



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director

**Dennis Slavin**  
Chief Deputy Director

November 27, 2018

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

Dear Supervisors:

**HEARING ON THE DENSITY BONUS ORDINANCE UPDATE  
PROJECT NO. 2018-000572-(1-5)  
ADVANCE PLANNING CASE NOS. RPPL2018000900, RPPL2018000901  
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

**SUBJECT**

The recommended action is to approve the Density Bonus Ordinance Update (Draft Ordinance). The Draft Ordinance implements the State Density Bonus Law and creates local regulations to promote affordable and senior citizen housing. It also restructures affordable and senior citizen housing provisions for ease of use, deletes obsolete provisions, amends existing references for internal consistency, and revises fees. A project summary is included as Attachment 1.

**IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,**

1. Consider the Negative Declaration for the Draft Ordinance (Attachment 2), together with any comments received during the public review period, find on the basis of the whole record before the Board of Supervisors (Board) that there is no substantial evidence that the project may have a significant effect on the environment, find that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Negative Declaration;
2. Approve the Draft Ordinance (RPPL2018000900, RPPL2018000901) (Attachment 3), as recommended by the Regional Planning Commission (Commission);

3. Find that the Draft Ordinance has no effect on fish and wildlife, and authorize the Director of the Department of Regional Planning (DRP) to complete and file a Certificate of Fee Exemption for the project in accordance with Section 711.4 of the California Fish and Game Code; and
4. Instruct County Counsel to prepare the necessary final documents for the Draft Ordinance, and bring them back to the Board for their consideration.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Under the State Density Bonus Law, local jurisdictions must grant a density bonus to housing developments of five or more units if they include a specified percentage of affordable or senior citizen housing. State law also requires that local jurisdictions provide incentives and waivers of development standards to support the development of density bonus projects.

In 2015, the Board directed DRP to update the Density Bonus Ordinance in order to establish allowances for extremely low-income households, and to make other changes to strengthen the effectiveness of the ordinance.

On August 15, 2018, the Commission held a public hearing and voted to recommend approval of the Draft Ordinance to the Board, with an amendment to limit the option to request an additional density bonus as an incentive to projects that meet the requirements for the maximum 35% density bonus, as allowed under State law. The Commission's resolution and hearing proceedings are included as Attachments 4 and 5, respectively.

#### **Existing County Ordinance**

Major elements of the State Density Bonus Law are reflected in the County's existing Density Bonus Ordinance, and are maintained in the Draft Ordinance, including: affordable and senior citizen housing density bonus types; minimum number of units for eligibility; sliding scale of affordable housing set-asides with corresponding density bonuses; incentives and waivers of development standards granted when findings are met; and parking incentives.

#### **Recent Changes to State Density Bonus Law**

The Draft Ordinance includes recent changes to the State Density Bonus Law, including: revised finding for incentives; reduced parking requirements for projects near transit; replacement requirement; 55 years duration for affordable rental units; equity sharing upon resale for affordable for-sale units; and technical changes.

### Local County Policies

In addition, the Draft Ordinance includes the following local policies designed to further incentivize and streamline the review of density bonus projects: an extremely low income household category, with set-aside requirements, corresponding density bonuses, incentives, and no required parking; inclusion of density bonuses for a wider range of housing types for moderate income households; clarification on the granting of additional density bonuses as an incentive; ministerial review of density bonus projects that meet the criteria for California Environmental Quality Act (CEQA) exemptions in certain commercial zones; clarification on the review of density bonuses and mixed use and joint live-work developments; amendments to the exemption of planning and zoning fees for affordable housing projects; updated requirements for covenant and agreements; updated Community Development Commission fees; and technical corrections.

A comparison of the provisions in the State Density Bonus Law and the County's Draft Ordinance is provided as Attachment 6.

### Implementation of Strategic Plan Goals

The Draft Ordinance supports the County's *Strategic Plan Goal I. Make Investments that Transform Lives, 1.5: Increase Affordable Housing Throughout L.A. County* by incentivizing the development of affordable housing.

### FISCAL IMPACT/FINANCING

Adoption of the Draft Ordinance will not result in any significant new costs to DRP or other County departments and agencies. The Draft Ordinance contains an update to the Permit Evaluation Fee and the fees for monitoring income-restricted units to ensure that the cost of reviewing density bonus projects will be recovered by fees. These amendments have been reviewed by the Auditor-Controller, as shown in Attachment 7.

### FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Section 65915 was enacted in 1979 and has been amended to further encourage the development of affordable and senior citizen housing, while maintaining flexibility for local governments to create additional benefits via local ordinance. State standards apply if local jurisdictions do not adopt an implementing ordinance in accordance with State law.

The State significantly changed the Density Bonus Law in 2005 with Senate Bill (SB) 1818, which included a lower minimum set-aside, the creation of incentives, parking standards, and the allowance of density bonuses by-right, to further support the development of affordable and senior citizen housing. Following SB 1818, in

2006, the County adopted the Density Bonus Ordinance and created the Housing Permit to implement the ordinance and monitor compliance with affordability requirements.

The State also significantly changed the Density Bonus Law in 2015 and 2016. With the changes, incentives must result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for set-aside units (Assembly Bill (AB) 2501, Bloom). In addition, there are reduced parking requirements for density bonus projects within a one-half mile of transit (AB 744, Chau). State law also requires the replacement of any rental unit that has housed a low income household on the project site in the past five years (AB 2222, AB 2556, Nazarian). State law also requires the duration of affordability for very low and lower income rental units to be 55 years (AB 2222, Nazarian), while all for-sale affordable units are subject to equity sharing upon resale rather than resale restrictions (AB 2222, Nazarian). Additionally, State law includes technical changes (AB 2501, Bloom).

Between 2005 and the end of 2017, DRP reported a total of 2,390 units created under the Density Bonus Program. These include 1,686 affordable units, 474 market-rate senior citizen units, and units with no age or income restriction.

The Draft Ordinance supports Policies 1.2, 1.3, and 3.1 of the County's adopted and State-certified Housing Element in that it will encourage the development of affordable housing. The Draft Ordinance also supports Policy 2.1 by encouraging the development of affordable housing near transit.

In addition to the public hearing conducted by the Commission on August 15, 2018, a public hearing before the Board is required pursuant to Section 22.232.040.B.1 of the County Code. Required notice has been given pursuant to the procedures and requirements set forth in Section 22.222.180 of the County Code. Additionally, over 750 members of the public have been notified via email. The notification list is provided as Attachment 8.

## **ENVIRONMENTAL DOCUMENTATION**

An Initial Study was prepared for the project in compliance with CEQA, which documented that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, a Negative Declaration was prepared. Public notice was published in local newspapers pursuant to California Public Resources Code Section 21092 and posted pursuant to Section 21092.3.

In addition, all tribal cultural resources consultation requirements of CEQA have been met and documented. Three tribes requested consultation when the Draft Ordinance is implemented or results in ground disturbance.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the Draft Ordinance will not significantly impact County services.

Should you have any questions, please contact Connie Chung, Section Head, General Plan Development and Housing Section at (213) 974-6417, or [cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov).

Respectfully submitted,



Amy J. Bodek, AICP  
Director

AJB:MC:CC:HA:ems

Attachments

1. Project Summary
2. Draft Initial Study and Negative Declaration
3. Draft Ordinance
4. Regional Planning Commission Resolution
5. Regional Planning Commission Hearing Proceedings
6. Comparison Between State Law and Draft Ordinance
7. Auditor-Controller Memo
8. Notification List

c: Executive Office, Board of Supervisors  
Auditor-Controller  
County Counsel  
Chief Executive Office  
Community Development Commission  
Fire  
Public Works

**COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

**PROJECT SUMMARY**

<b>PROJECT DESCRIPTION:</b>	Density Bonus Ordinance Update: Proposed amendments to the Los Angeles County Code (Title 21 and Title 22) to implement the State Density Bonus Law, provide local incentives for affordable and senior housing, amend existing references for editorial consistency, and to establish revised fees.
<b>REQUEST:</b>	Approval and adoption of the Ordinance.
<b>LOCATION:</b>	Countywide (unincorporated areas)
<b>STAFF CONTACT:</b>	Ms. Ayala Scott, Ms. Heather Anderson, and Ms. Tina Fung at (213) 974-6417
<b>RPC HEARING DATE(S):</b>	August 15, 2018
<b>RPC RECOMMENDATION:</b>	Approval and recommendation to the Board to consider adoption of the Ordinance.
<b>MEMBERS VOTING AYE:</b>	Commissioners Louie, Moon, Smith, Shell, and Modugno
<b>MEMBERS VOTING NAY:</b>	None
<b>MEMBERS ABSENT:</b>	None
<b>MEMBERS ABSTAINING:</b>	None
<b>KEY ISSUES:</b>	<p>The Draft Ordinance implements recent changes to the State Density Bonus Law, including:</p> <ul style="list-style-type: none"><li>• Revised finding for incentives;</li><li>• Reduced parking requirements for projects near transit;</li><li>• Replacement requirement;</li><li>• 55 years duration for affordable rental units, and equity sharing upon resale for affordable for-sale units.</li></ul> <p>The Draft Ordinance includes local policies designed to further incentivize and streamline the review of</p>

density bonus projects:

- An extremely low income household category;
- Inclusion of density bonuses for a wider range of housing types for moderate income households;
- Clarification on the granting of additional density bonuses;
- Ministerial review of density bonus projects that meet the criteria for CEQA exemptions in certain commercial zones;
- Clarification on the review of density bonuses and mixed use and joint live-work developments; and
- Amendments to the exemption and reduction of planning and zoning fees for affordable housing projects.

**MAJOR POINTS FOR:**

The Draft Ordinance will facilitate the development of affordable housing in the unincorporated areas of Los Angeles County.

The Draft Ordinance provides density bonuses and incentives to help make the provision of affordable units feasible for developers.

The Draft Ordinance includes incentives for different levels of affordability and tenure, which promote a diversity of housing types and choices.

**MAJOR POINTS AGAINST:**

The Draft Ordinance includes local provisions that go above and beyond the minimum required by the State Density Bonus law.

The Draft Ordinance allows for the potential modification of development standards and increases in density without a discretionary process.

**ATTACHMENT 2**

# Environmental Checklist Form (Initial Study)

County of Los Angeles, Department of Regional Planning

**Project title:** “Density Bonus Ordinance Update” (if applicable) / Project No. 2018-000572 / Case No(s) RPPL2018000900, RPPL2018000901 (Initial Study).

**Lead agency name and address:** Los Angeles County, 320 West Temple Street, Los Angeles, CA 90012

**Contact Person and phone number:** Ayala Scott, Senior Regional Planner 213-974-6417

**Project sponsor’s name and address:** County-initiated project

**Project location:** (Countywide)  
*APN:* \_\_\_\_\_ *USGS Quad:* \_\_\_\_\_

**Gross Acreage:** Countywide

**General plan designation:** Countywide

**Community/Area wide Plan designation:** Countywide

**Zoning:** Applicable to all zones where permitted

## Description of project:

Project Description:

The project is an update to the County’s Density Bonus Ordinance, which implements the State Density Bonus Law to promote affordable and senior housing in the unincorporated areas of Los Angeles County. To implement the State law, the project will:

- allow density bonuses for projects with set-asides for very low, lower and moderate income households (common interest developments), for senior citizen housing, and for land donations,
- include parking ratios for density bonus projects, including affordable housing within a ½ mile of transit,
- allow unlimited waivers of development standards that physically preclude a density bonus project with affordable set-asides from being built at the densities and/or with the incentives permitted by the density bonus,

- allow up to three incentives that result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for the affordable housing set-aside units, and
- require rental housing set-asides to be affordable for 55 years, and require for-sale housing set-asides to be affordable to the initial buyer and subject to equity sharing with the County upon resale,
- require rental housing for senior citizens to be age-restricted for 55 years, and require for-sale housing for senior citizens to be age-restricted to the initial buyer,
- require one-to-one replacement of existing affordable rental units and affordable rental units demolished or vacated in the five-year period before application submittal,
- require density bonuses and affordable housing set-asides to be calculated by rounding fractional units up to the nearest whole number.

In addition to implementing State law, the project will result in the following local regulations to incentivize affordable housing:

- the addition of an extremely low income affordability category, with its own set-aside requirements, corresponding density bonuses and three incentives,
- no parking requirement for extremely low income units,
- options for a density bonus for a rental or a single-family residential development with a moderate income housing set-aside,
- options for additional density bonuses as an incentive,
- ministerial review in certain commercial zones of affordable housing density bonus projects (apartment houses) that meet the criteria for a CEQA exemption,
- exemption from planning fees for 100% affordable housing projects, and reduced planning fees for other affordable housing projects; and
- ministerial review of mixed use and joint live-work developments in the Mixed Use Development (MXD) Zone and various commercial zones, if development standards are waived or modified in accordance with the Density Bonus Ordinance with an Administrative Housing Permit.

Finally, the project will amend Title 21 and Title 22 for editorial consistency with the proposed ordinance.

Surrounding land uses and setting: Countywide

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

<i>Public Agency</i>	<i>Approval Required</i>
_____	_____
_____	_____

Major projects in the area:

<i>Project/Case No.</i>	<i>Description and Status</i>
<i>n/a</i>	_____
_____	_____
_____	_____
_____	_____
_____	_____

Reviewing Agencies:

*Responsible Agencies*

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

*Special Reviewing Agencies*

- None
- Santa Monica Mountains Conservancy
- National Parks
- National Forest
- Edwards Air Force Base
- Resource Conservation District of Santa Monica Mountains Area
- State of California Department of Housing and Community Development
- State of California Governor's Office of Planning and Research
- SCAG

*Regional Significance*

- None
- SCAG Criteria
- Air Quality
- Water Resources
- Santa Monica Mtns. Area
- 

*Trustee Agencies*

- None
- State Dept. of Fish and Wildlife
- State Dept. of Parks and Recreation

*County Reviewing Agencies*

- DPW

- Fire Department
  - Forestry, Environmental Division
  - Planning Division
  - Land Development Unit

- State Lands Commission
- University of California  
(Natural Land and Water  
Reserves System)

- Health Hazmat
- Sanitation District
- Public  
Health/Environmental  
Health Division: Land Use  
Program (OWTS), Drinking  
Water Program (Private  
Wells), Toxics Epidemiology  
Program (Noise)
- Sheriff Department
- Parks and Recreation
- Subdivision Committee
- Community Development  
Commission
- Office of Los Angeles  
County Counsel
- Public Library

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project.

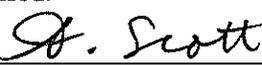
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics           | <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Population/Housing                    |
| <input type="checkbox"/> Agriculture/Forest   | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Public Services                       |
| <input type="checkbox"/> Air Quality          | <input type="checkbox"/> Hydrology/Water Quality     | <input type="checkbox"/> Recreation                            |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning           | <input type="checkbox"/> Transportation/Traffic                |
| <input type="checkbox"/> Cultural Resources   | <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Utilities/Services                    |
| <input type="checkbox"/> Energy               | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Mandatory Findings<br>of Significance |
| <input type="checkbox"/> Geology/Soils        |  |  |

DETERMINATION: (To be completed by the Lead Department.)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


6/28/18  
 \_\_\_\_\_  
 Signature (Prepared by) Ayala Scott, Senior Regional Planner Date


6/28/18  
 \_\_\_\_\_  
 Signature (Approved by) Connie Chung, Supervising Regional Planner Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the Lead Department cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the Lead Department has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly

explain how they reduce the effect to a less than significant level. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA processes, an effect has been adequately analyzed in an earlier EIR or negative declaration. (State CEQA Guidelines § 15063(c)(3)(D).) In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) The explanation of each issue should identify: the significance threshold, if any, used to evaluate each question, and; mitigation measures identified, if any, to reduce the impact to less than significance. Sources of thresholds include Los Angeles County General Plan, other County planning documents, and County ordinances. Some thresholds are unique to geographical locations.
- 8) Climate Change Impacts: When determining whether a project's impacts are significant, the analysis should consider, when relevant, the effects of future climate change on : 1) worsening hazardous conditions that pose risks to the project's inhabitants and structures (e.g., floods and wildfires), and 2) worsening the project's impacts on the environment (e.g., impacts on special status species and public health).

**1. AESTHETICS**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**Would the project:**

**a) Have a substantial adverse effect on a scenic vista?**                                                                       

A scenic vista is typically defined as a public view of highly valued visual and scenic resources such as urban skylines and distant mountain ranges, particularly from public vantage points. The diverse landscape of unincorporated Los Angeles County contains many scenic vistas, including portions of Mulholland Highway, Las Virgenes Road, Malibu Canyon Road, Topanga Canyon Boulevard and Angeles Crest Highway, which are adopted Scenic Highways. The Density Bonus Ordinance Update is not likely to result in development that would impact scenic vistas, including views along a scenic highway or scenic corridor.

Affordable and senior housing tend to locate in infill areas near transit and services because occupants of affordable and senior housing are less likely to own cars and more likely to be transit-dependent. Infill areas are less likely to contain or be near scenic vistas. Density bonus projects are unlikely to be located in scenic areas due to the lack of zoning that permits multifamily uses in these areas. These areas are generally zoned for open space, where density bonuses are not permitted. As the General Plan protects visual resources, the project is not likely to locate development in an area that is substantially visible from, nor obstruct views from, a scenic area.

Density bonuses would be difficult to utilize in Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. Los Angeles County scenic highways, routes, drives, and scenic elements identified in the Santa Monica Mountains Local Coastal Program are largely located within or next to these areas, which have development standards and permitting requirements that are intended to protect people, property, and biological resources. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations. Furthermore, the ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact of the ordinance on scenic vistas, which are closer to rural areas.

**b) Be visible from or obstruct views from a regional riding or hiking trail?**

Trails are scenic and recreational resources that exist within the unincorporated areas of Los Angeles County. The ordinance is unlikely to result in impacts from developments that are substantially visible from or that will obstruct views from a regional riding or hiking trail.

Affordable and senior housing tend to locate in infill areas near transit and services because occupants of affordable and senior housing are less likely to own cars and more likely to be transit-dependent. Regional riding and hiking trails are less likely to contain or be near these areas. Density bonus projects are unlikely to be located in areas with regional riding and hiking trails due to the lack of zoning that permits multifamily and mixed uses in these areas. These areas tend to be zoned for open space, where density bonuses are not permitted. As the General Plan protects visual resources, the project is not likely to locate development in an area that is substantially visible from, nor obstruct views from, a regional riding or hiking trail.

Density bonuses would be difficult to utilize in Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. Trails in Los Angeles County are largely located within or next to these areas, which have development standards and permitting requirements that are intended to protect people, property, and biological resources. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

Furthermore, the ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact of the ordinance on scenic vistas, which are closer to regional riding and hiking trails.

**c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Portions of Mulholland Highway, Las Virgenes Road, Malibu Canyon Road, Topanga Canyon Boulevard and Angeles Crest Highway are adopted scenic highways. Furthermore, the Santa Monica Mountains

Local Coastal Program identifies scenic elements, which are “designated areas that contain exceptionally-scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. These areas are characterized by rare or unique geologic formations, such as large rock outcroppings and sheer canyon walls, as well as coastline viewsheds, undisturbed hillsides and/or riparian or woodland habitat with intact locally-indigenous vegetation and plant communities.”

Affordable and senior housing tend to locate in infill areas near transit and services because occupants of affordable senior housing are less likely to own cars and more likely to be transit-dependent. Infill areas are less likely to contain or be near state scenic highways. In addition, density bonus projects are unlikely to be located in areas along state scenic highways due to the lack of zoning that permits multifamily and mixed uses in these areas. Goals and land use policies set forth in the SMMLCP seek to preserve scenic elements and significant ridgelines, not only for the sake of the resources themselves, but also for the “line-of-sight” to these resources. In addition, as the General Plan protects visual resources, the project is not likely to locate development in an area that is substantially visible from, nor obstruct views from, a state scenic highway.

Scenic highways and resources are located within or next to areas where density bonuses would be difficult to utilize, including Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas and sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. The areas described above are also generally zoned for low-density single-family development. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

**d) Substantially degrade the existing visual character or quality of the site and its surroundings because of height, bulk, pattern, scale, character, or other features?**                       

The ordinance could result in more housing overall that does not conform to height or setback limitations. However, the impact to visual character would be less than significant. Density bonus projects are likely to locate in areas with zoning that permits multifamily and mixed uses. Furthermore, affordable and senior housing tend to locate in urban areas near transit and services. These areas tend to be built-out and have visual character typical of urban or suburban environments, so new density bonus projects would not cause significant visual impacts compared to what is existing.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

Under the Density Bonus Ordinance Update, the following projects would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

If the project does not meet the findings for ministerial review and thresholds for CEQA exemptions, if applicable, the project would be subject to a discretionary review, subject to findings including: that the project will not be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project. The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential impacts to visual character to less than significant.

The visual character of areas within a half-mile of transit would not be significantly impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. This is because the parking provisions would reduce the potential visual impact generated by parking structures or parking areas.

Furthermore, the commercial zones (C-H, C-1, C-2, and C-3) where apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance, are generally in built-out areas with an urban or suburban visual character, at densities and intensities that would be comparable to the residential use proposed by a density bonus project. The CEQA exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted. The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

In the unlikely event that a project is located outside of urban infill areas, other considerations include: The ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact of the ordinance on visual character.

Furthermore, density bonuses would be difficult to utilize in areas most vulnerable to impacts from height, bulk and scale, including Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

**e) Create a new source of substantial shadows, light, or glare which would adversely affect day or nighttime views in the area?**

Density bonus projects are likely to locate in areas with zoning that permits multifamily or mixed uses. Furthermore, affordable and senior housing tend to locate in urban areas near transit and services. These areas tend to be built-out and have visual character typical of urban or suburban environments, so the potential impact of new sources of light, glare, and shadows due to new density bonus projects would be less than significant compared to what is existing.

Density bonus projects that request incentives such as additional height and reduced setbacks could cast shadows that could affect views in the neighborhood. However, the impact to views of any shadows, light or glare would be less than significant. Furthermore, the impacts to views from shadows, light and glare within a half-mile of transit would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses

to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including: that the project will not be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project. The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential impacts to views from shadows, light or glare to less than significant.

Infill areas have existing sources of shadows, light and glare with impacts that are not likely to significantly increase as a result of a density bonus project. The commercial zones (C-H, C-1, C-2, and C-3) where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance, are in built-out areas. The CEQA exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

For the same reasons, the ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to impact views from shadows, light or glare.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted. The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

In the unlikely event that a project is located outside of urban infill areas, other considerations include: The ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact of shadows, light and glare in rural areas.

Furthermore, density bonuses would be difficult to utilize in areas most vulnerable to impacts from shadows, light or glare, including Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

The County's Dark Skies Ordinance protects areas in the Antelope, Santa Clarita and San Fernando valleys and the Santa Monica Mountains North Area from light pollution by requiring measures, such as directing lighting towards the ground.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The analysis concludes that the Density Bonus Ordinance Update will not result in significant impacts to aesthetics and visual resources. This is due to the following:

Affordable and senior housing tend to be built in urban infill areas near transit and services because the occupants are less likely to own cars and more likely to be transit-dependent. In addition, extremely low income housing generally serves people with special needs and is usually accompanied by on-site supportive services, making urban infill areas appropriate locations. Therefore, the potential impact of affordable and senior housing on aesthetics would be less than significant compared to what is existing.

Density bonus projects that request incentives such as additional height and reduced setbacks could affect aesthetics or visual resources in the neighborhood. However, the impact would be less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a

moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including: that the project will not be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project. The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential impacts to aesthetics or visual resources to less than significant.

Infill areas have existing sources of aesthetic impacts that are not likely to significantly increase as a result of a density bonus project. The commercial zones (C-H, C-1, C-2, and C-3) where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance, are in built-out areas. The CEQA exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

For the same reasons, the ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to create significant aesthetic impacts.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted. The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

In the rare event that a density bonus project is proposed in or near a scenic area, regional hiking trails, or near a scenic highway, density bonuses would be difficult to utilize in areas most vulnerable to aesthetic impacts, including Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

Furthermore, Los Angeles County's Dark Skies Ordinance would protect areas in the Antelope, Santa Clarita and San Fernando valleys and the Santa Monica Mountains North Area from light pollution by requiring measures, such as directing lighting towards the ground. The ordinance update does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to aesthetics in rural areas, which are closer to scenic resources and scenic highways.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, the requirement for affordability covenants for 55 years, and fee exemptions and reductions for projects would not increase the amount of housing and therefore would have no impact on aesthetics.

**2. AGRICULTURE / FOREST**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agricultural Resource Areas (ARAs) are unincorporated areas in the Santa Clarita and Antelope valleys, where farming in unincorporated Los Angeles County is generally concentrated. ARAs include Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and other areas identified in the General Plan. ARAs are almost exclusively zoned for agricultural and single-family residential uses.

Affordable and senior housing is generally located in areas close to public transit and social services. The County’s farmland is generally not located in areas well served by public transit and easily accessible to social services. Therefore, the potential of density bonus projects to cause the conversion of farmland to non-agricultural use would be less than significant.

In order to qualify for a density bonus, a project must have at least five units pre-bonus. Agricultural zoning, which would not change with the Density Bonus Ordinance Update, precludes apartment development. Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet the minimum lot size in farmland areas. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to farmland are significant.

Other residential uses eligible for a density bonus, including adult residential facilities serving seven or more people, density-controlled developments, mobile home parks and townhouses, are only allowed in agricultural zones with a discretionary review, which would also be subject to CEQA.

While farmworker housing could be eligible for a density bonus in an agricultural zone, no farmworker housing has been built in unincorporated Los Angeles County since the Farmworker Housing Ordinance was adopted in 2010. Farmworker housing is allowed ministerially in agricultural zones, but supports farmland employment, so farmworker housing is unlikely to cause the conversion of ARAs to non-

agricultural use. In addition, the County is required to comply with State law ensuring that farmworker housing be considered an agricultural or residential use. Farmworker housing would also typically qualify for a CEQA exemption.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to farmland. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, almost none contain ARAs, rendering any potential impact less than significant.

**b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?**

The Density Bonus Ordinance Update is unlikely to result in projects that would conflict with agricultural zoning, an Agricultural Opportunity Area, or with a Williamson Act contract.

Affordable housing is generally located in areas close to public transit and social services. The County’s agricultural zones are generally not located in areas well served by public transit and easily accessible to social services. Therefore, the potential of density bonus projects to conflict with agricultural zoning would be less than significant.

In addition, agricultural zones are primarily designed to permit agricultural and single-family residential uses. In order to qualify for a density bonus, a project must have at least five units pre-bonus. Agricultural zoning, which would not change with the Density Bonus Ordinance Update, precludes apartment development. Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet the minimum lot size in agriculturally zoned areas. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Other residential uses eligible for a density bonus, including adult residential facilities serving seven or more people, density-controlled developments, mobile home parks and townhouses, are only allowed in agricultural zones with discretionary review, which would also be subject to CEQA.

Farmworker housing is allowed ministerially in agricultural zones, so this housing type would not conflict with agricultural zoning. If an agriculturally zoned property were to be rezoned in conjunction with a density bonus project, the rezoning would be subject to CEQA review.

Furthermore, Los Angeles County does not participate in agricultural Williamson Act contracts, nor are there designated Agricultural Opportunity Areas in unincorporated Los Angeles County.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220 (g)), timberland (as defined in Public Resources Code § 4526), or timberland zoned Timberland Production (as defined in Government Code § 51104(g))?**

The Density Bonus Ordinance Update is unlikely to result in projects that would conflict with forest or timberland zoning or cause forest or timberland to be rezoned.

There are no areas zoned Timberland Production or areas zoned only for forest or timberland in unincorporated Los Angeles County. The Angeles National Forest and Los Padres National Forest lie within the unincorporated areas of Los Angeles County and are managed by the U.S. Forest Service. These forest areas, as well as areas where timber production is permitted, are zoned for watershed, open space, agriculture and a limited amount of low-density residential and rural commercial development. These zones permit single-family homes but not multifamily homes.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet the minimum lot size in forest areas. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to forests are significant. Development within the areas zoned for watershed must also be approved by the Forest Service. Any rezoning, even if it is in conjunction with a density bonus project, would be subject to a discretionary review, which would include CEQA review.

Other residential uses eligible for a density bonus, including adult residential facilities serving seven or more people, density-controlled developments, mobile home parks and townhouses, are only allowed in agricultural zones with discretionary review, which would be subject to CEQA review.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

The Density Bonus Ordinance Update is unlikely to result in the loss of forest land or conversion of forest land to non-forest use.

The Angeles National Forest and Los Padres National Forest lie within the unincorporated areas of Los Angeles County and are managed by the U.S. Forest Service. These forest areas are zoned for watershed, open space, agriculture and a limited amount of low-density residential and rural commercial development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet the minimum lot size in forest areas. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to forest land are significant.

Development within the areas zoned for watershed must also be approved by the Forest Service. Any rezoning, even if it is in conjunction with a density bonus project, would be subject to a discretionary review, which would include CEQA review.

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**                       

It is unlikely that the Density Bonus Ordinance Update will result in development that will encroach on agricultural or forest land with incompatible uses.

The County’s forests and farmland largely contain, and are surrounded by, areas zoned for watershed, agriculture and open space. Zoning and land use regulations effectively preclude multifamily development in most areas immediately surrounding forests and farmland. Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet the minimum lot size in forest and farmland areas. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to forests or farmland are significant. Development within the areas zoned for watershed must also be approved by the Forest Service as part of an overall recreational plan.

Other residential uses eligible for a density bonus, including adult residential facilities serving seven or more people, density-controlled developments, mobile home parks and townhouses, are only allowed in agricultural zones with discretionary review, which would also be subject to CEQA.

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The analysis concludes that the ordinance will not result in significant impacts to agricultural or forest land. This is due to the following:

Forests and farmland in Los Angeles County are relatively isolated from urban areas where affordable housing is generally located. Affordable housing is usually located in areas close to public transit and social services. The County's forests and farmland and the surrounding areas are not well served by public transit nor are they easily accessible to social services. Therefore, forest and farmland would not be significantly impacted.

In addition, forest and farmland areas and their immediate environs in Los Angeles County are generally zoned in a way that would preclude most density bonus projects, which are multifamily. Even single-family affordable developments would require a site large enough to be subdivided into single-family lots that would meet standards for minimum lot sizes in these areas, which tend to be large. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to forests or farmland are significant.

Projects using the density bonus would be subject to CEQA review, as applicable. Therefore, any impacts related to the above would be addressed and mitigation may be required.

### 3. AIR QUALITY

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>Would the project:</b>				
<b>a) Conflict with or obstruct implementation of applicable air quality plans of either the South Coast AQMD (SCAQMD) or the Antelope Valley AQMD (AVAQMD)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update is not likely to conflict with or obstruct implementation of applicable air quality plans of either the South Coast AQMD (SCAQMD) or the Antelope Valley AQMD (AVAQMD).

Density bonus projects that are otherwise consistent with the underlying land use at the project site will be consistent with the goals of the applicable air quality plans. The General Plan permits deviations to the Land Use Legend and Land Use Policy Map, such as an increase in density above the maximum allowable density, to accommodate density bonuses to create affordable and senior citizen housing, as density bonuses for these projects implement the goals of the General Plan.

Furthermore, density bonuses are much more likely to be utilized in areas zoned to allow multifamily uses, because density bonus projects tend to be multifamily, and the establishment of a use not permitted by right (such as a multifamily project in a single-family zone) would trigger a discretionary process such as a zone change or conditional use permit with environmental review and a public hearing. Areas zoned to allow multifamily housing are also close to public transit and social services, where affordable and senior housing also tend to locate because these occupants are less likely to own cars and more likely to be transit-dependent. Because density bonus projects tend to locate in infill areas, they also use land more efficiently than lower-density housing. For these reasons, density bonus projects tend to produce fewer vehicle miles traveled and are therefore not likely to conflict with or obstruct implementation of air quality plans. For the same reasons, the parking requirements in the ordinance, and elimination of the parking requirement for units set aside for extremely low income households, would not conflict with air quality plans.

If land is subdivided to create affordable single-family homes, this would trigger a discretionary process with CEQA review, which would include project-level environmental review.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

The Density Bonus Ordinance Update is not likely to violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Density bonuses are much more likely to be utilized in areas zoned to allow multifamily uses, because density bonus projects tend to be multifamily, and the establishment of a use not permitted by right (such as a multifamily project in a single-family zone) would trigger a discretionary process such as a zone change or conditional use permit with environmental review and a public hearing. Areas zoned to allow multifamily housing are also close to public transit and social services, where affordable and senior housing also tend to locate because these occupants are less likely to own cars and more likely to be transit-dependent. Because density bonus projects tend to locate in infill areas, they also use land more efficiently than lower-density housing. For these reasons, density bonus projects tend to produce fewer vehicle miles traveled and are therefore not likely to violate any air quality standard or contribute substantially to an existing or projected air quality violation. For the same reasons, the parking requirements in the ordinance, and elimination of the parking requirement for units set aside for extremely low income households, would not be likely to violate any air quality standard or contribute substantially to an existing or projected air quality violation.

If land is subdivided to create affordable single-family homes, this would trigger a discretionary process with CEQA review, which would include project-level environmental review.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

The Density Bonus Ordinance Update is unlikely to result in a cumulatively considerable net increase of any criteria pollutant for which Los Angeles County is in non-attainment.

Density bonuses are much more likely to be utilized in areas zoned to allow multifamily uses, because density bonus projects tend to be multifamily, and the establishment of a use not permitted by right (such as a multifamily project in a single-family zone) would trigger a discretionary process such as a zone change or conditional use permit with environmental review and a public hearing. Areas zoned to

allow multifamily housing are also close to public transit and social services, where affordable and senior housing also tend to locate because these occupants are less likely to own cars and more likely to be transit-dependent. Because density bonus projects tend to locate in infill areas, they also use land more efficiently than lower-density housing. For these reasons, density bonus projects tend to produce fewer vehicle miles traveled and are therefore not likely to result in a cumulatively considerable net increase of any criteria pollutant for which Los Angeles County is in non-attainment. For the same reasons, the parking requirements in the ordinance, and elimination of the parking requirement for units set aside for extremely low income households, would not be likely to result in a cumulatively considerable net increase of any criteria pollutant for which Los Angeles County is in non-attainment.

If land is subdivided to create affordable single-family homes, this would trigger a discretionary process with CEQA review, which would include project-level environmental review.

**d) Expose sensitive receptors to substantial pollutant concentrations?**                       

The Density Bonus Ordinance Update is unlikely to expose sensitive receptors to substantial pollutant concentrations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential for the ordinance to result in projects that would expose sensitive receptors to substantial pollution exposure would be less than significant.

While housing itself is unlikely to create substantial pollutant concentrations, it is possible that this housing would be located near sources of pollution, such as freeways or major commercial thoroughfares with high levels of vehicle traffic. The Land Use Element of the General Plan identifies land use compatibility as a major consideration in the siting of new sensitive land uses. The General Plan addresses land use compatibility by including policies and programs that mitigate land use conflicts through design, such as the use of landscaping, walls, building orientation, and performance standards.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses

to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review. Findings for the discretionary review include that the project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The above findings are not likely to result in projects that would expose sensitive receptors to substantial pollution concentrations.

Furthermore, residential uses are not permitted in industrial zones, where polluting uses are concentrated. Residential uses would not be permitted in industrial zones under the Density Bonus Ordinance Update. Any rezoning in conjunction with a density bonus project would trigger a discretionary process with environmental review.

Multifamily and commercial zones are close to public transit and social services, where affordable and senior housing also tend to locate because these occupants are less likely to own cars and more likely to be transit-dependent. Commercial zones are frequently located on major thoroughfares with high traffic volume, which could be a source of pollution exposure for the residents of a density bonus project.

The ordinance allows ministerial review of density bonus apartment projects in certain commercial zones (C-H, C-1, C-2, and C-3), but only for projects that meet the thresholds for CEQA exemptions. Most CEQA exemptions for which density bonus projects would qualify, require that the project either meet environmental criteria regarding exposure to hazardous substances, or are consistent with a specific plan EIR. Therefore, this provision would not result in projects that would expose sensitive receptors to substantial pollutant concentrations.

Density bonus apartment projects in the Commercial Manufacturing (C-M) zone, which permits some industrial uses, would not be eligible ministerial review under the Density Bonus Ordinance Update.

Density bonus projects in the Commercial Recreation (C-R) zone would also not be eligible for ministerial review under the ordinance. The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not result in projects that would expose sensitive receptors to substantial pollution exposure, as mixed-use and joint live-work are permitted uses in these zones.

**e) Create objectionable odors affecting a substantial number of people?**                       

The Density Bonus Ordinance Update is unlikely to expose a substantial number of people to objectionable odors.

New housing construction may create odors from paint and equipment fuel exhaust, for example, but these would not be significant or permanent. Residential uses generally do not create significant or permanent odors. The ordinance does not facilitate the production of industrial or animal-related uses, which tend to produce the strongest odors associated with their operation.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

The analysis concludes that the ordinance will not result in significant impacts to air quality. This is due to the following:

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential for the ordinance to result in projects that impact air quality would be less than significant.

While the ordinance could increase the amount of housing, there are existing measures in place that limit any potential impacts. Density bonus projects that are otherwise consistent with the General Plan and Antelope Valley Area Plan will be consistent with the goals of air quality plans from the SCAQMD and AVAQMD. These air quality plans regulate air pollutants as well as odors from commercial and industrial sites. The General Plan also contains policies to discourage incompatible land uses and mitigate land use conflicts through design through the use of landscaping, walls, building orientation, and performance standards.

The Density Bonus Ordinance Update is not likely to violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Density bonuses are much more likely to be utilized in areas zoned to allow multifamily uses, because density bonus projects tend to be multifamily, and the establishment of a use not permitted by right (such as a multifamily project in a single-family zone) would trigger a discretionary process such as a zone change or conditional use permit with environmental review and a public hearing. Areas zoned to allow multifamily housing are also close to public transit and social services, where affordable and senior housing also tend to locate because these occupants are less likely to own cars and more likely to be transit-dependent. Because density bonus projects tend to locate in infill areas, they also use land more efficiently than lower-density housing. For these reasons, density bonus projects tend to produce fewer vehicle miles traveled and are therefore not likely to significantly impact air quality. For the same reasons, the parking requirements in the ordinance, and elimination of the parking requirement for units set aside for extremely low income households, would not be likely to significantly impact air quality.

If land is subdivided to create affordable single-family homes, this would trigger a discretionary process with CEQA review, which would include project-level environmental review.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical

environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review. Findings for the discretionary review include that the project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The above findings are not likely to result in projects that significantly impact air quality.

The ordinance allows ministerial review of density bonus apartment projects in certain commercial zones (C-H, C-1, C-2, and C-3) only for projects that meet the thresholds for CEQA exemptions, so this provision would not result in projects that significantly impact air quality.

Density bonus apartment projects in the Commercial Manufacturing (C-M) zone, which permits some industrial uses, would not be eligible ministerial review under the Density Bonus Ordinance Update. Density bonus projects in the Commercial Recreation (C-R) zone would also not be eligible for ministerial review under the ordinance. The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not result in projects that significantly impact air quality, as mixed-use and joint live-work are permitted uses in these zones. Mixed use and joint live-work developments are also efficient uses of land that reduce vehicle miles traveled and therefore would not produce significant air quality impacts. Mixed residential and commercial projects are prohibited in Title 22 from including auto-related and other businesses that could expose people to harmful air pollutants.

Other aspects of the ordinance, including equity sharing on for-sale units, fee exemptions and reductions for projects, one-for-one replacement of affordable units, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore not result in air quality impacts.

**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update is unlikely to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species.

Impacts to species identified as a candidate, sensitive, or special status species would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out. While all Planning Areas in Los Angeles County General Plan contain sensitive species, many of the areas where the species have been identified overlap with areas not easily accessible to transit and supportive services, such as SEAs, HMAs, and coastal habitat areas. These areas have building requirements designed to protect biological resources such as species identified as a candidate, sensitive, or special status species.

Furthermore, many of the areas with sensitive species are not zoned to permit multifamily uses. Areas with sensitive habitat are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential and rural commercial development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to species are significant.

**b) Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS?**

Unincorporated Los Angeles County contains many areas with riparian and other sensitive natural communities.

Impacts to sensitive natural communities would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out. Many of the areas with the most sensitive natural communities overlap with areas not easily accessible to transit and supportive services, such as SEAs, HMAs, and coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect the most sensitive natural communities in the unincorporated areas.

The General Plan contains policies to preserve and protect riparian habitats, wetlands, woodlands, and shrublands. County policies also regulate the removal of oak trees. Since the most sensitive natural communities are protected by the General Plan, and the impacts of the ordinance would be less than significant.

Furthermore, many sensitive natural communities are not zoned to permit multifamily uses. Sensitive natural communities are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts to sensitive natural communities are significant.

**c) Have a substantial adverse effect on federally or state protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, and drainages) or waters of the United States, as defined by § 404 of the federal Clean Water Act or California Fish & Game code § 1600, et seq. through direct removal, filling, hydrological interruption, or other means?**

Unincorporated Los Angeles County contains areas with coastal wetlands, drainages, marshes and vernal pools.

Impacts to federally or state protected wetlands and waters of the United States would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out. Many of the areas with wetlands overlap with areas not easily accessible to transit and supportive services, such as SEAs, HMAs, and coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect the most sensitive marshes, vernal pools, coastal wetlands, and drainages. Since the most sensitive of these resources are protected in the General Plan, the impacts of the ordinance would be less than significant.

For waterways in the unincorporated areas that are not located in special management areas, the General Plan contains policies to preserve wetlands and streambeds. In addition to County policy and regulation, projects that are subject to CEQA and located in a wetland are forwarded to applicable state and federal agencies for further review and permitting requirements.

Furthermore, many federally or state protected wetlands and waters of the United States are not zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

In Marina del Rey, where multifamily uses are permitted in certain areas, development is subject to the Coastal Act and the Marina del Rey Local Coastal Program, which contain policies to protect wetlands.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Impacts to wildlife movement would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out. The General Plan identifies wildlife linkage areas in Los Angeles County that serve as important habitat and/or connections between habitat and wildlife migratory routes. Many of these include Significant Ecological Areas, Hillside Management Areas, and sensitive coastal habitat areas, which are not easily accessible to transit and supportive services. These areas have building requirements and discretionary permit review processes designed to protect wildlife movement.

Furthermore, these areas are not zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

**e) Convert oak woodlands (as defined by the state, oak woodlands are oak stands with greater than 10% canopy cover with oaks at least 5 inch in diameter measured at 4.5 feet above mean natural grade) or otherwise contain oak or other unique native trees (junipers, Joshuas, southern California black walnut, etc.)?**

There are oaks and other unique native trees within the unincorporated areas of Los Angeles County. Many of them exist within Significant Ecological Areas or sensitive coastal habitat areas, which are not in built-out areas near transit and social services where affordable and senior housing tend to locate.

In addition, these areas are generally not zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Where oak and native woodlands exist outside these Significant Ecological Areas or sensitive coastal habitat areas, density bonus projects may require the appropriate permits and approvals issued by Los Angeles County Department of Regional Planning, such as Oak Tree Permits, if the trees will be impacted or removed. If the project is discretionary and two or more unique trees are affected, mitigation may be required under CEQA.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would render any impacts to oaks and unique native trees less than significant.

In addition, oaks and native trees would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Because density bonus projects tend to locate in areas previously developed, the impact of the parking requirements in the ordinance would be less than significant.

The commercial zones (C-H, C-1, C-2, and C-3) where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance, are generally in built-out areas. The CEQA exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit. Oak woodlands and unique native trees are not likely to be significantly impacted in such areas.

For the same reasons, the ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to significantly impact oak woodlands or unique native trees.

Furthermore, density bonus apartment projects would not be eligible for ministerial review in the Commercial Manufacturing (C-M) zone, and would not be permitted in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to oak woodlands and unique native trees. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in areas where affordable housing tends to locate, rendering any potential impact less than significant.

**f) Conflict with any local policies or ordinances protecting biological resources, including Wildflower Reserve Areas (L.A. County Code, Title 12, Ch. 12.36), the Los Angeles County Oak Tree Ordinance (L.A. County Code, Title 22, Ch. 22.56, Part 16), the Significant Ecological Areas (SEAs) (L.A. County Code, Title 22, § 22.56.215), and Sensitive Environmental Resource Areas (SERAs) (L.A. County Code, Title 22, Ch. 22.44, Part 6)?**

It is unlikely that the Density Bonus Ordinance Update will conflict with policies and ordinances that protect biological resources, such as the Wildflower Reserve Areas, the Oak Tree Ordinance, SEAs or SERAs.

There are Wildflower Reserve Areas in the northeastern portion of Los Angeles County, including the State-designated Antelope Valley California Poppy Reserve. There are also oak woodlands within the unincorporated areas of Los Angeles County where developments could be subject to the Oak Tree Ordinance. A density bonus project may require an Oak Tree Permit, if the trees will be impacted or removed.

Impacts would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out, on land that has previously been developed. Significant Ecological Areas (which also contain many oak woodlands and wildflower resources) and SERAs are not easily accessible to transit and supportive services. These areas have building requirements and discretionary permit review processes designed to protect biological resources. The ordinance would not include any changes to SEA areas or SEA conformance criteria, nor would it revise, replace, or attempt to supersede existing standards and procedures to ensure compliance with Los Angeles County Code and General Plan policies regarding oak woodlands or native trees.

Furthermore, these areas, as well as Wildflower Reserve Areas, are not generally zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

There are parts of Wildflower Reserve Areas that are outside an SEA and are zoned Rural Commercial (C-RU), where farmworker housing and joint live-work units are permitted uses by right and could be eligible for a density bonus. However, Wildflower Reserve Areas are also not located in areas easily accessible to transit and services where density bonus projects tend to locate.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

**g) Conflict with the provisions of an adopted state, regional, or local habitat conservation plan?**                       

Within Los Angeles County, local habitat conservation plans are included as part of Local Coastal Programs as well as the SEA program. Natural Community Conservation Plans created by the California Department of Fish and Wildlife, and Habitat Conservation Plans approved by the U.S. Fish and Wildlife

Service and the Bureau of Land Management, include the Desert Renewable Energy Conservation Plan and the West Mojave Plan. Some of the unincorporated areas that would be covered by these plans include SEAs and HMAs, where the density bonus would be difficult to utilize due to permitting requirements and development standards designed to protect people, property, and biological resources. The Newhall Farm Seasonal Crossings Habitat Conservation Plan is active and located along the Santa Clara River east of the Ventura County border. This HCP overlaps with the Santa Clara River SEA and is located in a Very High Fire Hazard Severity Zone. Both of these overlays would make it difficult to utilize a density bonus.

Impacts would be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out, on land that has previously been developed. Areas covered by habitat conservation plans are not easily accessible to transit and supportive services. These areas have building requirements and discretionary permit review processes designed to protect natural resources. The ordinance would not include any changes to SEA areas or SEA conformance criteria.

Furthermore, these areas are not zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and a limited amount of low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to have a substantial adverse effect on sensitive species, habitat, oak or native woodlands, wildlife linkages, or wetlands, or to conflict with ordinances or plans intended to preserve these biological resources.

Many of the areas with important biological resources overlap with one or more of the following areas where the density bonus is difficult to utilize due to open space or single-family zoning, or to discretionary review processes (such as SEAs, HMAs, VHFHSZs, and sensitive coastal habitat areas). These areas are zoned to permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus

Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Impacts to biological resources would be further limited by the fact that affordable and senior housing is usually developed in built-out urban areas near transit and social services, because these populations are transit-dependent. These characteristics are not typical of areas with important biological resources. For this reason, the parking requirements for density bonus projects near transit, and the elimination of parking requirements for extremely low income resident units, would also be unlikely to impact these areas. Furthermore, many of these areas are not zoned for commercial or mixed use development, which would diminish the potential impact of the ministerial review in commercial zones of projects that meet the thresholds for CEQA exemption.

When applicable to a project located out of these areas, under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households; and that the incentive or waiver is not contrary to state or federal law.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would reduce the potential impacts to biological resources to less than significant.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, the requirement for affordability covenants for 55 years, and fee exemptions and reductions for projects would not increase the amount of housing and therefore would have no impact on biological resources.

**5. CULTURAL RESOURCES**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is unlikely that the Density Bonus Ordinance Update will cause a substantial adverse change in the significance of a historical resource.

Increasing the amount of housing could result in a modification or other impact to a historic building. However, the Historic Preservation Ordinance and State Historic Building Code would be applied at the project level to protect historic buildings in the unincorporated areas or in adjoining cities, if applicable. However, in addition, many of the historic resource sites identified in the General Plan are located within or next to areas where projects are unlikely to use density bonuses, such as SEAs and HMAs. These areas have building requirements and discretionary permit review processes designed to protect resources.

Impacts would also be limited by the fact that affordable housing is usually developed in urban areas near transit and social services that are already built-out, on land that has previously been developed. Many of the historic resource sites identified in the General Plan are not easily accessible to transit and supportive services.

Furthermore, most of the areas with historic resource sites are not zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets

the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would also be subject to CEQA.

The above review processes and findings would render any impacts to historic resources less than significant.

In addition, historic resources would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most historic resource sites are not located in infill areas.

While there are some historic resource sites in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance.

Furthermore, density bonus apartment projects in the Commercial Manufacturing (C-M) zone would not be eligible for ministerial review under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to historic resources. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill areas where affordable housing tends to locate, rendering any potential impact less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect historic resources. Historic resources are not located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?**

It is unlikely that the Density Bonus Ordinance Update will cause a substantial adverse change in the significance of an archaeological resource.

Affordable housing and senior housing is generally located in urban areas with access to transit and services. Urban areas tend to have been previously developed and therefore archeological resources that may have existed on affordable housing sites will most likely have already been disturbed.

Undeveloped parcels that are found to contain archeological resources, or parcels that are adjacent to archeological resources, may have to undergo mitigation measures per consultation with the South Central Coastal Information Center. In the event that archaeological resources are encountered during the construction process, the proposed project would be required to halt all development activities, contact the South Central Coastal Information Center and inform them of the encounter. Subsequently, the applicant would retain the services of a certified archaeological resource specialist, who can advise the builder when development activities can recommence.

Previously undisturbed or lightly disturbed lands tend to be in areas where projects are unlikely to use density bonuses, such as SEAs, HMAs and sensitive coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect resources. These areas are also not easily accessible to transit and supportive services.

Furthermore, undeveloped or lightly disturbed lands are not generally zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for

a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would render any potential impacts to archaeological resources less than significant.

In addition, archaeological resources would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most previously undeveloped or lightly disturbed sites are not located in infill areas.

While there could be archaeological resource sites in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review

under the ordinance. Many previously undeveloped or lightly disturbed areas are not zoned for commercial development, which would further diminish the potential impact to archaeological resources.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to archaeological resources. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill areas where affordable housing tends to locate, rendering any potential impact less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect archaeological resources. Previously undeveloped or lightly disturbed areas are less likely to be located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources?**

It is unlikely that the Density Bonus Ordinance Update will cause a significant impact to paleontological resources.

Affordable housing and senior housing is generally located in urban areas with access to transit and services. Urban areas tend to have been previously developed and therefore paleontological resources that may have existed on affordable housing sites will most likely have already been disturbed. Undeveloped parcels that are found to contain paleontological resources, or parcels that are adjacent to paleontological resources, may have to undergo mitigation measures per consultation with the Natural History Museum.

Many of the significant general fossil localities identified in the General Plan, and previously undisturbed or lightly disturbed lands, as well as areas with unique geologic features and rock formations, tend to be in areas where projects are unlikely to use density bonuses, such as SEAs, HMAs and sensitive coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect resources. These areas are also not easily accessible to transit and supportive services.

The Hillside Management Areas Ordinance would be applied to protect unique geological features and rock formations. Also, Santa Monica Mountains Local Coastal Program identifies scenic elements, which are “designated areas that contain exceptionally-scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. These areas are characterized by rare or unique geologic formations, such as large rock outcroppings...” Goals and land use policies set forth in the SMMLCP seek to preserve such resources.

Furthermore, undeveloped or lightly disturbed lands, as well as areas with unique geologic features and rock formations, are not generally zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without

making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would render any potential impacts to paleontological resources and/or unique geologic features or rock formations less than significant.

In addition, paleontological resources and/or unique geologic features or rock formations would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most previously undeveloped or lightly disturbed sites, or areas with geologic features or rock formations, are not located in infill areas.

While there could be paleontological resources in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. Many previously undeveloped or lightly disturbed areas and/or unique geologic features or rock formations are not zoned for commercial development, which would further diminish the potential impact to paleontological resources.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect paleontological resources and/or unique geologic features or rock formations. Previously undeveloped or lightly disturbed areas are less likely to be located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to paleontological resources. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill areas where affordable housing tends to locate, rendering any potential impact less than significant.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

It is unlikely that the Density Bonus Ordinance Update will cause a significant impact to human remains.

Affordable housing and senior housing is generally located in urban areas with access to transit and services that have been previously developed. For projects on undeveloped parcels that are found to contain human remains, or parcels that are adjacent to burial sites or cemeteries, the project may have to undergo mitigation measures per consultation with the California Native American Heritage Commission.

Many undeveloped areas tend to be where projects are unlikely to use density bonuses, such as SEAs, HMAs and sensitive coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect resources. These areas are also not easily accessible to transit and supportive services.

Furthermore, undeveloped or lightly disturbed lands are not generally zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

In addition, human remains would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most previously undeveloped or lightly disturbed sites are not located in infill areas.

While there could be human remains in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. Many previously undeveloped or lightly disturbed areas are not zoned for commercial development, which would further diminish the potential impact to human remains.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to human remains. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill areas where affordable housing tends to locate, rendering any potential impact less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect human remains. Previously undeveloped or lightly disturbed areas are less likely to be located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

**e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in CEQA Public Resources Code § 21074?**                       

It is unlikely that the Density Bonus Ordinance Update will cause a cause a substantial adverse change in the significance of a tribal cultural resource. A tribal consultation for the ordinance was conducted per AB 52.

Affordable housing and senior housing is generally located in urban areas with access to transit and services. Urban areas tend to have been previously developed and therefore tribal resources that may have existed on affordable housing sites will most likely have already been disturbed. In addition, tribes may be contacted when applications are deemed complete, as applicable.

Many undisturbed or lightly disturbed lands tend to be in areas where projects are unlikely to use density bonuses, such as SEAs, HMAs and sensitive coastal habitat areas. These areas have building requirements and discretionary permit review processes designed to protect resources. These areas are also not easily accessible to transit and supportive services.

Furthermore, undeveloped or lightly disturbed lands are not generally zoned to permit multifamily uses. These areas are generally zoned for watershed, open space, agriculture and low-density residential development. These zones permit single-family homes but not multifamily homes. In order to qualify for a density bonus, a project must have at least five units pre-bonus. The Density Bonus Ordinance Update in and of itself will not allow multifamily uses where they are not permitted. Any rezoning would be subject to a discretionary process and environmental review.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would render any potential impacts to paleontological resources and/or unique geologic features or rock formations less than significant.

In addition, tribal resources would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most previously undeveloped or lightly disturbed sites are not located in infill areas.

While there could be tribal resources in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. Many previously undeveloped or lightly disturbed areas are not zoned for commercial development, which would further diminish the potential impact to tribal resources.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect tribal resources. Previously undeveloped or lightly disturbed areas are less likely to be located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to tribal resources. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill areas where affordable housing tends to locate, rendering any potential impact less than significant.

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The analysis concludes that the ordinance will not result in significant impacts to cultural resources. This is due to the following:

Affordable and senior housing is generally located in urban areas with access to transit and services on land that was previously developed.

Many of the historic resource sites identified in the General Plan, as well as undisturbed/lightly disturbed areas more likely to contain human remains or archaeological, tribal, and paleontological resources in the unincorporated areas, are also located within areas where projects are unlikely to utilize density bonuses. These include Significant Ecological Areas, Hillside Management Areas and sensitive habitat areas in the Coastal Zone, which are not generally zoned to permit multifamily uses, and have discretionary reviews designed to protect resources.

Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on cultural resources would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact cultural resources, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for

senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, which would trigger a CEQA review.

The above review processes and findings would render any potential impacts to cultural resources less than significant.

In addition, cultural resources would not be impacted by the parking requirements in the ordinance, or by eliminating the parking requirement for units set aside for extremely low income households. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent. Most previously undeveloped or lightly disturbed sites are not located in infill areas.

While there could be cultural resources in commercial zones, only density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. Many previously undeveloped or lightly disturbed areas are not zoned for commercial development, which would further diminish the potential impact to cultural resources.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential impact to cultural resources. While a density bonus project requesting set-asides and bonuses in the amounts set by State law could locate in one of these zones, these zones are not located in infill

areas where affordable housing tends to locate, rendering any potential impact less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to adversely affect cultural resources. Previously undeveloped or lightly disturbed areas are less likely to be located in the MXD zone, and density bonus projects in commercial zones would be subject to discretionary review of the use unless the project is exempt from CEQA.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, fee exemptions and reductions for projects, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would have no impact on cultural resources.

Finally, density bonus projects may trigger notification to stakeholders such as the South Central Coastal Information Center, tribes, or the Natural History Museum, which work to avoid or mitigate potential impacts to cultural resources from development.

**6. ENERGY**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Conflict with Los Angeles County Green Building Standards Code (L.A. County Code Title 31)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update is unlikely to result in conflicts with Title 31. The Density Bonus Ordinance Update could result in the construction of more housing. However, Title 31 does not provide an exemption for projects built with a density bonus. Therefore, projects would be required to comply with Title 31. Any conflicts with Title 31 would be determined and addressed at the project level.

<b>b) Involve the inefficient use of energy resources (see Appendix F of the CEQA Guidelines)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to result in inefficient use of energy resources. The Density Bonus Ordinance Update could result in the construction of more housing. However, Title 31 does not provide an exemption for projects built with a density bonus. Therefore, projects would be required to comply with Title 31. Any conflicts with Title 31 would be determined and addressed at the project level.

Because residents of affordable and senior housing are transit-dependent, and because density bonus projects tend to be multifamily, density bonus projects are usually built near transit and services in built-out infill areas zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. This type of development is an efficient use of land that reduces use of fossil fuels by reducing driving. Therefore, incentivizing this type of housing by offering density bonuses and lower parking requirements than non-density bonus projects promotes efficient use of energy resources.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update could result in the production of more housing, but such development would be subject to the energy efficiency requirements in Title 31. Any conflicts with Title 31 would be addressed at the project level.

Because residents of affordable and senior housing are transit-dependent, and because density bonus projects tend to be multifamily, density bonus projects are usually built near transit and services in built-out infill areas zoned to permit multifamily use. This type of development is an efficient use of land that reduces use of fossil fuels by reducing driving. Therefore, incentivizing this type of housing by offering density bonuses and lower parking requirements than non-density bonus projects promotes efficient use of energy resources.

Other aspects of the ordinance, including equity sharing on for-sale units, the requirement for affordability covenants for 55 years, exemption from planning fees for 100% affordable projects and the reduction of planning fees for other affordable housing projects do not involve construction and therefore would have no potential involvement in the inefficient use of energy resources. One-for-one replacement of existing affordable units would improve the energy efficiency of older units by bringing them into compliance with current building energy efficiency standards.

**7. GEOLOGY AND SOILS**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**Would the project:**

**a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace? Refer to Division of Mines and Geology Special Publication 42.**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update could result in the production of more housing. Earthquake faults are located throughout unincorporated Los Angeles County. If the project site is located in close proximity to any known fault trace or designated fault zone, the Department of Public Works will require a geology or geotechnical report. The report will determine the potential seismic hazard and the necessary construction standards that should be incorporated.

**ii) Strong seismic ground shaking?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update could result in the production of more housing. Earthquake faults are located throughout unincorporated Los Angeles County. If the project site is located in close proximity to any known fault trace or designated fault zone, the Department of Public Works will require a geology or geotechnical report. The report will determine the potential seismic hazard and the necessary construction standards that should be incorporated.

**iii) Seismic-related ground failure, including liquefaction and lateral spreading?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update could result in the production of more housing. If the project site is located in a liquefaction zone, the Department of Public Works will require a geology or geotechnical report. The report will determine the potential liquefaction hazard.

**iv) Landslides?**

The Density Bonus Ordinance Update could result in the production of more housing. If the project site is located in a landslide zone, the Department of Public Works will require a geology or geotechnical report. The report will determine the potential landslide hazard.

**b) Result in substantial soil erosion or the loss of topsoil?**

The Density Bonus Ordinance Update is unlikely to result in substantial soil erosion or loss of topsoil.

It is unlikely that density bonus projects will locate in areas vulnerable to substantial soil erosion, such as greenfields, Significant Ecological Areas, Hillside Management Areas, or Very High Fire Hazard Severity Zones, where fuel modification is required. This is because affordable housing is usually built in previously disturbed, urbanized areas near transit and services, and where the zoning supports multifamily housing and commercial development. Areas most at risk of substantial soil erosion or loss of topsoil are not generally zoned to facilitate these uses, and have discretionary reviews designed to protect resources.

Furthermore, projects that comply with Los Angeles County’s Low-Impact Development Ordinance would not result in substantial soil erosion or loss of topsoil as a result of stormwater runoff. Projects that involve grading would need to comply with the Department of Public Works’ requirements to minimize potential for erosion.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on erosion would be less than significant.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

The Density Bonus Ordinance Update is unlikely to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

It is unlikely that density bonus projects will locate in areas most vulnerable to soil instability, such as greenfields, Significant Ecological Areas, Hillside Management Areas, or Very High Fire Hazard Severity Zones, where fuel modification is required. This is because affordable housing is usually built in previously disturbed, urbanized areas near transit and services, and where the zoning supports multifamily housing and commercial development. Areas most at risk of substantial soil instability are not generally zoned to facilitate these uses, and have discretionary reviews designed to protect resources.

Furthermore, projects that comply with the construction and engineering standards in Los Angeles County’s Building Code, as well as any recommendations in a soils or geology report required by the Department of Public Works, would not create significant impacts. Landslide and liquefaction zones are mapped in the General Plan.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on soil instability would be less than significant.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

The Density Bonus Ordinance Update could result in the production of more housing. It is not known whether such housing would be located on expansive soils. The only way to determine if soils are

expansive is through testing or consultation with the Department of Public Works at the project stage, as there are no reliable maps showing distribution of expansive soils in Los Angeles County.

Projects that comply with the construction and engineering standards in Los Angeles County’s Building Code, as well as any recommendations in a soils or geology report required by the Department of Public Works, would not create significant impacts.

**e) Have soils incapable of adequately supporting the use of onsite wastewater treatment systems where sewers are not available for the disposal of wastewater?**

The Density Bonus Ordinance Update is unlikely to result in projects that use onsite wastewater treatment systems.

Affordable and senior housing is usually built in previously disturbed, urbanized areas near transit and services, connected to public sewer systems, and where the zoning supports multifamily housing and commercial development. Areas not connected to sewers are not generally zoned to facilitate these uses, and have discretionary reviews designed to protect resources. Even single-family affordable developments would require a site large enough to be subdivided into single-family lots. Subdivisions would trigger a discretionary process with CEQA review, which would include mitigations if impacts are significant.

**f) Conflict with the Hillside Management Area Ordinance (L.A. County Code, Title 22, § 22.56.215) or hillside design standards in Los Angeles County General Plan Conservation and Open Space Element?**

The Density Bonus Ordinance Update is unlikely to result in the construction of housing in areas subject to the Hillside Management Areas Ordinance. This is because affordable and senior housing is usually built in previously urbanized areas near transit and services, and where the zoning supports multifamily housing or commercial development. Hillside Management Areas are not generally zoned to facilitate multifamily housing.

If a density bonus project were to locate in a Hillside Management Area, the discretionary HMA process would apply to the grading, regardless of whether the housing use was reviewed ministerially or under a discretionary process. Furthermore, the Hillside Management Ordinance applies mostly to subdivision projects, and if an affordable homeownership project were to be built using the density bonus, impacts would be mitigated through the application of the Hillside Management Ordinance and the discretionary subdivision process.

In addition, the parking requirements in the ordinance, and eliminating the parking requirement for units set aside for extremely low income households, would not conflict with the HMA ordinance. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to cause significant impacts to geology and soils, to expose people to significant hazards from faults or unstable soils, or to conflict with the HMA ordinance. Affordable and senior housing is unlikely to be located in areas most at risk of landslides, or in Hillside Management Areas, or in areas not connected to public sewer. This is because zoning in these areas generally does not support multifamily housing or commercial development. Also, these areas are generally not located near transit or services, which would make them unlikely locations for affordable housing. Existing regulations, such as the General Plan prohibition on new developments located within fault traces without a comprehensive geological study, as well as construction standards that will be applied at the project level, will reduce potential impacts to a less than significant level.

Other aspects of the ordinance, including equity sharing on for-sale units, fee exemptions and reductions for projects, one-for-one replacement of existing affordable units, and the requirement for affordability covenants for 55 years do not involve construction of additional units and therefore would not result in projects that cause significant impacts to geology and soils, to expose people to significant hazards from faults or unstable soils, or to conflict with the HMA ordinance.

**8. GREENHOUSE GAS EMISSIONS**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update could result in the production of new housing. However, it is unlikely that the ordinance will create a significant cumulative increase in GHGs. The County’s Community Climate Action Plan (CCAP), which was adopted as part of the General Plan Air Quality Element, describes Los Angeles County’s plan to reduce greenhouse gas emissions in the unincorporated areas of LA County by at least 11% below 2010 levels by the year 2020. The CCAP contains policies and implementing ordinances intended to promote energy efficiency and reduce the urban heat island effect.

The ordinance supports the CCAP in promoting housing that will be energy efficient, given that housing would need to comply with Los Angeles County’s Green Building regulations in Title 31 and the California Green Building Code (CALGreen), which reference provisions for energy efficiency measures, and housing that promotes alternative modes of transportation. Affordable and senior housing and special needs housing development are most likely to be located in built-out, urbanized areas near transit and services. The ordinance incentivizes the location of housing near transit by further reducing parking requirements for affordable housing near transit. Low-income residents are more transit-dependent and less likely to generate vehicle miles traveled that contribute to GHG emissions. The ordinance also provides incentives for mixed use projects, which would further reduce vehicle miles traveled.

<b>b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update could result in the production of new housing. However, it is unlikely that the ordinance will create a significant cumulative increase in GHGs. The County’s Community Climate Action Plan (CCAP), which was adopted as part of the General Plan Air Quality

Element, describes Los Angeles County's plan to reduce greenhouse gas emissions in the unincorporated areas of LA County by at least 11% below 2010 levels by the year 2020. The CCAP contains policies and implementing ordinances intended to promote energy efficiency and reduce the urban heat island effect.

The ordinance supports the CCAP in promoting housing that will be energy efficient, given that housing would need to comply with Los Angeles County's Green Building regulations in Title 31 and the California Green Building Code (CALGreen), which reference provisions for energy efficiency measures, and housing that promotes alternative modes of transportation. Affordable and senior housing and special needs housing development are most likely to be located in built-out, urbanized areas near transit and services. The ordinance incentivizes the location of housing near transit by further reducing parking requirements for affordable housing near transit. Low-income residents are more transit-dependent and less likely to generate vehicle miles traveled that contribute to GHG emissions. The ordinance also provides incentives for mixed use projects, which would further reduce vehicle miles traveled.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

While the ordinance could result in more housing development, it is unlikely that the ordinance will create a significant cumulative increase in GHGs. The ordinance supports Los Angeles County's Community Climate Action Plan in the General Plan by promoting housing that will be energy efficient and housing that promotes alternative modes of transportation. Affordable and senior housing and special needs housing development are most likely to be located in built-out, urbanized areas near transit and services. The ordinance incentivizes the location of housing near transit by further reducing parking requirements for affordable housing near transit. Low-income residents are more transit-dependent and less likely to generate vehicle miles traveled that contribute to GHG emissions. The ordinance also provides incentives for mixed use projects, which would further reduce vehicle miles traveled. Overall, the impacts for the ordinance on greenhouse gas emissions are less than significant.

## 9. HAZARDS AND HAZARDOUS MATERIALS

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**Would the project:**

**a) Create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to create a significant public or environmental hazard due to transport, production, use, storage or disposal of hazardous materials. The scope of the ordinance does not include or provide incentives for industrial uses, which routinely handle, produce, use, store, and dispose of hazardous materials.

The Density Bonus Ordinance Update could result in the production of new housing. Construction could result in the demolition of existing buildings, which could contain hazardous materials such as asbestos or lead paint. Handling of hazardous materials in the course of construction would be regulated by existing Health & Safety Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to create a significant public or environmental hazard through accidental release of hazardous materials. The scope of the ordinance does not include or provide incentives for uses that require the handling of hazardous materials or waste.

The Density Bonus Ordinance Update could result in the production of new housing. Construction could result in the demolition of existing buildings, which could contain hazardous materials such as asbestos or lead paint. Handling of hazardous materials in the course of construction would be regulated by existing Health & Safety Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?**

The Density Bonus Ordinance Update could result in production of new housing, which could be located within one-quarter mile of a sensitive land use. However, the ordinance is unlikely to cause uses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste near those uses. The scope of the ordinance does not include or provide incentives for industrial uses, which for uses that require the handling of hazardous materials or waste. Furthermore, General Plan policies also seek to minimize potential impacts from accidental releases by minimizing conflicts between residential and industrial land uses through buffering, distancing and site design.

Construction of housing as a result of the ordinance could result in the demolition of existing buildings, which could contain hazardous materials such as asbestos or lead paint. Handling of hazardous materials in the course of construction would be regulated by existing Health & Safety Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The Density Bonus Ordinance Update could result in production of new housing. However, the sites pursuant to Government Code § 65962.5 are likely to be located in industrially zoned areas, which do not permit residential uses.

Housing that is located on or near these sites as a result of this ordinance would be regulated by existing Health & Safety Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

**e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

The Density Bonus Ordinance Update could result in production of new housing near public airports and public use airports. A project-level assessment would determine whether the site is located within an area covered by Los Angeles County’s Airport Land Use Plan (ALUP) or within an Airport Influence Area.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential airport safety impacts to less than significant.

**f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**                       

The Density Bonus Ordinance Update could result in production of new housing near private airstrips, but the potential for safety hazards would be less than significant. Airstrips are subject to federal safety

regulations as well as a discretionary review of potential impacts by DRP. An assessment of potential impacts from private airstrips would be done at the project level.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential airstrip safety impacts to less than significant.

**g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

The Density Bonus Ordinance Update could result in production of new housing. Disaster routes mapped in the General Plan Safety Element are freeways and highways and therefore it is unlikely that a project would be approved that blocks access to the public right-of-way. Development could potentially cause additional people to have to be served by a disaster route. In some cases, project-level mitigation may

be required based on consultation with the Fire Department, Public Works, Sheriff or other County department.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any emergency response impacts to less than significant.

**h) Expose people or structures to a significant risk of loss, injury or death involving fires, because the project is located:**

**i) within a Very High Fire Hazard Severity Zones (Zone 4)?**                       

**ii) within a high fire hazard area with inadequate access?**

iii) within an area with inadequate water and pressure to meet fire flow standards?

iv) within proximity to land uses that have the potential for dangerous fire hazard?

The Density Bonus Ordinance Update could result in production of new housing. However, Los Angeles County’s Very High Fire Hazard Severity Zones are mostly zoned to support low density single-family, open space and agricultural development. A density bonus is unlikely to be utilized for single-family development because of the amount of land that would be required and the discretionary subdivision process that would result. The ordinance is likely to result in affordable housing, which tends to serve transit-dependent populations and is built in urban areas that are accessible to services and municipal water systems. These attributes are not typical of fire hazard areas.

Housing that is located in these areas as a result of this ordinance would be regulated by existing Health & Safety Code, Building Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine whether a project located in a VHFHSZ meets fire flow requirements and/or requires upgrades to fire control infrastructure or other mitigations.

i) Does the proposed use constitute a potentially dangerous fire hazard?

The scope of the ordinance does not include or provide incentives for uses that require the handling, storage, or transport of flammable materials. To the extent that such materials are located on the site of the project, their use would be regulated by applicable Fire and Health & Safety codes. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

While the ordinance could result in more housing development, the scope of the ordinance does not include or provide incentives for industrial uses, which for uses that require the storage, handling, or transport of hazardous materials or waste, or flammable materials. Construction of housing as a result of the ordinance could result in the demolition of existing buildings, which could contain hazardous materials such as asbestos or lead paint. Handling of hazardous materials in the course of construction would be regulated by existing Health & Safety Code and Fire Code requirements. In some cases, a project-level environmental assessment would determine the potential impacts as well as any required mitigation.

Housing that results from the ordinance is not likely to be located in a Very High Fire Hazard Severity Zones, which are mostly zoned to support low density single-family, open space and

agricultural development. The ordinance is likely to result in affordable housing, which tends to serve transit-dependent populations and is built in urban areas that are accessible to services. These attributes are not typical of VHFHSZs. In addition, housing that results from the ordinance are not likely to be on or near sites pursuant to Government Code § 65962.5, which tend to be designated and zoned for industrial uses. Housing that is located in these areas as a result of this ordinance would be regulated by existing Health & Safety Code and Fire Code requirements.

In addition, the Density Bonus Ordinance Update could result in production of new housing near private airstrips or public/public use airports. A project-level assessment would determine whether the site is located within an area covered by Los Angeles County's Airport Land Use Plan (ALUP) or within an Airport Influence Area.

Disaster routes mapped in the General Plan Safety Element are freeways and highways and therefore it is unlikely that a project would be approved that blocks access to the public right-of-way. Development could potentially cause additional people to have to be served by a disaster route.

However, the overall impacts for the ordinance on hazards and hazardous materials are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger,

or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any hazard impacts to less than significant.

**10. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Violate any water quality standards or waste discharge requirements?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update will not result in projects that would violate water quality standards or waste discharge requirements.

Affordable and senior housing is almost always located in built-out areas with access to transit and services, zoned to permit multifamily development. This is because residents of these projects tend to be transit-dependent and in need of services. By extension, the areas where density bonus projects tend to locate are served by municipal wastewater systems that would be subject to the wastewater treatment standards set by the RWQCB. Projects would be subject to Los Angeles County’s Low-Impact Development (LID) requirements and best management practices to minimize polluted runoff as part of the construction permitting process. It is unlikely that affordable housing would be located on a contaminated site, as such contamination would need to be remediated prior to construction. In some cases, project-level environmental review would explain how the project complies with NPDES standards.

Areas not connected to municipal wastewater systems are located in places where a density bonus would be difficult to utilize, such as Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

Areas not connected to municipal wastewater systems are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit. Areas not connected to municipal wastewater systems are not generally located in these areas.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create wastewater impacts. This is because the MXD zone and commercial zones are not generally located in areas not connected to municipal wastewater systems.

**b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

The Density Bonus Ordinance Update will not deplete groundwater supplies or interfere substantially with groundwater recharge.

Affordable housing is usually located in built-out areas that support multifamily or commercial development. Construction of affordable housing is likely to take place on land that has previously been developed with impervious surfaces, and therefore the additional impact of the new housing would be minimal. In addition, built-out areas are typically connected to retail water providers that do not rely on groundwater wells. Affordable and senior housing is typically located near transit and services, not in environmentally sensitive areas that would be impacted by dewatering during construction. Projects would be subject to LID requirements that would mitigate impacts to groundwater.

Areas reliant on wells and environmentally sensitive areas are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create groundwater impacts. This is because the MXD zone and commercial zones are not generally located in areas reliant on wells and environmentally sensitive areas.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the**

**course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

The Density Bonus Ordinance Update will not result in projects that would alter the course of a stream or river or otherwise result in substantial erosion.

Affordable and senior housing tend to locate in built-out areas near transit and services, in areas that are zoned to permit multifamily uses. These are areas that have generally been previously developed with impervious surfaces. Any grading or paving would need to comply with LID and NPDES requirements to receive construction permits. In some cases, project-level mitigations would be required as applicable to address any erosion or siltation impacts.

Areas with on-site streams and areas that require extensive grading and would be vulnerable to erosion are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not substantially alter existing drainage patterns. This is because the MXD zone and commercial zones are not generally located in areas with on-site streams and areas that require extensive grading.

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

The Density Bonus Ordinance Update will not result in projects that would alter the course of a stream or river or otherwise result in flooding.

Affordable and senior housing tend to locate in built-out areas near transit and services, in areas that are zoned to permit multifamily uses. These are areas that have generally been previously developed with impervious surfaces. Any grading or paving would need to comply with LID and NPDES requirements to receive construction permits. Project-level mitigations would be required as applicable to address any runoff impacts.

Areas with on-site streams are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not substantially alter existing drainage patterns in a way that would result in flooding. This is because the MXD zone and commercial zones are generally located in areas previously developed with impervious surfaces.

**e) Add water features or create conditions in which standing water can accumulate that could increase habitat for mosquitoes and other vectors that transmit diseases such as the West Nile virus and result in increased pesticide use?**

The Density Bonus Ordinance Update is unlikely to result in projects that would add water features or create conditions in which standing water can accumulate that could increase habitat for mosquitoes and other vectors that transmit diseases such as the West Nile Virus and result in increased pesticide use. Swimming pools, man-made lakes and other large water features would add a relatively significant expense to projects that contain below-market-rate units. Project-level mitigations would be required as applicable to ensure proper drainage on-site.

**f) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The Density Bonus Ordinance Update would not result in projects that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Affordable and senior housing tend to locate in built-out areas near transit and services, in areas that are zoned to permit multifamily uses. These are areas that have generally been previously developed

with impervious surfaces. Any grading or paving would need to comply with LID and NPDES requirements to receive construction permits. Project-level mitigations would be required as applicable to address impacts to storm drain capacity.

Areas not previously developed with impervious surfaces are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create or contribute runoff water which would exceed the capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff. This is because the MXD zone and commercial zones are generally located in areas previously developed with impervious surfaces.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on housing production would be less than significant.

**g) Generate construction or post-construction runoff that would violate applicable stormwater NPDES permits or otherwise significantly affect surface water or groundwater quality?**

The Density Bonus Ordinance Update would not result in projects that would generate construction- or post-construction runoff that would violate NPDES permits or significantly affect surface or groundwater quality.

Affordable and senior housing tend to locate in built-out areas near transit and services, in areas that are zoned to permit multifamily uses. These are areas that have generally been previously developed and would require less grading than previously undeveloped areas. Any grading or excavation would need to comply with NPDES requirements to receive construction permits.

The parking requirements for density bonus projects near transit, and eliminating the parking requirement for units set aside for extremely low income households, would potentially result in less grading and fewer runoff impacts.

Areas not previously developed are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create significant runoff. This is because the MXD zone and commercial zones are generally located in areas previously developed.

**h) Conflict with the Los Angeles County Low Impact Development Ordinance (L.A. County Code, Title 12, Ch. 12.84)?**

The Density Bonus Ordinance Update would not result in projects that would conflict with LID requirements, as the projects would have to comply with the LID ordinance and do not entail emergency health and safety construction. Compliance with LID will be described at a project level.

**i) Result in point or nonpoint source pollutant discharges into State Water Resources Control Board-designated Areas of Special Biological Significance?**

The Density Bonus Ordinance Update would not result in the discharge of pollution into an Area of Special Biological Significance.

The County's Areas of Special Biological Significance are offshore areas near Santa Catalina and San Clemente Island, as well as areas off the Santa Monica Mountains Coastal Zone near Mugu Lagoon and Latigo Point. Affordable and senior housing is usually located in built-out areas that are zoned to support multifamily and commercial uses, and that are near transit and services. Areas adjacent to Los Angeles County's Areas of Special Biological Significance are not zoned to permit most density bonus projects. Even a single-family density bonus project would be unlikely because of the amount of land required and the subdivision process, which would introduce a discretionary review subject to CEQA.

Construction of affordable housing is likely to take place on land that has previously been developed with impervious surfaces, and therefore the additional impact of runoff from the new housing would be minimal. Projects would be subject to LID requirements that would mitigate nonpoint sources of runoff pollution. In addition, built-out areas are typically connected to the Sanitation District's wastewater

system and would not generate point sources of pollutants. This would further diminish the potential of projects to pollute Areas of Special Biological Significance.

**j) Use onsite wastewater treatment systems in areas with known geological limitations (e.g. high groundwater) or in close proximity to surface water (including, but not limited to, streams, lakes, and drainage course)?**

The Density Bonus Ordinance Update will not result in projects that would use septic systems.

Affordable and senior housing is almost always located in built-out areas with access to transit and services, zoned to permit multifamily development. This is because residents of these projects tend to be transit-dependent and in need of services. By extension, the areas where density bonus projects tend to locate are served by municipal wastewater systems that would be subject to the wastewater treatment standards set by the RWQCB.

Areas not connected to municipal wastewater systems are located in places where a density bonus would be difficult to utilize, such as Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

Areas not connected to municipal wastewater systems are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit. Areas not connected to municipal wastewater systems are not generally located in these areas.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create wastewater impacts. This is because the MXD zone and commercial zones are not generally located in areas not connected to municipal wastewater systems.

**k) Otherwise substantially degrade water quality?**

The Density Bonus Ordinance Update will not result in projects that would substantially degrade water quality. Affordable and senior housing is almost always located in built-out areas that have previously been developed with impervious surfaces, with access to transit and services, and by extension to public wastewater and sewer systems. These systems would be subject to the wastewater treatment standards set by the RWQCB. Projects would be subject to Los Angeles County’s Low-Impact Development (LID) requirements and best management practices to minimize polluted runoff as part of the construction permitting process. It is unlikely that affordable housing would be located on a contaminated site, as such contamination would need to be remediated prior to construction. A project-level environmental review would determine impacts to water quality.

**l) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or within a floodway or floodplain?**

It is unlikely that the Density Bonus Ordinance Update will result in housing within a mapped 100-year flood hazard area, or within a floodway or floodplain. Almost all the unincorporated area that is within a 100-year flood hazard area, floodplain or floodway is located in areas of the Antelope Valley, Santa Clarita Valley and Santa Monica Mountains that are not zoned in a way that supports density bonus projects. Density bonus projects tend to locate in areas zoned to permit multifamily development. These 100-year flood hazard areas and floodways are mostly zoned for open space, agriculture, watershed and low-density residential development. There are some flood-prone areas that are commercially zoned, but the ordinance only allows ministerial review of density bonus projects in commercial zones if they are exempt from CEQA. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit. Other regulations, such as the HMA and SEA ordinance, could limit development and introduce a discretionary review. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process would be subject to a discretionary review with CEQA review.

Furthermore, any density bonus housing will comply with County Code for building within flood-prone areas, if applicable, rendering the potential impact less than significant.

**m) Place structures, which would impede or redirect flood flows, within a 100-year flood hazard area, floodway, or floodplain?**

It is unlikely that the Density Bonus Ordinance Update will result in housing within a mapped 100-year flood hazard area, or within a floodway or floodplain. Almost all the unincorporated area that is within a 100-year flood hazard area, floodplain or floodway is located in areas of the Antelope Valley, Santa Clarita Valley and Santa Monica Mountains that are not zoned in a way that supports density bonus projects. Density bonus projects tend to locate in areas zoned to permit multifamily development. These 100-year flood hazard areas and floodways are mostly zoned for open space, agriculture, watershed and low-density residential development. There are some flood-prone areas that are commercially zoned, but the ordinance only allows ministerial review of density bonus projects in commercial zones if they are exempt from CEQA. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit. Other regulations, such as the HMA and SEA ordinance, could also limit development and introduce a discretionary review. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process would be subject to a discretionary process with CEQA review.

Furthermore, any density bonus housing will comply with County Code for building within flood-prone areas, if applicable, rendering the potential impact less than significant.

**n) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**                       

The Density Bonus Ordinance Update will not result in significant exposure of people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of levee or dam failure.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render the potential for the Density Bonus Ordinance Update to result in projects that exposure people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of levee or dam failure, less than significant.

**o) Place structures in areas subject to inundation by seiche, tsunami, or mudflow?**                                                                                       

The Density Bonus Ordinance Update could result in the production of more housing. The presence of a potential landslide hazard will be determined at the project level. The only unincorporated area in a tsunami hazard zone is Marina del Rey, which is built-out with high-density housing, so the impact of projects approved under the Density Bonus Ordinance Update would be less than significant. Furthermore, development in Marina del Rey is subject to the Marina del Rey Local Coastal Program, which contains analysis and policies governing assessment of tsunami and seiche risk.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update could result in the production of new housing. However, it is unlikely the update would create a significant impact on hydrology, would significantly pollute biologically significant waterways, or would expose people to significant flood risk. Affordable and senior housing is usually located in built-out, urbanized areas that have previously been developed with impervious surfaces; are zoned to permit multifamily uses; and are connected to public wastewater and sewer systems. These factors, as well as the requirements of Los Angeles County to incorporate LID best management practices, as well as the requirement for an NPDES permit to regulate construction runoff on projects of more than an acre, would mitigate the potential hydrological impacts.

Since the unincorporated areas overlap or border flood zones, dam inundation areas and tsunami zones, it is possible that the Density Bonus Ordinance could be used in such areas. Any density bonus project will comply with County Code for building within flood-prone areas, if applicable.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render the potential for the Density Bonus Ordinance Update to result in significant hydrology impacts less than significant.

Other aspects of the ordinance, including equity sharing on for-sale units, fee exemptions and reductions for projects, one-for-one replacement of existing affordable units, and the requirement for affordability covenants for 55 years, would not increase the amount of housing and therefore the impact to hydrology would be less than significant.

**11. LAND USE AND PLANNING**

	<i>Less Than Significant</i>		
	<i>Potentially Significant Impact</i>	<i>Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>
			<i>No Impact</i>

**Would the project:**

**a) Physically divide an established community?**                       

The Density Bonus Ordinance Update will not result in significant physical divisions in communities.

While new housing could result from the ordinance, it will not result in the construction of new freeways, rail lines or other infrastructure of sufficient bulk and impenetrability to divide a community. In addition, areas lacking infrastructure are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. Infill areas are less likely to require significant new infrastructure, and are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. Affordable and senior housing tends to be located on existing parcels and would most likely conform to the existing street grid. In addition, density bonus projects are typically located on a limited number of parcels, at a scale that would be unlikely to physically divide an established community.

**b) Be inconsistent with the applicable County plans for the subject property including, but not limited to, the General Plan, specific plans, local coastal plans, area plans, and community/neighborhood plans?**                       

The granting of density bonuses, waivers and incentives, allowing unlimited waivers of development standards that physically preclude a density bonus project from being built at the densities and/or with the incentives permitted by the density bonus, and requiring density bonuses and affordable housing set-asides to be calculated by rounding fractional units up to the nearest whole number, could result in

more housing at a higher density than what the land use designation allows on a given site. However, the Land Use Element of the General Plan permits deviations to the Land Use Legend and Land Use Policy Map, such as an increase in density above the maximum allowable density, for density bonuses for affordable and senior citizen housing.

The General Plan Transit-Oriented Districts program is being implemented with the creation of TOD Specific Plans within ½-mile areas surrounding Metro Rail stations. The TOD specific plans encourage higher-density housing as well as bicycle and pedestrian infrastructure. Density bonus projects support TOD goals. Residents of affordable housing tend to be dependent on transit or non-motorized transportation and are less likely to own a car, so density bonus projects are likely to house residents that will utilize transit, bicycle and pedestrian infrastructure.

Furthermore, the Density Bonus Ordinance does not provide for uses that are inconsistent with the applicable land use category. If a plan amendment were requested by a density bonus project, the plan amendment would be subject to a discretionary review process and project-level mitigations may be required. The requirement for one-for-one replacement of existing affordable units would be unlikely to create inconsistency with a land use plan, since residential uses are permitted in commercial and residential land use categories where density bonus projects are likely to locate.

**c) Be inconsistent with Los Angeles County zoning ordinance as applicable to the subject property?**                       

The Density Bonus Ordinance Update creates new incentives for housing that would be eligible for relief from development standards dictated by zoning. In addition, the Density Bonus Ordinance Update would allow ministerial review of apartment projects that meet the thresholds for CEQA exemption in commercial zones, where apartments would otherwise require a conditional use permit.

However, the review processes and findings described below will render any potential impacts less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen

housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

Other discretionary findings are that the project site must be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential impacts from inconsistency with development standards to less than significant.

The Density Bonus Ordinance would allow ministerial review of apartment projects that meet the thresholds for CEQA exemptions in some commercial zones (C-H, C-1, C-2, and C-3). These zones do not otherwise allow apartments by right, but apartments are allowed with a conditional use permit. However, this provision would have a less than significant impact because only projects that meet the thresholds for CEQA exemptions would be eligible.

Furthermore, density bonus apartment projects would not be ministerially permitted in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant. The ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone.

**d) Conflict with Hillside Management criteria,  
Significant Ecological Areas conformance criteria, or  
other applicable land use criteria?**

The Density Bonus Ordinance Update is unlikely to result in the construction of housing in areas subject to the Hillside Management Areas Ordinance or Significant Ecological Areas Ordinance. This is because affordable and senior housing is usually built in previously urbanized areas near transit and services, and where the zoning supports multifamily housing or commercial development. Hillside Management Areas and SEAs are not generally zoned to facilitate multifamily housing.

If a density bonus project were to locate in a Hillside Management Area or SEA, the discretionary HMA or SEA process would apply, regardless of whether the housing use was reviewed ministerially or under a discretionary process. Furthermore, if an affordable homeownership project were to be built using the density bonus, impacts would be mitigated through the discretionary subdivision process. The Density Bonus Ordinance Update does not contain provisions that would provide relief from these requirements.

In addition, the parking requirements in the ordinance, and eliminating the parking requirement for units set aside for extremely low income households, would not conflict with the HMA or SEA ordinance. Affordable and senior housing tends to be built in infill areas near transit and services because these occupants are less likely to own cars and more likely to be transit-dependent.

Furthermore, density bonus apartment projects would not be a ministerially permitted use in the Commercial Manufacturing (C-M) zone under the ordinance. In addition, the ordinance would not permit apartment projects in the Commercial Recreation (C-R) zone, where apartments are not permitted.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to result in projects that are subject to the SEA or HMA ordinance. This is because the MXD zone and commercial zones do not generally contain HMAs or SEAs.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the Rural Mixed Use (MXD-RU) or Rural Commercial zone (C-RU), even if the project were to meet the criteria for a CEQA exemption. Furthermore, these zones are not located in infill areas

where affordable and senior housing tends to locate, rendering any potential impact less than significant.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The granting of density bonuses, waivers and incentives, allowing unlimited waivers of development standards that physically preclude a density bonus project from being built at the densities and/or with the incentives permitted by the density bonus, and requiring density bonuses and affordable housing set-asides to be calculated by rounding fractional units up to the nearest whole number, could result in more housing that does not conform to development standards or densities in the underlying land use category. However, the Density Bonus Ordinance Update will not result in significant land use impacts.

Affordable and senior housing tends to be located in built-out areas near transit and services with an existing street grid, on parcels that are zoned to permit multifamily development. The Density Bonus Ordinance Update does not allow for uses that are not permitted by underlying land use or zoning, or provide relief from SEA and HMA requirements. Furthermore, areas subject to SEA and HMA criteria are more remote and not generally zoned to permit multifamily housing. If a density bonus project were to locate in an SEA or HMA, the applicable ordinances and mitigation measures protecting ecological resources and hillsides would apply to the project.

In addition, the review processes and findings in the Density Bonus Ordinance Update would ensure that waivers, incentives and density bonuses do not have a significant land use impact.

Other aspects of the ordinance, including equity sharing on for-sale units, fee exemptions and reductions for projects, one-for-one replacement of existing affordable units and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would not have land use impacts.

**12. MINERAL RESOURCES**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update is unlikely to result in significant loss of the availability of known mineral resources.

The General Plan contains goals and policies to protect mineral resources. The County’s Mineral Resource Zones are based on State data and mapped in the General Plan. Many of them are located within cities or in areas where the underlying land use or zoning does not permit dense multifamily or commercial development, and instead are intended for open space, agriculture, public or semi-public use, or mineral resources.

Density bonus projects tend to locate in areas zoned to permit multifamily and commercial use because multifamily and mixed-use projects are permitted in these zones. Density bonus projects also tend to locate in built-out areas near transit and services, because the residents of affordable and senior housing tend to be transit-dependent. Therefore, many Mineral Resource Zones are located in areas where density bonus projects are unlikely to locate.

Other Mineral Resource Zones are located in largely built-out urban or suburban areas where density bonus projects are more likely to locate. Since these areas are largely already built-out, any impacts to mineral resource availability would not increase significantly as a result of a density bonus project. In some cases, a density bonus project were to locate in a Mineral Resource Zone, additional project-level mitigations may apply.

Oil and gas resources identified by the State and mapped in the General Plan overlap with many unincorporated areas, including infill areas. While the Density Bonus Ordinance Update may result in more development, density bonus projects tend to be located on previously developed parcels in infill areas near transit and services. Since these areas are largely already built-out, any impacts to oil and gas availability would not increase significantly as a result of a density bonus project. It is unlikely that projects eligible for a density bonus would be proposed on land currently used for oil and gas extraction because the land use and/or zoning would protect the current oil and gas extraction use, but in such cases the State would oversee the decommissioning process. Any plan amendment or rezoning in conjunction with a density bonus project would introduce the discretionary process.

**b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Los Angeles County only uses State of California data to identify mineral resource areas and does not designate any areas itself. Therefore, the Density Bonus Ordinance Update is unlikely to result in significant loss of locally-important mineral resource recovery sites.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to result in significant loss of the availability of known mineral resources.

The General Plan contains goals and policies to protect mineral resources. The County’s Mineral Resource Zones are based on State data and mapped in the General Plan. Many of them are located within cities or in areas where the underlying land use or zoning does not permit dense multifamily or commercial development, and instead are intended for open space, agriculture, public or semi-public use, or mineral resources.

Density bonus projects tend to locate in areas zoned to permit multifamily and commercial use because multifamily and mixed-use projects are permitted by right in these zones. Density bonus projects also tend to locate in built-out areas near transit and services, because the residents of affordable and senior housing tend to be transit-dependent. Therefore, many density bonus projects are located in areas that are unlikely to contain Mineral Resource Zones.

Other Mineral Resource Zones are located in largely built-out urban or suburban areas where density bonus projects are more likely to locate. Since these areas are largely already built-out, any impacts to mineral resource availability would not increase significantly as a result of a density bonus project. If a density bonus project were to locate in a Mineral Resource Zone, additional project-level mitigations may apply.

Oil and gas resources identified by the State and mapped in the General Plan overlap with many unincorporated areas, including infill areas. While the Density Bonus Ordinance Update may result in more development, density bonus projects tend to be located on previously developed parcels in infill areas near transit and services. Since these areas are largely already built-out, any

impacts to oil and gas availability would not increase significantly as a result of a density bonus project. It is unlikely that projects eligible for a density bonus would be proposed on land currently used for oil and gas extraction because the land use and/or zoning would protect the current oil and gas extraction use, but in such cases the State would oversee the decommissioning process. Any plan amendment or rezoning in conjunction with a density bonus project would introduce the discretionary process.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of existing affordable units, fee exemptions and reductions for projects, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would not impact mineral resources.

**13. NOISE**

	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
	<i>Potentially Significant Impact</i>		

**Would the project result in:**

**a) Exposure of persons to, or generation of, noise levels in excess of standards established in Los Angeles County General Plan or noise ordinance (Los Angeles County Code, Title 12, Chapter 12.08), or applicable standards of other agencies?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to result in significant exposure to, or generation of, noise levels in excess of County standards.

The ordinance would result in projects that would generate some construction noise and could expose residents to sources of noise. However, the projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types. In addition, the General Plan noise contour maps identify areas where noise levels are particularly high due to proximity to major thoroughfares or airports. Projects located in such areas could be required to provide noise insulation beyond what is required in the Building Code for multifamily developments. In addition, density bonus projects in an Airport Influence Area would be reviewed for a consistency determination with the applicable Airport Land Use Compatibility Plan. General Plan policies in the Noise Element provide for reduction of noise exposure through site design, buffering, attenuation, orientation, and consideration of land use compatibility at the project planning stage.

The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant noise impacts. In addition, as a residential use, density bonus projects would not generate significant amounts of noise compared to other types of uses.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. Infill areas have existing levels of noise typical of urban areas, so density bonus projects would not generate or expose residents to significantly more noise.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

The Density Bonus Ordinance Update is unlikely to result in significant exposure to, or generation of, groundborne vibration or groundborne noise levels in excess of County standards.

The ordinance would result in projects that would generate some construction noise and could expose residents to sources of noise. However, the projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types. In addition, the General Plan noise contour maps identify areas where noise levels are particularly high due to proximity to major thoroughfares or airports. Projects located in such areas could be required to provide noise insulation beyond what is required in the Building Code for multifamily developments. In addition, density bonus projects in an Airport Influence Area would be reviewed for a consistency determination with the applicable Airport Land Use Compatibility Plan. General Plan policies in the Noise Element provide for reduction of noise exposure through site design, buffering, attenuation, orientation, and consideration of land use compatibility at the project planning stage.

The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant groundborne noise impacts. In addition, as a residential use, density bonus projects would not generate significant amounts of groundborne noise compared to other types of uses.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. Infill areas have existing levels of noise typical of urban areas, so density bonus projects would not generate or expose residents to significantly more groundborne noise.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential groundborne noise impacts to less than significant.

Density Bonus Ordinance Update may result in more housing in commercial zones, which are usually located along major thoroughfares with more vehicle traffic and potentially more groundborne noise. However, the ability of a density bonus project to locate in a commercial zone with ministerial review is a benefit that would only apply to CEQA-exempt projects and only in some commercial zones (C-H, C-1, C-2, and C-3).

Density bonus apartment projects in the Commercial Manufacturing (C-M) zone, which allows some industrial uses and could therefore be a source of significant groundborne noise, would not be eligible for ministerial review under the ordinance.

The other commercial zone, C-MJ (Major Commercial), is not currently mapped, so the potential impact of the Density Bonus Ordinance Update on housing in this zone would be less than significant.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential noise impact of the ordinance in zones that are closer to rural areas, which do not have urban levels of noise and would be potentially more impacted by noise.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to create significant groundborne noise impacts, as these zones are located in more urbanized areas with existing levels of noise typical of urban environments.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from parking areas?**

The Density Bonus Ordinance Update is unlikely to result in a substantial permanent increase in ambient noise levels, including from parking areas.

The ordinance would result in projects that would generate some noise and could expose residents to sources of noise. However, the projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types. The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant noise impacts. Furthermore, affordable and senior housing tends to locate in urban areas near transit and services, zoned to permit multifamily use. These areas tend to be built-out and have existing ambient noise levels typical of urban environments, so the potential increase in ambient noise generated by a density bonus project would not be significant compared to existing levels.

Furthermore, if a density bonus project were to locate in a commercial area, the residential use would likely generate less noise from traffic, parking and deliveries than a commercial use. The Density Bonus Ordinance Update includes reduced parking requirements compared to non-density bonus projects for projects close to transit and the elimination of parking requirements for extremely low income resident units, so the noise generated by parking areas would potentially be reduced by the ordinance. Since residents of affordable and senior housing tend to be transit-dependent, noise generated by vehicles would be less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that

the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential permanent ambient noise impacts to less than significant.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems?**

The Density Bonus Ordinance Update is unlikely to result in a substantial temporary or periodic increase in ambient noise levels above levels existing without the project, including from amplified sound systems. The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant periodic noise impacts.

It is unlikely that housing would generate noise from an amplified sound system, but it is possible that a project created under the ordinance would produce periodic amplified sound that could be heard outside of the development.

The ordinance would result in projects that would generate some noise and could expose residents to sources of noise. However, the projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types. The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant periodic noise impacts. Furthermore, affordable and senior housing tends to locate in urban areas near transit and services, zoned to permit multifamily use. These areas tend to be built-out and have existing ambient noise levels typical of urban environments, so the potential increase in periodic ambient noise generated by a density bonus project would not be significant compared to existing levels.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets

the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential periodic ambient noise impacts to less than significant.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**                       

The Density Bonus Ordinance Update is unlikely to expose residents or workers to excessive airport noise levels.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily

developments. Many of the unincorporated Airport Influence Areas are zoned for low-density residential uses, where it is unlikely that a density bonus project would locate. There are some unincorporated Airport Influence Areas that are zoned to permit multifamily uses.

However, the projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types. In addition, the General Plan noise contour maps identify areas where noise levels are particularly high due to proximity to major thoroughfares or airports. Projects located in such areas could be required to provide noise insulation beyond what is required in the Building Code for multifamily developments. In addition, density bonus projects in an Airport Influence Area would be reviewed for a consistency determination with the applicable Airport Land Use Compatibility Plan. General Plan policies in the Noise Element provide for reduction of noise exposure through site design, buffering, attenuation, orientation, and consideration of land use compatibility at the project planning stage.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential airport noise impacts to less than significant.

The Density Bonus Ordinance Update may result in more housing in commercial zones. However, the ability of a density bonus project to locate in a commercial zone with ministerial review is a benefit that would only apply to CEQA-exempt projects and only in some commercial zones (C-H, C-1, C-2, and C-3).

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to create significant airport noise impacts, as these are permitted uses and would be subject to an ALUCP consistency determination and findings described above.

The ordinance does not provide additional density bonuses as incentive with ministerial review in the rural mixed use or rural commercial zone, even if the project were to meet the criteria for a CEQA exemption. This would further reduce the potential noise impact of the ordinance in rural zones in Airport Influence Areas.

**f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**                       

The Density Bonus Ordinance Update is unlikely to expose residents or workers to excessive noise levels from private airstrips. While the ordinance could result in more residential development, the noise exposure would depend on the distance of the density bonus project to a private airstrip. The County’s Noise Control Ordinance and noise standards in the Building Code would apply to the project. Airstrips are also subject to federal noise regulations as well as a discretionary review of potential impacts by DRP.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for

senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential airstrip noise impacts to less than significant.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to result in significant generation of noise or exposure to noise by residents and workers. The ordinance may result in more housing development, which would generate some noise during construction and operation. The ordinance could also increase residential development in commercial zones, which tend to be located along major thoroughfares with more vehicle traffic, noise and vibration.

However, density bonus projects would be subject to Title 12 of Los Angeles County Code, which regulates construction noise and establishes acceptable noise exposure standards for different land use types via the Noise Control Ordinance. Projects would also be subject to noise standards in the Building Code, and depending on noise exposure, may be required to exceed noise standards in the Building Code. Since affordable housing tends to locate in built-out urban areas near services and transit, the noise exposure and/or generation would not be significantly greater than it would be in any other project in an urban environment.

The Density Bonus Ordinance Update does not provide incentives for industrial uses, which tend to generate the most significant periodic noise impacts. Density bonus projects in an Airport Influence Area would need to be consistent with the applicable ALUCP.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project

meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would reduce any potential noise impacts to less than significant.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, fee exemptions and reductions for projects, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would have less than significant impact on exposure to, or generation of, excessive noise.

**14. POPULATION AND HOUSING**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**Would the project:**

**a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to induce substantial population growth. While the ordinance could result in more housing development, it is unlikely to result in population growth that would exceed projections in the General Plan. According to the Southern California Association of Governments (SCAG RTP 2012-2035), the existing population of LA County unincorporated areas is 1,051,989 million people, and is projected to increase to 1,399,500 by 2020. According to the 2017 Housing Element Progress Report, Los Angeles County only met 14 percent of its projected regional housing needs from 2014. There is a need for Los Angeles County unincorporated areas to build 25,139 units by 2021 to meet its regional housing needs. This ordinance will help fill in gaps to provide more housing to accommodate the increase in population, and the increased need for affordable housing.

In addition, density bonus projects are likely to locate in areas with zoning that permits multifamily and mixed uses. Furthermore, affordable and senior housing tend to locate in urban areas near transit and services. These areas tend to be built-out infill areas that were previously developed, so new density bonus projects would not induce substantial population growth compared to what is existing.

**b) Displace substantial numbers of existing housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to displace substantial numbers of existing housing units, either market rate or affordable. However, in the event that a site is redeveloped and existing housing is replaced, the ordinance requires the replacement of housing occupied or formerly occupied by low and very low income households onsite in order to qualify for a density bonus. The ordinance will also extend affordability covenants on rental units to 55 years, which would prevent further displacement of low-income occupants.

**c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The Density Bonus Ordinance Update is unlikely to displace substantial numbers of people. However, in the event that a site is redeveloped and existing occupied housing is replaced, the ordinance requires the replacement of housing occupied by low and very low income households onsite in order to qualify for a density bonus. The ordinance will also extend affordability covenants on rental units to 55 years, which would prevent further displacement of low-income occupants. In limited instances, such as HOME funded projects or mobilehome parks, the redevelopment of the site will require the owner to provide relocation assistance and/or offer right of first refusal to people who are displaced.

**d) Cumulatively exceed official regional or local population projections?**

The Density Bonus Ordinance Update is unlikely to lead to projects that will cumulatively exceed population projections. While the ordinance could result in more housing development, it is unlikely to result in population growth that would exceed projections in the General Plan. According to the Southern California Association of Governments (SCAG RTP 2012-2035), the existing population of LA County unincorporated areas is 1,051,989 million people, and is projected to increase to 1,399,500 by 2020. According to the 2017 Housing Element Progress Report, Los Angeles County only met 14 percent of its projected regional housing needs from 2014. There is a need for Los Angeles County unincorporated areas to build 25,139 units by 2021 to meet its regional housing needs. This ordinance will help fill in gaps to provide more housing to accommodate the increase in population, and the increased need for affordable housing.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

While the ordinance could result in more housing development, it is unlikely to lead to projects that will significantly induce population growth and cumulatively exceed population projections in the General Plan. This ordinance will help fill in gaps to provide more housing to accommodate the increase in population, and the increased need for affordable housing. Furthermore, the Density Bonus Ordinance Update is unlikely to displace substantial numbers of existing housing units or people. However, in the event that a site is redeveloped and existing housing is replaced, the ordinance requires the replacement of housing occupied or formerly occupied by low and very low income households onsite in order to qualify for a density bonus. The ordinance will also extend affordability covenants on rental units to 55 years, which would prevent displacement of low-income occupants. Furthermore, in limited instances, such as HOME funded projects or mobilehome parks, the redevelopment of the site will require the owner to provide relocation assistance and/or offer right of first refusal to people who are displaced.

Furthermore, the granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of extremely the ordinance on fire protection service levels or construction of new fire stations, would be less than significant.

Overall, the impacts for the ordinance on population and housing are less than significant.

**15. PUBLIC SERVICES**

	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<i>Potentially Significant Impact</i>			

**a) Would the project create capacity or service level problems, or result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

**Fire protection?**

The Density Bonus Ordinance Update is unlikely to significantly impact fire protection service levels or necessitate the construction of new fire stations that would have a significant environmental impact.

While the ordinance could result in more housing, density bonus projects tend to locate in built-out urban areas near transit and services. These areas are likely to have already been previously developed and have existing fire protection services and facilities.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments.

In addition, areas with the highest fire risk in Los Angeles County, Very High Fire Hazard Severity Zones, are places where a density bonus is difficult to utilize. These areas have development standards and permitting requirements that are intended to protect people, property and resources such as hillsides and habitat through the HMA and SEA ordinance. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In

addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of density bonus projects on fire protection service levels or construction of new fire stations, would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact public services, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to fire protection service levels or the need to construct new fire stations that would have a significant environmental impact, less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to significantly impact fire protection service levels or necessitate the construction of new fire stations that would have a significant environmental impact, as these zones are located in more urbanized areas with existing fire protection services and facilities.

Density bonus projects would be subject to fire suppression requirements in the Fire and Building Codes, and may need to incorporate additional fire protection measures at the project level if Fire determines that additional fire prevention/suppression measures are needed.

**Sheriff protection?**

The Density Bonus Ordinance Update will not significantly impact Sheriff protection service levels or necessitate the construction of new Sheriff stations that would have a significant environmental impact.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed and have existing Sheriff protection services and facilities.

Areas that are sparsely populated in Los Angeles County are generally zoned for agriculture and low-density residential development, where a density bonus project would be difficult to utilize. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project’s potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on fire protection service levels or construction of new fire stations, would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact fire services, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to Sheriff protection service levels or the need to construct new Sheriff stations that would have a significant environmental impact, less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to significantly impact Sheriff protection service levels or necessitate the construction of new Sheriff stations that would have a significant environmental impact, as these zones are located in more urbanized areas with existing Sheriff services and facilities.

**Schools?**

The Density Bonus Ordinance Update is unlikely to significantly impact school capacities or necessitate the construction of new schools that would have a significant environmental impact.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed with similar densities and intensities and have existing schools that would not be significantly impacted.

This ordinance will not have a significant impact on schools in sparsely populated areas in Los Angeles County, which are likely to have lower school capacity and are generally zoned for agriculture and low-density residential development, where a density bonus project would be difficult to utilize. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on schools or construction of new schools, would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact schools, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to schools or the need to construct new school facilities that would have a significant environmental impact, less than significant.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would be unlikely to significantly impact schools or necessitate the construction of new schools that would have a significant environmental impact, as these zones are located in more urbanized areas with existing schools.

Density bonus projects may need to incorporate mitigations at the project level, such as school district fees.

**Parks?**

It is unlikely that the Density Bonus Ordinance Update will significantly impact park capacities or necessitate the construction of new parks that would have a significant environmental impact.

According to the General Plan Parks and Recreation Element, the unincorporated areas face a deficit in local parkland of over 3,719 acres, and nine of the 11 Planning Areas have deficits in regional parkland. The Department of Parks and Recreation’s Parks Needs Assessment, completed in 2016, inventories existing park resources, quantifies the need for additional resources in 188 Los Angeles County sub-areas (cities and unincorporated areas), and estimates the potential cost of meeting that need. Funding from a parcel tax approved in 2016 will be allocated locally according to need by the Regional Parks and Open Space District.

Furthermore, affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed with similar densities and intensities and have existing parks that would not be significantly impacted. Even if a density bonus project were to result in an increase in the number of people using a park, the overall effect on the existing parkland-to-population ratio would be less than significant in areas where density bonus projects tend to locate.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on parks or construction of new parks, would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact parks, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or

working in the surrounding area or within the project; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to parks less than significant.

Density bonus projects that are subdivisions could also be required to pay Quimby fees for parks.

**Libraries?**

It is unlikely that the Density Bonus Ordinance Update will significantly impact library capacities or necessitate the construction of new libraries that would have a significant environmental impact.

The ordinance could result in more housing development, which could increase the demand for library services. Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed with similar densities and intensities and have existing libraries that would not be significantly impacted. Density bonus projects would also be subject to property tax payments and library mitigation fees based on the number of dwelling units.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on libraries or construction of new libraries, would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact libraries, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income

housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to libraries less than significant.

**Other public facilities?**

It is unlikely that the Density Bonus Ordinance Update will significantly impact public facilities or necessitate the construction of new public facilities that would have a significant environmental impact. The ordinance could result in more housing development, which could increase the demand for public facilities and impact the capacity of existing facilities.

However, density bonus projects tend to locate in multifamily or commercial zones, in built-out urban areas near transit and services. These areas are likely to have already been previously developed with similar densities and intensities and have existing public facilities that would not be significantly impacted by the project.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a

covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on public facilities or construction of new public facilities, is less than significant.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

It is unlikely that the Density Bonus Ordinance Update will significantly impact public services and facilities or necessitate the construction of new public facilities that would have a significant environmental impact. While the ordinance could result in more housing development, and therefore increased demand for public facilities, density bonus projects tend to locate in built-out urban areas near transit and services with multifamily or commercial zoning. These areas are likely to have already been previously developed with similar densities and intensities and have existing public services and facilities that would not be significantly impacted. These areas also tend not to be High or Very High Fire Hazard Severity Zones as mapped in the General Plan, thereby reducing the potential impact to fire protection services and facilities.

Other types of services and facilities, such as parks, libraries and schools, would be subject to mitigation fees as applicable.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on public services and facilities would be less than significant.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would have less than significant impact on public facilities. Exemption from planning fees for 100% affordable projects and reduced planning fees for other affordable housing projects is unlikely to result in significant amounts of new housing, because planning fees are a relatively small percentage of total development costs.

**16. RECREATION**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is unlikely that the Density Bonus Ordinance Update will significantly impact existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

According to the General Plan Parks and Recreation Element, the unincorporated areas face a deficit in local parkland of over 3,719 acres, and nine of the 11 Planning Areas have deficits in regional parkland. The Department of Parks and Recreation’s Parks Needs Assessment, completed in 2016, inventories existing park resources, quantifies the need for additional resources in 188 Los Angeles County sub-areas (cities and unincorporated areas), and estimates the potential cost of meeting that need. Funding from a parcel tax approved in 2016 will be allocated locally according to need by the Regional Parks and Open Space District.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed with similar densities and intensities and have existing parks that would not be significantly impacted. Even if a density bonus project were to result in an increase in the number of people using a park, the overall effect on the existing parkland-to-population ratio would be less than significant in areas where density bonus projects tend to locate. If the density bonus project is a subdivision, it could trigger payment of a Quimby fee for parks.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on parks would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact parks, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to parks less than significant.

**b) Does the project include neighborhood and regional parks or other recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment?**

It is unlikely that the Density Bonus Ordinance Update will include neighborhood and regional parks or other recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment.

The ordinance could result in more housing, which could increase the demand for recreational facilities or result in the creation of an on-site recreational component for a residential project. Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. These areas are zoned to permit multifamily uses, including density bonus projects, which are commonly multifamily developments. These areas are likely to have already been previously developed with similar densities and intensities and have existing parks or recreational facilities available for use by the project.

If the density bonus project is a subdivision, it could trigger payment of a Quimby fee for parks. However, while some density bonus projects contain an on-site recreational component, they rarely trigger mitigations that would involve the creation of new parks or recreational facilities that themselves would trigger mitigations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on parks and recreation facilities would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact parks and recreation facilities, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review.

The review processes and findings described above would render any potential impact from the construction of park and recreation facilities less than significant.

**c) Would the project interfere with regional open space connectivity?**

It is unlikely that the Density Bonus Ordinance Update would interfere with regional open space connectivity. Density bonus projects tend to locate in built-out urban areas zoned to permit multifamily uses. Density bonus projects would not be permitted in areas zoned for open space.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

It is unlikely that the Density Bonus Ordinance Update will significantly impact recreation facilities or necessitate the construction of new recreational facilities that would have a significant environmental impact. The ordinance could result in more housing development, which could increase the demand for recreational facilities. However, density bonus projects tend to locate in multifamily or commercial zones, in built-out urban areas near transit and services. These areas are likely to have already been previously developed with similar densities and intensities and have existing recreational facilities that would not experience a significant additional impact due to density bonus projects. Density bonus projects may include a recreational component, but these would not be at a scale that would generate significant impacts or interfere with regional open space connectivity.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the

specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on parks and recreation facilities would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact parks and recreation facilities, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the proposed site is adequately served by public or private service facilities as are required.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render any potential impact to or from parks and recreation facilities less than significant.

Other aspects of the ordinance, including equity sharing on for-sale units, one-for-one replacement of affordable units, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would have less than significant impact on the need for new parks and recreation facilities. Exemption from planning fees for 100% affordable projects and reduced planning fees for other affordable housing projects is unlikely to

result in significant amounts of new housing, because planning fees are a relatively small percentage of total development costs.

**17. TRANSPORTATION/TRAFFIC**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**Would the project:**

<p><b>a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to result in projects that conflict with transportation plans and the General Plan Mobility Element. The General Plan specifically allows for density bonus projects to exceed baseline densities. In addition, the Density Bonus Ordinance Update does not allow for uses that are not permitted by underlying General Plan land use or Title 22 zoning. The General Plan is based upon growth assumptions from the Southern California Association of Governments’ Regional Transportation Plan, and since density bonus projects are consistent with the General Plan, they are consistent with the RTP.

The General Plan Transit-Oriented Districts program is being implemented with the creation of TOD Specific Plans within ½-mile areas surrounding Metro Rail stations. The TOD specific plans encourage higher-density housing as well as bicycle and pedestrian infrastructure. Density bonus projects support TOD goals. Residents of affordable housing tend to be dependent on transit or non-motorized transportation and are less likely to own a car, so density bonus projects are likely to house residents that will utilize transit, bicycle and pedestrian infrastructure. Projects may be subject to requirements for sidewalk, curb, gutter and other pedestrian improvements as determined by the Department of Public Works. Projects would also be subject to bicycle parking requirements.

In addition, the Density Bonus Ordinance promotes use of non-motorized transportation by incentivizing housing near transit. The parking requirements in the Density Bonus Ordinance, the elimination of the parking requirement for units set aside for extremely low income households, and the local incentives for affordable housing in the ordinance would promote the use of non-motorized transportation. The ordinance allows for ministerial approval of density bonus apartment projects in commercial zones (C-

H, C-1, C-2, and C-3) if the project meets thresholds for CEQA exemptions. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

Other County policies to incentivize affordable housing near transit include the addition of an extremely low income affordability category and ministerial review of a density bonus for a rental or a single-family residential development with a moderate income housing set-aside, for projects that meet the criteria for a CEQA exemption.

Similarly, the ordinance allows mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, which are also served by transit.

**b) Conflict with an applicable congestion management program (CMP), including, but not limited to, level of service standards and travel demand measures, or other standards established by the CMP for designated roads or highways?**                       

The Density Bonus Ordinance Update is unlikely to result in projects that conflict with Metro’s Congestion Management Plan.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would conflict with the CMP, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses

to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

Under the discretionary review, whether a density bonus project will impact a street or highway in the CMP will be determined at the project level in consultation with the Department of Public Works.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including: that the project will not be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; and that the project is served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would minimize any potential conflicts with the CMP.

Furthermore, density bonus projects are generally located in infill areas near transit and services. This provides alternative transportation options and, therefore, density bonus projects are unlikely to create significant new traffic impacts or vehicle trips. Residential uses generally generate fewer vehicle trips than commercial uses, so allowing projects that meet the thresholds for CEQA exemption in commercial zones by right will not significantly exacerbate traffic conditions. Finally, residents of affordable and senior housing tend to be transit-dependent and are less likely to own a car, so density bonus projects are not likely to generate significant vehicle traffic. For this reason, the parking requirements in the Density Bonus Ordinance Update and elimination of the parking requirement for units set aside for extremely low income households, would not conflict with the CMP.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not conflict with the CMP, as these types of developments are efficient uses of land and tend to be located near transit.

**c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

The Density Bonus Ordinance Update is unlikely to result in projects that change air traffic patterns or create significant new demand for air travel.

While the Density Bonus Ordinance Update would allow projects in the vicinity of an airport, these projects would be limited in number and therefore unlikely to significantly affect flight paths or air travel. And although the Density Bonus Ordinance Update could increase the amount of housing that would be eligible for incentives such as height increases, it is unlikely that projects would exceed 200 feet in height (a threshold for consultation with the Federal Aviation Administration).

In addition, density bonus projects in an Airport Influence Area would be reviewed for a consistency determination with the applicable Airport Land Use Compatibility Plan. Existing FAA regulations and the ALUCPs and are intended to identify and properly address potential airport hazards prior to implementation of specific projects.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The Density Bonus Ordinance Update is unlikely to result in projects that substantially increase hazards due to site design or heavy machinery.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. Density bonus projects are generally on lots that have been previously developed with residential or commercial uses accessible to vehicles, and are therefore likely to conform to existing street grids. In some instances, if construction machinery would create potential hazards, these can be mitigated at the project review level. As density bonus projects are primarily residential uses, farm equipment is unlikely to be present.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income

housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site. Other findings include that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; that the proposed site is served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render the potential of hazardous design or incompatible uses less than significant.

**e) Result in inadequate emergency access?**                                                                                       

The Density Bonus Ordinance Update is unlikely to result in inadequate emergency access.

Affordable and senior housing tends to locate in infill areas near transit and services because occupants of affordable housing are less likely to own cars and more likely to be transit-dependent. Density bonus projects are generally on lots that have been previously developed with residential or commercial uses

accessible to vehicles, and are therefore likely to conform to existing street grids. In some instances, access issues and any mitigations will be determined by the Fire Department at the project level.

In addition, areas with limited access in Los Angeles County are in places where density bonuses would be difficult to utilize, such as Very High Fire Hazard Severity Zones, Significant Ecological Areas, Hillside Management Areas, or sensitive habitat areas in the Coastal Zone. These areas have development standards and permitting requirements that are intended to protect people, property, and biological resources. These areas are generally zoned for open space, where density bonus projects are not permitted. In addition, these areas are generally zoned for low density single-family development, where it would be difficult to utilize a density bonus. Even if a density bonus development contained single-family homes, the amount of land required for such a project would most likely restrict the project's potential to be built, and the subdivision process, which is subject to CEQA, would likely require mitigations.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential for the ordinance to substantially increase hazardous design features would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact emergency access, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that

the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site. Other findings include that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; that the proposed site is served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render the potential of inadequate emergency access less than significant.

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

The Density Bonus Ordinance Update is unlikely to result in projects that conflict with transportation plans and the General Plan Mobility Element.

The General Plan Transit-Oriented Districts program is being implemented with the creation of TOD Specific Plans within ½-mile areas surrounding Metro Rail stations. The TOD specific plans encourage higher-density housing as well as bicycle and pedestrian infrastructure. Density bonus projects support TOD goals. Residents of affordable housing tend to be dependent on transit or non-motorized transportation and are less likely to own a car, so density bonus projects are likely to house residents that will utilize transit, bicycle and pedestrian infrastructure. Projects may be subject to requirements for sidewalk, curb, gutter and other pedestrian improvements as determined by the Department of Public Works. Projects would also be subject to bicycle parking requirements.

In addition, the Density Bonus Ordinance Update promotes use of non-motorized transportation by incentivizing housing near transit. The parking requirements in the Density Bonus Ordinance Update, the elimination of the parking requirement for units set aside for extremely low income households, and the local incentives for affordable housing in the ordinance would promote the use of non-motorized transportation. The ordinance allows for ministerial approval of density bonus apartment projects in commercial zones (C-H, C-1, C-2, and C-3) if the project meets thresholds for CEQA exemptions. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

Other County policies to incentivize affordable housing near transit include the addition of an extremely low income affordability category and ministerial review of a density bonus for a rental or a single-family residential development with a moderate income housing set-aside, for projects that meet the criteria for a CEQA exemption.

Similarly, the ordinance allows mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, which are also served by transit.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to result in projects that conflict with transportation plans, or cause significant traffic or transportation safety impacts. The General Plan specifically allows for density bonus projects to exceed baseline densities, and residential uses are permitted in commercial zones. The General Plan is based upon growth assumptions from the Southern California Association of Governments' Regional Transportation Plan. Density bonus projects are generally located in infill areas near transit and services, on lots that have previously been developed with residential or commercial uses on an existing street grid, and are therefore unlikely to create significant new transportation hazards or impacts.

Residential uses usually generate fewer trips than commercial uses, so allowing projects that meet the thresholds for CEQA exemption in commercial zones by right will not significantly exacerbate traffic conditions. Finally, residents of affordable housing tend to be transit-dependent and are less likely to own a car, so density bonus projects are not likely to generate significant vehicle traffic. The Department of Public Works may require sidewalk, curb, gutter and other pedestrian improvements, or a traffic study in the case of a discretionary project or any project in the Mixed Use Development (MXD), Major Commercial (C-MJ), or High Density Multiple Residence (R-5) zones.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and

includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential for the ordinance to substantially impact transportation or traffic would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact transportation and traffic, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings including that the project will not: adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site. Other findings include that the proposed project has been designed to be complimentary to the surrounding area in terms of land use patterns and design; that the proposed site is served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and that any proposed incentives will contribute to the use and enjoyment of persons residing within the proposed project.

The required findings for ministerial approval of incentives and waivers from development standards, as well as the findings for discretionary review, would render the potential of transportation impacts or transportation safety hazards less than significant.

Other aspects of the ordinance, such as equity sharing on for-sale units, one-for-one replacement of affordable units, fee exemptions and reductions for density bonus projects, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would not result in transportation impacts.

**18. UTILITIES AND SERVICE SYSTEMS**

<b>Would the project:</b>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>a) Exceed wastewater treatment requirements of either the Los Angeles or Lahontan Regional Water Quality Control Boards?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Density Bonus Ordinance Update is unlikely to result in projects that exceed wastewater treatment requirements.

Affordable and senior housing is almost always located in built-out areas with access to transit and services, zoned to permit multifamily development. This is because residents of these projects tend to be transit-dependent and in need of services. By extension, areas where density bonus projects tend to locate are connected to public wastewater systems that would be subject to the wastewater treatment standards set by the RWQCB. All public sewer systems are required to obtain and operate under the terms of an NPDES (National Pollution Discharge Elimination System) permit, which is issued by the local RWQCB. Because all municipal wastewater treatment facilities are required to obtain NPDES permits from the RWQCB, any project which would connect to such a system would be required to comply with the same standards imposed by the NPDES permit.

<b>b) Create water or wastewater system capacity problems, or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Density Bonus Ordinance Update is unlikely to create water or wastewater system capacity problems.

Density bonus projects are likely to be located in infill areas with access to transit and services and that are: zoned to permit multifamily uses; have been previously developed; and near uses at similar densities and intensities. By extension, these areas have existing wastewater systems that are adequate for the project. Public Works may require a sewer area study for a density bonus project subject to

discretionary review or density bonus projects located in the Mixed Use Development (MXD), Major Commercial (C-MJ) and High Density Multiple Residence (R-5) zones.

**c) Create drainage system capacity problems, or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**                       

The Density Bonus Ordinance Update is unlikely to result in projects that create drainage system capacity problems or result in the construction of new stormwater drainage facilities.

Affordable and senior housing tend to locate in built-out areas near transit and services, in areas that are zoned to permit multifamily uses. These are areas that have generally been previously developed with impervious surfaces and would not require significant grading of undisturbed land. Any grading or paving would need to comply with LID and NPDES requirements to minimize runoff as part of the construction permitting process. In some cases, project-level mitigations would be required as applicable to address impacts to storm drain capacity.

Previously undeveloped or sparsely developed areas that would be significantly impacted by the drainage needs of a density bonus project are not generally located within a half-mile of transit, and thus would not be impacted by the parking requirements for density bonus projects near transit, or by eliminating the parking requirement for units set aside for extremely low income households.

Areas not previously developed with impervious surfaces are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create drainage system capacity problems or result in the construction of new stormwater drainage facilities. This is because the MXD zone and commercial zones are generally located in areas previously developed with impervious surfaces.

**d) Have sufficient reliable water supplies available to serve the project demands from existing entitlements**

**and resources, considering existing and projected water demands from other land uses?**

The Density Bonus Ordinance Update is unlikely to result in projects that would not have sufficient reliable water supplies available to serve the project demands from existing entitlements and resources.

Density bonus projects are likely to be located in infill areas with access to transit and services, on land previously developed with residential or commercial uses, and served by water systems that would provide will-serve letters verifying water supply. Projects would be subject to Los Angeles County’s Low-Impact Development (LID) requirements, Los Angeles County’s drought-tolerant landscaping requirements, as applicable, and CalGreen construction requirements for low-flow fixtures and other water conservation features.

Previously undeveloped or sparsely developed areas with limited water supply are not generally located within a half-mile of transit, and thus would not be impacted by the parking requirements for density bonus projects, or by eliminating the parking requirement for units set aside for extremely low income households.

Previously undeveloped or sparsely developed areas with limited water supply are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance. These exemptions mostly apply to infill sites or sites previously developed with urban uses in urbanized areas and/or areas near transit.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create water supply problems. This is because the MXD zone and commercial zones are generally located in areas previously developed with urban uses at similar densities and intensities.

**e) Create energy utility (electricity, natural gas, propane) system capacity problems, or result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

The Density Bonus Ordinance Update is unlikely to result in projects that would not have sufficient energy supplies or result in the construction of new energy facilities. Density bonus projects are likely to be located in infill areas with access to transit and services, on land previously developed with

residential or commercial uses, and served by existing energy utilities. Projects would also be subject to Los Angeles County’s Green Building Program, which promotes energy efficiency.

Previously undeveloped or sparsely developed areas with limited energy supply are not generally located in the commercial zones where density bonus apartment projects that meet the thresholds for CEQA exemptions would be allowed to use ministerial review under the ordinance.

The ability of mixed-use and joint live-work density bonus projects to ministerially waive or modify development standards in the Mixed Use Development (MXD) Zone and various commercial zones, would not create energy supply problems. This is because the MXD zone and commercial zones are generally located in areas previously developed with urban uses at similar densities and intensities.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?**                                                                                       

The Density Bonus Ordinance Update is unlikely to result in projects that would significantly impact landfill capacity. Density bonus projects are likely to be located in infill areas with access to transit and services, on land previously developed with residential or commercial uses, and served by existing landfills. The Density Bonus Ordinance Update is unlikely to produce projects so large in scale that their impacts to landfill capacity would be significant, or projects that would not comply with the IWMP.

**g) Comply with federal, state, and local statutes and regulations related to solid waste?**                                                                                       

The Density Bonus Ordinance Update is unlikely to result in projects that would not comply with solid waste regulations. Projects that obtain planning and building approvals would be consistent with solid waste regulations. The Density Bonus Ordinance Update is unlikely to produce projects that would displace waste disposal/diversion sites, as building residential uses on areas previously used for waste would require remediation and further environmental review.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

The Density Bonus Ordinance Update is unlikely to result in projects that would significantly impact utilities. Density bonus projects are likely to locate in infill areas previously developed with residential or commercial uses, and served by existing utilities that are subject to County

management plans for water quality, stormwater and waste. They are unlikely to be of a scale that would require new water, wastewater, energy or waste facilities to be built. The Department of Public Works may require a traffic study for density bonus projects subject to discretionary review or that are located in the Mixed Use Development (MXD), Major Commercial (C-MJ) or R-5 (High Density Multiple Residence) zones. They would also be subject to Los Angeles County's Green Building Code (Title 31), which includes measures for water and energy efficiency, and minimizing waste.

The granting of density bonuses will not significantly increase the amount of housing. Affordable housing requires subsidies from a variety of funding sources to offset the low rents charged to residents. In addition, affordable housing often serves populations with special needs and includes on-site supportive services. The age restrictions on senior housing are enforced by a covenant requiring occupancy of the unit by a senior resident. These factors contribute to the specialized nature of density bonus projects that make them unlikely to significantly increase as a result of a density bonus. Therefore, the potential impact of the ordinance on utilities would be less than significant.

While the Density Bonus Ordinance Update is unlikely to produce housing on a scale that would significantly impact utilities, the review processes and findings applicable to density bonus projects would ensure that impacts from individual projects are less than significant.

Under the Density Bonus Ordinance Update, the following project types would be subject to discretionary review, which would include project-level environmental review, unless the project meets the thresholds for CEQA exemptions, in which case it will be reviewed ministerially: extremely low income housing; rental housing or a single-family residential development with a moderate income housing set-aside; projects requesting additional density bonuses as an incentive beyond the bonuses to which they are entitled under the State Density Bonus Law; and apartment projects in certain commercial zones.

All other projects will be reviewed ministerially if they include set-asides provided in State law for very low, lower and moderate income households (common interest developments), or for senior citizen housing; request bonuses provided by State law; and are located in the zones where residential uses are permitted by right.

To qualify for ministerial review, projects would be required to meet the findings for incentives or waivers from development standards as applicable. These findings stipulate that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

If the project does not meet these findings as well as thresholds for CEQA exemptions (if required for ministerial review), the project would be subject to a discretionary review, subject to findings

including that the proposed site is adequately served by public or private service facilities as are required.

The above review processes and findings would render any potential impact to and by utility services and facilities, less than significant.

Other aspects of the ordinance, such as equity sharing on for-sale units, one-for-one replacement of affordable units, and the requirement for affordability covenants for 55 years would not increase the amount of housing and therefore would not result in impacts to and from utilities.

Exemption from planning fees for 100% affordable projects and reduced planning fees for other affordable housing projects is unlikely to result in significant amounts of new housing, because planning fees are a relatively small percentage of total development costs.

**19. MANDATORY FINDINGS OF SIGNIFICANCE**

**a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is an ordinance to increase affordable and senior housing. The housing that results from this ordinance will be in previously developed areas that permit multifamily housing and sited away from areas where development can have such impacts to special management areas and the environment. The housing that results from this ordinance will also be limited in scale and number due to its specialized nature.

The ordinance includes several provisions that would reduce any potential environmental quality impacts to less than significant. These include a discretionary review process for projects ineligible for ministerial review under the State Density Bonus Law or CEQA exemption, as applicable, as well as required findings that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, or that the impact can be mitigated without making the development unaffordable to extremely low, very low, lower or moderate-income households.

**b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

The project is an ordinance to increase affordable and senior housing. The housing that results from this ordinance will be in areas that permit multifamily housing and sited away from areas where development can have such impacts to special management areas and the environment. The ordinance can both achieve short-term and long-term environmental goals by incentivizing efficient uses of land and housing near transit.

The housing that results from this ordinance will also be limited in scale and number due to its specialized nature.

The ordinance includes several provisions that would reduce any potential environmental quality impacts to less than significant. These include a discretionary review process for projects ineligible for ministerial review under the State Density Bonus Law or CEQA exemption, as applicable, as well as required findings that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment.

**c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other**

**current projects, and the effects of probable future projects)?**

The project is an ordinance to increase affordable and senior housing. A large majority of the housing that results from this ordinance will be in areas that permit multifamily housing and sited away from areas where development can have such impacts. The effects of this ordinance will accommodate the existing shortage of housing and affordable housing, but not to the scale of having a cumulatively considerable impact.

The housing that results from this ordinance will also be limited in scale and number due to its specialized nature.

The ordinance includes several provisions that would reduce any potential environmental quality impacts to less than significant. These include a discretionary review process for projects ineligible for ministerial review under the State Density Bonus Law or CEQA exemption, as applicable, as well as required findings that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment.

**d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**                       

The project is an ordinance to increase affordable and senior housing. The housing that results from this ordinance will be in previously developed areas that permit multifamily housing and sited away from areas with known hazards. The ordinance can both achieve short-term and long-term environmental goals. Furthermore, the housing that results from this ordinance shall be subject to all building and residential standards to ensure safe, habitable housing.

The housing that results from this ordinance will also be limited in scale and number due to its specialized nature.

The ordinance includes several provisions that would reduce any potential environmental quality impacts to less than significant. These include a discretionary review process for projects ineligible for ministerial review under the State Density Bonus Law or CEQA exemption, as applicable, as well as required findings that the incentive or waiver would not have a specific adverse impact upon public health, safety or the physical environment. Findings for discretionary review include that the project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project; and that the project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

**ATTACHMENT 3**

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code related to affordable housing and senior citizen housing.

The Board of Supervisors of the County of Los Angeles 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 ~~h~~Housing ~~p~~Permit for ~~qualified a~~ projects ~~as provided for in~~ subject to Chapter 22.120 (Density Bonus) ~~Title 22~~ is also approved.

...

**SECTION 2.** The Sections headings for Chapter 21.62 are hereby amended to read as follows:

Sections:

...

21.62.100 Annual fee adjustment.

~~21.62.110 Fee exemption – Affordable housing.~~

...

**SECTION 3.** Section 21.62.110 is hereby deleted in its entirety.

~~21.62.110 Fee exemption – Affordable housing.~~

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

~~B. 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.~~

~~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. "Subdivision fee or deposit" shall include tentative map, minor land division, map revision, condominium conversion, parcel map waiver, and certificate of compliance fees required by this Chapter 21.62 of this 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.~~

**SECTION 4.** Section 22.04.050 is hereby amended to read as follows:

**22.04.050 Rules for Measurement**

...

**A. Fractions.**

...

**2. Dwelling Units.**

...

~~b. Exception for State Affordable Housing Density Bonus. For projects eligible for bonus density pursuant to Section 65915 of the California Government Code, or any successor statute, any fractional number of permitted bonus density units shall be rounded up to the next whole number. See Section 22.120.100 (Rules and Calculations).~~

...

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

**22.14.010 A**

...

**Adult residential facility.** Any facility that provides 24-hours-a-day nonmedical care and supervision to adults, as defined and licensed under the regulations of the State of California.

**Affordable Housing and Senior Citizen Housing.** The following terms are defined for the purposes of Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits):

**Affordable housing cost.** See “Affordable housing cost.”

**Affordable housing set-aside.** Dwelling units reserved for extremely low, very low, lower, or moderate income households, as described in Section 22.120.050 (Affordable Housing).

**Affordable rent.** See “Affordable rent.”

**Baseline dwelling units.** The maximum number of dwelling units permitted by the General Plan land use designation describing the affected property.

**Child care facility.** See “Child care center.”

**Common interest development.** A community apartment project, condominium project, planned development, or stock cooperative, as defined in Sections 1351 and 4100 of the California Civil Code.

**Density bonus.** See “Density bonus.”

**Housing development.** A development project for five or more dwelling units, including mixed use developments. It may also be a subdivision or a common interest development as defined in Sections 1351 and 4100 of the California Civil Code, approved by the County and consisting of dwelling units or unimproved residential lots. It may also be 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 Section 65863.4 (d) of the California Government Code, where the result of rehabilitation would be a net increase in available dwelling units.

**Incentive.** A reduction of a development standard or a modification of the zoning code, or other regulatory incentive or concession, as specified in Section 65915 (k) of the California Government Code or any successor statute, that results in identifiable and actual cost reductions to provide for affordable housing costs or rents.

**Income.** See “Income” for the following:

**Area median income.**

**Extremely low income.**

**Lower income.**

**Moderate income.**

**Very low income.**

**Major transit stop.** As defined in Section 21155 (b) of the California Public Resources Code.

**Senior citizen housing.**

**Mobilehome park for senior citizens.** A mobilehome park that limits residency based on age requirements pursuant to Section 798.76 or 799.5 of the California Civil Code.

**Senior citizen housing development.** As defined in Section 51.3 (b) of the California Civil Code.

**Special needs housing.** As defined in Section 51312 of the California Health and Safety Code.

**Specific adverse impact.** As defined in Section 65589.5 (d) (2) of the California Government Code.

**Waiver or reduction of development standards.** A waiver or reduction of development standards, as specified in Section 65915 (e) of the California Government Code or any successor statute, that have the effect of physically precluding the construction of a project at the densities or with the incentives permitted by Chapter 22.120 (Density Bonus).

**Affordable housing cost.** The amount set forth in Section 50052.5 of the California Health and Safety Code.

**Affordable rent.** The amount set forth in Section 50053 of the California Health and Safety Code.

...

**SECTION 6.** Section 22.14.040 is hereby amended to read as follows:

**22.14.040 D**

...

**Density bonus.** A density increase over the otherwise maximum allowable residential density provided in this Title 22. ~~The allowable density to which the bonus may be applied shall be consistent with both~~ permitted by the General Plan land use designation category and the zone classification describing the affected property.

~~**Density Bonuses and Affordable Housing Incentives.** The following terms are defined solely for the purpose of Chapter 22.166 (Housing Permits) and Chapter 22.120 (Density Bonuses and Affordable Housing Incentives):~~

~~**Affordable housing cost.** The amount set forth in Section 50052.5 of the California Health and Safety Code.~~

~~**Affordable rent.** The amount set forth in Section 50053 of the California Health and Safety Code.~~

~~**Child care facility.** See “Child care center.”~~

~~**Common interest development.** A community apartment project, condominium project, planned development, or stock cooperative, as defined in Section 1351(c) of the California Civil Code.~~

~~**Housing development.** 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, 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 Section 65863.4(d) of the California Government Code, where the result of rehabilitation would be a net increase in available residential units.~~

~~**Housing set-aside.** Housing reserved for very low, lower, or moderate income households, and for senior citizens, as described in Section 22.120.040 (Density Bonus), unless otherwise specified.~~

~~**Incentive.** A reduction in a development standard or a modification of the zoning code, or other regulatory incentive or concession, as specified in Section 65915(k) of the California Government Code or any successor statute, proposed by the developer or County that results in identifiable, financially sufficient, and actual cost reductions.~~

~~**Major bus route.** 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.** 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.~~

~~**Qualified project.** 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 Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) of this Title 22.~~

~~**Senior citizen.** An individual who is 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 federal, State, and County regulations are met.~~

~~**Senior citizen housing development.** A housing development as defined in Section 51.3(b)(4) of the California Civil Code.~~

~~**Waiver or modifications of development standards.** A 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.~~

...

**SECTION 7.** Section 22.14.090 is hereby amended to read as follows:

**22.14.090 I**

...

**Income.**

**Area median income.** The current median annual household income for Los Angeles County as estimated yearly by the United States Department of Housing and Urban Development or as published by the California Department of Housing and Community Development.

**Extremely low income.** An annual income for a household which does not exceed 30 percent of the area median income, as specified by Section 50106 of the California Health and Safety Code.

...

**SECTION 8.** Section 22.14.190 is hereby amended to read as follows:

**22.14.190 S**

...

**Self-service storage facility.** Any real property designed and used for the renting or leasing of individual storage spaces to tenants who have access to such spaces for the purpose of storing personal property.

~~**Senior citizens and disabled persons housing development.** A multiple-family housing development maintained for the occupancy of the elderly and senior citizens, defined in Section 51.3 of the California Civil Code, in which not more than 10 percent of the occupants are under 62 years of age, or for the occupancy of persons whose disabilities seriously restrict operation of a motor vehicle. (The Regional Planning Commission in recommending this definition on August 17, 1977 also took action to state that it shall be the Commission's policy to insure that some agency of government, other than the Commission or Department of Regional Planning, is exercising entry or~~

occupancy controls assuring that each unit in an approved senior citizen and disabled persons housing development is in fact occupied by an eligible individual or family.)

...

**SECTION 9.** Section 22.16.030 is hereby amended to read as follows:

**22.16.030 Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W**

...

**B. Permit and Review Requirements.** Table 22.16.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

<b>TABLE 22.16.030-A:PERMIT AND REVIEW REQUIREMENTS</b>		
<i>Abbreviation</i>	<i>Permit or Review Requirement</i>	<i>Reference</i>
...		
EP	Explosives Permit	Chapter 22.164
HP	Housing Permit	Chapter 22.166
...		

**C. Use Regulations.**

1. **Principal Uses.** Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

<b>TABLE 22.16.030-B:PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES</b>						
	<i>A-1</i>	<i>A-2</i>	<i>O-S</i>	<i>R-R</i>	<i>W</i>	<i>Additional Regulations</i>
...						
<b>Residential Uses</b>						
Adult residential facilities <sup>16</sup>						
<i>Facilities serving six or fewer persons, in compliance with Section 22.140.520.B.1</i>	P	P	-	-	-	Section 22.140.520
<i>Facilities serving six or fewer persons, in compliance with Section 22.140.520.B.2</i>	MCUP	MCUP	-	-	-	Section 22.140.520
<i>Facilities serving six or fewer persons</i>	-	-	-	CUP	-	
<i>Facilities serving seven or more persons</i>	CUP	CUP	-	CUP	-	

<b>TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES</b>						
	<i>A-1</i>	<i>A-2</i>	<i>O-S</i>	<i>R-R</i>	<i>W</i>	<i>Additional Regulations</i>
...						
Density-controlled developments <sup>16</sup>	CUP	CUP	-	CUP	-	Section 22.140.170
Farmworker housing <sup>16</sup>						
<i>Farmworker dwelling units</i>	SPR	SPR	-	-	-	Section 22.140.230
<i>Farmworker housing complexes</i>	SPR	SPR	-	-	-	Section 22.140.230
...						
Mobilehome parks <sup>16</sup>	CUP	CUP	-	CUP	-	Section 22.140.370
Qualified projects	HP	HP	-	-	-	Chapter 22.120
Single-family residences <sup>16</sup>	SPR	SPR	CUP	CUP	CUP	Section 22.140.580
...						
Townhouses <sup>16</sup>	CUP	CUP	-	CUP	-	Section 22.140.600
...						
<b>Notes:</b>						
...						
16. Use may also be subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits) if it includes <u>affordable housing or senior citizen housing</u> .						

...

**SECTION 10.** Section 22.18.030 is hereby amended to read as follows:

**22.18.030 Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4, and R-5**

...

**B. Permit and Review Requirements.** Table 22.18.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

<b>TABLE 22.18.030-A: PERMIT AND REVIEW REQUIREMENTS</b>		
<i>Abbreviation</i>	<i>Permit or Review Requirement</i>	<i>Reference</i>
...		
EP	Explosives Permit	Chapter 22.164
HP	Housing Permit	Chapter 22.166

..		
----	--	--

### C. Use Regulations.

4. **Principal Uses.** Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.18.030-B:PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
<b>Residential Uses</b>							
Adult residential facilities <sup>8</sup>							
<i>Facilities serving six or fewer persons, in compliance with Section 22.140.520.B.1</i>	P	P	P	P	P	P	Section 22.140.520
<i>Facilities serving six or fewer persons in compliance with Section 22.140.520.B.2</i>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Section 22.140.520
<i>Facilities serving seven or more persons</i>	CUP	CUP	CUP	CUP	CUP	CUP	
...							
Density-controlled developments <sup>8</sup>	CUP	CUP	CUP	-	-	-	Section 22.140.170
Farmworker housing <sup>8</sup>							
<i>Farmworker dwelling units</i>	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.230
<i>Farmworker housing complexes, in compliance with Section 22.140.230.E.1</i>	-	-	-	SPR	SPR	-	Section 22.140.230
<i>Farmworker housing complexes, in compliance with Section 22.140.230.E.2</i>	-	-	-	CUP	CUP	-	Section 22.140.230
<i>Farmworker housing complexes</i>	SPR	CUP	CUP	-	-	-	Section 22.140.230
...							
Mobilehome parks <sup>8</sup>	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140.370
Multi-family housing <sup>8</sup>							
<i>Apartment houses</i>	-	-	MCUP <sup>4</sup> / CUP <sup>5</sup>	SPR	SPR	SPR	
<i>Townhouses</i>	CUP	CUP	CUP	SPR	SPR	SPR	Section 22.140.600
<i>Two-family residences</i>	-	-	SPR	SPR	SPR	-	
<b>Qualified projects</b>	<b>HP</b>	<b>HP</b>	<b>HP</b>	<b>HP</b>	<b>HP</b>	<b>HP</b>	<b>Chapter 22.120</b>
...							
Single-family residences <sup>8</sup>	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.580

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
<b>Notes:</b>							
...							
8. Use may also be subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits) if it includes affordable housing or senior citizen housing.							

...

**SECTION 11.** Section 22.18.060 is hereby amended to read as follows:

**22.18.060 Development Standards and Regulations for Zone RPD**

...

**C. Development Standards.**

...

2. **Density.** When property in Zone RPD is developed as a planned residential development pursuant to Subsection A.2, above, 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. Chapter 22.120 (Density Bonus) and Affordable Housing Incentives) and Chapter 22.166 (Housing Permits) regarding housing permits for qualified projects, shall apply to Zone RPD.

...

**SECTION 12.** Section 22.20.030 is hereby amended to read as follows:

**22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R**

...

B. **Permit and Review Requirements.** Table 22.20.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

TABLE 22.20.030-A:PERMIT AND REVIEW REQUIREMENTS		
Abbreviation	Permit or Review Requirement	Reference
...		
EP	Explosives Permit	Chapter 22.164
HP	Housing Permit	Chapter 22.166
...		

### C. Use Regulations.

1. **Principal Uses.** Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B:PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
...								
<b>Residential Uses</b>								
Adult residential facilities <sup>25</sup>								
Facilities serving six or fewer persons	CUP	CUP	CUP	CUP	CUP	CUP	CUP <sup>4</sup>	
Facilities serving seven or more persons	CUP	CUP	CUP	CUP	CUP	CUP	-	
...								
Farmworker housing <sup>25</sup>								
Farmworker dwelling units	SPR	SPR	SPR	SPR	CUP	-	SPR	Section 22.140.230
Farmworker housing complexes	SPR	SPR	SPR	SPR	CUP	-	SPR	Section 22.140.230
...								
Joint live and work units <sup>25</sup>	SPR	SPR	SPR	SPR	MCUP	SPR	-	Section 22.140.320
In compliance with Section 22.140.320.C.1 or C.2	SPR	SPR	SPR	SPR	MCUP	SPR	-	Section 22.140.320
In compliance with Section 22.140.320.C.3	CUP	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.320
Mixed use developments <sup>25</sup>	SPR	SPR	SPR	SPR	MCUP	CUP		Section 22.140.350
In compliance with Section 22.140.360.A.3.a or A.3.b	SPR	SPR	SPR	SPR	MCUP	-	-	Section 22.140.350

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
In compliance with Section 22.140.360.A.3.c or 22.140.360.B	CUP	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.350
Mobilehome parks <sup>25</sup>	CUP	CUP	CUP	CUP	CUP	-	-	Section 22.140.370
Multi-family housing <sup>25</sup>								
Apartment houses	SPR <sup>26</sup> / MCUP <sup>18</sup> / CUP	MCUP <sup>18</sup> / CUP	CUP	-				
Townhouses	CUP	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.600
Two-family residences	CUP	CUP	CUP	CUP	CUP	-	-	
Qualified projects	HP	HP	HP	HP	HP	HP	HP	Chapter 22.120
...								
Single-family residences <sup>25</sup>	CUP	CUP	CUP	CUP	CUP	-	CUP	Section 22.140.580
...								
<b>Notes:</b>								
...								
25. Use may also be subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits) if it includes affordable housing or senior citizen housing.								
26. When the use 1) is an affordable housing development (Section 22.120.050) subject to an Administrative Housing Permit (Section 22.166.040); and 2) meets the criteria for one of the California Environmental Quality Act exemptions.								

...

**SECTION 13.** 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**

...

B. **Permit and Review Requirements.** Table 22.22.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

TABLE 22.22.030-A: PERMIT AND REVIEW REQUIREMENTS		
Abbreviation	Permit or Review Requirement	Reference
...		
EP	Explosives Permit	Chapter 22.164
HP	Housing Permit	Chapter 22.166
...		

...

**SECTION 14.** Section 22.24.030 is hereby amended to read as follows:

## 22.24.030 Land Use Regulations for Rural Zones

...

B. **Permit and Review Requirements.** Table 22.24.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

<b>TABLE 22.24.030-A:PERMIT AND REVIEW REQUIREMENTS</b>		
<b>Abbreviation</b>	<b>Permit or Review Requirement</b>	<b>Reference</b>
...		
MCUP	Minor Conditional Use Permit	Chapter 22.160
HP	Housing Permit	Chapter 22.166
...		

### C. Use Regulations.

1. **Principal Uses.** Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

<b>TABLE 22.24.030-B:PRINCIPAL USE REGULATIONS FOR RURAL ZONES</b>			
	<b>C-RU</b>	<b>MXD-RU</b>	<b>Additional Regulations</b>
...			
<b>Residential Uses</b>			
...			
Farmworker housing <sup>13</sup>			
<i>Farmworker dwelling units</i>	SPR	SPR	Section 22.140.230
<i>Farmworker housing complexes</i>	SPR	SPR	Section 22.140.230
...			
Joint live and work units <sup>13</sup>	SPR	SPR	Section 22.140.320
<i>In compliance with Section 22.140.320.C.1</i>	SPR	SPR	Section 22.140.320
<i>In compliance with Section 22.140.320.C.3</i>	CUP	CUP	Section 22.140.320
Mixed use developments <sup>13</sup>			
<i>Single-family residences</i>	SPR <sup>1</sup>	-	Section 22.140.580
Mixed use developments, vertical or horizontal <sup>13</sup>			
<i>Apartment houses, up to five units</i>	-	SPR	Section 22.140.360
<i>Apartment houses, more than five units</i>	-	CUP	Section 22.140.360
<i>Single-family residences</i>	-	SPR	Section 22.140.360, 22.140.580
<i>Townhouses</i>	-	SPR	Section 22.140.360
<i>Two-family residences</i>	-	SPR	Section 22.140.360

<b>TABLE 22.24.030-B:PRINCIPAL USE REGULATIONS FOR RURAL ZONES</b>			
	<b>C-RU</b>	<b>MXD-RU</b>	<b>Additional Regulations</b>
Mobilehome parks <sup>13</sup>	CUP	CUP	Section 22.140.370
Multi-family housing <sup>13</sup>			
<i>Apartment houses</i>	-	CUP <sup>11</sup>	
Qualified projects	-	HP	Chapter 22.120
...			
<b>Notes:</b>			
...			
13. Use may also be subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits) if it includes affordable housing or senior citizen housing.			

...

**SECTION 15.** Section 22.26.030 is hereby amended to read as follows:

**22.26.030 Mixed Use Development Zone**

...

**B. Land Use Regulations.**

...

2. **Permit and Review Requirements.** Table 22.26.030-A, below, identifies the permit or review required to establish each use listed in Subsection B.3, below.

<b>TABLE 22.26.030-A:PERMIT AND REVIEW REQUIREMENTS</b>		
<b>Abbreviation</b>	<b>Permit or Review Requirement</b>	<b>Reference</b>
...		
CUP	Conditional Use Permit	Chapter 22.158
HP	Housing Permit	Chapter 22.166
...		

**3. Use Regulations.**

*a. Principal Uses.*

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

<b>TABLE 22.26.030-B:PRINCIPAL USE REGULATIONS FOR ZONE MXD</b>		
		<b>Additional Regulations</b>
...		
<b>Residential Uses</b>		
Adult residential facilities <sup>Z</sup>		
<i>Facilities serving six or fewer persons</i>	P	Section 22.140.520
<i>Facilities serving seven or more persons</i>	CUP	
...		
Joint live and work units <sup>Z</sup>	SPR	<u>Section 22.140.320</u>
<i>In compliance with Section 22.140.320.C.1</i>	SPR	<u>Section 22.140.320</u>
<i>In compliance with Section 22.140.320.C.3</i>	CUP	<u>Section 22.140.320</u>
Mixed use developments with residential and commercial components <sup>Z</sup>	SPR	
Multifamily housing <sup>Z</sup>		
<i>Apartment houses</i>	SPR	
<i>Townhouses</i>	SPR	
<i>Two-family residences<sup>1</sup></i>	SPR	
Qualified projects	HP	
...		
Single-family residences <sup>1,Z</sup>	SPR	Section 22.140.580
...		
<b>Notes:</b>		
...		
Z. <u>Use may also be subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits) if it includes affordable housing or senior citizen housing.</u>		

...

**E. Modifications of Development Standards.** With the exception of a height bonus granted through lot consolidation in Subsection G, below, the development standards specified in Subsection D, above, may be modified as follows:

1. Requests for modifications to the requirements listed in Subsections D.3 (Height), D.4 (Ground Floor Retail in Mixed Use Developments), D.10 (Pedestrian Character), or D.11 (Recreational Spaces for Residential and Mixed Use Developments), above, shall require approval of a Conditional Use Permit (Chapter 22.158) application. In addition to the findings required by Section 22.158.050 (Findings and Decision), findings shall be made that any modifications to the proposed standards above would result in a

better quality development that will meet the objectives of this Section, by, for example, providing:

~~1. a.~~ Adequate light, air and privacy to adjacent Zone R-1 and R-2 properties by preventing casting of a permanent shadow on adjacent residences;

~~2. b.~~ Adequate common and private recreation space accessible to all residents of the development; and

~~3. c.~~ A variety of architectural elements and landscaping to contribute to or improve an active pedestrian-oriented streetscape, and prevent casting a towering or monotonous effect on the streetscape.

2. Notwithstanding Subsection E.1, above, any development standard specified in Subsection D, above, may be waived or modified in accordance with Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040) application, and shall require the approval of a Ministerial Site Plan Review (Chapter 22.186) application.

...

**SECTION 16.** 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 California 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~~ subject to ~~allowed by~~ Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) and Chapter 22.166 (Housing Permits), such regulations shall supersede the provisions of the basic zone as specified in the Specific Plan. Specific Plan regulations shall apply to accessory dwelling units as follows:

...

**SECTION 17.** The Chapters headings for Division 6 is hereby amended to read as follows:

Chapters:

...

Chapter 22.118      Flood Control

Chapter 22.120      Density Bonuses and ~~Affordable Housing Incentive~~

...

**SECTION 18.** Section 22.110.140 is hereby amended to read as follows:

**22.110.140 Required Area or Width for Specific Circumstances**

A. **Required Area - For a Housing Permit.** Where a Housing Permit (Chapter 22.166) application for ~~qualified projects~~ subject to Chapter 22.120 (Density Bonus) is approved, lot area ~~and/or~~ lot area per dwelling unit requirements specified by said approval shall be deemed the required area ~~and/or~~ required area per dwelling unit established for the lot or the lots where approved.

...

**SECTION 19.** Section 22.112.030 is hereby amended to read as follows:

### **22.112.030 Exemptions**

A. **Exemptions to This Chapter.** This Chapter shall not apply to the following:

...

4. **Housing.** ~~Qualified p~~Projects subject to, as provided for in Chapter 22.120 (Density Bonuses and Affordable Housing Incentives), where either of the following applies:

a. ~~If requested by the applicant, t~~The development standards parking provisions described in Section 22.120.0680 (Parking Reduction); or

b. ~~The development standards~~ parking provisions described in ~~this Chapter~~ Section 22.120.080 (Parking) as waived or modified in accordance with Chapter 22.120 (Density Bonuses and Affordable Housing Incentives), as applicable.

...

**SECTION 20.** Chapter 22.120 is hereby deleted in its entirety.

### **~~Chapter 22.120 Affordable Housing and Senior Citizen Housing~~**

~~Sections:~~

~~22.120.010 Purpose~~

~~22.120.020 Definitions~~

~~22.120.030 Applicability~~

~~22.120.040 Density Bonus~~

~~22.120.050 Incentives~~

~~22.120.060 Parking Reduction~~

~~22.120.070 Waiver or Modification of Development Standards~~

~~22.120.080 Senior Citizen Housing Option~~

~~22.120.090 Affordable Housing Option~~

~~**22.120.010 Purpose**~~

~~The purpose of this Chapter 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 to complement the communities in which they are located.~~

~~**22.120.020 Definitions**~~

~~Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Density Bonuses and Affordable Housing Incentives."~~

~~**22.120.030 Applicability**~~

~~A. Notwithstanding any provision of this Title 22 to the contrary, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), shall apply in all zones that allow residential uses.~~

~~B. Applications deemed complete prior to February 16, 2006, 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 Chapter and Chapter 22.166 (Housing Permits).~~

~~**22.120.040 Density Bonus**~~

~~A. **Eligibility.** Qualified projects meeting the eligibility requirements set forth in this Section shall be granted density bonuses in the amounts shown in Table 22.120.040-A, below.~~

<b>TABLE 22.120.040-A:DENSITY BONUS ELIGIBILITY REQUIREMENTS</b>					
<b>Qualified Projects</b>	<b>Minimum Set-Aside</b>		<b>Density Bonus</b>		
			<b>Basic</b>	<b>Additional**</b>	<b>Maximum</b>
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
<p>Notes:</p> <p>* 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 22.120.050 (Incentives).</p> <p>** 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%.</p> <p>*** 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 that:</p> <p>1) The total density bonuses approved shall not exceed that obtained if developed separately;</p> <p>2) 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</p> <p>3) The applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites.</p>					

**1. Affordable Housing Set-Asides.**

a. ~~Minimum Units Required.~~ The total number of dwelling units of the qualified project shall be five units or more.

b. ~~Duration of Affordability.~~ The owner of the qualified project meeting the requirements of this Subsection A shall record a document in accordance with Section 22.166.040 (Covenant and Agreement), and shall be subject to monitoring procedures per Section 22.166.050 (Monitoring), guaranteeing either of the following:

i. ~~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.~~

~~ii. For moderate income housing set-asides (common interest developments), that the initial occupants are persons and families of moderate income.~~

~~c. *Compatibility.* 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.~~

## ~~2. **Senior Citizen Housing Set-Asides.**~~

~~a. *Senior Citizen Housing Development.* The qualified project shall meet the requirements described in Section 51.3 of the California Civil Code.~~

~~b. *Mobilehome Park for Senior Citizens.* Pursuant to Section 798.76 or 799.5 of the California Civil Code, the mobilehome park shall be restricted to senior citizens as described in this Chapter.~~

~~c. *Duration of Age Restriction.* The owner of a qualified project meeting the requirements of this Subsection A.2 shall record a document in accordance with Section 22.166.040 (Covenant and Agreement) and shall be subject to monitoring procedures per Section 22.166.050 (Monitoring), 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.~~

~~3. **Land Donations.** To receive a density bonus for land donations as provided in Section 65915 of the California Government Code, a qualified project shall meet the following requirements:~~

~~a. 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.~~

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

~~c. The applicant shall donate and transfer the land to the Community Development Commission (CDC) no later than the date of approval of the final subdivision map, parcel map, or residential development application.~~

~~d. The transferred land shall have the appropriate zoning classification and General Plan designation to allow the construction of affordable housing.~~

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

~~f. 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.~~

~~g. 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.~~

~~h. The land shall be transferred to the CDC and a deed restriction shall be recorded with the Registrar-Recorder/County Clerk at the time of dedication, in order to ensure the continued affordability of the units.~~

~~i. 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.~~

~~4. **County Infill Sites Program.**~~

~~a. The qualified project shall be a participant in the County Infill Sites Program, which is administered by CDC.~~

~~b. Projects that consist of one to four units shall not be eligible for a density bonus.~~

~~c. The owner of a qualified project that is a participant in the County Infill Sites Program shall record a document in accordance with Section 22.166.040 (Covenant and Agreement), guaranteeing that the relevant affordability criteria, as determined by the CDC, and will be observed from the issuance of the certificate of occupancy, and will be subject to the monitoring procedures, as described in Section 22.166.050 (Monitoring).~~

~~5. **Child Care Facilities.**~~

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

~~b. The owner of the qualified project shall record a document in accordance with Section 22.166.040 (Covenant and Agreement), ensuring that the child care facility shall remain in operation during the term of affordability, as described in this Section.~~

~~B. **Density Bonus 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 Chapter, the "total dwelling units" do not include units permitted by a density bonus awarded pursuant to this Chapter, or any other section in this Title 22 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. ~~**Not Cumulative.** 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 Chapter 22.166 (Housing Permits).~~

**22.120.050 Incentives**

A. ~~**Eligibility.** A qualified project that provides an affordable housing set-aside, as described in Section 22.120.040 (Density Bonus), shall be granted incentives in the amounts shown in Table 22.120.050-A, below.~~

<b>TABLE 22.120.050-A: NUMBER OF INCENTIVES</b>				
<b>Qualified Projects</b>		<b>Incentives</b>		
		<b>One*</b>	<b>Two*</b>	<b>Three*</b>
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 22.120.040.A (Eligibility).

**B. Menu of Incentives.** A qualified project that provides an affordable housing set-aside may request incentives, pursuant to Subsection A, above, from the menu of incentives, as shown in Table 22.120.050-B, below:

<b>TABLE 22.120.050-B: MENU OF INCENTIVES*</b>	
<b>Incentive</b>	<b>Description</b>
Yard/setback	<ul style="list-style-type: none"> <li>• Up to a 20% modification from side yard/setback requirements.</li> <li>• Up to a 35% modification of front and rear yard/setback requirements.</li> <li>• All yard/setback modifications shall count as one incentive.</li> </ul>
Building Height	<ul style="list-style-type: none"> <li>• Up to a 10-foot increase in height.</li> <li>• 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.</li> </ul>
Stories	<ul style="list-style-type: none"> <li>• An additional story.</li> <li>• 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.</li> </ul>
Lot Size	<ul style="list-style-type: none"> <li>• Up to 20% modification from lot size requirements.</li> <li>• 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.</li> </ul>
Lot Width	<ul style="list-style-type: none"> <li>• Up to 20% modification from lot width requirements.</li> <li>• 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.</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• 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-foot radius of a fully funded mass transit station or bus stop along a major bus route, the following parking rates shall apply:               <ul style="list-style-type: none"> <li>○ Single Family Dwelling Units:                   <ul style="list-style-type: none"> <li>— Any number of bedrooms: 1.0 parking space/unit.</li> </ul> </li> <li>○ Multi-Family Dwelling Units:                   <ul style="list-style-type: none"> <li>— 0-1 bedrooms: 0.75 parking space/unit.</li> <li>— 2 or more bedrooms: 1.5 parking spaces/unit.</li> </ul> </li> </ul> </li> <li>• Parking may be provided by tandem parking or uncovered parking, but not on street parking. Parking is inclusive of guest and accessible parking spaces.</li> </ul>
Density	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Fee Waiver	<ul style="list-style-type: none"> <li>• 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 the Filing Fee Schedule. (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.)</li> </ul>

<b>TABLE 22.120.050-B: MENU OF INCENTIVES*</b>	
<i>Incentive</i>	<i>Description</i>
Notes: * Project prerequisites: To be eligible for on menu incentives, the qualified project must be outside of a Very High Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 (Fire Code) of the LA County Code; within an area that is served by a public sewer system; not within a Significant Ecological Area; and not on land having a natural slope of 25% or more. Where other discretionary approvals (i.e., Plan Amendment, Zone Change, Coastal Development Permit, Minor Conditional Use 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, above, not listed on the menu of incentives; these incentives shall be deemed "off-menu" incentives.

**D. County Infill Sites Program.**

1. ~~Menu of Incentives.~~ A qualified project that is a participant in the County Infill Sites Program shall be eligible for the incentives shown in Table 22.120.050-C, below.

<b>TABLE 22.120.050-C: COUNTY INFILL SITES PROGRAM INCENTIVES**</b>	
<i>Incentive</i>	<i>Description</i>
Yard/setback	<ul style="list-style-type: none"> <li>• Up to a 20% modification from side yard/setback requirements.</li> <li>• Up to a 35% modification of front and rear yard/setback requirements.</li> <li>• 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.</li> </ul>
Building Height	<ul style="list-style-type: none"> <li>• Up to a 10-foot increase in height.</li> <li>• 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.</li> </ul>
Stories	<ul style="list-style-type: none"> <li>• An additional story.</li> <li>• 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.</li> </ul>
Lot Size	<ul style="list-style-type: none"> <li>• Up to 50% modification from lot size requirements.</li> </ul>
Lot Width	<ul style="list-style-type: none"> <li>• Up to 50% modification from lot width requirements.</li> </ul>

<b>TABLE 22.120.050-C: COUNTY INFILL SITES PROGRAM INCENTIVES**</b>	
<b>Incentive</b>	<b>Description</b>
Parking	<ul style="list-style-type: none"> <li>● For qualified projects that are within a 1,500-foot radius of a fully funded mass transit station or bus stop along a major bus route, the following parking rates shall apply:               <ul style="list-style-type: none"> <li>○ Single Family Dwelling Units:                   <ul style="list-style-type: none"> <li>— Any number of bedrooms: 1.0 parking space/unit;</li> </ul> </li> <li>○ Multi-Family Dwelling Units:                   <ul style="list-style-type: none"> <li>— 0-3 bedrooms: 1.0 parking space/unit;</li> <li>— 4 or more bedrooms: 1.5 parking spaces/unit.</li> </ul> </li> </ul> </li> <li>● Parking may be provided by tandem parking or uncovered parking, but not on-street parking. Parking is inclusive of guest and accessible parking spaces.</li> </ul>
<p>Notes:</p> <p>** 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 that:</p> <ol style="list-style-type: none"> <li>1) The total incentives approved shall not exceed that obtained if developed separately;</li> <li>2) 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</li> <li>3) The applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites.</li> </ol>	

~~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 shown in Table 22.120.050-C, above.~~

~~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 Chapter 22.166 (Housing Permits).~~

~~**22.120.060 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 (Section 22.120.050.D), qualified projects shall be granted the maximum parking ratios shown in Table 22.120.060-A, below, 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 22.120.050 (Incentives).~~

<b>TABLE 22.120.060 A: PARKING RATIOS*</b>	
<i>Dwelling Unit Size</i>	<i>Parking Spaces per Unit</i>
0-1 bedroom	1 space
2-3 bedrooms	2 spaces
4 or more bedrooms	2.5 spaces
Note: * Parking may be provided by tandem parking or uncovered parking, but not on street parking. Parking is inclusive of guest and accessible parking spaces.	

~~B. **Calculations.** If the calculation of the total number of parking spaces required results in a fractional number, the requirement 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 Chapter 22.166 (Housing Permits).~~

~~**22.120.070 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 22.120.040.A.3 (Land Donations), 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 22.120.050 (Incentives).~~

~~B. **Permit Type.** The granting of waivers or modifications of development standards is subject to a Discretionary Housing Permit, as described in Chapter 22.166 (Housing Permits).~~

~~**22.120.080 Senior Citizen Housing Option**~~

~~A. **Eligibility.** A qualified project that provides a senior citizen housing set-aside, in accordance with Section 22.120.040 (Density Bonus), may request a greater~~

~~density bonus, but not to exceed 50 percent of the normally permitted density maximum of the zone, if the senior citizen housing set-aside is at least 50 percent of the project.~~

~~1. The senior citizen housing set-aside shall 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 A, the owner shall record a document in accordance with Section 22.166.040 (Covenant and Agreement) 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 Chapter 22.166 (Housing Permits).~~

### ~~**22.120.090 Affordable Housing Option**~~

~~A. **Eligibility.** A qualified project that provides an affordable housing set-aside, in accordance with Section 22.120.040 (Density Bonus), may request a greater density bonus and incentives that do not meet the findings specified in Section 22.166.080.B (Findings and Decision).~~

~~1. **Applicability.** The provisions of this Subsection shall not apply to the granting of greater density bonuses as incentives, pursuant to Section 22.120.050.C (Off-Menu Incentives) or Section 22.120.050.D (County Infill Sites Program).~~

~~2. **Duration of Affordability.** The owner of a qualified project shall record a document in accordance with Section 22.166.040 (Covenant and Agreement) and shall be subject to monitoring procedures per Section 22.166.050 (Monitoring),~~

guaranteeing that the relevant affordability criteria will be observed for at least 30 years from the issuance of the certificate of occupancy.

~~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 that:~~

~~1. The total density bonuses and incentives approved shall not exceed those which could be obtained if developed separately;~~

~~2. 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 Chapter 22.166 (Housing Permits).~~

**SECTION 21.** Chapter 22.120 is hereby added to read as follows:

**Chapter 22.120 Density Bonus**

Sections:

22.120.010 Purpose

22.120.020 Definitions

22.120.030 Applicability

22.120.040 Eligibility

22.120.050 Affordable Housing

22.120.060 Senior Citizen Housing

22.120.070 Land Donation

22.120.080 Parking

22.120.090 Waivers or Reductions of Development Standards

22.120.100 Rules and Calculations

**22.120.010 Purpose**

The purpose of this Chapter is to implement the 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.

**22.120.020 Definitions**

Specific terms used in this Chapter are defined in Division 2 (Definitions), under “Affordable Housing and Senior Citizen Housing.”

**22.120.030 Applicability**

Notwithstanding any contrary provisions in this Title 22, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), shall apply in all zones that allow residential use as a principal use.

**22.120.040 Eligibility**

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

A. **Minimum Dwelling Units Required.** Except as specified otherwise, the project shall have a minimum of five baseline dwelling units.

**B. Replacement Dwelling Units.** The project shall replace the 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:

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. 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.

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

7. Each replacement dwelling unit shall have the same number of bedrooms as the dwelling unit being replaced.

**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).

**22.120.050 Affordable Housing**

**A. Density Bonus.** Except as specified otherwise, a housing development shall receive a density bonus in the amounts shown in Table 22.120.050-A, below, if it provides an affordable housing set-aside.

<b>TABLE 22.120.050-A:AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSES</b>				
<b>Set-Aside</b>	<b><i>Extremely Low Income (30% AMI)<sup>1</sup></i></b>	<b><i>Very Low Income (50% AMI)<sup>2</sup></i></b>	<b><i>Lower Income (80% AMI)<sup>2</sup></i></b>	<b><i>Moderate Income (120% AMI)<sup>1, 2</sup></i></b>
	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>
5%	25%	20%	=	=
6%	30%	22.5%	=	=
7%	35%	25%	=	=
8%	40%	27.5%	=	=
9%	45%	30%	=	=
10%	55%	32.5%	20%	5%
11%	55%	35%	21.5%	6%
12%	55%	35%	23%	7%
13%	55%	35%	24.5%	8%
14%	55%	35%	26%	9%
15%	55%	35%	27.5%	10%
16%	55%	35%	29%	11%
17%	55%	35%	30.5%	12%
18%	55%	35%	32%	13%
19%	55%	35%	33.5%	14%
20%	55%	35%	35%	15%
21%	55%	35%	35%	16%
22%	55%	35%	35%	17%
23%	55%	35%	35%	18%
24%	55%	35%	35%	19%
25%	55%	35%	35%	20%
26%	55%	35%	35%	21%
27%	55%	35%	35%	22%
28%	55%	35%	35%	23%
29%	55%	35%	35%	24%
30%	55%	35%	35%	25%
31%	55%	35%	35%	26%

**TABLE 22.120.050-A:AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSES**

<b>Set-Aside</b>	<b><i>Extremely Low Income (30% AMI)<sup>1</sup></i></b>	<b><i>Very Low Income (50% AMI)<sup>2</sup></i></b>	<b><i>Lower Income (80% AMI)<sup>2</sup></i></b>	<b><i>Moderate Income (120% AMI)<sup>1, 2</sup></i></b>
	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>	<b><i>Density Bonus</i></b>
32%	55%	35%	35%	27%
33%	55%	35%	35%	28%
34%	55%	35%	35%	29%
35%	55%	35%	35%	30%
36%	55%	35%	35%	31%
37%	55%	35%	35%	32%
38%	55%	35%	35%	33%
39%	55%	35%	35%	34%
40% - 99%	55%	35%	35%	35%
100%	100%	35%	35%	35%

**Notes:**

1. The granting of the following density bonuses is subject to a Discretionary Housing Permit (Section 22.166.050), unless the housing development meets the criteria for one of the California Environmental Quality Act exemptions, in which case an Administrative Housing Permit (Section 22.166.040) application is required:
  - a. A density bonus for a housing development with an extremely low income housing set-aside.
  - b. A density bonus for a rental housing development with a moderate income housing set-aside.
  - c. A density bonus for a single-family residential subdivision with a moderate income housing set-aside.
2. The granting of the following density bonuses is subject to an Administrative Housing Permit (Section 22.166.040):
  - a. A density bonus for a housing development with a very low or lower income housing set-aside.
  - b. A density bonus for a common interest development with a moderate income housing set-aside.

**B. Affordable Housing Set-Aside.**

**1. Duration of Affordability.**

a. Rental. The affordability term for affordable housing set-aside units shall be at least 55 years from the issuance of the final certificate of occupancy by the Department of Public Works.

b. For-sale. The initial sale of the affordable housing set-aside 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).

**2. Compatibility.** Affordable housing set-aside units shall have the same number of bedrooms as the non-set aside dwelling units. In a housing development with a variety of bedroom counts per dwelling unit, the number of affordable set-aside

dwelling units with a particular number of bedrooms shall be proportional to the number of non-set-aside dwelling units with the same number of bedrooms.

**3. Location of Units.** The affordable housing set-aside units and the density bonus dwelling units may be located in different geographic areas within the housing development.

**4. Covenant and Agreement Required.** A covenant and agreement ensuring the continuing availability of affordable housing set-aside units shall be recorded pursuant to Section 22.166.070 (Covenant and Agreement).

**C. Incentives.** A housing development shall receive a number of incentives in the amounts shown in Table 22.120.050-B, below, if it provides an affordable housing set-aside. The provision of direct financial incentives for a housing development, such as the fee exemption and reductions provided in Section 22.250.020.B (Fee Exemption and Reductions for Affordable Housing Subject to Chapter 22.120 – Density Bonus), shall not be counted toward the incentives provided in this Subsection C.

<b>TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES</b>				
<b>Set-Aside</b>	<b><u>Extremely Low Income (30% AMI)<sup>1, 2</sup></u></b>	<b><u>Very Low Income (50% AMI)<sup>1, 2</sup></u></b>	<b><u>Lower Income (80% AMI)<sup>1, 2</sup></u></b>	<b><u>Moderate Income (120% AMI)<sup>1, 2</sup></u></b>
	<b><u>No. of Incentives</u></b>	<b><u>No. of Incentives</u></b>	<b><u>No. of Incentives</u></b>	<b><u>No. of Incentives</u></b>
5%	3	1	=	=
6%	3	1	=	=
7%	3	1	=	=
8%	3	1	=	=
9%	3	1	=	=
10%	3	2	1	1
11%	3	2	1	1
12%	3	2	1	1
13%	3	2	1	1
14%	3	2	1	1
15%	3	3	1	1

**TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES**

16%	3	3	1	1
17%	3	3	1	1
18%	3	3	1	1
19%	3	3	1	1
20%	3	3	2	2
21%	3	3	2	2
22%	3	3	2	2
23%	3	3	2	2
24%	3	3	2	2
25%	3	3	2	2
26%	3	3	2	2
27%	3	3	2	2
28%	3	3	2	2
29%	3	3	2	2
30%-100%	3	3	3	3

**Notes:**

1. Where an affordable housing set-aside is provided at a percentage listed in this table, the granting of incentive(s) is subject to an Administrative Housing Permit (Section 22.166.040), provided that the findings specified in Section 22.166.040.C.1.a are satisfied, for the following:
  - a. A housing development with a very low or lower income housing set-aside.
  - b. A common interest development with a moderate income housing set-aside.
  - c. One of the following housing developments if it meets the criteria for one of the California Environmental Quality Act exemptions:
    - i. A housing development with an extremely low income housing set-aside.
    - ii. A rental housing development with a moderate income housing set-aside.
    - iii. A single-family residential subdivision with a moderate income housing set-aside.
    - iv. A housing development, with one of the following minimum affordable housing set-asides, requesting an additional density bonus as an incentive:
      - (1) A 100% extremely low income housing set-aside;
      - (2) A 11% very low income housing set-aside;
      - (3) A 20% lower income housing set-aside; or
      - (4) A 40% moderate income housing set-aside.
2. The granting of incentive(s), including an incentive for an additional density bonus, is subject to a Discretionary Housing Permit (Section 22.166.050) if a) the findings specified in Section 22.166.040.C.1.a are not satisfied; or b) if the incentive(s) is for one of the housing developments described in Note 1.c, above, and the said housing development does not meet the criteria for one of the California Environmental Quality Act exemptions. In no event shall the minimum affordable housing set-asides specified in Note 1.c.iv, above, be reduced through a Discretionary Housing Permit (Section 22.166.050).

**D. Additional Density Bonus or Incentive for Child Care Facility.**

Except as specified otherwise, a housing development shall receive an additional density bonus or additional incentive as shown in Table 22.120.050-C, below, if it provides an affordable housing set-aside pursuant to this Section and includes a child care facility.

<b>TABLE 22.120.050-C:ADDITIONAL DENSITY BONUS OR INCENTIVE FOR CHILD CARE FACILITY<sup>1</sup></b>			
	<b><i>Eligibility</i></b>	<b><i>Additional Density Bonus<sup>2</sup></i></b>	<b><i>Additional Incentive<sup>2</sup></i></b>
<u>Child care facility<sup>3</sup></u>	<u>Affordable housing set-aside provided pursuant to this Section<sup>4</sup></u>	<u>Square footage of childcare facility</u>	<u>↓</u>
<b>Note:</b>			
1. <u>Housing developments can choose an additional density bonus or additional incentive, but not both.</u>			
2. <u>The granting of the additional density bonus or incentive is subject to an Administrative Housing Permit (Section 22.166.040), provided that the findings specified in Section 22.166.040.C.1.c are satisfied. If the additional density bonus or incentive does not meet such findings, a Discretionary Housing Permit (Section 22.166.050) application is required.</u>			
3. <u>A covenant and agreement ensuring the continuing availability of the child care facility shall be recorded pursuant to Section 22.166.070 (Covenant and Agreement).</u>			
4. <u>The household incomes and the percentage of the families whose children attend the child care facility shall correspond with the affordable housing set-aside.</u>			

## **22.120.060 Senior Citizen Housing**

**A. Density Bonus.** Except as specified otherwise, a project shall receive a density bonus of 20 percent of the number of senior housing units, subject to an Administrative Housing Permit (Section 22.166.040), if it is one of the following:

1. A senior citizen housing development, which is a residential development for persons 55 years of age or older and with a minimum of 35 dwelling units, pursuant to Section 51.3 of the California Civil Code; or

2. A mobilehome park for senior citizens, in which at least 80 percent of the occupied dwelling units shall be occupied by at least one person who is 55 years of age or older, pursuant to Section 798.76 or 799.5 of the California Civil Code.

### **B. Duration of Age Restriction.**

1. **Rental.** Senior citizen dwelling units shall be age-restricted for at least 55 years from the issuance of the final certificate of occupancy by the Department of Public Works.

2. **For-sale.** The initial sale of the senior citizen dwelling units shall be restricted to eligible buyers.

C. **Covenant and Agreement Required.** A covenant and agreement ensuring the continuing availability of age restricted units shall be recorded pursuant to Section 22.166.070 (Covenant and Agreement).

**22.120.070 Land Donation**

A. **Density Bonus.** Except as specified otherwise, a housing development shall receive a density bonus in the amounts shown in Table 22.120.070-A, below, subject to an Administrative Housing Permit (Section 22.166.040), if it includes the donation of land for housing for very low income households, within the boundary of the housing development or one-quarter mile thereof, in which case the donated land shall be within the unincorporated areas of Los Angeles County.

<b>TABLE 22.120.070-A:AFFORDABLE HOUSING SET-ASIDES, DENSITY BONUSES FOR LAND DONATIONS</b>	
<b><i>Very Low Income (50% AMI) Set-Aside on Donated Land<sup>1</sup></i></b>	<b><i>Density Bonus<sup>2</sup> on Housing Development Site</i></b>
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30% - 100%	35%

**TABLE 22.120.070-A:AFFORDABLE HOUSING SET-ASIDES, DENSITY BONUSES FOR LAND DONATIONS**

<b><i>Very Low Income (50% AMI) Set-Aside on Donated Land<sup>1</sup></i></b>	<b><i>Density Bonus<sup>2</sup> on Housing Development Site</i></b>
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**Note:**

1. The very low income housing set-aside on the donated land shall be calculated using the number of dwelling units of the housing development. The developable acreage, zoning, and General Plan land use designation of the donated land shall be sufficient to permit construction of the very low income housing set-aside units. The donated land shall also meet all of the following criteria:
  - a. The donated land shall be at least one acre in size or of sufficient size to permit development of at least 40 dwelling units.
  - b. The donated land shall be zoned and designated in the General Plan for a density not less than 30 dwelling units per net acre.
  - c. The donated land shall be served by adequate public facilities and infrastructure.
2. The density bonus for a land donation may be combined with the density bonus granted pursuant to Section 22.120.050 (Affordable Housing) or Section 22.120.060 (Senior Citizen Housing), up to a maximum of 35 percent.

**B. Affordable Housing Set-Aside.** The very low income housing set-aside units on the donated land shall be subject to Section 22.120.050.B.1 (Duration of Affordability).

**C. Additional Requirements.** The following shall be completed on or before the date of approval for the housing development:

1. The applicant for the housing development shall transfer the donated land to the County or a housing developer approved by the County.
2. Applications for all necessary permits and entitlements, including a Housing Permit but excluding the building permits, shall be approved for the development of the very low income housing set-aside units on the donated land.
3. A covenant and agreement, ensuring the continuing availability of the very low income housing set-aside units on the donated land, shall be recorded by the applicant for the Housing Permit for the donated land pursuant to Section 22.166.070 (Covenant and Agreement).

4. The applicant for the Housing Permit for the donated land shall identify a proposed source of funding to develop the very low income housing set-aside units on the donated land.

**22.120.080 Parking**

Notwithstanding any contrary provisions in this Title 22, Table 22.120.080-A, below, identifies the parking ratios for projects subject to this Chapter:

<b>TABLE 22.120.080-A: PARKING RATIOS<sup>1</sup></b>		
<b><i>Affordability &amp; Project Type</i></b>	<b><i>Proximity to Transit</i></b>	<b><i>Number of Spaces<sup>2</sup></i></b>
<u>100% rental housing affordable to lower or very low income households<sup>3</sup></u>		
<u>Senior citizen housing development</u>	<u>With paratransit or within 1/2 mile of a fixed bus route (unobstructed access)<sup>4, 5</sup></u>	<u>0.5 space per dwelling unit</u>
<u>Special needs housing development</u>		<u>0.3 space per dwelling unit</u>
<u>Other 100% rental housing affordable to lower or very low income households</u>		<u>0.5 space per dwelling unit</u>
<u>At least 11% very low income housing set-aside</u>	<u>Within 1/2 mile of a major transit stop (unobstructed access)<sup>4</sup></u>	<u>0.5 space per bedroom</u>
<u>At least 20% lower income housing set-aside</u>		<u>No parking required for the extremely low income dwelling units only<sup>6</sup></u>
<u>Extremely low income dwelling units</u>		
<u>All other projects subject to Chapter 22.120</u>	<u>=</u>	<u>0-1 bedroom: 1 space per dwelling unit 2-3 bedrooms: 2 spaces per dwelling unit 4 or more bedrooms: 2.5 spaces per dwelling unit</u>
<b>Note:</b>		
1. Except as specified otherwise, the use of parking ratios shown in this table is subject to an Administrative Housing Permit (Section 22.166.040). The use of such ratios shall not be counted toward incentives provided in Section 22.120.050 (Affordable Housing).		
2. Except as specified otherwise, parking ratios shall apply to the entire project. Parking may be provided by tandem parking or uncovered parking, but not on-street parking. Parking is inclusive of guest and accessible parking spaces.		
3. A project is considered 100% affordable if all dwelling units, exclusive of the manager's unit or units, are set aside for lower or very low income households.		
4. A project shall have unobstructed access to a major transit stop or fixed bus route if a resident is able to access the major transit stop or fixed bus route without encountering natural or constructed impediments.		
5. The fixed bus route shall operate at least eight times per day.		
6. Subject to a Discretionary Housing Permit (Section 22.166.050), unless the project meets the criteria for one of the California Environmental Quality Act exemptions, in which case an Administrative Housing Permit (Section 22.166.040) application is required.		

**22.120.090 Waivers or Reductions of Development Standards**

A. A project that is subject to this Chapter shall receive waivers or reductions of development standards as follows:

1. The granting of the waivers or reductions of development standards is subject to an Administrative Housing Permit (Section 22.166.040), provided that the findings specified in Section 22.166.040.C.1.b are satisfied, for the following:

a. A housing development with a very low or lower income housing set-aside.

b. A common interest development with a moderate income housing set-aside.

c. A senior citizen housing development or a mobilehome park for senior citizens.

d. A housing development with a land donation.

e. The following projects if they meet the criteria for one of the California Environmental Quality Act exemptions:

i. A housing development with an extremely low income housing set-aside.

ii. A rental housing development with a moderate income housing set-aside.

iii. A single-family residential subdivision with a moderate income housing set-aside.

2. In all other cases where an affordable housing set-aside is provided pursuant to Table 22.120.050-A, the granting of waivers or reductions of development standards is subject to a Discretionary Housing Permit (Section 22.166.050).

B. The granting of a waiver or reduction of development standards shall not be counted toward the incentives provided in Section 22.120.050 (Affordable Housing).

## **22.120.100 Rules and Calculations**

**A. Fractional Numbers.** All calculations for density bonuses, affordable housing set-asides, parking, and baseline dwelling units resulting in fractional numbers shall be rounded up to the next whole number.

### **B. Baseline Dwelling Units.**

1. Notwithstanding Section 22.02.050, when calculating the baseline dwelling units, the maximum allowable density permitted by the General Plan land use designation shall prevail and supersede any contrary provisions in this Title 22.

2. Baseline dwelling units do not include dwelling units permitted by a density bonus awarded, or any other section in this Title 22 granting a greater density bonus.

**C. Affordable Housing Set-Aside.** Except as specified otherwise, the affordable housing set-aside shall be calculated using the baseline dwelling units exclusive of a manager's unit or units.

### **D. Density Bonus.**

1. Except as specified otherwise, the density bonus shall be calculated using the baseline dwelling units, exclusive of a manager's unit or units, on contiguous parcels.

2. An applicant can elect to accept a smaller or no density bonus.

3. Notwithstanding any contrary provisions in this Chapter, a project shall not receive any density bonus if the project is located within the 70 or above decibel Community Noise Equivalent Level (dB CNEL) noise contour of an airport influence area.

**E. Not Cumulative.** For the purposes of this Chapter:

1. When more than one affordable housing set-aside income category applies, the density bonuses shall not be cumulative. The applicant may choose which affordable housing set-aside category shall be used for the purpose of calculating the density bonus.

2. Where a project provides both affordable housing set-aside units and senior housing units, the density bonuses shall not be cumulative. The applicant may choose to request a density bonus pursuant to Section 22.120.050 (Affordable Housing) or Section 22.120.060 (Senior Citizen Housing), but not both.

F. **Contiguous Parcels.** For the purposes of this Chapter, a Housing Permit application may only be filed for contiguous parcels.

**SECTION 22.** Section 22.140.320 is hereby amended to read as follows:

**22.140.320 Joint Live and Work Units**

A. **Purpose.** The Section facilitates the establishment of, and to ensure the compatibility of, residential and commercial uses within joint live and work units by allowing such uses in certain Commercial Zones, the Rural Zones, and the Mixed Use Development Zone, with appropriate development limitations and standards, and to streamline the permitting procedure for such uses. Joint live and work units may occupy portions of buildings designed for mixed use developments.

...

**C. Application Requirements.**

...

**3. Modification. Conditional Use Permit.**

a. The requirements in this Section may be modified upon approval of a A Conditional Use Permit (Chapter 22.158) application is required for a joint live and work unit that requests.

b. Notwithstanding Subsection C.3.a, above, in Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and MXD, the development standards specified in Subsection G, below, may be waived, reduced, or modified in accordance with Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040), in which case Subsection C.1 or C.2, above, also applies.:

~~a. A modification to any of the requirements in this Section; or~~

~~b. The conversion of a joint live and work unit, which is not located on the ground floor of a building, to a commercial use which is permitted in the underlying zone, or conversion of any joint live and work unit to an exclusive residential use.~~

...

**G. Development Standards.** All joint live and work units shall conform to the following development standards:

**1. Additional Standards.**

a. The development standards specified in Section 22.140.350.A.87 (Development Standards) shall apply to joint live and work units in Zones C-H, C-1, C-2, C-3, and C-M.

b. The development standards specified in Section 22.140.350.B.4 (Development Standards for Mixed Use Developments) shall apply to joint live and work units in Zone C-MJ.

c. The development standards specified in Section 22.26.030.D

(Development Standards) shall apply to joint live and work units in Zone MXD.

2. ~~**Minimum Size.**~~ The minimum size of a joint live and work unit shall be 1,000 square feet.

3. The minimum floor area for working space shall be 250 square feet.

H. **Performance Standards.** All joint live and work units shall conform to the following performance standards:

1. **Additional Standards.**

a. The performance standards specified in Section 22.140.350.A.98 (Performance Standards) shall apply to joint live and work units in Zone C-H, C-1, C-2, C-3, and C-M.

b. The performance standards specified in Section 22.140.350.B.5 (Performance Standards for Mixed Use Developments) shall apply to joint live and work units in Zone C-MJ.

c. The performance standards specified in Section 22.26.030.F (Performance Standards) shall apply to joint live and work units in Zone MXD.

...

~~6. The minimum floor area for working space shall be 250 square feet.~~

~~76.~~ Where a ground-floor joint live and work unit fronts upon a street, the working space shall be oriented to the street.

~~87.~~ The joint live and work unit shall have at least one shared external entrance/exit for the working space and the living space.

98. There shall be direct access between the living space and working space.

...

**SECTION 23.** Section 22.140.350 is hereby amended to read as follows:

**22.140.350 Mixed Use Developments in Commercial Zones**

**A. Mixed Use Developments in Zones C-H, C-1, C-2, C-3, and C-M.**

...

**3. *Application Requirements.***

...

*c. Modification Conditional Use Permit.*

*i. The requirements in this Subsection A may be modified upon approval of a A Conditional Use Permit (Chapter 22.158) application, is required for mixed use developments that request:*

*ii. Notwithstanding Subsection A.3.c.i, above:*

*(a) The density of a mixed use development may exceed the density specified in Subsection A.7, below, if a density bonus is granted pursuant to Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040), in which case Subsection A.3.a or A.3.b, above, also applies.*

*(b) The development standards specified in Subsections A.8.a through A.8.d, below, may be waived, reduced, or modified in accordance with Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040), in which case Subsection A.3.a or A.3.b, above, also applies.*

(c) The development standards specified in Subsection A.8.e (Mixed Use Development Type), below, may be waived, reduced, or modified in accordance with Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040), provided that the commercial component is on the ground floor and oriented toward the street, in which case Subsection A.3.a or A.3.b, above, also applies.

~~i. A modification to any requirement in this Section; or~~

~~ii. The conversion from a mixed use development to an exclusive residential use.~~

...

7. **Density.**

a. In Zones C-H, C-1, and C-2, not more than 17 dwelling units per net acre shall be permitted.

b. In Zones C-3 and C-M, not more than 50 dwelling units per net acre shall be permitted.

87. **Development Standards.** The following development standards shall apply:

...

~~d. Zone-Specific Standards. Height. In Zones C-3 and C-M, buildings and structures shall not exceed a height of 60 feet above grade, excluding chimneys and rooftop antennas.~~

~~i. In Zones C-H, C-1, and C-2, not more than 17 dwelling units per net acre shall be permitted.~~

~~ii. In Zones C-3 and C-M:~~

~~(1) Not more than 50 dwelling units per net acre shall be permitted.~~

~~(2) Buildings and structures shall not exceed a height of 60 feet above grade, excluding chimneys and rooftop antennas.~~

e. Mixed Use Development Type.

i. With the exception of entrance hallways and joint live and work units, commercial and residential uses shall not be located on the same floor.

ii. With the exception of joint live and work units, the ground floor space shall be devoted solely to commercial uses.

iii. With the exception of joint live and work units, all floor space above the ground floor shall be devoted solely to residential uses.

**98. Performance Standards.** The following performance standards shall apply:

~~a. Mixed Use Development Type.~~

~~i. With the exception of entrance hallways and joint live and work units, commercial and residential uses shall not be located on the same floor.~~

~~ii. With the exception of joint live and work units, the ground floor space shall be devoted solely to commercial uses.~~

~~iii. With the exception of joint live and work units, all floor space above the ground floor shall be devoted solely to residential uses.~~

ab. Hours of Operation. The hours of operation for commercial uses shall be no earlier than 7:00 a.m., and no later than 10:00 p.m., daily.

b6. Operating Activities Prohibited. The following operating activities shall be prohibited:

i. Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use; and

ii. Welding, machining, or open flame work.

109. Covenant and Agreement. The applicant shall record ~~in~~with the Registrar-Recorder/County Clerk, an agreement that the mixed use developments will be maintained in accordance with this Section as a covenant running with the land for the benefit of the County, and the covenant shall also declare that any violation thereof shall be subject to Enforcement Procedures (Chapter 22.242).

**B. Mixed Use Developments in Zone C-MJ.**

...

3. ***Prohibited Uses.*** Subsection A.6 (Prohibited Uses), above, shall apply to mixed use developments in Zone C-MJ. ~~Prohibited uses in mixed use developments shall comply with Subsection A.6, above.~~

4. ***Development Standards for Mixed Use Developments.*** The following development standards shall apply:

...

c. *Loading.* Off-street loading areas shall be located towards the rear of the structures where feasible and shall not be visible from the street.

5. ***Performance Standards for Mixed Use Developments.*** The following performance standards shall apply:

...

b. *Loading.* ~~Off-street loading areas shall be located towards the rear of the structures where feasible and shall not be visible from the street.~~ Loading, unloading, and all maintenance activities shall be conducted within the hours of operation noted in Subsection B.5.a, above, and in such fashion to prevent annoyance to adjacent residents and tenants.

...

**SECTION 24.** Section 22.140.360 is hereby amended to read as follows:

**22.140.360 Mixed Use Developments in Zone MXD-RU**

...

**B. Development Standards.** The following standards shall apply:

1. **General.**

...

b. The conversion of any mixed use development to an exclusively residential use pursuant to ~~Subsection 22.140.350.A.3.c,~~ shall be prohibited.

...

**SECTION 25.** Section 22.140.370 is hereby amended to read as follows:

**22.140.370 Mobilehome Parks**

...

**B. Density.**

1. The total number of lots within a mobilehome park shall not exceed the number of dwelling units per net acre specified in the zone, unless a density bonus is granted pursuant to Chapter 22.120 (Density Bonuses ~~and Affordable Housing Incentives~~).

...

**SECTION 26.** Chapter 22.166 is hereby deleted in its entirety:

**~~Chapter 22.166 Housing Permits~~**

Sections:

~~22.166.010 Purpose~~

~~22.166.020 Definitions~~

~~22.166.030 Applicability~~

~~22.166.040 Covenant and Agreement~~

~~22.166.050 Monitoring~~

~~22.166.060 Development Standards Prescribed by Permit~~

~~22.166.070 Administrative Housing Permit~~

~~22.166.080 Discretionary Housing Permit~~

**~~22.166.010 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 Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) relating to density bonuses and affordable housing incentives.~~

**~~22.166.020 Definitions~~**

~~Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Density Bonuses and Affordable Housing Incentives."~~

**~~22.166.030 Applicability~~**

~~A. Any person desiring to obtain a Housing Permit pursuant to this Chapter, that requires either an administrative review (Administrative Housing Permit) or a~~

~~discretionary review (Discretionary Housing Permit), and that meets the applicable requirements of Chapter 22.120 (Density Bonuses and Affordable Housing Incentives), shall file a written application with the Director, accompanied by the applicable fee as required herein.~~

~~B. All qualified projects with housing set-asides shall adhere to the applicable requirements of this Chapter.~~

#### ~~**22.166.040 Covenant and Agreement**~~

~~A covenant and agreement, or other similar mechanism, acceptable to the Department and CDC, shall be recorded with the Registrar-Recorder/County Clerk to ensure the continuing availability of housing set-aside units and child care facilities, as applicable, for the use restriction periods specified in Chapter 22.120 (Density Bonuses and Affordable Housing Incentives). 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 Registrar-Recorder/County Clerk 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 groups 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 22.166.050 (Monitoring).~~

~~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 22.166.050 (Monitoring).~~

~~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 CDC, to determine the resale price.~~

~~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 down payment, 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 California 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 down payment 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.~~

~~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 Regional Planning after making written findings as to the need for releasing the covenant and agreement.~~

#### ~~22.166.050 **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 Chapter for the duration of the required term as specified in Section 22.120.040 (Density Bonus).~~

~~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 units 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 units 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 units remain in conformance with the terms of the Housing Permit.~~

~~B. **Fees.** In addition to the applicable review fees, as described in the Filing Fee Schedule, 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 Regional Planning that describes the following:~~

~~1. The location and status of each affordable housing set-aside unit approved in accordance with Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) and this Chapter; 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 Chapter 22.120 (Density Bonuses and Affordable Housing Incentives)~~

~~C. **Enforcement and Noncompliance.** In the event of noncompliance, the owner of the housing set-aside units shall be subject to Section 22.242 (Enforcement Procedures).~~

~~**22.166.060 Development Standards Prescribed by Permit**~~

~~In granting a Housing Permit, the Commission or the Director shall prescribe the height limit, stories, yards, maximum lot coverage, gross structural area, parking, and other development standards for the use approved. Where the Commission or the Director 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.~~

~~**22.166.070 Administrative Housing Permit**~~

~~A. **Application and Review Procedures.**~~

~~1. **Application Checklist.** The application shall contain all of the materials required by the Administrative Housing Permit Checklist.~~

~~2. **Fees.**~~

~~a. When an application is filed, it shall be accompanied by the filing fee required for either of the following:~~

~~i. Housing Permit, Administrative; or~~

~~ii. Housing Permit, Administrative, with Off-Menu Incentives.~~

~~b. In addition, the Director shall refer the application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the Housing Permit Evaluation Fee (Section 22.250.010.B.3).~~

~~c. A fee shall not be required if the application is exempt per Section 22.250.020.B (Fee Exemption for Affordable Housing).~~

~~3. **Additional Application and Review Procedures.**~~

~~a. The application shall be in compliance with Section 22.222.060 (Multiple Applications).~~

~~b. The application shall be in compliance with Section 22.222.070 (Application Filing and Withdrawal).~~

~~c. The application shall be in compliance with Section 22.222.090 (Initial Application Review).~~

~~B. **Findings and Decision.** An application that meets all the requirements for qualified projects shall be approved unless the Director makes one or more of the following findings, as applicable:~~

~~1. When an incentive is requested:~~

~~a. The incentive is not required in order to provide for affordable housing costs or affordable rents; or~~

~~b. 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.~~

~~2. When an additional density bonus or incentive for the provision of a childcare facility is requested:~~

~~a. 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;~~

~~b. 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~~

~~c. That the community has adequate child care facilities.~~

~~**C. Notification.**~~

~~1. The Director shall notify the applicant of the action taken on the application, by first class mail, or other means deemed appropriate by the Director. Such notification may also be hand-delivered to the applicant when appropriate.~~

~~2. **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 associations, of the action taken on the application, by first class mail, 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 basis 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 Subsection B, above, and that the permissible grounds upon which the Commission may act in such appeal or call for review as described in Subsection E, below, are also limited to such criteria.~~

~~**D. Effective Date of Decision.** Notwithstanding the provisions of Section 22.222.230 (Effective Date of Decision and Appeals), if applicable, when an applicant requests an off-menu incentive, the decision of the Director shall become effective on the 21st day following the date of the decision, unless appealed by the applicant or any interested person or called up for review by the Commission prior to that date.~~

~~**E. Appeals.**~~

~~**1. Off-Menu Incentives.**~~

~~a. 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 following the date of the decision. The appeal shall be accompanied by the fee required by the Filing Fee Schedule. Appeals that do not address the findings and determinations made by the Director, as described in Subsection B, above, shall not be accepted.~~

~~b. Notice of Appeal. A notice of appeal shall be sent to the Commission, adjacent property owners, local town council, and/or similar local community associations. 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 associations.~~

~~2. **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 Subsection B, above. The decision of the Commission shall be final.~~

~~3. **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 notice of the decision shall be mailed within 10 days after the date of the decision to the applicant and other persons required to be notified pursuant to Subsection C, above.~~

~~4. **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.~~

~~F. **Effective Date When an Appeal is Filed.** 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.~~

~~G. **Time Limits and Extensions.** 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.~~

#### **~~H. Conditions of Approval.~~**

~~1. 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 22.166.040 (Covenant and Agreement), with the County to ensure the affordability and/or age restrictions, and where applicable, require a monitoring fee pursuant to 22.166.050 (Monitoring).~~

~~2. The Administrative Housing Permit shall 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 Department their affidavit stating that they are aware of, and agree to accept, all of the requirements of the permit.~~

#### **~~I. Post-Decision Actions and Regulations~~**

~~1. Documentation, scope of approval, and Exhibit "A" shall be in compliance with Section 22.222.240 (Documentation, Scope of Approval, and Exhibit "A").~~

~~2. Use of property before final action shall be in compliance with Section 22.222.250 (Use of Property Before Final Action).~~

~~3. Performance guarantees and covenants shall be in compliance with Section 22.222.260 (Performance Guarantee and Covenant).~~

~~J. 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.~~

~~22.166.080 Discretionary Housing Permit~~

~~A. Application and Review Procedures.~~

~~1. Application Checklist. The application shall contain all of the materials required by the Discretionary Housing Permit Checklist.~~

~~2. Fees.~~

~~a. When a Discretionary Housing Permit application is filed, it shall be accompanied by the filing fee required for a Discretionary Housing Permit.~~

~~b. A fee shall not be required if the application is exempt per Section 22.250.020.B (Fee Exemption for Affordable Housing).~~

~~c. In addition, the Director shall refer the application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the Housing Permit Evaluation Fee (Section 22.250.010.B.3).~~

~~3. Type III Review. The application shall be filed and processed in compliance with Chapter 22.230 (Type III Review – Discretionary) and this Chapter.~~

~~B. Findings and Decision.~~

~~1. Common Procedures. Findings and decision shall be made in compliance with Section 22.230.050 (Findings and Decision), and include the findings in Subsection B.2, below and Subsection B.3, below, where applicable.~~

~~2. Findings.~~

~~a. The proposed use will be consistent with the adopted General Plan for the area.~~

~~b. The requested use at the proposed location will not:~~

~~i. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;~~

~~ii. Be detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and~~

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

~~c. 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.~~

~~d. The proposed site is adequately served:~~

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

~~ii. By other public or private service facilities as are required.~~

~~e. 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.~~

~~f. The proposed project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs.~~

~~3. **Findings for Waiver or Modification of Development Standards.**~~

~~The Commission shall approve a request for waiver or modifications of development standards upon making the following findings:~~

~~a. The waiver or modification to development standards is necessary to make the housing units economically feasible; and~~

~~b. The waiver or modification of development standards will 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. Conditions of Approval – Discretionary Review**~~

~~1. The Commission may impose any conditions deemed necessary to ensure that such use will be in accordance with the findings required by Section 22.166.080.B (Findings and Decision):~~

~~a. Conditions imposed by the Commission may involve any pertinent factors affecting the establishment, operation, and maintenance of the requested use.~~

~~b. 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 22.166.040 (Covenant and Agreement), to ensure the affordability and/or age restrictions of the housing set-asides, and where applicable, require a monitoring fee pursuant to Section 22.166.050 (Monitoring).~~

~~2. The Commission may also approve the requested Discretionary Housing Permit contingent upon compliance with applicable provisions of other ordinances.~~

~~3. 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.~~

~~D. Appeals.~~

~~1. **Appeals.** Appeals shall be in compliance with Chapter 22.240 (Appeals).~~

~~2. **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 22.166.080.B (Findings and Decision).~~

~~E. Post-Decision Actions and Regulations.~~

~~1. Post-decision actions and regulations shall be in compliance with Section 22.230.090 (Post-Decision Actions and Regulations).~~

~~2. In addition to Section 22.230.090.D, 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.~~

~~F. 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.~~

**SECTION 27.** Chapter 22.166 is hereby added to read as follows:

## **Chapter 22.166 Housing Permits**

### Sections:

22.166.010 Purpose

22.166.020 Definitions

22.166.030 Applicability

22.166.040 Administrative Housing Permit

22.166.050 Discretionary Housing Permit

22.166.060 Development Standards Prescribed by Permit

22.166.070 Covenant and Agreement

22.166.080 Monitoring of Affordable Housing

### **22.166.010 Purpose**

The Housing Permit is established to facilitate the increased production of affordable housing and senior citizen housing.

### **22.166.020 Definitions**

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Affordable Housing and Senior Citizen Housing."

### **22.166.030 Applicability**

This Chapter applies to projects that provide affordable housing or senior citizen housing and are eligible to receive various benefits, including but not limited to: density bonuses, incentives, waivers or reductions of development standards, and permit streamlining pursuant to the State Density Bonus Law, as set forth in Section 65915 of the California Government Code, as amended, or any other state laws that aim to increase the production of affordable housing and senior citizen housing.

## **22.166.040 Administrative Housing Permit**

**A. Review Authority.** The Director is the Review Authority for an Administrative Housing Permit application, except when a discretionary or legislative application is filed concurrently with an application for an Administrative Housing Permit, in which case the Hearing Officer, the Commission, or the Board is the Review Authority for the Administrative Housing Permit.

### **B. Application and Review Procedures.**

**1. Application Checklist.** The application shall contain all of the materials required by the Administrative Housing Permit Checklist.

#### **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 Section 22.250.020.B (Fee Exemption and Reductions for Affordable Housing Subject to Chapter 22.120 – Density Bonus).

**b.** The Director shall refer the application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the Housing Permit Evaluation Fee as described in Section 22.250.010.B.3.a.

#### **3. Additional Application and Review Procedures.**

**a.** The application shall be in compliance with Section 22.222.060 (Multiple Applications).

**b.** The application shall be in compliance with Subsections A, B, and D of Section 22.222.070 (Application Filing and Withdrawal).

c. The application shall be in compliance with Section 22.222.090

(Initial Application Review).

**C. Findings and Decision.**

1. An application that meets all the requirements for an Administrative Housing Permit shall be approved subject to the following findings, as applicable:

a. When an incentive is requested:

i. The incentive results in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for the affordable housing set-aside units; and

ii. The incentive would 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, or the incentive would have a specific adverse impact for which there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to extremely low, very low, lower, or moderate income households; and

iii. The incentive is not contrary to state or federal law.

b. When a waiver or reduction of development standards is requested:

i. The development standard for which the applicant is requesting a waiver or reduction physically precludes the construction of the project at the densities or with the incentives permitted by Chapter 22.120 (Density Bonus); and

ii. The waiver or reduction would not have a specific adverse impact upon health, safety, or the physical environment, or any real property that is listed

in the California Register of Historical Resources, or the waiver or reduction would have a specific adverse impact for which there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact; and

iii. The waiver or reduction is not contrary to state or federal law.

c. When an additional density bonus or incentive for the provision of a child care facility is requested:

i. The additional density bonus or incentive for a child care facility significantly contributes to the economic feasibility of the construction of the child care facility; and

ii. The additional incentive would 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, or the incentive would have a specific adverse impact for which there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to extremely low, very low, lower, or moderate income households.

2. Where no concurrent consideration is conducted for a discretionary or legislative application, a decision on an Administrative Housing Permit shall be made within the following time period:

a. Within 90 days of application submittal if the project contains 150 or fewer dwelling units, including dwelling units permitted by any density bonus awarded.

b. Within 180 days of application submittal if the project contains more than 150 dwelling units, including dwelling units permitted by any density bonus awarded.

3. The Review Authority, in approving an application for an Administrative Housing Permit, shall require the applicant to enter into and record a covenant and agreement with the County, as described in Section 22.166.070 (Covenant and Agreement), to ensure the affordability or age restrictions, and where applicable, require a monitoring fee pursuant to 22.250.010.B.3.b (Housing Permit Monitoring Fees).

4. The Review Authority's decision on an Administrative Housing Permit is final and is not subject to Chapter 22.240 (Appeals).

D. **Documentation.** The decision may be in the form of a letter or in the form of a stamp, signature, or other official notation or documentation on the site plan, or on the Exhibit "A" as described in Section 22.222.240 (Documentation, Scope of Approval, and Exhibit "A") when a discretionary or legislative application is considered concurrently.

**E. Effective Date of Decision.**

1. The decision is effective the date the letter is signed or site plan is stamped, signed or officially noted.

2. Notwithstanding Subsection E.1, above, when a discretionary application is considered concurrently with an Administrative Housing Permit:

a. The Review Authority's decision shall be effective on the 15th day following the date of the decision, unless an appeal of the decision for the concurrent discretionary application is timely filed or an Appeal Body calls for review of the decision

for the concurrent discretionary application, pursuant to Section 22.222.230 (Effective Date of Decision and Appeals) and Chapter 22.240 (Appeals).

b. In the case of an Administrative Housing Permit approved concurrently with a subdivision, the decision shall become effective on the first day after expiration of the time limit established by Section 66452.5 of the California Government Code as set forth in Section 21.56.010 (Procedures – Submittal and Determination) of Title 21 of the County Code.

c. Where a decision on a concurrent discretionary permit is appealed to or called for review by the Board, the date of decision by the Board of such appeal or review shall be deemed the date of grant in determining the effective date of the Administrative Housing Permit.

#### **F. Time Limits for Unused Permits.**

1. An approved Administrative Housing Permit shall not expire. All other concurrent permits approved for the same project shall also be valid indefinitely.

2. Notwithstanding Subsection F.1, above, in the case of an Administrative Housing Permit approved concurrently with a subdivision, the time limit shall be concurrent and consistent with those of the subdivision.

### **22.166.050 Discretionary Housing Permit**

#### **A. Application and Review Procedures.**

1. **Application Checklist.** The application shall contain all of the materials required by the Discretionary Housing Permit Checklist.

2. **Fees.**

a. When a Discretionary 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 Section 22.250.020.B (Fee Exemption and Reductions for Affordable Housing Subject to Chapter 22.120 – Density Bonus).

b. The Director shall refer the application to the CDC for review, pursuant to this Chapter, and the applicant shall pay directly to the CDC the Housing Permit Evaluation Fee as described in Section 22.250.010.B.3.a.

3. **Type III Review.** The application shall be filed and processed in compliance with Chapter 22.230 (Type III Review – Discretionary) and this Chapter.

**B. Findings and Decision.**

1. **Common Procedures.** Findings and decision shall be made in compliance with Section 22.230.050 (Findings and Decision), and include the findings in Subsection B.2, below, where applicable.

**2. Findings.**

a. The housing development will be consistent with the General Plan.

b. The housing development will not:

i. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project;

ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

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

c. The housing development 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.

d. The housing development site is adequately served:

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

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

e. The housing development is complimentary to the surrounding area in terms of land use patterns and design.

f. Any incentives or waivers or reductions of development standards will contribute to the use and enjoyment of persons residing within the proposed project.

g. The housing development will contribute to satisfying the affordable housing needs of the unincorporated areas of Los Angeles County.

**C. Conditions of Approval.**

1. The Commission or Hearing Officer may impose any conditions deemed necessary to ensure that the housing development will be in accordance with the findings required by Subsection B (Findings and Decision), above:

a. Conditions imposed by the Commission or Hearing Officer may involve any pertinent factors affecting the establishment, operation, and maintenance of the housing development.

b. The Commission or Hearing Officer, 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 22.166.070 (Covenant and Agreement), to ensure the affordability or age restrictions of the units, and if applicable, require a monitoring fee pursuant to Section 22.250.010.B.3.b (Housing Permit Monitoring Fees).

2. The Commission or Hearing Officer may also approve the requested Discretionary Housing Permit contingent upon compliance with applicable provisions of other ordinances.

**D. Extension for Unused Permits. Notwithstanding Section 22.222.270.B:**

1. Where an application requesting an extension for an unused Discretionary Housing Permit is filed prior to the expiration date, the Director may extend the time limit in Section 22.222.270.A, for a period not to exceed one year.

2. 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.

**22.166.060 All Zone and District Regulations Apply Unless Permit is Granted**

Unless specifically modified by a Housing Permit, all regulations prescribed in the zone, the community standards district, or the specific plan in which such Housing Permit is granted shall apply.

**22.166.070 Covenant and Agreement**

A. **Affordable Housing.** A covenant and agreement, acceptable to the CDC, shall be recorded by the applicant with the Registrar-Recorder/County Clerk to ensure the continuing availability of affordable housing set-aside units, and as applicable, age restricted units and child care facilities. The CDC shall approve the covenant and agreement in accordance with the administrative or discretionary approval granted. The covenant and agreement shall be recorded within 30 days of the Housing Permit effective date.

1. The covenant and agreement shall include the following:

a. A description of the total number of dwelling units and the affordable housing set-aside units that must be restricted and monitored on an annual basis.

b. A description of the household income levels assigned to the affordable housing set-aside units.

c. The location, sizes (square footage), and number of bedrooms of the affordable housing set-aside units. For-sale dwelling units must be fixed and the rental dwelling units may float, as approved in writing by the CDC.

d. A description of remedies, including monetary penalties, for violation of the covenant and agreement, and of this section.

2. **Rental Affordable Housing Set-Aside Units.** When affordable housing set-asides are rental dwelling units, the covenant and agreement shall also include owner requirements related to the following, and subject to the CDC's review and approval:

a. Policies and procedures to ensure a fair and transparent lease-up process, which may include, but are not limited to: advertising on the Los Angeles County Housing Resource Center web site (or any similar or replacement County database or website, as applicable); initial lease-up and tenant selection plan that outlines application qualification criteria and owner waiting list protocols; and management plan that describes processes for filling vacancies and maintaining the habitability of the affordable housing set-aside units; and

b. Provisions requiring owners to submit a written request for the CDC's review and approval for a change in property management company, and such request to be made 60 days prior to effect; and

c. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.166.080 (Monitoring of Affordable Housing).

**3. For-Sale Affordable Housing Set-Aside Units.** When affordable housing set-asides are for-sale dwelling units, the covenant and agreement shall also include owner requirements related to the following and subject to the CDC's review and approval:

a. Policies and procedures to restrict the initial sale to eligible buyers, including but not limited to: provisions for owner compliance with the creation of an affirmative marketing plan and advertising on the Los Angeles County Housing Resource Center web site (or any similar or replacement County database or website, as applicable); a home buyer selection plan with applicant qualification criteria; the rules and procedures for qualifying buyers; and where applicable, establishment of affordable housing costs and affordable sales prices.

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

c. Provisions requiring owners to comply with monitoring procedures, as described in Section 22.166.080 (Monitoring of Affordable Housing).

d. 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 down payment, and the seller's proportionate share of appreciation.

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 down payment 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.

iv. All County equity-sharing proceeds shall be deposited into the County Affordable Housing Trust Fund.

4. **Age Restricted Units.** When a housing development subject to this Subsection A includes age restricted units, the covenant and agreement shall include provisions to ensure the age restrictions of the affordable housing set-aside units in accordance with the Section 51.3 of the California Civil Code.

5. **Child Care Facilities.** When a housing development subject to this Subsection A 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; and

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 extremely low, very low, lower, or moderate income households who attend the child care facility pursuant to Subsection 22.120.050-D (Additional Density Bonus or Incentive for Child Care Facility).

B. **Senior Citizen Housing.** A covenant and agreement, acceptable to the CDC, shall be recorded by the applicant with the Registrar-Recorder/County Clerk to ensure the continuing availability of senior citizen housing in accordance with Section 51.3, or Sections 798.6 and 799.5 of the California Civil Code. The CDC shall approve the covenant and agreement in accordance with the administrative approval granted. The covenant and agreement shall contain remedies for violations of the covenant and agreement and of this section. The covenant and agreement shall be recorded within 30 days of the Housing Permit effective date.

C. **Release of the Covenant and Agreement.** Under certain circumstances, the covenant and agreement may be terminated by the Director of Regional Planning after making written findings as to the need for releasing the covenant and agreement.

### **22.166.080 Monitoring of Affordable Housing**

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 certification of affordable housing set-aside units approved pursuant to this Chapter for the duration of the required term as specified in Chapter 22.120 (Density Bonus).

A. **Certification.** Property owners shall certify with the CDC that the affordable housing set-aside units are in conformance with the terms of the Housing Permit after the final certificate of occupancy is issued by the Department of Public Works for any dwelling unit in the project, and thereafter, on or before January 2 of each year.

B. **Fees.** The applicant for an approved Housing Permit shall pay monitoring fees as described in Section 22.250.010.B.3.b (Housing Permit Monitoring Fees).

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

1. The location and status of each affordable housing set-aside unit approved in accordance with this Chapter; and

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

D. **Enforcement and Noncompliance.** In the event of noncompliance, the owner of the affordable housing set-aside units shall be subject to Section 22.242

(Enforcement Procedures) and the remedies described in the covenant and agreement.

**SECTION 28.** Section 22.178.010 is hereby amended to read as follows:

**22.178.010 Purpose**

...

B. It is the intent to provide more flexibility in the design of particular uses that have special characteristics by reducing the number of parking spaces otherwise required for such uses including:

~~1. Housing developments for senior citizens and persons with disabilities where few of the residents will own their own automobiles.~~

12. Certain uses where parking requirements are based upon floor area of a structure, but bear no relationship to the number of employees, customers, etc., on the premises or the trade conducted.

23. Businesses which provide their employees, customers, or others with positive incentives to use means of transportation other than the automobile.

...

D. It is the intent to provide greater flexibility and opportunity to meet the parking requirements by allowing:

...

~~4. Uncovered parking for low and moderate income housing.~~

**SECTION 29.** Section 22.178.050 is hereby amended to read as follows:

**22.178.050 Findings and Decision**

...

**B. Findings.**

1. There is no need for the number of vehicle parking spaces required by Chapter 22.112 (Parking) because:

~~i. The age and/or physical condition of the residents is such that the use of automobiles is unlikely;~~

aii. The nature of the use is such that there is a reduced occupancy;

biii. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools, or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration;

civ. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. ~~Such reservation or alternative may be waived for certain housing developments for senior citizens and persons with disabilities, where the Commission or Hearing Officer finds that it is unnecessary because of the anticipated permanent nature of such use.~~ If land area is reserved required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed; or

dv. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces

otherwise required under Section 22.112.100 (Bicycle Parking Spaces and Related Facilities).

2. There are no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces because:

aii. Uses sharing parking facilities operate at different times of the day or days of the week;

bii. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan; or

ciii. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces.

3. Off-site facilities, leases of less than 20 years, rear lot transitional parking lots, and uncovered residential vehicle parking spaces will provide the required parking for uses because:

ai. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use;

bii. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces;

ciii. Such transitional lots are designed to minimize adverse effects on surrounding properties; or

~~iv. Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood.~~

...

**SECTION 30.** Section 22.178.060 is hereby amended to read as follows:

**22.178.060 Conditions of Approval**

Conditions may be imposed in order to ensure that the approval will be in accordance with the findings required by Section 22.178.050 (Findings and Decision). Such conditions may include those in Section 22.158.060 (Conditions of Approval) and, in addition, the following conditions shall be imposed for vehicle parking, where applicable, unless specifically waived or modified:

~~A. The required parking spaces for senior citizens and persons with disabilities may be reduced to not less than one space for each four dwelling units.~~

AB. Where reduced occupancy is a primary consideration in the approval of a Parking Permit, the maximum occupant load for such use shall be established.

BC. Where special programs are proposed to reduce the parking requirement, they shall be reviewed annually to determine their effectiveness. In the event that such programs are terminated or unsuccessful, the property owner shall supply the required parking.

CD. The required vehicle parking spaces for all uses ~~other than a housing development for senior citizens and persons with disabilities~~ may be reduced to not less than 50 percent of the parking spaces required by Chapter 22.112 (Parking).

DE. Where land is required to be reserved to insure that sufficient area is available to meet the vehicle parking requirements, restrictions shall be imposed on such land so that it can feasibly be converted to parking if needed.

EF. Where shared parking facilities are approved, operating conditions such as hours or days of operation shall be established for each use sharing the facility.

FG. Where tandem parking is proposed for nonresidential uses, there shall be valets or other persons employed to assist in the parking of automobiles. The ratio of valets to parking spaces shall be established. The parking of automobiles by valets on public streets shall be prohibited. Each tandem parking space shall be eight feet wide; the length of the space shall be 18 feet for each automobile parked in tandem. Parking bays shall contain only two parking spaces where access is available from only one end. Bays of four parking spaces may be permitted where access is available from both ends.

GH. Where compact parking is proposed for apartments, no more than 40 percent of the required spaces shall be for compact automobiles. A program to manage the distribution of parking spaces shall be approved and operated by the apartment management or a homeowners' association.

HJ. If off-site parking facilities are proposed, such facilities must be within 400 feet from any entrance of the use to which they are accessory. Parking for employees shall be located within 1,320 feet from the entrance to such use. Directions to such facilities shall be clearly posted at the principal use.

IJ. Where leasing of parking facilities is proposed for any period less than 20 years, the applicant shall guarantee that the leased spaces are available for his sole use, the lease shall be recorded with the Registrar-Recorder/County Clerk, and the

applicant shall demonstrate that he has the ability to provide the required number of spaces should the lease be cancelled or terminated. Except for the term of the lease, the provisions of Section 22.112.050.B (Alternative Compliance) relating to leases shall apply. A copy of such lease shall be submitted to the Director and County Counsel for review and approval. Other conditions including, but not limited to, requiring title reports, covenants, and bonding may also be imposed where necessary to insure the continued availability of leased parking spaces.

JK. Where transitional parking is proposed for lots whose rear lot line adjoins or is separated only by an alley from a Commercial or Industrial Zone, no access is permitted from the parking facility to the street on which the lot fronts. The parking facility shall be developed in accordance with the standards of Chapter 22.112 (Parking) and Section 22.140.440 (Parking as a Transitional Use), unless specifically waived or modified by the Parking Permit. The hours and days of operation shall be established to prevent conflicts with adjoining less restrictive uses, and the facility shall be secured to prevent unauthorized use during times when the facility is closed.

~~L. Where uncovered parking is proposed for low and moderate income housing, the following setback and screening provisions are required:~~

~~a. Uncovered parking spaces shall not be located in the required front, side, corner side, or rear yards except in those places where garages or carports are permitted in accordance with Section 22.110.080 (Required Yards).~~

~~b. Uncovered parking spaces shall be screened by a six-foot high solid fence or wall or by a three-foot wide planting strip along the sides of the parking space if the space is located within 10 feet of any property line.~~

~~i. Landscaping material in the planting strip shall consist of evergreen trees and/or shrubs of such size, spacing, and character that they form an opaque screen five to six feet high within two years of planting. This landscaping must be continuously maintained.~~

~~ii. Such buffering by walls, fences, or landscaping is optional where the lots adjoining the uncovered parking area are developed with parking facilities, either covered or uncovered.~~

~~c. Uncovered parking spaces will be permitted only for those units actually designated for low or moderate income housing.~~

KM. In the event that any applicant and/or property owner is unable to comply with the provisions of the Parking Permit, the use for which permit has been granted shall be terminated, reduced, or removed unless some other alternative method to provide the required parking is approved by the Director.

LN. The Parking Permit shall be granted for a specified term where deemed appropriate.

**SECTION 31.** Section 22.222.060 is hereby amended to read as follows:

**22.222.060 Multiple Applications**

...

**B. Findings for Multiple Discretionary Applications.** When two or more discretionary applications are filed on a property, the Review Authority in making its findings shall consider each case individually and as if each application was filed separately.

**SECTION 32.** Section 22.222.270 is hereby amended to read as follows:

**22.222.270 Expiration and Extension for Unused Permits and Reviews**

A. Except as specified otherwise, ~~A~~an approved permit or review shall be used within the time limit specified in the conditions, or, if no time limit is specified, two years after the date the decision is made by the Review Authority. If the permit or review is not used within the applicable time limit, the approval shall expire and become null and void.

B. ~~Notwithstanding Subsection A, above~~ Except as specified otherwise, where an application requesting an extension is timely filed prior to the expiration date, the Hearing Officer may extend the time limit in Subsection A, above, for a period of not to exceed one year.

...

~~D. In the case of a nonprofit corporation organized to provide low-income housing for the poor or the elderly, the Hearing Officer may grant an additional one-year extension to the time limit, provided that an application requesting such extension is timely filed prior to the expiration of the first such extension.~~

ED. In the case of an application requiring approval by the Coastal Commission, the time limit shall comply with Chapter 22.56 (Coastal Development Permits).

FE. In the case of a permit or review for a publicly owned use, no time limit shall apply to use the approval provided that the public agency:

1. Acquires the property involved or commences legal proceedings for its acquisition, within one year of the effective date of the approval; and
2. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts the subject property with signs,

having an area of not less than 20 square feet nor more than 40 square feet in area per face indicating the agency and the purpose for which it is to be developed. One sign shall be placed facing and located within 50 feet of each street, highway, or parkway bordering the property. Where the property in question is not bounded by a street, highway, or parkway the agency shall erect one sign facing the street, highway, or parkway nearest the property.

GE. A permit or review shall be considered used, within the intent of this Subsection GE, when construction or other development authorized by such permit or review has commenced that would be prohibited in the zone if no permit or review had been granted. For this Subsection GE, construction or other development shall include grading with grading permits and construction with required building permits from Public Works.

**SECTION 33.** Section 22.224.030 is hereby amended to read as follows:

**22.224.030 Permits and Review Assigned a Type Review**

Table 22.224.030-A, below, identifies permits and reviews and the Type Review used to process the application:

<b>TABLE 22.224.030-A:PERMITS AND REVIEWS ASSIGNED A TYPE REVIEW</b>		
<i>Permit or Review</i>	<i>Chapter or Section Number</i>	<i>Type Review</i>
...	...	...
Conditional Use Permits	22.158	Type III Review
Discretionary Housing Permit	22.166.050	Type III Review
...		

**SECTION 34.** Section 22.224.040 is hereby amended to read as follows:

**22.224.040 Permits and Reviews Assigned Unique Administrative Procedures**

Table 22.224.040-A, below, identifies permits and reviews that are not assigned a Type Review for processing the application. These permits and reviews contain unique processing procedures and directly reference Chapter 22.222 (Administrative Procedures) for processing the application.

<b>TABLE 22.224.040-A:PERMITS AND REVIEWS ASSIGNED UNIQUE ADMINISTRATIVE PROCEDURES</b>	
<i>Permit or Review</i>	<i>Chapter or Section Number</i>
Administrative Housing Permits	22.166.040
...	...
Housing Permits	22.166
...	...

**SECTION 35.** 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.

<b>TABLE 22.250.010-A:FILING FEE SCHEDULE</b>		
...		
Historic District Nomination		\$9,215.00
Housing Permit, Administrative	Permit	\$1,114.00
	Permit, with Off Menu Incentives	\$1,609.00

TABLE 22.250.010-A:FILING FEE SCHEDULE		
...		

B. Additional Fees.

...

**3. Housing Permits Evaluation Fee.**

a. Housing Permit Evaluation Fee. The applicant shall pay directly to the Community Development Commission ("CDC") ~~an minimum initial deposit of \$750 from which actual costs shall be billed and deducted.~~ a one-time fee in the amount of \$2,311 for the CDC's review of a Housing Permit (Chapter 22.166) application.

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 CDC, as follows:

i. An amount equal to \$165 X 55 years per unit of the rental affordable housing set-aside, except that for housing developments with more than ten affordable housing set-aside units, the fee shall be the same amount as a housing development with ten affordable housing set-aside units. The fee may be paid annually or capitalized as a one-time lump sum payment as approved by the CDC.

ii. A one-time lump sum in the amount of \$2,850.00 per unit of the for-sale affordable housing set-aside.

iii. One-time lump sum payments shall be made prior to covenant and agreement recordation. Annual payments require execution of a fee schedule with the CDC.

iv. Such fees shall be deposited into a CDC account from which costs shall be deducted by the CDC to defray the ongoing monitoring/inspection costs.

~~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 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.~~

...

**SECTION 36.** Section 22.250.020 is hereby amended to read as follows:

**22.250.020 Fee Waivers, and 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 an affordable housing set-aside pursuant to Section 22.120.050 (Affordable Housing), subject to the following:

1. **Fee Exemption.** Request for a fee exemption shall be granted if the housing development consists solely of dwelling units, exclusive of a manager's unit or units, that are affordable to extremely low, very low, lower, or moderate income households.

2. **Fee Reduction.** Request for a fee reduction shall be granted if the housing development provides an affordable housing set-aside, but the applicant is not eligible for the fee exemption described in Subsection B.1, above. The rate of reduction shall be (total number of affordable dwelling units / total number of dwelling units) X 100%.

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.

3. For the purpose of this Subsection B, “planning and zoning fees or deposits” are the fees or deposits provided in Section 22.250.010 (Filing Fees and Deposits) incurred by the Department of Regional Planning. This Subsection B does not authorize any exemption from or reduction in the payment of fees or deposits incurred by other County departments or agencies.

~~1. **Nonprofit Organization.**~~

~~a. Any nonprofit organization, as defined in Division 2 (Definitions), shall be exempt 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; and~~

~~b. To be eligible for this exemption, the nonprofit organization shall present a certificate issued by the Community Development Commission (CDC) 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.~~

~~2. **For-Profit Developer.** A for-profit developer that requests a density bonus, as described in Chapter 22.120 (Density Bonuses and Affordable Housing Incentives), shall be exempt from the payment of planning and zoning fees or deposits for dwelling units, 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 22.120.050.B (Menu of Incentives). The exemption shall not include CDC evaluation and monitoring fees or deposits required by Section 22.250.010.B.3 (Housing Permit Evaluation Fee).~~

~~3. As used in this Subsection C.2, "planning and zoning fee or deposit" shall include planning and zoning permit fees and deposits required by this Chapter.~~

**SECTION 37.** Section 22.300.020 is hereby amended to read as follows:

**22.300.020 Application of Community Standards Districts to Property**

...

**B. Additional Regulations-Exceptions**

1. ~~**Density Bonuses and Affordable Housing.**~~ Qualified projects allowed by Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) and Chapter 22.166 (Housing Permits) shall supersede any contrary provisions as specified in any CSD. Notwithstanding any contrary provisions in this Volume II, any CSD regulations specified in Subsection A, above, may be waived or modified through a Housing Permit (Chapter 22.166) pursuant to Chapter 22.120 (Density Bonus).

...

## RESOLUTION

### REGIONAL PLANNING COMMISSION

### COUNTY OF LOS ANGELES

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles has conducted a duly noticed public hearing on August 15, 2018 to consider amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code ("County Code") related to affordable housing and senior citizen housing; and

**WHEREAS**, the Commission finds as follows:

1. There continues to be a housing affordability crisis in Los Angeles County and a need to develop strategies that encourage a diversity of housing types for different needs and levels of income;
2. On August 8, 2006, the Board of Supervisors ("Board") adopted Ordinance 2006-0063, amending Title 21 (Subdivisions) and Title 22 (Planning and Zoning) with eligibility, regulations, and procedures for the granting of density bonuses and incentives for affordable and senior citizen housing, as required for consistency with Section 65915 of the California Government Code ("Government Code"), also referred to as the State Density Bonus Law;
3. Since its adoption in 2006, the County's Density Bonus Ordinance has been providing developers with powerful tools to encourage the development of affordable and senior citizen housing;
4. On December 8, 2015, the Board instructed the initiation of an Equitable Development Work Program, which includes updating the Density Bonus Ordinance to further ease and incentivize the development of affordable housing. Specifically, the Board instructed the Department to commence work on amending the County Code to reflect State law changes effected by Assembly Bills 2222 (Nazarian) and 744 (Chau); to establish targets for deeper and higher levels of affordability, including a category for extremely low-income households; and to include other changes to strengthen the effectiveness of the Ordinance;
5. The proposed ordinance implements recent major changes to the State Density Bonus Law:
  - a. The proposed ordinance requires the replacement of existing rental units that house very low or lower income households or those units that are demolished or vacated in the five-year period before a density

bonus project application is submitted, consistent with the provisions of Section 65915(c)(3) of the Government Code;

- b. The proposed ordinance requires rental housing set-asides to be affordable for 55 years, and require for-sale housing set asides to be affordable to the initial buyer and subject to equity sharing with the County upon resale, consistent with the provisions of Sections 65915(c)(1) and (c)(2) of the Government Code;
  - c. The proposed ordinance includes further reduced parking ratios for certain affordable, senior citizen, and special needs housing projects that are close to transit, consistent with Sections 65915(p)(2) and (p)(3) of the Government Code;
  - d. The proposed ordinance clarifies that all calculations, including those for the baseline dwelling units resulting in fractional numbers, shall be rounded up to the next whole number, consistent with the provisions of Section 65915(q) of the Government Code;
  - e. The proposed ordinance clarifies that findings for incentives shall be based on identifiable and actual cost reductions, consistent with the provisions of Section 65915(d)(1)(A) of the Government Code; and
  - f. The proposed ordinance allows unlimited waivers or reductions of development standards that would physically preclude the construction of eligible projects at the densities or with the incentives granted through a ministerial review process with an Administrative Housing Permit, consistent with Section 65915(e) of the Government Code;
6. The proposed ordinance includes additional local regulations to further incentivize the development of, and to ensure the long-term availability of, affordable housing and senior citizen housing:
- a. The proposed ordinance includes an extremely low income affordability category, with its own housing set-aside requirements, corresponding density bonuses, and three incentives;
  - b. The proposed ordinance exempts extremely low income units in eligible projects from any parking requirements;
  - c. The proposed ordinance includes an option for a density bonus and incentives for rental housing developments with a moderate income housing set-aside;
  - d. The proposed ordinance includes an option for an additional density bonus as an incentive for housing developments that meet the

requirements for the maximum 35 percent density bonus, as specified in the State Density Bonus Law;

- e. The proposed ordinance requires rental housing for senior citizens to be age-restricted for 55 years, and requires for-sale housing for senior citizens to be age-restricted to the initial buyer;
  - f. The proposed ordinance includes a ministerial review process, through an Administrative Housing Permit, for apartment houses that would otherwise be subject to the approval of a Conditional Use Permit (“CUP”) in certain commercial zones, if the apartment houses include a certain percentage of affordable housing units and meet the criteria for one of the California Environmental Quality Act exemptions;
  - g. The proposed ordinance exempts certain mixed use developments and joint live and work units from the requirement of a CUP in the Mixed Use Development (MXD) Zone and various commercial zones, if development standards are waived, reduced, or modified through an Administrative Housing Permit;
  - h. The proposed ordinance allows an approved and unused Administrative Housing Permit and other concurrent permits to be valid indefinitely;
  - i. The proposed ordinance revises the fee exemption provisions in Title 22 (Planning and Zoning) to grant all projects with an affordable housing set-aside either a fee exemption or reduction;
  - j. The proposed ordinance continues to provide an option for a density bonus and incentives for single-family residential developments with a moderate income housing set-aside;
  - k. The proposed ordinance continues to provide additional options through a Discretionary Housing Permit, which gives the County the flexibility to consider appropriate density bonuses that may not otherwise qualify through the limited provisions in the State Density Bonus Law; and
  - l. The proposed ordinance restructures and revises various related provisions in Title 21 (Subdivisions) and Title 22 (Planning and Zoning) for ease of use, deletes obsolete provisions, amends existing references for internal consistency and establishes revised fees;
7. The proposed ordinance will reduce unnecessary regulatory barriers and facilitate the production of affordable housing and senior citizen housing,

which is consistent with the intent of Section 65583(a)(5) of the Government Code, also referred to as the State Housing Element Law;

8. The proposed ordinance is compatible with and supportive of the goals and policies of the Los Angeles County General Plan and in particular, the Los Angeles County Housing Element ("Housing Element") in that it facilitates the development of needed affordable housing and senior citizen housing to the residents of the unincorporated Los Angeles County;
9. This comprehensive update to the Density Bonus Ordinance affects Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the County Code, and is in conformance with the density bonus, affordable housing incentives, waivers or reductions of development standards, and parking requirements mandated by the State of California, as contained in Section 65915 et seq. of the Government Code;
10. Pursuant to Section 22.60.174 of the County Code, a public hearing notice was published in 12 local newspapers countywide, including the Spanish-language newspaper La Opinión. Copies of the public hearing notice and hearing materials were provided at all County libraries;
11. An Initial Study was prepared for the proposed ordinance amendments in compliance with the California Environmental Quality Act ("CEQA"), and the initial study concluded that the proposed ordinance will not have a significant effect on the environment. Based on the Initial Study, the Department has prepared a Negative Declaration for the proposed ordinance. The Commission finds that the proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) will not have a significant effect on the environment pursuant to CEQA guidelines and the Los Angeles County Environmental Document Procedures and Guidelines;
12. Pursuant to Section 21080.3.1(b) of the California Public Resources Code, formal notification of the proposed ordinance was mailed to various California Native American tribes that have previously requested formal notification of proposed projects in geographic areas that are traditionally and culturally affiliated with the individual tribe prior to the release of the Negative Declaration. The Department received two written responses – one from the San Manuel Band of Mission Indians, who expressed no concerns with the proposed ordinance amendments; and the other from the Gabrieleno Band of Mission Indians – Kizh Nation, who expressed interest in consultation with the Department if the project involves any type of ground disturbance. Since the project is a series of amendments to the County Code and does not involve any ground disturbance, consultation was not needed. Future housing developments proposed pursuant to the proposed ordinance may undergo site-specific environmental review, if

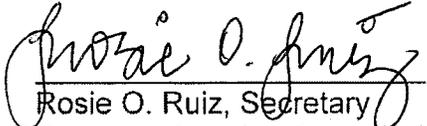
applicable, and may be subject to the tribal notification and consultation requirements accordingly; and

13. On August 15, 2018, the Airport Land Use Commission (ALUC) held a public hearing to review the proposed ordinance for consistency with the noise and safety policies of the Los Angeles County Airport Land Use Plan, General William J. Fox Airport Land Use Compatibility Plan, and the Brackett Field Airport Land Use Compatibility Plan. The ALUC found that the proposed ordinance is consistent with all three Airport Land Use Compatibility Plans.

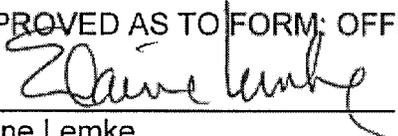
**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board certify completion of and adopt the Negative Declaration and find that the proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) will not have a significant effect on the environment;
2. That the Board hold a public hearing to consider the proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) to incentivize the development of affordable housing and senior citizen housing; and
3. That the Board adopt an ordinance containing the proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning), and determine that the amendments are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on August 15, 2018.

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

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By   
Elaine Lemke  
Assistant County Counsel  
Property Division

**SUMMARY OF PROCEEDINGS  
REGIONAL PLANNING COMMISSION  
DENSITY BONUS ORDINANCE UPDATE  
PROJECT NO. 2018-000572-(1-5)**

**August 15, 2018**

At the public hearing on August 15, 2018, staff provided an introduction to the State Density Bonus Law and an overview of how the County has implemented the law. Staff presented recent changes to State law and new local policies that are incorporated into the Draft Ordinance. Staff also recommended revisions to the Draft Ordinance to ensure consistency with the County's airport land use policies.

Discussion

One individual testified at the hearing and seven letters were received. A representative from the Building Industry Association testified in support of the ordinance. She suggested that the ordinance could be expanded to further incentivize affordable housing near transit. A comment letter from the Crescenta Valley Town Council expressed concern over the exceptions to Community Standards District (CSD) regulations for density bonus projects in the Draft Ordinance. The letter requested that the County require notification when projects deviate from the CSD and that the developer be asked to meet with the Town Council to receive community input. Another comment letter suggested that a transfer of development rights or transfer of floor area ratio be incorporated into the Draft Ordinance.

During the discussion, the Commission asked for clarification on the minimum requirements for child care facilities in density bonus projects, such as state licensing, size and capacity of the facility, hours of operation, and requirements to serve low-income residents of the housing development. Staff and County Counsel clarified that the State law defines a child care facility and that it must serve families at the income levels for which the housing development received the bonus, although they are not required to be residents of the housing development. County Counsel stated that the licensing requirements would be reviewed to ensure consistency with State law.

The Commission also inquired on the usage of density bonuses by developers in the County, and how often applicants have requested additional density bonuses as an incentive. Staff responded that density bonus projects are almost evenly split between those that have included market-rate units and those that do not. Staff also reported that over a quarter of density bonus projects have requested an additional density bonus as an incentive.

The Commission also requested clarification on benefits to moderate-income developments in the Draft Ordinance that go beyond the State law; implementation of the replacement requirements in the State law; how the Draft Ordinance would work with future housing ordinances, such as inclusionary zoning; and the required findings for a density bonus project to have an adverse impact on public health, safety, or the physical environment.

Staff responded that the benefits to moderate-income developments in the Draft Ordinance are intended to address the County's shortfall for moderate-income housing. Staff also noted that there are fewer public subsidies available for moderate income housing. Staff described guidance documents and worksheets that staff are using to implement the replacement policies in the State law. Staff clarified that the affordable set-asides in the Draft Ordinance could be applied to units that are required under a future inclusionary zoning ordinance. Staff also identified language in the State law that defines an adverse impact as having a significant, quantifiable, direct, and unavoidable impacts based on public written health or safety standards.

The Commission inquired about whether the land donation provisions in the Draft Ordinance would ensure that the donated land would be suitable for development of affordable housing. Staff responded that the State law requires the donated land meet certain requirements, including that it is zoned for no less than 30 units per net acre and has been entitled for development of affordable units. Staff also noted that there have been no known cases of land donations for density bonus projects in the State.

Before closing the public hearing, the Commission directed staff to add provisions to the Draft Ordinance to restrict the option for additional density bonus as incentive to projects that have earned a 35 percent density bonus, which is the maximum under State law.

Airport Land Use Commission Hearing

At the public hearing on August 15, 2018, the Airport Land Use Commission found that the Draft Ordinance is consistent with the adopted Los Angeles County Airport Land Use Plan, General William J. Fox Airfield Land Use Compatibility Plan, and Brackett Field Airport Land Use Compatibility Plan.

**September 5, 2018**

At the Regional Planning Commission meeting on September 5, 2018, County Counsel clarified that day care facilities as defined in State law must be licensed.

Attachment 6: Comparison of State Density Bonus Law (highlights) and Draft Ordinance

	STATE LAW	DRAFT COUNTY ORDINANCE
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>• Affordable housing: 5 units or more</li> <li>• Senior citizen housing: a development with 35 units or more, or a mobilehome park for senior citizens</li> <li>• Replacement of affordable units on project site in five year period prior to application, at same or lower income category</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> </ul>
<b>Density Bonus</b>	<ul style="list-style-type: none"> <li>• Sliding scale for the following set-asides, with a maximum density bonus of 35%:               <ul style="list-style-type: none"> <li>◦ Very low income</li> <li>◦ Lower income</li> <li>◦ Moderate income <i>common interest developments</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> <li>• Sliding scale for <i>all</i> moderate income set-asides, with a maximum density bonus of 35%</li> <li>• Sliding scale for extremely low income set-asides, with a maximum density bonus of 100%</li> </ul>
<b>Duration of Affordability</b>	<ul style="list-style-type: none"> <li>• 55 years</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• For density bonus projects with an affordable housing set-aside</li> <li>• Number of incentives based on set-aside, with a maximum of three</li> <li>• Additional incentive for inclusion of a child care facility</li> <li>• Incentives must meet findings, including: Incentives must result in actual and identifiable cost reductions</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> <li>• Number of incentives based on set-aside (including extremely low income and all moderate set-asides), with a maximum of three</li> <li>• If an incentive meets the findings, it is administratively reviewed. If it does not, the applicant may request the incentive through a discretionary review</li> <li>• An applicant can request an additional density bonus as an incentive (subject to the same findings)</li> </ul>

Attachment 6: Comparison of State Density Bonus Law (highlights) and Draft Ordinance

	STATE LAW	DRAFT COUNTY ORDINANCE
<b>Senior Citizen Housing</b>	<ul style="list-style-type: none"> <li>• 20% density bonus for senior housing development or mobilehome park for seniors</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> </ul>
<b>Duration of Age Restriction</b>		<ul style="list-style-type: none"> <li>• 55 years</li> </ul>
<b>Land Donations</b>	<ul style="list-style-type: none"> <li>• Sliding scale for donation of land for housing for very low income households, with a maximum density bonus of 35%, subject to additional requirements</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> </ul>
<b>Parking Ratios</b>	<ul style="list-style-type: none"> <li>• Reduced parking ratios based on project type, set-aside and proximity to transit</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> <li>• No parking required for units set aside for extremely low income households</li> </ul>
<b>Waivers</b>	<ul style="list-style-type: none"> <li>• Unlimited waivers or reductions of development standards for affordable and senior citizen housing density bonus projects</li> <li>• The waivers must meet findings, including: The development standard for which the applicant is requesting a waiver must physically preclude the construction of the project at the densities or with the incentives permitted by the density bonus program</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in State law</li> <li>• If a waiver meets the findings, it is administratively reviewed. If it does not, the applicant may request the waiver through a discretionary review.</li> </ul>
<b>Other</b>		<ul style="list-style-type: none"> <li>• Affordable density bonus projects in some commercial zones may be reviewed administratively if the projects meet specific criteria</li> </ul>

**ATTACHMENT 7**



JOHN NAIMO  
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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ADDRESS ALL CORRESPONDENCE TO:  
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October 22, 2018

TO: Joseph Horvath, Administrative Deputy  
Department of Regional Planning

FROM: <sup>cy</sup> Connie Yee  
Assistant Auditor-Controller

SUBJECT: **FISCAL YEAR 2018-19 ADMINISTRATIVE FEE FOR DENSITY BONUS  
PROJECTS**

As requested, we reviewed the Fiscal Year 2018-19 calculations of the administrative fee for Density Bonus Projects. The methodology used to calculate the fees appears reasonable. However, we are unable to validate the costs used in the fee study because they include the salary, employee benefits and overhead costs incurred by the Community Development Commission and are not costs of the County.

If you have any questions please contact me, or your staff may call Rachelle Anema at (213) 974-8327.

CY:RA

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**ATTACHMENT 8**

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