

## 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

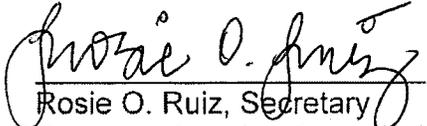
applicable, and may be subject to the tribal notification and consultation requirements accordingly; and

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.

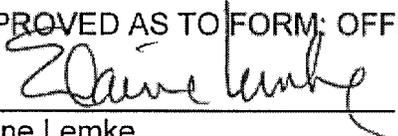
**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

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   
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Assistant County Counsel  
Property Division