

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 ~~Housing~~ 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.

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SECTION 8. Section 22.14.190 is hereby amended to read as follows:

22.14.190 S

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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.

TABLE 22.16.030-A:PERMIT AND REVIEW REQUIREMENTS		
<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.

TABLE 22.16.030-B:PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	<i>A-1</i>	<i>A-2</i>	<i>O-S</i>	<i>R-R</i>	<i>W</i>	<i>Additional Regulations</i>
...						
Residential Uses						
Adult residential facilities ¹⁶						
<i>Facilities serving six or fewer persons, in compliance with Section 22.140.520.B.1</i>	P	P	-	-	-	Section 22.140.520

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	<i>A-1</i>	<i>A-2</i>	<i>O-S</i>	<i>R-R</i>	<i>W</i>	<i>Additional Regulations</i>
<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	-	
...						
Density-controlled developments ¹⁶	CUP	CUP	-	CUP	-	Section 22.140.170
Farmworker housing ¹⁶						
<i>Farmworker dwelling units</i>	SPR	SPR	-	-	-	Section 22.140.230
<i>Farmworker housing complexes</i>	SPR	SPR	-	-	-	Section 22.140.230
...						
Mobilehome parks ¹⁶	CUP	CUP	-	CUP	-	Section 22.140.370
Qualified projects	HP	HP	-	-	-	Chapter 22.120
Single-family residences ¹⁶	SPR	SPR	CUP	CUP	CUP	Section 22.140.580
...						
Townhouses ¹⁶	CUP	CUP	-	CUP	-	Section 22.140.600
...						
Notes:						
...						
16. 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 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.

TABLE 22.18.030-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.

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
...							
Residential Uses							
Adult residential facilities [§]							
<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 [§]	CUP	CUP	CUP	-	-	-	Section 22.140.170
Farmworker housing [§]							
<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 [§]	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140.370
Multi-family housing [§]							
<i>Apartment houses</i>	-	-	MCUP ⁴ / CUP ⁵	SPR	SPR	SPR	
<i>Townhouses</i>	CUP	CUP	CUP	SPR	SPR	SPR	Section 22.140.600

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
Two-family residences	-	-	SPR	SPR	SPR	-	
Qualified projects	HP	HP	HP	HP	HP	HP	Chapter 22.120
...							
Single-family residences ⁸	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.580
...							
Notes:							
...							
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-I	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
...								
Residential Uses								
Adult residential facilities ²⁵								
<i>Facilities serving six or fewer persons</i>	CUP	CUP	CUP	CUP	CUP	CUP	CUP ⁴	
<i>Facilities serving seven or more persons</i>	CUP	CUP	CUP	CUP	CUP	CUP	-	
...								
Farmworker housing ²⁵								
<i>Farmworker dwelling units</i>	SPR	SPR	SPR	SPR	CUP	-	SPR	Section 22.140.230
<i>Farmworker housing complexes</i>	SPR	SPR	SPR	SPR	CUP	-	SPR	Section 22.140.230
...								
Joint live and work units ²⁵	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>MCUP</u>	<u>SPR</u>	=	<u>Section 22.140.320</u>
<i>In compliance with Section 22.140.320.C.1 or C.2</i>	SPR	SPR	SPR	SPR	MCUP	SPR	-	Section 22.140.320
<i>In compliance with Section 22.140.320.C.3</i>	CUP	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.320
Mixed use developments ²⁵	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>MCUP</u>	<u>CUP</u>		<u>Section 22.140.350</u>

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	<i>C-H</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-M</i>	<i>C-MJ</i>	<i>C-R</i>	<i>Additional Regulations</i>
<i>In compliance with Section 22.140.360.A.3.a or A.3.b</i>	SPR	SPR	SPR	SPR	MCUP	-	-	Section 22.140.350
<i>In compliance with Section 22.140.360.A.3.c or 22.140.360.B</i>	CUP	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.350
Mobilehome parks ²⁵	CUP	CUP	CUP	CUP	CUP	-	-	Section 22.140.370
Multi-family housing ²⁵								
Apartment houses	SPR ²⁶ / MCUP ¹⁸ / CUP	SPR ²⁶ / MCUP ¹⁸ / CUP	SPR ²⁶ / MCUP ¹⁸ / CUP	SPR ²⁶ / MCUP ¹⁸ / CUP	MCUP ¹⁸ / 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 ²⁵	CUP	CUP	CUP	CUP	CUP	-	CUP	Section 22.140.580
...								
Notes:								
...								
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.								

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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		
<i>Abbreviation</i>	<i>Permit or Review Requirement</i>	<i>Reference</i>
...		
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.

TABLE 22.24.030-A:PERMIT AND REVIEW REQUIREMENTS		
<i>Abbreviation</i>	<i>Permit or Review Requirement</i>	<i>Reference</i>
...		
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.

TABLE 22.24.030-B:PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	<i>C-RU</i>	<i>MXD-RU</i>	<i>Additional Regulations</i>
...			
Residential Uses			
...			
Farmworker housing ¹³			
<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 ¹³	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 ¹³			
<i>Single-family residences</i>	SPR ¹	-	Section 22.140.580
Mixed use developments, vertical or horizontal ¹³			
<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

TABLE 22.24.030-B:PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
<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
Mobilehome parks ¹³	CUP	CUP	Section 22.140.370
Multi-family housing ¹³			
<i>Apartment houses</i>	-	CUP ¹¹	
Qualified projects	-	HP	Chapter 22.120
...			
Notes:			
...			
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.			

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SECTION 15. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone

...

B. Land Use Regulations.

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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.

TABLE 22.26.030-A:PERMIT AND REVIEW REQUIREMENTS		
Abbreviation	Permit or Review Requirement	Reference
...		
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.

TABLE 22.26.030-B:PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Residential Uses		
Adult residential facilities ^Z		
<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 ^Z	SPR	Section 22.140.320
<i>In compliance with Section 22.140.320.C.1</i>	SPR	Section 22.140.320
<i>In compliance with Section 22.140.320.C.3</i>	CUP	Section 22.140.320
Mixed use developments with residential and commercial components ^Z	SPR	
Multifamily housing ^Z		
<i>Apartment houses</i>	SPR	
<i>Townhouses</i>	SPR	
<i>Two-family residences¹</i>	SPR	
Qualified projects	HP	
...		
Single-family residences ^{1,Z}	SPR	Section 22.140.580
...		
Notes:		
...		
7. 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.		

...

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.

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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.~~

TABLE 22.120.040-A: DENSITY BONUS ELIGIBILITY REQUIREMENTS					
Qualified Projects	Minimum Set-Aside		Density Bonus		
			Basic	Additional^{**}	Maximum
Affordable Housing Set-Aside	Very low	5%	20%	1%-2.5%	35% [*]
	Lower	10%	20%	1%-1.5%	35% [*]
	Moderate (for sale only)	10%	5%	1%-1%	35% [*]
Senior Citizen Housing Set-Aside	A senior citizen housing development		20%	N/A	20%
	A mobilehome park for senior citizens		20%	N/A	20%
Land Donation	Very low	10%	15%	1%-1%	35%
County Infill Sites Program (projects of 2 or 3 units pre-bonus) ^{***}	N/A		1 unit	N/A	1 unit
<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.~~

Qualified Projects		Incentives		
		One*	Two*	Three*
Affordable housing set-aside	Very Low	5%	10%	15%
	Lower	10%	20%	30%
	Moderate (for sale only)	10%	20%	30%

* Child care facility: When a qualified project includes a child care facility, the applicant shall receive one additional incentive that significantly contributes to the economic feasibility of constructing the child care facility, or a square footage density bonus, as described in Section 22.120.040.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.

Incentive	Description
Yard/setback	<ul style="list-style-type: none"> • Up to a 20% modification from side yard/setback requirements. • Up to a 35% modification of front and rear yard/setback requirements. • All yard/setback modifications shall count as one incentive.
Building Height	<ul style="list-style-type: none"> • Up to a 10-foot increase in height. • Where a qualified project shares an adjoining interior side property line with a single family residential property in Zone R-1, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be stepped back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step back portion up to 42 inches in height.
Stories	<ul style="list-style-type: none"> • An additional story. • The building height must conform to either the height requirements of the basic zone or as modified through the use of an on menu incentive.
Lot Size	<ul style="list-style-type: none"> • Up to 20% modification from lot size requirements. • Up to 35% modification from lot size requirements for qualified projects in which 100% of the units are set aside for very low or lower income households.
Lot Width	<ul style="list-style-type: none"> • Up to 20% modification from lot width requirements. • Up to 35% modification from lot width requirements for qualified projects in which 100% of the units are set aside for very low or lower income households.
Parking	<ul style="list-style-type: none"> • 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"> ○ Single Family Dwelling Units: <ul style="list-style-type: none"> — Any number of bedrooms: 1.0 parking space/unit. ○ Multi-Family Dwelling Units: <ul style="list-style-type: none"> — 0-1 bedrooms: 0.75 parking space/unit. — 2 or more bedrooms: 1.5 parking spaces/unit. • Parking may be provided by tandem parking or uncovered parking, but not on street parking. Parking is inclusive of guest and accessible parking spaces.
Density	<ul style="list-style-type: none"> • 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.

TABLE 22.120.050-B: MENU OF INCENTIVES*	
<i>Incentive</i>	<i>Description</i>
Fee Waiver	<ul style="list-style-type: none"> 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.)
<p>Notes:</p> <p>* 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.</p>	

~~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.

TABLE 22.120.050-C: COUNTY INFILL SITES PROGRAM INCENTIVES**	
<i>Incentive</i>	<i>Description</i>
Yard/setback	<ul style="list-style-type: none"> Up to a 20% modification from side yard/setback requirements. Up to a 35% modification of front and rear yard/setback requirements. In the case of a common wall development, 100% reduction where common walls are at or intersect a common/shared lot line within the project site.
Building Height	<ul style="list-style-type: none"> Up to a 10-foot increase in height. Where a qualified project shares an adjoining interior side property line with a single family residential property in Zone R-1, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be set back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step-back portion up to 42 inches in height.
Stories	<ul style="list-style-type: none"> An additional story. The building height must conform to either the height requirements of the basic zone or as modified through the use of an on-menu incentive.
Lot Size	<ul style="list-style-type: none"> Up to 50% modification from lot size requirements.
Lot Width	<ul style="list-style-type: none"> Up to 50% modification from lot width requirements.

TABLE 22.120.050-C: COUNTY INFILL SITES PROGRAM INCENTIVES**	
Incentive	Description
Parking	<ul style="list-style-type: none"> ● 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"> ○ Single Family Dwelling Units: <ul style="list-style-type: none"> — Any number of bedrooms: 1.0 parking space/unit; ○ Multi-Family Dwelling Units: <ul style="list-style-type: none"> — 0-3 bedrooms: 1.0 parking space/unit; — 4 or more bedrooms: 1.5 parking spaces/unit. ● Parking may be provided by tandem parking or uncovered parking, but not on-street parking. Parking is inclusive of guest and accessible parking spaces.
<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"> 1) The total incentives approved shall not exceed that 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) The applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites. 	

~~2. **Off-Menu Incentives.** A qualified project that is a participant in the County Infill Sites Program may request up to three additional off-menu incentives beyond the incentives 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).~~

TABLE 22.120.060 A: PARKING RATIOS*	
<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

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. 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. 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.

TABLE 22.120.050-A:AFFORDABLE HOUSING SET-ASIDES AND DENSITY BONUSSES				
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>
<u>5%</u>	<u>25%</u>	<u>20%</u>	=	=
<u>6%</u>	<u>30%</u>	<u>22.5%</u>	=	=
<u>7%</u>	<u>35%</u>	<u>25%</u>	=	=
<u>8%</u>	<u>40%</u>	<u>27.5%</u>	=	=
<u>9%</u>	<u>45%</u>	<u>30%</u>	=	=
<u>10%</u>	<u>55%</u>	<u>32.5%</u>	<u>20%</u>	<u>5%</u>
<u>11%</u>	<u>55%</u>	<u>35%</u>	<u>21.5%</u>	<u>6%</u>
<u>12%</u>	<u>55%</u>	<u>35%</u>	<u>23%</u>	<u>7%</u>
<u>13%</u>	<u>55%</u>	<u>35%</u>	<u>24.5%</u>	<u>8%</u>
<u>14%</u>	<u>55%</u>	<u>35%</u>	<u>26%</u>	<u>9%</u>
<u>15%</u>	<u>55%</u>	<u>35%</u>	<u>27.5%</u>	<u>10%</u>
<u>16%</u>	<u>55%</u>	<u>35%</u>	<u>29%</u>	<u>11%</u>
<u>17%</u>	<u>55%</u>	<u>35%</u>	<u>30.5%</u>	<u>12%</u>
<u>18%</u>	<u>55%</u>	<u>35%</u>	<u>32%</u>	<u>13%</u>
<u>19%</u>	<u>55%</u>	<u>35%</u>	<u>33.5%</u>	<u>14%</u>
<u>20%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>15%</u>
<u>21%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>16%</u>
<u>22%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>17%</u>
<u>23%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>18%</u>
<u>24%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>19%</u>
<u>25%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>20%</u>
<u>26%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>21%</u>
<u>27%</u>	<u>55%</u>	<u>35%</u>	<u>35%</u>	<u>22%</u>

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

Set-Aside	<i>Extremely Low Income (30% AMI)¹</i>	<i>Very Low Income (50% AMI)²</i>	<i>Lower Income (80% AMI)²</i>	<i>Moderate Income (120% AMI)^{1, 2}</i>
	<i>Density Bonus</i>	<i>Density Bonus</i>	<i>Density Bonus</i>	<i>Density Bonus</i>
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	<u>Extremely Low Income (30% AMI)^{1, 2}</u>	<u>Very Low Income (50% AMI)^{1, 2}</u>	<u>Lower Income (80% AMI)^{1, 2}</u>	<u>Moderate Income (120% AMI)^{1, 2}</u>
	<u>No. of Incentives</u>	<u>No. of Incentives</u>	<u>No. of Incentives</u>	<u>No. of Incentives</u>
<u>5%</u>	<u>3</u>	<u>1</u>	<u>=</u>	<u>=</u>
<u>6%</u>	<u>3</u>	<u>1</u>	<u>=</u>	<u>=</u>
<u>7%</u>	<u>3</u>	<u>1</u>	<u>=</u>	<u>=</u>
<u>8%</u>	<u>3</u>	<u>1</u>	<u>=</u>	<u>=</u>
<u>9%</u>	<u>3</u>	<u>1</u>	<u>=</u>	<u>=</u>
<u>10%</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>11%</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>12%</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>13%</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>14%</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>15%</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>

TABLE 22.120.050-B:AFFORDABLE HOUSING SET-ASIDES AND INCENTIVES				
Set-Aside	<u>Extremely Low Income (30% AMI)^{1, 2}</u>	<u>Very Low Income (50% AMI)^{1, 2}</u>	<u>Lower Income (80% AMI)^{1, 2}</u>	<u>Moderate Income (120% AMI)^{1, 2}</u>
	<u>No. of Incentives</u>	<u>No. of Incentives</u>	<u>No. of Incentives</u>	<u>No. of Incentives</u>
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) The following housing development 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 an affordable housing set-aside requesting an additional density bonus as an incentive.
2. 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. 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.

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>
<u>Child care facility³</u>	<u>Affordable housing set-aside provided pursuant to this Section⁴</u>	<u>Square footage of childcare facility</u>	<u>↓</u>
Note:			
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. 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.** 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	
<i>Very Low Income (50% AMI) Set-Aside on Donated Land¹</i>	<i>Density Bonus² on Housing Development Site</i>
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	
<i>Very Low Income (50% AMI) Set-Aside on Donated Land¹</i>	<i>Density Bonus² on Housing Development Site</i>
<p>Note:</p> <p>1. <u>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:</u></p> <p>a) <u>The donated land shall be at least one acre in size or of sufficient size to permit development of at least 40 dwelling units.</u></p> <p>b) <u>The donated land shall be zoned and designated in the General Plan for a density not less than 30 dwelling units per net acre.</u></p> <p>c) <u>The donated land shall be served by adequate public facilities and infrastructure.</u></p> <p>2. <u>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.</u></p>	

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 1/2 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>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)⁴</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>=</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.** 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.

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

F. **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.

G. **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:

ai. 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.

EG. 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.

HI. 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, 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:

TABLE 22.224.030-A:PERMITS AND REVIEWS ASSIGNED A TYPE REVIEW		
Permit or Review	Chapter or Section Number	Type Review
...
Conditional Use Permits	22.158	Type III Review
<u>Discretionary Housing Permit</u>	<u>22.166.050</u>	<u>Type III Review</u>
...		

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.

TABLE 22.224.040-A:PERMITS AND REVIEWS ASSIGNED UNIQUE ADMINISTRATIVE PROCEDURES	
Permit or Review	Chapter or Section Number
<u>Administrative Housing Permits</u>	<u>22.166.040</u>
...	...
<u>Housing Permits</u>	<u>22.166</u>
...	...

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.

TABLE 22.250.010-A:FILING FEE SCHEDULE		
...		
Historic District Nomination		\$9,215.00
Housing Permit, Administrative	Permit	\$1,114.00
	Permit, with Off Menu Incentives	\$1,609.00
...		

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 GDC 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 GDC 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 Reductions for Affordable Housing Subject to Chapter 22.120 – Density Bonus.

1. One Hundred Percent Affordable Housing Developments. An application for a Housing Permit shall be eligible for an exemption from the payment of filing fees or deposits for the Department of Regional Planning, as provided in Section 22.250.010 (Filing Fees and Deposits), if 100 percent of the housing development, exclusive of a manager's unit or units, is set aside for extremely low, very low, lower, or moderate income households, pursuant to Chapter 22.120 (Density Bonus).

2. **Other Affordable Housing Developments.** An application for a Housing Permit shall be eligible for a reduction in filing fees or deposits for the Department of Regional Planning, as provided in Section 22.250.010 (Filing Fees and Deposits), if an affordable housing set-aside is provided pursuant to Chapter 22.120 (Density Bonus) but the application is not eligible for the exemption described in Subsection B.1, above. The reduction shall be equivalent to the total percentage of the affordable housing set-aside.

3. The fee exemption and reductions described in this Subsection B shall not include costs for any other County department or agency.

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).~~

...