

**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.