

ANALYSIS

This ordinance amends the Los Angeles County Code, Title 8 – Consumer Protection, Business and Wage Regulations, Title 21 – Subdivisions, and Title 22 – Planning and Zoning, to include the Affordable Housing Preservation Ordinance, which preserves existing affordable housing by requiring the replacement of affordable rental housing that is demolished, vacated or converted from rental to for sale; requiring notification of planned condominium conversions to housing organizations qualified to preserve affordable rental housing; and facilitates the ongoing operation of existing mobilehome parks in the unincorporated areas of Los Angeles County.

Very truly yours,

RODRIGO A. CASTRO-SILVA
County Counsel

By *Lisa Jacobs*
LISA C. JACOBS
Deputy County Counsel
Property Division

LJ:bh

Requested: 01-28-2021

Revised: 03-24-2021

ORDINANCE NO. 2021-0018

An ordinance amending the Los Angeles County Code, Title 8 – Consumer Protection, Business and Wage Regulations, Title 21 – Subdivisions, and Title 22 – Planning and Zoning, to include the Affordable Housing Preservation Ordinance, which preserves existing affordable housing by requiring the replacement of affordable rental housing that is demolished, vacated or converted from rental to for sale; requiring notification of planned condominium conversions to housing organizations qualified to preserve affordable rental housing; and facilitates the ongoing operation of existing mobilehome parks in the unincorporated areas of Los Angeles County.

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

SECTION 1. Chapter 8.48 is hereby deleted in its entirety.

SECTION 2. Section 21.40.110 is hereby amended to read as follows:

21.40.110 Matters ~~r~~Required to ~~e~~Complete ~~s~~Submittal and ~~f~~Filing.

A. For a tentative map to be deemed submitted and filed, the following matters must be completed and received:

...

2. The matters required by Sections 21.16.015, 21.40.040, 21.48.040 and 21.48.050;~~and~~

3. The fees paid in accordance with Section 21.62.080;and

4. All documentation required, as applicable, pursuant to

Chapter 22.119 (Affordable Housing Replacement), Section 22.140.680 (Condominium

Conversions), and sections 66427.4 through 66427.5 of the California Government Code.

...

SECTION 3. Section 21.44.050 is hereby amended to read as follows:

21.44.050 Matters ~~r~~Required for ~~s~~Submittal.

At the time of submittal of the final tract map or parcel map, or prints thereof, the following matters shall be submitted to the county engineer or the Department of Regional Planning, as specified, as an aid in the processing of the final maps:

...

E. A print of the most recent assessor Map Book page or pages covering the proposed division of land;

F. Fees paid to the Department of Regional Planning in accordance with Chapter 22.268, if applicable.

SECTION 4. Section 22.02.055 is hereby added to read as follows:

22.02.055 Applicability of Affordable Housing Replacement.

No approvals shall be issued under this Title 22 without replacement of affordable housing units, when required, pursuant to Chapter 22.119 (Affordable Housing Replacement).

SECTION 5. Section 22.14.010 is hereby amended to read as follows:

22.14.010 A.

...

Affordable housing and senior citizen housing. The following terms are defined for the purposes of Chapter 22.119 (Affordable Housing Replacement), Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), Chapter 22.128 (Supportive Housing), Chapter 22.130 (Transitional Housing), Section 22.140.660 (Motel Conversions, Temporary), and Chapter 22.166 (Housing Permits):

...

Affordable rent. As defined in section 50053 of the California Health and Safety Code.

Affordable replacement units. Dwelling units reserved for extremely low, very low, lower or moderate income households provided pursuant to Chapter 22.119 (Affordable Housing Replacement).

...

Income. See "Income" for the following:

Area median income.

Extremely low income.

Lower income.

Moderate income.

Middle income.

Very low income.

Income-restricted units. This term includes "affordable housing set-aside" and "affordable replacement units."

...

SECTION 6. Section 22.14.030 is hereby amended to read as follows:

22.14.030 C.

...

Conditional use. Uses which because of characteristics peculiar to them, or because of size, technological processes, or types of equipment, or because of their location with reference to surroundings, street or highway width, traffic generation, or other demands on public services, require discretionary consideration relative to placement at specific locations in the zones where classified to ensure proper integration with other existing or permitted uses in the same zones.

Condominium conversion. The conversion of rental dwelling units to condominiums, as defined in section 4125 of the California Civil Code, that are dwelling units.

...

SECTION 7. Section 22.22.030 is hereby amended to read as follows:

22.22.030 Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5.

...

C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
Trap ranges	CUP	CUP	CUP	CUP	
<u>Residential uses</u>					
<u>Mobilehome parks</u> ²⁰	<u>CUP</u>	=	<u>CUP</u>	=	<u>Section 22.140.370</u>
...					
Notes:					
...					
<u>20. Where use is existing and legal nonconforming.</u>					

...

SECTION 8. Chapter 22.119 is hereby added to read as follows:

Chapter 22.119 AFFORDABLE HOUSING REPLACEMENT

Sections:

22.119.010 Purpose.

22.119.020 Definitions.

22.119.030 Applicability.

22.119.040 Exemptions.

22.119.050 Requirements.

22.119.010 Purpose.

The purpose of this Chapter is to preserve the supply of affordable housing and require affordability of replacement dwelling units.

22.119.020 Definitions.

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Affordable housing and senior citizen housing."

22.119.030 Applicability.

Except as otherwise specified in this Chapter, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), apply to any of the following:

- A. New construction of any principal building;
- B. A change of a principal residential use to another principal use;
- C. A change in the number of dwelling units;
- D. A land division subject to Title 21 (Subdivisions) of the County Code; or
- E. Legalization of an existing unpermitted dwelling unit.

22.119.040 Exemptions.

The following are exempt from the requirements of this Chapter:

- A. New construction of a single-family residence on a lot with no other principal uses or structures;
- B. New construction or legalization of accessory dwelling units or junior accessory dwelling units;
- C. Conversion to resident ownership of all rented spaces in a mobilehome park;
- D. Addition of mobilehome spaces or mobilehomes in a mobilehome park;
- E. A lease project, as defined in Section 21.08.090 (Lease project) in Title 21 (Subdivisions) of the County Code;
- F. A project in a Very High Fire Hazard Severity Zone, as depicted in the General Plan;

G. A project that is located within an area subject to an affordable housing replacement requirement, pursuant to a development agreement, specific plan, or local policy.

22.119.050 Requirements.

A. Dwelling units that are proposed to be or have been demolished, vacated, or converted from rental to for sale, shall be replaced if the use and density of such units are consistent with zoning or the General Plan, including any applicable Area, Community, or Neighborhood Plan, as set forth in Section 22.02.050 (Consistency with the General Plan), and are or were any of the following:

1. Subject to a recorded covenant that restricts rents to levels affordable to persons and families of moderate, lower, very low or extremely low income within the five years prior to application submittal;

2. A rent-stabilized unit pursuant to Section 8.52.030.F (Covered Rental Unit) in Title 8 (Consumer Protection, Business and Wage Regulations) of the County Code or pursuant to section 1947.12 of the California Civil Code within the five years prior to application submittal;

3. Occupied by lower, very low or extremely low income tenants, including mobilehome owners renting spaces in a mobilehome park, within the five years prior to application submittal;

4. Withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with section 7060) of the California Government Code within the 10 years prior to application submittal.

B. The number and type of affordable replacement units shall be determined as follows:

1. The number of affordable replacement units for lower or very low income households shall be determined in accordance with section 65915 of the California Government Code;

2. Affordable replacement units for lower or very low income households shall be provided at the level of affordability determined in accordance with section 65915 of the California Government Code;

3. Affordable replacement units for extremely low income households shall be provided in at least the same number as existed on the site within the five years prior to application submittal, or in the same proportion of extremely low income renter households to all renter households within unincorporated County, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, if the income category is unknown for any of the following:

a. The current household in occupancy at the time of application submittal;

b. The last household in occupancy, if a unit is unoccupied at the time of application submittal; or

c. The households at the highpoint of such units that existed in the five-year period preceding application, if the units have been vacated or demolished.

4. Dwelling units that are or were rent-stabilized pursuant to Section 8.52.030.F (Covered Unit) in Title 8 (Consumer Protection, Business and Wage Regulations) of the County Code or section 1947.12 of the California Civil Code during the five-year period prior to application submittal, and were or are occupied by households above lower income, shall be replaced with units affordable to lower, very low or extremely low income households;

5. At least the same total number of dwelling units and at least the same total number of bedrooms shall be replaced at the same or deeper level of affordability;

6. The required number of affordable replacement units shall not be reduced as the result of the deeper level of affordability of the affordable replacement units;

7. Affordable replacement units affordable to lower, very low or extremely low income households shall be rental dwelling units; and

8. Units subject to a covenant that restricts rents to levels affordable to moderate income households shall be replaced with units that are affordable to households of moderate income or below moderate income. If they are replaced with units affordable to households of moderate income, the affordable replacement units may be rental or for sale.

C. Inclusionary Housing or Density Bonus. Affordable replacement units required in this Chapter may count toward the affordable housing set-aside units

required in Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing), if applicable.

D. Location of Affordable Replacement Units.

1. On-site. Except as specified in Subsection D.2, below, affordable replacement units shall be provided on-site.

2. Off-site.

a. Affordable replacement units may be provided off-site, subject to the following:

i. The affordable replacement units count toward the affordable housing set-aside units required in Chapter 22.121 (Inclusionary Housing);

ii. The required affordable housing set-aside units are provided off-site, subject to all applicable provisions in Section 22.121.050.F (Location), except that the off-site parcel shall be located in an unincorporated area of the County and is either within one-quarter mile of the principal project or developed as part of a community land trust; and

iii. The construction of such units does not result in units requiring replacement pursuant to this Chapter.

b. Notwithstanding Subsection D.2.a.i, above, where the number of required affordable replacement units exceeds the number of required affordable housing set-aside units that are provided off-site, all affordable replacement units, including those that do not count toward the required affordable housing set-aside units, may be provided on the same off-site parcel, subject to the following:

i. The off-site parcel, with its developable acreage, zoning and General Plan land use designation, is sufficient to permit the construction of all affordable replacement units; and

ii. The requirements in Section 22.121.050.F.5, if the applicant partners with a third-party developer for the provisions of the affordable replacement units.

E. Notwithstanding Subsection D, above, a project that is subject to this Chapter may provide replacement in accordance with Chapter 22.268 (Affordable Housing Replacement Fee) if it is either of the following:

1. A non-residential development; or
2. A land division that:
 - a. Shall result in no increase in dwelling units; and
 - b. Is required to provide rental replacement units pursuant to

this Section.

F. Tenure. Affordable replacement units in a common interest development or a single-family residential subdivision shall be for sale only.

G. Timing.

1. All permits and entitlements, including the building permits, for the affordable replacement units shall be obtained prior to or concurrently with the permits and entitlements, including the building permits, for the non-replacement units.

2. Where affordable replacement units are provided off-site, pursuant to Subsection D.2, above, such units shall obtain a certificate of occupancy from Public Works prior to the issuance of the final certificate of occupancy for the principal project.

H. Duration of Affordability.

1. Rental. The affordability term for rental replacement units shall be in perpetuity.

2. For sale. The initial sale of the affordable replacement units shall be restricted to eligible buyers and shall require an equity-sharing agreement with the County, as described in Chapter 22.166 (Housing Permits).

I. Covenant and Agreement Required. A covenant and agreement ensuring the continued availability of affordable replacement units shall be recorded, pursuant to Section 22.166.070 (Covenant and Agreement).

SECTION 9. Section 22.120.040 is hereby amended to read as follows

22.120.040 Eligibility.

Except as specified otherwise, a project is eligible for a density bonus, if it complies with the following:

...

B. Replacement Dwelling Units. The project shall replace ~~the any~~ rental dwelling units that ~~are or were occupied by lower or very low income households during the five-year period prior to application submittal, subject to the following:~~ exist(ed) on the site, pursuant to Chapter 22.119 (Affordable Housing Replacement).

~~1. The affordable housing set aside is inclusive of the replacement dwelling units. The replacement dwelling units can be counted toward the affordable housing set aside;~~

~~2. Dwelling units requiring replacement include covenant restricted units and non-covenant restricted units;~~

~~3. The number of replacement dwelling units shall be determined in accordance with Section 65915 of the California Government Code;~~

~~4. Replacement dwelling units shall be provided at the level of affordability determined in accordance with Section 65915 of the California Government Code;~~

~~5. Each replacement dwelling unit shall have at least the same number of bedrooms as the dwelling unit being replaced;~~

~~6. Replacement dwelling units can be provided for households at a deeper level of affordability than required, but the required number of replacement dwelling units shall not be reduced as a result; and~~

~~7. Replacement dwelling units can be rental dwelling units or for sale dwelling units, subject to the requirements of Subsection B.1 (Duration of Affordability) of Section 22.120.050.~~

C. Additional Requirements. The project shall be in compliance with one of the following:

1. Section 22.120.050 (Affordable Housing);
2. Section 22.120.060 (Senior Citizen Housing); ~~or~~

3. Section 22.120.070 (Land Donation); or

4. Section 22.120.075 (Mobilehome Park Density Bonus).

SECTION 10. Section 22.120.075 is hereby added to read as follows:

22.120.075 Mobilehome Park Density Bonus.

A. An existing legal nonconforming mobilehome park that exceeds the density permitted by the General Plan or the Zone, and that is not receiving any other density bonus pursuant to this Chapter, shall be eligible for a density bonus which would deem the existing total number of mobilehome spaces as the maximum number of dwelling units permitted on site, subject to the approval of an Administrative Housing Permit (Section 22.166.040) application.

B. Such application is not subject to Section 22.166.040.B.2.b or Section 22.166.040.C.3.

C. Such application is not eligible for any waivers or reductions of development standards provided in Section 22.120.090 (Waivers of Reductions of Development Standards).

SECTION 11. Section 22.120.090 is hereby amended to read as follows:

22.120.090 Waivers or Reductions of Development Standards.

A. Except as specified otherwise, Aa project that is subject to this Chapter shall receive waivers or reductions of development standards, subject to an Administrative Housing Permit (Section 22.166.040), unless any of the findings specified in Section 22.166.040.C.1.b are made, in which case a Discretionary Housing

Permit (Section 22.166.050) application is required if an affordable housing set-aside is provided pursuant to Table 22.120.050-A.

...

SECTION 12. Section 22.121.050 is hereby amended to read as follows:

22.121.050 Affordable Housing Set-Aside.

...

C. Calculation.

...

2. Density Bonus. The affordable housing set-aside units required in Chapter 22.120 (Density Bonus) may count toward the affordable housing set-aside units required in this Chapter, in which case such units shall be:

...

3. Affordable Housing Replacement. Affordable replacement units required, pursuant to Chapter 22.119 (Affordable Housing Replacement), may count toward the affordable housing set-aside units required in this Chapter.

~~34.~~ Average Affordability. Average affordability is the sum of each unit set aside for extremely low income, very low income, lower income, moderate income, or middle income households multiplied by the income level, and divided by the total number of affordable housing set-aside units.

...

F. Location. The required affordable housing set-aside units shall be provided on-site, or off-site provided that:

...

4. The required affordable housing set-aside units for the principal project shall not count toward the affordable housing set-aside units required on said off-site parcel pursuant to this Chapter; ~~and~~

5. The construction of the affordable housing set-aside units for the principal project does not result in units requiring replacement of the off-site parcel, pursuant to Chapter 22.119 (Affordable Housing Replacement); and

56. Where the applicant partners with a third-party developer for the provisions of the affordable housing set-aside units on the off-site parcel:

...

SECTION 13. Section 22.140.370 is hereby amended to read as follows:

22.140.370 Mobilehome Parks.

A. Applicability. This Section applies to mobilehome parks in all zones where allowed. ~~The Commission or Hearing Officer, in granting the Conditional Use Permit (Chapter 22.158), may impose additional conditions, but may not modify any of the following standards listed in this Section, except as otherwise provided in this Section or pursuant to a Variance (Chapter 22.194) application.~~

B. Density Application requirements. A Conditional Use Permit (Chapter 22.158) is required to establish, maintain, or expand a mobilehome park.

~~1. The total number of lots within a mobilehome park shall not exceed the maximum density pursuant to Section 22.02.050.B.2 (Maximum) or~~

~~Section 22.06.020 (Suffixes to Zoning Symbols), unless a density bonus is granted, pursuant to Chapter 22.120 (Density Bonus).~~

~~2. In those zones or General Plan categories where residential densities have not been established, the density shall be established by the Commission or Hearing Officer.~~

~~C. Access and Circulation Modification. The requirements of this Section may be modified by either of the following:~~

~~1. At least two access points to a public street or highway from the mobilehome park shall be provided, which can be used by emergency vehicles. The Commission or Hearing Officer, in granting the Conditional Use Permit (Chapter 22.158), may impose additional conditions or modify the requirements of Subsection E, below; or~~

~~2. The requirements of Subsection D.1 and Subsection E, below, may be modified, waived, or reduced in accordance with Chapter 22.120 (Density Bonus), subject to a Housing Permit (Chapter 22.166).~~

~~D. Screening. Public street frontages of a new mobilehome park shall be screened to a height between five feet and eight feet with a wall, a decorative fence, an opaque hedge of shrubs or trees, or a landscaped berm. Such screening shall be tapered to less than five feet where needed to provide unobstructed visibility for motorists. Density.~~

1. The total number of dwelling units within a mobilehome park shall not exceed the maximum density, pursuant to Section 22.02.050.B.2 (Maximum) or Section 22.06.020 (Suffixes to Zoning Symbols).

2. In those zones or General Plan categories where residential densities have not been established, the density shall be established by the Commission or Hearing Officer.

E. Signs-Development Standards.

1. Access and Circulation. At least two access points to a public street or highway from the mobilehome park shall be provided, which can be used by emergency vehicles.

2. Screening. Public street frontages of a new mobilehome park shall be screened to a height between five feet and eight feet with a wall, a decorative fence, an opaque hedge of shrubs or trees, or a landscaped berm. Such screening shall be tapered to less than five feet, where needed, to provide unobstructed visibility for motorists.

3. Signs.

4a. Signs shall be subject to the provisions of Chapter 22.114 (Signs), except that in lieu of business signs, standards as listed in that Chapter, a mobilehome park may only display the following signs:

ai. One wall-mounted or freestanding sign not exceeding 20 square feet in sign area, or 40 square feet in total sign area, to identify the mobilehome park may be located at each principal entrance.

bii. One freestanding sign, not exceeding six square feet in sign area or 12 feet in total sign area, advertising property for sale, lease, or rent, or indicating vacancy status, may be located at each principal entrance.

eiii. Temporary subdivision sales, entry, and special feature signs shall be allowed, as specified in Section 22.114.180 (Temporary Subdivision and Real Estate Signs).

d~~iv~~. A directional or informational sign indicating the location of each residence by number shall be located at each principal entrance and at other appropriate locations for use by emergency vehicles, as well as the convenience of guests. The size, location, and number of such signs shall be established by the Commission or Hearing Officer.

2b. No source of illumination for any signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five feet of any exterior property line.

...

~~H. Recreational Vehicle Park within a Mobilehome Park. In Zones C-H, C-1, C-2, C-3, and C-M, where a recreational vehicle park is located within a mobilehome park, it shall be a separate section of the mobilehome park and shall be so designated.~~

~~H.~~ Prohibitions.

...

2. There shall be no commercial uses, except those uses approved by the Commission or Hearing Officer ~~and which are necessary to facilitate the operation of the mobilehome park.~~

I. Repair. Notwithstanding the provisions of Subsection 22.172.020.G (Repair of Damaged or Partially Destroyed Buildings or Structures Nonconforming Due to Use or Standards), a mobilehome park may be repaired as follows:

1. A damaged or destroyed mobilehome park may replace legally established structures as a like-for-like replacement, and shall not exceed the area or number of dwellings that were damaged or destroyed;

2. Where a previous entitlement(s) that established the mobilehome park remains valid and in full effect at the time of damage, the rebuilt park shall comply with any previous conditions of approval;

3. Where the mobilehome park does not have a previous entitlement(s) that is valid and in full effect at the time of damage, the mobilehome park shall obtain a valid Conditional Use Permit prior to reconstruction.

J. ~~Long-Term Leases-Maintenance.~~ Notwithstanding Section 22.172.020.H (Maintenance of Buildings or Structures Nonconforming Due to Use), maintenance and routine repair is permitted in a mobilehome park as follows:

1. ~~In the event the County eliminates rent control for mobilehomes, all Conditional Use Permit (Chapter 22.158) applications for new mobilehome parks shall require as a condition of approval that all rental agreements have, in bold print no less than one-half inch high, the following statement: "There is no rent control for~~

~~mobilehome parks in Los Angeles County. Potential residents may wish to secure long-term leases for their own protection.~~ Where the mobilehome park is within the grant term of a valid Conditional Use Permit or Nonconforming Use and Structure Review, maintenance and routine repair shall be subject to the conditions of such entitlement.

2. ~~The Department shall be provided with a sample copy of the rental agreement prior to occupancy of the mobilehome park.~~ Where the mobilehome park is nonconforming due to use and within its amortization period, maintenance and routine repair is permitted, provided that such maintenance and routine repair does not involve any alteration, enlargement, or addition to any building or structure; increase in occupant load; or any enlargement of area, space, or volume occupied by or devoted to such use.

3. Where the mobilehome park is nonconforming due to use, its amortization period has ended, and it does not have a valid Conditional Use Permit or Nonconforming Use and Structure Review, maintenance and routine repair is subject to the approval of a Conditional Use Permit (Chapter 22.158) application.

K. Waiver of Time Limits. When a mobilehome park, which has been constituted of only rental spaces, has completed a conversion to 51 percent owner-occupancy, all time limits established by the original permit may be waived at the request of the property owner, upon notification and presentation of evidence to the satisfaction of the Director.

SECTION 14. Section 22.140.490 is hereby amended to read as follows:

22.140.490 Recreational Vehicle Parks.

...

B. Development Standards.

...

3. Area. The recreational vehicle park shall have an area of not less than five acres; unless the recreational vehicle park is located within a mobilehome park.

...

SECTION 15. Section 22.140.680 is hereby added to read as follows:

22.140.680 Condominium Conversions.

A. Purpose.

The purpose of this Section is to ensure that tenants are notified of an applicant's intent to convert rental dwelling units to condominiums, and that notifications of such intent are provided to organizations qualified to acquire rental housing and maintain its long-term affordability.

B. Applicability.

The provisions of this Section apply to the conversion of rental dwelling units to residential condominiums, as defined in Division 2 (Definitions) under "Condominium conversion."

C. Requirements.

1. At least 60 days prior to the filing of a tentative map for a condominium conversion, the applicant shall provide to each of the tenants of the proposed condominium development notification of intent to convert, in accordance with section 66427.1 of the California Government Code.

2. At least 30 days prior to the filing of a tentative map for the conversion of rental dwelling units to a residential or mixed residential and commercial condominium development, the applicant shall submit all of the following information to LACDA:

a. The address(es) of the property(ies) that will be proposed to be converted;

b. The number of rental dwelling units that will be proposed to be converted;

c. The monthly rent collected per unit at the time the information is submitted;

d. Whether the unit(s) are subject to the County's Rent Stabilization Ordinance; and

e. The applicant's contact information.

3. Condominium conversions shall be subject to all applicable provisions of Chapter 22.119 (Affordable Housing Replacement) in Title 22, Chapter 8.52 (Rent Stabilization) in Title 8 (Consumer Protection, Business and Wage Regulations) of the County Code, Title 21 (Subdivisions) of the County Code, and all other applicable provisions of section 66427.1 of the California Government Code.

SECTION 16. Section 22.166.040 is hereby amended to read as follows:

22.166.040 Administrative Housing Permit.

...

B. Application and Review Procedures.

...

2. Fees.

a. When an Administrative Housing Permit application is filed, it shall be accompanied by the required filing fee, as shown in Table 22.250.010-A (Filing Fee Schedule), or as specified otherwise in Subsections B (Fee Exemption and Reductions for Affordable Housing) or D (Fee Exemption for Mobilehome Parks) of Section 22.250.020, ~~subject to Chapter 22.120 (Density Bonus)~~.

...

C. Findings and Decision.

1. An application that meets all the requirements for an Administrative Housing Permit shall be approved, unless any of the following is found on substantial evidence:

a. When an incentive is requested:

i. The incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for the ~~affordable housing set-aside~~ income-restricted units;

...

SECTION 17. Section 22.166.070 is hereby amended to read as follows:

22.166.070 Covenant and Agreement.

...

3. For-Sale Income-Restricted Units. When income-restricted units are for-sale dwelling units, the covenant and agreement shall also include owner requirements related to the following and subject to the LACDA's review and approval:

...

d. Provisions restricting the initial sale to eligible buyers, and requiring equity sharing with the County that states the following terms:

...

vii. All County equity-sharing proceeds ~~shall be deposited into the County Affordable Housing Trust Fund, or equivalent, and shall be used within five years for any of the purposes described in section 33334.2(e) of the California Health and Safety Code that promote affordable home ownership.~~

e. Notwithstanding Subsection A.3.d., above, if the units are part of a community land trust, the community land trust shall maintain equity in sales of the income-restricted units to qualifying households.

SECTION 18. Section 22.166.080 is hereby amended to read as follows:

22.166.080 Monitoring of Affordable Housing.

...

A. Certification. Property owners shall certify with the LACDA that the ~~affordable housing set aside~~income-restricted units are in conformance with the terms

of the Housing Permit after the final certificate of occupancy is issued by Public Works for any dwelling unit in the project, and thereafter, on or before January 2 of each year.

...

C. Reporting. On or before April 1 of each year, the LACDA shall provide an annual report to the Director that describes the following:

...

2. The results of the certification of each ~~affordable housing set-aside~~income-restricted unit and a notification to the Director of any necessary actions to maintain the ~~affordable housing set-aside~~income-restricted units.

D. Enforcement and Noncompliance. In the event of noncompliance, the owner of the ~~affordable housing set-aside~~income-restricted units shall be subject to Chapter 22.242 (Enforcement Procedures), the remedies described in the covenant and agreement, and any other remedies at law.

SECTION 19. Section 22.172.050 is hereby amended to read as follows:

22.172.050 Termination Conditions and Time Limits.

...

B. Termination by Operation of Law. Nonconforming uses and buildings or structures nonconforming due to use, and those buildings or structures nonconforming due to standards enumerated in this Section, shall be discontinued and removed from their sites within the time specified in this Section, except when extended or revoked as otherwise provided in this Title 22:

1. In the case of nonconforming uses and buildings or structures nonconforming due to use:

...

~~g. Where the property is developed as a mobilehome park, which is constituted only of spaces rented to mobilehomes, then the length of time shall be as specified by this Subsection B.1.~~

...

SECTION 20. Section 22.246.020 is hereby amended to read as follows:

22.246.020 Applicability of Zone Changes and Ordinance

Amendments.

A. Unless otherwise specified in this Title 22, if a complete application, as determined by the Director, was submitted to the Department prior to the effective date of a Zone Change (Chapter 22.198) or an Ordinance Amendment (Chapter 22.244):

...

2. If the applicant chooses to have the application be subject to the zoning and regulations that were applicable to the project prior to the effective date of such Zone Change or Ordinance Amendment:

a. The application may be modified prior to consideration by the Commission, Hearing Officer, or Director, and still be subject to the previously applicable zoning and regulations so long as the requested modification does not:

i. Change the project's housing type (e.g., from single-family residential to two-family or multi-family residential);

...

- iv. Change the project's tenure;
- iv. Increase the amount of grading for the project; or
- vi. Increase the area of ground disturbance resulting

from the project.

...

SECTION 21. Section 22.250.010 is hereby amended to read as follows:

22.250.010 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, as provided in Table 22.250.010-A, below, shall accompany the application or petition.

Table 22.250.010-A may be referred to as the Filing Fee Schedule.

TABLE 22.250.010-A: FILING FEE SCHEDULE		
...		
Minor Parking Deviation		\$1,532
Mobilehome Park Impact Report	For each impact report filed pursuant to Section 8.57.300 in Title 8 (Consumer Protection, Business and Wage Regulations) of the County Code	\$7,162
...		

B. Additional Fees.

...

3. Housing Permits.

...

b. Housing Permit Monitoring Fees. The applicant for an approved Housing Permit (Chapter 22.166) shall be required to pay monitoring fees directly to the LACDA, as follows:

i. An amount equal to \$170 x 55 years per unit ~~effor~~ the rental ~~affordable housing set aside~~income-restricted units, except that for housing developments with more than 10 ~~affordable housing set aside~~income-restricted units, the fee shall be the same amount as a housing development with 10 ~~affordable housing set aside~~income-restricted units. The fee may be paid annually or capitalized as a one-time lump sum payment, as approved by the LACDA;

ii. A one-time lump sum in the amount of \$2,934 per unit ~~effor~~ the for-sale ~~affordable housing set aside~~income-restricted units;

...

SECTION 22. Section 22.250.020 is hereby amended to read as follows:

22.250.020 Fee Waivers, Exemptions, and Reductions.

...

B. Fee Exemption and Reduction for Affordable Housing. An applicant for a Housing Permit (Chapter 22.166) may request an exemption from, or a reduction in, the payment of any planning and zoning fees or deposits, if a housing development provides income-restricted units, pursuant to Chapter 22.119 (Affordable Housing Replacement), Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), Section 22.128.200 (Supportive Housing Streamlining), Section 22.130.200

(Motel Conversions, Permanent), or Section 22.140.660 (Motel Conversions, Temporary) subject to the following:

...

2. Fee Reduction. Request for a fee reduction shall be granted, if the housing development provides an ~~affordable housing set-aside~~ income-restricted unit(s), but the applicant is not eligible for the fee exemption described in Subsection B.1, above. The rate of reduction shall be the total number of ~~affordable~~ income-restricted dwelling units divided by the total number of dwelling units. For the purpose of this Subsection B.2, "total number of dwelling units" means all dwelling units within the housing development, exclusive of a manager's unit or units, and inclusive of dwelling units permitted by the density bonus(es) awarded, if applicable.

...

D. Fee Exemption for Mobilehome Parks. An applicant for a mobilehome park may request an exemption from the payment of the fees or deposits provided in Section 22.250.010 (Filing Fees and Deposits) incurred by the Department. This Subsection D does not authorize any exemption from, or reduction in, the payment of fees or deposits incurred by other County departments or agencies.

SECTION 23. Chapter 22.268 is hereby added to read as follows:

Chapter 22.268 AFFORDABLE HOUSING REPLACEMENT FEE

Sections:

22.268.010 Applicability.

22.268.020 Amount.

22.268.030 Calculation.

22.268.040 Timing of Payment.

22.268.050 Annual Fee Update.

22.268.060 Use of Fees.

22.268.010 Applicability.

This Section applies to projects eligible to pay an affordable housing replacement fee pursuant to Section 22.119.050.E.

22.268.020 Amount.

A. The amount shall be the applicable replacement fee per square foot multiplied by the gross floor area of the units requiring replacement. If the square footage of the units requiring replacement is not known, a per-unit fee shall apply.

B. The fees shall be applied by submarket area, as defined in Section 22.14.010.A under "Affordable housing and senior citizen housing" and in accordance with Table 22.268.020-A.

TABLE 22.268.020-A: AFFORDABLE HOUSING REPLACEMENT FEES		
Submarket Area	Fee Per Square Foot of Gross Building Area	Fee Per Unit
Antelope Valley	\$144	\$129,470
Coastal South Los Angeles	\$346	\$318,914
East Los Angeles/Gateway	\$270	\$228,116
San Gabriel Valley	\$268	\$292,277
Santa Clarita Valley	\$174	\$154,294

TABLE 22.268.020-A: AFFORDABLE HOUSING REPLACEMENT FEES		
Submarket Area	Fee Per Square Foot of Gross Building Area	Fee Per Unit
South Los Angeles	\$269	\$231,360

22.268.030 Calculation.

The replacement fee shall be calculated using the effective rate on the date the complete permit application for the principal project is submitted to the Department.

22.268.040 Timing of Payment.

A. If no discretionary approval is associated with the project, the replacement fee shall be due and payable prior to approval of the principal project by the Department.

B. If the project requires a discretionary approval other than a land division, the replacement fee shall be due and payable concurrently with fees submitted pursuant to Section 22.222.260.B (Performance Guarantee and Covenant).

C. If the project is a land division, the replacement fee shall be due and payable with final map submittal, pursuant to Section 21.44.050 (Materials required for submittal) in Title 21 (Subdivisions).

22.268.050 Annual Fee Update.

The replacement fee shall be updated annually based on the annual increase in the Construction Costs Index ("CCI") published by Engineering News Record for Los Angeles, or a similar construction industry index selected by the Department in the event the CCI is discontinued.

22.268.060 Use of Fees.

Replacement fees shall be used by the County, a County-designated agency, or a qualified nonprofit for any of the purposes described in section 33334.2(e) of the California Health and Safety Code. The use of such funds shall be prioritized within the same unincorporated submarket area of the project.

[2140110LJCC]

SECTION 24 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Hilda J. Solis
Chair

ATTEST:

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of April 6, 2021 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

<u>Ayes</u>		<u>Noes</u>	
Supervisors	<u>Hilda L. Solis</u>	Supervisors	<u>None</u>
	<u>Holly J. Mitchell</u>		<u></u>
	<u>Sheila Kuehl</u>		<u></u>
	<u>Janice Hahn</u>		<u></u>
	<u>Kathryn Barger</u>		<u></u>

Effective Date: May 6, 2021

~~Operative Date:~~

Celia Zavala
Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
RODRIGO A. CASTRO-SILVA
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel