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RAYMOND G. FORTNER, JR.
County Counsel

August 2, 2006

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

Re: Ordinance Amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code

Dear Supervisors:

On July 25, 2006, your Board instructed our office to prepare a final ordinance to amend Title 21 and Title 22 of the Los Angeles County Code related to density bonuses and affordable housing incentives and concessions. As instructed, enclosed are the analysis and ordinance for your consideration and adoption.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By (for)
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

RAYMOND G. FORTNER, JR.
County Counsel

EML:gl

Enclosures

HOA.383442.1

ANALYSIS

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.

RAYMOND G. FORTNER, JR.
County Counsel

By for
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:gl

7/25/06 (requested)

7/27/06 (revised)

382365_2

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 to read 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 to read as follows:

22.08.090 I.

. . .

-- Income, Moderate. "Moderate income" means an annual income for ~~a~~ persons or ~~a~~ family~~ies~~ ~~which~~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 to read 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 to read 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 to read 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 to read 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 amended to read 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 to read 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 17 of Chapter 22.562 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 to read 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 amended to read 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 to read as follows:

22.28.60 Uses subject to permits.

Premises 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 to read as follows:

22.28.110 Uses subject to permits.

Premises 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 to read as follows:

22.28.160 Uses subject to permits.

Premises 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 to read as follows:

22.28.210 Uses subject to permits.

Premises 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 to read as follows:

22.28.260 Uses subject to permits.

Premises 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 to read as follows:

22.28.320 Uses subject to permits.

Premises 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 to read 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 to read 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. Additional uses subject to permit. In addition to the uses subject to permit listed in Section 22.20.200, provided that a conditional use permit has first been obtained as specified in Part 1 of Chapter 22.26, parcels in zone R-2 may be used for the following:

. . .

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

a. Uses.

i. Additional uses subject to director's review. In addition 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:

. . .

~~(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 to read 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. In addition to the uses listed in Section 22.20.190, if site plans are first submitted to and approved by the director, parcels in zone R-2 may receive the following density bonuses:

. . .

~~(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. 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:

iii. Prohibited uses. The following uses shall be prohibited:

. . .

SECTION 20. Section 22.46.030 is hereby amended to read as follows:

22.46.030 Administration.

Specific plans and associated regulations shall be administered in accordance with Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the Government Code. Such plans and regulations may reference existing provisions and procedures of this Title 22 or they may develop different administrative procedures to use in the implementation of the specific plan. Except as otherwise expressly provided in a specific plan, property may be used for any purpose and subject to all of the standards and requirements of the basic zone. 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 to read 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~~qualified projects ~~is approved by the hearing officer~~, in accordance with Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56, 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 amended to read as follows:

22.52.1005 Applicability of Part 11 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 as 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. Provided however, that as to any pending application which was filed and completed and pursued diligently before June 15, 1983, the applicant may request that the provisions in effect at the time of filing be applied.

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

Part 17

DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES

22.52.1800 Purpose.

The purpose of this Part 17 is to implement state density bonus requirements, as set forth in section 65915 of the California Government Code, 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 multi-family 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. 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 non-permanent foundations shall also comply with (C) of said section.

iii. Duration of age-restriction. 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 for at least 30 years and in accordance with section 51.3, 798.76, 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 to the CDC no later than the date of approval of the final subdivision map, parcel map, or residential development application.

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 meet 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 a deed restriction shall be recorded with the county recorder at the time of dedication, in order to ensure the continued affordability of the units.

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 percent.

d. County Infill Sites Program.

i. The qualified project shall be a participant in 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 a qualified project that is a participant in 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, as determined by the CDC, will be observed 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 is a participant 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, 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" do 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 is subject to 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 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. All 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 qualified projects 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 qualified projects 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 or lower income households and are within a 1,500 ft. radius of a fully funded mass transit station or bus stop along a major bus route, the following parking rates shall apply: A. Single-family Dwelling Units; Any number 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 projects 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; 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, which incentives shall be deemed "off-menu" incentives.

D. County Infill Sites Program.

1. A qualified project that is a participant in 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 that are within a 1,500 ft. radius of a fully funded mass transit station or bus stop along a major bus route, the following parking rates shall apply: Single-family dwelling units;

	Any number 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; and 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 is a participant 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 the incentives provided in Table D.

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 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 those relating to 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 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 those relating to 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 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 percent, if the senior citizen housing set-aside is at least 50 percent of the project.

1. The senior citizen housing set-aside must meet the requirements for senior citizen housing, as provided in section 51.3, 798.76, or 799.5 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-aside for at least 30 years and in accordance with section 51.3, 798.76, 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 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 and incentives that do not meet the findings specified in Section 22.52.1880.

1. The provisions of this subsection shall not apply to the granting of greater 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 those which could be 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 housing development approved, in terms of ownership or control of the sites.

C. Permit type. The granting of greater density bonuses and the transfer of density and incentives through the affordable housing option is subject to 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 to read 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. The definitions contained in Section 22.52.1820 shall apply to this Part 18.

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.

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 is one of the following;

1. Is the owner of the premises involved;

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

3. In the case of an entity with eminent domain powers, 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; and

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 for the subject property in compliance with the provisions of other applicable ordinances.

J. Proof satisfactory to the director 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 director 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.

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

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

2. Total number of dwelling units proposed (before application of a density bonus);

3. 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; and

4. Grand total number of dwelling units, including bonus units after application of a density bonus.

L. Photographs of the entire site and surrounding properties.

M. 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 the Department of Public Works ("DPW").

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(s) to be accommodated by the qualified project;

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

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; and

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 prices;

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

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

d. 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; and

e. For moderate income housing set-asides (common interest development), provisions restricting the initial sale to eligible buyers, and

requiring 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.

iii. 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; and

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; and

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 DPW 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 DPW 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 DPW 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 by DPW for any unit in the qualified project. 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 a notification to 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.

In granting a housing permit, the director or commission shall prescribe the height limit, stories, yards, maximum lot coverage, gross structural area, parking, and other development standards for the use approved. Where the director or commission fails to specify said height limit, stories, yards, maximum lot coverage, gross structural

area, density, parking, or other development standards, 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 subject to 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; and

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 Table C of Section 22.52.1840 (B), shall also provide a 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; and

6. On land having a natural slope of 25 percent 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 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 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) as applicable;

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

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, variance, or other discretionary land use entitlement concurrently with an application for an administrative housing permit as provided by this title, the commission may consider and approve such application for an administrative housing permit concurrently with such permit, variance, or other discretionary land use entitlement. The commission shall make the required findings for each entitlement 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; and

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 to provide the missing information.

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;

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. The notice shall specify that the project is subject to an administrative housing permit and that the incentives are not subject to a discretionary review. The notice shall also specify that the bases for which an appeal can be filed by the applicant or any interested person or the matter called up for review by the commission are limited to the criteria contained in Section 22.56.2730 and that the permissible grounds upon which the commission may act in such appeal or call for review as described in Section 22.56.2760 are also limited to such criteria.

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.

B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the decision of the director shall become effective 21 days after receipt of the notice of the decision by the applicant, unless appealed by the applicant or any interested person or called up for review by the commission prior to that date.

22.56.2760 Appeals – Administrative review.

A. Off-menu incentives.

1. When an off-menu incentive is requested, an appeal to the commission may be made by any interested person dissatisfied with the action taken by

the director on an administrative housing permit, and/or the project may be called up for review by the commission. Such appeal shall be filed with the commission, or be called up for review by the commission, within 21 days of receipt of notification by the applicant. The appeal shall be accompanied by the fee required by Section 22.60.230. Appeals that do not address the findings and determinations made by the director, as described in Section 22.56.2730, shall not be accepted.

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 matter 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).

B. 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 or appellants, which shall solely be based on the findings and determination of the director, as described in Section 22.56.2730. The decision of the commission shall be final.

C. 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.

D. 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.

22.56.2770 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.

22.56.2780 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.

22.56.2790 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.

22.56.2800 Application – Discretionary review.

As described in this section, a discretionary housing permit is subject to a discretionary review and requires a public hearing before the commission.

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. Such other information as the director may require;

5. The director may waive the filing of one or more of the above items; and

6. 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. 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;

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 22.52.1860, 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 director 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 director may permit the applicant to amend such application to provide the missing information.

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.

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 to or called up for review by the Board of Supervisors 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 with the director 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 for 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 to read 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 — $4,926.00.~~

. . .

-- 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 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 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 to read 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. For profit developer. 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, if it constructs 100 percent of the project's dwelling units for lower income and/or very-low income households, and requests the exemption 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.~~

[2122DensityBonus]