Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 28, 2013

TO: David W. Louie, Chair
Esther L. Valadez, Vice Chair
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Connie Chung, AICP, Section Head
General Plan Development/Housing Section

SUBJECT: GENERAL PLAN AND HOUSING ELEMENT PROGRESS REPORTS DISCUSSION, R2013-00255/RADV T201300001

At your meeting on March 13, 2013, the staff will provide you with a presentation on the General Plan and Housing Element Progress Reports for CY 2012 (Attachment 1).

The purpose of the General Plan and Housing Element Annual Progress Reports is to meet the requirements of Government Code Section 65400, which mandates local jurisdictions to provide the status of the General Plan and its implementation, and the status of the Housing Element and its implementation, including the County's progress toward meeting its regional housing goals, by April 1. With changes made to the Government Code through SB 375 (2008), prior to submission to the State, the reports must be considered at a public meeting before the Board of Supervisors, where members of the public can submit oral and/or written comments on the report.

If you have any questions, please contact Connie Chung at (213) 974-6417 or cchung@planning.lacounty.gov.

JS:CC

Cc: Richard J. Bruckner

Attachment:
General Plan and Housing Element Progress Reports for CY 2012.

GENERAL PLAN ANNUAL PROGRESS REPORT

CY 2012

The purpose of this report is to meet the requirements of Government Code Section 65400, which mandates local jurisdictions to submit an annual report on the status of the General Plan and progress in its implementation. The report must be submitted to the Governor's Office of Planning and Research (OPR) and the Housing and Community Development (HCD) by April 1. The requirement to report on the County's progress in meeting its share of regional housing needs, and to remove governmental constraints to the maintenance, improvement, and development of housing, is addressed in a companion document, the Housing Element Annual Progress Report.

The Los Angeles County General Plan, which was adopted in 1980, is designed to guide the long-term physical development and conservation of the County's land and environment in the unincorporated areas, through a framework of goals, policies, and implementation programs. The General Plan also provides a foundation for more detailed plans and implementation programs, such as area or community plans, zoning ordinances, and specific plans. Los Angeles County is currently undergoing a General Plan Update, with anticipated completion in 2014.

The following report provides the status of the General Plan and progress in its implementation for the 2012 calendar year. **Part I: General Plan Implementation** consists of a list of completed and pending amendments to the zoning code and other related programs in 2012; and a status report on the implementation of the Bicycle Master Plan, which is a sub-element of the General Plan Transportation Element. **Part II: General Plan Amendments** lists adopted and pending amendments to the General Plan in 2012. **Part III: General Plan Update** provides an overview of the major changes proposed to the General Plan, a report of the activities in 2012, and a schedule to complete the General Plan Update.

I. GENERAL PLAN IMPLEMENTATION

ORDINANCES AND PROGRAMS

Completed

Agua Dulce Community Standards District Amendment (Intent to adopt May 22, 2012)	Amends Title 22 to expand the Agua Dulce Community Standards District boundary and includes several provisions intended to continue to protect the equestrian, agricultural, historical, cultural, archaeological, and geological characteristics of the community.
Healthy Design Ordinance (Intent to adopt January 24, 2012; adopted February 5, 2013)	Amends Title 21 and Title 22 to promote more walking, bicycling, and exercise, and allow better access to healthy foods in the unincorporated Los Angeles County. Specifically, the Ordinance establishes bicycle parking, community gardens, farmers markets, and walkway networks within certain types of private developments, and improves existing standards for wider public sidewalks and more detailed depictions of street sections for subdivision projects.
Rural Outdoor Lighting District Ordinance (Adopted November 13, 2012)	Amends Title 22 to provide lighting standards to prohibit light trespass, require shielded fixtures, and reduce light pollution. These new outdoor lighting standards apply to the unincorporated rural areas of Santa Clarita Valley, Antelope Valley, Santa Monica Mountains, Coastal Islands and South Diamond Bar.
Title 22 Clean Up Ordinance (Adopted May 15, 2012)	Amends Title 21 and Title 22 to clarify ambiguous language, confusing processes and account for changes in related regulations including State law. Amendments are to the following sections: 21.08.090 (Lease project); 21.12.010 and 21.12.020 (Subdivision Committee); 21.40.040 and 21.48.040 (Information or documents required for tentative maps); 21.40.180 and 21.48.120 (Tentative map extensions); 22.08.230 (Definitions); 22.40.080 (Review of zone classification); 22.56.080 (Minor CUPs); 22.56.085 (Grant or denial of minor CUP by director); 22.56.1650 (Appeal from the hearing officer); and 22.60.190 (Administration).

Pending

Ambulance Services Ordinance	Amends Title 22 to define ambulance services and provide zones in which the use is permitted or conditionally permitted. The Ordinance includes amending Zones C-2 and C-3 to permit Satellite Emergency Ambulance Service Offices by-right, subject to development standards. The development standards are intended to ensure compatibility with adjacent properties.

Brackett Field Airport Land Use Compatibility Plan	On behalf of the Los Angeles County Airport Land Use Commission (ALUC), the Department of Regional Planning is developing an Airport Land Use Compatibility Plan (ALUCP) for the Brackett Field Airport, which is a County airport located at 1615 McKinley Avenue, in La Verne. The Brackett Field ALUCP will set forth land use compatibility policies applicable to future development in the vicinity of the Airport. The policies will be designed to ensure that future land uses in the surrounding area will be compatible with potential long-range aircraft activities at the Airport, and that the public's exposure to safety hazards and noise impacts are minimized. Once adopted, these policies will provide the basis by which the ALUC can carry out its land use development review responsibilities in accordance with State law.
General Plan Update Zoning Consistency	Amends Title 22 to implement the General Plan Update, including the addition of new residential, commercial, and mixed use zones, as well as major revisions to the existing mixed use and manufacturing zones. This project is concurrent with the General Plan Update.
Green Building Ordinance Amendment	Amends the Green Building Ordinances and Technical Manual, which were adopted in 2008. The purpose of the amendment is to achieve clarity and consistency with the adopted statewide CALGreen code and the County's Green Building standards code (Title 31). See Housing Element Progress Report for more information.
Healthy Design Phase II Design Guidelines and Title 22 Amendment	As part of Healthy Design Phase II (which is a continuation of the County's efforts to build healthier neighborhoods) amends Title 21 and potentially Title 22 to authorize the use of Design Guidelines on applicable development projects. The Design Guidelines will be utilized as a mechanism to implement many practices of sustainable land use development and design in both public and private facilities.
Hillside Management Ordinance Amendment	Amends Title 22 to encourage responsible hillside development based on slope, soil, natural drainage channels, seismic hazards, and fire hazards, and that consider potential public safety, environmental degradation, and hillside alteration, in areas where the slope is 25% or greater.
Historic Preservation Ordinance	Amends Title 22 to protect and preserve the County's historic and cultural resources through the designation of local historic landmarks. Other provisions may include the preparation of historic contexts and surveys, zoning relief, public outreach, and technical assistance.
Housing for Senior Citizens Code Amendment (Second Units)	Amends Title 22, including deleting outdated code provisions and adopting clarifying language to match the State's Second Unit provisions (CA Government Code 65852.1), which find that existing senior citizen residences with expired as well as effective Conditional Use Permits (CUP) are compliant with all relevant laws and regulations.
Mills Act Program	Amends Title 22 to provide an economic incentive program to allow owners of qualified landmark properties to receive a potential property tax reduction for the restoration and protection of landmark properties, according to the Secretary of Interior Standards for Rehabilitation.
Significant Ecological Areas (SEA) Ordinance Amendment	Amends Title 22 to implement the proposed amendments to the SEA Program in the General Plan Update.

Small Lot Subdivision Ordinance	Amends Titles 21 and 22 to allow small lot subdivisions in certain zones. A small lot subdivision is defined as a land division that creates fee simple, single-family residential lots with an area of less than 5,000 square feet. These small lots are generally less than 50 feet wide, with modifications to other development standards including but not limited to setback, street frontage, and access requirements. See Housing Element Progress Report for more information.
Technical Update to Title 22	Amends Title 22 to reorganize, clarify and simplify code language, consolidate identical or similar standards or procedures, delete obsolete or redundant code provisions, and streamline administrative and case processing procedures. The result will be a County Zoning Ordinance that is organized, efficient, and easy to use.
Zoning Ordinance Update Program	Amends Title 22 with policy changes, such as deleting obsolete uses and adding emerging uses, changing permitting allowances on a number of uses, modifying or adding development standards, conferring new duties and procedures and modifying existing ones. This project will be implemented on chapter by chapter basis, focusing on specific subject matter: recycling, parking, land use categories, etc.

BICYCLE MASTER PLAN IMPLEMENTATION

Background

A bicycle master plan is included as a sub-element of the Transportation Element of the General Plan. On March 13, 2012, the County Board of Supervisors adopted the 2012 Bicycle Master Plan (Plan), replacing the 1975 County Bikeway Plan. The purpose of the Bicycle Master Plan is to: 1) guide the development of infrastructure, policies and programs that improve the bicycling environment in the County; 2) depict the general location of planned bikeway routes throughout the County; and 3) provide for a system of bikeways that is consistent with the General Plan. The Plan proposes a vision for a diverse regional bicycle system of interconnected bicycle corridors, support facilities, policies, and programs to make bicycling more practical and desirable to a broader range of people in the County. The Plan will guide the development and maintenance of a comprehensive bicycle network and set of programs throughout the unincorporated County of Los Angeles for 20 years (2012 to 2032).

The Plan proposes over 800 miles of new bikeways in the County. It additionally includes non-infrastructure programs that are important to developing a bicycle friendly County. The Plan's success relies on the cooperative efforts of multiple County Departments, the Board of Supervisors, the bicycling public, incorporated cities, and advocates who recognize the benefits of cycling in their community. An implementation progress report in the General Plan Annual Progress Report to the Board of Supervisors is required by the Plan.

Bikeway Network Implementation

Implementation of the proposed bikeway network outlined in the Plan is the responsibility of the Department of Public Works (DPW), Programs Development Division, Bikeways Unit. The Bikeways Unit is responsible for planning and developing bikeway projects and overseeing the

ongoing operations of the County bikeways. Approximately 100 miles of Class I bike paths, along the beach and numerous rivers/flood control channels, such as the Los Angeles River and San Gabriel River are the maintenance responsibility of the Bikeways Unit. There are approximately 50 miles of existing on-road Class II and Class III bikeways throughout the unincorporated areas of the County, which are also the responsibility of the Bikeways Unit.

DPW policy is to implement proposed bikeways when reconstructing or widening existing streets, or when completing road rehabilitation and preservation projects. The following bikeways were implemented or began construction in 2012 (as part of Road Construction projects):

Project ID	Umbrella Project Name	Class	Facility	Limits/Comments	Status	Miles
RDC0014166	Duarte Road, et al.	III	Duarte Road	San Gabriel Blvd. to Rosemead Blvd.	Completed	1.0
RDC0014415	Rosemead Boulevard, et al.	III	Rosemead Boulevard	Foothill Blvd./Temple City Boundary	Completed	2.0
RDC0015342	Pathfinder Road	II	Pathfinder Road	Fullerton Rd./ Alexdale Ln.	Completed	2.0
RDC0015513	Fiji Way Bicycle Lane Project	II	Fiji Way	Fiji Way loop to Admiralty Way	Completed	0.8
RDC0015326	Gorman Post Road, et al. (Phase 2)	II	The Old Road	Stevenson Ranch Pkwy./ Sagecrest Circle South	Construction	1.8
RDC0015354	Vermont Avenue Median Landscaping, Phase 2	II	Vermont Avenue	Del Amo Blvd./223rd St.	Construction	1.5
		II	Vermont Avenue	228th St./Lomita Blvd.		1.5
		III	Vermont Avenue	223rd St./228th St.		0.4
RDC0015442	Woodbury Road Median Landscaping	II	Woodbury Avenue	Windsor Ave./Santa Anita Ave.	Construction	1.6
RDC0015526	Holliston Avenue, et al.	III	Holliston Avenue	Mendocino St./Altadena Dr.	Construction	0.3
RDC0015723	Hawthorne Boulevard and Atlantic Avenue	III	Atlantic Boulevard	San Luis St./ Alondra Blvd.	Completed	0.5
		II	Hawthorne Boulevard	104th St./111th St.		0.6

Since approval of the Plan, the County has applied for and received several competitive grants, which provide funding for the implementation of the Plan's proposed bikeway network. The County received a State-legislated Safe Routes to School (SR2S) grant totaling $450,000 in state funds to implement a bicycle boulevard in the West Athens-Westmont community. The County also received two State Bicycle Transportation Account grants totaling $833,000 in state

funds; one to widen the roadway and install bike lanes along Mureau Road in Calabasas; the other to install multiple bikeways, including a bicycle boulevard, in the West Athens-Westmont community. Furthermore, the County was most recently awarded three Highway Safety Improvement Program (HSIP) grants totaling $2.49 million in federal funds to widen portions of the roadway and install bike lanes along East Avenue O, 170th Street East, and 90th Street East in the Antelope Valley.

Program Implementation

Implementation Actions/Policies	Comment
IA 1.1.1: Propose and prioritize bikeways that connect to transit stations, commercial centers, schools, libraries, cultural centers, parks and other important activity centers within each unincorporated area and promote bicycling to these destinations. Policy 1.1: Construct the bikeways proposed in 2012 County of Los Angeles Bicycle Master Plan over the next 20 years.	Ongoing. DPW is actively implementing.
IA 1.6.2: Establish bicycle parking design standards and requirements for all bicycle parking on County property and for private development. Policy 1.6: Develop a bicycle parking policy.	Per the Board Motion that adopted the Plan, the County's Internal Services Department, completed a report to the Board summarizing the highest priority County buildings for the installation of bike racks and amenities, and their estimated cost.
IA 2.2.1: Identify opportunities to remove travel lanes from roads where there is excess capacity in order to provide bicycle facilities. Policy 2.2: Encourage alternative street standards that improve safety such as lane reconfigurations and traffic calming.	Ongoing. DPW is actively implementing with every upcoming road construction project.
IA 2.2.2: Implement the bicycle boulevards proposed by this Plan. Policy 2.2: Encourage alternative street standards that improve safety such as lane reconfigurations and traffic calming.	Ongoing. DPW has secured funding and is designing four bicycle boulevards, two in unincorporated East Los Angeles and two in unincorporated West Athens-Westmont.
IA 2.5.1: Implement improvements that encourage safe bicycle travel to and from school with the assistance of multiple awarded state and federal Safe Routes To School (SRTS/SR2S) grants. Policy 2.5: Improve and enhance the County's Suggested Routes to School program.	DPW is implementing.

Policy 2.7: Support the use of the Model Design Manual for Living Streets and Design as a reference for DPW.	Ongoing. This design reference is being used as reference material in consultant design service requests, to develop the Draft Mobility Element as part of the General Plan Update, and for County staff.
Policy 3.1: Provide bicycle education for all road users, children and adults.	Ongoing. The County's current bicycle education efforts are focused on implementing a Federal Safe Routes to School (SRTS) grant to provide bicycle and pedestrian safety education and encouragement training workshops and rodeos to students at 30 elementary schools. The safety education will be provided in a classroom for students, supplemented by weekend family events to encourage parent participation.
Policy 4.1: Support organized rides or cycling events, including those that may include periodic street closures in the unincorporated areas.	Ongoing. DPW provides support or grants the ability for various organized rides (including annual events such as the Tour de Sewer and LA River Ride) and cycling events (triathlons) to occur on County bike facilities, including the various river bikeways and the Marvin Braude beach bike path.
IA 4.2.1: Promote Bike to Work Day/Bike to Work Month among County employees. Policy 4.2: Encourage non-automobile commuting.	Ongoing.
IA 5.2.2: Provide closure updates to the community about County-maintained regional bikeways by maintaining http://dpw.lacounty.gov/bikepathclosures/. Policy 5.2: Create an online presence to improve visibility of bicycling issues in unincorporated Los Angeles County.	Ongoing. DPW has implemented by maintaining http://dpw.lacounty.gov/bikepathclosures/.
IA 6.1.1 Support innovative funding mechanisms to implement this Bicycle Master Plan. IA 6.1.3: Identify and apply for grant funding that support the development of bicycle facilities and programs by submitting multiple grant applications during the recent cycles of the State Bicycle Transportation Account, the Highway Safety Improvement Program, State and Federal Safe Routes to School, as well as Metro's own Call For Projects. Policy 6.1: Identify and secure funding to implement this Bicycle Master Plan.	Ongoing. DPW will continue to leverage funding for bikeways and bicycle support facilities through its road construction and bikeway programs. The County is committed to a balanced approach in assigning our available Road, Prop C Local Return, Measure R Local Return, and Article 3 Bikeway funds to address the County's streets and roads, bikeways, and pedestrian improvement and maintenance priorities commensurate with the needs and funding eligibility. DPW will also consider other innovative funding mechanisms, such as public/private partnerships, to implement the Plan.

II. GENERAL PLAN AMENDMENTS

ADOPTED

Project	Date	Description	Type	Batched
Local Plan Amendment Case No. R2009-02277-(4)	November 29, 2011; certified by the California Coastal Commission February 8, 2012	Local Plan Amendment Case No. R2009-02277-(4): A plan amendment to the Marina del Rey Local Coastal Program (LCP) consisting of open space enhancements, revisions to update the circulation element, collapsing of the designated Development Zones from 14 to three, determination of the demand for parking lots, establishment of a minimum number of boat slips, a conservation and management strategy for sensitive biological resources, removal of the Ballona Wetlands Restoration Area (Area A) from the LCP, and project-driven amendments.	Other (Local Coastal Plan)	
General Plan Amendment No. 00-196-(5) / Specific Plan Amendment No. 00-196-(5) / Local Plan Amendment No. 00-196-(5)	February 21, 2012	Remove "A" street as a secondary highway from the County Highway Plan in the General Plan and the circulation plan in the Santa Clarita Valley Area Plan, and to redesignate "A" street from a secondary highway to a local collector street in the Newhall Ranch Specific Plan. These plan amendments are associated a proposed mixed-use development consisting of, among other things, 270 single-family lots, 15 multi-family lots, 2 mixed-use/multi-family lots, 16 commercial lots, 83 open space lots, 3 recreation lots, 2 park lots, 5 trail-related lots, and 4 public facility lots, located north of the Santa Clara River and west of Interstate 5 in the Newhall Zoned District.	Transportation (Circulation) Element Other (Specific Plan)	Yes
General Plan Amendment No. 200900002-(2)	February 21, 2012	Amend the land use designation in the General Plan for the 3.2-acre portion of the Project site that is located within the unincorporated County area from Category 1 (Low-density Residential) to Category 4 (High-Density Residential), and to designate as Category 4 the 2.7-acre portion of the Project site that is located within the City of Los Angeles, so that upon approval of the detachment of the incorporated portion of the Project site from the City of Los Angeles, a General Plan designation consistent with the remainder of the project site will be in place for the subject property. The plan amendment is associated with a mixed-use, transit-oriented development consisting of 376 residential units and 17,180 square feet of commercial/retail	Land Use Element	Yes

		space adjacent to the Green Line Aviation/LAX Station in the unincorporated community of Del Aire.		
General Plan Amendment No. 201100008-(1-5) Bicycle Master Plan Update	March 13, 2012	Update to the Bikeway Master Plan, which is a sub-element of the Transportation Element of the General Plan. The Plan seeks to expand and connect the County network of bikeways, expand existing County maintained bicycle facilities, and develop a prioritized list of projects. Bicycle Master Plan as a sub-element of the Transportation Element and determine that the Final Bicycle Master Plan; and repeal the Master Plan of Bikeways, which was adopted by the Board in 1975.	Transportation (Circulation) Element	
General Plan Amendment No. 200700002-(5)	October 30, 2012	Amend the subject property's existing land use designation in the General Plan from Category 1 (Low-Density Residential) to Category 3 (Medium-Density Residential), which relates to a residential development involving the closure of a 228-unit mobilehome park and the construction of 318 residential condominium units and other site amenities and facilities on a property located at 4241 East Live Oak Avenue, in the unincorporated community of South Monrovia Islands.	Land Use Element	
General Plan Amendment 2009-00006-(5) Santa Clarita Valley Area Plan Update (One Valley One Vision)	November 27, 2012	The Area Plan Update is a component of One Valley One Vision, a joint planning effort with the City of Santa Clarita. The Area Plan address the region's growth, infrastructure development, transportation, housing, and open space.	Land Use Element Transportation (Circulation) Element Conservation and Open Space Element Safety Element Noise Element	

PENDING

Antelope Valley Area Plan Update	Proposed update of the Antelope Valley Area Plan. This project recognizes the individual needs and identity of each unique town in the unincorporated Antelope Valley, as well as the collective needs and identity of the Antelope Valley as a whole. Its success depends upon the commitment of residents, property owners, business owners, and other stakeholders in the Valley to develop a common vision that will guide growth in the unincorporated areas of the Antelope Valley in coming

	years.
Centennial Specific Plan	Proposed master-planned community, with a proposed Specific Plan, located in the northwestern part of the County. Centennial is located on approximately 11,680 acres and will include 22,998 dwelling units, 12.4 million square feet of Business Park (light industrial) uses, and 2 million square feet of commercial uses. The project will also provide K-8 schools and high schools, fire stations, a Sheriff station, library and other services and utilities, including potable water and wastewater treatment facilities. Entitlements needed for Centennial include a General Plan amendment; Antelope Valley Areawide General Plan amendment; zone change; oak tree permit; and conditional use permit for development in an SEA, hillside management and project grading. The project will be built in phases over approximately 25 years. Phase One consists of a large lot parcel map and three vesting tentative tract maps, and when built will consist of approximately 4,190 acres with 5,834 dwelling units, 3.3 million square feet of Business Park uses, 255,915 square feet of commercial uses and two K-8 schools, one high school, a fire station, an interim Sheriff station, an interim library and necessary infrastructure and utilities.
Climate Action Plan	A Climate Action Plan (CAP) is an integral part of the County's efforts to comply with Assembly Bill 32 California Global Warming Solutions Act (2006). The project is to complete the final of three phases to develop a Community Climate Action Plan for the unincorporated areas. The County completed Phases I and II, which consist of a GHG emissions inventory and an analysis of candidate GHG reduction measures, in 2012. The CAP will be a component of the General Plan.
East Los Angeles 3rd Street Specific Plan	Proposed Specific Plan for the unincorporated portion of the East Los Angeles, located north and south of the Metro Gold Line Eastside Extension along 3rd Street. The Third Street Specific Plan defines a vision and a set development principles to guide future development within the plan area over the next 20 years. The Specific Plan includes a form based code and recommendations for improving the public realm, which are intended to implement principles of transit-oriented development.
Florence-Firestone Community Plan	Proposed Community Plan for the unincorporated community of Florence-Firestone, which is an outgrowth of a visioning process conducted in 2009, and which refines the broad framework established in the vision plan through a series of community workshops and activities. The Community Plan refines land use designations around the three Transit Oriented Districts to implement the draft TOD Program in the General Plan Update. The Community Plan also addresses infrastructure needs, housing, public safety and open space. In addition, during the reporting period, the County received a grant from the Southern California Association of Governments to prepare a series of technical reports to help inform development of the Community Plan. These include: Land Use and Sustainability; Transit-Oriented Development Evaluation; and Market Feasibility Analysis. Staff also obtained a Caltrans Community-Based Transportation Planning Grant to complete community outreach workshops and prepare the Draft Plan, which was completed in December 2013.
Housing Element Update	Proposed amendments to the 2008 Housing Element to be consistent with the State Housing Element Law. The Housing Element examines current and future housing needs and identifies public and private solutions to increase safe, decent and affordable housing and housing choice in the County's unincorporated communities for the 2014-2021 planning period.

Marina del Rey Local Coastal Program Update	Proposed update to the Marina del Rey Local Coastal Program (LCP) to incorporate modifications suggested by the California Coastal Commission and to guide growth in the Marina over the next 20 years. The amendments will be considered by the Regional Planning Commission in Fall 2013.
Santa Monica Mountains Local Coastal Program	Proposed Santa Monica Mountains Local Coastal Program (LCP), which consists of both the Coastal Zone Plan (CZP) and the Local Implementation Program. The CZP will replace the Malibu Land Use Plan, which was certified by the Coastal Commission in 1986 and is currently the planning tool used for the Santa Monica Mountains Coastal Zone. The CZP includes some of the policies of the 1986 Land Use Plan, new policies, and many policies from the Santa Monica Mountains North Area Plan. The Board of Supervisors signified its intent to approve the proposed LCP on October 30, 2007 and asked for staff to make changes to the LCP before bringing it back for final approval. DRP Staff is working with Coastal Commission staff to make those changes. The revised LCP will be considered by the Board by mid-2013, and will be considered by the Coastal Commission for certification shortly thereafter.
Santa Monica Mountains North Area Plan Update	Proposed amendments to the Santa Monica Mountains North Area Plan in conjunction with proposed amendments to the Santa Monica Mountains North Area Community Standards District, which the Board of Supervisors directed the Department of Regional Planning to initiate in 2009 to fully implement the Santa Monica Mountains North Area Plan. The amendments will be considered by the Regional Planning Commission in Fall 2013.
Universal Studios Specific Plan	Proposed joint planning effort between NBC Universal, the City of Los Angeles, and the County of Los Angeles to address the redevelopment of the 391-acre Universal City property. Through a Memorandum of Understanding, the City of Los Angeles (Lead Agency) and the County of Los Angeles (Responsible Agency) have jointly prepared a Draft EIR (DEIR) for two separate specific plans; the Universal Studios Specific Plan (County), and the Universal City Specific Plan (City). The FEIR was certified by the City of Los Angeles and the County is currently in the public hearing process for the Specific Plan. The Universal Studios Specific Plan (County) effort primarily addresses approximately 2 million square feet of new development including studio, office, hotel, theme park, amphitheater, and City Walk retail uses. The City of Los Angeles has adopted a project without the mixed-use component consisting of 2,937 units of residential development and supporting neighborhood commercial and open space uses. In total, the NBC Universal Evolution Plan includes the annexation of approximately 4 acres from the County to the City and detachment of approximately 28 acres from the City to the County.

III. GENERAL PLAN UPDATE PROGRAM

In 1997, the Los Angeles County Board of Supervisors initiated the General Plan Update. Over the years, the Department of Regional Planning ("DRP") has conducted over 100 community meetings and presentations to garner stakeholder input, which have shaped the goals and policies in the General Plan Update. In addition to community outreach efforts, the DRP has worked closely with public agencies and major stakeholders to review and revise multiple drafts of the General Plan Update.

The General Plan Update represents a comprehensive effort to update the County's 1980 General Plan, and guide development through the year 2035. The General Plan Update consists of the following elements:

- Land Use Element
- Mobility Element
- Air Quality Element
- Housing Element (adopted and certified 2008)
- Conservation and Natural Resources Element
- Parks and Recreation Element
- Noise Element
- Safety Element
- Public Services and Facilities Element
- Economic Development Element

The theme of the General Plan Update is sustainability. Sustainability requires that planning practices meet the County's needs without compromising the ability of future generations to realize their economic, social, and environmental goals. The General Plan Update has been designed to utilize, promote and implement policies that promote healthy, livable, and sustainable communities.

The General Plan also identifies five guiding principles—Smart Growth; Sufficient Community Services and Infrastructure; Strong and Diversified Economy; Environmental Resource Management; and Healthy, Livable and Equitable Communities—to further the overall goal of sustainability. These principles are supported by community-identified goals and stakeholder input.

Major Activities

In 2012, the DRP released a revised Draft General Plan. In addition, the staff held numerous stakeholder meetings to solicit input on the Draft General Plan. These include informal brown bag discussions and meetings with local, regional, state agencies, and several stakeholder groups that represent or focus on the following: building industry; design; affordable housing; business; economic development; environmental; climate change and climate change

adaptation; open space; transportation; public health, environmental justice; agriculture; and childcare and educational facilities. The staff also met with numerous town councils, homeowners associations and neighborhood groups throughout the County to discuss the General Plan Update and related zoning consistency efforts.

Based on comments from these meetings and input from other County departments, DRP staff made refinements to the maps, figures, and content of the Draft General Plan.

Staff also continued to support the development of the Draft EIR and GIS-based buildout model, and General Plan-related projects, such as Antelope Valley Area Plan Update, Florence-Firestone Community Plan, Hillside Management Ordinance, SEA Ordinance, and Zoning Consistency.

Schedule

The DRP anticipates releasing a revised Draft General Plan that reflects stakeholder recommendations, and the Draft EIR in late 2013. The DRP anticipates initiating the public hearings on the General Plan Update and the EIR in 2014.

For more information on the General Plan Update, please visit the DRP's web site at: http://planning.lacounty.gov/generalplan.

HOUSING ELEMENT ANNUAL PROGRESS REPORT

CY 2012

The purpose of this report is to demonstrate Los Angeles County's compliance with the requirements of Government Code Section 65400(a)(2)(B), which mandates local jurisdictions to prepare an annual report on the implementation progress of the Housing Element of their General Plan. The report must provide information on the County's progress toward meeting its share of the regional housing need and local efforts to remove governmental constraints to the development of housing, as defined in Government Code Sections 65584 and 65583(c)(3). The information must be reported to the CA Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) using the guidelines set forth in the Housing Element Law and as provided by HCD. Prior to submission to the State, the report must be considered at a public meeting before the Board of Supervisors, where members of the public can submit oral and/or written comments on the report.

I. BACKGROUND

On August 5, 2008, the Board of Supervisors unanimously adopted the Fourth Revision to the Housing Element, which covers the period 2008 – 2014. One change made by the Board is the addition of language in the Housing Element to strengthen the County's commitment to SB 2, a bill that requires adequate planning for emergency shelters and clarifies the definition of supportive and transitional housing. In addition, the Board instructed the staff to initiate and expedite the implementation of two programs, and report back within a year: Program 10 Inclusionary Housing Feasibility Study, and Program 12 Small Lot Subdivisions Feasibility Study and Ordinance. On November 6, 2008, the Housing Element was certified by HCD.

II. REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

The Southern California Association of Governments (SCAG) is responsible for determining the Regional Housing Needs Allocation (RHNA) for each local jurisdiction within its six-county region.[1] For the Fourth Revision of the Housing Element, the County unincorporated area has been allocated a RHNA of 57,176 units, which is broken down by income level as follows:

- Extremely Low/Very Low Income (up to 50 percent of AMI): 14,425 units (25.2 percent)[2]
- Lower Income (51 to 80 percent of AMI): 9,073 units (15.9 percent)
- Moderate Income (81 to 120 percent of AMI): 9,816 units (17.2 percent)
- Above Moderate Income (more than 120 percent of AMI): 23,862 units (41.7 percent)

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[1] Southern California Association of Governments (SCAG) covers a six-county region, including Los Angeles County, Orange County, Riverside County, San Bernardino County, Ventura County, and Imperial County.

[2] The County has a RHNA allocation of 14,425 very low income units. Pursuant to AB 2634, the County must project the housing needs of extremely low income households based on Census income distribution, or assume 50 percent of the very low income units as extremely low income units. In the absence of income data for the extremely low income households, 50 percent of the very low income units are assumed to be extremely low income. Therefore, the County's RHNA of 14,425 very low income units may be divided into 7,212 extremely low income units and 7,213 very low income units. However, for the purposes of identifying adequate sites for the RHNA, the State law does not mandate the separate accounting of units for extremely low income households.

The County is required through the Housing Element to ensure the availability of residential sites at adequate densities and appropriate development standards in the unincorporated areas to accommodate the RHNA over the planning period. During the implementation period, the County is required to report on the progress toward reaching the RHNA goals, through residential building permit activities.

Residential Building Permit Activity in CY 2012

Table A1, is a summary of building permit activity and construction for affordable housing developments (subsidized and/or deed-restricted, or "market affordable"[3]) between January 1, 2012 and December 31, 2012. **Table A2**, is a summary of building permit activity for above moderate income units issued by the County during the 2012 reporting period.

Table A1
Annual Building Activity Report
Very Low, Lower, and Moderate Income Units and Mixed Income Multifamily Projects 2012

APN	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Assistance Programs for Each Development	Deed Restricted Units	Housing without Financial Assistance or Deed Restrictions
			Very Low-Income	Lower Income	Moderate Income	Above Moderate Income				
		R	60				60	HOME, Industry		
Total of **Above Moderate** from Table A2 ► ► ►						571				
Total by income units Table A ► ► ► ► ►			60	0	0	571				

Sources: County of Los Angeles Community Development Commission, Affordable Housing Data, January 1, 2012-December 31, 2012.
County of Los Angeles Department of Public Works, Building and Safety Division, Unincorporated County Area, Residential Building Permit Data, January 1, 2012-December 31, 2012.

Table A2
Annual Building Activity Report Summary for Above Moderate Income Units 2012

	Single Family Dwellings	**Two-Family Dwellings**	**Multi-Family Units**	**Mobile Homes**	**Total**
No. of Units Permitted for Above Moderate	299	219	49	4	571

Source: County of Los Angeles Department of Public Works, Building and Safety Division, Unincorporated County Area, Residential Building Permit Data, January 1, 2012-December 31, 2012.

[3] Non deed-restricted units, but meets the State's definition of affordable. The report must include analyses on rents and housing prices, and other information to demonstrate affordability and in order to credit these units as "affordable."

Regional Housing Needs Allocation Progress

Table B identifies the housing units, by income level, completed from January 1, 2006 through December 31, 2012. Also, the table shows the progress towards reaching the unincorporated County's share of regional housing needs. As shown on the Table, the number of additional dwelling units needed during the 2008-2014 planning period is 46,902, or roughly 88 percent of the RHNA.

In 2012, there were a total of 1,981 RHNA units transferred to the City of Santa Clarita due to annexations (365 Very Low, 232 Lower, 250 Moderate, and 1,134 Above Moderate). Table B reflects these adjustments. For more information, please refer to **Appendix A**.

Table B
Regional Housing Needs Allocation Progress

		2006	2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date	Total Remaining RHNA by Income Level
Income Level	**RHNA Allocation by Income Level**	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**		
Extremely Low/ Very Low	13,693*	0	99	0	0	0	86	60			245	13,448
Lower	8,607*	12	25	15	0	0	4	0			56	8,551
Moderate	9,312*	206	138	0	0	0	0	0			344	8,968
Above Moderate	21,585*	1,794	1,339	941	310	532	163	571			5,650	15,935
Total RHNA	53,197*	2,012	1,601	956	310	532	253	631			6,295	46,902
Total Units ► ► ►												
Remaining Need for RHNA Period ► ► ► ► ►												

Sources: SCAG, Regional Housing Needs Assessment, 2007; Los Angeles County Department of Public Works, Building & Safety Division for the number of dwelling units assumed to be constructed during the period January 1, 2006-December 31, 2012; Los Angeles County Community Development Commission affordable housing development completions, January 1, 2006-December 31, 2012. Income categories based on a household of four members and the area median income, which is annually revised according to the U.S. Dept. of Housing and Urban Development and HCD.

Note: The RHNA for the Fourth Revision of the Housing Element in the SCAG region used January 1, 2006 as the baseline for projecting housing needs. Housing units that have been constructed, issued building permits, or approved since January 1, 2006 have been credited toward the RHNA for the 2008-2014 planning period.

*RHNA allocations reflect adjustments made per a RHNA transfer to the City of Diamond Bar, effective October 27, 2010; to the City of Calabasas, effective December 9, 2011; and to the City of Santa Clarita (Copperstone; effective June 14, 2012)(Canyon/Jakes Way/Fair Oaks Ranch; September 11, 2012)(North Copperhill; effective November 29, 2012).

III. HOUSING ELEMENT PROGRAM IMPLEMENTATION

The Housing Element contains programs with specific time frames for implementation. **Appendix B: Table C1** shows the implementation progress of programs between January 1, 2012 and December 31, 2012.

Adequate Sites Inventory

The adequate sites inventory in the Housing Element identifies qualified sites that allow an array of housing types and densities, and in the case of mixed use areas, sites that permit other, non-residential uses. In order to maintain the adequate sites inventory to meet the County's RHNA over the planning period, as specified in Program 1: Adequate Sites for Regional Housing Needs Allocation, the Annual Housing Element Progress Report notes when a site does not meet or exceeds the projected potential. In addition, the Report identifies alternative sites—sites with approved projects, or zone changes and plan amendments, which were not identified in the Housing Element. **Table C2** and **Table C3** show the status of the County's adequate sites inventory at the end of 2012, with sites (previously identified and new) that accommodate units at densities for very low and lower income households, and moderate income households.[4]

Table C2
Status of Adequate Sites Inventory
Potential for Very Low/Lower Income Units

KEY: Listed on Adequate Sites Inventory
Listed as a pending case in the Housing Element

APN	Year	Adequate Sites Inventory Unit Potential	Approved Units (5/1/08-12/31/12)		NOTES
		Very Low/Lower	Income Restricted (Very Low/Lower)	Market Rate	
6060009900	2008	0	61	0	R2007-02305: 61 very low income units for seniors. Note: Adequate Sites Inventory identifies site as having potential for 10 moderate income units (see Table C3)
6181032040 6181032041 6181032042 6181032043 6181032044 6181032045 6181032046	2008	0	54	0	R2007-01819: 54 very low income units for persons with developmental disabilities and senior citizens (+30 in the City of Compton for a total of 84 units)
7344023001 7344023138 7344023139	2008	0	22	224	TR067784: 246 attached condo units (22 of which are income-restricted for lower income households)
3204005025	2009	0	75	0	R2005-03443: 75 very low income senior citizen housing development with density bonus

[4] The affordability of non deed-restricted units must be demonstrated through the analysis of rents and housing prices, which would be analyzed when the project is actually built.

APN	Year	Adequate Sites Inventory Unit Potential	Approved Units (5/1/08-12/31/12)		NOTES
		Very Low/Lower	Income Restricted (Very Low/Lower)	Market Rate	
5250003904 5250003905 5250003906 5250003908	2009	0	60	0	R2009-00659: 60 unit mixed use complex with 12 joint live and work units, a community center and 48 apartments for very low and lower income households.
8404004048	2009	14	0	20	R2008-01682: 20 apartment units
6090008023 6090008024 6090008025	2010	6	0	14	TR068503: One multifamily lot with 14 attached condo units in two buildings on 0.89 gross acres.
7344002028	2010	159	0	74	R2009-00807: CUP for 74 unit mobile home park. Categorically exempt from CEQA.
6079005014 6079005015 6079005016	2011	51	72	0	R2011-00374: 72 unit affordable housing project with density bonus.
6009008021	2011	0	30	0	R2006-00769: 30 unit apartment building.
4211003038 4211003040 4211003041 4211003042 4211003068	2011	0	0	196	General Plan Amendment Case No. 2009-00013-(2): A change the subject property's existing land use designation in the General Plan from Category 1 to Category 4, which relates to the development of a multi-family residential complex consisting of 196 rental units with appurtenant structures, within the unincorporated community of West Fox Hills.
6340021015 6340021016	2012	41	0	41	R2007-03182: To reclassify a motel into an apartment building.
6134001011 6134001012	2012	0	54	0	R2010-01629: 54-unit apartment complex affordable to very low income households located in the C-2 zone, to authorize an affordable housing density bonus (Sec. 22.52.1880) with 62 surface parking spaces, West Rancho Dominguez CSD. Note: Adequate Sites Inventory identifies site as having potential for 22 moderate income units (see Table C3).
TOTAL		271	428	569	

Source: County of Los Angeles Department of Regional Planning, Housing Approvals Report, January 1, 2012-December 31, 2012.

Note: This comparison only includes units approved between May 1, 2008 to December 31, 2012. Units approved on or prior to April 30, 2008 have been credited toward the RHNA in the Housing Element (see Table 2.11 of the Housing Element).

Table C3
Status of Adequate Sites Inventory
Potential for Moderate Income Units

KEY
Listed on Adequate Sites Inventory
Listed in as a pending case in the Housing Element

APN	Date	Adequate Sites Inventory Unit Potential	Approved Units (5/1/08-12/31/12)		NOTES
		Moderate	Income Restricted (Moderate)	Market Rate	
6060009900	2008	10	0	0	Site was approved for 61 very low income units (see Table C2)
6342018006	2008	0	0	3	R2006-1950: Triplex
6342035007	2008	0	0	3	R2008-00636: Triplex
6010020004	2008	0	0	4	R2007-01670: Four unit apartment
2826022027	2009	93	0	93	TR 53653: 1 MF lot for 93 market-rate units for seniors (+ 93 SF)
5009004011	2009	8	0	0	Convert SFR to retail
5227018019	2009	2	0	0	SFR
5229013010	2009	2	0	2	R2008-02087: Duplex
5284010022	2009	0	0	4	PM063158:Create MF lot for four attached condos
5751005033	2009	9	0	0	New retail
5845022001-14 58450220016	2009	278	0	278	R2007-02030: 278 independent living and assisted living units for seniors, including a 44 unit senior citizen housing development with a 14% density bonus.
6021005035	2009	4	0	4	R2005-01470: Four unit apartment
6059028003	2009	2	0	2	R2006-03768: Duplex
6079002048 6079002049 6079002065 6079002077	2009	69	0	69	To amend the West Athens-Westmont Neighborhood Plan Land Use Policy Map from RD 2.3 (Single-Family Residence, 8 units or fewer per acre) to RD 3.1 (Two-Family Residence, 17 units or fewer per acre) to create one multi-family lot with 69 detached condominium units and one private park lot on 7.0 gross acres, for property located at 1535 West 120th Street, West Athens-Westmont Zoned District.

APN	Date	Adequate Sites Inventory Unit Potential	Approved Units (5/1/08-12/31/12)		NOTES
		Moderate	Income Restricted (Moderate)	Market Rate	
6086031016 6086031017	2009	14	0	0	Charter school
6086031036	2009	11	0	0	School
6181022002 6181022003	2009	12	0	10	TR54299: Create MF lot with 10 detached units
6342023016	2009	0	0	2	R2008-02354:Add two units to single family house in R-3 zone
7344024003	2009	0	0	21	TR060027: Create MF lot for 21 attached condos
8761012015	2009	6	0	0	New retail
3231011002	2010	0	0	31	TR066202: To create one multifamily lot with 31 detached condo units on 7.61 acres
5231004015	2010	2	0	2	R2008-00129: New duplex
5239008016	2010	4	0	3	RPP 201000325 (R2010-00438): New triplex
5379014010	2010	0	0	3	PM070129: To create one multifamily lot with three detached condo units on 0.40 gross acres.
6149005040	2010	1	0	0	R2009-00375: New office building
7344024009	2010	20	0	19	TR063243: To create one multifamily lot with 19 attached condo units in four buildings on 0.92 gross acres. With approved plan amendment to increase from category 1 (low density residential- one to six dwelling units per gross ac) land use category of the Countywide General Plan to Category 3 (Medium Density Residential 12 to 22 dwelling units per gross ac).
8178031020	2010	2	0	0	Single family residence
5388032021	2011	0	0	30	TR071234: 30 detached condominium units.
6180021006	2011	4	0	0	R2010-01110: New commercial building

APN	Date	Adequate Sites Inventory Unit Potential	Approved Units (5/1/08-12/31/12)		NOTES
		Moderate	Income Restricted (Moderate)	Market Rate	
6180021005	2011	3	0	0	R2010-01110: New commercial building
5378020023	2011	4	0	0	PM069123: Create four single family lots.
6009014002	2012	4	0	0	R2012-01408: New SFR
6134001011 6134001012	2012	22	0	0	Site was approved for 54 very low income units (see Table C2)
8511028017	2012	0	0	318	General Plan Amendment No. 200700002-(5)/TR068400: Amend the subject property's existing land use designation in the General Plan from Category 1 (Low-Density Residential) to Category 3 (Medium-Density Residential), which relates to a residential development involving the closure of a 228-unit mobilehome park and the construction of 318 residential condominium units and other site amenities and facilities. 75 of the 318 units are market-rate senior citizen housing units.
4140002001 4140002002 4140002003 4140002004 4140002005 4140002006 4140002007 4140002030 4140002031 4140002032 4140002033 4140002034 4140002035 4140002038 4140002039	2012	0	0	376	General Plan Amendment No. 200900002-(2)/TR070853: To create a two-lot mixed use development with 376 multi-family residential units (264 condominium units and 112 apartment units), and 29,500 square feet of commercial/retail space on 5.9 gross acres.
TOTAL		586	0	1277	

Source: County of Los Angeles Department of Regional Planning, Housing Approvals Report, January 1, 2012-December 31, 2012.

Note: This comparison only includes units approved since May 1, 2008 because units approved on April 30, 2008 or prior have been credited toward the RHNA in the Housing Element (see Table 2.11 in the 2008 Housing Element).

VI. OTHER MAJOR HOUSING INITIATIVES

Affordable Housing Approved under the Density Bonus Ordinance

On August 8, 2006, the Board of Supervisors adopted Ordinance 2006-0063, amending the Los Angeles County Zoning Code with eligibility, regulations and procedures for the granting of density bonuses and incentives for affordable and senior citizen housing—as required for consistency with Section 65915 of the California Government Code, the State Density Bonus Law. The County's density bonus provisions go beyond the State-mandated requirements by providing options for additional density bonuses and incentives for affordable housing and senior citizen housing (through a discretionary procedure). In addition, the ordinance uses a menu of incentives to encourage projects that provide 100% affordable, are located near mass transit and/or provide infill development, while granting all incentives consistently with the State-mandated requirements.

As of the end of 2012, the Department has approved 726 affordable units and 950 units (including market-rate senior citizen units) total from the density bonus program since SB 1818, which made significant changes to the State Density Bonus Law, took effect on January 1, 2005.

Second Units

On March 3, 2004, the Los Angeles County Board of Supervisors adopted Ordinance 2004-0012, amending the Los Angeles County Zoning Code with regulations and procedures for the review of second residential units—as required for consistency with the State law.

In 2012, the Department approved 24 second units, for a total of 479 second units since the ordinance took effect in 2004.

Mixed Use Ordinance

On July 1, 2008, the Board of Supervisors adopted amendments to the Los Angeles County Zoning Code to modify certain commercial zones to allow vertical mixed use developments through an administrative procedure. In 2012, there were zero new units created under this ordinance.

Farm Worker Housing Ordinance

On September 14, 2010, the Board of Supervisors adopted the Farmworker Housing Ordinance, which is a program that brings the County's provisions for farmworker housing into compliance with the Employee Housing Act. In 2012, there were zero new units created under this ordinance.

Reasonable Accommodations Ordinance

On November 29, 2011, the Board of Supervisors adopted the Reasonable Accommodations Ordinance, which establishes procedures for individuals with disabilities to request reasonable accommodations (with respect to planning and land use regulations) in order to obtain equal opportunity to housing. In 2012, the Department finalized application materials and review procedures, and granted three reasonable accommodations requests.

Small Lot Subdivisions Ordinance

On August 5, 2008, the Los Angeles County Board of Supervisors adopted the 2008-2014 Housing Element and instructed the Department of Regional Planning (DRP) to initiate a feasibility study for establishing a program for small lot subdivisions and to report back to the Board in a year. In October of 2009, the staff submitted a feasibility study to the Board of Supervisors. In December 2012, the Regional Planning Commission initiated the preparation of the ordinance, which is anticipated to be completed in 2014. A copy of the memo to the Regional Planning Commission is included as **Appendix C**.

Inclusionary Housing Program

On August 5, 2008, the Los Angeles County Board of Supervisors adopted the 2008-2014 Housing Element and instructed the Department of Regional Planning (DRP) to initiate a feasibility study for establishing an inclusionary housing program, and to report back to the Board in a year. On July 2, 2012, the Department submitted the final report to the Board. Due to a recent court decision, *Palmer/Sixth Street Properties v. City of Los Angeles*, which restricts local jurisdictions from implementing mandatory inclusionary housing policies that apply to rental housing, the Department of Regional Planning does not recommend pursuing an inclusionary housing policy, and instead recommends the consideration of alternative strategies to address housing affordability in the unincorporated areas. A copy of the report is included as **Appendix D**.

Appendices

Appendix A: Documentation regarding RHNA transfers to the City of Santa Clarita
Appendix B: Table C1 Implementation Progress of Housing Programs
Appendix C: Small Lot Subdivision Ordinance Memo to the Regional Planning Commission
Appendix D: Inclusionary Housing Report to the Board of Supervisors

Appendix A: Documentation regarding RHNA transfers to the City of Santa Clarita

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 9, 2012

Mr. Hasan Ikhrata
Executive Director
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017

Dear Mr. Ikhrata:

REGIONAL HOUSING NEEDS ALLOCATION (RHNA) TRANSFER TO THE CITY OF SANTA CLARITA FOR ANNEXATION NO. 2011-20 (VISTA CANYON)

The Local Agency Formation Commission for the County of Los Angeles (LAFCO) has certified and recorded Annexation No. 2011-20 (Vista Canyon). As part of this annexation, the City of Santa Clarita has agreed to accept a RHNA transfer of 1,847 units from the County of Los Angeles (see enclosures). The table below provides the income breakdown of this transfer:

RHNA Transfer by Income Level	
Very Low Income	332 units
Lower Income	210 units
Moderate Income	227 units
Above Moderate Income	1,078 units
Total	**1,847 units**

Should you have any questions, please contact Anne Russett at (213) 974-6417 or by e-mail at arussett@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

RJB:CC:AR:lm

Enclosures:

1. Letter from the Los Angeles County Chief Executive Office to the City of Santa Clarita
2. RHNA Transfer Confirmation Letter from the City of Santa Clarita

c: Dorothea Park, Los Angeles County Chief Executive Office
Marge Santos, Los Angeles County Chief Executive Office
Jason Tajima, Los Angeles County Chief Executive Office
Kenneth R. Pulskamp, City Manager, City of Santa Clarita
Jeff Hogan, Interim Planning Manager, City of Santa Clarita
Fred Follstad, City of Santa Clarita
James Chow, City of Santa Clarita
Patrick Leclair, City of Santa Clarita
Ma'Ayn Johnson, Southern California Association of Government

County of Los Angeles
CHIEF EXECUTIVE OFFICE
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
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http://ceo.lacounty.gov

WILLIAM T FUJIOKA
Chief Executive Officer

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Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

January 30, 2012

Kenneth R. Pulskamp, City Manager
City of Santa Clarita
23920 Valencia Blvd., Suite 300
Santa Clarita, CA 91355

Dear Mr. Pulskamp:

PROPOSED AGREEMENT FOR TRANSFER OF REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA FOR THE SANTA CLARITA ANNEXATION NOS. 2011-20 (VISTA CANYON), 2011-22 (NORTH COPPERHILL), AND 2011-23 (NORLAND/ROBINSON ROAD)

The Los Angeles County Board of Supervisors Policy 3.095 – City Annexations and Spheres of Influence, states that "The County will seek to negotiate agreements with any city proposing to annex unincorporated territory to appropriately transfer Southern California Association of Governments (SCAG) Regional Housing Needs Assessment (RHNA) allocations from the unincorporated area to an annexing city".

Based on meetings between the Department of Regional Planning and the City, the following RHNA transfer calculations have been made:

RHNA Category	Annexation #2011-20 (Vista Canyon) RHNA Transfer Units	Annexation #2011-22 (North Copperhill) RHNA Transfer Units	Annexation #2011-23 (Norland/Robinson Rd.) RHNA Transfer Units
Very Low Income	332	31	46
Lower Income	210	20	29
Moderate Income	227	21	32
Above Moderate Income	1,078	52	76
Total	**1,847**	**124**	**183**

As part of the annexation process, please provide us with written confirmation of the City's acceptance of the SCAG RHNA allocations, as mentioned above. If you have any questions, your staff may contact Jason Tajima at (213) 974-1145, or jtajima@ceo.lacounty.gov.

Sincerely,

RITA L. ROBINSON
Deputy Chief Executive Officer
Community Services Cluster and Capital Programs

RLR:DSP
JT:os

c: Supervisor Michael D. Antonovich, Fifth Supervisorial District
John Krattli, Acting County Counsel
Richard J. Bruckner, Director of Regional Planning
Paul A. Novak, Executive Officer, Local Agency Formation Commission for the County of Los Angeles

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City of
SANTA CLARITA

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196
Phone: (661) 259-2489 • FAX: (661) 259-8125
www.santa-clarita.com

February 9, 2012

County of Los Angeles Chief Executive Office
Rita L. Robinson, Deputy Chief Executive Officer
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713
Los Angeles, CA 90012

Dear Ms. Robinson:

Subject: Proposed Agreement for Transfer of Regional Housing Needs Assessment (RHNA) Allocation to the City of Santa Clarita for Annexation Nos. 2011-20 (Vista Canyon), 2011-22 (North Copperhill), and 2011-23 (Norland Road/Robinson)

This letter is in response to your January 30, 2012, letter regarding the transfer of RHNA numbers as a part of the above referenced annexations. Our City Planning Division staff has met with Los Angeles County Regional Planning Division staff to review the RHNA numbers being proposed for the transfer to the City. Based on those meetings, the City agrees with, and accepts the RHNA numbers as identified in the January 30, 2012, letter.

Should you have any questions, please contact me or Jeff Hogan, Interim Planning Manager, at (661) 255-4995.

Sincerely,

Kenneth R. Pulskamp
City Manager

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cc: Ken Striplin, Assistant City Manager
Darren Hernandez, Deputy City Manager
Robert Newman, Director of Public Works
Jeff Hogan, Interim Planning Manager

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 6, 2012

Mr. Hasan Ikhrata
Executive Director
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017

Dear Mr. Ikhrata:

REGIONAL HOUSING NEEDS ALLOCATION (RHNA) TRANSFER TO THE CITY OF SANTA CLARITA FOR ANNEXATION NO. 2011-22 (NORTH COPPERHILL)

The Local Agency Formation Commission for the County of Los Angeles (LAFCO) has certified and recorded Annexation No. 2011-22 (North Copperhill). As part of this annexation, the City of Santa Clarita has agreed to accept a RHNA transfer of 124 units from the County of Los Angeles (see enclosures). The table below provides the income breakdown of this transfer:

RHNA Transfer by Income Level	
Very Low Income	31 units
Lower Income	20 units
Moderate Income	21 units
Above Moderate Income	52 units
Total	**124 units**

Should you have any questions, please contact Anne Russett at (213) 974-6417 or by e-mail at arussett@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

RJB:CC:AR:ems

Enclosures

c: Dorothea Park, County of Los Angeles Chief Executive Office
Marge Santos, County of Los Angeles Chief Executive Office
Jason Tajima, County of Los Angeles Chief Executive Office
Kenneth R. Pulskamp, City Manager, City of Santa Clarita
Jeff Hogan, Interim Planning Manager, City of Santa Clarita
Fred Follstad, City of Santa Clarita
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MICHAEL D. ANTONOVICH
Fifth District

January 30, 2012

Kenneth R. Pulskamp, City Manager
City of Santa Clarita
23920 Valencia Blvd., Suite 300
Santa Clarita, CA 91355

Dear Mr. Pulskamp:

PROPOSED AGREEMENT FOR TRANSFER OF REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA FOR THE SANTA CLARITA ANNEXATION NOS. 2011-20 (VISTA CANYON), 2011-22 (NORTH COPPERHILL), AND 2011-23 (NORLAND/ROBINSON ROAD)

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Based on meetings between the Department of Regional Planning and the City, the following RHNA transfer calculations have been made:

RHNA Category	Annexation #2011-20 (Vista Canyon) RHNA Transfer Units	Annexation #2011-22 (North Copperhill) RHNA Transfer Units	Annexation #2011-23 (Norland/Robinson Rd.) RHNA Transfer Units
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As part of the annexation process, please provide us with written confirmation of the City's acceptance of the SCAG RHNA allocations, as mentioned above. If you have any questions, your staff may contact Jason Tajima at (213) 974-1145, or jtajima@ceo.lacounty.gov.

Sincerely,

RITA L. ROBINSON
Deputy Chief Executive Officer
Community Services Cluster and Capital Programs

RLR:DSP
JT:os

c: Supervisor Michael D. Antonovich, Fifth Supervisorial District
John Krattli, Acting County Counsel
Richard J. Bruckner, Director of Regional Planning
Paul A. Novak, Executive Officer, Local Agency Formation Commission for the County of Los Angeles

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February 9, 2012

County of Los Angeles Chief Executive Office
Rita L. Robinson, Deputy Chief Executive Officer
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713
Los Angeles, CA 90012

Dear Ms. Robinson:

Subject: Proposed Agreement for Transfer of Regional Housing Needs Assessment (RHNA) Allocation to the City of Santa Clarita for Annexation Nos. 2011-20 (Vista Canyon), 2011-22 (North Copperhill), and 2011-23 (Norland Road/Robinson)

This letter is in response to your January 30, 2012, letter regarding the transfer of RHNA numbers as a part of the above referenced annexations. Our City Planning Division staff has met with Los Angeles County Regional Planning Division staff to review the RHNA numbers being proposed for the transfer to the City. Based on those meetings, the City agrees with, and accepts the RHNA numbers as identified in the January 30, 2012, letter.

Should you have any questions, please contact me or Jeff Hogan, Interim Planning Manager, at (661) 255-4995.

Sincerely,

Kenneth R. Pulskamp
City Manager

KRP:PL:lep
S:\CD\Annex\RHNA Acceptance 2-12.doc

cc: Ken Striplin, Assistant City Manager
Darren Hernandez, Deputy City Manager
Robert Newman, Director of Public Works
Jeff Hogan, Interim Planning Manager

Anne Russett

From: Anne Russett
Sent: Monday, July 09, 2012 4:33 PM
To: Ma'Ayn Johnson
Cc: Connie Chung; Dorothea Park; Marjorie Santos; Jason Tajima; James Chow; Patrick Leclair; Fred Follstad
Subject: Copperstone Annexation - RHNA Transfer to City of Santa Clarita
Attachments: RHNA Confirmation Letter - July 2011.pdf.html

Hi, Ma'Ayn –

The City of Santa Clarita's Copperstone annexation has been certified and recorded by LAFCO. As part of this annexation, the City has agreed to accept a RHNA transfer of 10 units (see attached letter). Here's the income breakdown:

Very-low: 2
Low: 2
Moderate: 2
Above moderate: 4

Feel free to contact me with any questions.

Thanks, Anne

City of
SANTA CLARITA

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196
Phone: (661) 259-2489 • FAX: (661) 259-8125
www.santa-clarita.com

July 14, 2011

Ms. Rita L. Robinson
Deputy Chief Executive Officer
Community Services Cluster and Capital Programs
Los Angeles County Chief Executive Office
500 West Temple Street, Room 713
Los Angeles, California 90012

Subject: Proposed RHNA Allocation from Los Angeles County to the City Of Santa Clarita for the Copperstone Annexation (2010-10)

Dear Ms. Robinson:

This is a follow-up to your letter to the City dated June 30, 2011, requesting that the City of Santa Clarita accept a proportionate share of the Regional Housing Needs Assessment (RHNA). Based on your calculations, the proportionate share for the Copperstone annexation would be four units from the above-moderate category, two units from the moderate category, two units from the low category and two units from the very-low category for a total of ten units.

Please consider this letter as formal confirmation of the City's acceptance of the transfer of the RHNA allocation of ten units for this annexation.

If I can be of further assistance or if you need any additional information, please feel free to contact me or Paul Brotzman, Director of Community Development, at (661) 255-4365.

Sincerely,

Kenneth R. Pulskamp
City Manager

KRP:FLF:lep
s\cd\current\!!2010\10-048\Letter for County RHNA 07-11.doc

cc: Paul Brotzman, Director of Community Development
Lisa Webber, Planning Manager
Arminé Chaparyan, Redevelopment Manager
James Chow, Associate Planner
Fred Follstad, Associate Planner

RECEIVED
2011 JUL 20 PM 12: 25
CHIEF EXECUTIVE OFFICE

Appendix B: Table C1 Implementation Progress of Housing Programs

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
1	Adequate Sites for Regional Housing Needs Allocation	• Facilitate the development of a variety of housing types by providing a supply of land that is adequate to accommodate the RHNA of 57,176 units. • Maintain an inventory of sites and make it available to interested developers. • Pursue completion and adoption of the General Plan Update and its associated Zoning Ordinance amendments by 2010.	• The DRP continued to maintain the adequate sites inventory. See Tables C2 and C3 in the Housing Element Annual Progress Report for a comparison between the potential number of units estimated in the adequate sites inventory and the number of units approved during the reporting period. • The DRP has been working with the County CEO to coordinate the transfer of RHNA in annexations and incorporations. During the reporting period, a total of 1981 units have been transferred to the City of Santa Clarita. Correspondences regarding the City of Santa Clarita RHNA transfer are included as Appendix C. • The DRP is preparing the General Plan Update, and during the reporting period, have focused its resources into completing the Update. The General Plan Update is being coordinated with multiple planning initiatives, including but not limited to the County's Climate Action Plan, the Antelope Valley Area Plan Update and the Zoning Ordinance Update Program. The General Plan Update, and its concurrent initiatives, are anticipated to be completed in 2014.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
2	Removal of Governmental Constraints	• Amend the Zoning Ordinance through the Zoning Ordinance Update Program (ZOUP) and other programs by 2010. • Prepare reasonable accommodation policy and procedure by 2009.	The DRP has identified two comprehensive efforts to amend the zoning code: Technical Update to Title 22: Amends Title 22 to reorganize, clarify and simplify code language, consolidate identical or similar standards or procedures, delete obsolete or redundant code provisions, and streamline administrative and case processing procedures. The result will be a County Zoning Ordinance that is organized, efficient, and easy to use. Zoning Ordinance Update Program: Amends Title 22 with policy changes, such as deleting obsolete uses and adding emerging uses, changing permitting allowances on a number of uses, modifying or adding development standards, conferring new duties and procedures and modifying existing ones. This project will be implemented on chapter by chapter basis, focusing on specific subject matter: recycling, parking, land use categories, etc. On November 29, 2011, the Board of Supervisors adopted the Reasonable Accommodations Ordinance, which establishes procedures for individuals with disabilities to request reasonable accommodations (with respect to planning and land use regulations) in order to obtain equal opportunity to housing. In 2012, the Department finalized application materials and review procedures, and granted three reasonable accommodations requests.
3	Affordable Housing Density Bonus Program	By 2009, promote the County Density Bonus Program to developers, particularly in conjunction with the Mixed Use Ordinance and Transit Oriented Districts, through the dissemination of brochures, presentations and web postings on the DRP web site, and by offering technical assistance to the public.	Staff continues to offer technical assistance and consultation to the public.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
4	Infill Sites Utilization Program*	Promote awareness of the County's Infill Sites program to small property owners/developers, as funds become available, in conjunction with the efforts for the Affordable Housing Density Bonus Program (Program 3).	The Infill Sites Utilization Program was amended in early 2009 to incorporate the use of Federal Neighborhood Stabilization (NSP) Funds for the acquisition and rehabilitation of foreclosed one to four unit properties. The amended and successful program provided for the acquisition and rehabilitation of 20 units to be reserved for households earning less than 50% of the Area Median Income. The NSP 3 program will continue until at least June 30, 2013.
5	Graduated Density Zoning	• Conduct study to determine the feasibility of a graduated zoning approach in 2010. • In the event that the program is determined to not be feasible, establish an alternative program to incentivize lot consolidation to promote appropriate and targeted higher density housing.	No activity
6	Transit Oriented Districts	• Adopt the Metro Gold Line Eastside Extension TOD Specific Plan by 2009. • Using the Gold Line TOD as a model, retool and enhance existing TODs, including providing additional incentives for housing development by 2011. • Promote the use of incentives available for all TODs.	The County is moving forward with continuing efforts to complete the Specific Plan for the unincorporated portion of the East Los Angeles, located north and south of the Metro Gold Line Eastside Extension along 3rd Street. The Third Street Specific Plan defines a vision and a set development principles to guide future development within the plan area over the next 20 years. The Specific Plan includes a form based code and recommendations for improving the public realm, which are intended to implement principles of transit-oriented development. With the General Plan Update and the Housing Element Update, the County is also continuing to develop the General Plan TOD Program, which identifies unincorporated areas within a ½ of a Metro transit station. Upon adoption of the General Plan Update, the County will prepare specific plans for each TOD. The specific plans will focus on land use and zoning, infrastructure, open space, access and streamlined environmental review.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
7	Land Banking/Write Downs*	• Develop an inventory of potential properties in 2009 and update quarterly. • Establish a land banking strategy in 2009 and identify appropriate funding sources (certain funding sources have strict limitations on land banking activities, e.g., CDBG and HOME). • Review the list of surplus properties owned by other County departments on a quarterly basis to identify potential sites for affordable housing.	Due to the implementation of a new policy, no CDC administered funds will be used to land bank or develop sites within 500 feet of a freeway. As a result, those sites previously acquired that meet this criteria will be sold to the market. Funding constraints will not allow the purchase of additional sites for land banking at this time. The disposition of "surplus" sites have been complicated by the dissolution of redevelopment agencies in 2012 and the acceptable process is being determined.
8	Second Unit Ordinance	• Promote second unit development through the County web site and brochures at public counters. • Retool the existing Second Unit Ordinance to emphasize good design through a streamlined procedure and flexibility in standards by 2013. • Study the feasibility of hosting a design competition for second units and implementing a procedure for pre-approved plans, using the winning entries.	No activity
9	Community Land Trust*	• Evaluate the feasibility of establishing a land trust in 2009. • In the event that the program is not feasible, develop an alternative program to promote long-term affordable homeownership.	Negotiations with the developer of for-sale units to be a part of a land trust were placed on hold due to market conditions, and remained so through 2012. Conditions will be evaluated on an ongoing basis. Literature reviews and other research on community land trusts are being conducted in conjunction with the Housing Element Update.
10	Inclusionary Housing Program	• Evaluate the feasibility of establishing an inclusionary housing policy in 2010. • In the event that the program is not feasible, develop other strategies for creating a local source of funding for affordable housing.	On August 5, 2008, the Los Angeles County Board of Supervisors adopted the 2008-2014 Housing Element and instructed the Department of Regional Planning (DRP) to initiate a feasibility study for establishing an inclusionary housing program, and to report back to the Board in a year. On July 2, 2012, the Department submitted the final report to the Board. Due to a recent court decision, Palmer/Sixth Street Properties v. City of Los Angeles, which restricts local jurisdictions from implementing mandatory inclusionary housing policies that apply to rental housing, in the report, the Department of Regional Planning does not recommend pursuing an inclusionary housing policy, and instead recommends the consideration of alternative strategies to address housing affordability in the unincorporated areas. A copy of the report is included as **Appendix D**.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
11	Commercial Linkage Fee for Housing	• Evaluate the feasibility of establishing a commercial linkage fee for housing in 2010. • In the event that the program is not feasible, develop other strategies for creating a local source of funding for affordable housing.	No activity
12	Small Lot Subdivisions	• Explore the feasibility of establishing a program for small lot subdivisions in 2011, and if feasible, pursue Zoning Ordinance amendments in 2012. • In the event that the program is not feasible, develop another strategy to promote affordable homeownership through smaller-sized houses.	On August 5, 2008, the Los Angeles County Board of Supervisors adopted the 2008-2014 Housing Element and instructed the Department of Regional Planning (DRP) to initiate a feasibility study for establishing a program for small lot subdivisions and to report back to the Board in a year. In October of 2009, the staff submitted a feasibility study to the Board of Supervisors. In December of 2012, the Regional Planning Commission initiated the preparation of the ordinance, which is anticipated to be completed in 2014. A copy of the memo to the Regional Planning Commission is included as **Appendix C**.
13	Countywide Affordable Rental Housing Development*	Assist in the development of 450 low income rental housing units in the unincorporated areas through gap financing, a revolving loan fund, and technical assistance during the next planning period.	Approximately $13.7 Million in public funds in City of Industry and County homeless funds, along with 75 Project-based Vouchers and 50 Project-based Veterans Affairs Supportive Housing Vouchers, were made available in September, 2011. Thirteen applications were received containing 567 units. In March, 2012, six applications containing 214 units were approved. In September, 2012, approximately $23 Million in First 5 LA funds were made available. Seven applications for capital funding of 321 units and twelve applications for $14 million of rental assistance were received. On November 29, 2012, five applications containing 232 units and seven applications for rental assistance of over $7.5 Million were approved. On December 20, 2012, approximately $11 Million of County General, HOME and County Homeless funds were made available. Eleven applications containing over 400 units are currently under review and the highest ranking ones will receive allocations in February 2013.
14	Priority of Water and Sewer for Affordable Housing	Upon adoption and certification of the Housing Element, provide copies of the Housing Element, including information on sites used to meet the County's low income RHNA, to all water and sewer districts that may be required to provide service to developments within the unincorporated areas.	In March 2009, the the Department of Regional Planning has distributed copies of the Housing Element to all water and sewer districts that provide services to the unincorporated areas.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
15	Redevelopment Affordable Housing Requirements*	Provide financing, technical assistance, as well as a revolving loan fund, to acquire sites and assist in the development of 143 affordable housing units in the Redevelopment project areas by 2009: 1. East Rancho Dominguez – 69 units 2. Willowbrook – 60 units 3. West Altadena – 14 units	Not available.
16	Homebuyer Assistance*	Assist 1,200 low and moderate income first-time homebuyers in the unincorporated areas, along with 43 affordable units through AHOP, during the planning period. 1. HOP – 300 households 2. MCC – 420 households 3. SCHFA – 480 households 4. AHOP – 43 affordable units	HOP - 70 households MCC - 125 households SCHFA - 0 households AHOP - 3 affordable units sold
17	Section 8 Rental Housing Assistance*	Provide rental assistance to 4,000 extremely low and very low income households, and homeless individuals and families in the unincorporated areas during the planning period. • Housing Choice Voucher – 3,800 households • Homeless Housing Program – 70 homeless individuals or families • Housing Assistance for Homeless with AIDS – 30 homeless persons with HIV/AIDS	As a part of its ongoing Housing Choice Voucher Program, the Housing Authority monitors an allocation of over 23,000 Vouchers including 426 Project based vouchers and 560 Homeless Set Aside vouchers, plus 855 Veterans Affairs Supportive Housing (VASH) vouchers. Nearly all Vouchers require monthly monitoring and payments. A total of 1,020 Vouchers for homeless families were allocated during this period; with 675 requiring assistance during the period.
18	Family Self Sufficiency Program*	• Assist 100 Section 8 recipients and public housing residents in the unincorporated areas to achieve self-sufficiency and homeownership during the planning period. • Annually apply to foundations, corporations, and public and private organizations for funds to provide additionally needed supportive services during the planning period.	Ongoing efforts are made to assist Section 8 participants and public housing residents to achieve self sufficiency. Qualified applicants are made aware of home ownership opportunities.

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
19	Housing Relocation for CalWORKS Recepients	Continue to provide assistance to CalWORKs participants during the planning period.	Unavailable
20	Shelter Plus Care - Supportive Housing Programs*	Annually apply for funding to develop and expand the Continuum of Care strategy for the homeless, using Shelter Plus Care – Supportive Housing Program during the planning period.	LACDC/HACOLA applied for and received approximately $6.7 million for four (4) new Shelter Plus Care 5-year grants under the 2011 NOFA and has applied under the 2012 NOFA. The 2011 grants will be administered in partnership with Ocean Park Community Center, New Directions, Inc., and A Community of Friends to serve 25 chronically homeless Families, 37 homeless veterans and 22 homeless persons with severe mental illness for a total of 84 units. The 2012 new grants will be administered in partnership with five non-profit agencies to serve approximately 117 homeless individuals or families with special needs. Additionally, LACDC/HACOLA has received over $11 million dollars in renewal funding under the 2011 NOFA to support existing Shelter Plus Care projects and has applied for $11.6 Million in renewal funds in 2012 to support existing Shelter Plus Care projects.
21	Green Building Program	The Green Building Program is currently in development; anticipated adoption by the Board of Supervisors by end of 2008, standards to be required by 2009, and certification for certain residential projects may be required by 2010. Low impact development and drought-tolerant landscaping will be applicable immediately after adoption.	On November 18, 2008, the Los Angeles County Board of Supervisors adopted the County's Green Building Program. The program, which is comprises of three ordinances, addresses energy efficiency, water conservation, the use of recycled materials, the importance of rainwater infiltration and the need for better indoor air quality. The Green Building Ordinance seeks to reduce the need for energy within buildings, ensure that construction waste is diverted from landfills and provide the infrastructure for future environmentally friendly technologies. The Drought-tolerant Landscaping Ordinances provides guidelines of how to plant more water efficient landscapes, which both look nice and cost less to maintain. Finally, the Low Impact Development Ordinance guides the creation of developments that allow infiltration and treatment of rainwater that would otherwise flow into gutters. The County is currently working on amendments to the Green Building Ordinances and Technical Manual. The purpose of the amendment is to achieve clarity and consistency with the adopted statewide CALGreen code and the County's Green Building standards code (Title 31).

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
22	Energy Efficiency-Based Utility Allowance Schedule*	• Conduct annual updates on standard utility allowance and develop EEBUA based on standard allowance. • Develop implementation of the program by 2009. • Market to and train area developers as part of the CDC's affordable housing NOFA/RFP process.	A draft EEBUA was prepared by consultants through funding by CEC. However, the California Tax Credit Allocation Committee (TCAC) developed the California Utility Allowance Calculator (CUAC). This project-based tool was introduced in 2009 and is used in place of the EEBUA for tax credit projects. No further work is anticipated.
23	Green Grant Program*	Annually allocate funding to implement program based on CDBG funding availability.	The Green Grant Program is inactive.
24	Ownership Housing Rehabilitation Program*	Assist 1,730 low income households in the unincorporated areas during the planning period. 1. Single-Family Loan – 240 households 2. Single-Family Grant – 1,200 households 3. Residential Sound Insulation – 50 households 4. Handyworker – 240 households	The following number of loans/grants were completed during the reporting period: 80 Single-Family Rehab Loans; 185 Single-Family Grants; 187 Residential Sound Insulation Grants; and 195 Handyworker Grants.
25	Public Housing Modernization Program*	Continue to improve and modernize the 1,945 public housing units in the unincorporated areas during the planning period.	Modernization of existing public housing is an ongoing activity of the Housing Authority, and over 1,923 units were undergoing modernization during this period.
26	Preservation of At-Risk Housing*	• Annually update the status of at-risk housing projects during the planning period. • Discuss preservation options with at-risk project owners. As funding permits, explore acquisition of at-risk projects or extension of affordability covenants. • Contact nonprofit housing organizations by the end of 2009 to solicit interest in preserving at-risk housing projects. • Pursue funding from State and Federal programs to assist in preserving at-risk housing. • Allocate Section 8 Housing Choice Vouchers for households displaced due to the expiration of Section 8 project-based rental assistance. • Work with nonprofits and landlords to provide notification of expiring units to tenants; engage tenants in the effort to preserve at-risk units, in addition to identifying affordable housing options.	No developments in the unincorporated areas were determined to be at-risk during this period. No actions were taken.

Los Angeles County 2008-2014 Housing Programs
Implementation Status

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
27	Fair Housing Programs*	• Annually allocate funding to support fair housing and tenant/landlord services during the planning period. • Provide training to County staff on fair housing laws and responsibilities.	Fair housing and tenant services activities were ongoing during this period. An average of over 2,700 clients annually were directly assisted under the program, with about 7% of those assisted having discrimination inquiries, and with about 27% of the inquiries resulting in fair housing cases being opened. The program continues to distribute relevant literature, sponsor public service announcements and host community event informational forums, summits, workshops and booths.
28	Homeowner Fraud Prevention	Continue to provide fraud prevention counseling services to low and moderate income homeowners during the planning period.	The Department of Consumer Affairs continues to provide ongoing fraud prevention counseling services to low and moderate income homeowners.
29	Coordination and Implementation	• Convene a committee of staff representatives from DRP, CDC, DPW, FD, and Environmental Health to raise awareness of the unique, complicated, and time-sensitive nature of affordable housing development by 2009. • Create and implement a streamlined entitlements procedure for all stages of the development process to expedite the development of affordable housing by 2010.	No formal committee has been established, and as of the date of this report, all County departments facilitate the development of affordable housing on a case by case basis.
30	Annual Progress Report	Prepare an annual report for submittal to HCD by April 1 during the planning period.	This report implements Program 30.

Program #	Program Name	Timeframe and Objectives	Progress/Status (Quantify if possible)
31	Monitoring of Housing Issues	Ongoing efforts during the planning period include, but are not limited to: 1. Attending housing and legislative review conferences; 2. Attending training workshops; 3. Consulting with housing professionals through the Housing Advisory Committee, Special Needs Housing Alliance, and Land Development Advisory Committee, among others; 4. Working with the State to enhance and refine State mandated housing policies, including but not limited to the Mello Act, Income Limits, the Regional Housing Needs Assessment, Density Bonus Law, and the Housing Element Law; 5. Participating in regional planning efforts coordinated by the Southern California Association of Governments (SCAG); and 6. Interfacing with other County agencies and the public.	During the reporting period, County staff also worked with the CEO to coordinate legislative responses, primarily related to CEQA infill exemptions and amendments to the Housing Element Law.

*As reported by staff from the Los Angeles County Community Development Commission and Housing Authority of the County of Los Angeles.

Appendix C: Small Lot Subdivision Ordinance Memo to the Regional Planning Commission

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 6, 2012

TO: Curt Pedersen, Chair
David W. Louie, Vice Chair
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner
Esther L. Valadez, Commissioner

FROM: Connie Chung, AICP, Supervising Regional Planner
General Plan Development/Housing Section

SUBJECT: DECEMBER 19 MEETING – AGENDA ITEM # 9
SMALL LOT SUBDIVISION ORDINANCE DISCUSSION AND POSSIBLE ACTION
R2009-00966/RADV 201200008

At your meeting on December 19, 2012, the General Plan Development/Housing Section staff will provide you with an overview of the concept of small lot subdivisions, and will recommend that you take action to initiate the preparation of ordinance amendments to allow small lot subdivisions in the unincorporated areas.

BACKGROUND

The 2008-2014 Los Angeles County Housing Element, which outlines programs and strategies to encourage a diversity of housing types to meet the diverse housing needs in the unincorporated areas, commits the County to evaluating the feasibility of a small lot subdivision program within the unincorporated areas, and if feasible, pursuing Zoning Ordinance amendments to allow for small lot subdivisions (Program 12). The intent of the program is to promote affordable homeownership through the allowance of smaller, fee simple lots. On October 1, 2009, the Department submitted the feasibility study to the Board of Supervisors. The study concludes that it is feasible to establish a small lot subdivision program for the unincorporated areas, and recommends that the County move forward with ordinance amendments. The feasibility study is attached to this memo for your reference.

SMALL LOT SUBDIVISIONS: THE CONCEPT

A "small lot subdivision" is a land division that creates single-family residential lots with an area of less than 5,000 square feet. These small lots are generally less than 50 feet wide, with modifications to other development standards including but not limited to setback, street frontage, and access requirements. At your meeting on December 19, 2012, the staff will present examples of existing small lot subdivision projects.

POTENTIAL BENEFITS

By allowing greater flexibility in lot sizes and widths, small lot subdivisions is a tool to promote affordable homeownership opportunities. Reducing the amount of land required for new residences could potentially result in a significant reduction in the price of a new house because of the high cost of land in the County. Lower home prices allow more residents to own their homes, while increased homeownership opportunities in turn contribute to neighborhood stability. Furthermore, small lot subdivisions could also ease overcrowding by allowing a greater variety in lot sizes, promote urban infill on vacant and underutilized parcels, and add flexibility in design to promote a diversity of housing types.

STAFF RECOMMENDATIONS

As the current provisions of the County's Subdivision and Zoning Ordinances, Titles 21 and 22 of the County Code, do not allow for the creation of lots of less than 5,000 square feet and 50 feet in width in most instances, amendments to the code are necessary in order to implement the small lot subdivision concept in the unincorporated areas.

Based on the feasibility study, the staff makes the following recommendations:

- Instruct the Department of Regional Planning to prepare an ordinance to modify certain provisions in Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code to permit small lot subdivisions in the unincorporated areas; and

- Instruct the Department of Regional Planning to coordinate with other County departments and agencies, including but not limited to the Department of Public Works and the Fire Department, to create and implement a streamlined entitlements procedure for all stages of the development process of small lot subdivisions.

NEXT STEPS

In preparation of the ordinance, the staff will take the following actions:

- Convene a committee of staff representatives from the Department of Public Works, the Fire Department, and other County departments and agencies, to create and implement a streamlined entitlements procedure for all stages of the development process of small lot subdivisions;

- Identify geographic areas where small lot subdivisions would be appropriate;

- Develop design guidelines to facilitate the implementation of the ordinance; and

- Convene a focus group of private developers, builders and architects to advise the staff on the development of the ordinance and design guidelines.

Should you have any questions about this memo, please contact Tina Fung of the General Plan Development/Housing Section at tfung@planning.lacounty.gov or (213) 974-6417.

RECOMMENDED MOTION

I move that the Regional Planning Commission instruct the Department of Regional Planning to prepare an ordinance to modify certain provisions in Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code to permit small lot subdivisions in the unincorporated areas.

I also move that the Regional Planning Commission instruct the Department of Regional Planning to coordinate with other County departments and agencies, including but not limited to the Department of Public Works and the Fire Department, to create and implement a streamlined entitlements procedure for all stages of the development process of small lot subdivisions.

JS:CC:TF

Attachment:
Los Angeles County Small Lot Subdivision Program Feasibility Study, 2009

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

October 1, 2009

Jon Sanabria
Acting Director of Planning

TO: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Jon Sanabria
Acting Director of Planning

SUBJECT: **RESPONSE TO BOARD MOTION TO INITIATE PROGRAM 10: INCLUSIONARY HOUSING PROGRAM, AND PROGRAM 12: SMALL LOT SUBDIVISIONS, OF THE HOUSING ELEMENT (AUGUST 5, 2008, ITEM #68)**

At the public hearing for the Los Angeles County Housing Element on August 5, 2008, the Board instructed the Department of Regional Planning (DRP) to initiate the required feasibility studies for establishing a program for small lot subdivisions and an inclusionary housing policy, and report back to the Board within a year.

Program 10: Inclusionary Housing Program

The intent of Program 10 of the Housing Element is to consider the feasibility of establishing an inclusionary housing program for the unincorporated areas.

Over the course of the year, the DRPstaff prepared an extensive literature review of research on inclusionary housing, distributed and analyzed a stakeholder survey, and met with numerous stakeholders, including but not limited to planners from other local jurisdictions, building industry representatives, housing advocates, researchers and housing developers to discuss the pros and cons of inclusionary housing. The DRP staff also worked closely with CDC staff and the Housing Advisory Committee to identify key issues.

The DRP staff is currently finalizing the study, but will need additional time to ensure that all stakeholder comments are accurately represented. In addition, the staff needs time to further explore the implications of a recent court decision on *Palmer/Sixth Street Properties v. City of Los Angeles*, which could have major impacts on some inclusionary housing policies. Furthermore, the staff plans to provide briefings to the Board office planning deputies, CEO and the Regional Planning Commission prior to submitting the report to the Board. The Department will provide another status report no later than December 1, 2009.

Program 12: Small Lot Subdivisions

The intent of Program 12 of the Housing Element is to consider the feasibility of establishing a small lot subdivision program for the unincorporated areas.

The Department has finalized the study, which is attached to this memo.

If you have any questions regarding these studies, please contact Connie Chung at (213) 974-6417 or cchung@planning.lacounty.gov.

JS:RCH:CC

c: Chief Executive Office, Attn. Lari Sheehan
County Counsel
Executive Office
Department of Public Works
Community Development Commission

Attachment:

Los Angeles County Small Lot Subdivision Program Feasibility Study

Los Angeles County Small Lot Subdivision Program Feasibility Study

Housing/General Plan Section

Department of Regional Planning

October 2009

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INTRODUCTION

The purpose of this study is to determine the feasibility of establishing a small lot subdivision program for the unincorporated areas of Los Angeles County. Based on the research and analyses in this report, this study concludes that it is feasible to establish a small lot subdivision program in the County.

The need for a small lot subdivision feasibility study was identified in the Los Angeles County Housing Element, which outlines programs and strategies to encourage a diversity of housing types to meet the diverse housing needs in the unincorporated areas. Program 12 of the Housing Element commits the County to evaluating the feasibility of establishing a small lot subdivision program within the unincorporated areas. On August 5, 2008, the Board of Supervisors instructed the Department of Regional Planning to conduct the feasibility study and to report back to the Board within a year (see Appendix A: Board Motion).

This feasibility study includes the following information:

- Background: Defines small lot subdivisions and outlines the potential benefits of a small lot subdivision program.
- Policy Analyses: Provide a comprehensive review of policies that relate to small lot subdivisions.
- Special Considerations: Provides an overview of special considerations for the County when developing a small lot subdivision program for the unincorporated areas.
- Survey of Other Local Jurisdictions: Provides an overview of small lot subdivision programs in other local jurisdictions.
- Conclusion and Recommendation

BACKGROUND

A small lot subdivision is a land division that creates smaller fee-simple, single-family residential lots. In the case of the unincorporated areas of the County, this means the allowance of a single-family residential lot that is less than the minimum area of 5,000 square feet and minimum lot width of 50 feet, with additional modifications for setbacks and access requirements as needed.

Small lot subdivision programs have been shown to provide a variety of benefits, including:

- Flexibility: Small lot subdivisions allow greater flexibility in lot sizes and other development standards, and increases housing options;
- Space and Economic Efficiency: Small lot subdivisions allow fee-simple lot development on smaller lots, which provides a space-efficient and economical alternative to traditional single-family lot developments, and condominium developments, which are

subject to homeowner's association fees, construction defect liability insurance and other related costs.

- Smart Growth: Small lot subdivisions is a land use strategy that can promote infill development on underutilized or vacant parcels, which works toward reducing Vehicle Miles Traveled (VMT) and fulfilling regional climate change goals; and,
- Affordability: Small lot subdivisions provide increased affordable homeownership opportunities, which can help promote intergenerational neighborhoods and contribute to neighborhood stability.

POLICY ANALYSES

To study the feasibility of creating a small lot subdivision program in the County, the staff conducted a comprehensive review of the County's General Plan and County Code provisions to identify policy and regulation areas that would be affected by a small lot subdivision program.

Review of County Policies

- **General Plan and Community-Based Plan Analysis**

Countywide General Plan

The Los Angeles County General Plan, adopted in 1980, provides overall land use planning guidance for the County. The General Plan Land Use Element has a direct relationship to small lot subdivisions because the Element and the County's land use map establish densities for each residential land use category. This is important because many small lot subdivision programs adhere to the existing residential density limits as defined by the land use category.

The General Plan is silent on the specific topic of small lot subdivisions. However, it does provide policy guidance that supports the concept of a small lot subdivision program:

- General Plan General Policies
  - 6. Housing Development
    - #43. Promote a balanced mix of dwelling unit types to meet present and future needs, with emphasis on family owned and moderate density dwelling units….
    - #47. Promote the provision of an adequate supply of housing by location, type, and price.
- Land Use Element Policy Statements
  - 1. Use Land More Efficiently
    - #2. Encourage development of well-designed twinhomes, townhouses and garden apartments, particularly on by-passed parcels within existing urban communities.

The General Plan is currently being updated. The Draft General Plan includes policies that support mixed-income, affordable, and rental housing through various types and densities, and implementation actions to explore the feasibility and creation of a small lot subdivision program.

Community-Based Plans

Los Angeles County has 14 community-based plans that are part of the Countywide General Plan, but supplement General Plan policy and provide more localized land use direction. The County's community-based plans do not specifically mention the small lot feasibility concept. Due to low density residential ranges or environmental and safety hazards, some areas in the County with a community-based plan may not be suitable for small lot subdivisions. Table 1 provides a list of the goals and policies from the County's community-based plans that have policies that support the small lot subdivision concept.

Table 1: Community-Based Plans Policy Support

Community-Based Plan	Relevant Policy Support
Altadena Community Plan	Land Use Policies • #3. Allow the intensification of land uses only as it does not adversely impact existing uses, neighborhoods, and the prevailing low density character of the Altadena community. • #6. Promote accessibility to housing opportunities by all households, regardless of income …. • #9. Permit developers to utilize innovative residential construction and siting techniques, provided that they maintain physical safety and health and are compatible with existing land use and the environmental setting.

Community-Based Plan	Relevant Policy Support
Antelope Valley Area Plan	Land Use Policies • #8. Encourage a mix of housing types in the primary urban areas. • #17. In urban areas, institute measures to mitigate the impacts of environmental hazards, as feasible, to facilitate infilling development consistent with the attainment of community goals and with the maintenance of public health and welfare. • #43. Promote and support efforts by public and private agencies and citizen groups to provide the opportunity of a choice of living, working, recreational, and cultural pursuits for all ages, incomes and ethnic groups. This choice should include a variety of housing densities, types, prices, rents, configurations, and sizes .... • #44. Promote and support efforts by public and private agencies and citizen groups to provide all residents with the opportunity to satisfy their needs for housing, employment, and physical and social services. Housing Policies • #48. Promote and support efforts by public and private agencies and citizen groups to provide sufficient housing in all price ranges to enable persons employed in a community to obtain housing in that community. • #49. Promote and support efforts by public and private agencies and citizen groups to eliminate unreasonable obstacles to the supply of low and moderate-cost housing. • #51. Promote and support efforts by public and private agencies and citizen groups to provide equal opportunity for low and moderate-income persons and minority group members to occupy suitable housing. • #52. Encourage the development of socially and economically diverse communities.
East Los Angeles Community Plan	Physical Environment Goals • To retain the single-family residential life style of the community. • To meet housing demand, both present and future, especially for low- and moderate-income families. • To encourage high standards of development and improve the aesthetic qualities of the community. Land Use Policies • New development should be managed, discouraging crowding and encouraging single-family detached homes, twin homes, and townhomes for households, and townhouses and apartments for senior citizens. • Provide increased opportunities for a variety of residential densities (i.e. two single-family homes on one lot), concentrating on development at low medium and medium densities.

Community-Based Plan	Relevant Policy Support
Hacienda Heights Community Plan	Housing Policies • #2. Maintain a variety of housing prices and lot sizes. • #5. Distribute low and moderate income units equitably throughout the community.
Rowland Heights Community Plan	Housing Policies • #1. Encourage the equitable distribution of housing for low and moderate income individuals and households throughout the community and the region.
Santa Clarita Valley Area Plan	Land Use Element Policies • 1.4: Promote a balanced, autonomous community with a full range of public and commercial services and a wide variety of housing and employment opportunities…. • 2.7: Encourage and support a mix of housing types in the urban areas. • 12.1: Promote and support efforts by public and private agencies and citizen groups to provide the opportunity for a choice of living, working, recreation, and cultural pursuits for all ages, incomes, and ethnic groups. This variety of choice includes: housing densities, types, prices, rents, configurations, and sizes …. Housing Element Policies • 1.2: Evaluate changes in policies, subdivision standards and building procedures based on their cost effectiveness and impact upon the cost of housing. • 2.1: Promote and support efforts by public and private agencies and citizen groups to provide sufficient housing in all price ranges to enable persons employed in a community to obtain housing in that community. • 2.2: Promote and support efforts by public and private agencies and citizen groups to eliminate unreasonable obstacles to the supply of low and moderate-cost housing. • 2.5: Promote and support efforts by public and private agencies and citizen groups to provide equal opportunity for low and moderate-income persons and minority members to occupy suitable housing. • 2.6: Encourage the development of socially and economically communities.
Walnut Park Neighborhood Plan	Housing Policies • Encourage the preservation and maintenance of existing homes while permitting new development in appropriate areas. • Encourage the provision of moderate income and senior citizen/handicapped housing.
West Athens – Westmont Community Plan	Land Use Policies • Allow for the development of residential, commercial, recreational, public and supportive land uses, at varying densities and intensities. • Encourage infill of vacant parcels in residential areas. Housing Policies • To encourage infill and help improve the community form and appearance.

Housing Element

The fourth revision of the Housing Element, which was adopted by the Board of Supervisors in 2008, contains numerous provisions related to the need for more housing of all types and income levels. The Housing Element specifically addresses small lot subdivisions in Program 12, which acknowledges that by allowing the creation of smaller, fee-simple lots without the need to establish a homeowners association, more affordable home ownership opportunities in the County can be created. Program 12 calls for a study on the creation of a small lot subdivision program, and, if found to be feasible, the preparation of necessary amendments to the County Code. Table 2 lists further policies from the Housing Element that support the small lot subdivision concept.

Table 2: Housing Element Policy Support for Small Lot Subdivisions

Housing Availability	Goal 1: A wide range of housing types in sufficient supply to meet the need of current and future residents, particularly persons with special needs, including but not limited to low income households, seniors, persons with disabilities, single-parent households, the homeless and at-risk homeless, and farmworkers. • Policy 1.2: Mitigate the impacts of governmental regulations and policies that constrain the provision and preservation of affordable housing and housing for persons with special needs. • Policy 1.3: Coordinate with the private sector in the development of affordable and special needs housing for both rental and homeownership. Where appropriate, promote such development through incentives.
Housing Affordability	Goal 3: A housing supply that ranges broadly in housing costs to enable all households, regardless of income, to secure adequate housing. • Policy 3.1: Promote mixed income neighborhoods and a diversity of housing types throughout the unincorporated areas to increase housing choices for all economic segments of the population. • Policy 3.2: Incorporate advances in energy-saving technologies into housing design, construction, operation, and maintenance.
Implementation and Monitoring	Goal 9: Planning for and monitoring the long-term affordability of sound, quality housing. • Policy 9.1: Ensure collaboration among various County departments in the delivery of housing and related services.

- **County Code Analysis**

Careful consideration over how smaller lots can meet County requirements, such as those outlined in the green building program, will be an important part of developing a small lot subdivision program. However, as a land division, a small lot subdivision program is primarily affected by Title 21: Subdivisions and Title 22: Planning and Zoning of the Los Angeles County Code.

Subdivision Code (Title 21)

Table 3 highlights some of the key provisions in Title 21 that affect the feasibility of small lot subdivisions. Modifications to these provisions may be needed to allow and accommodate small lot subdivisions.

Table 3: Title 21 Provisions that Affect Small Lot Subdivision Feasibility

Provision	Section
Lot area and width	Section 21.24.240: In general, where the Zoning Ordinance does not establish area or width standards, each new lot must be 5,000 square feet in area and 50 feet in width.
Flag lots	Section 21.24.320: The creation of flag lots may be denied if it is not justified by topographic conditions or the size and shape of the land division, or if the design is in conflict with the neighborhood development. The width of the access strips is set at 10 feet for multiple contiguous strips and 15 feet for individual strips.
Street frontage	Section 21.24.290: Newly created lots must front on a street. Section 21.24.300: Depending on the lot orientation, lot frontage shall be 1) at least 40 feet, or 2) equal to or greater than the average lot width.
Street width and improvements	Section 21.24.090: The right-of-way and improvement (i.e. paved roadway) widths of all new streets in a land division are determined based on their function, location and connectivity. For residential streets, right-of-way and improvement widths vary from a 48 foot right-of-way with a 34 foot paved roadway for a service road to a 64 foot right-of-way with a 40 foot paved roadway for an entrance street. These widths may be modified for a variety of reasons but in no case can the right-of-way be less than 40 feet.

Zoning Code (Title 22)

The County's Zoning Code (Title 22) contains a number of development standards, including both Countywide and community-specific standards, which affect land divisions in the unincorporated County. Table 4 highlights some of the key provisions in Title 22 that affects the feasibility of small lot subdivisions. Modifications to these provisions may be needed to allow and accommodate small lot subdivisions.

Table 4: Title 22 Provisions that Affect Small Lot Subdivision Feasibility

Provision	Section
Required lot width	Section 22.52.030: Lots which have a required area of 7,000 square feet or less must have an average width of 50 feet.
Required lot area	Section 22.52.100: Unless specified by the zoning designation, lots in Zones R-1, R-2, R-3, R-4, R-A and RPD must have an area of 5,000 square feet. Section 22.52.100: Required area shall not include the access strip of a flag lot extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.
Side yard setback	Section 22.48.100: A lot having less than 50 feet in width may have interior side yards equal to 10% of the average lot width, but in no event less than three feet in width.
Rear yard setback	Section 22.48.110: Lots having less than 75 feet in depth may have a rear yard equal to 20% of the average depth, but in no event less than 10 feet in depth.
Front yard setback	Section 22.20.120 (R-1): 20 feet Section 22.20.220 (R-2): 20 feet Section 22.20.320 (R-3): 15 feet Section 22.20.380 (R-4): 15 feet Section 22.20.450 (R-A): 20 feet Section 22.24.110 (A-1): 20 feet

Community Standards Districts (Chapter 22.44 of Title 22)

In addition to the general provisions of the Zoning Ordinance, there are 24 community standards districts (CSDs) in Los Angeles County that establish special development standards and, in some cases, provide unique procedural requirements for development within their boundaries. As shown in Appendix B, many CSDs include provisions that can potentially affect the feasibility of a small lot subdivision program to varying degrees, from minimum lot size requirements to height and setbacks.

SPECIAL CONSIDERATIONS

This section provides an overview of special considerations for the County when developing a small lot subdivision program for the unincorporated areas. The special considerations were informed by a series of discussions with County staff including the Community Development Commission, Department of Public Works, and the County Fire Department, private developers and designers, and other stakeholders to identify potential issues and opportunities for a small lot subdivision program for the unincorporated areas (see Appendix C: Summary of Outreach Meetings).

Land Suitability

As a potential land use strategy for promoting infill development, small lot subdivisions are most suitable in communities with established infrastructure and services, such as domestic water and sewerage service, and areas that are not limited by environmental or safety constraints, such as very high fire hazard severity zones or flood zones.

Density and Minimum Lot Size

Residential density ranges and minimum lot sizes are the most important considerations in establishing a small lot subdivision program. One policy option is to limit small lot subdivisions to multi-family residential areas where no changes to underlying allowable densities are needed. With this approach, the required lot area in Title 22 could be amended to correspond to the allowable densities in the underlying multi-family zones. For example, the minimum lot size for Zone R-3 could be 1,452 square feet, based on the permitted density of 30 du/ac.

Another policy option is to also allow small lot subdivisions in single-family zones. As this would result in an increase in density, small lot subdivisions in single-family zones may be most effective as a "transitional" use between less compatible uses, such as commercial and lower density single-family uses. The concept of a “transitional use” can be found in both theCounty Code and the City of Los Angeles Municipal Code. For instance, Title 22 of the County Code includes a provision to allow parking lots as a transitional use in portions of single family zones, if located within 100 feet of a commercial or industrial zone (Section 22.20.090). In the City of Los Angeles, small lot subdivisions are allowed as a transitional use in the R-2 zone on lots that are adjoining a commercial or industrial zone (Section 12.09 of the Los Angeles Municipal Code).

Design

Small lot design and layout is fundamentally a site planning challenge in promoting a high-quality environment while addressing practical spatial requirements, such as parking and vehicle access, small lot sizes and awkward lot configurations, adequate access to air and light, and outdoor space and privacy. In addition, as small lot subdivisions could be a policy tool to promote infill development on vacant and underutilized parcels in existing developed communities, the project’s relationship with surrounding existing developments in the

neighborhood and with other public areas, such as streets and sidewalks, also plays a critical role in shaping the lot layout and building design.

Design guidelines are needed as part of a small lot subdivision program to address various challenges that are unique to small lot subdivisions. The design guidelines for small lot subdivisions should encourage developers and designers to not only consider the design elements of each lot and unit, but also the project's compatibility with the surrounding existing developments, and how it enhances the overall neighborhood character and vitality of the street and sidewalk. Unlike development standards, design guidelines provide the flexibility to address specific planning issues on a case-by-case basis. For an example of small lot subdivision guidelines, please see Appendix D: City of Los Angeles Small Lot Subdivision Ordinance Guidelines.

During an outreach meeting held in May 2009, many designers and developers agreed that the unincorporated communities are diverse and architectural features and styles should be flexible and based upon neighborhood compatibility. However, it is important to note that while some flexibility is necessary when addressing issues such as architectural styles, the meeting participants also expressed a need for some certainty in the planning process. They believe that certain aspects of a project that govern the lot and building layout, such as setbacks, access, sewer and utility hookups, parking, and open space should be subject to well-established development standards and mandatory requirements.

Street Design

The issue of street design is also important in small lot subdivision projects. There may be potential for designing public streets in small lot subdivisions with cross-sections that are narrower than the current County standard. However, various factors such as the capacity of the road, its connection with other roads, and the width and size of street sweeping equipment must be considered to determine the adequate width.

Fee Simple Lots

The allowance of smaller, fee-simple lots could eliminate the need for a homeowner's association (HOA). An HOA may still be needed if a small lot subdivision project contains common areas, such as common driveways, which puts the burden of repair and maintenance on the property owners. A maintenance agreement may be sufficient in ensuring that the common driveways will be maintained and repaired by the property owners if the small lot subdivision project is of a smaller scale, and if the common driveways are built to rigorous standards (e.g., 6" paving rather than 4") so that the improvements can last longer.

Access

Providing appropriate width access (e.g., driveways, fire lanes, streets) in small lot subdivision projects is an important factor for fire safety. Driveways need to be paved full-width with all-weather access. The use of alleys for access to off-street parking, and a clear system of establishing street addresses for emergency services should also be considered in a small lot subdivision program.

The number of driveways on a parcel also affects the amount of street parking that is available. An indirect driveway (one that has a 90 degree turn to the garage) allows for more on-site parking than a direct driveway. Driveway location should be considered during the land division/conditional use permit process, and driveways should be considered "fire lanes."

Flag Lots

Certain small lot subdivision projects in the County would need to utilize flag lot designs, which in some cases may not be feasible if the access strip of a flag lot cannot be included in the "required area" of a lot, as specified in Title 22 (Sections 22.08.180 and 22.52.100 C.2).

In addition, a flag lot design may not be feasible due to neighborhood compatibility concerns. Title 21 (Section 21.24.320) states in part: "The advisory agency may disapprove the platting of flag lots where the design is not justified by topographic conditions or the size and shape of the division of land, or where this design is in conflict with the pattern of neighborhood development." Placing new residences in the rear portions of lots can expectedly cause concern by the adjoining neighbors whose privacy, light, and air could be substantially altered. If flag lot designs are allowed as part of a small lot subdivision program, specific design guidelines for structures on flag lots should be established to ensure neighborhood compatibility. These guidelines can be implemented through a conditional use permit processed concurrently with the land division.

Parking

Parking is a big factor in the cost of a development and is an important component of a small lot subdivision program. Smaller lot sizes and other space constraints for small lot projects require flexibility in parking standards. Also, while private driveway systems can eliminate on-street parking altogether, they can also create an enforcement problem if cars are parked in the fire lanes. It is also important to consider off-street parking options and proximity to transit when designing small lot subdivision projects.

Setbacks and Open Space

Most small lot subdivision projects need flexibility in setback and open space requirements. It is important to balance the need for flexibility in these areas with neighborhood compatibility, existing neighborhood yard sizes, and the provision of adequate open space areas for landscaping and shade trees. A small lot subdivision program should consider flexibility in lot lines to allow for more useable yard areas. Another consideration is the impact of having

private rather than common open space, and flexibility in the type of open space that is allowed, such as balconies and rooftops. Furthermore, another consideration is that small lot subdivisions may be problematic in sloping terrain, due to slope setback requirements.

Permitting Procedure

The final consideration for a small lot subdivision program is the procedure for reviewing small lot subdivisions through a "streamlined" or a "one-stop" process for small lot subdivision projects. Currently, there is no mechanism for addressing specific design and neighborhood compatibility issues in the land division process. Requiring a land division to be processed concurrently with a conditional use permit provides a mechanism to ensure neighborhood compatibility through public input and design guidelines. However, the conditional use permit has the potential to make the entitlement procedure more complicated and costly, and the County may consider other mechanisms, such as a minor conditional use permit or reduced permit fee.

SURVEY OF OTHER LOCAL JURISDICTIONS

Many local jurisdictions have adopted small lot subdivision regulations that allow greater flexibility in lot sizes and widths. While some local jurisdictions establish zones specifically for smaller lot developments, others allow modification to lot sizes and widths in various residential zones through a discretionary review process. In some local jurisdictions, the small lot policies include basic development standards, such as setbacks, building height and parking, while other local jurisdictions emphasize the importance of visual quality and consistency with neighborhood characteristics. Most of these local jurisdictions have adopted detailed guidelines for architectural design with pictures and illustrations to demonstrate design elements that are encouraged or discouraged in a small lot development. Table 5 provides highlights of ordinances and code provisions adopted by local jurisdictions to regulate small lot subdivision developments.

Table 5: Summary of Small Lot Subdivision Programs in Other Local Jurisdictions

Local Jurisdiction	Summary of Small Lot Subdivision Program
Los Angeles, CA	• Allowed in multi-family and commercially-zoned properties. • Lots can be as small as 600 sq. ft. with a minimum width of 16 ft.; structures may cover up to 80% of the lot area. • Design guidelines address site layout, building design and materials, but the City has no mechanism to enforce them since it does not require any discretionary review (i.e., conditional use permit) as part of the approval process.
Marysville, CA	• Allows large lots to be subdivided into 3,000 sq. ft. lots in designated areas. Developments must be at least the same or greater size as the majority of the existing residentially-zoned lots within a 200 ft. radius.
Merced, CA	• Allowed in Planned Development zones. • Two sets of design guidelines for lots based on width and area. • 60% lot coverage; 10% open space; minimum lot areas of 1,950 to 3,000 sq. ft. • Uses a discretionary development plan review or a conditional use permit.
Modesto, CA	• Allowed in Specific Plan areas and in Planned Development zones. • Establishes separate guidelines for lots from 3,000 to 5,000 sq. ft., and less than 3,000 sq. ft. • Uses a discretionary review process to evaluate compliance with guidelines.
Napa, CA	• Permitted in all residential zones that allow single-family residences or duplexes. • Does not place a limit on lot size and width. • Requires a use permit to ensure that the proposed subdivision is compatible with existing neighborhood development patterns and to control building size.
Oakland, CA	• Allows a minimum lot area of 4,000 sq. ft. and a lot width of 25 ft. in certain zones. • The maximum building height, minimum yard, lot area, width, and frontage requirements may be waived or modified in residential and commercial zones. • A conditional use permit is required.
Santa Rosa, CA	• Allowed in single-family and multi-family zones. • Allows minimum lot size of 2,000 sq. ft. and a density of 18 units per acre. • Requires a conditional use permit with the land division map.
Portland, OR	• New narrow lots may be created in single-dwelling zones if certain development standards (e.g., access, parking and landscaping) are met. • Additional modifications are allowed with a planned development review application.
Seattle, WA	• The Residential Small Lot (RSL) zone was created specifically to allow detached single-family homes on 2,500 sq. ft. lots • Lots that are less than 5,000 sq. ft. in size can only have lot coverage equivalent to 1,000 sq. ft. plus 15% of the lot area.

CONCLUSION AND RECOMMENDATION

This study concludes that it is feasible to establish a program for small lot subdivisions in the County unincorporated areas. There is policy support for the creation of innovative programs to increase housing development and home ownership opportunities in the County's General Plan and community-based plans. The following list summarizes the special considerations for developing and implementing a small lot subdivision program for the unincorporated areas:

- The establishment of a small lot subdivision program requires modifications to development standards that affect land divisions in Title 21: Subdivision and Title 22: Planning and Zoning of the Los Angeles County Code.

- Design guidelines are an integral component of a small lot subdivision program. Detailed design guidelines should provide helpful tips and suggestions on site layout, building design and materials, and architectural features, illustrated with pictures and diagrams. The design guidelines should also clearly convey the goals and intent.

- In conjunction with the subdivision application, a conditional use permit should be required for all small lot subdivision projects in order to evaluate projects on a case-by-case basis in accordance with design guidelines.

- The development of a small lot subdivision program requires careful consideration of minimum lot area, setbacks, access width, sewer and utility hookups, parking, open space and other related requirements and development standards.

- A small lot subdivision program would be most widely used in more urbanized unincorporated communities that have higher numbers of multi-family residential zones and land use categories, have established infrastructure and services, and are not limited by environmental and safety land use constraints.

- Collaboration with other County departments, agencies and major stakeholders, including the Department of Public Works, the Community Development Commission, and the Los Angeles County Fire Department, is critical in developing and maintaining a successful small lot subdivision program for the County.

Based on the conclusion of this study, the staff makes the following recommendation:

- Instruct the Department of Regional Planning to prepare a Countywide ordinance to permit small lot subdivisions projects in the County, in coordination with other County departments and agencies, and address the issues and opportunities that are outlined in this feasibility study.

APPENDICES

Appendix A: Board Motion, August 5, 2008

Appendix B: CSD Analysis

Appendix C: Summary of Outreach Meetings

Appendix D: City of Los Angeles Small Lot Subdivision Ordinance Guidelines.

Appendix A: Board Motion, August 5, 2008

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held August 5, 2008, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

> Hearing to update the Housing Element consisting of technical revisions to address the Regional Housing Needs Assessment for the County; revisions to reflect recent changes in the State Housing Element Law; updated analyses; new programs to meet the County's housing development goals; adopt a resolution approving the 2008-14 Draft Housing Element and determine that the Draft Housing Element is compatible with and supports the goals and policies of the Los Angeles County General Plan; repeal the Board's action of October 23, 2001 (Board Order 32) relating to the Housing Element for the 1998-2005 planning period; and approval of the Negative Declaration (ND) and determination that the project will not have a significant effect on the environment and that the ND reflects the independent judgment and analysis of the County, as further described in the attached letter dated June 18, 2008 from the Director of Planning.

All persons wishing to testify were sworn in by the Executive Officer of the Board. Connie Chung, representing the Department of Regional Planning testified. Opportunity was given for interested persons to address the Board. Arnold Sachs, Sandy Chu, Paul Zimmerman and others addressed the Board. Written correspondence was presented.

(Continued on Page 2)

The following statement was entered into the record for Supervisors Molina and Yaroslavsky:

> "The housing crisis continues to loom over Los Angeles County, affecting our residents in profound ways. The Housing Element Update provides an opportunity for the County to comprehensively assess and adjust its goals, policies and programs to address the effects of the evolving housing crisis on the unincorporated communities of the County. It emphasizes the provision of housing opportunities for a variety of incomes and needs through a number of housing types. The Housing Element includes a number of new programs designed to maintain and increase the supply of housing, especially affordable housing. These programs will play a vital role in the County's ability to foster healthy communities by providing access to a broad spectrum of housing."

Therefore, on motion of Supervisor Molina, seconded by Supervisor Yaroslavsky, unanimously carried; the Board closed the hearing and took the following actions:

1. Considered and adopted the attached Negative Declaration (ND) and made a finding that there is no substantial evidence that the project will have a significant effect on the environment and that the ND reflects the independent judgment and analysis of the County;

2. Adopted a resolution approving the recommendation of the Regional Planning Commission as reflected in the attached 2008-2014 Draft Housing Element and determined that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan;

3. Repealed the Housing Element for the 1998-2005 planning period, which was adopted by the Board on October 23, 2001, upon effect of the attached 2008-2014 Draft Housing Element;

4. Instructed the Department of Regional Planning to submit the adopted resolution and adopted Housing Element to the State Department of Housing and Community Development for certification review;

(Continued on Page 3)

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5. Instructed the Department of Regional Planning to immediately initiate the required feasibility studies for establishing a program for small lot subdivisions and an inclusionary housing policy and report back to the Board within a year; and

6. Instructed all County Departments identified in the Housing Element to initiate the implementation of the remaining programs identified in the Housing Element.

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Attachments

Copies distributed:
Each Supervisor
Chief Executive Officer
County Counsel
Director of Planning

Appendix B: Community Standards Districts (CSD) Analysis

Table 6: CSD Provisions that Affect Small Lot Subdivision Feasibility

CSD	Provision	Section
East Compton (22.44.112)	Front yard setback	The front yard shall be at least 10 feet in depth.
	Height limit	The total floor area in all the buildings on any one parcel of land shall not exceed 13 times the buildable area of such parcel of land.
Agua Dulce (22.44.113)	Required area	• Each residential lot or parcel shall contain a net area of not less than two acres. • Residential parcels containing a net area of less than two acres may be created only within projects located in hillside management areas (areas over 25 percent slope) when it is found that such a design will result in both reduced grading and service system impacts and a better project design…. a. Each lot or parcel of land shall have a required width of not less than 165 feet and a required length of not less than 165 feet. b. Each lot or parcel of land shall have a required front yard of not less than 50 feet. c. Each lot or parcel of land shall have required side yards of not less than 25 feet.
Walnut Park (22.44.114)	Height limit	25 feet maximum building height in Zone R-1, R-2 and R-3.
	Setbacks	For parcels less than 40,000 square feet, setback requirements in Zone R-3-NR are more restrictive than the Countywide Zone R-3 setback requirements since Zone R-3-NR in this CSD is subject to the same development standards as Zone R-2.
East Los Angeles (22.44.118)	Height limit	Zone R-1: 25 feet Zone R-2: 35 feet Zone R-3: 35 feet
	Landscaping requirement	In Zone R-1, R-2 and R-3, the required front yard shall contain a minimum of 50% landscaping.
	Lot Consolidation	Lot consolidation of smaller lots in Zone R-3 is highly encouraged.
Topanga Canyon (22.44.119)	Gross Structural Area	Construction of residential units on smaller lots created by certain old tract maps, Records of Survey and Licensed Surveyor's Maps is subject to the maximum allowable gross structural area, which is determined by a special slope intensity formula due to the hilly terrain in the area.
	Setbacks	The Countywide provision on reduced front yard setback on sloping terrain (22.48.080) does NOT apply to this area.
West Athens-Westmont (22.44.120)	Height limit	Zone R-1: 35 feet and two stories Zone R-2: 35 feet Zone R-3: 35 feet
	Landscaping requirement	In Zone R-1, R-2 and R-3, the required front yard shall contain a minimum of 50% landscaping.

CSD	Provision	Section
Twin Lakes (22.44.121)	On-site and Off-site Improvements	• All roads or access easements on site, as well as segments of all roads abutting the parcel must be improved with a minimum of 20 foot width of paving, to be approved by the County Department of Public Works. • Fire hydrants must be accessible to the site, and comply with current standards of the county forester and fire warden. • Sewage disposal facilities must be sized to serve the requested use, based on current county department of health standards.
	Gross Structural Area	Construction of residential units on smaller lots created by certain Records of Survey is subject to the maximum allowable gross structural area, which is determined by a special slope intensity formula due to the hilly terrain in the area.
	Setbacks	The Countywide provision on reduced front yard setback on sloping terrain (22.48.080) does NOT apply to this area.
Leona Valley (22.44.122)	Required area	Standard residential lots or parcels shall contain a gross area of not less than two and one-half acres. Clustering and density transfer shall be permitted in accordance with the provisions of the Antelope Valley Area Plan, provided that no lots contain less than one and one-half gross acres. Clustering is allowed only within projects located in hillside management areas (areas over 25 percent slope) and must satisfy findings of the Hillside Management Ordinance.
Malibou Lake (22.44.123)	Lot coverage	Building and structures shall cover no more than 25% of the lot area, provided that regardless of lot size a residence of at least 800 square feet of floor area is allowed.
	Off-street parking	Each dwelling unit shall have two standard covered parking spaces and two standard uncovered parking spaces.
	Setbacks	The Countywide provisions on reduced front yard setback on sloping terrain (22.48.080), reduced side yard setbacks on narrow lots (22.48.100), reduced rear yard setback on shallow lots (22.48.110), and projections into yards (22.48.120) do NOT apply to this area.
Willowbrook (22.44.125)	Height limit	Zone R-1: 35 feet and two stories Zone R-2: 35 feet and two stories Zone R-3: 35 feet and two stories
	Floor area	The minimum floor area of a new single-family residence shall be 1,200 square feet.
	Lot coverage	The maximum lot coverage by structures of any type in Zone R-3 shall be 50 percent.
	Landscaping	In Zone R-3, a minimum of 20% of the lot shall be landscaped or hardscaped, with open, usable outdoor space.
	Residential building type	New residential structures within Zone R-3 shall only include single-family or duplex dwellings. Three or more attached dwelling units within one structure are not permitted, unless a conditional use permit is approved.

CSD	Provision	Section
Acton (22.44.126)	Minimum lot area	• New residential lots located in areas designated as Nonurban 1 in the Antelope Valley Area Plan shall contain a gross area of not less than two acres and a net area of not less than 40,000 square feet. Lot sizes may be clustered in accordance with the Antelope Valley Area Plan, provided that no lot contains less than one acre of gross area and 40,000 square feet of net area, and provided the average gross area of all lots in a project is not less than two acres. • New residential lots located in areas designated as Nonurban 1 in the Antelope Valley Area Plan shall contain a gross area of not less than one acre and a net area of not less than 40,000 square feet. Clustering is prohibited.
	Minimum lot width and length	• Nonurban 1: New residential lots shall contain an area which is at least 165 feet in width and at least 165 feet in length (depth). This area shall begin no farther than 50 feet from the street right-of-way line and shall include the entire building pad. • Nonurban 2: New residential lots shall contain an area which is at least 130 feet in width and at least 130 feet in length (depth). This area shall begin no farther than 35 feet from the street right-of-way line and shall include the entire building pad.
	Setbacks	• Nonurban 1: Residential lots shall have required front and rear yards of not less than 50 feet from the property line. Side yards shall be a minimum of 35 feet from the property line. • Nonurban 2: Residential lots of sufficient size shall have required front and rear yards of not less than 35 feet from the property line. Side yards shall be a minimum of 25 feet from the property line.

CSD	Provision	Section
Altadena (22.44.127)	Setbacks and building height	Zone R-1 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block; but no less than 20 feet. • Side yard setback: No less than 10% of the average width of the lot, but in no case less than 5 feet for interior and corner side yards and 10 feet for reverse corner side yards. • Each required yard shall not be less than 15 feet where any portion of a residence or other structure within that yard exceeds 23 feet in height. • The maximum number of stories above grade shall be two. Zone R-2 • On lots with a size of 20,000 square feet or less, the maximum building height shall be 30 feet. Zone R-3 • The maximum height of the structure at the inside boundary of the interior side yard adjoining the single-family or two-family residentially-zoned parcel shall be 25 feet, and any portion of the structure exceeding 25 feet in height shall be set back an additional foot from the inside boundary of said interior side yard for every two feet in height; and • The maximum height of the structure at the inside boundary of the rear yard adjoining the single-family or two-family residentially-zoned parcel shall be 25 feet, and any portion of the structure exceeding 25 feet in height shall be set back an additional foot from the inside boundary of said rear yard for every foot in height.
	Gross structural area, floor area and lot coverage	• In Zone R-1, residences are subject to the maximum gross structural area and the maximum lot coverage determined by a formula. • In Zone R-2, the floor area of any story above the first story shall be at least 20% less than the floor area of the first story
	Landscaping	• In Zone R-2, at least 50% of any required front yard shall be landscaped. • In R-3, any required interior side yard that adjoins a single-family or two-family residentially-zoned parcel shall be landscaped, which landscaping shall include shrubbery and/or trees to shield the adjoining property. Driveway is not allowed in any required interior side yard that adjoins a single-family or two-family residentially-zoned parcel. • In R-3, rear yards that adjoin a single-family or two-family residentially-zoned parcel, shall include a landscaped area with a minimum depth of 10 feet measured from the rear property line. Such landscaped area shall include shrubbery and/or trees to shield the adjoining property. At least one tree, with a minimum size of 15 gallons, shall be provided for every 250 square feet of landscaped area.

CSD	Provision	Section
West Rancho Dominguez-Victoria (22.44.130)	Landscaping	In Zone R-1 and R-2, the required front yard shall contain a minimum of 50 percent landscaping.
South San Gabriel (22.44.131)	Landscaping	In Zone R-1, R-2, R-3, R-A and A-1, the required front yard shall contain a minimum of 50 percent landscaping.
	Setbacks and building height	Zone R-1, R-A and A-1 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block; but no less than 20 feet. • Side yard setback: No less than 10% of the average width of the lot, but in no case less than 5 feet for interior and corner side yards and 10 feet for reverse corner side yards. • Each required side yard shall not be less than 10 feet where any portion of a residence or other structure exceeds 20 feet in height. • Each required rear yard shall not be less than 20 feet where any portion of a residence or other structure exceeds 20 feet in height. • The maximum number of stories above grade shall be two. Zone R-2 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block; but no less than 20 feet.
	Gross structural area, floor area and lot coverage	• In Zone R-1, R-A and A-1, residences are subject to the maximum gross structural area and the maximum lot coverage determined by a formula.
Rowland Heights (22.44.132)	Landscaping	In Zones A-1, A-2, R-1, and R-A, a minimum of 50% of the required front yard area shall contain landscaping consisting of grass, shrubs, trees, and other similar plant materials.

CSD	Provision	Section
Santa Monica Mountains North Area (22.44.133)	Antiquated Subdivision Area Specific Development Standards	The antiquated subdivision area is established to protect resources contained in certain hillside areas, located outside the Topanga Canyon and Malibou Lake areas, from incompatible cumulative development of small lots which may result in or have the potential for environmental degradation and/or destruction of life or property. • Hillside CUP is required for the construction of a single-family residence on any lot within the antiquated subdivision area that has a gross area of less than one-half acre and contains any area with a natural slope of 25 percent or greater
	Topanga Canyon Area Specific Development Standards	The Topanga Canyon area is established to implement certain policies related to small lot subdivision development contained in the Santa Monica Mountains North Area Plan. The area-specific development standards are intended to mitigate the impacts of development on small lots in hillside and other areas that lack adequate infrastructure or are subject to the potential hazards of fire, flood, or geologic instability, and to preserve important ecological resources and scenic features found in this area. • Small lots created by certain old tract maps, Records of Survey and Licensed Surveyor's Maps are subject to the maximum allowable gross structural area, which is determined by a special slope intensity formula due to the hilly terrain in the area.
	Malibou Lake Area Specific Development Standards	The Malibou Lake area establishes development standards to help mitigate the impacts of cumulative residential development on existing historical lots with limited street access in a high fire hazard area. • Buildings and structures shall cover no more than 25% of the lot area, except to the extent necessary to allow a residence of up to 800 square feet of floor area, in which case the residence shall be permitted to cover more than 25% of the lot area only to the extent that it otherwise complies with all other zoning provisions. • The Countywide provisions on reduced front yard setback on sloping terrain (22.48.080), reduced side yard setbacks on narrow lots (22.48.100), reduced rear yard setback on shallow lots (22.48.110), and projections into yards (22.48.120) do NOT apply to this area.

CSD	Provision	Section
East Pasadena-San Gabriel (22.44.135)	Street frontage and lot width	Zone R-1, R-2, R-A and A-1 • The minimum street frontage shall be at least 60 feet. • The minimum average lot width shall be at least 60 feet.
	Height limit	Zone R-1, R-2, R-A and A-1 • 30 feet on lot less than 13,000 square feet. • The maximum number of stories above grade shall be two. Zone R-3: 35 feet
	Setbacks and building height	Zone R-1, R-2, R-A and A-1 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block. On undeveloped blocks, the minimum front yard depth shall be 20 feet. • Side yard setback: No less than 10% of the average width of the lot, but in no case less than 5 feet for a lot with an average lot width less than 50 feet. • Reverse corner side yard setback: 10 feet • Rear yard setback: 25 feet on lot less than 13,000 square feet • For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a single-family residential zone, the maximum height of the structure: 1. At five feet from the side property line adjacent to the single-family residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height. 2. At 20 feet from the front property line shall be 20 feet and any portion of the structure that exceeds 20 feet in height shall be set back an additional foot for every additional foot in height. Zone R-3 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block. On undeveloped blocks, the minimum front yard depth shall be 20 feet. • Side yard setback: 5 feet • Reverse corner side yard setback: 10 feet • Rear yard setback: 15 feet • For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a single-family residential zone, the maximum height of the structure at five feet from the property line adjacent to the single-family residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height.
	Landscaping	Zone R-1, R-2, R-A and A-1 • Minimum 50% of required front yard shall be landscaped. Zone R-3 • Minimum 20% of required front yard shall be landscaped.
	Maximum floor area and lot coverage	Zone R-1, R-2, R-A and A-1 • Subject to the maximum gross structural area and the maximum lot coverage determined by a formula. Zone R-3: 75% of net lot area

CSD	Provision	Section
Avocado Heights (22.44.136)	Landscaping	In Zones R-1, R-A, and A-1, for lots less than 40 feet in width, front yards shall have a minimum of 25 percent landscaping. For all other lots, front yards shall have a minimum of 50 percent landscaping.
	Maximum lot coverage	In Zone R-1, R-A and A-1, buildings are subject to the maximum lot coverage determined by a formula.
	Setbacks	Zone R-1, R-A and A-1 • Front yard setback: Average depth of all of the front yards on the same side of the street on the same block. On undeveloped blocks, the minimum front yard depth shall be 20 feet. • Rear yard setback: 25 feet on lot less than 13,000 square feet
Castaic (22.44.137)	Lot size	• Hasley Canyon and Violin Canyon: Single-family residential lots created by a land division shall contain a minimum gross area of two acres and a minimum net area of 40,000 square feet. • Other areas: A minimum area of 7,000 square feet; and have an average lot size of at least 10,000 square feet for the subdivision or have an average lot size determined by a special formula, which put open space area and slope intensity into consideration.
Florence-Firestone (22.44.138)	Landscaping	In Zone R-2, R-3 and R-4, for lots less than 40 feet in width, front yards shall have a minimum of 25 percent landscaping. For all other lots, front yards shall have a minimum of 50 percent landscaping.
	Height limit	35 feet in Zone R-4
	Residential use in commercial zone	In Zone C-2 and C-3, residential and mixed residential/commercial uses shall be permitted with a director's review and approval. • Density: 30 du/net acre in Zone C-2 and 50 du/net acre in Zone C-3. • Height limit: 45 feet in Zone C-2 and 50 feet

CSD	Provision	Section
La Crescenta-Montrose (22.44.139)	Landscaping	Zone R-3 • At least 50 percent of the required front yard shall be landscaped and such landscaping shall include at least one minimum 15-gallon tree. • Interior side yards that are adjoining a single-family or two-family residentially-zoned property in any jurisdiction shall be landscaped and such landscaping shall include shrubbery and/or trees to provide shielding from that adjacent property. • Rear yards that are adjoining a single-family or two-family residentially-zoned property in any jurisdiction shall include a landscaped area with a minimum depth of 10 feet as measured from the rear property line. Such landscaped area shall include shrubbery and/or trees to provide shielding from the adjacent zone. At least one minimum 15-gallon tree shall be provided for every 250 square feet of landscaped area.
	Driveway width	In R-3, where a lot or parcel of land is not more than 100 feet in average width, only one driveway shall be permitted in the required front yard and such driveway shall not exceed 26 feet in width.
	Setbacks and building height	Zone R-3 • Where a lot or parcel of land is 50 feet or less in average width, such lot or parcel of land shall have interior side yards each of not less than five feet. Where a lot or parcel of land is more than 50 feet in average width but not more than 100 feet in average width, such lot or parcel of land shall have interior side yards each equal to 10 percent of the average width of such lot or parcel of land. • For structures that exceed 25 feet in height and are located on a lot or parcel of land adjoining a single-family or two-family residentially-zoned property in any jurisdiction: i. At the inside boundary of an interior side yard adjoining a single-family or two-family residentially-zoned property in any jurisdiction, the maximum height of the structure shall be 25 feet and any portion of the structure that exceeds 25 feet in height shall be set back an additional foot for every two feet in height; and ii. At the inside boundary of a rear yard adjoining a single-family or two-family residentially-zoned property in any jurisdiction, the maximum height of the structure shall be 25 feet and any portion of the structure that exceeds 25 feet in height shall be set back an additional foot for every two feet in height.
Juniper Hills (22.44.140)	Lot size	Each new lot or parcel of land created by a land division shall contain a gross area of not less than five acres.
	Minimum lot width and length	Each new lot or parcel of land created by a land division shall have a required width of not less than 330 feet and a required depth of not less than 330 feet.
	Setbacks	Required front, side, and rear yards shall have a minimum depth of not less than 30 feet.

CSD	Provision	Section
Southeast Antelope Valley (22.44.141)	Lot size	In all residential and agricultural zones, each new lot or parcel of land created by a land division shall contain a gross area of not less than one acre.
Baldwin Hills (22.44.142)	Residential use	The Baldwin Hills CSD intends to impose additional regulations on an active oil field which is not suited for residential development.
Elizabeth Lake and Lake Hughes (22.44.143)	Lot size	In all residential and agricultural zones, each new lot or parcel of land created by a land division shall contain a minimum net area of two and one-half (2 1/2) acres.
	Setbacks	Front yard setback: 20 feet Side yard setback: 7 feet on lot with an average width of less than fifty (50) feet; 10 feet on lot with an average width of fifty (50) feet or greater. Rear yard setback: 20 feet

Appendix C: Summary of Outreach Meetings

During the preparation of this study, Department of Regional Planning staff met with a number of County departments, committees and other stakeholders to discuss the small lot subdivision concept. These discussions resulted in many comments and identified a number of issues that would need to be considered when developing a small lot subdivision program.

Table 7 provides a summary of the issues and comments that were provided through staff outreach activities.

Table 7: Issues and Opportunities as Identified Through Stakeholder Outreach Efforts

Issue	Comments
General	• Offers a great method of providing additional housing. • Could be useful for the CDC Infill Sites Program. • Encouraging additional housing in existing neighborhoods may tax infrastructure systems and increase maintenance costs. • Allowing small lot subdivision projects with a greater density than the surrounding area could cause a neighborhood compatibility problem.
Fee-Simple Lots	• Allowing individually owned lots can eliminate the need for and associated costs of having a homeowner's association (HOA). • Maintenance agreements may be used in-lieu of HOAs in smaller projects to address common areas. • Allowing private streets puts the burden of repair and maintenance on the property owners and HOA rather than being a County responsibility. • Common driveways and other improvements that will be subject to a maintenance agreement should be subject to high standards. • Fee lot projects are generally more marketable than condo projects. • Questions over what will be the smallest lot area allowed; the City of Los Angeles allows 600 square foot lots. • Will fee-simple lots be reserved for just home owners? • The design and location of easements are very important.

Flexibility (Design Guidelines) vs. Inflexibility (Development Standards)	• Maintain as much flexibility as possible because of the County's geographic diversity.
	  o Architectural features should be flexible, and architectural styles should look at neighborhood compatibility.
	  o Too much flexibility can lead to too much uncertainty and risk.
	• Certain aspects of a project, such as setbacks, massing, access width, sewer/utility hookups, parking, trash collection, open space, etc. should be subject to well-established development standards rather than design guidelines, since design guidelines often provide more flexibility on a case-by-case basis.

Issue	Summary of Outreach Meetings
Street Design	• There is potential for designing public streets in small lot subdivisions with cross-sections that are narrower than the standard. However, any new cross-sections have to consider the capacity of the road, its connection with other roads, street sweeping equipment, and if the road is single (houses on one side) or double (houses on both sides) loaded. • The alternate cross-section may pose some problems if the garage has a direct access to the street and is not set back far enough from the sidewalk, which could lead to cars parked in short driveways and blocking part of the sidewalk. • The alternate cross-section puts the sidewalk at the curb, which can create some aesthetic and ADA concerns. • Utilities should be undergrounded, where possible.
Driveways	• The number of driveways on a parcel affects the amount of available street parking. • An indirect driveway (one that has a 90 degree turn to the garage) allows for more on-site parking than a direct driveway. • Driveway location should be considered during the land division/conditional use permit process. • Driveways are considered “fire lanes” and allow no parking on them.
Access	• Providing appropriate width access (e.g. driveways, fire lanes, streets, etc.) is an important factor for fire safety. • Driveways need to be paved full-width with all-weather access. • A turn-around should be provided for long driveways. • The use of alleys for access to off-street parking should be encouraged. • Traffic impacts from increased development should be considered. • Pedestrian use of access-ways should be considered. • A clear system of establishing street addresses is important for emergency services.
Flag Lots	• Flag lot development has raised concerns in the past. • For flag lot developments, there should be a maximum height limit established for fire safety purposes. • The use of flag lots allows service connections (e.g. water and sewers) to be located on the same property as the building.
Parking	• Parking can be a big factor in the cost of a development. • Allow flexible parking standards that take transit availability into account • Private driveway systems can eliminate on-street parking or create an enforcement problem if cars are parked in the fire lanes. • Many garages are not used for automobile storage and can create an on-street parking problem. • Guest parking or off-street parking areas should be considered.

Issue	Summary of Outreach Meetings
Building Design	• The distance between buildings and building heights need to be carefully reviewed to prevent overcrowding and to ensure neighborhood compatibility. • Architectural features and design are important for privacy and compatibility considerations. • Compatibility with the neighborhood pattern is important. • Consider manufactured housing and other innovative housing options. • Constructing two-story buildings can provide greater design flexibility and allow more open space area in a project. • Small lot areas, narrow widths and reduced setbacks may cause Building Code concerns relating to the "fire rating" of walls and the types of openings that are allowed. • There must be a specified width of egress from buildings to a public street. • Light and ventilation standards require a certain amount of openings in exterior walls. This may be more of an issue with "zero lot line" developments. • Providing space for and access to trash containers is important. • Multi-generational housing, multiple units and senior citizen residences should be given some consideration.
Front Yards, Setbacks and Open Space	• A graded slope has special setbacks from the property line and there is a requirement that any structure has to be set back from the top of the slope, making small lot subdivision projects problematic on sloping terrain. • Front yards should be similar to those common in the neighborhood. • Adequate open areas for landscaping are very important, especially shade trees. • Flexibility in lot lines (e.g., "zero setback") should be considered to allow for more useable yard areas. • Open space should be: private rather than common; flexible in the type of space used (e.g. balconies, roof-tops); a minimum additional amount beyond required yard areas; and able to be in small areas rather than one contiguous area.
Drainage	• Impervious areas should be minimized so that drainage can be handled on-site. • Drainage devices might be required. • Low Impact Development (LID) Standards need to be followed.
Water Supply	• Development must have adequate water for fire safety requirements. • Fire sprinklers in buildings can be used in certain situations to provide additional fire protection. • Fire flows and fire hydrant spacing should meet fire safety standards. • Some cases, an on-site hydrant must be installed for fire requirements. • The impact of increased water usage needs to be evaluated.

Issue	Summary of Outreach Meetings
Sewers	• Increasing the amount of development through the small lot subdivisions could create sewage capacity issues. • A proposed small lot subdivision may have to conduct a "sewer area study" to determine if there is sufficient capacity in the sewer lines. • There are some areas in the County that are already at capacity. • An "area study" would be required during the land division process to evaluate the adequacy of sewage capacity from the development to the trunk line.
Procedure	• Some consideration may be given to creating a "streamlined" or a "one-stop" process for small lot subdivision projects. "Fast-tracking" creates some fairness issues. • A development that has a small lot subdivision component should be processed in the standard fashion. • Requiring a small lot subdivision land division to be processed concurrently with a conditional use permit would provide a good mechanism to ensure neighborhood compatibility through public input and design standards; however, the conditional use permit process also makes the entitlement procedure more complicated and costly. The "Revised Exhibit A" process has time and cost implications. • If a conditional use permit is processed concurrently with a land division, there would be a more involvement by the reviewing agencies, even if the review is more conceptual than one with actual building plans. • The minor conditional use permit may be suitable for the small lot subdivision process. • Any conditional use permit for a small lot subdivision should not expire. • The timing of the construction of buildings relative to the recording of the land division maps should be considered.

The following groups were consulted on the dates noted below:

Housing Advisory Committee	September 25, 2008
Regional Planning Commission	October 22, 2008 & July 22, 2009
Community Development Commission (CDC)	October 22, 2008 & February 5, 2009
Development Review Committee	November 18, 2008 & May 12, 2009
City of Los Angeles – planning staff	December 2, 2008
Department of Public Works – sewer and water staff	December 11, 2008
Subdivision Committee	January 26, 2009
Developer/Designer Focus Group/CDC	May 26, 2009

Appendix D: City of Los Angeles Small Lot Subdivision Ordinance Guidelines.

CITY OF LOS ANGELES SMALL LOT DESIGN GUIDELINES

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1 INTRODUCTION

The City of Los Angeles has enacted the Small Lot Ordinance (No. 17354) to allow the construction of fee-simple, infill housing on small lots in multi-family zones. The housing can take the form of single-family homes, duplexes, or triplexes. Small lot developments can offer a space-efficient and economically attractive alternative to the traditional condominium development.

Additionally, the ordinance offers a welcomed smart-growth alternative to the suburban single-family home. However, it brings a new set of spatial complexities. Lots may be both small and awkwardly shaped. Driveways and parking can take up much of an already limited lot size. Adjacent structures and neighborhood context may effectively limit building heights above two stories. In short, these spatial constraints and complexities require innovative design solutions.

This handbook provides design guidelines and suggestions both for addressing these complexities, and for ensuring that each small lot development benefits both its residents and the neighborhood.

Looking at small lot design from three levels

Constructing infill housing offers a unique set of design challenges not simply on the parcel level, but also on the neighborhood level and within the public realm. Developers and architects must therefore consider both the design elements of each townhouse and how these designs will enhance the overall neighborhood character and vitality of the street and sidewalk.

Parcel

Small lot design and layout is fundamentally a site planning challenge. It requires simultaneously addressing practical spatial requirements while creating high-quality living environments. Those practical requirements include: parking and automobile access; small lot sizes and awkward configurations; adequate access to air, light, and ventilation; outdoor space and privacy. Developers must address these issues in ways that ultimately enhance the living environment of each dwelling unit. Additionally, each home must exhibit a high level of design quality: well-articulated entries and facades, proportionate windows, quality building mat erials, contextual landscaping.

Neighborhood

By its very nature, infill development occurs in neighborhoods with preexisting development and preexisting characteristics. In some cases, the neighborhood will be predominantly residential; in others, the neighborhood might be predominantly commerical. Whatever the case, the design should enhance the overall quality of the neighborhood. At this scale, developers and architects must consider not simply the aesthetic nature of each townhouse, but the three-dimensional nature of the entire development: height, massing, siting and orientation. These characteristics must relate to the surrounding built form, respecting the overall neighborhood character and existing topography.

Public realm

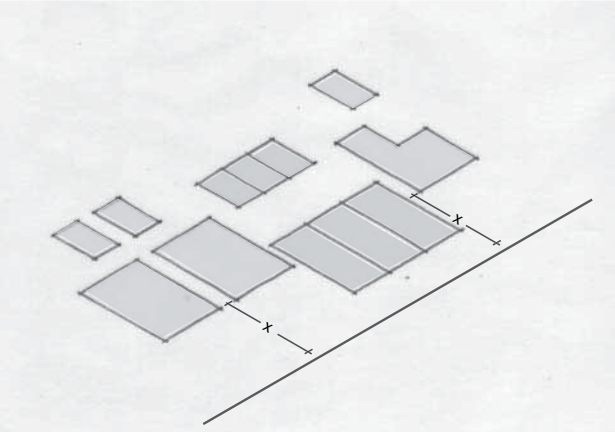
Each infill project, however small, must add to a vital and coherent public realm—streets and sidewalks that are pleasant, interesting, and comfortable to walk down. To do so, one must consider the three-dimensional relationship between the infill project and the street and sidewalk. Key variables to consider are: building siting and orientation, height and massing; articulation of facades and entryways; placement and type of street trees; landscaping and transitional spaces; and location of driveways and garages.

Comprehensive goals:

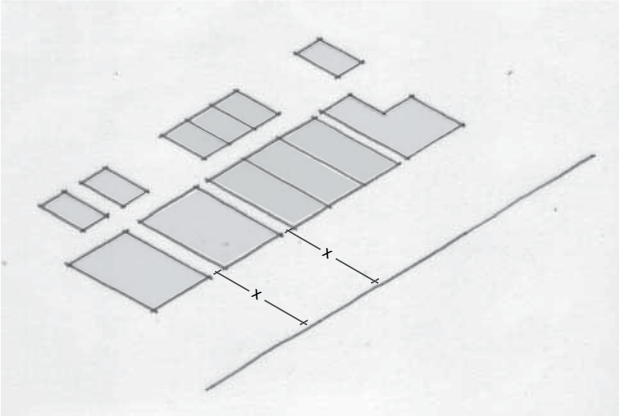
-Create high-quality indoor and outdoor living environments for all residents
-Design and configure housing to mesh well within the existing neighborhood context
-Enhance the public realm
-Provide fee-simple home ownership opportunities for greater numbers of people, of a range of income levels
-Consolidate service and access areas (parking, driveways, garbage) to minimize their adverse effects on both the public and private realms
-Create high-quality public spaces or common areas (i.e. shared driveways, landscaped areas)

2.1 Setbacks and sideyards

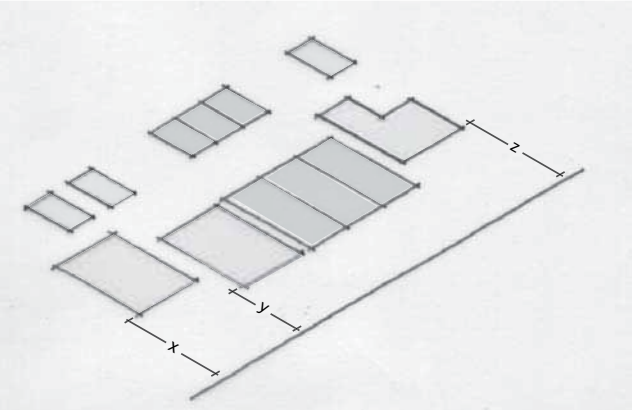
No setbacks are required; however, neighborhood context should provide direction for setting buildings further back from the street. On commercial streets, which have a more urban character, minimal setbacks are appropriate - simply enough room for a small front stoop, and some landscaping to delineate the public and private realms (however, dwellings with ground-floor retail require no setbacks). On residential streets, preexisting setbacks will guide how far a small lot development is set back.



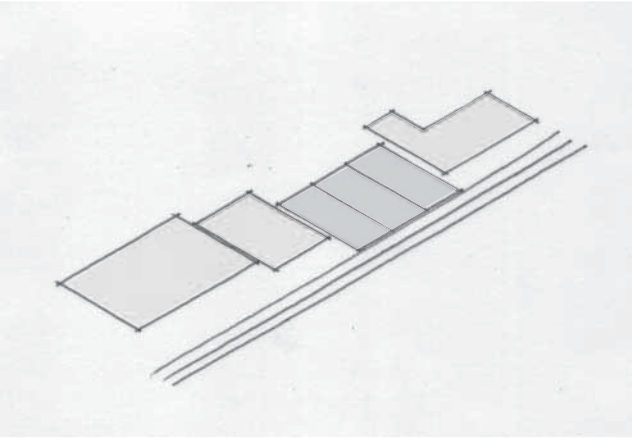
In residential neighborhoods, AVOID configurations that ignore existing setbacks.



Where a uniform neighborhood setback exists, align the small lot development with this setback. Slight deviations from the setback are acceptable.



On residential streets with a range of setbacks, align small lot dwellings with the furthest protruding building.



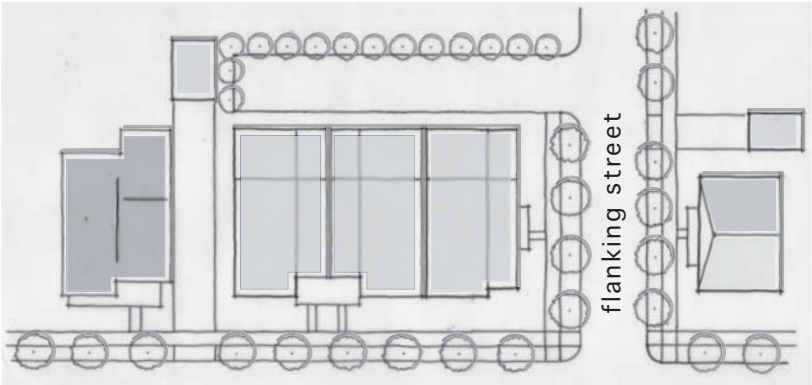
On commercial streets with a range of setbacks, small lot developments should nearly abut the sidewalk, allowing some room for an entry, front stoop, and some transitional landscaping. However, dwellings with ground-floor retail do not require such elements.

Setback guidelines

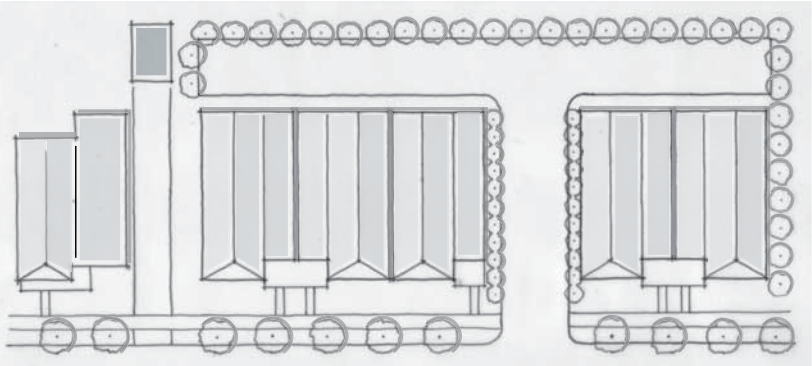
-For both commercial and residential streets, provide space for an entry, front landing, and transitional landscaping between the public sidewalk and the private entryway.
-Match existing setbacks to the extent possible.
-On streets with varying setbacks, align small lot dwellings with the furthest protruding dwelling.

2.2 Site layout and design

Numerous spatial constraints – parking and driveways, adequate indoor and outdoor living space, and small lot size – require spatially innovative solutions. Builders and designers should ask such questions as: Can I provide outdoor space not only at ground level, but also on balconies and rooftops? Is there an alternate configuration that might take advantage of existing topography to provide more open space? How might adjacent structures and street characteristics affect the development's overall form and orientation? Builders and designers should explore as many spatial avenues as possible, ultimately striking a balance between practical spatial requirements (i.e. parking, adequate interior space) and the provision of amenities (i.e. private outdoor space).

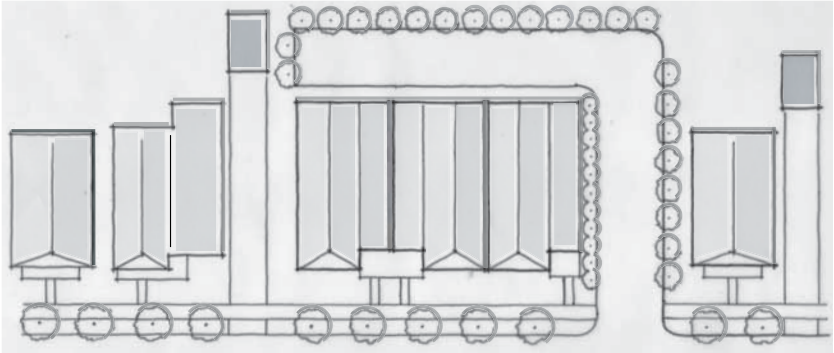


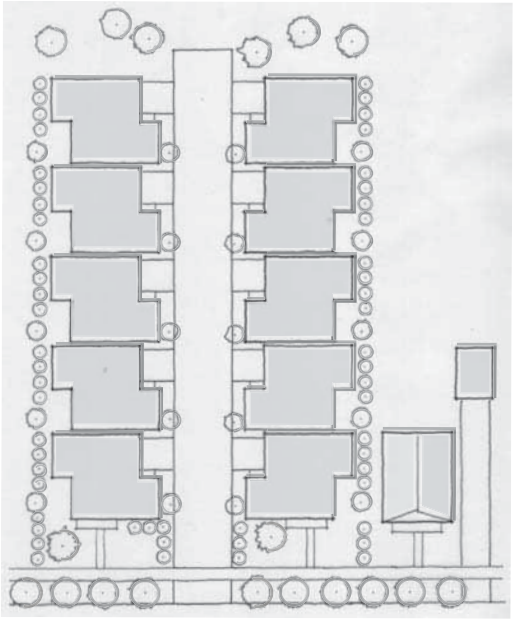
Rear driveway off flanking street



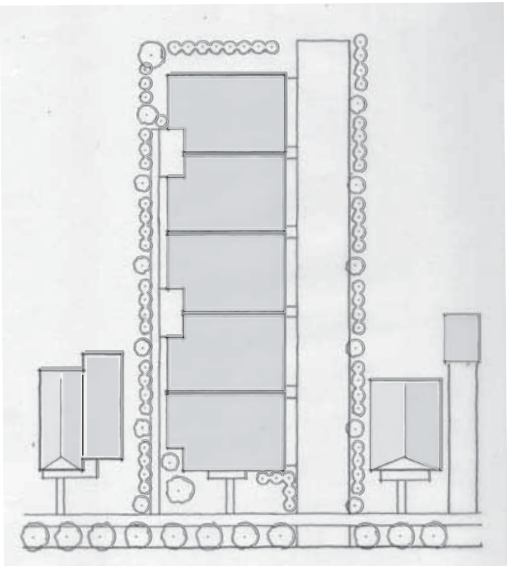
T-driveway off front street

L-driveway off front street



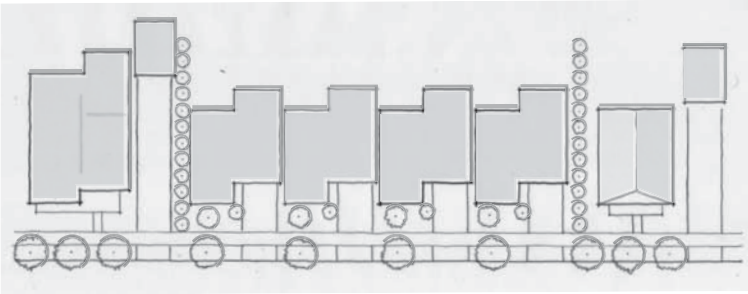


Townhouses with a center access driveway can enhance the public realm when front townhouses are accessible from the sidewalk.

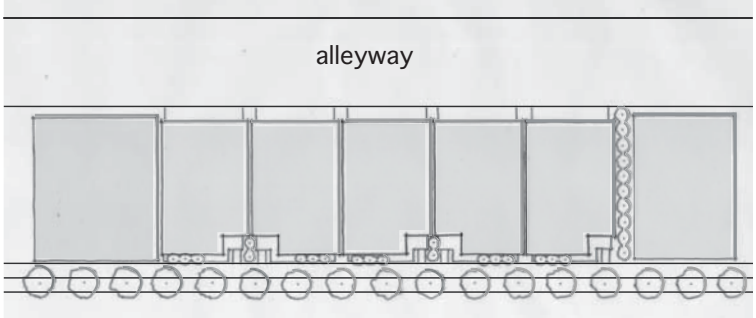


Small lot developments with a side access driveway should configure front townhouses to be accessible from the sidewalk. Interior townhouses should be accessed from both the driveway and a private walkway at the front of the homes.

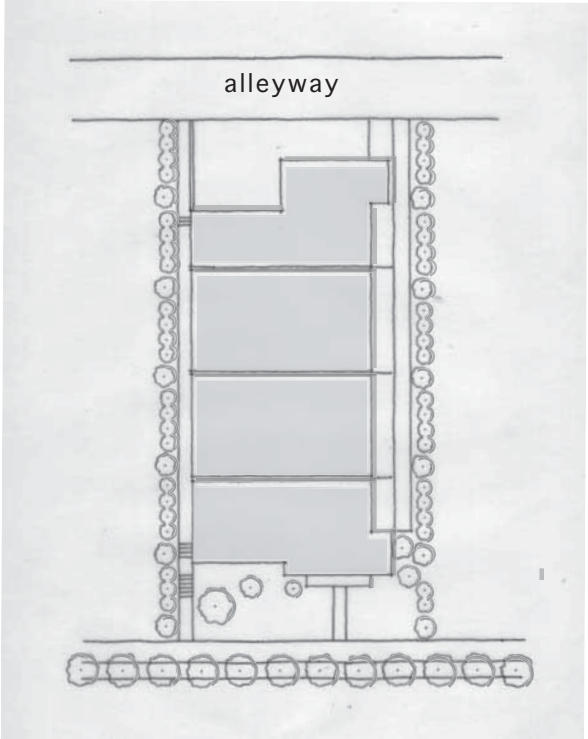
Configurations should also engage the street, sidewalk and public realm. Streets serve not only as space for vehicular movement, but also as public space for pedestrian activity and casual social interaction. When designed well, small lot developments can enhance the pre-existing character of a good street, or improve a fragmented one. To do so, infill housing should embrace rather than ignore the street.



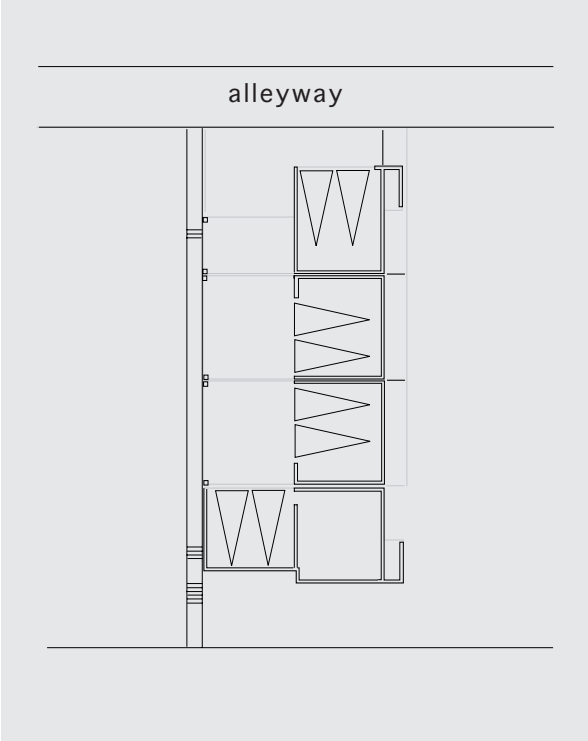
Rowhouses with integral front garages can adequately engage the street if garages are not allowed to dominate the facade. Tandem parking can minimize how much facade space is allocated to parking. One might also consider stacked parking with the aid of lifts.



Rowhouses on commercial streets with rear alleyway access can eliminate integral front driveways and minimize setbacks to enhance the urban nature of the street.

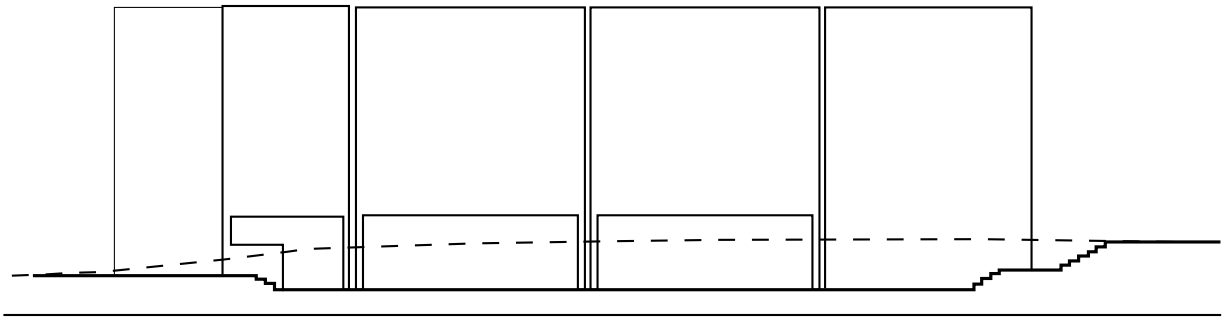


Plan view



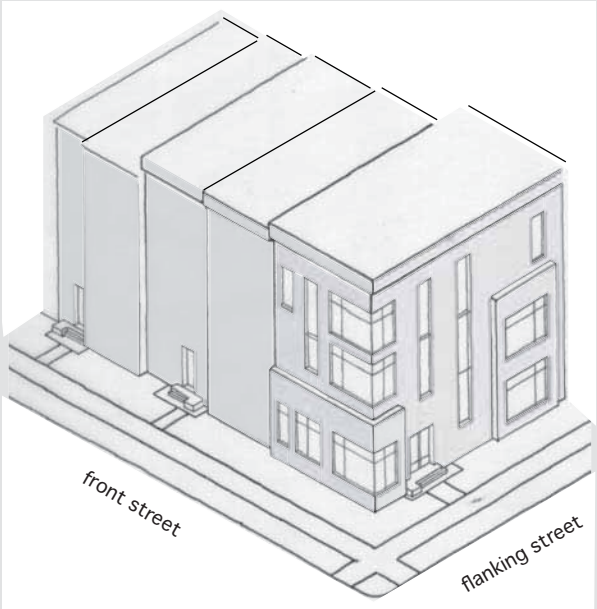
Parking-level floor plan

It is possible to locate parking beneath dwellings. In this particular layout, residents access parking from the alleyway and use a community driveway to reach their own parking stall. Notice in the above righthand illustration how the dwellings are still structurally independent.



As shown in this side elevation, the parking is not technically subterranean. The site is excavated so that the buildings sit below the average natural grade (indicated with a dashed line) and can be accessed from the side staircase and walkway as well as from the community driveway.

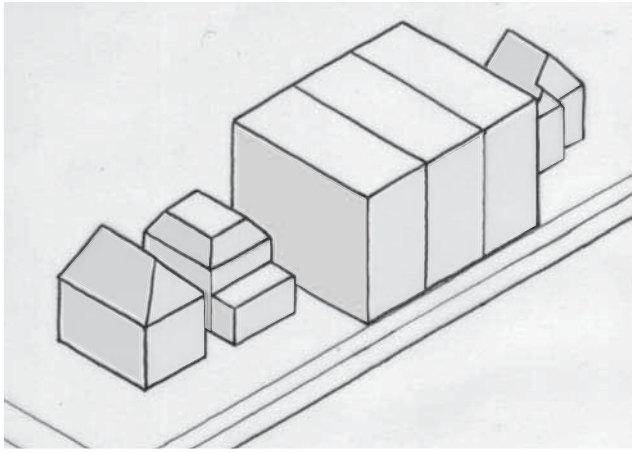
SITE LAYOUT GUIDELINES:
-To the extent possible, configure townhouses to front streets and open spaces, not driveways.
-For townhouses not immediately adjacent to the street, provide a private walkway from the sidewalk to them.
-Minimize the total amount of driveway space and maximize green space.
-Where possible, utilize alleyways for access.
-Take advantage of existing topography and natural features (i.e. existing trees).
-Small lot developments that occupy a corner lot must have the corner townhouse entrance front the flanking street.



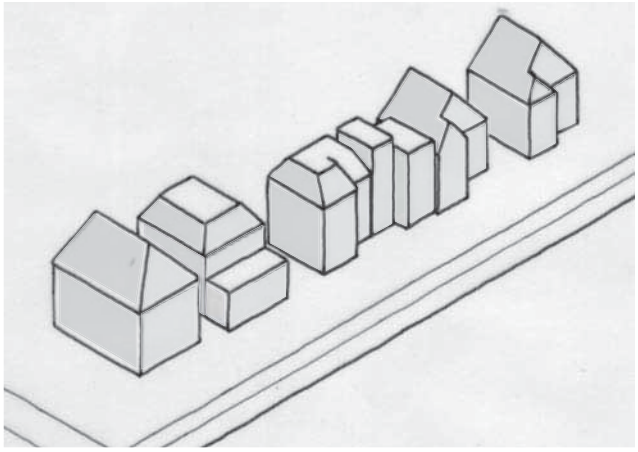
Small lot developments that occupy a corner must have the corner townhouse entrance and main facade front the flanking street.

2.3 Height and massing

Massing refers to how a building's volume is broken up and articulated. A building envelope is the maximum built volume allowed under the code. Well-designed buildings tend not to max out the building envelope but rather employ volumetric variations (i.e. height, massing, rhythm, texture) to create visual interest. These variations serve dual functions: they help small lot developments mesh with their surroundings, and they enhance the overal quality of the street and public realm by providing visual interest for pedestrians.



Small-lot developments that max out the building envelope rarely blend well into existing single-family neighborhoods.



Variations in height and massing, borrowing various forms from adjacent structures, can help small-lot developments blend better into the neighborhood.

Height and massing guidelines

- Use surrounding built context to inform variations in height and massing.
- Avoid excessive differences in height between the new development and adjacent buildings.
- On streets with a more urban character, ensure adequate massing and facade variation at street level.

On streets with a more urban character, small-lot developments should still employ variations in massing (particularly at street level) to enhance the pedestrian realm.

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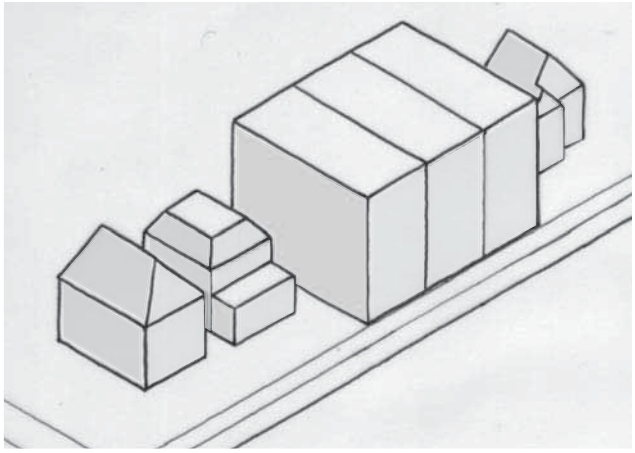

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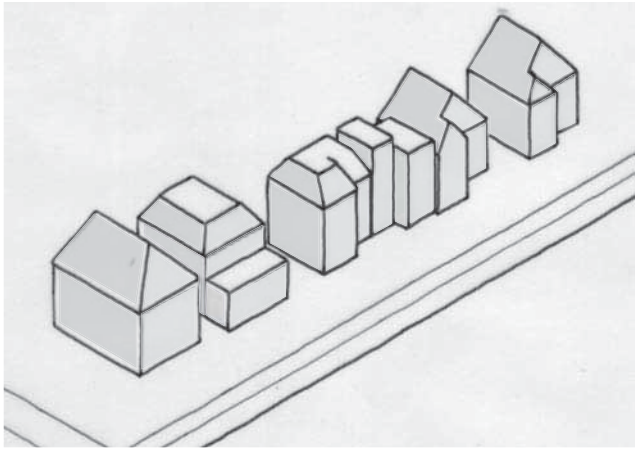

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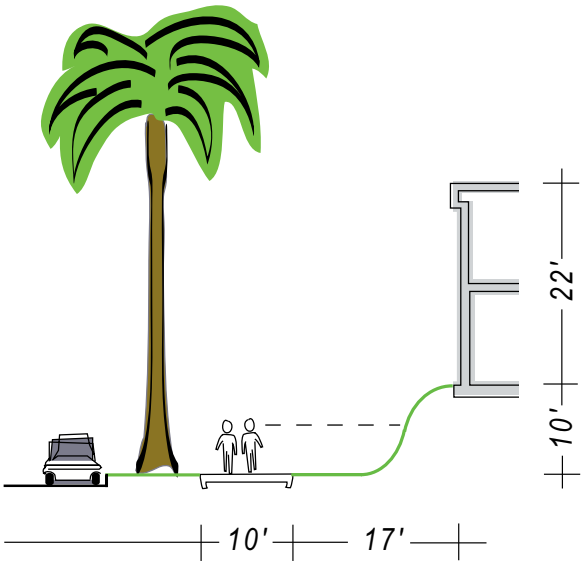
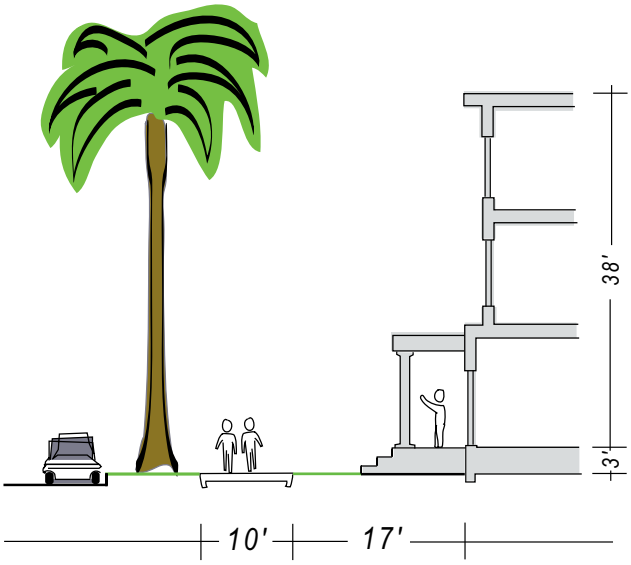
2.4 Grade level

A common concern of infill townhouses is their excessive height in relation to surrounding structures. Appropriate grade levels consistent with those of surrounding structures can help to offset the potentially negative effects of increased building height. Designers and builders should avoid designs with excessive artificial grading. Resulting buildings ultimately appear taller than what they may be, and their facades tend to tower above the sidewalk, creating an unsightly and inhospitable environment for pedestrians and neighbors. On the other hand, subtle changes in grade can create a key transitional zone between the public and private realms, as well as additional privacy for townhouse inhabitants.



Small lot developments with excessive grading tend to tower above the neighborhood as well as the sidewalk. The healthy interaction between the public and private realms is compromised.



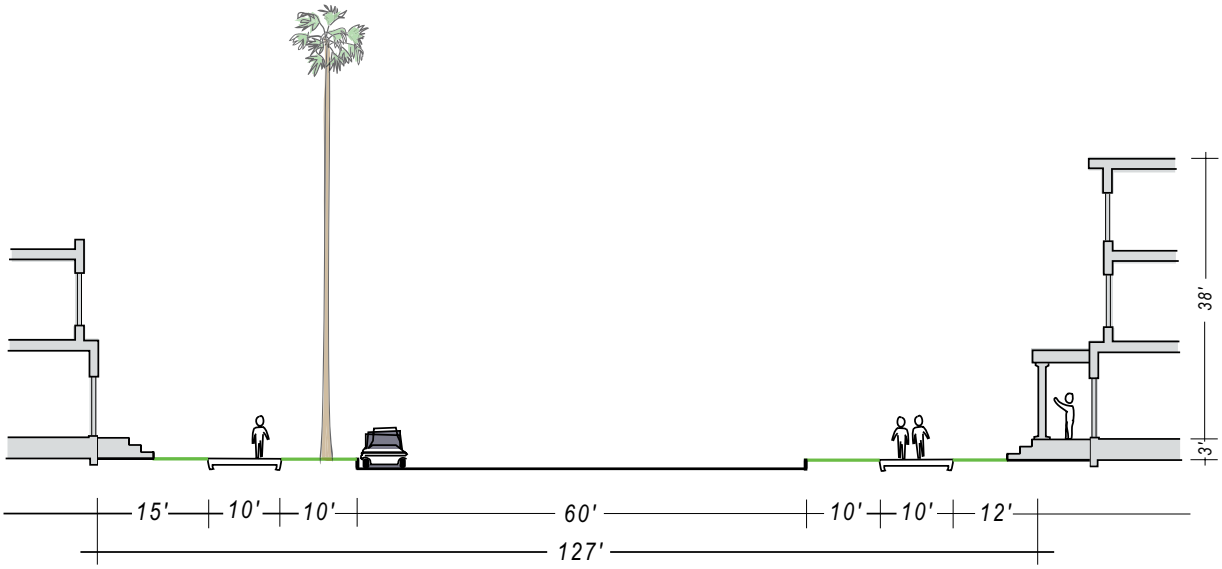
Subtle grade changes (here, three feet) clearly delineate the public and private realms while still maintaining a comfortable relationship between these realms and their users.

Grade level guidelines

- Entrances should be three to five steps above grade or consistent with the average grade of existing structures.
- Use “theoretical grade” as opposed to “average natural grade” when siting the development. “Theoretical grade” is defined by “an imaginary line from the midpoint of the parcel on the front property line to the midpoint of the parcel on the rear property line.”
- Townhouses whose entrances front commercial boulevards should sit three to five steps above sidewalk level to allow room for a stoop and entryway and ideally some landscaped area. However, live-work or ground-floor commerical arrangements whose work spaces front the boulevard do not require a grade separation.

2.5 Building-to-street proportion

Building-to-street proportion refers to the relationship between the height of buildings on each side of the street, to the width between those buildings. Ideal proportions create a public realm that is pleasant for both the street's residents and passers-by. In essence, this means thinking of the street and sidewalk as a potential "outdoor room." These are the kinds of outdoor spaces humans tend to most enjoy being in and walking through. Through setbacks, appropriate heights, and landscaping, small lot developments can help contribute to the creation of these outdoor rooms.



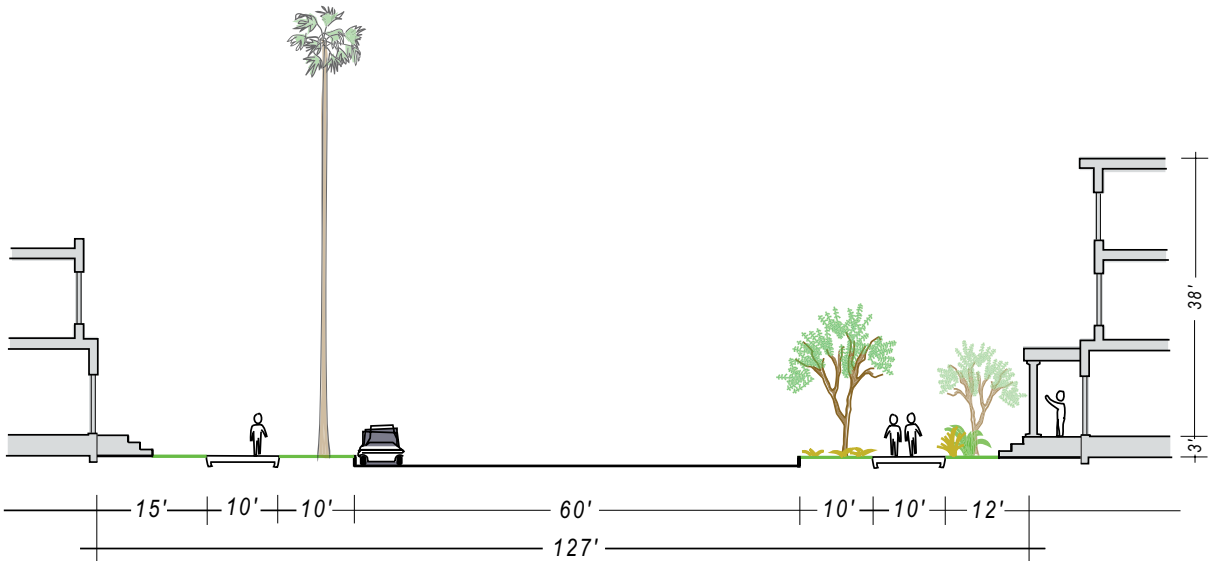
With a height of 41 feet, the small lot development creates a height-width ratio of approximately 1:3. While this ratio is sufficient for creating the semblance of an outdoor room, the street could benefit from landscape interventions within the public and private realms adjacent to the small lot development.

Many Los Angeles streets have skewed height-width ratios: low-rise buildings abut narrow sidewalks and extremely wide streets. Shown at left: Hollywood Boulevard near the 101 Freeway, looking west.

While there is no magic number, the "walls," or building heights, should extend upwards at least one-quarter the width of the "floor," or the width between buildings on opposite sides of the street. Widths exceeding four times the height of buildings tend to eliminate any sense of enclosure for the pedestrian.

In some cases, neighborhood context may preclude increased building heights. In this case, one can add street trees within the public right-of-way, and trees and landscaping within the front yard area, to add further definition to the public realm. The effect is to create clearly defined, shady spaces

The simple addition of shade trees along the parkway (here, above right, Sycamores) can greatly enhance the sense of enclosure and comfort for pedestrians and residents.



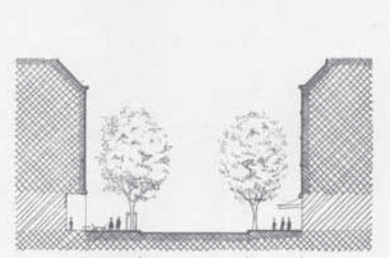
Landscaping within the public, transitional, and private realms heightens the semblance of an outdoor room. Use canopy-creating shade trees in the public and private realms. Groundcovers and low-growing plants (not higher than 4') can further enhance the understory of the public and transitional realms without creating wall-like barriers.

BUILDING-TO-STREET PROPORTION GUIDELINES
- Attempt to achieve a building + grade height of at least 1/4 the width of the space between buildings on opposite sides of the street.
- Define the public right of way through the planting of shade trees (see landscaping section for suggested species) and low-growing vegetation.
- Plant shade trees and ornamental plants within the private realm, to add increased definition and visual interest to both the public and private realms. However, avoid landscape schemes that call for 4'+ shrubs or other plants immediately adjacent to the sidewalk.

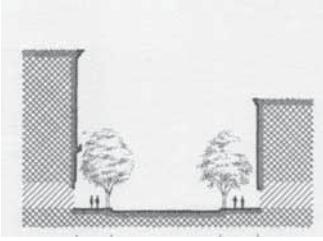
Normandie Boulevard, Koreatown
Street width: 50'
Width, building face to building face: 78'
Building heights: 65-80'
Height-width ratio: 1:1

Dunsmuir Avenue, Miracle Mile
Street width: 40'
Width, building face to building face: 86'
Building heights: 24'
Ratio: 1:3

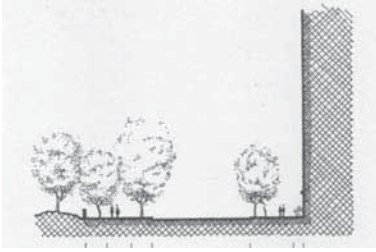
Larchmont Boulevard, Larchmont Village
Street width: 70'
Width, building face to building face: 101'
Building heights: 13-26'
Ratio: 1:4



Boulevard Saint-Michel, Paris
Street width: 50'
Width, building face to building face: 98'
Building heights: 80'
Height-width ratio: 1:1.2

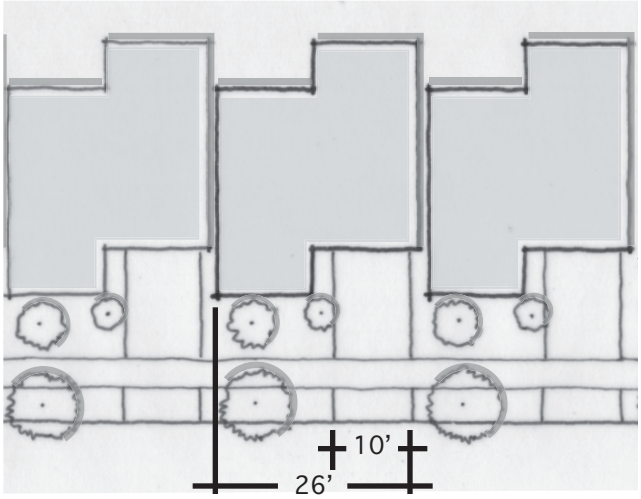


Via Cola di Rienzo, Rome
Street width: 50'
Width, building face to building face: 82'
Building heights: 50-70'
Ratio: 1:1.4



Fifth Avenue, New York
Street width: 45'
Width, building face to park edge: 100'
Building heights: 60-300+'
Ratio: 1:2 to 3:1+

Street drawings and dimensions taken from Jacobs, Allan B. *Great Streets*. Cambridge: MIT Press, 1993.



If an integral front driveway configuration is the only option for a small lot development, ensure that the building width allows for landscaping and a front entryway.

Avoid designs in which the garage dominates the dwelling's facade.

Parking and Driveways

The design of small-lot developments must strike a particular spatial balance: simultaneously accommodate for the automobile but maintain high-quality public and private living environments. Often, small-lot configurations allow parking, driveways, and garages to dominate the landscape. These kinds of configurations both create conflicts for pedestrians and decrease the overall aesthetic quality of the development. Frequent curb cuts and driveways jeopardize pedestrian safety and eliminate space for street trees and on-street parking. Parking improperly placed at the front of townhouses can transform their facades into large, unsightly garages. Ideally, designs should locate parking behind dwellings, accessed from alleys where present. If driveways are necessary, designs should minimize their number.

3.1 Number of spaces

The small lot ordinance requires the provision of two parking spaces per unit. Tandem parking is perfectly acceptable, space permitting. One space can be for a compact car.

For small lot developments under 10 units, guest parking is not required. For developments between 10 and 100 units, .25 spaces should be provided per unit. For developments larger than this, .5 spaces should be provided per unit.

3.2 Dimensions

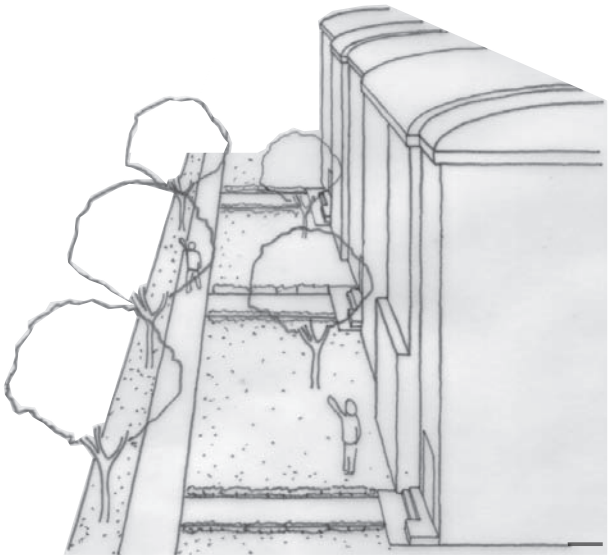
The small lot ordinance stipulates the following dimensions for parking spaces:
8'8" x 18' for standard-size cars;
7'6" x 15' for compact cars.

Driveway width depends on lot depth and building configuration. Integral front driveways should be 10'. In these configurations, the building width should adequately allow for integral front parking plus some yard and porch or landing space. Access driveways will vary in width depending on lot size, depth, and building height. Please consult the Fire Department.

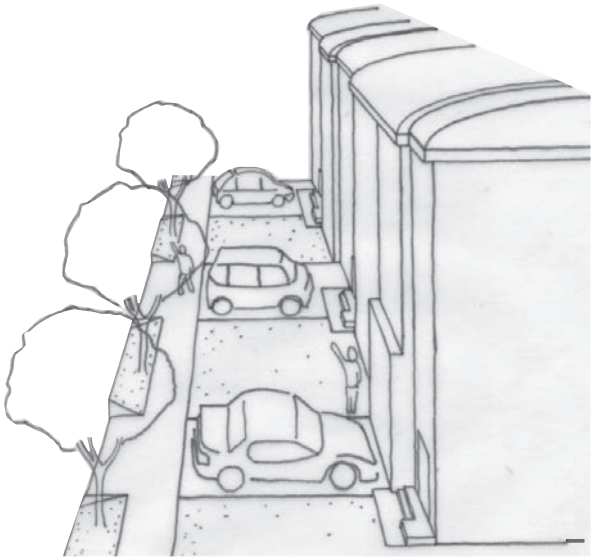
3.3 Desirable configurations
See section 2.2 for configurations.

3.4 Driveway materials
Currently semi-pervious driveway materials are not allowed under the code. However, one can use stamped concrete to create a more aesthetically pleasing alternative to the black asphalt driveway.

Parking guidelines
-Favor townhouse configurations that locate parking to the rear of dwellings
-Where available, use alleyways as access to off-street parking
-If integral front driveways must be used, the building width should allow for the driveway plus an ample amount of landscaping space and a front entryway, porch, or landing.



When driveways are located to the rear of dwellings, the streetscape can become a comfortable outdoor space for residents and passers-by.



Integral front driveway configurations tend to disrupt the continuity of the sidewalk and public realm, and eliminate space for street trees and on-street parking.

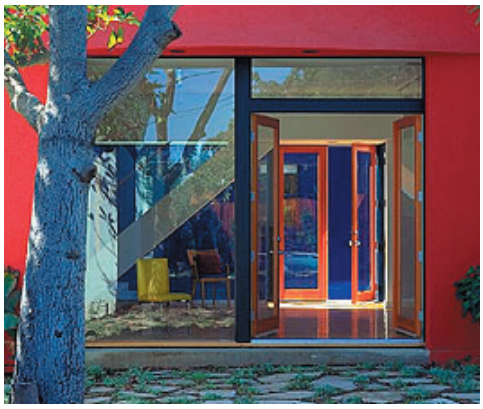
4.1 Fenestration

Effectively placed and articulated windows serve several practical and aesthetic functions: access to light and air; a transparent bridge between the public and private realms; rhythm and visual interest. Because Los Angeles architecture runs the gamut of styles, it is difficult to suggest one particular window style for townhouse developments. However, some general rules of thumb exist for ensuring that window placement and design enhance the overall quality of the project.

Fenestration guidelines

- Placement should follow some consistent rhythm, to create visual clarity as well as to help avoid the creation of blank walls.
-Windows need not all be horizontally or vertically proportioned but rather their placement and orientation should take cues from the building's overall style and configuration.

Regardless of architectural style, window placement should follow some consistent rhythm. Note that rhythm is not necessarily synonymous with symmetry.



4.2 Articulation of entryways

Entryways serve as the gateway between the public and private realms. When designed well, and clearly defined, they simultaneously welcome visitors and clearly delineate the boundaries of the private realm. They may also offer habitable outdoor space in the form of a small front porch or patio.

Entryway guidelines

- Entryways should be clearly identifiable. This can be achieved through stepping up the entryway, adding awnings, creating a landing area or front porch, and the addition of design details.
- Those townhouses fronting a street should always have their primary entryway accessible from the street.
- In the case of corner townhouses, the entryway should open onto the flanking street.
- Entryways should sit at a grade comparable to those of the surrounding structures but should never tower above the street.
- Garages should not take the place of the main entryway.

4.3 Building materials

Because Los Angeles architecture varies in style – oftentimes within neighborhoods – these guidelines do not prescribe particular building materials. However, neighborhood context and the surrounding structures should inform one's choice of materials. Generally, one should choose durable, high-quality materials, considering how the materials will effect the overall look and feel of the small lot development

4.4 Roof lines

Roof lines should offer some variation in form, both vertically and horizontally. However, less is often more. While townhouses should exhibit some individuality, excessively varied and multi-pitched and gabled roofs tend to create a visual chaos that is undesirable and unnecessary. The key is to consider the effect the building's design elements (i.e. height and massing, entryways, balconies, roof lines) will have on the overall look and form of the dwelling.

Excessively varied and multi-pitched and gabled roofs risk creating a visual chaos.

Roof lines can create subtle variations in form while still allowing room for individuality.

Landscaping and small lots

Two types of landscape areas exist when designing small lots: those adjacent to the public right of way, and those located within the site. Each fulfills a dual but somewhat separate role. Those adjacent to the public right of way are not simply assets to their owners, but also to the neighborhood, the public realm, and to passers-by. These landscapes help to create a sort of outdoor living room. Those landscapes located within the site are assets not simply to the residents of the small-lot development, but also to the individual owners of that landscape. They provide much-needed private outdoor space and some territory to treat as their own.

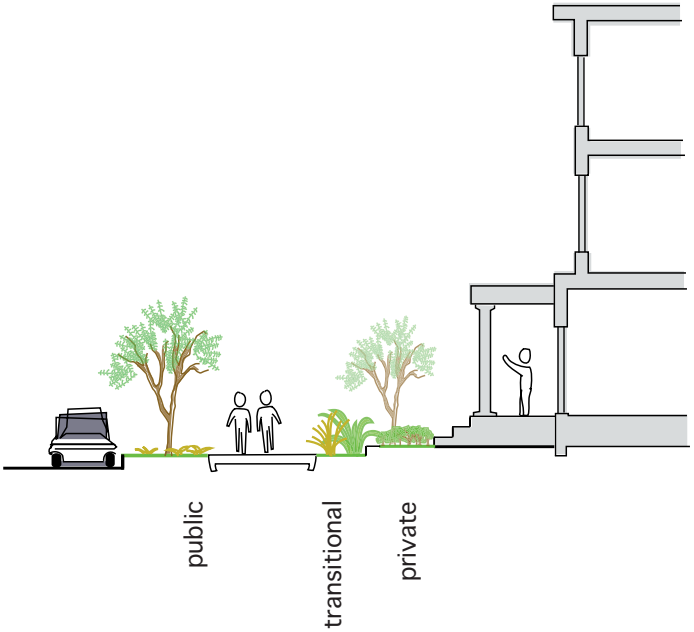
5.1 Landscaping adjacent to the public right of way

Front yard space serves a dual function, and thus deserves particular attention. It acts as both habitable outdoor space for its owners, and as a proverbial shared living room of the neighborhood. That is, while strangers may not walk into the space, the yard is still a visual amenity to the neighborhood and passers-by. Additionally, it serves as a semi-transparent bridge between the private interior of the townhouse, and the public realm of the sidewalk and street.

Typical but inappropriate landscaping comes in the form of turf grass along the parkway and no street trees; 7'-tall shrubs or fencing in the transitional zone, or just turf grass; and turf grass in the private realm, with a few shrubs abutting the building. The effect is a bland environment that offers little visual interest, but that requires much water to maintain. This kind of landscaping views the space as an afterthought.

Transtional planting of Senecio (ground cover), Silver Jade (foreground), Fox Tail Agave (center), Toothless Sotol (upper), and olive trees.

This landscape of turf grass and few trees is visually bland, requires extensive irrigation, and fails to enhance or define both the public and private outdoor realms.



Subtle variations in grade and drought-tolerant plant materials gracefully define transitions between the public and private realms.

A better approach is to view the landscape as three interlocking but separate zones: the public realm (the street, parkway, and sidewalk); the transitional zone near the lot line; and the private realm beyond the lot line. When landscaping for these zones, a general rule of thumb is to strike a balance between privacy and transparency, visual interest and order. One can delineate the three zones through subtle but defined grade separations, which step up to the private realm of the home. Within each zone one can plant a different set of plant materials, to add further definition. The addition of shade trees, both within the public and private realms, can complete the outdoor room.

This approach accomplishes several goals:

- Clearly delineates zones without creating walls
- Maintains visual interest through variations in plant materials, grades, and limited hardscape
- Minimizes water consumption and maximizes contributions to local flora and fauna
- Enhances the living environment of both the public and private realms

Landscaping and public right-of-way guidelines

-Use a range of low-water and drought-tolerant plant materials to provide visual interest.
-Employ subtle variations in grade to delineate transitions. Avoid the use of tall fencing (over 4') and shrubbery immediately adjacent to the sidewalk.
-Avoid water-thirsty turf grass. Use low-water and drought-tolerant ground covers instead (see suggested species list).
-Plant shade trees within the public realm, ideally spaced between 15' and 20' apart.

5.2 Landscaping within the site

Whenever possible, small lot designs should designate some fully private outdoor space for each dwelling. This can take the form of small interior yards, balconies, and roof decks. For these spaces, the emphasis should be placed on flexibility, rather than a sense of completion. For yard space, plant materials need not be too varied, so that residents may easily modify them to make them their own. For balconies and roof decks, size should be generous enough to create usable spaces.

5.3 plant materials

Ultimately the landscape should in some way enhance the natural environment of the neighborhood. Additionally it should be relatively low-maintenance. Drought-tolerant and native species satisfy both of these criteria. Requiring little maintenance once established, these kinds of plants can create visually appealing and ecologically sound landscapes. The following website offers suggested species, as well as sample landscapes to show possible groupings of plants: www.bewaterwise.com/Gardensoft/garden_gallery.aspx .

Planting guidelines

- Apply mulch in between and around plants, both to conserve moisture and to eliminate bare earth, which can look unsightly and give the landscape a barren feel.
- Use low-water ground covers instead of high-water turf grass. However, avoid invasive ground covers such as English Ivy and Ice Plant. See above website for suggested species.
- Plant in groupings according to water needs.
- Maximize soft landscaping
- Incorporate existing natural features and topography

Groundcovers of Shrimp Pink Aloe and Senecio enhance and define the public realm without creating walls or barriers.

A boulevard planting of Deer Grass, Fescue, and low-water shade trees.

6 ACCESS

Narrow sideyards can pose problems of privacy and often fail to provide adequate access to air, light, and ventilation.

6.1 PRIVACY

With small lot developments come issues of privacy – not only for residents of the new townhouses, but also for those of neighboring properties. Improperly designed developments create situations in which balconies overlook neighboring yards or face other balconies, and windows face directly onto neighboring windows. Small lot designs should maximize access to private outdoor space, light, and views, while ensuring an adequate level of privacy of all residents. This will require particular attention to the orientation and spatial form of the development, distances between walls, and the location of windows and balconies.

PRIVACY GUIDELINES

- Windows and balconies should not face or overlook each other.
- When possible, minimize the number of windows overlooking into neighboring interior private yards. Otherwise use translucent glass and/or screen the windows with landscaping.

6.2 AIR, LIGHT, AND VENTILATION

The small lot ordinance minimizes the size of side, rear, and front yards in order to make townhouse construction feasible. While allowing for increased density, the reductions make providing access to air, light, and ventilation more complicated. Thus, architects and builders must take full advantage of three-dimensional space to create environments that are livable. Key criteria for natural light and ventilation are that the building's orientation and configuration, and the placement of windows allow for:

- daylight to reach all living space for part of the day, to the extent possible;
- adequate cross ventilation from cross breezes when windows are open.

Certain configurations lend themselves better than others to meeting these criteria. In general, one should avoid configurations that rely on narrow sideyards (less than 6 feet from building

face to building face) for access to air and light. Look to provide courts, niches, alcoves and other spaces to allow for access to air, light, and ventilation.

6.3 Services

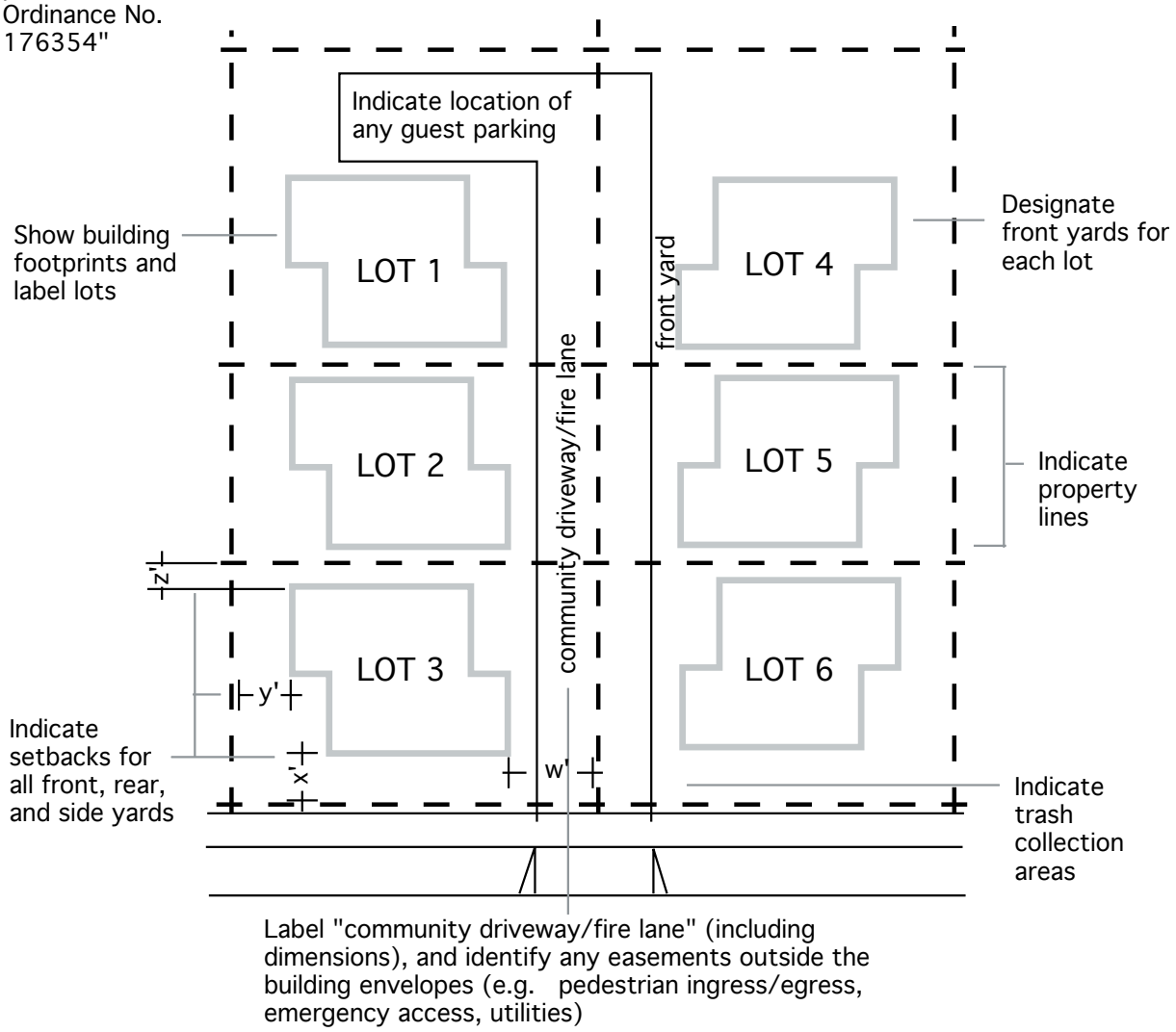
With small lot developments come a concentration of service and utility facilities – garbage storage, vents, meters and transformers. To minimize impact on adjacent dwellings and the surrounding neighborhood, small lot designs should attempt to locate these facilities in areas that are unobtrusive, and in ways that integrate them into the surroundings. Ideally, locations for service should be consolidated.

Service guidelines

- Whenever possible, consolidate servicing areas (i.e. trash) where they are easily accessible but do not adversely impact adjacent residences
-Screen trash pickup areas with landscaping so that they blend into the surroundings as much as possible
-Locate transformers, utility meters and HVAC equipment to the rear of dwellings whenever possible. If this is not possible, ensure that they are not visible from the public right of way.

VESTING TENTATIVE TRACT MAP for SMALL LOT SUBDIVISION PURPOSES[1]

Include in Notes Section:
"Note: Small Lot Single Family Subdivision in the __ Zone, pursuant to Ordinance No. 176354"



1. All other information required by Sec. 17.00 for filing is also required but is not shown in this example.

Appendix D: Inclusionary Housing Report to the Board of Supervisors

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 2, 2012

TO: Supervisor Zev Yaroslavsky, Chair
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Richard J. Bruckner
Director

RESPONSE TO BOARD MOTION TO INITIATE PROGRAM 10 – INCLUSIONARY HOUSING PROGRAM OF THE HOUSING ELEMENT (AUGUST 5, 2008, ITEM NO. 68)

At the public hearing for the Los Angeles County Housing Element on August 5, 2008, the Board instructed the Department of Regional Planning (Department) to initiate Program 10 of the Housing Element to evaluate the feasibility of establishing an inclusionary housing policy and report back to the Board. The Department finalized this report, which is attached to this memo.

SB 184 (Leno)

Since the court's decision in *Palmer/Sixth Street Properties vs. City of Los Angeles (Palmer),* which found that mandatory affordability requirements for rental housing violate the Costa-Hawkins Act, the Department has been tracking the progress of SB 184 (Leno). This bill aimed to clarify that the Costa-Hawkins Act did not apply to local inclusionary housing policies. Due to a lack of support, this bill was not brought up for a vote as intended in January 2012.

Overview of the Inclusionary Housing Report

Due to the *Palmer* decision, the Department does not recommend pursuing an inclusionary housing policy at this time. Instead, we recommend that the County explore alternative strategies to address housing affordability in the unincorporated areas through the 5th Revision of the Housing Element, which is currently underway.

In addition to outlining the Department's key findings and recommendations, the report provides a comprehensive overview of inclusionary housing policy considerations and a summary of policies in other local jurisdictions. In order to gain multiple perspectives, Department staff reached out to numerous stakeholders, including, but not limited to,

planners from other local jurisdictions, building industry representatives, housing advocates, and researchers. Department staff also worked closely with the staff from the Los Angeles County Community Development Commission and County Counsel.

If you have any questions regarding the attached report, please contact Connie Chung or Anne Russett in the General Plan Development/Housing Section at (213) 974-6417, or cchung@planning.lacounty.gov and arussett@planning.lacounty.gov.

RJB:JS:CC:AR:gmc

Attachment

c: Executive Office, Board of Supervisors
Chief Executive Office (Rita Robinson)
County Counsel
Community Development Commission
Public Works

Inclusionary Housing Report

Los Angeles County
Department of Regional Planning
General Plan Development / Housing Section

July 2, 2012

INCLUSIONARY HOUSING REPORT

Los Angeles County
Department of Regional Planning
General Plan Development / Housing Section

July 2, 2012

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Building Industry Association – Greater Los Angeles and Ventura Chapter
Sacramento County
City of West Hollywood
City of Irvine

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INTENT AND PURPOSE

This report provides an overview of inclusionary housing and examines implementing an inclusionary housing policy in the unincorporated areas of Los Angeles County. Inclusionary housing, also known as inclusionary zoning or mixed-income housing, is a policy tool that requires or encourages private housing developers to include a certain percentage of income-restricted units[1] within market rate residential developments. The Los Angeles County Housing Element, which was adopted by the Los Angeles County Board of Supervisors in 2008, includes an implementation program to consider the feasibility of an inclusionary housing policy in the unincorporated areas.[2]

Due to a recent court decision, *Palmer/Sixth Street Properties v. City of Los Angeles*, 175 Cal. App 4th 1396 (2009) (*Palmer)*[3], which restricts local jurisdictions from implementing mandatory inclusionary housing policies that apply to rental housing, the Department of Regional Planning does not recommend pursuing an inclusionary housing policy at this time. Instead, we recommend that the County explore alternative strategies to address housing affordability in the unincorporated areas. These, however, are severely limited due to the State of California's actions, which have eliminated Redevelopment's tax incentives, failed to enact inclusionary housing legislation, reduced affordable housing funds, and restricted unincorporated areas from the CEQA infill exemptions that cities utilize.

The report is organized into six parts: Part One outlines various inclusionary housing policy considerations. Part Two summarizes multiple perspectives on inclusionary housing. Part Three summarizes the provisions of inclusionary housing policies in other local jurisdictions. Part Four analyzes the legal issues surrounding inclusionary housing. Part Five outlines important considerations for affordable housing policies in the unique context of the unincorporated areas. Finally, Part Six outlines key findings and conclusions.

[1] Income-restricted units are units that must be occupied by a household of a specific income-level. The state of California calculates income levels annually based upon each county's Area Median Income (AMI). These levels include "extremely low," "very low," "lower," and "moderate" income households.

[2] In its letter certifying the County's Housing Element, HCD instructs the Department of Regional Planning to, when evaluating the application of an inclusionary housing policy, consider the policy as a constraint on housing development.

[3] *Palmer* is discussed in greater detail in Part Four of this report.

PART ONE: INCLUSIONARY HOUSING POLICY OPTIONS

There are three basic types of inclusionary housing policies:

1. Voluntary inclusionary housing policies encourage developers to build affordable housing by offering incentives. The State of California employs this strategy through the implementation of the State Density Bonus Law.

2. Mandatory inclusionary housing policies require developers to include a portion of income-restricted units within a market rate development. The decision in *Palmer* has impacted mandatory inclusionary housing ordinances that apply to rental housing.

3. Conditional, or *quid pro quo*, inclusionary housing policies only require developers to build affordable housing in conjunction with discretionary approvals, such as zone changes and plan amendments.

BASIC COMPONENTS OF AN INCLUSIONARY HOUSING POLICY

AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS

An affordable housing set-aside requirement prescribes the number or percentage of income-restricted units to be included in a housing development. Set-asides may vary for rental and for-sale housing, or depending on level of affordability. A study reported that over half of all local jurisdictions in California with an inclusionary housing policy required a set-aside of at least 15 percent (Calavita 2004).

THRESHOLDS

An inclusionary housing policy may be applicable to all development, to only developments of a certain size or, as in the case of a conditional policy, applicable when seeking discretionary approvals. Project thresholds vary widely from two units (e.g., City of West Hollywood), to 30 units (e.g., City of Emeryville). In addition, many local jurisdictions allow smaller projects to meet the affordable housing requirements through alternative means, such as the payment of in-lieu fees (CCRH and NPH 2007).

AFFORDABILITY

Defining income targets is a key component of an inclusionary housing policy. The State of California calculates income levels annually based upon each county's Area Median Income (AMI); levels from extremely-low to moderate are outlined for use with State affordable housing programs.[4] Affordability is generally defined by a household's ability to spend no more than 30

[4] "Extremely low," "very low," "lower," and "moderate" income households are defined as earning up to 30, 50, 80, and 120 percent of the Area Median Income (AMI), respectively. However, when calculating below-market rate rental and sale prices for affordable units, the California Health and Safety Code specifies to use 30, 50, 70, and 110 percent of AMI. The 2012 AMI for a four-person household in Los Angeles County is $64,800.

percent of its gross income on rent or mortgage payments. Because of the local nature of an inclusionary housing program, local jurisdictions may choose to extrapolate income levels for above-moderate households or "workforce" (120 to 200 percent AMI) to serve the specific housing needs of the community.

DURATION OF AFFORDABILITY

The duration of affordability is also a variable in an inclusionary housing policy. Local jurisdictions do not have to rely on the State's standard durations of affordability; however, it may be useful to consider the financing mechanisms employed to maintain the affordability (e.g., Low Income Housing Tax Credits require housing to be affordable for 55 years), or incentives received (e.g., density bonuses require housing to remain affordable for 30 years). Inclusionary housing policies in California vary greatly in duration of affordability. Most programs require for-sale units to be affordable for 30 years, while rental units are required to be affordable for 55 years. Some policies, such as those in the cities of San Francisco, Davis and Pleasanton, require the affordable units to be income-restricted in perpetuity or for the life of the project.

TENURE

Another important variable in an inclusionary housing policy is the tenure of the income-restricted units. In both rental and for-sale housing, the occupant is required to annually demonstrate that his or her income is at or below the affordability level of the unit. A criticism of for-sale housing is that, when the duration of affordability is completed, the owner is entitled to a "windfall" profit upon re-sale. Some inclusionary housing policies incorporate caps on re-sale, which may limit households in affordable homeownership to build wealth (Powell and Stringham 2004a). On the other hand, if and when the duration of affordability expires on a rental unit, the occupant must make other arrangements for housing. Developers required to produce affordable units describe rental housing as being easier to maintain for a longer duration. However, in light of the ruling in *Palmer,* mandatory inclusionary housing ordinances that apply to rental housing have been severely limited.

GEOGRAPHIC REQUIREMENTS

An inclusionary housing policy can apply to a specific geographic area, such as a newly annexed portion of a local jurisdiction or a rapidly growing community. A local jurisdiction may exempt projects within a planning area that is well-represented with affordable housing. Other inclusionary housing policies may further the goals of an existing transit oriented district or a Mello Act policy by requiring an additional set-aside in these locations.

TARGETING OF SPECIFIC POPULATIONS

Only a few inclusionary housing policies in California target specific groups, such as seniors and people with special needs. For example, the City of Burbank's inclusionary housing policy incentivizes projects that include units for large households (3 or more bedrooms) and units for persons with disabilities.

PHASING

The timing of the construction of affordable housing units is an additional variable in an inclusionary housing policy. In addition to outlining when the affordable units should be built, an inclusionary housing ordinance can stipulate penalties as a result of undeveloped affordable units. Bonds or the requirement of phased construction plans can be used to encourage developers to construct affordable units either before or concurrent with the market rate units. For multi-family units, a local jurisdiction may withhold a certificate of occupancy until the affordable units are made available.

INCENTIVES

Many inclusionary housing policies offer incentives to help off-set the costs associated with providing income-restricted housing at below market rates. A discussion of various incentives is provided below.

DENSITY BONUSES

Density bonuses allow residential developers to build more units than permitted by the applicable zoning and land use designation. In California, most local jurisdictions create a policy that works in combination with the State Density Bonus Law.

FLEXIBLE DEVELOPMENT STANDARDS

Another incentive is flexibility in development standards. Local jurisdictions may offer waivers from zoning standards, including reductions in setbacks and parking requirements, as well as increases in height. Furthermore, flexibility in development standards could include a decrease in the size of, or include fewer amenities in the affordable units in comparison to the market rate units. In crafting modifications from zoning requirements, local jurisdictions should analyze potential impacts on neighborhood character.

FAST-TRACKING

Another incentive is fast-tracking, or permit expediting. Compared to density bonuses, the direct benefit to developers may not be as great. This is especially true in local jurisdictions with very few regulatory barriers (Calavita 2004). Furthermore, in local jurisdictions with mandatory inclusionary housing policies, offering permit expediting as an incentive may be ineffective and infeasible, as a significant number of residential projects would qualify for the incentive.

FEE WAIVERS AND REDUCTIONS

Some local jurisdictions waive or reduce fees associated with development permits for affordable housing projects. In local jurisdictions with mandatory inclusionary housing policies, waivers and reductions may be infeasible as a significant number of residential projects would qualify for the incentive, and decrease the amount of revenue generated by local jurisdictions to fund general operations (Calavita and Mallach 2009).

Direct financial Subsidies

Although not very common, direct subsidies can be offered as part of an inclusionary housing policy. Funds utilized for subsidizing inclusionary housing may be allocated through a tax, funding program, or from a local jurisdiction's general fund (Calavita 2004).

Location, Appearance, Design

Many inclusionary housing policies require the affordable units to be equally dispersed within the housing development and have similar outward appearances and amenities as the market rate units. As an incentive to improve the feasibility of constructing the affordable units, some local jurisdictions allow the affordable units to be clustered. Other incentives may include the allowance of smaller affordable units and lower quality finishes.

Alternatives to the Production of On-site Affordable Housing

To provide flexibility, most inclusionary housing policies also identify alternatives to constructing affordable units on-site.

Off-site Construction

Many inclusionary housing policies allow for the provision of the affordable units in locations outside of the primary development. It may be difficult to build units on-site if land costs are especially high. In addition, if the primary housing type is a "luxury" product, it might pose a substantial financial burden on the developer to provide the set-aside on-site. In addition, some policies allow for the substantial rehabilitation of existing residential units or the adaptive reuse of non-residential buildings into dwelling units to satisfy the affordability requirements.

A criticism of allowing off-site construction is that if not carefully crafted, this policy may preclude lower income households from social and economic opportunities throughout the region and lead to disproportionate concentrations of affordable housing. For these reasons, cities like San Francisco permit off-site construction only within a mile radius of the primary development. San Diego allows the construction of off-site units outside of the planning area only if certain findings can be met.

In-Lieu Fees

Fees collected in-lieu of building the affordable units often support the development and maintenance of affordable housing. However, in-lieu fees are not always sufficient enough to produce the resources necessary to construct affordable housing units. Therefore, some advocates believe it is more productive to require developers to construct the units themselves (Rawson, et al. 2002).

A detailed economic analysis is required to determine whether in-lieu fees are set at a level that is comparable to the costs associated with producing affordable housing, as well as the cost of maintaining the long-term affordability of the unit. Many local jurisdictions periodically update their in-lieu fee to reflect current local economic conditions.

Some local jurisdictions allow in-lieu fees only under certain circumstances. For example, the City of Napa allows the payment of in-lieu fees for single-family residential and duplexes, but requires a city council action to approve the payment of in-lieu fees for multi-family residential consisting of three or more units. Additionally, some local jurisdictions calculate in-lieu fees based on the construction and maintenance costs of an affordable unit, while others are based on the affordability gap, or the difference between the price of the market rate unit and the cost of maintaining an affordable unit for the required duration of affordability.

Table 1.1 provides a brief comparison of the formulas used to calculate in-lieu fees in San Diego, Pasadena and San Francisco.[5] The table represents the existing fees as of the writing of this report; however, local jurisdictions often adjust these fees periodically to respond to market conditions.

TABLE 1.1: IN-LIEU FEE FORMULAS IN SAN DIEGO, PASADENA AND SAN FRANCISCO

Local Jurisdiction	Formula
San Diego	Applicable per square foot charge x Aggregate gross floor area of the project 2 units: $1.00 per square foot 3 units: $1.49 per square foot 4 units: $1.99 per square foot 5 units: $2.49 per square foot 6 units: $2.99 per square foot 7 units: $3.49 per square foot 8 units: $3.98 per square foot 9 units: $4.48 per square foot 10+ units: $4.98 per square foot
Pasadena	Fee is based on the number of units, tenure, and geographic location of the project. The per square foot range is based on four sub-areas. 10-49 rental units: $1.07 – $23.48 per square foot 50+ rental units: $1.07 – $32.01 per square foot 10-49 for sale units: $14.94 – $40.55 per square foot 50+ for sale units: $20.27 – $56.56 per square foot
San Francisco	Number of units x 20% Off-site requirement x In-lieu fee In-lieu fees: Studio: $179,952 1 bedroom: $248,210 2 bedroom: $334,478 3 bedroom: $374,712

[5] In response to the *Palmer* decision, San Francisco and San Diego recently amended their inclusionary housing ordinances and established a fee-based program. With some exceptions, projects in San Francisco and San Diego are now required to pay a fee.

LAND BANKING AND DONATIONS

The dedication of land for development in another location is another alternative to the production of affordable units. This option may be allowed in markets where developable sites are scarce, or where a greater number of units can be provided at an alternative location. Like in-lieu fees, land dedication options are criticized for allowing a developer to pay less than the full cost of developing the required units on-site. Both land dedication and in-lieu fee options require a local jurisdiction to oversee the development and maintenance of the required affordable units in a timely manner. Furthermore, the success of a land dedication option is dependent on the quality of the land being donated, any infrastructure or environmental constraints, and the capacity of the agency and local non-profits to undertake development of the site.

OPTING OUT

Some local jurisdictions provide an opt-out procedure to allow developers to prove that the provision of affordable housing would make the entire development infeasible. Oftentimes, this is determined by a hearing of the elected governing body or planning commission.

PART TWO: PERSPECTIVES ON INCLUSIONARY HOUSING

Inclusionary housing is a polarizing issue. One of the main points of contention is the impact that inclusionary housing policies have on local housing markets. Proponents of inclusionary housing policies indicate that residential development rates are driven more by the strength of the local housing market and broader economic and market trends, than by an inclusionary housing policy. A 2004 study by David Paul Rosen and Associates found that there is no correlation between inclusionary housing and housing prices and production. The study also indicates that the price of housing is unaffected by the added cost of developing affordable units.

Critics argue that inclusionary housing policies reduce the overall production of housing, which leads to increases in the cost of market rate housing for renters and buyers. A study from the Reason Public Policy Institute (Powell and Stringham 2004) suggests that inclusionary housing produces few affordable units, makes market rate homes more expensive, and restricts the overall supply of housing. In a study funded by the National Association of Homebuilders, Edward Tombari presents the argument that inclusionary housing policies not only drive up the cost of housing in the particular local jurisdiction that implements the policy, but also in nearby jurisdictions.

Researchers with the Furman Center for Real Estate and Urban Policy examined the housing market impacts of inclusionary housing policies in Bay Area cities and Boston suburbs. The authors maintain that both the critics and the advocates of inclusionary housing policies have exaggerated its effects, and that the policy has had modest impacts on local housing markets, as well as modest impacts in affordable housing production (Schuetz, Meltzer and Been 2008).

STAKEHOLDER PERSPECTIVES

In order to gain a variety of perspectives on an inclusionary housing policy in the unincorporated areas, the Department of Regional Planning staff conducted interviews and focus groups with multiple stakeholders. The following descriptions outline the spectrum of opinions on inclusionary housing.

LOS ANGELES COUNTY COMMUNITY DEVELOPMENT COMMISSION

The Los Angeles County Community Development Commission (CDC) prioritizes affordable rental housing because it produces more "bang-for-our-subsidy" in terms of sustained affordability, number of affordable units created and the residents' ability to succeed. Nonetheless, the CDC staff stated that an inclusionary housing policy should be applicable to both for-sale and rental housing despite the difficulties associated with affordable homeownership. The CDC staff commented that making long-term affordability work in conjunction with for-sale projects is difficult because 1) many first trust deed lenders do not allow affordability restrictions (or only allow them for a short term) because they make the loan "package" less favorable in the secondary market; and 2) ensuring continued affordability competes with the homeowner's ability to recognize an economic gain from a sale.

On the issue of using funding sources as incentives for an inclusionary housing program, the CDC staff believes that the County's limited affordable housing resources are best used to support projects with more affordable units at deeper levels of affordability, and envisions an inclusionary housing policy as a way to supplement efforts through the private sector to create more affordable housing opportunities for the unincorporated areas.

VINIT MUKHIJA, PROFESSOR OF URBAN PLANNING, UCLA

In 2010, Professor Mukhija was part of a team that produced a study, entitled *Can Inclusionary Zoning be an Effective and Efficient Housing Policy? Evidence from Los Angeles and Orange Counties*, which concludes that inclusionary housing policies can work without having an adverse effect on housing production. The study indicates that factors, such as strong program design and administration, and cost-offsets and incentives, have contributed to mitigating market impacts.

In regards to in-lieu fees, Professor Mukhija believes that local jurisdictions must provide adequate oversight and focus on program administration. In his research, he discovered that some local jurisdictions had collected the fees, but had not actually used the funds. He also added that in-lieu fees can be a good option, but they need to meaningful--in other words, not too high and not too low. He suggests that the fee should be at least 50% of the cost of constructing an affordable unit.

RICK JACOBUS, CONSULTANT

Rick Jacobus has contributed to the development of multiple inclusionary housing ordinances throughout California and the country. According to Mr. Jacobus, managing and monitoring the affordable housing is an especially important aspect, although it is sometimes overlooked in the development of an inclusionary zoning ordinance. A local jurisdiction with an inclusionary housing policy must be prepared administratively to manage and monitor the affordable housing.

According to Mr. Jacobus, some local jurisdictions have lost track of units in the past. In other cases, units were lost due to foreclosures or unfair lending that resulted in the release of the units from their affordability requirements. In most cases, it is feasible for inclusionary housing ordinances to ensure that the costs of monitoring are properly funded. Many local jurisdictions have established monitoring fees that fund staff time to sufficiently manage and monitor affordable units. In many cases, these fees are programmed within the ordinance to automatically adjust with inflation. Some local jurisdictions outsource the monitoring to outside private specialists, or rely on a non-profit partnership to keep track of the affordability.

Mr. Jacobus also discussed the resale provisions of inclusionary housing ordinances. Many local jurisdictions employ a shared appreciation model at resale, in which the seller, or affordable homeowner, shares a portion of the appreciated value with the local jurisdiction. Factors such as owner improvements to the unit and duration of affordability must be considered in the design of resale provisions.

SOUTHERN CALIFORNIA ASSOCIATION OF NON-PROFIT HOUSING

The Southern California Association of Non-Profit Housing (SCANPH) is a membership organization that supports the production, preservation and management of homes affordable to low-income

households. As a major advocacy organization for affordable housing, SCANPH supports the enactment of inclusionary housing policies throughout the region. According to SCANPH, unincorporated Los Angeles County has done poorly in terms of actually meeting its regional housing needs allocation (RHNA) targets, particularly for affordable housing.

Representatives of SCANPH indicate that any future inclusionary housing policy enacted in the unincorporated areas should be robust in its requirements and applicability. In addition, SCANPH would like to see a policy that targets the lowest income households to the extent feasible. SCANPH also maintains that any inclusionary housing policy for the unincorporated areas should be flexible and provide developers with a variety of options for compliance, as well as incentives. Any in-lieu fee should reflect the actual cost of developing and maintaining an affordable unit, and be allocated for that purpose. Furthermore, a "sliding scale" mechanism that requires a higher set-aside for both off-site construction and in-lieu fee payments should be considered.

In summary, SCANPH believes that local governments have an obligation to ensure that its residents have access to safe and affordable housing. Because local governments create value in land through policy and zoning, this value should be used, at least in part, to benefit the community as a whole. The inclusion of affordable housing is one way to ensure the value created by legislative authority benefits the people that live and work in the community.

BUILDING INDUSTRY ASSOCIATION – GREATER LOS ANGELES AND VENTURA CHAPTER

The BIA has outlined their perspective in a letter, which is provided in Appendix A.

PART THREE: OTHER LOCAL JURISDICTIONS

Throughout the country, cities, counties, and states have implemented inclusionary housing policies. Though inclusionary housing programs are well-represented geographically throughout the State, the most significant clusters are in the San Francisco Bay Area, metropolitan Sacramento, and San Diego County (Calavita 2004). As shown in Table 1.2, there are 11 local jurisdictions in Los Angeles County with inclusionary programs.

TABLE 1.2: LOCAL JURISDICTIONS IN LOS ANGELES COUNTY WITH INCLUSIONARY HOUSING PROGRAMS

City	Year of Adoption	Type of Program
Agoura Hills	1997	Mandatory
Avalon	1983	Mandatory
Burbank	2006	Mandatory
Calabasas	1998	Mandatory
Duarte	2002	Mandatory
Pasadena	2001	Mandatory
Rancho Palos Verdes	1997	Mandatory
Santa Monica	1983	Mandatory
Walnut	2002	Mandatory
West Hollywood	1986	Mandatory
Whittier	2008	Mandatory

Table 1.3 provides a summary of inclusionary housing policies from across the country. For a detailed look at inclusionary housing ordinances in Sacramento County, the City of West Hollywood, and the City of Irvine, please refer to Appendix B.

TABLE 1.3 SUMMARY MATRIX OF INCLUSIONARY HOUSING POLICIES IN OTHER LOCAL JURISDICTIONS

Location	Threshold	Set-Aside	Income	Duration of Affordability	Incentives	Alternatives
Boulder, CO	1 unit	20%	<80% AMI	Permanent	None	50% of the set-aside must be built on-site. The other 50% may be met through the following: - In-lieu fee - Land dedication - Dedicate existing units - Off-site units
Denver, CO	30 units	10% (for-sale)	<80% AMI (<3 stories) <95% AMI (4+ stories)	10 years	- Density bonus -$5,500 per affordable unit built and $10,000 per affordable unit build (to <60% AMI), reimbursement is capped at $250,000 - Expedited review - Reduced parking	- In-lieu fee: 50% price per unbuilt unit - Off-site units
Cambridge, MA	10 units	15%	<65% AMI	50 years (rental)	- Density/intensity bonus -Minimum lot area reduction	- Off-site units if developer proves hardship
Montgomery County, MD	20 units	12.5-15%	<65% AMI (rental) <70% AMI (for-sale)	30 years (for-sale) 99 years (rent)	- Density bonus - Fee waivers	- Land transfer - Alternative location (off-site) - Waiver - Alternative payment to Housing Initiative Fund
Irvine, CA	50 units	15%	For-sale or rental: 5% at 50% AMI 5% at 51-80 % AMI 5% at 80-120% AMI Also option of 10% at 60% AMI or lower. Commission also has the authority to approve rations on a case-by-case basis.	30 years	- Density bonus	Only projects with less than 50 units are eligible for alternatives: - In-lieu fee - Land dedication - Provision of alternative housing - Transfer of off-site credits for affordable units not provided on-site - Conversion of existing housing to affordable

Sacramento, CA	9 units	15%	<50% AMI (2/3 units) 50-80% AMI (1/3 units)	30 years	- 25% density bonus - Expedited review - Reduced water/sewer fees - Relaxed design guidelines - Priority for subsidies	- Off-site: If insufficient land on-site and new units are in "new growth" areas
San Diego, CA	2 units	10% (for-sale)	<100% AMI (for-sale)	55 years	- Expedited processing	- For-sale: Set aside at least 10% of the total number of units to households at 100% AMI.
San Francisco, CA	5 units	15%	55% AMI (rentals) 90% AMI (for-sale)	Life of the project	None	- For-sale: Provide affordable units on-site or off-site. - Rental: Provide affordable units on-site or off-site if 1) enter into a development agreement or 2) is exempt from Costa-Hawkins Act - Off-site: 20%
West Hollywood, CA	2 units	2 to 10 units: 1 unit 11 to 20 units: 20% 21 to 40 units: 20% 41 or more: 20%	Low and moderate income households	30 years	- Density bonus	- In-lieu fee option: 10 or fewer units - Off-site option: 11 or more units

PART FOUR: LEGAL ISSUES

Due to the ongoing debate surrounding inclusionary housing, it is no surprise that inclusionary housing policies have been challenged in court. Recent challenges have greatly impacted inclusionary housing ordinances in California and limit local jurisdictions options, specifically in the context of rental housing and in-lieu fees. However, there are inclusionary housing ordinances that have defeated takings challenges, and the constitutionality of inclusionary housing policies has largely been upheld in court.

HISTORICAL CASES

In 1971, an inclusionary housing policy was adopted in Fairfax County, Virginia. Shortly after its adoption, the Virginia Supreme Court ruled in *Board of Supervisors v. DeGruff Enterprises*, 214 Va. 235 (1973), that the County's 15 percent inclusionary requirement for housing developments over 50 units was not only beyond the scope of local planning and zoning laws, but also an unconstitutional taking of property. Despite this early ruling, governments have continued to implement inclusionary housing policies and laws. In 1989, Virginia passed legislation that allowed Fairfax County to implement a voluntary inclusionary housing policy.

In 1983, the New Jersey Supreme Court, in *Southern Burlington County NAACP v. Township of Mount Laurel,* 92 N.J. 158 (1983), held that inclusionary housing was constitutional and within a local jurisdiction's police powers. This ruling, known commonly as Mount Laurel II, specifically attempted to thwart ongoing exclusionary housing practices, which effectively excluded certain segments of society. The New Jersey Supreme Court determined that local jurisdictions must address the housing needs of all economic segments of society and if removing regulatory barriers was not enough to meet the need, inclusionary housing policies could be implemented (Kautz 2002). Mount Laurel II has been distinguished in at least 11 subsequent rulings.

TAKINGS CHALLENGES

In the context of takings challenges, the California court of appeals upheld the constitutionality of inclusionary housing policies. In *Home Builders Association of Northern California v. City of Napa,* 90 Cal. App. 4th 188 (2001) (*Napa)*, the Home Builders Association (HBA) of Northern California claimed that the City of Napa's inclusionary housing ordinance violated the Fifth Amendment of the Constitution, which prohibits the taking of land for public use without just compensation. HBA also contended that the City's ordinance violated the due process clause of the Fourteenth Amendment of the Constitution, which prevents local jurisdictions from adopting regulations that are arbitrary, discriminatory, or not reasonably related to the legislative intent (Collins and Rawson 2004).

In evaluating a taking's claim, the courts have developed the following two step process[6] in order to determine whether or not a local regulation is a taking: 1) whether the regulation substantially

[6] This two step analysis came from *Agins v. City of Tiburon,* 447 U.S. 255 (1980). This two step analysis has been partially overturned by *Lingle v. Chevron USA,* 2005. Specifically, regarding the "substantially advances" test, *Agins*

advances a legitimate state interest; or 2) whether the regulation denies the property owner all economic viability of the land (Collins and Rawson 2004). In *Napa*, the court determined "beyond question" that the ordinance did substantially advance a state interest. In making this determination, the court cited the California housing element law, which states that "local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community"(California Government Code Section 65880(d)). In the second determination, the *Napa* court concluded that it did not apply, since this was a facial challenge. In other words, inclusionary housing ordinances do not preclude development (Collins and Rawson 2004).

In addition, HBA argued that the ordinance violated the due process clause since developers had to sell or rent ten percent of the units at below market prices. Furthermore, they argued that the inclusionary housing ordinance "provides no mechanisms to make a fair return."[7] This argument was rejected by the courts for two reasons: 1) the City's ordinance included in-lieu fee and land donation options, and therefore, developers were not required to sell or rent units at below market rates; and 2) the City included a clause in the ordinance that gave itself the authority to waive certain projects from the inclusionary housing requirements.

With this ruling, the constitutionality of Napa's inclusionary housing ordinance was upheld and both the California Supreme Court and the United States Supreme Court denied review of the lower court's opinion.[8] It is important to note that this lawsuit did not apply to a particular development project, but rather the ordinance itself. To avoid challenges to the application of an inclusionary housing ordinance, the California Affordable Housing Law Project and others have recommended the incorporation of safety valves into ordinances, which could include incentives such as density bonuses, as well as waivers or relief from the inclusionary housing requirements (California Affordable Housing Law Project and Western Center on Law and Poverty 2002).

Since the *Napa* decision, there have been other lawsuits regarding the constitutionality of local jurisdiction's inclusionary housing ordinances. In 2005, the North State Building Industry Association (BIA) in California filed a lawsuit against Sacramento County, which primarily challenged that its inclusionary housing ordinance constituted a taking. Subsequent to the legal challenge, the County amended its ordinance to include a waiver from the inclusionary housing requirements.[9] In March 2006, the Sacramento Superior Court dismissed the BIA's lawsuit (Legal Services of Northern California 2006).

In 2008, the plaintiff in *Action Apartment Association v. City of Santa Monica*, 166 Cal. 4th 456 (2008) argued that an amendment to the City of Santa Monica's inclusionary housing ordinance constituted

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"presupposes that the government has acted in pursuit of a valid public purpose". Per the *Lingle* decision, if the government action is arbitrary or if the government takes private land without meeting the public use requirement, no further analysis is required and no amount of compensation would be justified.

[7] *Home Builders Association of Northern California v. City of Napa*, 90 Cal. App. 4th 188 (2001), review denied 2001 Cal. LEXIS 6166 (2001) and cert. den. 535 U.S. 954 (2002).

[8] Ibid.

[9] Notice of Motion and Interveners' Motion for Judgment on the Pleadings, Legal Services of Northern California, December 28, 2005.

a taking. The amendment required that developers of four units or more build the affordable units on- or off-site. The in-lieu fee option no longer applied, as it only was available as an alternative to projects of less than four units. The court determined that the plaintiff's facial challenge was "without merit," because so long as inclusionary zoning laws are applied generally to all projects they are not subject to heightened scrutiny. Moreover, the Santa Monica ordinance did not apply to rental units; therefore, the preemption challenge addressed was not valid. The plaintiff's appeal was denied by the California Supreme Court.[10]

AFFORDABLE HOUSING IN-LIEU FEES

In *Building Industry Association of Central California v. City of Patterson*, 171 Cal. App 4th 886 (2009), the BIA challenged the City's affordable housing in-lieu fee, which the court concluded was not "reasonably justified."

In this case, the developer of a proposed 214 unit single-family subdivision had entered into a development agreement with the City, and agreed to pay an increased affordable housing in-lieu fee as long as it was "reasonably justified." Subsequent to the contract, the City increased the in-lieu fee from $734 to $20,946 per market rate unit. The increase relied on a fee justification study that calculated the fee based on approximate subsidies needed for each moderate, lower, and very low-income unit as determined by the City's regional housing needs allocation (RHNA). In its opinion, the court referred to *San Remo Hotel v. City and County of San Francisco* 27 Cal. 4th 643 (2002), and determined that the in-lieu fee of $20,946 per unit has no reasonable relationship to the negative impacts associated with the project.

Although this case provides no written opinion regarding the applicability of the Mitigation Fee Act to affordable housing in-lieu fees, some legal experts suggest that applying the Mitigation Fee Act requirements to in-lieu fees may be advisable in light of this recent decision, to avoid legal challenges (Bond, McIntosh and Grutzmacher 2009). Others argue that the Mitigation Fee Act does not apply to in-lieu fees since it pertains specifically to fees that are imposed on development, not optional fees. Nevertheless, local jurisdictions must establish a reasonable relationship between the in-lieu fee and the development of affordable housing (California Affordable Housing Law Project and Western Center on Law and Poverty 2002).

COSTA-HAWKINS ACT AND LOCAL INCLUSIONARY HOUSING POLICIES

The recent decision in *Palmer* has impacted mandatory inclusionary housing ordinances that apply to rental housing.

In *Palmer,* the California Court of Appeals ruled that the City of Los Angeles' inclusionary housing policy in the Central City West Specific Plan directly conflicted with the Costa-Hawkins Act, which allows landlords to set the initial rent for a dwelling unit.

[10] *Action Apartment Association v. City of Santa Monica*, 166 Cal. 4th 456

The ruling in *Palmer* does not affect a local jurisdiction's ability to restrict the price of for-sale units. In addition, the decision does not affect voluntary programs, or situations in which a local jurisdiction enters into an agreement with a developer to provide affordable housing in exchange for either financial assistance or incentives. The developer in *Palmer* received no financial subsidies for the project or other non-monetary incentives, such as a density bonus. In addition, as this decision did not consider the validity of in-lieu fees, some policies that require developers of rental projects to pay in-lieu fees for affordable housing may still be legally viable. Furthermore, the decision has no impact on the State's Mello Act, which acts as a statewide mandatory inclusionary housing policy for the coastal zone.

The City requested that the California Supreme Court review the decision; however, the request was denied. In response to *Palmer*, SB 184 (Leno) was proposed to clarify that the Costa-Hawkins Act does not apply to local inclusionary housing policies. However, the support for this bill was limited and Senator Leno decided not to bring this bill up for a vote. Therefore, there remains some ambiguity as to whether inclusionary housing is a permissible land use power.

PART FIVE: UNINCORPORATED AREA CONTEXT

COUNTY AFFORDABLE HOUSING PROGRAMS

The County administers two existing regulatory affordable housing policies: the Density Bonus Ordinance and the Marina Del Rey Affordable Housing Policy.

DENSITY BONUS ORDINANCE

In accordance with the State Density Bonus Law, the Los Angeles County Board of Supervisors adopted the County's Density Bonus Ordinance in 2006.

The Government Code (Section 65915 et seq.) requires local jurisdictions to grant a density bonus and a certain number of concessions or incentives when a developer agrees to construct affordable or senior housing. Types of incentives include reduction or modification to development standards or zoning code requirements, approval of mixed use zoning, or other concessions that may be identified. In effect, the State Density Bonus Law encourages developers to build and maintain a certain percentage of moderate-, low-, or very low-income housing with the opportunity to build more residences than would otherwise be permitted. Under the State law, density bonus projects include, but are not limited to, single or multi-family developments, mixed use, mobilehome parks, subdivisions, condominium conversions and common interest developments.

In local jurisdictions with inclusionary housing policies, density bonus and inclusionary housing programs usually work together. If inclusionary housing units meet the requirements for the density bonus, in terms of number or floor area, affordability level, and duration of affordability, the units count toward a density bonus, as provided by State law.

MARINA DEL REY AFFORDABLE HOUSING POLICY

The Mello Act (Government Code Section 65590) is a State law enacted to protect and increase the supply of affordable housing in California's coastal zone (one mile from the coast). Under the Mello Act, new housing developments constructed within the coastal zone must, where feasible, include housing units for persons of low- or moderate-income. In addition, new projects that remove or convert existing housing units occupied by low- or moderate-income households must be replaced within the new development, or elsewhere in limited circumstances.

In 2009, the Los Angeles County Board of Supervisors adopted a revised policy to implement the Mello Act in Marina Del Rey. The policy requires that replacement dwelling units be comparable in size and reasonably disbursed throughout the development. In addition, the policy requires, where feasible, the construction of five percent low- and five percent moderate-income housing units, which may be accounted for by the replacement units. The duration of the affordability for the inclusionary housing units is the length of time until the ground lease expires. The affordable units may be rental or for-sale, independent of the tenure type of the remainder of the project.

GEOGRAPHIC AND MARKET DIVERSITY

The unincorporated areas, which are dispersed among 88 cities, encompass more than 2,600 square miles of land and represent 65 percent of Los Angeles County. In terms of population, the unincorporated areas account for one-tenth of the County's population, with approximately one million residents. Some of the unincorporated areas are as small as a few blocks, while others cover hundreds of square miles. The unincorporated areas are socially, economically, and environmentally diverse, and include coastal communities, such as Topanga in the Santa Monica Mountains; suburban communities such as Hacienda Heights; urban communities such as Florence-Firestone; and rural, high desert communities, such as Littlerock in the Antelope Valley.

TABLE 1.4: MEDIAN GROSS RENT IN CENSUS DESIGNATED PLACES IN LOS ANGELES COUNTY

Agua Dulce CDP	$971
Altadena CDP	$1,222
Castaic CDP	$1,376
East Los Angeles CDP	$873
Florence-Graham CDP	$904
Hacienda Heights CDP	$1,445
La Crescenta-Montrose CDP	$1,252
Ladera Heights CDP	$1,659
Lake Hughes CDP	$647
Lennox CDP	$948
Marina Del Rey CDP	$1,977
Rowland Heights CDP	$1,309
Stevenson Ranch CDP	$1,804
Topanga CDP	$1,822
Willowbrook CDP	$898

Source: U.S. Census Bureau, 2006-2010 American Community Survey, Table B25064 Median Gross Rent

TABLE 1.5: HOME RESALE ACTIVITY

		Single Family Homes			Condominiums			SFR Only
Community Name	**ZIP Code**	**Sales of Single Family Homes**	**Price Median SFR ($1,000)**	**Price % Change from 2011**	**Sales Count Condos**	**Price Median Condos ($1,000)**	**Price % Change from 2011**	**Median Home Price / Sq. Ft**
Countywide		12,184	$308	-3.80%	4,137	$260	-7.10%	$220
Unincorporated Areas								
Acton	93510	19	$358	2.10%	1	$159	47.40%	$146
Altadena	91001	78	$428	0.70%	1	$1,300	133.20%	$303
LA/Baldwin Hills	90008	27	$380	-7.50%	5	$145	-17.40%	$199
Castaic	91384	45	$371	2.10%	12	$244	-15.00%	$168
East L.A.	90022	46	$233	10.70%	n/a	n/a	n/a	$210
Florence-Firestone	90001	31	$150	-9.10%	n/a	n/a	n/a	$145
Hacienda Heights	91745	90	$395	11.30%	21	$262	-1.50%	$224
La Crescenta	91214	64	$465	-10.10%	13	$302	-23.50%	$333
Ladera Heights	90056	15	$666	20.80%	3	$275	72.40%	$232
Lake Hughes	93532	11	$107	-26.40%	n/a	n/a	n/a	$102
Littlerock	93543	44	$95	-9.50%	n/a	n/a	n/a	$74
Llano	93544	4	$167	57.80%	n/a	n/a	n/a	$83
Marina Del Rey	90292	7	$1,215	-20.00%	42	$518	-10.90%	$399
Pearblossom	93553	7	$51	-53.00%	n/a	n/a	n/a	$62
Rowland Heights	91748	56	$375	-4.60%	6	$405	-40.40%	$242
Stevenson Ranch	91381	35	$570	-9.50%	28	$285	-12.80%	$200
Topanga	90290	18	$715	-20.60%	3	$300	-3.20%	$399
View Park / Windsor Hills	90043	96	$240	-9.40%	n/a	n/a	n/a	$175

Source: www.DQnews.com. Data for 1st Quarter 2012.

The diversity in planning areas fosters a diversity of housing needs, housing types and housing markets, which is illustrated in Tables 1.4 and 1.5. Table 1.4 shows that median rents range from $647 in the community of Lake Hughes in the Antelope Valley, to $1,977 in the coastal community of Marina Del Rey. The data in Table 1.5 shows that the median price of single-family homes range from $51,000 in the community of Pearblossom in the Antelope Valley, to $1,215,000 in Marina Del Rey.

The six communities with the lowest median housing prices, as shown in Table 1.5, are Pearblossom, Littlerock, Lake Hughes and Llano, which are located in the Antelope Valley, and Florence-Firestone and East Los Angeles. Low housing prices and low rents suggest that these communities have relatively weak housing markets. On the other hand, higher median housing prices and higher rents in the San Gabriel Valley, such as Rowland Heights, Hacienda Heights, La Crescenta, and Altadena, and Stevenson Ranch in Santa Clarita Valley, indicate relatively strong housing markets.

The data in Table 1.5 also shows that the home prices for the majority of communities are continuing to decline. Over 60 percent of the communities shown in the table have experienced declines in single family home sale prices since 2011. One exception is the community of Ladera Heights, which has comparably high rents and sale prices, and is showing increases in sales prices for both single family homes and condominiums.

LIMITED ACCESS TO AFFORDABLE HOUSING FINANCING

The Economic and Housing Development Division of the Los Angeles County Community Development Commission (CDC) has two major affordable housing funding programs: the City of Industry program (housing set-aside funds from the City of Industry Urban Development Agency) and the HOME program (federal HOME Investment Partnerships Program).

In CDC's last funding round (Round 17 issued on September 30, 2011), 13 funding applications were submitted and seven projects, or 54 percent of the applicant pool, received awards. The awarded projects received approximately $2.35 million per project including energy efficiency incentives (or $71,000 per unit). This small funding amount per project indicates that CDC fills a funding gap left after all the larger affordable housing sources (i.e., Low Income Housing Tax Credits, State and Local sources, etc.) have been identified.

Because of the dissolution of the redevelopment agencies and the current economic environment, including the continual declines in property values, it is not clear what level of Industry and HOME program funds will be available in the future. Furthermore, with the uncertainty of the State budget, affordable housing cannot readily rely on these large sources of financing. The CDC, therefore, expects that its per project subsidies for new construction will increase, resulting in a reduction in the total number of projects funded.

Larger affordable housing funding sources are provided through a competitive process. This competition often rewards projects that provide deeper levels of affordability. Although the CDC requires 20 percent to 30 percent of the project units to be affordable, virtually all applicants

provide 100 percent affordability in order to be viable for the larger funding pools. Furthermore, the CDC has found that projects with 100 percent affordability have an advantage in the County pool because they have been structured to meet the rigorous requirements established by the larger affordable housing funders. As a result, while an inclusionary housing project could apply for Industry or HOME funding and meet CDC's affordability threshold, it is likely that projects with higher affordability will prove more competitive; therefore, inclusionary units without public subsidy may become an important source of affordable units in these times of funding loss.

The unincorporated areas have an additional disadvantage of not having any other government financing source for affordable housing. By contrast, projects within cities may have access to local city funds, which can be used to leverage funds from the CDC.

PART SIX: FINDINGS AND RECOMMENDATIONS

Based on research and interviews with a variety of stakeholders, the staff has made the following findings:

FINDING 1

An inclusionary housing policy must be flexible, adaptable and applicable to various community contexts. Unincorporated Los Angeles County is geographically and economically diverse, and is home to diverse housing markets. Although these markets differ in land costs, sales and rental prices, in general, the unincorporated areas lack a robust housing market.

FINDING 2

Inclusionary housing is a polarizing issue. Much of the research is advocate-based, and many interest groups voice strong opinions in support or opposition of inclusionary housing. Proponents ground their arguments in the principle that housing developers should bear some cost of producing housing for people or households who are priced out of the housing market; opponents maintain that affordable housing requirements are an unfair tax on development.

FINDING 3

For-sale requirements in inclusionary housing policies pose a number of challenges and require significant administration. Inclusionary housing policies that apply to for-sale projects must address the resale of homes, include provisions for added housing costs, such as homeowner association fees, and have a strong mechanism for monitoring the occupancy and continued affordability of the units.

RECOMMENDATIONS

Due to the court's decision in *Palmer*, the County is limited in its ability to create a flexible inclusionary housing policy that would serve the diverse housing needs of the unincorporated areas. These limitations restrict the County from implementing a mandatory inclusionary housing ordinance that applies to rental housing and, although for-sale provisions are still possible, it presents many challenges.

Therefore, the Department of Regional Planning recommends that the County explore alternatives to establishing an inclusionary housing policy in the unincorporated areas at this time. Specifically, the County should continue to work toward creating opportunities for affordable rental and for-sale housing through strategies, such as allowing small lot subdivisions, considering the feasibility of establishing residential and non-residential impact fees, and continuing to reduce regulatory barriers to housing development.

The Department of Regional Planning is currently working on the 5th Revision of the Housing Element, which is due to the State Department of Housing and Community Development in October

2013. This revision should explore these alternatives, as well as others, with the goal of addressing the housing needs of all economic segments of the unincorporated areas.

APPENDICES

APPENDIX A: LETTER FROM THE BUILDING INDUSTRY ASSOCIATION

APR 21 2009

Greater L.A. /
Ventura Chapter

Building Industry Association
of Southern California

28460 Ave. Stanford, Suite 110
Santa Clarita, California 91355
661.257.5046
Fax 661.257.5045
www.biaglav.org

April 20, 2009

Connie Chung
LA County Department of Regional Planning
Housing Section
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Chung,

Thank you for meeting with me and a group of BIA members last week to discuss the study underway on Inclusionary Zoning. I believe the dialog was very productive, and we look forward to ongoing discussions as you prepare your report to the Board of Supervisors. This letter serves to summarize many of the points made during our meeting.

The housing crisis facing Southern California is a societal issue.

Our experience has taught us that policies such as inclusionary housing are not the answer. Instead, local government, interest groups, builder associations, chambers and related organizations need to work together to deal with the issue via a broad housing policy that addresses the housing production shortfall that has plagued the region. By using the market, we are better positioned to produce far-reaching and lasting results.

To the extent that creating more affordable housing is a priority for LA County citizens, the population at large should assist in providing the subsidy necessary to produce that housing. BIA/LAV has been a supporter of efforts to provide public funding for affordable housing, such as in the recent statewide Prop 1C and LA City Prop H campaigns. We continue to work with the California Department of Housing and Community Development on a permanent source of funding for the state Housing Trust Fund. We discussed the need for new funding to augment other existing programs in Los Angeles County in order for Inclusionary Zoning to be successful.

Inclusionary housing puts the responsibility and the burden of the housing issue on the shoulders of developers.

Housing is an infrastructure element of any community, and the provision of affordable housing is a societal concern. Inclusionary zoning places the burden of providing affordable housing shortfalls exclusively on the housing development industry, which is,

by its nature, working to increase housing supply. Excessive requirements such as inclusionary zoning can actually exacerbate the affordability problem by increasing the cost of producing housing and further constraining supply.

New home construction is a significant contributor to the California economy. As members of the development industry, we are proud of our contributions to the development of infrastructure, paying for roads, parks, and schools, and donating land to be preserved as open space.

Inclusionary housing creates an unnecessary and unreasonable burden on the housing industry and on new homeowners. Such mandates ultimately make it harder to produce housing, not easier. It polarizes the housing market, negatively impacting the workforce of our community; encourages blight; and causes homebuilders to choose other communities to build in.
Inclusionary zoning creates more barriers to housing production and does nothing to reduce bureaucracy.

Providing affordable housing by requiring the construction of new income-restricted units is also the most expensive strategy for providing those units, and will take the greatest subsidy. We discussed possible policies and incentives that could be designed to preserve existing affordable units or to create affordable units from the existing housing stock. Such policies also provide much greater flexibility that can be tailored to the needs of the very different regions of Los Angeles County. This is preferable to a one-size-fits-all inclusionary zoning policy that does not take into account the geographical diversity of a region.

Inclusionary Zoning can create ongoing social and management issues.

Builders that have constructed inclusionary zoning units have experienced the ongoing difficulties with selling, maintaining and re-selling the income-restricted units. While for sale income-restricted units appear to provide a path to ownership, in reality they further limit the upward mobility potential of the buyer. The units are defacto rental units because the owner typically does not benefit from the full appreciation of the property. This further limits the person's ability to move into a market rate home at a later time.

Within a community, the inclusion of income-restricted units creates problems as well. These units are often stigmatized – even if to all appearances they are identical to the market rate units – and the perception is often that the affordable homes decrease the value of surrounding homes. Owners of these homes are often experience fiscal problems when association dues are increased to provide improved amenities for the community, or when improvements call for special assessments.

Finally, it appears that the ongoing management of these income-restricted units is difficult to oversee. Audits of inclusionary zoning programs routinely find that units have been subletted, that occupants do not meet qualification criteria, and that preferential selection has occurred. Given the size and diversity of Los Angeles County, it is difficult

to imagine the level of oversight resource that would be required to implement an inclusionary zoning program.

The current economic realities must be considered.

While there certainly remains a need to provide affordable housing in Los Angeles County, one cannot argue that housing is significantly more affordable now than a few years ago. In many other communities where inclusionary zoning requirements exist, market-rate units are selling for less than the income-restricted units. Other builders find it difficult to obtain loans for buyers who meet the criteria of the local inclusionary program because lending standards have become much stricter.

Ironically, the loose lending standards that contributed to the increase in home prices during the early to mid-2000s also enabled inclusionary zoning programs. During this time, many jurisdictions adopted inclusionary zoning programs and required that homes be sold at price controlled levels. Buyers of these units were able to get loans, even though they often did not have good credit scores. As the credit markets have frozen and lending criteria is stricter, these buyers are unable to attain loans. Many of the jurisdictions with inclusionary programs are waiving the requirements on builders because they cannot locate qualified buyers. Since it is unlikely that credit standards will loosen to the extent they were earlier this decade, we expect many more jurisdictions will have difficulty filling inclusionary units.

Housing policies should focus on incentives that create more affordable homes.

Instead of penalizing an industry that has kept our economy afloat and provided thousands of jobs, an effective affordable housing policy should focus on economic incentives to create more affordable homes, while also preventing the damaging effects caused by an Inclusionary Zoning ordinance. Meaningful incentives positively impact the creation of more affordable housing by allowing increased densities for housing developments that include affordable housing; allowing multi-family developments to increase in size while requiring some of those additional units to be affordable; easing parking restrictions; reducing other fees; expediting the permitting and approval processes; or permitting in-lieu fees for developments where the production of affordable housing is simply not economically viable.

That said, we also discussed the practical limitations of some of these ideas when applied in Los Angeles County. In most areas, there are no established and agreed-upon baseline densities upon which to give a density bonus. In practice, developers work with the BOS and surrounding communities to reach an agreed upon density that will not be exceeded – regardless of whether the units are income-restricted or not. Even if there were a more certain mechanism to provide a density bonus, we acknowledge that it has limitations. While they can be advantageous in many cases, if the bonus triggers a change in building type, for example, the associated construction costs may outweigh the benefit of the bonus. Given the type of construction common in Los Angeles County, we believe this issue would come up frequently.

BIA/LAV is working with LA County on many housing-related issues and with other jurisdictions on strategies to provide affordable housing. We look forward to a continuing dialog with you as you finalize your report and seek further direction from the Board. Please do not hesitate to contact me with any questions or to arrange further discussions with BIA/LAV members.

Sincerely,

APPENDIX B: INTERVIEWS WITH OTHER LOCAL JURISDICTIONS

In 2009, the Department of Regional Planning staff conducted interviews with planners, administrators, and housing specialists to better understand some of the successes and challenges of implementing inclusionary housing ordinances. The staff focused on three jurisdictions: Sacramento County, the City of West Hollywood, and the City of Irvine. Due to the court's decision in *Palmer* and the time that passed since the original interviews, the staff followed up with these local jurisdictions in May 2012.

SACRAMENTO COUNTY

Sacramento County adopted an inclusionary housing ordinance in August 2004. To understand how the ordinance works, the staff interviewed Lindsay Norris Brown, a planner with the Sacramento County Planning and Community Development Department. The following is a summary of the conversation.

The County's ordinance stipulates that all new residential developments over five units that require discretionary approval, such as special development permits, zone changes, plan amendments or subdivisions, must be subject to the inclusionary housing requirement. In practice, however, development procedures in Sacramento County are such that all new residential projects undergo discretionary review, which triggers the affordability requirement.

Although the ordinance offers a variety of options for compliance, the vast majority of residential development projects choose to pay an in-lieu fee. In fact, during the first two years that the ordinance was in effect, no affordable housing units were developed through the ordinance.

On May 15, 2012, the staff spoke with Tim Kohaya. Although no amendments have been made to the County's ordinance since the *Palmer* decision, the County is exploring other policy options as part of its Housing Element Update.

CITY OF WEST HOLLYWOOD

On June 17, 2009, the staff interviewed John Keho, Planning Manager, and on June 29, 2009, Jeff Skorneck, Housing Manager, of the City of West Hollywood. The following is a summary of these two conversations:

Since West Hollywood's incorporation in 1984, affordable housing has been a core value of the City, and in 1986, the City adopted an inclusionary housing policy.

The in-lieu option in the City's inclusionary housing ordinance only applies to residential projects with 10 or fewer units (recently changed from 20 units or fewer). In total, $23.6 million in in-lieu fees have been created through this ordinance. This money is used locally to finance the development of housing for very-low income residents and special needs populations.

The City's ordinance requires that residential projects of more than 10 units build the affordable units. Although the ordinance allows applicants to request to build the units off-site through a

discretionary process, the City has only received two such requests. Furthermore, the ordinance does not include a waiver or other safety valve mechanism. Mr. Keho noted that no developer has ever claimed that meeting the inclusionary housing requirements is economically infeasible, and the City's ordinance has never been challenged legally.

The City's inclusionary housing policy existed prior to implementing the State Density Bonus Law, and during that time, the City required developers to build affordable units through its inclusionary housing ordinance without offering developers any incentives, including increases in density or height. However, in conjunction with the State Density Bonus Law, the City modified its ordinance to offer density bonuses as an incentive to developers building affordable units.

Although the ordinance applies to both for-sale and rental housing, all of the affordable units developed through the inclusionary housing ordinance are rental units. In other words, the developers are choosing to provide affordable rental housing. Developers have been incorporating both for-sale and rental housing into the same project, but the for-sale units are sold at market rates, while the rental portion includes the income-restricted units. The for-sale and rental units are often in the same building on the same site.

To ensure quick lease-up of the income-restricted units, the City maintains an Inclusionary Housing Waiting List. This list is maintained and recertified every two years by the Housing Division. According to Mr. Skorneck, it is much harder to find moderate income renters, and therefore, moderate-income households may be added to the list. On the other hand, due to the high demand, the addition of new low-income households to the list is limited to households that have been evicted through no fault of their own.

The staff from the Housing Division is in charge of monitoring the affordable units that are created through the inclusionary housing ordinance. After adoption of the ordinance, the Housing Division did not need to hire additional monitoring staff. To date, the ordinance has created 106 income-restricted units (68 new and 38 rehab), all of which are rental, built on-site, without the use of public subsidies.

On May 15, 2012, the staff spoke with Jonathan Leonard and Roderick Burnley, who manage the City's inclusionary housing program. They informed the staff that no changes had been made to the City's ordinance since the *Palmer* decision. Although the City's ordinance technically has a mandatory rental component, developers receive incentives, most often in the form of a density bonus, to build the affordable rental housing. In fact, Mr. Leonard and Mr. Burnley stated that in most cases it makes more financial sense for the developer to provide affordable housing and receive a density bonus or other incentive than develop market rate units with no incentives.

CITY OF IRVINE

On June 9, 2009 the staff interviewed Mark Asturias, Housing Manager of the City of Irvine. The following is a summary of this conversation:

The City of Irvine's inclusionary housing ordinance came through a negotiation with the State Department of Housing and Community Development (HCD) as part of the Housing Element Update

and certification process. The City included a program in the Housing Element that committed the City to adopting an inclusionary housing ordinance, which it did in 2003.

The City's ordinance includes an in-lieu fee option, which only applies to projects that are either less than 50 units or proposed in areas with geographic constraints, such as hillside areas. In addition, projects of over 50 units can petition to pay an in-lieu fee if they find that it is financially infeasible to build the affordable units. The City's ordinance does not include a waiver from the inclusionary housing requirements; developers must either build the units on- or off-site or pay an in-lieu fee.

Although the in-lieu fee option is the most widely used by developers, the City offers a variety of other options to developers of projects less than 50 units. These range from land dedication, to the provision of alternative housing as determined by the City, to the transfer of affordable units from one project to meet the inclusionary requirements in another. The transfer option has only been utilized once when a for-profit housing developer included more than the required number of affordable units in one project in order to create a completely market rate project elsewhere. As for incentives, the City offers project expediting if developers request it. Also, projects may receive reductions in local park fees (not Quimby fees). Developers may also request variations in the affordable housing requirements. For example, for-sale projects only require a 7.5% set-aside, as compared to 15% for rental projects. In addition, the set-aside requirements can be reduced for projects with deeper levels of affordability or larger units with more bedrooms.

In 2006, the City created the Irvine Community Land Trust as another affordable housing strategy. Although the land trust is eligible to receive funds generated through in-lieu fees, it had been financed by the City's now defunct redevelopment agency. The $10.7 million created through in-lieu fees have been spent on developing affordable housing.

The City's housing department is currently in charge of monitoring all 3,100 affordable housing units that are located in the City, 500 of which were created through the inclusionary housing ordinance. Monitoring has been challenging for the City, but the inclusionary housing ordinance did not create additional monitoring burdens. The City only has a staff of three and does not charge monitoring fees.

On May 14, 2012, the staff followed-up with Mark Asturias. Mr. Asturias informed the staff that no changes had been made to the City's inclusionary housing program since the *Palmer* decision.

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