

Attachment A

Revisions to the Draft Density Bonus Ordinance (redlined)

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, aA 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. 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. Replacement dwelling units 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. All replacement dwelling units shall have the same number of bedrooms as the dwelling units 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, aA 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.

TABLE 22.120.050-A:AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSES				
Set-Aside	<u>Extremely Low Income (30% AMI)¹</u>	<u>Very Low Income (50% AMI)²</u>	<u>Lower Income (80% AMI)²</u>	<u>Moderate Income (120% AMI)^{1, 2}</u>
	<u>Density Bonus</u>	<u>Density Bonus</u>	<u>Density Bonus</u>	<u>Density Bonus</u>
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%

TABLE 22.120.050-A: AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSES

Set-Aside	Extremely Low Income (30% AMI) ¹	Very Low Income (50% AMI) ²	Lower Income (80% AMI) ²	Moderate Income (120% AMI) ^{1, 2}
	Density Bonus	Density Bonus	Density Bonus	Density Bonus
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%
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.

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.

TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES				
Set-Aside	Extremely Low Income (30% AMI)^{1,2}	Very Low Income (50% AMI)^{1,2}	Lower Income (80% AMI)^{1,2}	Moderate Income (120% AMI)^{1,2}
	No. of Incentives	No. of Incentives	No. of Incentives	No. of Incentives
5%	3	1	=	=
6%	3	1	=	=
7%	3	1	=	=
8%	3	1	=	=
9%	3	1	=	=
10%	3	2	1	1

TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES				
Set-Aside	Extremely Low Income (30% AMI)^{1, 2}	Very Low Income (50% AMI)^{1, 2}	Lower Income (80% AMI)^{1, 2}	Moderate Income (120% AMI)^{1, 2}
	No. of Incentives	No. of Incentives	No. of Incentives	No. of Incentives
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
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:

- 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 housing development with a very low or lower income housing set-aside.
 - A common interest development with a moderate income housing set-aside.
 - The following housing development if it meets the criteria for one of the California Environmental Quality Act exemptions:
 - A housing development with an extremely low income housing set-aside.
 - A rental housing development with a moderate income housing set-aside.
 - A single-family residential subdivision with a moderate income housing set-aside.
 - A housing development with an affordable housing set-aside requesting an additional density bonus as an incentive.
- In all other cases, the granting of incentive(s), including an incentive for an additional density bonus, is subject to a Discretionary Housing Permit (Section 22.166.050).

D. Additional Density Bonus or Incentive for Child Care Facility.

Except as specified otherwise, aA 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.

TABLE 22.120.050-C: ADDITIONAL DENSITY BONUS OR INCENTIVE FOR CHILD CARE FACILITY¹			
	<i>Eligibility</i>	<i>Additional Density Bonus²</i>	<i>Additional Incentive²</i>
Child care facility ³	Affordable housing set-aside provided pursuant to this Section ⁴	Square footage of childcare facility	↓
Note:			
1. Housing developments can choose an additional density bonus or additional incentive, but not both.			
2. 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.			
3. 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).			
4. The household incomes and the percentage of the families whose children attend the child care facility shall correspond with the affordable housing set-aside.			

22.120.060 Senior Citizen Housing

A. Density Bonus. Except as specified otherwise, aA 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.

TABLE 22.120.070-A: AFFORDABLE HOUSING SET-ASIDES, DENSITY BONUSES FOR LAND DONATIONS	
Very Low Income (50% AMI) Set-Aside on Donated Land¹	Density Bonus² on Housing Development Site
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%

TABLE 22.120.070-A:AFFORDABLE HOUSING SET-ASIDES, DENSITY BONUSES FOR LAND DONATIONS	
Very Low Income (50% AMI) Set-Aside on Donated Land!	Density Bonus² on Housing Development Site
26%	31%
27%	32%
28%	33%
29%	34%
30% - 100%	35%

Note:

- 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:
 - The donated land shall be at least one acre in size or of sufficient size to permit development of at least 40 dwelling units.
 - The donated land shall be zoned and designated in the General Plan for a density not less than 30 dwelling units per net acre.
 - The donated land shall be served by adequate public facilities and infrastructure.
- 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:

TABLE 22.120.080-A: PARKING RATIOS¹		
<i>Affordability & Project Type</i>	<i>Proximity to Transit</i>	<i>Number of Spaces²</i>
<u>100% rental housing affordable to lower or very low income households³</u>		
<u>Senior citizen housing development</u>	<u>With paratransit or within ½ mile of a fixed bus route (unobstructed access)^{4,5}</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>Within ½ mile of a major transit stop (unobstructed access)⁴</u>	<u>0.5 space per dwelling unit</u>
<u>At least 11% very low income housing set-aside</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 only⁶</u>
<u>Extremely low income dwelling units</u>		
<u>All other projects subject to Chapter 22.120</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>
Note:		
1. <u>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).</u>		
2. <u>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.</u>		
3. <u>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.</u>		
4. <u>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.</u>		
5. <u>The fixed bus route shall operate at least eight times per day.</u>		
6. <u>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.</u>		

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. Lesser Density Bonus. An applicant can elect to accept a smaller or no density bonus.~~

EF. Not Cumulative. For the purposes of this Chapter, 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.

FG. 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.

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C. **Application Requirements.**

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