sale housing, and therefore provides density bonuses for moderate income single-family housing developments through an administrative housing permit procedure.

17. The proposed ordinance creates additional options to request a higher density bonus for affordable housing or senior citizen housing through a discretionary procedure, which gives the County the flexibility to consider appropriate density bonuses for projects that may not otherwise qualify through the limited provisions of State Density Bonus Law.

18. The discretionary review is provided through a discretionary housing permit which provides additional density bonus options for affordable housing and senior citizen housing for developments that meet or exceed the minimum set-aside requirements as specified in State Density Bonus law, but may not be eligible for by-right bonuses and incentives. These options are necessary since some worthy developments may provide design features or amenities that may be desirable, but may not be necessary to keep the rents affordable for the set-aside units, and may be justified for social or other economic reasons.

19. The proposed ordinance provides additional reductions in required parking for 100 percent affordable housing developments based on research presented to the Regional Planning Commission indicating that affordable housing developments, particularly those located in proximity to public transit, do not need as much parking as market-rate housing developments. The planning staff reviewed recent residential parking demand case studies and published literature, which indicates a clear relationship between income, proximity to transit, and vehicle ownership. In general, studies show: 1) that low income

households tend to own fewer vehicles and therefore demand less parking than higher income households; 2) that low income households and households located near public transit tend to own fewer vehicles, and 3) vehicle ownership tends to decrease as density increases.

20. The proposed ordinance restructures housing provisions in Titles 21 and 22 of the Los Angeles County Code for ease of use, deletes obsolete provisions, amends existing references for internal consistency and establishes revised fees.

21. Amending the County's density bonus provisions will reduce unnecessary regulatory barriers and facilitate the production of affordable and senior citizen housing which is consistent with the intent of Section 65583(a)(4) of State Housing Element Law, and is in conformance with regulatory concessions that reduce governmental constraints as identified in the County's adopted and State-certified Housing Element (at Chapter 6, Page 21).

22. The proposed ordinance is compatible with and supportive of the policies of the Los Angeles County General Plan and the Los Angeles County Housing Element in that it facilitates development of needed affordable housing and senior citizen housing to the residents of unincorporated Los Angeles County.

23. The proposed ordinance supports Goal 1 in the Housing Element, which promotes "(a) wide range of housing types in sufficient quantity to meet the needs of current and future residents, particularly persons and households with special needs, including but not limited to lower-income households, senior citizens, and the homeless," in that it encourages a diversity of housing types, and provides incentives for affordable housing and senior citizen housing.

24. The proposed ordinance supports Goal 2 in the Housing Element, which promotes "(a) housing supply that ranges broadly enough in price and rent to enable all households regardless of income, to secure adequate housing," in that it encourages both multifamily and single family housing, for-sale and rental housing, as well as mixed income housing, affordable housing and senior citizen housing.

25. The proposed ordinance supports Goal 3 in the Housing Element, which promotes "(n)eighborhoods that protect the health, safety and welfare of the community, and that enhance public and private efforts to maintain, reinvest in, and upgrade the existing housing supply," in that it applies to housing developments that are significantly rehabilitated, and also includes built-in safety nets for incentives and waivers or modifications to development standards to ensure that they do not have an adverse impact on the public health and safety, the physical environment or historic resources.

26. This comprehensive amendment to the density bonus provisions of the Los Angeles County Code affects Titles 21 and 22 and is in conformance with the

density bonus and affordable housing incentives requirements mandated by the State of California, as contained in Section 65915 et seq. of the California Government Code.

27. The Commission has considered information that estimates the average annual total units generated though projects incorporating density bonuses, over the period 2005-2025, would potentially range from 75 units/year (status quo), 150 units/year (moderate growth), or 300 units/year (higher growth) under a reasonable range of growth scenarios. The year 2025 is used in the analysis because it represents the horizon year for the General Plan Update.

28. The Commission has also considered information estimating that approximately one-third of these additionally generated units (or 25/50/100 units, respectively) will result directly from density bonuses. These projected units would be dispersed over the 2,584 square miles of the unincorporated area, but would be located primarily within the existing urban area in proximity to existing urban infrastructure and employment opportunities. Compared to the annual average, from 1998-2004, of 2,980 units/year, the increase in units through density bonus projects may represent an estimated 10 percent or less of total permitted units. It should be noted that the increase in units through density bonuses is tied to the provision of affordable housing units, which contribute positively to enhancing the environment through the reduction in blight and substandard physical conditions within the unincorporated area. Therefore, based on this analysis, the Commission concluded that the proposed amendment would not result in a substantial change in the environment. It is anticipated that individual projects will undergo appropriate environmental evaluation or environmental review as they are proposed.

29. An Initial Study was prepared for the proposed ordinance amendments in compliance with the California Environmental Quality Act, which demonstrates that there is no substantial evidence that the amendments will have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a related Negative Declaration for this project.

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed ordinance amendments to the Los Angeles County Code that would implement state-mandated density bonus provisions for affordable housing and senior citizen housing, pursuant to Section 65915 of the California Government Code, effective January 1, 2006; create additional local provisions to stimulate the production of affordable housing and senior citizen housing; create a housing permit to implement both state and local goals for affordable housing and senior citizen housing; and restructure affordable housing and senior citizen housing provisions

in Titles 21 and 22 for ease of use, delete obsolete provisions, amend existing references for internal consistency and establish revised fees.

2. That the Board adopt the attached Negative Declaration and find that the proposed amendments to Titles 21 and 22 will not have a significant effect on the environment;

3. That the Board adopt an ordinance containing modifications to the Los Angeles County Code, as recommended by this Commission, and determine that the modifications are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by the Los Angeles County Regional Planning Commission on March 22, 2006.

By _____

Rosie O. Ruiz, Secretary
Los Angeles County
Regional Planning Commission

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By _____

ELAINE LEMKE
Principal Deputy County Counsel

DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT IDENTIFICATION:	Proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code relating to density bonuses and affordable housing incentives.
REQUEST:	Adoption of the proposed ordinance amending Titles 21 and 22.
LOCATION:	Countywide
STAFF CONTACT:	Ms. Julie Moore at (213) 974-6425
RPC MEETING DATES:	June 22, 2005, October 26, 2005, February 15, 2006, March 22, 2006.
RPC RECOMMENDATION:	Board public hearing to consider adoption of the proposed ordinance.
MEMBERS VOTING AYE:	Commissioners Valadez, Bellamy, Helsley, Modugno, and Rew.
MEMBERS ABSENT:	None.
KEY ISSUES:	Provisions in the County Code have not been updated to reflect recent changes to the State Density Bonus Law (California Government Code Section 65915 et seq.). Therefore, amendments are required, which are mandated to be adopted by ordinance. Beginning in 1999, the passage of a series of bills significantly changed both the eligibility requirements to qualify for a density bonus and the procedural requirements for granting a density bonus and/or affordable housing incentives.
MAJOR POINTS FOR:	State law mandates that local governments provide density bonuses and incentives to qualifying affordable housing or senior citizen housing developments. Implementing the recent changes to the State Density Bonus Law is an opportunity to address the County's worsening housing crisis by facilitating the production of housing through a

voluntary incentive-based program that addresses a diversity of incomes and needs. There are many safety nets built into the State Law to ensure that the granting of incentives through a non-discretionary procedure is based on need and ability to not have a significant impact on public health and safety, the physical environment or historic resources. The ordinance includes options for the County to consider additional density bonuses and incentives for affordable housing and senior citizen housing developments through a discretionary procedure (pursuant to Section 65915 (n) of the Government Code.)

MAJOR POINTS AGAINST:

The ordinance places a burden on County staff to evaluate the necessity and impact of the incentives on a case-by-case basis.

ORDINANCE NO. _____

An ordinance amending Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code related to density bonuses and affordable housing incentives.

The Board of Supervisors of the County of Los Angeles hereby ordains as follows:

SECTION 1. Section 21.52.010 is hereby amended as follows:

21.52.010 Modification or waiver of provisions authorized when.

...

C. The advisory agency or the board of supervisors may make modifications to regulations contained in this Title 21 including, but not limited to, exemption from park space requirements for land divisions where a ~~conditional use~~ housing permit for ~~a density bonus~~ qualified projects as provided for in Title 22 is also approved.

...

SECTION 2. Section 22.08.090 is hereby amended as follows:

22.08.090 I.

...

-- "Income, Moderate" means an annual income for ~~a person or a family which~~ persons or families that does not exceed 120 percent of the area median income, as specified by Section 50093 of the California Health and Safety Code.

...

SECTION 3. Section 22.20.100 is hereby amended as follows:

22.20.100 Uses subject to permits.

Property in Zone R-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of each permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 4. Section 22.20.200 is hereby amended as follows:

22.20.200 Uses subject to permits.

Property in Zone R-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 5. Section 22.20.290 is hereby amended as follows:

22.20.290 Uses subject to permits. Property in Zone R-3-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 6. Section 22.20.370 is hereby amended as follows:

22.20.370 Uses subject to permits.

Property in Zone R-4-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 7. Section 22.20.440 is hereby added as follows:

22.20.440 Uses subject to permits.

Property in Zone R-A may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 8. Section 22.20.460 is hereby amended as follows:

22.20.460 Uses and development standards.

Property in Zone RPD may be used for:

...

B. If a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, property in Zone RPD may be used for a planned residential development, including a mobilehome park, subject to approval by the hearing officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone.

...

2. Density. When property in Zone RPD is developed pursuant to this subsection B, the number of units for each acre of the net area shall be equal to the number preceding the letter "U" in the suffix to the zoning symbol.

The provisions of ~~Part 1 of Chapter 22.56~~ Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56, regarding ~~a conditional use~~ housing permits for ~~a density bonus~~ qualified projects, shall apply in Zone RPD.

...

SECTION 9. Section 22.24.100 is hereby amended as follows:

22.24.100 Uses subject to permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 10. Section 22.24.150 is hereby added as follows:

22.24.150 Uses subject to permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~-- Density bonus, subject to the provisions of Section 22.56.202.~~

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 11. Section 22.28.060 is hereby amended as follows:

22.28.060 Uses subject to permits. Permits in Zone C-H may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 12. Section 22.28.110 is hereby amended as follows:

22.28.110 Uses subject to permits. Permits in Zone C-1 may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 13. Section 22.28.160 is hereby amended as follows:

22.28.160 Uses subject to permits. Permits in Zone C-2 may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 14. Section 22.28.210 is hereby amended as follows:

22.28.210 Uses subject to permits. Permits in Zone C-3 may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 15. Section 22.28.260 is hereby amended as follows:

22.28.260 Uses subject to permits. Permits in Zone C-M may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 16. Section 22.28.320 is hereby amended as follows:

22.28.320 Uses subject to permits. Permits in Zone C-R may be used for:

...

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

...

SECTION 17. Section 22.44.100 is hereby amended as follows:

22.44.100 Development restrictions. A. Except as otherwise expressly provided within a community standards district, property may be used for any purpose permitted in the basic zone to which this district is added, subject to the same limitations and conditions. Where the regulations of a community standards district differ from any other provisions in this Title 22, with the exception of qualified projects allowed by Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56, such regulations shall supersede any contrary provisions as specified in said district.

...

SECTION 18. Section 22.44.440 is hereby amended as follows:

22.44.440 Development Standards, Case Processing Procedures, and Allowable Uses Applicable within Blue Line Transit Oriented Districts.

...

C. Uses and standards applicable in specific zones.

1. Zone R-2 (Two-Family Residence Zone).

a. Uses.

~~i. Additional uses subject to director's review. In addition to the uses listed in Section 22.20.190, if site plans are first submitted to and approved by the director, a density bonus of up to 50 percent may be obtained for parcels in zone R-2 provided that:~~

~~(A) At least 33 percent of the total dwelling units in the development are provided for lower income households or at least 50 percent of the total dwelling units in the development are provided for qualifying senior citizens as defined in section 51.3 of the Civil Code; and~~

~~(B) A covenant and agreement is recorded in the county recorder's office to ensure the occupancy of the bonus units by qualifying senior citizens or lower-income households for a period of 30 years.~~

~~ii.~~ i. Additional uses subject to permit.

…

2. Zone R-3 (Limited Multiple-Residence Zone).

a. Uses.

i. Additional uses subject to director's review.

…

~~(B) Affordable and senior citizen housing. A density bonus of up to 50 percent shall be allowed in compliance with the following provisions:~~

~~(1) At least 33 percent of the dwelling units in the development are provided for lower-income households; or at least~~

~~50 percent of the total dwelling units in the development are provided for qualifying senior citizens as defined in section 51.3 of the Civil Code; and~~

~~(2) A covenant and agreement is recorded in the county recorder's office to ensure the occupancy of the bonus units by qualifying senior citizens or lower income households for a period of 30 years.~~

...

SECTION 19. Section 22.44.450 is hereby amended as follows:

22.44.450 Development Standards, Case Processing Procedures and Allowable Uses Applicable within Green Line Transit Oriented Districts.

...

C. Uses and standards applicable in specific zones.

1. Zone R-2 (Two-Family Residence Zone).

a. Uses.

i. Additional uses subject to director's review.

...

~~(C) Affordable and senior housing. A density bonus of up to 50 percent may be granted if the project complies with the affordable and senior housing provisions of Section 22.56.202.~~

~~(D)~~ (C) Total of combined density bonus grants. In the event that a project may qualify for more than one category of density bonuses pursuant to this subsection C.1.a.i the total combined density bonus granted under these provisions shall not exceed 50 percent.

...

2. Zone R-3 (Limited Multiple-Residence Zone).

a. Uses.

~~i. Additional uses subject to director's review. In addition to the uses listed in Section 22.20.280, if site plans are first submitted to and approved by the director, parcels in zone R-3 may be used for:~~

~~(A) Affordable and senior citizen housing. A density bonus of up to 50 percent may be granted if the project complies with the affordable and senior housing provisions of Section 22.56.202; and~~

~~(B) In the event that a project may qualify for more than one category of density bonus pursuant to this subsection C.2.a.i of this Section 22.44.450, the total combined density bonus granted under these provisions shall not exceed 50 percent.~~

~~ii.~~ i. Additional uses subject to permit. In addition to the uses subject to permit listed in Section 22.20.290, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, parcels in zone R-3 may be used for the following:

...

SECTION 20. Section 22.46.030 is hereby amended as follows:

22.46.030 Administration.

...

Where the regulations of a specific plan differ from the provisions of the basic zone, with the exception of qualified projects allowed by Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56, such regulations shall supersede the provisions of the basic zone as specified in the specific plan.

...

SECTION 21. Section 22.52.104 is hereby amended as follows:

22.52.104 Required area – For a ~~conditional use~~ housing permit ~~for a density bonus~~. Requirements established by this Part 2, where a ~~conditional use~~ housing permit ~~for a density bonus~~ for qualified projects ~~is approved~~, in accordance with Part 17 of Chapter 22.56 and Part 18 of Chapter 22.56, ~~hearing officer~~ is approved, lot area and/or lot area per dwelling unit requirements specified by said permit shall be deemed the required area and/or required area per dwelling unit established for the lot or parcel of land or the lots and parcels of land where approved.

...

SECTION 22. Section 22.52.1005 is hereby added as follows:

22.52.1005 Applicability of Part 11 (Vehicle Parking Space) provisions.

...

F. For qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56, either of the following shall apply:

1. Notwithstanding the requirements to the contrary specified in Part 11, if requested by the applicant, the development standards described in Section 22.52.1850 shall apply.
2. The development standards described in this Part 11 may be waived or modified in accordance with Sections 22.52.1840, 22.52.1850, 22.52.1860 and other Sections, as applicable.

~~F.~~ G. The provisions of this Part 11 in effect at the time of final approval of applications for conditional use permits, director's review site plan and other similar zoning cases shall apply.

...

SECTION 23. Part 17 of Section 22.52 is hereby added as follows:

Part 17

DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES

22.52.1800 Purpose. The purpose of this Part 17 is to establish the policy framework for implementing State density bonus requirements, as set forth in California Government Code Section 65915, as amended, and to increase the production of affordable housing and senior citizen housing that is intended to compliment the communities in which they are located.

22.52.1810 Applicability and exceptions.

A. Notwithstanding any provision of this Title 22 to the contrary, the provisions of this Part 17, in conjunction with Part 18 of Chapter 22.56, shall apply in all zones that allow residential uses.

B. Applications deemed complete prior to the effective date of this Part 17 may request that the provisions in effect at the time of filing be applied. The determination in such cases shall be deemed to satisfy the requirements of this Part 17 and Part 18 of Chapter 22.56.

22.52.1820 Definitions. The following definitions apply to this Part 17 and Part 18 of Chapter 22.56:

-- "Affordable housing costs" are those amounts set forth in Section 50052.5 of the California Health and Safety Code.

-- "Affordable rents" are those amounts set forth in Section 50053 of the California Health and Safety Code.

-- "CDC" means the Los Angeles County Community Development Commission.

-- "Child care facility" means a child care center, as defined in Section 22.08.030.

-- "Common interest development" is a community apartment project, condominium project, planned development, or stock cooperative, as defined in Section 1351 of the California Civil Code.

--"Housing development" means one or more groups of projects for residential units constructed in the planned development of the county, including a subdivision or a common interest development approved by the county and consists of residential units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4 of the California Government Code, where the result of the rehabilitation would be a net increase in available residential units.

-- "Housing set-aside" means housing reserved for very low, lower or moderate income households and for senior citizens, as described in Section 22.52.1830, unless otherwise specified.

-- "Incentive" means a reduction in a development standard or a modification of the zoning code, or other regulatory incentive or concession proposed by the developer or county that results in identifiable, financially sufficient, and actual cost reductions.

-- "Qualified project" means a housing development that meets the requirements entitling the project to a density bonus, as described in Section 65915 of the California Government Code, and Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

-- "Major bus route" means a bus route with a frequency of service interval of 15 minutes or less during the morning or afternoon peak commute periods.

-- "Mass transit station" means a transit stop for a fixed rail system, or a major bus center. A transit station means one that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency.

-- "Senior citizen housing development" means a housing development as defined in Section 51.3 of the California Civil Code.

-- "Senior citizens" means individuals who are at least 62 years of age, except that for senior citizen housing developments, a threshold of 55 years of age may be used, provided all applicable county, state, and federal regulations are met.

-- "Waivers or modifications of development standards" means the waiver or modification of site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

22.52.1830 Density bonus.

A. Eligibility. Qualified projects that meet the eligibility requirements set forth in this Section shall be granted density bonuses in the amounts shown in Table A.

1. Additional requirements.

a. Affordable housing set-asides.

i. The total dwelling units of the qualified project shall be five units or more.

ii. Duration of affordability. The owner of the qualified project meeting the requirements of this Subsection shall record a document with the county recorder, as described in Section 22.56.2630, and shall be subject to the monitoring procedures, as described in Section 22.56.2640, guaranteeing either of the following:

- For very low, lower and moderate (single-family) income housing set-asides, that the relevant affordability criteria will be observed for at least 30 years from the issuance of the certificate of occupancy.
- For moderate income housing set-asides (common interest developments), that the initial occupants are persons and families of moderate income.

iii. The housing set-aside units shall be compatible with the exterior design of other units within the qualified project in terms of appearance, materials and finished quality.

b. Senior citizen housing set-asides.

i. Senior citizen housing development. The qualified project shall meet the requirements described in Section 51.3 of the California Civil Code.

ii. Mobilehome park for senior citizens, pursuant to Section 798.76 or 799.5 of the Civil Code. The mobilehome park shall be restricted to senior citizens as described in this Part 17. Mobilehome parks shall comply with

Section 22.56.890(A) and (B). Mobilehomes on nonpermanent foundations shall also comply with (C) of said Section.

iii. The owner of a qualified project meeting the requirements of this Subsection shall record a document with the county recorder, as described in Section 22.56.2630, to ensure the age restrictions of the housing set-asides in accordance with Section 51.3 or 799.5 of the California Civil Code.

c. Land donations. To receive a density bonus for land donations as provided in Section 65915 of the California Government Code, a qualified project must meet the following requirements:

i. The developable acreage and zoning classification of the transferred land shall be sufficient to permit the construction of dwelling units affordable to very low income households in an amount not less than 10 percent of the number of dwelling units of the qualified project.

ii. The transferred land shall be at least one acre in size or of sufficient size to permit the development of at least 40 units.

iii. The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application to the county.

iv. The transferred land shall have the appropriate zoning classification and general plan designation for affordable housing.

v. The transferred land shall be served by adequate public facilities and infrastructure.

vi. The transferred land shall have the appropriate zoning and development standards to make the development of units set aside for very low income households feasible.

vii. The transferred land shall be located within the unincorporated area of the county and within the boundary of the qualified project, or no more than approximately one-quarter of a mile from the boundary of the qualified project.

viii. The land shall be transferred to the CDC and deed restricted and recorded with the county recorder, in order to ensure the continued affordability of the units, at the time of dedication.

ix. A qualified project that donates land and includes affordable housing set-asides, in accordance with this Section, shall be eligible for the provisions set forth for affordable housing set-asides. The density bonus for a land donation and for an affordable housing set-aside may be combined, but in an amount not to exceed 35%.

d. County Infill Sites Program.

i. The qualified project shall be a recipient of the County Infill Sites Program, which is administered by CDC.

ii. Projects that consist of one or four units shall not be eligible for a density bonus.

iii. Duration of affordability. The owner of qualified project that is the recipient of the County Infill Sites Program shall record a document with the county recorder, as described in Section 22.56.2630, guaranteeing

that the relevant affordability criteria will be observed as determined by the CDC from the issuance of the certificate of occupancy, and shall be subject to the monitoring procedures, as described in Section 22.56.2640.

e. Child care facilities.

i. The household incomes and the percentage of the families whose children attend the child care facility shall correspond with the affordable housing set-aside.

ii. The owner of the qualified project shall record a document with the county recorder, as described in Section 22.56.2630, ensuring that the child care facility shall remain in operation during the term of affordability, as described in this Section.

Table A: Density Bonus Eligibility Requirements

Qualified Projects	Minimum Set-Aside		Density Bonus		
			Basic	Additional**	Maximum
Affordable housing set-aside	Very low	5%	20%	1%:2.5%	35%*
	Lower	10%	20%	1%:1.5%	35%*
	Moderate (for-sale only)	10%	5%	1%:1%	35%*
Senior citizen housing set-aside	A senior citizen housing development		20%	N/A	20%
	A mobilehome park for senior citizens		20%	N/A	20%
Land donation	Very low	10%	15%	1%:1%	35%
County Infill Sites Program (projects of 2 or 3 units pre-bonus)***	N/A		1 unit	N/A	1 unit

* Child care facility. A qualified project that includes an affordable housing set-aside, and also includes a child care facility, shall be granted either an additional bonus in an amount of square feet of residential floor area equal to the amount of square feet in the child care facility that significantly contributes to the economic feasibility of constructing the child care facility, or an additional incentive as described in Section 22.52.1840 (A).

** Additional increases in density bonuses expressed as 'x%:y%' means that with every x% increase in the housing set-aside, the density bonus shall increase by y%.

*** Transfer of density. Where a qualified project that participates in the County Infill Sites Program proposes to concurrently develop noncontiguous properties, within the same major planning area as defined in the general plan, or located within a quarter mile of each other, the transfer of density bonuses from one property to another may be approved provided: 1) That the total density bonuses approved shall not exceed that obtained if developed separately; 2) That such properties shall be concurrently developed, and that all affordable housing set-aside units shall be constructed at the same time as or prior to other dwelling units on either site; and 3) That the applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites.

B. Calculations.

1. Fractional units. In calculating a density bonus or housing set-aside units, fractional units shall be rounded up to the next whole number.

2. Total dwelling units. As used in this Part 17, the "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this Section, or any other zoning code section granting a greater density bonus. The density bonus shall not be included when calculating the housing set-aside.

3. Lesser density bonus. A reduction in the required minimum housing set-aside shall not be permitted when an applicant requests a lesser density bonus than what is granted in this Section.

4. Except as specified otherwise, when more than one housing set-aside category applies, the density bonuses, as described in this Section, shall not be cumulative.

C. Permit type. The granting of density bonuses that conform to the requirements of this Section are subject to an administrative review and shall require an administrative housing permit, as described in Part 18 of Chapter 22.56.

22.52.1840 Incentives.

A. Eligibility. A qualified project that provides an affordable housing set-aside, as described in Section 22.52.1830, shall be granted incentives in the amounts shown in the Table B.

Table B: Number of Incentives

Qualified Projects		Incentives		
		One*	Two*	Three*
Affordable housing set-aside	Very low	5%	10%	15%
	Lower	10%	20%	30%
	Moderate (for-sale only)	10%	20%	30%

* Child care facility: When a qualified project includes a child care facility, the applicant shall receive one additional incentive that significantly contributes to the economic feasibility of constructing the child care facility, or a square footage density bonus, as described in Section 22.52.1830 (A).

B. Menu of incentives. A qualified project that provides an affordable housing set-aside may request incentives, pursuant to Subsection (A), from the menu of incentives, as shown in Table C.

Table C: Menu of Incentives*

Incentive	Description
Yard/Setback	Up to a 20% modification from side yard/setback requirements. Up to a 35% modification of front and rear yard/setback requirements. Yard/setback modifications shall count as one incentive.
Building Height	Up to a 10ft. increase in height. Where a qualified project shares an adjoining interior side property line with a single family residential property in zone R-1, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be stepped back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step-back portion up to 42 inches in height.
Stories	An additional story. The building height must conform to either the height requirements of the basic zone or as modified through the use of an on-menu incentive.
Lot Size	Up to 20% modification from lot size requirements. Up to 35% modification from lot size requirements for housing developments in which 100% of the units are set-aside for very low or lower income households.
Lot Width	Up to 20% modification from lot width requirements. Up to 35% modification from lot width requirements for housing developments in which 100% of the units are set-aside for very low or lower income households.
Parking	For qualified projects in which 100% of the units are set-aside for very low and lower income households and at or within a 1,500 ft. radius of an existing or major bus center, bus stop along a major bus route, or a fully funded mass transit station, the following parking ratios shall apply: A. Single-family Dwelling Units. 1. Any # of bedrooms: 1.0 parking space/unit B. Multi-family Dwelling Units. 1. 0 – 1 bedrooms: 0.75 parking space/unit

	2. 2 or more bedrooms: 1.5 parking spaces/unit Parking may be provided by tandem parking or uncovered parking, but not onstreet parking. Parking is inclusive of guest and accessible parking spaces.
Density	Up to a 50% density bonus for qualified in which 100% of the units are set aside for very low or lower income households.
Fee Waiver	For qualified projects in which 100% of the units are set-aside for very low or lower income households, for-profit developers may be exempted from planning and zoning fees, not including CDC evaluation and monitoring fees or deposits required by Section 22.60.100. (Note: Non-profit developers are already eligible for exemptions from County review fees when projects are formally sponsored by the CDC, and the non-profit fee exemption does not require the use of an incentive.)

* Project prerequisites: To be eligible for on-menu incentives, the qualified project must be outside of a Very Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 of the LA County Code; within an area that is served by a public sewer system; not within a significant ecological area, as defined in Section 22.08.190 of the LA County Code; not within an environmentally-sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan; and not on land having a natural slope of 25% or more. Where other discretionary approvals (ie., Plan Amendment, Zone Change, Coastal Development Permit, Conditional Use Permit, etc.) are required to regulate land use, this menu is advisory only.

C. Off-menu incentives. A qualified project that provides an affordable housing set-aside may request incentives, pursuant to Subsection (A), not listed on the menu of incentives, and in such cases shall be deemed "off-menu" incentives.

D. County Infill Sites Program.

1. A qualified project that is a participant of the County Infill Sites Program shall be eligible for the incentives shown in Table D, as applicable.

Table D: County Infill Sites Program Incentives

Incentive	Description
Yard/Setback	Up to a 20% modification from side yard/setback requirements. Up to a 35% modification of front and rear yard/setback requirements. In the case of a common wall development, 100% reduction where common walls are at or intersect a common/shared lot line within the project site.
Building Height	Up to a 10ft. increase in height. Where a qualified project shares an adjoining interior side property line with a single family residential property in zone R-1, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be set back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step-back portion up to 42 inches in height.
Stories	An additional story. The building height must conform to either the

	height requirements of the basic zone or as modified through the use of an on-menu incentive.
Lot Size	Up to 50% modification from lot size requirements.
Lot Width	Up to 50% modification from lot width requirements.
Parking	For qualified projects at or within a 1,500 ft. radius of an existing or major bus center, bus stop along a major bus route, or a fully funded mass transit station, the following parking rates shall apply: Single-family dwelling units Any # of bedrooms: 1.0 parking space/unit Multi-family dwelling units 0 – 3 bedrooms: 1.0 parking space/unit 4 or more bedrooms: 1.5 parking spaces/unit Parking may be provided by tandem parking or uncovered parking, but not onstreet parking. Parking is inclusive of guest and accessible parking spaces.

** Transfer of incentives. Where a qualified project that participates in the County Infill Sites Program proposes to concurrently develop noncontiguous properties, within the same major planning area as defined in the general plan, or located within a quarter mile of each other, the transfer of incentives from one property to another may be approved provided: 1) That the total incentives approved shall not exceed that obtained if developed separately; 2) That such properties shall be concurrently developed, and that all affordable housing set-aside units shall be constructed at the same time as or prior to other dwelling units on either site; and 3) That the applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites.

2. Off-menu incentives. A qualified project that is a participant in the County Infill Sites Program may request up to three additional off-menu incentives beyond those provided in this Subsection.

E. Permit type. The granting of on-menu and off-menu incentives that conform to the requirements of this Section is subject to an administrative review and shall require an administrative housing permit, as described in Part 18 of Chapter 22.56.

22.52.1850 Parking reduction.

A. Eligibility. Notwithstanding any provisions of this Title 22 to the contrary, including land donations and participants in the County Infill Sites Program pursuant to Section 22.52.1830 (A), qualified projects shall be granted the maximum parking rates described in Table E, which shall apply to the entire project, when requested by the applicant. The granting of a parking reduction shall not count against incentives provided in Section 22.52.1840.

Table E: Parking Rates*

Dwelling Unit Size	Parking Spaces
0-1 bedroom	1 space
2-3 bedrooms	2 spaces
4 or more bedrooms	2.5 spaces

* Parking may be provided by tandem parking or uncovered parking, but not onstreet parking. Parking is inclusive of guest and accessible parking spaces.

B. Calculations. If the total number of parking spaces required results in a fractional number, it shall be rounded up to the next whole number.

C. Permit type. The granting of the parking reduction as described in this Section is subject to an administrative review and shall require an administrative housing permit, as described in Part 18 of Chapter 22.56.

22.52.1860 Waiver or modification of development standards.

A. Eligibility. Notwithstanding any provisions of this Title 22 to the contrary, including land donations pursuant to Section 22.52.1830(A), qualified projects shall be granted waivers or modifications of development standards that are necessary to construct qualified projects. The granting of a waiver or modification of development standards shall not count against incentives provided in Section 22.52.1840.

B. Permit type. The granting of waivers or modifications of development standards is subject to a discretionary review and shall require a discretionary housing permit, as described in Part 18 of Chapter 22.56.

22.52.1870 Senior citizen housing option.

A. Eligibility. A qualified project that provides a senior citizen housing set-aside, in accordance with Section 22.52.1830, may request a greater density bonus, but not to exceed 50%, if the senior citizen housing set-aside is at least 50% of the project.

1. The senior citizen housing set-aside must meet the requirements for a senior citizen housing development, as provided in Section 51.3 of the California Civil Code.

2. For a qualified project meeting the requirements of this Subsection, the owner shall record a document with the county recorder, as described in Section 22.56.2630, to ensure the age restrictions of the housing set-asides in accordance with Section 51.3 or 799.5 of the California Civil Code.

B. Permit type. The granting of density bonuses through the senior citizen option is subject to a discretionary review and shall require a discretionary housing permit, as described in Part 18 of Chapter 22.56.

22.52.1880 Affordable housing option.

A. Eligibility. A qualified project that provides an affordable housing set-aside, in accordance with Section 22.52.1830, may request a greater density bonus.

1. The provisions of this Subsection shall not apply to the granting of additional density bonuses as incentives, pursuant to Section 22.52.1840 (C) or (D).

2. Duration of affordability. The owner of a qualified project shall record a document with the county recorder, as described in Section 22.56.2630, guaranteeing that the relevant affordability criteria will be observed for at least 30 years from the issuance of the certificate of occupancy, and shall be subject to the monitoring procedures, as described in Section 22.56.2640.

B. Transfer of density and incentives. Where an applicant proposes to concurrently develop noncontiguous properties, within the same major planning area as defined in the general plan, or located within a quarter mile of each other, the transfer of

density bonuses and incentives from one property to another may be approved provided:

1. That the total density bonuses and incentives approved shall not exceed that obtained if developed separately; and

2. That such properties shall be concurrently developed, and that all affordable housing set-aside units shall be constructed at the same time as or prior to other dwelling units on either site; and

3. That the applicant shall demonstrate the ability to complete the housing development approved, in terms of ownership or control of the sites.

C. Permit type. The granting of density bonuses and the transfer of density and incentives through the affordable housing option is subject to a discretionary review and shall require a discretionary housing permit as described in Part 18 of Chapter 22.56.

SECTION 24. Section 22.56.202 is hereby deleted in its entirety.

SECTION 25. Part 18 of Chapter 22.56 is hereby added as follows:

Part 18

HOUSING PERMITS

22.56.2600 Purpose. The housing permit is established to facilitate the increased production of affordable housing and senior citizen housing through the implementation of the provisions of Part 17 of Chapter 22.52 relating to density bonuses and affordable housing incentives.

22.56.2610 Applicability. Any person desiring to obtain a housing permit pursuant to this Part 18, that requires either an administrative review (administrative housing

permit) or a discretionary review (discretionary housing permit), and that meets the applicable requirements of Part 17 of Chapter 22.52, shall file a written application with the director, accompanied by the applicable fee(s) as required herein. All qualified projects with housing set-asides shall adhere to the applicable requirements of this Part 18, specifically regarding the monitoring of housing set-aside units.

22.56.2620 General application requirements. An applicant for a housing permit shall submit an application containing the following information:

A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used.

B. Evidence that the applicant:

1. Is the owner of the premises involved, or

2. Has written permission of the owner or owners to make such application, or

3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or

4. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

C. Location of the subject property (address or vicinity, and Assessor's parcel number(s).

D. Legal description of the property involved.

E. Nature of the requested use, indicating the purpose for which such building, structure or improvements is to be erected, constructed, altered, enlarged, moved, occupied or used.

F. Nature, condition and development of adjacent uses, buildings and structures.

G. Project drawings to a scale satisfactory to and in the number of copies prescribed by the director, including;

1. A site plan indicating the area and dimensions of the proposed site for the requested use, fences, parking and loading facilities, landscaping, and other development features;

2. Building elevations and floor plans.

H. Dimensions and state of improvement of the adjoining streets, highways, and alleys providing access to the proposed site of the requested use.

I. Indication of other permits and approvals secured in compliance with the provisions of other applicable ordinances.

J. Supplemental forms, as may be required, including the following information:

1. A summary of the project, including location, number and type of dwelling units, including housing set-aside units, and the number of bedrooms in each unit;

2. Indicate the total number of dwelling units proposed (before application of a density bonus);

3. Indicate the amount of the density bonus (expressed as both a percentage of the total number of dwelling units proposed and as a whole number of additional units) and/or the types of incentives requested;

4. Indicate the grand total number of dwelling units, including bonus units after application of a density bonus.

K. Photographs of the entire site and surrounding properties.

L. Additional application materials, as applicable, pursuant to Sections 22.56.2690 and 22.56.2800.

22.56.2630 Covenant and agreement. A covenant and agreement, or other similar mechanism, acceptable to the CDC, shall be recorded with the county recorder to ensure the continuing availability of housing set-aside units and child care facilities, as applicable, for the use restriction periods specified in Part 17 of Chapter 22.52. The agreement shall contain remedies for violations of the covenant, including, but not limited to, monetary penalties. The covenant and agreement shall be recorded with the county recorder prior to the issuance of a certificate of occupancy by public works.

A. The covenant and agreement shall include the following:

1. A description of the total number of units, including the housing set-aside.

2. A description of the household income group to be accommodated by the qualified project.

3. The location, sizes (sq. ft.), and number of bedrooms of the housing set-aside units.

4. A description of remedies, including monetary penalties, for breach of the agreement.

5. Rental housing developments. When housing set-asides are rental units, the covenant and agreement shall also include the following:

a. The rules and procedures for qualifying tenants, filling vacancies, and maintaining housing set-asides, and where applicable, establishing affordable rents.

b. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.56.2640.

6. For-sale developments. When housing set-asides are for-sale units, the covenant and agreement shall also include the following:

a. The rules and procedures for qualifying buyers, and where applicable, establishing affordable housing costs and affordable sales price.

c. Provisions restricting the housing set-aside units to be owner-occupied.

d. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.56.2640.

e. For very low, lower and moderate (single-family) income housing set-asides, provisions restricting the sale and resale of the housing set-aside units to eligible buyers during the applicable term of affordability, using a resale formula, as determined by the executive director of the CDC, to determine the resale price.

f. For moderate income housing set-asides (common interest development), provisions restricting the initial sale to eligible buyers, and entering into an equity-sharing agreement with the county that states the following terms:

i. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The county shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code.

ii. The county's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

ii. The county's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

7. Child care facilities. When the qualified project includes a child care facility, the covenant and agreement shall also include the following:

a. The rules and procedures for qualifying children, filling vacancies, and maintaining a percentage of use by qualified households.

b. The minimum amount of time in which a child care facility must remain in operation.

c. The minimum required percentage of children of very low, lower or moderate income households who attend the child care facility.

B. Release of the covenant and agreement. Under certain circumstances, and after consultation with the executive director of the CDC, the covenant and agreement may be terminated by the director of planning after making written findings as to the need for releasing the covenant and/or agreement.

22.56.2640 Monitoring. The monitoring of affordable housing set-aside units shall be administered by the CDC. The CDC shall be responsible for verifying income eligibility, monitoring sales of affordable housing set-aside units to qualified buyers,

conducting periodic site inspections and administering the annual registration/certification of affordable housing set-aside units approved pursuant to this Part 18 for the duration of the required term as specified in Section 22.52.1830.

A. Registration/certification. Property owners shall register their affordable housing set-aside units with the CDC according to the following schedule:

1. Rental units. Prior to the granting of a certificate of occupancy by public works for any unit in the qualified project, the owner shall register each affordable set-aside unit and certify annually with the CDC thereafter, on or before January 1 of each year, that affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.

2. For-sale units.

a. For very low, lower and moderate (single-family) income housing set-asides, prior to the granting of a certificate of occupancy by public works for any unit in the qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.

b. For moderate income housing set-asides (common interest development), prior to the granting of a certificate of occupancy by public works for any unit in the qualified project, the owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside unit(s) remain in conformance with the terms of the housing permit.

B. Fees. In addition to the applicable review fee(s), as described in Section 22.60.100, the applicant for a housing permit that is granted approval by the county shall be required to deposit monitoring/inspection fees with the CDC at the time that the housing permit is accepted by the applicant and before a certificate of occupancy is issued for any unit in the qualified project by public works. The monitoring/inspection deposits shall be $125 per affordable housing set-aside unit per year, and the applicant shall provide the total cumulative amount for the term of the grant, to be deposited into a trust fund from which actual costs are deducted by the CDC to defray the ongoing monitoring costs. On or before April 1 of each year, the CDC shall provide an annual report to the director of planning that describes the following:

1. The location and status of each affordable housing set-aside unit approved in accordance with Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56; and
2. The results of the registration/certification of each affordable housing set-aside unit and promptly notifying the director of any necessary zoning enforcement action to maintain the housing set-aside units consistent with Part 17 of Chapter 22.52.

C. Enforcement and noncompliance. In the event of noncompliance, the owner of the housing set-aside units shall be subject to the enforcement procedures described in Part 6 of Chapter 22.60.

22.56.2650 All zone and district regulations apply unless permit is granted. Unless specifically modified by a housing permit, all regulations prescribed in the zone or the community standards district in which such housing permit is granted

shall apply.

22.56.2660 Development standards prescribed by permit. The development standards prescribed for the various zones and uses shall not apply to uses permitted by a housing permit. In granting a housing permit, the director or commission shall prescribe the height limit, stories, yards, maximum lot coverage, gross structural area, and parking for the use approved. Where the director or commission fails to specify said height limit, stories, yards, maximum lot coverage, gross structural area, density, and parking, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be so specified.

22.56.2670 Continuing validity of housing permits. A housing permit that is valid and in effect, and was granted pursuant to the provisions of this Title 22, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land.

22.56.2680 Housing permit does not legalize nuisances. Neither the provisions of this Part 18 nor the granting of any permit provided for in this Part 18 authorizes or legalizes the maintenance of any public or private nuisance.

22.56.2690 Application – Administrative review. An administrative housing permit is a ministerial review that does not require a public hearing. In addition to the general application requirements described in Section 22.56.2620, an application for an administrative housing permit shall contain the following information, as applicable:

A. A real estate development pro forma, or other financial information satisfactory to the director or commission, as applicable.

B. Environmental documentation, including:

1. Information that the proposed project has no specific, adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

2. Information that the proposed project has no adverse impact on any real property that is listed in the California Register of Historical Resources.

C. On-menu incentives. An applicant that requests an on-menu incentive, in accordance with Section 22.52.1840(C), shall also provide a supplemental statement that confirms that the proposed project is not in or on any of the following:

1. A Very High Fire Hazard Severity Zone as defined in Section 223-V of Title 32 of the county code;

2. An area that is not served by a public sewer system;

3. An area that is not served by a public water system;

4. A significant ecological area as defined in Section 22.08.190;

5. An environmentally sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan;

6. On land having a natural slope of 25% or more.

D. Off-menu incentives. An applicant that requests an off-menu incentive, in accordance with Section 22.52.1840(C) or (D)(2), shall also provide the following:

1. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land adjacent to the exterior boundaries of the subject parcel of land.

One copy of the said map shall indicate the uses established on every lot and parcel of land adjacent to the exterior boundaries of the subject parcel of land.

2. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county as owners of the subject parcel of land and as owning property adjacent to the exterior boundaries of the parcel of land to be occupied by the use. One copy of the said map shall indicate where such ownerships are located.

3. A list of names and addresses of the local town council, and/or similar local community association(s).

4. The director may waive the filing of one or more of the above items.

5. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

22.56.2700 Commission review where concurrent – Administrative review.

When an application is filed for a permit or variance concurrently with an application for an administrative housing permit and approval as provided by this title, the commission may consider and approve such application for an administrative housing permit and approval concurrently with such permit or variance. The commission in making their findings shall consider each case individually as if separately filed.

22.56.2710 Fee and deposit – Administrative review.

A. Fees. When an application for an administrative housing permit is filed, it shall

be accompanied by the filing fee required by Section 22.60.100(A) for either of the following:

1. Housing Permit, Administrative.

2. Housing Permit, Administrative, with Off-Menu Incentives.

B. In addition, the director shall refer an administrative housing permit application to the CDC for review, pursuant to this Part 18, and the applicant shall pay directly to the CDC the housing permit evaluation fees, as required in Section 22.60.100(B).

22.56.2720 Denial for lack of information – Administrative review. The director may deny an application for an administrative housing permit if such application does not contain the information required by Sections 22.56.2620 and 22.56.2690, as applicable. The director may permit the applicant to amend such application.

22.56.2730 Findings and determination – Administrative review. An application for an administrative housing permit that meets all the requirements for qualified projects shall be approved unless the director makes one or more of the following findings, as applicable:

A. When an incentive is requested:

1. That the incentive is not required in order to provide for affordable housing costs or affordable rents, or

2. That the incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without

rendering the development unaffordable to very low, lower or moderate income households.

B. When an additional density bonus or incentive for the provision of a childcare facility is requested:

1. That the additional density bonus or incentive for a child care facility does not significantly contribute to the economic feasibility of the construction of the child care facility, or

2. That the additional incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower or moderate income households, or

3. That the community has adequate child care facilities.

22.56.2740 Notification – Administrative review.

A. The director shall notify the applicant of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the director. Such notification may also be hand delivered to the applicant when appropriate.

B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the director shall also notify the commission, adjacent property owners and the local town council, or similar local community association(s), of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the director.

22.56.2750 Effective date – Administrative review. Notwithstanding the provisions of Section 22.60.260, the following effective dates apply to administrative housing permits:

A. Unless otherwise stated, the decision of the director shall become effective 15 days after receipt of the notice of decision by the applicant, unless appealed by the applicant prior to that date.

B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the decision of the director shall become effective 15 days after receipt of the notice of the decision by the applicant, unless appealed by the applicant or called up for review by the commission prior to that date.

22.56.2760 Requirements imposed by the director – Administrative review.

A. The director, in approving an application for an administrative housing permit, shall require the applicant to enter into and record a covenant and agreement, as described in Section 22.56.2630, with the county to ensure the affordability and/or age restrictions, and where applicable, require a monitoring fee pursuant to Section 22.56.2640.

B. The administrative housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the planning department their affidavit stating that they are aware of, and agree to accept, all of the requirements of the permit.

22.56.2770 Appeals – Administrative review.

A. Unless otherwise specified, an appeal to the commission may be made by the applicant in the event that the applicant is dissatisfied with the action taken by the

director on an administrative housing permit. Such appeal shall be filed with the commission within 15 days following the receipt of notification by the applicant, and shall be accompanied by the fee required by Section 22.60.230.

B. Off-menu incentives.

1. When an off-menu incentive is requested, an appeal to the commission may be made by the applicant and/or the decision of the director may be called up for review by the commission within 15 days of receipt of notification by the applicant. The appeal shall be accompanied by the fee required by Section 22.60.230.

2. Notice of appeal. A notice of appeal shall be sent to the commission, adjacent property owners, local town council, and/or similar local community association(s). In the event that the appeal is called up for review by the commission, a notice of call for review shall be sent to the local town council, and/or similar local community association(s).

C. Decision. The commission shall review the record of the decision and shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the commission shall state the specific reasons for modification or reversal. In rendering its decision, the commission shall not consider any argument or evidence of any kind other than the record of the matter received from the director. The decision of the commission shall be final.

D. Time limit for decision and notice. Decisions on appeals or calls for review shall be rendered within 90 days of the end of the appeal period. The secretary of the commission shall mail notice of the decision within five working days after the date of

the decision to the applicant and other persons required to be notified pursuant to Section 22.56.2740.

E. Failure to act. If the commission fails to act upon an appeal or call for review within the time limits prescribed in this Section, the applicant's project shall be deemed approved, except that the applicant, at their sole discretion, may elect to waive the time limit in order to obtain a written decision by the commission.

22.56.2780 Effective date when an appeal is filed – Administrative review. Where an appeal is filed for an administrative housing permit, the date of decision by the commission on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit.

22.56.2790 Time expiration – Administrative review. An administrative housing permit that is not used within two years after the granting of the permit, becomes null, void and of no effect, except that the director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. The director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

22.56.2800 Application – Discretionary review. As described in this Section, a discretionary housing permit is a discretionary review and requires a public hearing.

A. In addition to the general application requirements described in Section 22.56.2620, an application for a discretionary housing permit shall contain the following information:

1. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land.

2. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 500-foot radius.

3. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. One copy of said map shall indicate where such ownerships are located.

4. Proof satisfactory to the commission that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The commission may accept as such proof a certificate from the person who is to supply water that the person can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available.

5. Such other information as the commission may require.

6. The commission may waive the filing of one or more of the above items.

7. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

22.56.2810 Fee and deposit – Discretionary review.

A. Discretionary housing permit fees. When an application for a discretionary housing permit is filed, it shall be accompanied by the filing fee required by Section 22.60.100(A) for the following:

1. Housing Permit, Discretionary.

22.56.2820 Burden of proof – Discretionary review.

A. In addition to providing the information required in the application by Section 22.56.2800 and meeting the requirements for qualified projects, an applicant for a discretionary housing permit shall substantiate to the satisfaction of the commission the following facts:

1. That the requested use at the location will not:

a. Adversely affect the health, peace, comfort or welfare or persons residing or working in the surrounding area, or

b. Be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in

order to integrate said use with the uses in the surrounding area.

3. That the proposed site is adequately served:

a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and

b. By other public or private service facilities as are required.

4. That the proposed project at the location proposed has been designed to be complimentary to the surrounding area in terms of land use patterns and design.

5. That the proposed project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs.

B. Waivers or modifications to development standards. An applicant that requests waivers or modifications to development standards, in accordance with Section 22.52.1880, shall also substantiate to the satisfaction of the commission that any requests for waivers or modifications to development standards are necessary to make the housing units economically feasible.

22.56.2830 Denial for lack of information – Discretionary review. The commission may deny, without a public hearing, an application for a discretionary housing permit if such application does not contain the information required by Sections 22.56.2620 and 22.56.2800. The commission may permit the applicant to amend such application.

22.56.2840 Public hearing and notice required – Discretionary review. In all cases where an application for a discretionary housing permit is filed, the commission shall hold a public hearing. The public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

22.56.2850 Findings and determination – Discretionary review.

A. The commission shall approve an application for a discretionary housing permit, in accordance with this Section, where the information submitted by the applicant and/or presented at the public hearing substantiates the following findings:

1. That the proposed use will be consistent with the adopted general plan for the area. Qualified projects are deemed consistent with the general plan;

2. That the proposed use meets the burden of proof as described in Section 22.56.2820.

B. Waivers or modifications of development standards. The commission shall approve a request for waiver or modifications of development standards, in accordance with this Section, where the information submitted by the applicant and/or presented at the public hearing substantiates the finding that any requests for waivers or modifications of development standards do not have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

C. The commission shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to substantiate such findings to the satisfaction of the commission.

22.56.2860 Effective date – Discretionary review. Notwithstanding the provisions of Section 22.60.260, in all cases where an application for a discretionary housing permit is filed, the decision of the commission shall become effective 15 days after

the receipt of the notice of decision by the applicant, unless appealed by the applicant prior to that date.

22.56.2870 Additional conditions imposed when – Discretionary review.

A. The commission, in approving an application for a discretionary housing permit, may impose such conditions as it deems necessary to ensure that such use will be in accord with the findings required by Section 22.56.2850.

1. Conditions imposed by the commission may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use.

2. The commission, in approving an application for a discretionary housing permit, shall condition the applicant to enter into and record a covenant and agreement with the county, as described in Section 22.56.2630, to ensure the affordability and/or age restrictions of the housing set-asides, and where applicable, require a monitoring fee pursuant to Section 22.56.2640.

B. The commission may also approve the requested discretionary housing permit contingent upon compliance with applicable provisions of other ordinances.

C. The discretionary housing permit will not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the planning department their affidavit stating that they are aware of, and agree to accept, all of the conditions of the discretionary housing permit.

22.56.2880 Appeals – Discretionary review.

A. An appeal may be made by any interested person dissatisfied with the action taken by the commission, as described in Part 5 of Chapter 22.60.

B. Waivers or modification of development standards. Reasons for which appeals for waivers or modifications of development standards are based shall be in accordance with Section 22.56.2850.

22.56.2890 Effective date when an appeal is filed – Discretionary review. Where an appeal is filed to any discretionary housing permit, the date of decision by the board of supervisors on such appeal shall be deemed the date of grant in determining any applicable expiration date for the permit.

22.56.2900 Time expiration – Discretionary review. A discretionary housing permit that is not used within two years after the granting of the permit, becomes null, void and of no effect, except that the director may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. The director may grant an additional (second) one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

SECTION 26. Section 22.60.100 is hereby amended as follows:

22.60.100 Filing fees and deposits.*

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

...

~~— Conditional Use Permits for Density Bonuses — $5,148.00.~~

...

— Housing Permit, Administrative— $ 875.

— Housing Permit, Administrative, with Off-Menu Incentives — $ 1,264.

— Housing Permit, Discretionary — $ 3,029.

...

B. In addition to the required filing fees in subsection A of this section, the applicant shall pay the following fees and deposits:

...

3. Housing Permit Evaluation Fee.

a. The applicant shall pay directly to the Community Development Commission (CDC) an initial deposit of $750.00 from which actual costs shall be billed and deducted.

i. If during the evaluation process, actual costs incurred reach 80 percent of the amount on deposit, the applicant shall be notified by the CDC and be required to submit a minimum supplemental deposit in the amount of $500.00 directly to the CDC. There is no limit to the number of supplemental deposits that may be required to be submitted to the CDC prior to the completion or withdrawal of the housing permit.

ii. If an initial or supplemental deposit is not received by the CDC within 30 days of notification that such deposit is due and payable, all work shall be discontinued until such deposit is received.

iii. At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amount defined herein, except that at no time shall such initial or supplemental deposit be less than the minimum requirement.

iv. The final housing permit evaluation fee shall be based on actual costs incurred by the CDC.

v. Costs shall be computed on a monthly basis and deducted from the amount on deposit. The housing permit evaluation fee shall be considered final upon completion of the review process, including any appeal process. If final costs do not exceed the amount on deposit, the unused portion of the amount on deposit shall be refunded to the applicant.

vi. Costs shall be computed using actual hours expended by the CDC staff multiplied by the most current applicable hourly rates, approved by the county auditor-controller, that are available at the time that costs are assessed.

vii. Cost data used to determine the housing permit evaluation fee shall be maintained by the CDC and made available for public review while work is in progress, and for three years following final action or withdrawal of the application.

~~3.~~ 4. In addition to any fees or deposits required by this Title 22, the applicant shall be responsible for any fees or deposits that would be required by any other statute or ordinance.

~~4.~~ 5. The fees in this subsection shall be reviewed annually by the County of Los Angeles auditor-controller. Beginning on January 1, 1992, and thereafter on each succeeding January 1, the amount of each fee in this section shall be adjusted as follows: Calculate the percentage movement in the Consumer Price

Index for Los Angeles during the preceding January through December period, adjust each fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing services.

...

SECTION 27. Section 22.60.135 is hereby amended as follows:

22.60.135 Fee exemption -- Affordable housing.

A. Nonprofit organization.

~~A.~~ 1. Any nonprofit organization shall be exempt, as set forth in this section, from the payment of planning and zoning fees or deposits for dwelling units it constructs which are for lower income and/or very-low income households.

~~B.~~ 2. To be eligible for this exemption, the nonprofit organization shall present a certificate issued by the community development commission that such dwelling units qualify as housing for lower income or very-low income households and that the nonprofit organization is receiving a subsidy from Community Development Block Grant Funds or other public funding sources. This exemption shall not be granted when the subject dwelling units for lower and/or very-low income households are being constructed as a condition of approval by any other agency.

3. "Nonprofit organization" is a corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (Corporations Code Section 5120 et seq.) and which qualifies under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United

States internal revenue law as an exempt organization. A corporation or body organized for the private gain of any person shall not be deemed to be a nonprofit organization.

B. A for-profit developer that requests a density bonus, as described in Part 17 of Chapter 22.52, shall be exempt, as set forth in this section, from the payment of planning and zoning fees or deposits for dwelling units it constructs which are for lower income and/or very-low income households, if requested as an on-menu incentive, as described in Section 22.52.1840(B). The exemption shall not include CDC evaluation and monitoring fees or deposits required by Section 22.60.100.

~~C. For the purposes of this section only, certain terms are defined as follows:~~

~~1. "Nonprofit organization" is a corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (Corporations Code Section 5120 et seq.) and which qualifies under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States internal revenue law as an exempt organization. A corporation or body organized for the private gain of any person shall not be deemed to be a nonprofit organization.~~

~~2.~~C. "Planning and zoning fee or deposit" shall include planning and zoning permit fees and deposits required by Section 22.60.100 of the Los Angeles County Code.

~~3. "Lower income" households shall be as defined in Section 50079.5 of the Health and Safety Code.~~

~~4. "Very-low income" households shall be as defined in Section 50105 of the Health and Safety Code.~~

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 W TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

NEGATIVE DECLARATION

PROJECT NUMBER: RADV200500007 Density Bonus Ordinance

1. DESCRIPTION: A proposed ordinance amending Title 22 (Zoning Ordinance) of the Los Angeles County Code pertaining to Density Bonuses consistent with the State Density Bonus Law (Government Code Section 65915), which allows for increased residential densities for projects that guarantee that a portion of housing units will be affordable to households of low income, moderate income, senior citizens, or where a qualifying land donation or a child care facility is also proposed in conjunction with qualified housing projects. The Ordinance amendments would restructure the affordable housing provisions in the Zoning Ordinance for ease of use, delete obsolete provisions, amend existing references for internal consistency, and establish revised fees.

2. LOCATION: Countywide.

3. PROPONENT: Initiated by the Los Angeles County Regional Planning Commission.

4. FINDINGS OF NO SIGNIFICANT IMPACTS:
BASED ON THE INITIAL STUDY, IT HAS BEEN DETERMINED THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. THE LOCATION AND CUSTODIAN OF THE RECORD OF PROCEEDINGS ON WHICH ADOPTION OF THIS NEGATIVE DECLARATION IS BASED: DEPARTMENT OF REGIONAL PLANNING, 320 WEST TEMPLE STREET, LOS ANGELES, CA 90012.

PREPARED BY: Julie Moore, AICP
Community Studies I Section

DATE: 5/10/05

STAFF USE ONLY

PROJECT NUMBER: _____

CASE: *RADV200500007*

*** * * * INITIAL STUDY * * * ***

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

GENERAL INFORMATION

I.A. Map Date: *N/A*

Staff Member: *Julie Moore*

Thomas Guide: *N/A*

USGS Quad: *N/A*

Location: *Countywide*

Description of Project: *A proposed ordinance amending Title 22 (Zoning Ordinance) of the Los Angeles County Code pertaining to Density Bonuses consistent with the State Density Bonus Law (Government Code Section 65915),which allows for increased residential densities for projects that guarantee that a portion of housing units will be affordable to households of low income, moderate income, senior citizens, or where a qualifying land donation or a childcare facility is also proposed in conjunction with qualified housing projects. The ordinance amendments would restructure the affordable housing provisions in the Zoning Ordinance for ease of use, delete obsolete provisions, amend existing references for internal consistency, and establish revised fees. (A copy of the detailed project description is attached).*

Gross Area: *Countywide*

Environmental Setting: *Countywide (urban, suburban, non-urban, rural)*

Zoning: *Applicability to all zones where residential uses are permitted*

General Plan: *Countywide*

Community/Area Wide Plan: *Countywide*

Major projects in area:

Project Number	Description & Status
N/A	

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

REVIEWING AGENCIES

Responsible Agencies

- ☐ None
- ☒ Regional Water Quality Control Board
  - ☒ Los Angeles Region
  - ☒ Lahontan Region
- ☒ Coastal Commission
- ☐ Army Corps of Engineers
- ☐ _____

Trustee Agencies

- ☒ None
- ☐ State Fish and Game
- ☐ State Parks
- ☐ _____
- ☐ _____

Special Reviewing Agencies

- ☐ None
- ☒ Santa Monica Mountains Conservancy
- ☐ National Parks
- ☐ National Forest
- ☒ Edwards Air Force Base
- ☐ Resource Conservation District of the Santa Monica Mtns.
- ☒ *SCAG*
- ☒ *State of California Housing and Community Development Department*
- ☒ *State of California Office of Planning and Research*
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Regional Significance

- ☐ None
- ☒ SCAG Criteria
- ☐ Air Quality
- ☐ Water Resources
- ☐ Santa Monica Mtns Area
- ☐ _____

County Reviewing Agencies

- ☐ Subdivision Committee
- ☒ DPW: _____
- ☒ Health Services: _____
- ☒ *Fire Department*
- ☒ *Sanitation Districts*
- ☒ *Public Library*
- ☒ *Sheriff*

IMPACT ANALYSIS MATRIX

CATEGORY	FACTOR	Pg	Less than Significant Impact/No Impact	Less than Significant Impact with Project Mitigation	Potentially Significant Impact	Potential Concern
			ANALYSIS SUMMARY (See individual pages for details)			
HAZARDS	1. Geotechnical	5	☒	☐	☐	
	2. Flood	7	☒	☐	☐	
	3. Fire	8	☒	☐	☐	
	4. Noise	9	☒	☐	☐	
RESOURCES	1. Water Quality	10	☒	☐	☐	
	2. Air Quality	11	☒	☐	☐	
	3. Biota	12	☒	☐	☐	
	4. Cultural Resources	13	☒	☐	☐	
	5. Mineral Resources	14	☒	☐	☐	
	6. Agriculture Resources	15	☒	☐	☐	
	7. Visual Qualities	16	☒	☐	☐	
SERVICES	1. Traffic/Access	17	☒	☐	☐	
	2. Sewage Disposal	19	☒	☐	☐	
	3. Education	20	☒	☐	☐	
	4. Fire/Sheriff	21	☒	☐	☐	
	5. Utilities	22	☒	☐	☐	
OTHER	1. General	23	☒	☐	☐	
	2. Environmental Safety	24	☒	☐	☐	
	3. Land Use	26	☒	☐	☐	
	4. Pop./Hous./Emp./Rec.	27	☒	☐	☐	
	Mandatory Findings	28	☒	☐	☐	

- **DEVELOPMENT MONITORING SYSTEM (DMS)** *

As required by the Los Angeles County General Plan, DMS shall be employed in the Initial Study phase of the environmental review procedure as prescribed by state law.

1. Development Policy Map Designation: *The ordinance amendments apply Countywide.*

2. ☒ Yes ☐ No Is the project located in the Antelope Valley, East San Gabriel Valley, Malibu/Santa Monica Mountains or Santa Clarita Valley planning area?

3. ☐ Yes ☒ No Is the project at urban density and located within, or proposes a plan amendment to, an urban expansion designation?

If both of the above questions are answered "yes", the project is subject to a County DMS analysis.

☐ Check if DMS printout generated (attached)
Date of printout: _____
☐ Check if DMS overview worksheet completed (attached)

*EIRs and/or staff reports shall utilize the most current DMS information available.

Environmental Finding:

FINAL DETERMINATION: On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

☒ NEGATIVE DECLARATION, inasmuch as the proposed project will not have a significant effect on the environment.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

☐ MITIGATED NEGATIVE DECLARATION, inasmuch as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

☐ ENVIRONMENTAL IMPACT REPORT*, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant."

☐ At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The EIR is required to analyze only the factors not previously addressed.

Reviewed by: *Julie Moore* Date: *May 10, 2005*

Approved by: *Ronald D. Hoffman* Date: *May 10, 2005*

☒ This proposed project is exempt from Fish and Game CEQA filling fees. There is no substantial evidence that the proposed project will have potential for an adverse effect on wildlife or the habitat upon which the wildlife depends. (Fish & Game Code 753.5).

☐ Determination appealed--see attached sheet.

*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project.

HAZARDS - 1. Geotechnical

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Is the project site located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone? *All of the unincorporated area lies within a general region of known fault zones and seismic activity (per California Seismic Hazards maps, California Special Study Zones maps,and the Los Angeles County General Plan Safety Element Plate 1).*
b.	☒	☐	☐	Is the project site located in an area containing a major landslide(s)? *There are some unincorporated areas that contain landslides and are not suitable for development (per Los Angeles County General Plan Safety Element Plate 5).*
c.	☒	☐	☐	Is the project site located in an area having high slope instability? *There are some unincorporated areas that have high slope instability and are not suitable for development.*
d.	☒	☐	☐	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction? *There are some unincorporated areas that contain high subsidence, high groundwater level, liquefaction, or hydrocompaction, and may not be suitable for development (per Los Angeles County General Plan Safety Element Plates 3 and 4).*
e.	☐	☐	☒	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard? *The project is an ordinance amendment which, if adopted, relates to the development of qualified housing projects, and may be located in close proximity to a significant geotechnical hazard.*
f.	☐	☐	☒	Will the project entail substantial grading and/or alteration of topography including slopes of more than 25%? *The project is an ordinance amendment which, if adopted, relates to development of residential or mixed-use projects. These development projects may involve grading over slopes of more than 25%.*
g.	☒	☐	☐	Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? *There are some unincorporated areas that contain expansive soil.*
h.	☐	☐	☐	Other factors? _____

STANDARD CODE REQUIREMENTS

☒ Building Ordinance No. 2225 C Sections 308B, 309, 310 and 311 and Chapters 29 and 70.

☐ **MITIGATION MEASURES / ☒ OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Approval of Geotechnical Report by DPW

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. No geology or soils impacts are anticipated as a result of the proposed amendments. Subsequent projects proposed as a result of this ordinance will be subject to project-specific environmental review, as appropriate, to determine if they pose any potential impacts to the environment. The density bonus, incentive or concession, and/or requests for the waiver or modification of development standards of any project facilitated by this ordinance will be denied if, based on substantial evidence, it will have a specific adverse impact, such as geotechnical hazards, upon public health and safety or the physical environment.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 2. Flood

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Is a major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site? *There are major drainage courses located within the unincorporated area (per USGS maps).*
b.	☐	☐	☒	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone? *There are some unincorporated areas that contain a floodway, floodplain, or designated flood hazard zone (per Los Angeles County General Plan Safety Element Plate 6).*
c.	☐	☐	☒	Is the project site located in or subject to high mudflow conditions? *There are some unincorporated areas subject to high mudflow conditions.*
d.	☐	☒	☐	Could the project contribute or be subject to high erosion and debris deposition from run off?
e.	☐	☒	☐	Would the project substantially alter the existing drainage pattern of the site or area?
f.	☐	☐	☐	Other factors (e.g., dam failure)?

STANDARD CODE REQUIREMENTS

☒ Building Ordinance No. 2225 C Section 308A ☒ Ordinance No. 12,114 (Floodways)
☐ Approval of Drainage Concept by DPW

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**
☐ Lot Size ☐ Project Design

The proposal is to amend the Zoning Ordinance, as it relates to the County's density bonus regulations. Subsequent development projects facilitated by the ordinance may expose more residents to potential flood related hazards in certain areas. These projects will be subject to the appropriate environmental review on a project-by-project basis, and their associated impacts analyzed at that time.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 3. Fire

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)? *There are some unincorporated areas that are within a Very High Fire Hazard Severity Zone (Fire Zone 4) (per Los Angeles County General Plan Safety Element Plate 7) and residential developments that may be facilitated by adoption of the ordinance amendments have the potential to increase public exposure to fire safety hazards within these areas.*
b.	☐	☒	☐	Is the project site in a high fire hazard area and served by inadequate access due to lengths, widths, surface materials, turnarounds or grade?
c.	☐	☒	☐	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area?
d.	☒	☐	☐	Is the project site located in an area having inadequate water and pressure to meet fire flow standards? *There are unincorporated areas that have inadequate water and pressure to meet fire hazard conditions.*
e.	☐	☐	☒	Is the project site located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?
f.	☐	☒	☐	Does the proposed use constitute a potentially dangerous fire hazard?
g.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☒ Water Ordinance No. 7834 ☒ Fire Ordinance No. 2947 ☒ Fire Regulation No. 8
☐ Fuel Modification/Landscape Plan

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Compatible Use

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. Subsequent projects will be subject to environmental review, as appropriate, to determine if they would cause any potential impacts to the environment or public safety.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **fire hazard** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 4. Noise

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site located near a high noise source (airports, railroads, freeways, industry)? *New residential development facilitated by the adoption of the ordinance amendments is not expected to generate any noise levels that exceed the standards in the County Noise Ordinance. However, it is possible that the residents of the homes could be exposed to excessive noise levels if the homes are built near existing noise sources such as highways, railroads, raceways, airports, or industrial operations.*
b.	☐	☐	☒	Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity? *There are sensitive uses throughout the unincorporated county area.*
c.	☐	☐	☒	Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project? *Although the ordinance will not result in the direct increase in ambient noise levels, projects facilitated by the ordinance may increase ambient noise levels due to higher density development, such as traffic, human voices, landscape maintenance equipment, and similar noise generators.*
d.	☐	☐	☒	Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project? *Construction noise from projects facilitated by the ordinance.*
e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☒ Noise Ordinance No. 11,778 ☒ Building Ordinance No. 2225--Chapter 35

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Compatible Use

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. Projects facilitated by the ordinance will increase land use density and therefore increase project noise level. County Code requirements include noise-sensitive construction methods and other sound attenuation measures, such as the installation of sound walls to protect residents and surrounding uses from these noise impacts. In addition, future projects will be subject to project-specific noise and vibration evaluations during the appropriate environmental review process.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by **noise**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 1. Water Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site located in an area having known water quality problems and proposing the use of individual water wells? *There are unincorporated areas that are known to have water quality problems.*
b.	☐	☐	☒	Will the proposed project require the use of a private sewage disposal system? *Public sewers are not available in all areas of Los Angeles County.*
	☐	☐	☒	If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations *or* is the project proposing on-site systems located in close proximity to a drainage course? *Some unincorporated areas have septic system limitations.*
c.	☐	☐	☒	Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies? *Projects facilitated by the ordinance may be subject to NPDES requirements.*
d.	☐	☐	☒	Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies? *Projects facilitated by the ordinance may be subject to NPDES requirements.*
e.	☐	☐	☐	Other factors? _____

STANDARD CODE REQUIREMENTS

☐ Industrial Waste Permit ☒ Health Code Ordinance No. 7583, Chapter 5

☒ Plumbing Code Ordinance No. 2269 ☐ NPDES Permit Compliance (DPW)

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed ordinance amendments do not constitute proposed construction of a site specific land use project. Subsequent projects will be subject to environmental review.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **water quality** problems?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 2. Air Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Will the proposed project exceed the State's criteria for regional significance (generally (a) 500 dwelling units for residential uses or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for nonresidential uses)?
b.	☐	☒	☐	Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?
c.	☐	☒	☐	Will the project increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure, or exceed AQMD thresholds of potential significance?
d.	☐	☐	☒	Will the project generate or is the site in close proximity to sources which create obnoxious odors, dust, and/or hazardous emissions? *Such sources exist throughout the unincorporated area.*
e.	☐	☒	☐	Would the project conflict with or obstruct implementation of the applicable air quality plan?
f.	☐	☒	☐	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?
g.	☐	☒	☐	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
h.	☐	☐	☐	Other factors:

STANDARD CODE REQUIREMENTS

☒ Health and Safety Code Section 40506

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Air Quality Report

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments will not impact any Air Quality issues. Subsequent projects will be subject to environmental review to determine if they would cause any potential impacts.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **air quality**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 3. Biota

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural? *Many areas within unincorporated Los Angeles County are relatively natural and undisturbed (per Los Angeles County SEA and ESHA maps.)*
b.	☐	☐	☒	Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas? *New residential development facilitated by the ordinance within areas of very high fire hazard severity will require implementation of a fuel modification plan.*
c.	☐	☐	☒	Is a major drainage course, as identified on USGS quad sheets by a blue, dashed line, located on the project site? *New residential development facilitated by the ordinance may be located near a drainage course, particularly as water wells may be located near a source of high ground water (per USGS maps.)*
d.	☐	☐	☒	Does the project site contain a major riparian or other sensitive habitat (e.g., coastal sage scrub, oak woodland, sycamore riparian woodland, wetland, etc.)? *New residential development facilitated by the ordinance may be located in unincorporated areas where riparian or other sensitive habitat is known to exist.*
e.	☐	☐	☒	Does the project site contain oak or other unique native trees (specify kinds of trees)? *There are oaks and other unique native trees within the unincorporated areas of Los Angeles County.*
f.	☐	☐	☒	Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)? *There are some unincorporated areas that contain sensitive species.*
g.	☐	☐	☒	Other factors (e.g., wildlife corridor, adjacent open space linkage)? _____ *There are some unincorporated areas that contain valuable wildlife corridors.*

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Oak Tree Permit ☐ ERB/SEATAC Review

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. Future projects may have to perform evaluations for the presence of specific biological resources, conduct tree surveys, or other applicable studies or permits as appropriate to the project site(s).

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **biotic resources**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 4. Archaeological / Historical / Paleontological

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) which indicate potential archaeological sensitivity?
				There are areas that contain known archaeological resources or that contain features (drainage course, spring, knoll, rock outcroppings, or oak trees), which indicate potential archeaological sensitivity within unincorporated areas of Los Angeles County.
b.	☐	☐	☒	Does the project site contain rock formations indicating potential paleontological resources?
				There are areas that contain rock formations indicating potential paleontological resources.
c.	☐	☐	☒	Does the project site contain known historic structures or sites?
				There are areas that contain known historic structures or sites
d.	☐	☒	☐	Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?
e.	☐	☒	☐	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
f.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Phase I Archaeology Report

The proposal is to amend the Zoning Ordinance as it relates to the the County's Density Bonus regulations. As noted in the State Law, the County is not required to waive or reduce development standards that would have an adverse impact on public health, safety, the physical environment, or any real property that is listed in the California Register of Historical Resources. As such, subsequent projects would be reviewed to determine if they would cause any impacts.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical**, or **paleontological** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 5.Mineral Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b.	☐	☒	☐	Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan?
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments are not anticipated to have any effect on mineral resources. Subsequent projects will be subject to environmental review as appropriate to determine if they pose any potential impacts to the environment.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **mineral** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 6. Agriculture Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? *There is prime farmland in the unincorporated area (Los Angeles County Important Farmland map).*
b.	☐	☒	☐	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
c.	☐	☒	☐	Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
d.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments will not, in and of themselves, create an impact to agricultural resources. Subsequent projects facilitated by the ordinance will be subject to environmental review as appropriate to determine if they pose any potential impacts to the environment.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **agriculture** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed? *The unincorporated County area contains many significant viewshed and scenic resources.*
b.	☐	☐	☒	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail? *Some areas are visible from regional riding or hiking trails.*
c.	☐	☐	☒	Is the project site located in an undeveloped or undisturbed area, which contains unique aesthetic features? *There are undeveloped or undisturbed areas throughout the County.*
d.	☐	☐	☒	Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features? *The proposed ordinance regulates density bonuses for qualified projects. As a result, the land use density of a qualified project may increase and/or development standards, including setbacks and height restrictions, may be modified, where surrounding land uses or existing community were not developed under the same standards.*
e.	☐	☐	☒	Is the project likely to create substantial sun shadow, light or glare problems? *The proposed ordinance regulates density bonuses for qualified projects. As a result,the land use density of a qualified project may increase and/or development standards, including setbacks and height restrictions, may be modified. Higher density and modifiction of development standards may result in higher or bulkier structures relative to surrounding land uses.*
f.	☐	☐	☐	Other factors (e.g., grading or land form alteration):

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Visual Report ☐ Compatible Use

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments will not, in and of themselves, create an impact to visual resources. Subsequent projects will be subject to environmental review as appropriate to determine if they pose any potential impacts to the environment.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **scenic** qualities?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 1. Traffic/Access

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Does the project contain 25 dwelling units, or more and is it located in an area with known congestion problems (roadway or intersections)? *The development of new housing projects, as may be facilitated by adoption of the ordinance amendments, could add incrementally to the overall increase in local traffic. Housing projects with higher residential densities and a greater number of units could potentially have an adverse effect on specific local road systems. Such impacts can only be addressed on a project-level review.*
b.	☐	☒	☐	Will the project result in any hazardous traffic conditions?
c.	☐	☐	☒	Will the project result in parking problems with a subsequent impact on traffic conditions? *New residential construction could result in parking shortages if parking needs are not adequately assessed and provided for in the project design.*
d.	☐	☒	☐	Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?
e.	☐	☒	☐	Will the congestion management program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link be exceeded?
f.	☐	☒	☐	Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
g.	☐	☒	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Traffic Report ☐ Consultation with Traffic & Lighting Division

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. While the proposed amendments will create the potential for increased traffic associated with a given density bonus, the impact associated with the given bonus will be addressed at the invidual project level and will be required to go through environmental review, as appropriate. Standard conditions of approval, applicable to all development projects, include the payment of traffic mitigation fees, which serve to mitigate smaller projects and those determined to have only a generalized, incremental impact on the traffic system.

Section 22.52.1840 1(e) of the Zoning Code provides parking standards for projects qualified under the proposed ordinance. Standard conditions of approval imposed on residential development projects include restrictions on the number of cars that can be accommodated on-site, and may include restrictions to prevent on-street parking within the surrounding neighborhood where a concern exists. Special parking needs that may apply in specific circumstances are addressed on a case-by-case basis. With the imposition of existing Code requirements, impacts related to the provision of parking are not expected to be significant.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **traffic/access** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 2. Sewage Disposal

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	If served by a community sewage system, could the project create capacity problems at the treatment plant?
b.	☐	☐	☒	Could the project create capacity problems in the sewer lines serving the project site?
c.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☒ Sanitary Sewers and Industrial Waste Ordinance No. 6130

☐ Plumbing Code Ordinance No. 2269

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments may create potential increased service system usage, and the impact significant on those systems depends on existing demand and design capacity of such system. Subsequent projects, however, will be required to go through the appropriate environmental review. Additional authorization in district annexation or system improvement may be required.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 3. Education

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Could the project create capacity problems at the district level? *There are known capacity problems within some school districts in the unincorporated area.*
b.	☐	☐	☒	Could the project create capacity problems at individual schools which will serve the project site? *There are known capacity problems within some individual schools in the unincorporated area.*
c.	☐	☐	☒	Could the project create student transportation problems? *The development of new housing projects could create short-term student transportation problems for school districts in the unincorporated area.*
d.	☐	☐	☒	Could the project create substantial library impacts due to increased population and demand? *The development of new housing projects could create library impacts due to increased population and demand.*
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Site Dedication ☐ Government Code Section 65995 ☐ Library Facilities Mitigation Fee

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. While the proposed amendments may create additional demand on exisitng schools and libraries,,all projects facilitated by the ordinance will be subject to the same school and library impacts fees, as required by Section 65995 of the Government Code and the applicable County ordinance.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 4. Fire/Sheriff Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site?
b.	☐	☐	☒	Are there any special fire or law enforcement problems associated with the project or the general area?
c.	☐	☐	☐	Other factors?

There are areas in the County that do not receive a desirable level of fire or sheriff service coverage.

The Sheriff's Department indicates that there is no established financial mechanism to sufficiently support a desirable level of services in the County's unincorporated area.

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☒ Fire Mitigation Fees

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. . Subsequent projects facilitated by the proposed ordinance, however, will be required to go through the appropriate environmental review

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 5. Utilities/Other Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells? *There are unincorporated areas known to have an inadequate public water supply to meet domestic needs or to have inadequate groundwater supply.*
b.	☐	☐	☒	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs? *There are unincorporated areas known to have an inadequate water supply and/or water pressure to meet fire fighting needs.*
c.	☐	☒	☐	Could the project create problems with providing utility services, such as electricity, gas, or propane?
d.	☐	☐	☒	Are there any other known service problem areas (e.g., solid waste)? *There is an overall shortage in the County's landfill facilities.*
e.	☐	☒	☐	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?
f.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☒ Plumbing Code Ordinance No. 2269 ☒ Water Code Ordinance No. 7834

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. While the proposed amendments may create potential increased service system usage, it is not expected that the increase would be significant. Typically, the County could expect that density bonus projects would be spread throughout the county rather than concentrated in one area, and that the relative increases would be small in relation to the systems. Subsequent projects, however, will be required to go through the appropriate environmental review to evaluate impacts.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities/services**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 1. General

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Will the project result in an inefficient use of energy resources?
b.	☐	☐	☒	Will the project result in a major change in the patterns, scale, or character of the general area or community?
c.	☐	☒	☐	Will the project result in a significant reduction in the amount of agricultural land?
d.	☐	☐	☐	Other factors?

The proposed ordinance amendments relating to density bonuses would allow additional new dwelling units beyond what is currently allowed on a site, so long as the project involves a minimum of five units or more. Individually and cumulatively, the project could result in changes in the patterns, scale, or character of the general area or community. However, the County could typcially expect that density bonus projects would be spread throughout the unincorporated area rather than concentrated in one area, and that the relative change in patterns, scale, or character, would be minimal in relation to the County as a whole.

STANDARD CODE REQUIREMENTS

☐ State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot size ☐ Project Design ☐ Compatible Use

The proposal is to amend the Zoning Ordinance as it realtes to the County's Density Bonus regulations. Future density bonus projects facilitated by this ordinance will be subject to the appropriate environmental review.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 2. Environmental Safety

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Are any hazardous materials used, transported, produced, handled, or stored on-site?
b.	☐	☒	☐	Are any pressurized tanks to be used or any hazardous wastes stored on-site?
c.	☐	☒	☐	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
d.	☐	☐	☒	Have there been previous uses that indicate residual soil toxicity of the site or is the site located within two miles downstream of a known groundwater contamination source within the same watershed? *There are sites with soil toxicity problems and known groundwater contamination sources throughout the County. Increased land use density may expose more residents to such sources if a project is located close to these sources.*
e.	☐	☒	☐	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?
f.	☐	☒	☐	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
g.	☐	☐	☒	Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment? *There are known "brownfield" sites within the unincorporated area and future housing projects may be built on these sites once site clean-up and the necessary site remediation are completed.*
h.	☐	☒	☐	Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
I.	☐	☒	☐	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
j.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Toxic Clean up Plan

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. Future projects facilitated by the ordinance will be subject to the appropriate environmental review on a project-by-project basis to evaluate site-specific contamination issues, if any.

CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 3. Land Use

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Can the project be found to be inconsistent with the plan designation(s) of the subject property? *The density bonus, if granted, may result in additional units exceeding what is permitted under the County's General Plan.*
b.	☐	☒	☐	Can the project be found to be inconsistent with the zoning designation of the subject property? *The density bonus will be allowed under the ordinance, if adopted.*
c.				Can the project be found to be inconsistent with the following applicable land use criteria:
	☐	☒	☐	Hillside Management Criteria?
	☐	☒	☐	SEA Conformance Criteria?
	☐	☐	☐	Other? _____
d.	☐	☒	☐	Would the project physically divide an established community?
e.	☐	☐	☐	Other factors? _____

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments are intended to facilitate housing development consistent with State Density Bonus Law.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 4. Population/Housing/Employment/Recreation

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project cumulatively exceed official regional or local population projections?
b.	☐	☒	☐	Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)?
c.	☐	☒	☐	Could the project displace existing housing, especially affordable housing?
d.	☐	☒	☐	Could the project result in a substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
e.	☐	☐	☒	Could the project require new or expanded recreational facilities for future residents? *New residential development projects could require new or expanded recreational facilities for future residents, and additional density granted under the ordinance will further increase the demand.*
f.	☐	☒	☐	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
g.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

The proposal is to amend the Zoning Ordinance as it relates to the County's Density Bonus regulations. The proposed amendments are intended to facilitate affordable housing development consistent with State Density Bonus Law. The proposed amendments may create the potential demand for additional employment opportunities and recreational facilities, it is not expected that the increase will be significant. Future residential projects will be required to go through the appropriate environmental review to evaluate any impacts to population, housing, employment, and recreational facilities.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment**, or **recreational** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

	Yes	No	Maybe	
a.	☐	☒	☐	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
b.	☐	☒	☐	Does the project have possible environmental effects which are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
c.	☐	☒	☐	Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/ No impact

DETAILED PROJECT DESCRIPTION

The project **RADV#200500007** consists of the adoption of an Ordinance amending Title 22 of the Los Angeles County Code (the Zoning Ordinance) pertaining to Density Bonuses. The amendments to the Zoning Ordinance are proposed to maintain compliance with recent changes to State Density Bonus Law (Government Code Section 65915). Adoption of the subject Ordinance will replace, delete, and amend sections of the County Code. The Zoning Ordinance amendments are considered to be subject to review under the California Environmental Quality Act (CEQA), and the analysis is contained herein.

It is important to note that, while the proposed Zoning Ordinance amendments themselves will not result in a physical change to the environment, they would in some cases make the permitting process for conforming projects easier by removing or reducing certain regulatory barriers to specific types of housing production. However, in most cases, CEQA review of individual proposals on a project-by-project basis will continue to be necessary.

The County of Los Angeles Department of Regional Planning has drafted proposed changes to the existing Zoning Ordinance that supports the implementation of programs and policies contained in the adopted General Plan Housing Element. The Zoning Ordinance amendments will bring the County's density bonus provisions into conformance with State Law. Adoption of the Zoning Ordinance amendments will change certain development standards and review procedures within the unincorporated areas.

Compilation and Revision of Density Bonus Provisions: Revisions to the Zoning Ordinance are necessary to comply with the recent changes to State Density Bonus Law (Government Code Section 65915). In order to restructure the affordable housing provisions in the Zoning Ordinance for ease of use, the Zoning Ordinance Sections dealing with general regulations and standards for affordable housing density bonuses would be revised and integrated into a new Part 17 of Chapter 22.52. Similarly, the Zoning Ordinance Sections dealing with the permit and review procedures for affordable housing density bonuses would be revised and integrated into a new Part 18 of Chapter 22.56. Obsolete provisions will also be deleted.

Other Ordinance Edits and Updates: Minor edits were completed to provide consistency between Ordinance Sections, to clarify the applicability of certain provisions, and to provide updated references. These edits do not involve a substantive change.

Due to the nature of the project – the adoption of amendments to the existing Zoning Ordinance to provide consistency with the General Plan Housing Element, where the specific sites of future development activities are not yet known - there is a lack of site-specific knowledge with which to conduct a site-specific environmental review. Therefore, this environmental review is conducted at a "plan" level of analysis, rather than the more detailed site-specific level. No actual site-specific development is proposed by the Zoning Ordinance amendments. Therefore, an analysis which includes more detailed, site-specific information about any potential development impacts is not feasible at this time and would occur when the appropriate agency prepares a future environmental document in connection with site-specific project activities, pursuant to CCR §15152 (c).

A more detailed project-level analysis pursuant to the CEQA will continue to be required for any project activity that has the potential to impact the physical environment. CEQA provides numerous exemptions for certain types of development activities which might be allowed by adoption of the Zoning Ordinance amendments, including:

- Section 15279 of CCR provides a statutory exemption for the provision of some agricultural housing (See § 21080.10 of PRC).
- Section 15280 of CCR provides statutory exemptions for some smaller, low-income housing projects (See § 21080.14 of PRC).

Additionally, the following activities are identified as Categorically Exempt from further review under CEQA:

- Section 15332 of CCR (Class 32) provides an exemption for smaller infill residential or mixed-use development projects.

Due to the large number of CEQA exemptions available for affordable housing and the development of smaller housing projects, it is likely that some future development projects, which may be facilitated by adoption of the Zoning Ordinance amendments, could be considered exempt from project-level environmental review under CEQA. It is important to note, however, that use of CEQA exemptions is not authorized in cases where the individual circumstances of a particular development project have the reasonably foreseeable potential for negative environmental impacts (§ 15300.2), and any such future development projects will continue to require project-level environmental review.

According to CEQA requirements, the assessment of potential impacts resulting from a project (in this case, adoption of the proposed Zoning Ordinance amendments) is limited to the difference between the expected situation with the project (adoption of the proposed amendments), and the existing environment (no change to the existing Zoning Ordinance). Consistency between the General Plan and the Zoning Ordinance is required by State Law. Even without the adoption of the proposed amendments, the same unincorporated land area could reasonably be developed with housing consistent with the General Plan (Housing Element). Adoption of the Zoning Ordinance amendments would not allow the development of housing that would not otherwise be allowed under the General Plan and Zoning pursuant to the provisions of State Law. It would, however, likely facilitate the provision of such housing as affordable, therefore increasing the number of affordable units available to County residents. The provision of affordable housing units within unincorporated urban areas results in more affordable housing units made available closer to jobs. This is considered to be a positive environmental impact, reducing driving time, reducing air pollutant emissions, promoting more compact development (reducing the need for greenfield development), among other benefits.

The adoption of the proposed Zoning Ordinance amendments would not, in and of itself, have an impact on the physical environment. It would not authorize the development of specific housing projects; all new projects will continue to be subject to individual project review and analysis as required by CEQA. The project's potential for impacts of any type is limited to the extent to which they would facilitate the development of residential units that would not be developed without the adoption of the amendments.

REGIONAL PLANNING COMMISSION
PUBLIC HEARING PROCEEDINGS
DRAFT DENSITY BONUS ORDINANCE

June 22, 2005

The Commission conducted a public hearing to consider the draft density bonus ordinance and negative declaration. The staff presented the draft ordinance, which makes a minor technical revision to Title 21 (Subdivisions) and substantially revises current provisions in Title 22 (Planning and Zoning) relating to the granting of density bonuses for affordable housing and senior citizen housing, with the creation of a new housing permit procedure that implements the provisions of the State Density Bonus Law. The staff indicated that, in general, the draft ordinance contains provisions granting density bonuses for qualifying affordable housing developments, senior citizen housing developments, and land donations, as well as incentives for affordable housing, parking reductions and waivers or modifications to development standards.

During the hearing, the staff asked the Commission to consider a number of provisions. Besides minor edits and clarifications, one major recommendation from the staff was to consider a modified appeal procedure for the granting of a density bonus and incentives through an administrative permit. The proposed modified appeal procedure would require the notice of decision to be sent to the applicant, as well as adjacent property owners and town council and/or similar local community association. In addition, the right of appeal would be given to the applicant as well as any interested person.

Nine members of the public spoke in support of the draft ordinance and gave recommendations to improve it. The recommendations include the following: 1) Provide certainty to the granting of incentives; 2) Consider incentives for 100% affordable housing projects, especially parking reductions; 3) Reconsider the modified appeal process, which goes against the spirit of granting density bonuses and incentives through a non-discretionary procedure; and 4) Raise the density bonus cap from 35% to 50%. In addition, one person raised concerns over the effect of the draft ordinance on neighborhoods.

CDC staff also spoke in support of the draft ordinance, and asked the Commission to consider adding provisions to the draft ordinance for the County Infill Sites Program, which applies to affordable homeownership projects for four dwelling units or less, as the State Density Bonus Law only provides for affordable projects of five dwelling units or more. CDC staff also made the case for raising the density bonus cap to 50%, referring to their own experience with County-sponsored projects in the unincorporated area, which has shown that because densities allowed in the unincorporated area are generally low, applicants often need more density than what is provided in the State Law in order to make the project financially feasible.

The Commission closed the public hearing and instructed the staff to return with changes to the draft ordinance to respond to the concerns and issues raised by the public, the CDC staff and the Commission. In particular, the Commission instructed the staff to do the following:

- Develop a mechanism for adding certainty to the granting of incentives.
- Consider a 50% density bonus cap for affordable housing developments (vs. a 35% density bonus cap).
- Include provisions for the County Infill Sites Program.
- Reconsider the modified appeal procedure.
- Produce parking research that justifies parking reductions for affordable housing.
- Brief the Board Offices on the State Density Bonus Law.

October 26, 2005

The staff introduced concepts to the Commission that could address the concerns raised at the public hearing:

Menu of incentives

The staff proposed the idea of a menu of incentives that could be used to provide some certainty in the development process. The staff presented options for the menu, including yard/setback reduction, building height increase, story increase within allowable building height, lot size reduction, lot width reduction, parking reduction for 100% affordable near transit, increased density bonus for 100% affordable. In addition, the staff proposed an on- and off-menu mechanism for granting incentives.

Modified appeal procedure

The staff indicated that the major difference between on-menu and off-menu incentives is in the appeal procedure. For those projects that request an on-menu incentive, the staff indicated that only the applicant should have the right of appeal. For those that request an off-menu incentive, the staff proposed extending the right of appeal to adjacent property owners, town council and/or similar local community association, and that the project can be called up for review by the Commission. In addition, the staff suggested that there be a 90 day time limit in which the Commission must meet publicly to consider the appeal and issue a decision on the project.

County Infill Sites Program

For projects that participate in the County Infill Sites Program, the staff proposed a density bonus of one additional unit for projects of two or three dwelling units, the allowance of transfer of density for scattered site developments, and the allowance

of the following incentives, as applicable: yard/setback reductions, building height increase, additional story within the allowable height, lot size reductions, lot width reductions, parking reductions, allowance of access strip of flag lots to be included in density calculation.

Parking research

The staff presented parking research to support parking reductions for affordable housing near transit. The staff indicated that a review of recent residential parking demand case studies and published literature revealed the existence of a clear relationship between income, proximity to transit and vehicle ownership. In general studies show that 1) low income households tend to own fewer vehicles and therefore demand less parking than higher income households; 2) households located near public transit tend to own fewer vehicles; 3) vehicle ownership tends to decrease as density increases.

In addition, the staff informed the Commission of the passage of SB 435, which added minor changes and clarifications to the State Density Bonus Law. One change of note is the allowance of a 20% density bonus for the provision of a mobilehome park for senior citizens.

Furthermore, the staff presented a summary to the Commission of the issues and concerns raised at the meeting on October 13, 2005 with the Board offices. The following were concerns and issues that were raised by the Board offices:

- The procedure for granting incentives.
- The ability to grant density bonuses beyond what is offered by the State law as an incentive.
- The minimal approach for ministerial action.
- The ability to limit parking reductions to apply only to affordable units.
- The effect of the proposed density bonus provisions on CSD's.
- What will be on the menu of incentives.
- How the modified appeal procedure will work.
- How the staff will determine financial feasibility in reviewing incentives.
- The ability to limit incentives to those deemed appropriate by the County.
- The need to go beyond the minimum requirements mandated by the State law to respond to the housing crisis in Los Angeles.

Due to the concerns of the Board offices and the complexities of the State Density Bonus Law, the staff recommended that the Commission request that County Counsel address the Board Offices' concerns from a legal perspective.

The Commission supported the suggestions for on-menu incentives, and directed the staff to consider some additional incentives, including the possibility of waiving requirements for minor permits, such as parking permits and oak tree permits, where it makes sense to do so.

The Commission instructed the staff to return with a draft menu of incentives, and instructed County Counsel to clarify the mandates of the State law.

February 15, 2006

The staff presented a summary to the Commission of a second meeting with the Board offices on November 16, 2005, which was convened by County Counsel to clarify the mandates of the State Density Bonus Law. The staff summarized the following:

- County Counsel clarified what the County is required to do at a minimum to be in compliance with the State Density Bonus Law.
- The staff distributed a memo that discusses the draft density bonus ordinance in the context of implementing the currently adopted Housing Element, other recent efforts by the County to address housing and homelessness, and the worsening housing crisis in the County.
- The staff distributed an earlier draft of the menu of incentives and received input from the Board deputies and CDC staff.
- The staff presented a map of density bonus cases in the last 10 years, which shows that there are pending and approved cases in all five Supervisorial Districts, but that the majority of cases are occurring in Supervisorial Districts 1 and 2.

The staff also presented a conceptual framework of the revised draft ordinance. One major concept that the staff introduced is the refinement of the Housing Permit to include an administrative procedure and a discretionary procedure. In addition, another major concept is the option for granting density bonuses and/or affordable housing incentives for senior citizen housing and affordable housing through a discretionary procedure.

As a result of the input given at the Board Deputies meeting on November 16, 2005, the staff also proposed changing the modified appeal procedure to limit the right of appeal for requests for on-menu and off-menu incentives to only the applicant; however, an off-menu appeal is still subject to a call-for-review by the Regional Planning Commission, and notification is sent to adjacent property owners, the local town council and/or similar local community association. In addition, the staff presented a draft menu of incentives, which incorporates the input received from the meeting.

To respond to the Commission's request at the last meeting on October 26, 2005 to consider any possible waivers of minor permits as an on-menu incentive, the staff also addressed the following:

- Regarding oak tree permits, the staff reviewed the oak tree provisions in Title 22 and found that that there is no clear-cut way to incorporate the waiver through a an administrative housing permit in its present form. The staff recommended that

the Commission consider this issue when it considers amendments to the oak tree ordinance.

- Regarding the waiver of parking permits, the staff clarified that through the State Density Bonus Law, the applicant could request a by-right parking reduction that corresponds to the parking rates specified in the State Density Bonus Law. In addition, the parking permit would not be required if the applicant requests a parking reduction as an incentive. To further clarify these options for by-right parking reductions, the staff also indicated its intent to add language to the parking ordinance.

Regarding the draft menu of incentives, the Commission raised concerns over the step-back requirement in the height incentive, stating that it may be economically infeasible to adhere to, and that existing single family homes should not be afforded special treatment if they are located within multifamily zones. In addition, the Commission asked the staff to consider adding parking management strategies in the menu of incentives, if possible. Finally, the Commission raised concerns over the counting of yard/setback incentives, stating that if only a maximum of three incentives are available for affordable housing, that an applicant could easily max out on their incentives on yard/setback modifications.

The Commission directed the staff to consider further refinements to the menu of incentives, and to report back with the revised draft ordinance.

March 22, 2006

The staff presented a revised draft ordinance to the Commission. The staff indicated that the following changes were made to the initial draft ordinance, which was presented to the Commission at the public hearing on June 22, 2005:

- Refined the Housing Permit to include an administrative and a discretionary procedure for the granting of density bonuses and affordable housing incentives (Administrative Housing Permit, Discretionary Housing Permit).
- Added the Senior Citizen Option and the Affordable Housing Option.
- Added the menu of incentives, and procedures for granting incentives on- and off-menu.
- Clarified that the right of appeal for an Administrative Housing Permit is limited to the applicant, and also subject to a call-for-review by the Regional Planning Commission where an applicant requests an off-menu incentive.
- Clarified that the right of appeal for a Discretionary Housing Permit is available to the applicant and any interested persons.
- Modified the granting of waiver or modifications to development standards to be subject to a discretionary procedure.
- Specified enforcement and monitoring procedures for affordable units.
- Extended the density bonuses and affordable housing incentives for moderate income housing set-asides to include single-family homes.

- Added density bonus and affordable housing incentives applicable to the County Infill Sites Program.
- Added vesting language.
- Implemented changes to the State Density Bonus Law per SB 435, effective January 1, 2006, which makes minor refinements to the changes made through SB 1818.
- Modified additional sections of Title 21 and Title 22 for consistency.
- Added new fees and deposits payable to CDC for monitoring and financial evaluation of affordable housing incentives.
- Modified fees after consultation with the auditor-controller.

In addition, the staff addressed the concerns and issues regarding the draft menu of incentives presented to the Commission at the last meeting on February 15, 2006:

- To respond to the Commission's concern over the step-back requirement for the height incentive, the staff modified the language to apply the step-back requirement only to qualified projects that share an adjoining interior side property line with a single family residential property in zone R-1.

- To respond to the Commission's request to consider integrating parking management strategies into the menu of incentives, the staff presented research on best practices and concluded that, based on the research, that the menu of incentives is not the best mechanism for implementing parking management strategies.

- To respond to the Commission's concerns over the way in which the yard/setback incentives are counted, the staff added language to indicate that all yard/setback modifications requested count as one incentive.

While the Commission still expressed concern over the step-back requirement, indicating that the step-back, per se, is too stringent, they also indicated their interest in moving forward with the ordinance. In addition, the Commission concurred that the menu of incentives is not the best place to incorporate parking management strategies.

Commissioners Valadez, Bellamy, Helsley, Modugno, and Rew voted to adopt the resolution to recommended the draft ordinance to the Board of Supervisors, with one change, which is to allow a second one-year time extension to all permittees (housing permits), not just non-profits.

NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO TITLES 21 (SUBDIVISIONS) AND 22 (PLANNING AND ZONING)

NOTICE IS HEREBY GIVEN that the Regional Planning Commission, County of Los Angeles has recommended approval of a proposed Density Bonus Ordinance that will establish amended regulations and policies pertaining to Density Bonuses consistent with the State Density Bonus Law (Government Code Section 65915), and also restructure the affordable housing and senior citizen housing provisions in the Los Angeles County Code Titles 21 and 22 for ease of use, delete obsolete provisions, amend existing references for internal consistency, and establish revised fees.

NOTICE IS ALSO HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012 at _____a.m. on _____ pursuant to said Title 22 of the Los Angeles County Code and Title 7 of the California Government Code (Planning and Zoning Law) for the purpose of hearing testimony relative to the adoption of the following amendments:

1. Proposed amendments to the Los Angeles County Code (Title 21—Subdivisions and Title 22-Planning and Zoning) pertaining to Density Bonuses consistent with the State Density Bonus Law (Government Code Section 65915).

2. Proposed amendments to restructure the affordable housing and senior citizen housing provisions in Titles 21 and Title 22 for ease of use, to delete obsolete provisions, to amend existing references for internal consistency, and to establish revised fees.

3. Such other amendments that, in the opinion of the Board of Supervisors, should be considered at this time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call Ms. Julie Moore at (213) 974-6425.

Pursuant to the California Environmental Quality Act and County Guidelines, a Negative Declaration has been prepared that shows that the proposed ordinance will not have a significant effect on the environment.

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aid and services such as material in alternate format or a sign language interpreter, please contact the Americans with Disabilities Act Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

Si no entiende esta noticia o necesita mas información, por favor llame este numero: (213) 974-6425.

_____
SACHI A. HAMAI
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Los Angeles, CA 90012

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Monterey Park, CA 91755

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Los Angeles, CA 90012

Woodcrest Library
1340 W. 106th Street
Los Angeles, CA 90044

Alondra Library
11949 Alondra Blvd.
Norwalk, CA 90650

Artesia Library
18722 S. Clarkdale Avenue
Artesia, CA 90701

A.C. Bilbrew Library
150 E. El Segundo Blvd.
Los Angeles, CA 90061

Clifton M. Brakensiek Library
9945 E. Flower St
Bellflower, CA 90706

Compton Library
240 W. Compton Blvd.
Compton, CA 90220

East Rancho Dominguez Library
4205 E. Compton Blvd.
E. Rancho Dominguez, CA 90221

Florence Library
1610 E. Florence Avenue
Los Angeles, CA 90001

Graham Library
1900 E. Firestone Blvd.
Los Angeles, CA 90001

Hawaiian Gardens Library
12100 E. Carson St., #e
Hawaiian Gardens, CA 90716

Hollydale Library
12000 S. Garfield Ave.
South Gate, CA 90280

Angelo M. Iacaboni Library
4990 Clark Avenue
Lakewood, CA 90712

Norwalk Regional Library
12350 Imperial Hwy.
Norwalk, CA 90650

George Nye, Jr. Library
6600 Del Amo Blvd.
Lakewood, CA 90713

Paramount Library
16254 Colorado Avenue
Paramount, CA 90723

La Mirada Library
13800 La Mirada Blvd.
La Mirada, CA 90638

Lynwood Library
11320 Bullis Road
Lynwood, CA 90262

South Whittier Library
14433 Leffingwell Road
Whittier, CA 90604

Leland R. Weaver Library
4035 Tweedy Blvd.
South Gate, CA 90280

Willowbrook Library
11838 Wilmington Avenue
Los Angeles, CA 90059

Bell Library
4411 E. Gage Avenue
Bell, CA 90201

Bell Gardens Library
7110 S. Garfield Avenue
Bell Gardens, CA 90201

City Terrace Library
4025 E. City Terrace Drive
Los Angeles, CA 90063

Cudahy Library
5218 Santa Ana Street
Cudahy, CA 90201

East Los Angeles Library
4837 E. 3rd Street
Los Angeles, CA 90022

El Camino Real Library
4264 E. Whittier Blvd.
Lost Angeles, CA 90023

Chet Holifield Library
1060 S. Greenwood Avenue
Montebello, CA 90640

Huntington Park Library
6518 Miles Avenue
Huntington Park, CA 90255

Los Nietos Library
11644 E. Slauson Avenue
Whittier, CA 90606

Maywood Chavez Library
4323 E. Slauson Avenue
Maywood, CA 90270

Montebello Regional Library
1550 W. Beverly Blvd.
Montebello, CA 90640

Pico Rivera Library
9001 Mines Avenue
Pico Rivera, CA 90660

Anthony Quinn Library
3965 Cesar Chavez Avenue
Los Angeles, CA 90063

Rivera Library
7828 S. Serapis Avenue
Pico Rivera, CA 90660

Rosemead Library
8800 Valley Blvd.
Rosemead, CA 91770

San Gabriel Library
500 S. Del Mar Avenue
San Gabriel, CA 91706

Charter Oak Library
20540 E. Arrow Hwy., Ste. K
Covina, CA 91724

Claremont Library
208 N. Harvard Ave.
Claremont, CA 91711

Diamond Bar Library
1061 S. Grand Ave.
Diamond Bar, CA 91765

Duarte Library
1301 Buena Vista Street
Duarte, CA 91010

El Monte Library
3224 N. Tyler Avenue
El Monte, CA 91731

Hacienda Heights Library
16010 La Monde Street
Hacienda Heights, CA 91745

La Puente Library
15920 E. Central Avenue
La Puente, CA 91744

La Verne Library
3640 "D' Street
La Verne, CA 91750

Live Oak Library
4153-55 E. Live Oak Avenue
Arcadia, CA 91006

Norwood Library
4550 N. Peck Road
El Monte, CA 91732

Rowland Heights Library
1850 Nogales
Rowland Heights, CA 91748

San Dimas Library
145 N. Walnut Avenue
San Dimas, CA 91773

South El Monte Library
1430 N. Central Avenue
South El Monte, CA 91733

Sunkist Library
840 N. Puente Avenue
La Puente, CA 91746

Walnut Library
21155 S. La Puente Road
Walnut, CA 91789

West Covina Regional Library
1601 West Covina Parkway
West Covina, CA 91790

Masao W. Satow Library
14433 S. Crenshaw Blvd.
Gardena, CA 90249

Victoria Library
17906 S. Avalon Blvd.
Carson, CA 90746

West Hollywood Library
715 N. San Vicente Blvd.
West Hollywood, CA 90069

Wiseburn Library
5335 W. 135th Street
Hawthorne, CA 90250

Gardena Mayme Dear Library
1731 W. Gardena Blvd.
Gardena, CA 90247

Lennox Library
4359 Lennox Blvd.
Lennox, CA 90304

Lomita Library
24200 Narbonne Avenue
Lomita, CA 90717

Manhattan Beach Library
1320 Highland Avenue
Manhattan Beach, CA 90266

Hawthorne Library
12700 S. Grevillea Ave.
Hawthorne, CA 90250

Hermosa Beach Library
550 Pier Avenue
Hermosa Beach, CA 90254

Lawndale Library
14615 Burin Avenue
Lawndale, CA 90260

Calabasas Library
23975 Park Sorrento
Calabasas, CA 91302-4015

Canyon Country Darcey Library
18601 Soledad Cyn Road
Santa Clarita, CA 91351

La Canada Flintridge Library
4545 N. Oakwood Avenue
La Canada Flintridge, CA 91011

La Crescenta Library
4521 La Crescenta Avenue
La Crescenta, CA 91214

Lake Los Angeles Library
16921 E. Avenue O, #A
Palmdale, CA 93591

Lancaster Library
601 W. Lancaster Blvd.
Lancaster, CA 93534

Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301-2582

Littlerock Library
35119 80th St. East
Littlerock, CA 93543

Malibu Library
23519 W. Civic Center Way
Malibu, CA 90265

Newhall Library
22704 W. Ninth Street
Santa Clarita, CA 91321

Quartz Hill Library
42018 N. 50th St. West
Quartz Hill, CA 93536

San Fernando Library
217 N. Maclay Avenue
San Fernando, CA 91340

Valencia Library
23743 W. Valencia Blvd.
Santa Clarita, CA 91355

Westlake Village Library
31220 Oak Crest Dr.
Westlake Village, CA 91361

Avalon Library
P.O. Box 585
Avalon, CA 90704

Carson Library
151 E. Carson Street
Carson, CA 90745

Culver City Julian Dixon Library
4975 Overland Avenue
Culver City CA 90230

Sorensen Library
11405 E. Rose Hedge Drive
Whittier, CA 90606

Baldwin Park Library
4181 Baldwin Park Blvd.
Baldwin Park, CA 91706

Lloyd Taber-Marina Del Rey Library
4533 Admiralty Way
Marina del Rey, CA 90292

Temple City Library
5939 Golden West Avenue
Temple City, CA 91780

View Park Library
3854 W. 54th Street
Los Angeles, CA 90043