

EXHIBIT F.6:
Director of Planning's Memo to the PLUM Committee

Downtown Community Plan

CF 22-0617; CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR

September 2022

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September 27, 2022

Los Angeles City Council
c/ o Office of the City Clerk
City Hall, Room 395
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Attention: PLUM Committee

Dear Honorable Members:

PLUM COMMITTEE CONSIDERATION ITEMS FOR THE PROPOSED DOWNTOWN LOS ANGELES COMMUNITY PLAN AND PROPOSED DRAFT OF THE ZONING CODE; CF 22-0617; CASE NO. CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR

This report includes two sections: 1) a discussion of topics that were elevated by the City Planning Commission (CPC) during its September 23, 2021 meeting, with a request by CPC to provide further study and recommendations to the Planning and Land Use Management (PLUM) Committee, and 2) a discussion of additional topics that were raised by Council District 14, Council District 1, and the Cultural Heritage Commission (CHC) through various letters and discussions, following CPC's September 2021 meeting.

This report also includes for City Council consideration optional modifications (Council Modifications) to CPC's recommendations on the proposed ordinances of the Downtown Community Plan Update and the New Zoning Code transmitted to the City Council on September 27, 2022. Optional Council Modifications are provided by topic in the subsections of this report and are indicated under the sub-heading "Optional Council Modifications-[Subject Matter]." Additions to a proposed ordinance are indicated by underlined text and deletions to a proposed ordinance are indicated by ~~striketthrough~~.

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I. CPC Directed Items

The City Planning Commission (CPC) at its meeting on September 23rd, 2021 voted unanimously to recommend approval of the Proposed Plan and Proposed Draft of the Zoning Code, with a few modifications. The following section describes the specific recommendations of the CPC and the findings from additional studies that were requested by the CPC.

A. Live-Work Units

At the September 23rd, 2021 CPC meeting, Commissioners directed the Department of City Planning to study alternative strategies to live-work regulations that would retain the intent of flexible job-productive space and allow for affordability to residents with lower incomes. HR&A Advisors, Inc. (HR&A) was retained to address this topic, and their memo, [Summary of Survey of Live-Work Ordinances](#), is provided for the consideration of the PLUM Committee, and included in Council File CF22-0617.

As currently proposed, mixed-income residential uses in the Arts District can only be provided in the form of live-work units, to ensure a minimum area within each unit is dedicated as workspace. Such live-work uses would be required to meet specific size, configuration, and employment occupational standards that do not apply to standard residential uses. Live-Work units must be built to a commercial occupancy standard (to accommodate up to five employees), and must have open floor plans. However, it is worth noting that in the proposed Downtown Plan, 100 percent affordable housing projects are permitted by right and are not required to comply with Live-Work development standards within the Arts District.

A survey of live-work regulations in a selection of other cities demonstrated workspace location requirements within units and buildings can be used to either limit or promote flexibility within projects. Additionally, the study concluded that requiring larger unit sizes translates into greater construction costs on a per unit basis that influences the price a unit is rented or sold, which in turn affects the affordability of both natural and deed-restricted live-work units. In general, less durable wood frame construction has lower overall construction cost per square foot than concrete, steel or to a lesser extent, heavy timber construction. Often, developers use more expensive building types for larger buildings, where increased construction cost is offset by reduction in fixed costs associated with greater densities.

HR&A's memo suggests greater consideration should be given to the unit size requirements, as well as the location of work spaces relative to the residential unit. While such provisions may achieve certain policy goals to maintain a land use focus on employment activities in the Arts District, taken together, the provisions reduce the number of dwelling units that can be accommodated in a project.

HR&A studied the feasibility of new live-work development projects with market rate rents in the Arts District. Average housing affordability for a typical one bedroom apartment in Downtown Los Angeles rents for an average of \$2,720 per month which significantly exceeds the affordability threshold for a low-income resident. Stakeholders have expressed the need for housing that serves all income levels, while many have specifically advocated for more affordable housing to promote Downtown as a more inclusive community.

The economic analysis pertaining to new live-work units in the Arts District acknowledges that while an average unit size of 1,000 square feet will make certain live-work developments less feasible, the analysis does not confirm that smaller live-work units will ultimately be more affordable for a low-income renter. The Plan's proposed strategy to advance restricted affordable housing through affordable housing strategies and the exemption of live-work unit requirements for 100% Affordable Housing projects will facilitate housing for residents at lower-income levels.

B. Fashion District Study

The CPC directed City Planning to engage with the Garment Worker Center (GWC) and other similar stakeholders in the Fashion District and conduct an analysis to determine if allowing for mixed-uses in the Fashion District will create upward price pressures in rents to the garment industry. HR&A Advisors, Inc. (HR&A) was retained to provide analysis on the overall status of garment production within the Downtown area, and provide recommendations to safeguard and bolster this particular industry. Their memo, [Analysis of the Fashion Industry in Downtown](#), is provided for the consideration of the PLUM Committee, and included in Council File CF22-0617.

City Planning, with the Garment Worker Center, conducted outreach in the form of focus group meetings with Fashion District garment workers and small businesses in Winter of 2022.

A key objective of the Proposed Plan is to accommodate and plan for foreseeable growth, in both residential population and jobs in the City, including the Downtown Plan

Area. This objective is consistent with the growth strategies of the City as provided in the Framework Element, as well as the policies of Senate Bill 375, Senate Bill 330, and the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The Proposed Plan encourages mixed-use neighborhoods and a concentration of housing near transit and employment opportunities. Additionally, the Proposed Plan's economic development policies and land use strategies seek to promote employment for people with a diversity of educational and work experience, support entrepreneurship and small businesses, and reinforce active clusters of industries.

The Fashion District is located in the southern portion of the Plan Area and contains a high concentration of manufacturing, design, wholesale, textile, and other fashion related small businesses. The Proposed Plan looks to leverage this existing ecosystem to further economic growth, while offering opportunities for a mix of uses and to accommodate residential growth near a large concentration of jobs. Therefore, the Proposed Plan includes strategies to ensure these areas continue to provide jobs while allowing for the introduction of housing and neighborhood serving uses. In the western portions of the Fashion District, the Proposed Plan promotes a mix of housing, manufacturing, warehousing, office, and retailing activities by allowing for integrated industries that rely on each other to locate in the same building or in proximity to one another. However, in the eastern portion further from transit, the Proposed Plan prohibits new residential construction, allowing residential uses only as part of the adaptive reuse of existing structures.

Some commenters, such as garment workers and textile manufacturing businesses have expressed concerns about displacement of the garment manufacturing industry if market-rate housing is permitted with the adoption of the Proposed Plan. Commenters suggest that building owners will displace existing manufacturing uses in favor of higher rent activities such as housing. Their recommendations include zoning that would continue to permit garment manufacturing within all areas of the Fashion District, protections to retain existing garment manufacturing capacity and employment, and incentives to promote continued growth of the fashion industry, in addition to broader economic development strategies that are under the purview of other city departments. On the other hand, commenters representing other organized groups have expressed a desire for increased housing opportunities in this area due to the proximity to jobs, transit, and other civic resources.

Market Analysis

HR&A conducted a near-term market analysis of new development in the Fashion District to determine feasibility of displacement protections for garment-related manufacturing uses. Key findings from the study are summarized below.

An estimated 83 percent of all domestic cut-and-sew manufacturing occurs in Los Angeles, and as of 2019, the Los Angeles metro area housed about 58 percent of all registered contractors in the nation. The region has also emerged as a home for the sustainable fashion movement, with several boutique designers headquartered in the area and prioritizing the use of reprocessed materials, ethical labor practices, or a combination of the two. The collapse of global supply chains during the COVID-19 pandemic prompted renewed interest in domestic manufacturing, as fashion brands aimed to circumvent the escalating costs associated with overseas production, and in many cases have strived to implement more sustainable manufacturing practices. Should nearshoring trends continue post-pandemic, Los Angeles will likely absorb substantial manufacturing demand given the strength of its fashion infrastructure.

Due to escalating construction costs, residential development for newly acquired sites is not feasible under the proposed zoning recommendations until economic conditions recover (i.e. new construction of residential units in the Fashion District). Therefore, an increased pressure to convert existing buildings from non-residential uses such as manufacturing, to dwelling units is anticipated, especially pertaining to larger, multi-story buildings within the Fashion District. Study findings suggest that limiting opportunities for conversion can help to stabilize existing manufacturing activities until market conditions correct and new housing can be realized in new construction.

Stakeholder input and economic analysis have highlighted the critical importance of agglomeration to the fashion industry, which depends on the dense and interconnected network of businesses that exist today in the Fashion District. Informed by discussions with Council District 14, stakeholder outreach, and economic analysis, several changes have been outlined for consideration by the PLUM Committee in Section F, Fashion District Modifications of this report.

C. Adaptive Reuse

The CPC directed City Planning to evaluate the feasibility of requiring affordable units for Adaptive Reuse projects. HR&A Advisors, Inc. (HR&A) was retained to conduct an analysis, and their memo [Summary of Feasibility Results for Community Benefit](#)

[Requirements on Adaptive Reuse Projects](#), is provided for the consideration by the PLUM Committee, and included in Council File CF22-0617.

The Adaptive Reuse Ordinance (ARO) was adopted in 1999 in order to “reduce vacant space as well as preserve Downtown’s architectural and cultural past”. Since its adoption, the ARO has played a critical role in attracting residents and employers to Downtown, setting off a growth trend that has revitalized streets and neighborhoods and led to the preservation of many celebrated historic buildings. By making it easier to repurpose buildings built before 1974, older buildings that long sat underutilized were restored and reoccupied.

One of the major changes in the CPC’s recommended Downtown Adaptive Reuse incentive program is that the adaptive reuse provisions will be made available to the entirety of the Downtown Community Plan area. The current ARO program is limited to very specific locations within Downtown. Due to the wide success of the current program, one of the major goals for the proposed Community Plan was to expand the eligibility to the rest of Downtown Los Angeles.

The CPC’s recommended ARO program has been expanded and updated in other ways as well, to increase the program’s flexibility, usability, and appeal. ARO currently only allows conversion of projects from commercial to residential uses. The recommended update is more flexible, allowing projects to convert not only to residential uses, but also to any other use permitted in the applied Use District. This change expands the variety and diversity of projects that can take advantage of the program. The proposed update also changes the eligibility requirements from a fixed date (July 1, 1974) to a rolling date (25 years); thereby ensuring that the supply of eligible buildings are added to on an on-going basis.

Projects that would use the recommended ARO can vary widely in terms of age and type of construction. Such projects must be extensively retrofitted to meet current code requirements based on the use to which they have been converted. This process often involves upgrading water supply lines, electrical systems, fire sprinklers and alarms, adding or replacing HVAC systems, and performing seismic retrofits. Seismic retrofits to make buildings compatible with current code requirements was found to be the costliest expense.

HR&A tested three illustrative prototypes in Downtown, although adaptive projects differ in size, type and needed upgrades. Based on the analysis, none of the prototypical adaptive reuse projects were feasible under current market conditions, even without a

mandate for onsite affordable housing to be incorporated within the project. Since these projects vary significantly, the actual feasibility of converting any given building is likely to also vary based on existing building conditions, the quality and cost of necessary upgrades, new finishes and amenities, and the market positioning of the finished product, in addition to fluctuations in the real estate market. Thus, a mandate for onsite affordable housing units within Downtown ARO projects will in many circumstances be infeasible.

Finding Implications for Citywide Adaptive Reuse

In addition to the Downtown Adaptive Reuse provisions recommended by the CPC in (Chapter 1A, Article 9, Section 9.4.5), the CPC also recommended separate Citywide Adaptive Reuse provisions that would be made available to areas outside of Downtown, in the future, as future Community Plans are updated and begin to use the new zoning code (Chapter 1A, Article 9, Section 9.4.6). The Downtown and Citywide Adaptive Reuse programs recommended in the New Zoning Code are very similar to one another. The most notable difference is the inclusion of a mandate for onsite affordable housing units within the Citywide Adaptive Reuse program.

The inclusion of an affordable housing mandate for Citywide Adaptive Reuse projects within the new code, prompted the CPC to request that a feasibility study be prepared so that PLUM could determine whether a similar mandate should be added to the Downtown Adaptive Reuse provisions. Given that the feasibility constraints identified by HR&A are likely to transcend the Downtown geography, it is likely that similar constraints would apply to the broader Citywide context. Thus the recommended mandate for onsite affordable housing units within the Citywide Adaptive Reuse program may warrant reconsideration, or future refinement. Should the City Council wish to remove the mandate for onsite affordable housing units within the Citywide Adaptive Reuse program, optional modifications are outlined in Section P of this memo.

D. Housing Stability

At its meeting on September 23rd, 2021, CPC directed that when a unit in a proposed project is subject to the Rent Stabilized Ordinance (RSO) and is demolished, the proposed project should be required to replace all RSO units with units that are covenanted for lower income households for a term of 55 years, and become RSO units thereafter. This stipulation is provided within Article 9 of the new zoning code, and is cited below.

The RSO replacement procedures recommended for use by the CPC are originally found in California Government Code §65915(c)(3)(C), which specifies the replacement requirements for any rent controlled (RSO) unit that is not considered to be low-income. For these RSO units, jurisdictions have an option to do either of the following:

- (i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families (§65915(c)(3)(C)(i)), or
- (ii) Require that the units be replaced in compliance with the jurisdiction’s rent or price control ordinance (§65915(c)(3)(C)(ii)).

The CPC’s recommendation serves to establish that under the City’s new zoning code, all projects that use Density Bonus, Transit Oriented Communities, Permanent Supportive Housing, or Local Affordable Housing Incentive Program development incentives would replace lost RSO units subject to (i) above (i.e. as Lower Income affordable units for 55 years, and RSO units thereafter). This provision of the zoning code would go into effect first in Downtown, and then within subsequent Community Plan areas. With respect to all other areas within the City, the Housing Department exercises authority to apply RSO replacement provisions (i) or (ii).

The CPC further stipulated that in the event that a lost RSO unit can be verified as having been occupied by a Moderate Income family, that it could be replaced by a covenanted Moderate Income unit.

Based on this language, requiring the replacement of moderate income units at the same income level as existing residents would appear to be less restrictive than California Government Code §65915(c)(3)(C)(i) above. In order to be viable within the framework of State law, such a requirement would have to occur through the option provided in California Government Code §65915(c)(3)(C)(ii) above, which would entail amending the City’s Rent Stabilization Ordinance, located within Chapter 15 of the City of Los Angeles Municipal Code. However, such a modification would be outside the scope of the Proposed Project, which consists of the Proposed Plan and Proposed Draft of the New Zoning Code.

The CPC Recommendation Draft of the new Zoning Code includes the following language that would implement CPC’s direction as it relates to low-income replacement.

Chapter 1A, Article 9 Sec. 9.2.1.F.4.b.iii. (Supplemental Findings for Projects Exceeding a 35% Density Bonus), Sec. 9.2.2.C.1.b. (Eligibility for TOC Incentives), Sec. 9.3.2.B.2

(Local Affordable Housing Incentive Program Housing Replacement), Sec. 9.4.1.B.4 (Permanent Supportive Housing Incentive Housing Replacement) have been modified as follows:

“The housing development project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3), with the requirement that units occupied by persons or families above low-income be replaced according to Sec. 65915(c)(3)(C)(i) if the income level is not known or if the income is above low-income, or by persons or families of the same restricted affordable income level as existing tenants if the income is known.”

II. Additional Items for Considerations by the PLUM Committee

The following section includes discussions and optional Council Modifications to CPC’s Recommendations for consideration by the PLUM Committee. The following sections represent emerging items that were raised to staff by staff members of Council District 14, Council District 1, and the Cultural Heritage Commission (CHC) through various letters and discussions.

E. Inclusionary Housing

City Planning has prepared an economic analysis to assess the feasibility of integrating an onsite affordable housing mandate, also referred to as inclusionary housing, or inclusionary zoning, into the Proposed Plan’s recommended zoning and Community Benefits Program. Council District 14 requested this analysis to provide the City Council with an understanding of the economic feasibility of a potential inclusionary housing requirement for future development projects, and the implications on the larger zoning and Community Benefits Program structure that has been recommended for approval by the City Planning Commission.

The CPC’s recommended Downtown Community Plan would require that affordable housing units are provided in projects that seek to surpass an existing threshold in zoning requirements, a system generally referred to as incentive-based zoning, or base/bonus. For example, in most parts of Downtown, a development project would receive a 40% floor area bonus, in exchange for providing the required number of

on-site restricted affordable housing units¹, and can receive additional floor area bonuses by providing additional affordable units.

The [Summary of Feasibility Results for an Inclusionary Housing Ordinance in Downtown Los Angeles](#), completed by HR&A Advisors, Inc. (HR&A) will allow the City Council to determine whether affordable housing units can be required as part of a project's base development rights, while still allowing for development incentives (bonuses). This analysis was requested by the Council Office to ensure all projects provide affordable housing, regardless of project size.

The analysis, outlined in HR&A's Inclusionary Zoning memorandum, provides an overview of mandatory inclusionary housing programs in the State of California, including their general features, implementation history, and relationship to other State and local housing policies. The memorandum identifies feasible inclusionary housing requirements for the Downtown Plan Area, based on a review of current market conditions, and the assumption that current market conditions will continue in the near term.

This technical report outlines a pathway for adopting a mandatory inclusionary housing program based on key takeaways from the HR&A economic analysis (summarized further below) and informed by the following considerations:

- The proposed Downtown Community Plan, and the City's recently adopted Housing Element, as well as SCAG's Connect SoCal (2020-2045 RTP/SCS), identify a goal to increase housing production within the Downtown Plan Area, an area well served by transit, employment, and numerous civic investments. An inclusionary housing program should facilitate production of affordable housing units, while ensuring housing development overall continues in areas well served by transit, consistent with City, Regional, and State-wide goals to increase housing production.
 - The Proposed Plan seeks to accommodate 100k new housing units through 2040.
 - The Proposed Plan represents 20% of the City's overall housing growth anticipated to occur by 2040.
- Inclusionary housing is generally feasible in Downtown mixed-use zones and adopting the recommended percentages from the HR&A analysis would not constrain near term housing development in these areas.

¹ A choice of one of the following: 7% Deeply low income, 8% Extremely low income, 11% Very low income, 20% Low income, or 40% Moderate income

- Economic conditions have significantly shifted since the 2019 Downtown economic analysis presented to the City Planning Commission. Absent a mandatory inclusionary housing requirement, it is unlikely that on-site affordable housing will be provided Downtown in the near term.
- The Proposed Plan outlines a vision through the year 2040. Market conditions evolve over time and an inclusionary housing requirement will be one of many tools available to facilitate the production of affordable housing under the Proposed Plan. The CPC's recommended Community Benefits Program will continue to facilitate increased amounts of affordable housing as economic conditions improve.
- Economic feasibility is tested for sites that would be acquired under current economic conditions and financed using conventional methods. Land banked development sites, or sites availing of less conventional finance methods may have improved feasibility and would provide more on-site affordable housing as they exceed the base FAR.
- Inclusionary housing obligations will constrain housing feasibility in the short term for certain Hybrid Industrial areas with mandated employment space obligations.

Inclusionary Housing Economic Analysis Summary

Local and State Affordable Housing Framework Considerations

When evaluating the feasibility of implementing a mandatory affordable housing program there are a number of key considerations. These considerations, detailed below, include statewide regulations, existing City of Los Angeles policies and regulations, and legal precedent:

- Under State law, local jurisdictions may impose inclusionary housing requirements on both rental and for-sale housing developments, on the condition that alternative means of compliance be provided (e.g., payment of in-lieu fees, land dedication, etc.). While local jurisdictions have flexibility in the exact parameters of their programs, the California Department Housing and Community Development (HCD) reserves the right to request and review the economic feasibility analysis of programs that include an affordable housing requirement greater than fifteen percent for 80 percent or less AMI households.
- Legal precedent has established that any affordable unit included in a market-rate project can count toward fulfillment of both a local inclusionary program and incentive zoning program such as Density Bonus. Any inclusionary housing program would need to reconcile base development rights with the

availability of a by-right density bonus available through the State Density Bonus program, or through any existing local incentive system, such as the City's Transit Oriented Communities guidelines.

- It is necessary to consider the relationship between any new Inclusionary housing requirement and the existing Affordable Housing Linkage Fee (AHLF). If the affordable housing set-aside requirements of an inclusionary program fall below the exemption thresholds established in the AHLF Ordinance, developers would be required to comply with two different types of affordable housing programs. Exempting Downtown projects from the AHLF would allow for an increased inclusionary requirement of on-site units (i.e. more affordable units).
- The City is currently conducting the first phase of a two-phased analysis of a citywide inclusionary housing study. This study is being conducted by the Los Angeles Housing Department, and will first examine the established Affordable Housing Linkage Fee real estate submarkets to assess whether an inclusionary housing requirement could improve the rate of production of new affordable housing units and prove financially feasible. This study will not provide specific analysis of the Downtown submarkets and will require a second phase of study in order to develop more comprehensive policy recommendations.
- Downtown represents a unique housing, economic, and real estate context. While the combination of the AHLF and TOC Guidelines has promoted a significant increase in the City's overall housing and affordable housing production Citywide, this production has occurred primarily along lower-to-medium scale commercial corridors, and in lower-to-medium scale residential neighborhoods. As of August, 2022, only 3% of the City's TOC Projects have been approved in Downtown – four development projects in total. In addition, only 1.5% of the City's total AHLF funds have been generated Downtown, and the majority of the funds were generated by non-residential projects. This is due to a number of factors including:
 - The affordability obligations of TOC Guidelines Tier 2, Tier 3, and Tier 4 (applicable to much of Downtown) are economically infeasible for most highrise construction projects in the Downtown area;
 - Most housing development that occurs in western Downtown occurs instead through the TFAR program, which does not require the provision of onsite affordable housing units or AHLF payments;
 - Most housing development that occurs in eastern Downtown occurs through General Plan Amendments and Zone Change cases, and by virtue of compliance with Measure JJJ, and are exempt from the AHLF payment.

- The full AHLF has only been in place since June 17, 2019 and many projects receiving permits now are vested and not required to pay. This is particularly true of larger scale more complicated projects that likely received permits and entitlements prior to AHLF implementation.

Market Conditions and Feasibility

A central feature of the analysis prepared by HR&A for the Downtown Community Plan is an assessment of the economic feasibility of an inclusionary housing obligation, across various Downtown communities and sub-markets. The analysis aims to understand feasibility of prototypical projects envisioned under the Downtown Community Plan by studying the following:

- Market conditions emerging from the pandemic across a number of Downtown submarkets;
- The number of affordable units that prototypical projects could support under an inclusionary housing program;
- Affordable housing production under an inclusionary housing program compared to the CPC approved base/bonus incentive zoning system; and
- The impact of other various policy changes such as parking reductions and development fees on feasibility of prototypical projects.

Analysis demonstrates that even the strongest submarkets in Downtown cannot support high-rise construction at this time. The key challenge to building high-rise structures and achieving maximum Bonus FARs is the high Downtown land costs and increase in material and construction costs compared to previous 2019 estimates. Between 2015 and 2022, construction costs have escalated nearly 24% more than residential rents (34.2% vs. 10.5%). Findings show that even under a hypothetical scenario where affordable housing is not required in the form of a fee or an on-site provision, a market rate high-rise would not be feasible.

Buildings above eight stories, typically 4:1-4.5:1 FAR and above, require steel, concrete, and in some cases heavy timber construction technology (i.e. Type I, Type II, and Type IV construction). Previous economic analysis suggested that most Downtown projects would elect to develop larger buildings, beyond the base FAR, in order to qualify for a linkage fee exemption, maximize the land prices, and offset the costs of high rise construction. Under current market conditions, construction costs have significantly outpaced rental price increases and would not support utilization of the bonus FAR for newly acquired sites. Absent a feasible inclusionary housing requirement, it is unlikely

housing developments on newly acquired sites would include on-site affordable units in the near term.

Under current economic conditions, the City can anticipate that the predominant nearterm housing product generated within the Plan Area will be five-to-eight-story “podium” buildings (i.e. Modified Type V Construction), regardless of present-day, or proposed zoning regulations. Thus a key consideration is whether such future development will adequately contribute to the Proposed Plan’s supply of new affordable housing units. Generally, under the CPC recommended base/bonus program, podium buildings will provide payments to the AHLF trust fund; which supports new affordable housing that may, or may not be located Downtown. An inclusionary requirement, so long as it is economically feasible, can serve to ensure that new affordable housing units are created specifically within the Plan Area. Furthermore, a requirement for on-site units would support Downtown Plan goals and policies such as LU2.1 to foster an equitable and inclusive Downtown, with housing options that can accommodate the fullest range of economic and social needs near transit and civic resources.

The economic analysis has indicated that a small percentage of inclusionary is feasible for select submarkets Downtown. If PLUM considers adopting a mandatory inclusionary housing requirement for the Plan Area, the modifications below outline a strategy informed by the interplay of long term Plan objectives, near-term market conditions, and outlier projects.

Mandatory Inclusionary Housing Framework

The economic analysis considered two distinct approaches to adopting an inclusionary requirement. The first is a graduated inclusionary framework that incorporates the CPC recommended Community Benefits Program with a mandatory inclusionary requirement. The second approach would apply a singular inclusionary percentage coupled with an increase in Base FAR.

The comparison of these two approaches helps to identify the system that would better respond to evolving market conditions and maximize on-site affordable housing in the near and long term. Findings indicate that a graduated inclusionary housing program would offer a more responsive regulatory framework and reduce the need to revisit inclusionary percentages on a recurring basis. Setting clear expectations for the life of the Plan offers certainty to both community members and developers.

Graduated Inclusionary

A graduated inclusionary system would require that all housing projects provide on-site affordable units, and the level of obligation would increase in proportion to building size. Over the life of the Downtown Plan, a variety of building sizes will be realized. Many areas of the plan would allow buildings up to 13:1 FAR, yet due to evolving economic conditions, not every project will be built to the maximum building size allowed. The graduated inclusionary housing program offers a relational requirement that scales with building size.

For example, a project site in South Park would allow a development of up to 10:1 FAR with a base FAR of 3:1. Under current market conditions, the economic study demonstrates that in the near term projects are likely to build around 3:1 FAR. This 3:1 FAR building would be required to provide onsite affordable housing units as follows: 8% Acutely Low Income, 8% Extremely Low Income, 10% Very Low Income, 12% Low Income, or 16% Moderate Income.

Under improved market conditions, this project site may be more likely to achieve the full 10:1 FAR allowed, and the onsite inclusionary requirement would be increased to: 16% Acutely Low income, 17% Extremely Low, 20% Very Low income, 35% Low income, or 55% Moderate income through the Graduated Inclusionary Program.

Graduated Inclusionary

Larger buildings provide more on-site affordable housing.



Figure 1. Graduated Inclusionary

Outlined below, are modifications that PLUM Committee may elect to incorporate into the CPC's recommended New Zoning Code, and Downtown Community Plan Implementation Overlay (CPIO), that would effectuate a graduated inclusionary system.

Singular Inclusionary

The analysis also studied increasing the Base FAR to improve feasibility and establish a higher inclusionary requirement. This framework aimed at setting a uniform set of inclusionary housing percentages across AMI categories regardless of project size. Under a singular inclusionary approach a 3:1 FAR building and a 10:1 FAR building would have the same inclusionary housing requirement. Under improved market conditions this approach could discourage under-building in Downtown, but due to the significant increase in construction costs, and inability of the market to deliver high-rise scale development under present-day market conditions, this approach could hinder housing production and affordable housing Downtown.

The Base FARs in the CPC Recommended Draft are generally around 3:1 in the eastern portions of Downtown and range from 6:1 to 9:1 in areas envisioned for high growth in proximity to transit. Base FARs that are set above 4:1-4.5:1 will generally require Type I or Type II construction to utilize the full base FAR. As described earlier, this type of development substantially increases the cost of construction, and is not economically feasible under present-day economic conditions. Therefore, increasing Base FARs is unlikely to improve project feasibility. Moreover, increased Base FARs would lessen the overall obligation for onsite affordable units in most cases, and would result in fewer community benefits such as open space, and community facilities, that can be obtained by future development projects under improved economic conditions.

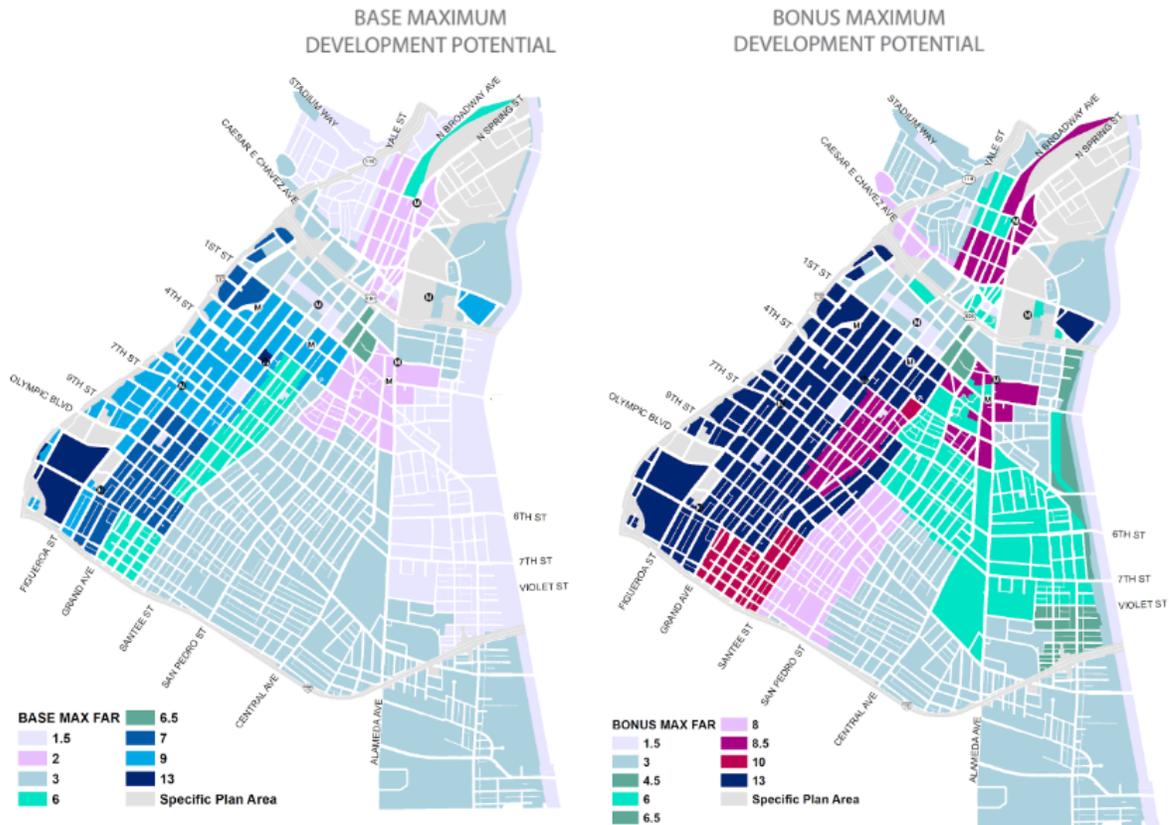


Figure 2. CPC Recommended Base and Bonus Maximum Development Potential

As mentioned, a small subset of Downtown projects may be able to reach maximum FARs in the near term. For example, if a project can secure alternative financing mechanisms or incur minimal land costs due to long term land holding, those savings can offset high-rise construction costs and the cost of on-site affordable units. As illustrated in Figure 3, increasing Base FARs would result in lesser additional benefits than would otherwise have to be provided in exchange for more FAR under the CPC's recommended Community Benefits Program. Higher Base FARs would diminish opportunities to capture more affordable housing, community benefit fund contributions, public open space, and community facilities for newly acquired sites.

Community Benefit Amount



Figure 3. Community Benefits FAR Capture

Conclusion

- Although construction costs have increased and high-rise projects are not feasible under current market conditions, development can still occur and housing goals may be met by high density podium projects and outlier larger scale developments. Generally, the Base FARs applied across the Proposed Plan in the CPC Recommended Draft would allow feasible by-right podium construction with some amount of inclusionary housing.
- Introducing an inclusionary percentage would ensure all projects in the Plan Area would produce some amount of on-site affordable housing units in the near term. However, some areas may not see housing development until construction costs go down and/or rents increase to achieve a new equilibrium.
- The feasibility of an inclusionary requirement is varied across Downtown's various real estate submarkets as shown:

Inclusionary with AHLF	Acutely Low	Extremely Low	Very Low	Low	Moderate
South Park, Financial Core & Bunker Hill Submarket	5%	5%	8%	12%	16%
Chinatown Submarket*	8%	8%	11%	13%	21%

*Inclusionary requirements for Chinatown, apart from Low-income & Moderate-income categories qualify for AHLF exemption

- The maximum amount of feasible onsite units in the South Park, Financial Core, Bunker Hill areas falls below the thresholds for exemption in the Affordable Housing Linkage Fee (AHLF) Ordinance in certain income categories (e.g. 20% LI and 40% Moderate), However, exempting residential projects could result in more on-site affordable units and generate housing more quickly compared to funds generated through the AHLF. If projects were exempted from the AHLF as part of an inclusionary obligation the following inclusionary requirement would be feasible:

Inclusionary without Linkage	Acutely Low	Extremely Low	Very Low	Low	Moderate
South Park, Financial Core & Bunker Hill Submarket	8%	8%	10%	12%	16%
Chinatown Submarket	12%	13%	15%	17%	28%

- Projects providing onsite affordable dwelling units as part of the inclusionary obligation will, in most circumstances, become automatically eligible for the Community Benefit Program’s Level 1 40% FAR bonus. Specifically, the inclusionary obligation for Acutely Low and Extremely Low households in both submarkets, would meet or exceed the minimum affordable housing obligation of the Community Benefits Program Level 1 40% bonus.
- Increasing Base FARs beyond those recommended by the CPC would not serve to improve project feasibility, and would result in fewer community benefits, including reducing opportunities to facilitate additional affordable housing. In the long term, the Graduated Inclusionary framework that builds upon CPC’s recommended Base/Bonus (i.e. Community Benefits Program) will ensure value capture reflective of market conditions, and will help garner more benefits over the 20-year horizon of the Community Plan.
- Analysis shows that projects that do not provide onsite parking can substantially increase feasibility, however onsite parking has remained essential in order for mixed-income projects to secure financing.

- The various forms of project streamlining under the Downtown Plan provide substantial savings in the delivery of affordable housing, and are considered as part of the identified feasible inclusionary requirement.

The Council Modifications to the CPC Recommended new Zoning Code and Downtown Community Plan Implementation Overlay (CPIO) outlined in Items E.1.-E.6 below illustrate how the PLUM Committee can adopt the Graduated Inclusionary Zoning program for the Proposed Plan described above, if desired.

OPTIONAL COUNCIL MODIFICATION E.1–E.6 - INCLUSIONARY HOUSING

E.1. New Zoning Code, Article 1 Introductory Provisions, SEC. 1.5.10

Establish an Inclusionary housing map to initiate mandatory inclusionary housing requirements for specific geographic areas.

Modify Section 1.5.10 of Article 1, of the Proposed New Zoning Code to read as follows:

Sec. 1.5.10. Inclusionary Housing Map

A. Applicability

The Inclusionary Housing Map identifies lots that require inclusionary housing projects to provide restricted affordable units pursuant to Sec. 5C.4.5. (Inclusionary Housing Program). Any lot not included on this map shall not be subject to those provisions.

B. Boundaries

Any lot designated, using the Department of Public Works, Bureau of Engineering land base dataset, with the following designations.

1. Inclusionary Housing Areas

Lots that are subject to the Inclusionary Housing Program shall be designated with one of the following options.

a. Inclusionary Rental (IR)

An Inclusionary Rental (IR) designation shall mean that a project involving the construction of an inclusionary housing project that includes dwelling units that are for-rent shall be subject to the applicable provisions in Sec. 5C.4.5. (Inclusionary Housing Program).

b. Inclusionary Rental & For-Sale (IRF)

An Inclusionary Rental & For-Sale (IRF) designation shall mean that a project involving the construction of an inclusionary housing project that includes dwelling units which are for-rent and/or for-sale shall be subject to the applicable provisions in Sec. 5C.4.5. (Inclusionary Housing Program).

c. Community Plan Implementation Overlay (CPIO)

A Community Plan Implementation Overlay (CPIO) designation shall mean that a project involving the construction of an inclusionary housing project shall be subject to the provisions

in Sec. 5C.4.5. (Inclusionary Housing Program) and as further modified by an applied Community Plan Implementation Overlay.

2. Affordability Requirement Set

Lots shall also be designated with one of the affordability requirement sets as established in Sec. 5C.4.5.C.1. (Inclusionary Program Set Designations).

C. Amendments

At the direction of City Council, pursuant to Sec. 13B.1.3. (Zoning Code Amendment), the Director of Planning is authorized to revise the Inclusionary Housing Map. No unauthorized person may alter or modify the Inclusionary Housing Map.

E.2. New Zoning Code, Article 1 Introductory Provisions, Zoning Code Map (Inclusionary Program Set Designations)

Designate parcels within the Downtown Community Plan with mandatory inclusionary housing for rental housing with affordability requirements set A or B.

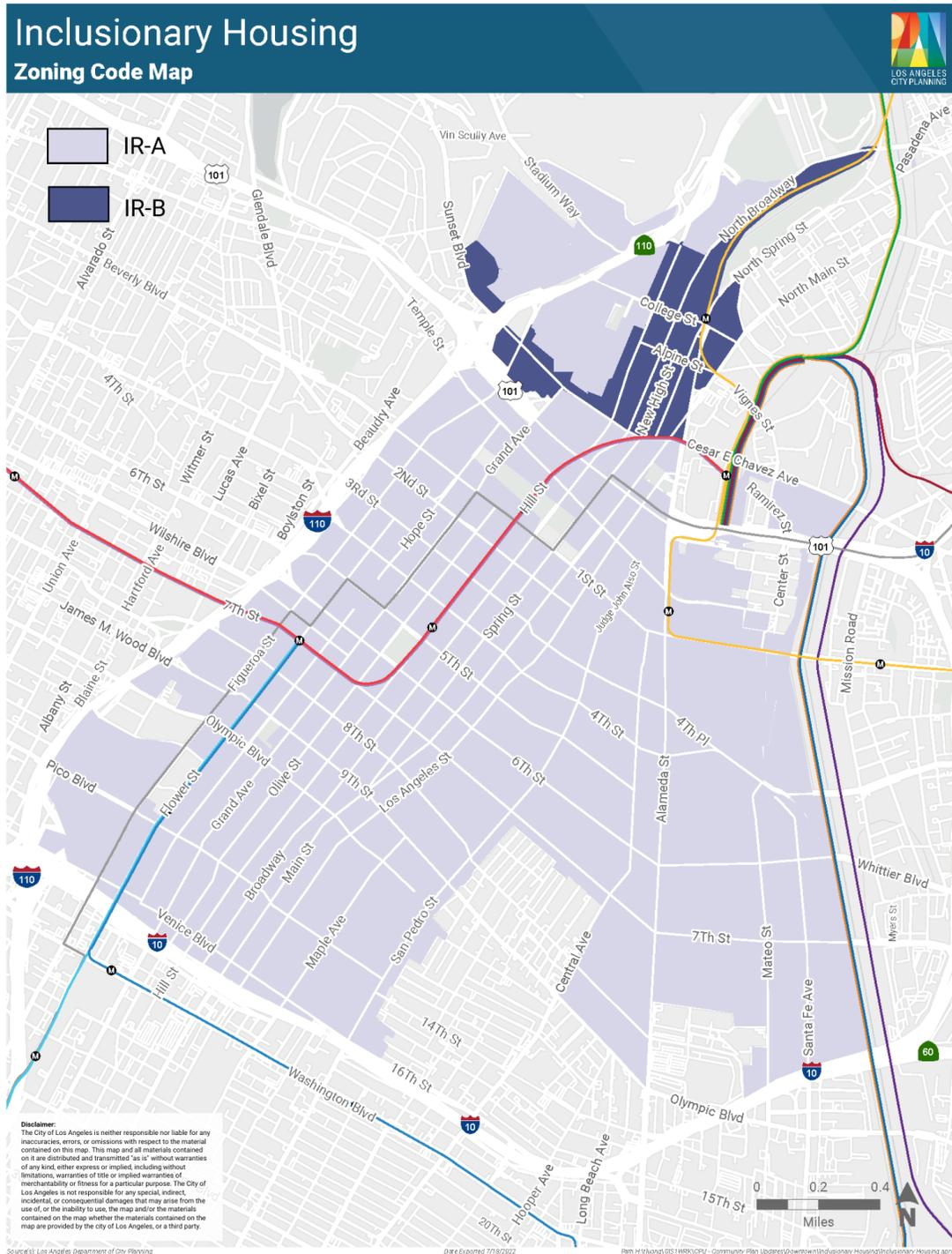


Figure 4. Inclusionary Housing Zoning Code Map

E.3. New Zoning Code, Article 5 Use, SEC. Sec. 5C.4.5. Inclusionary Housing Program

Establish a Graduated Inclusionary Housing Program in the New Zoning Code to ensure that housing development projects located on sites identified in the Inclusionary Housing map include restricted affordable units.

Modify Section Sec. 5C.4.5. of Article 5, of the Proposed New Zoning Code to read as follows:

Sec. 5C.4.5. Inclusionary Housing Program

A. Intent

The Inclusionary Housing Program is intended to ensure the development of housing that is affordable to a range of households at all income levels by requiring that a portion of all projects involving the construction of 10 or more dwelling units, referred to in this Section as an "inclusionary housing project", pursuant to this program includes restricted affordable units. When implemented, this program will help to increase the availability of dwelling units at all income levels, and help the City meet its share of regional housing needs in a manner that is consistent with the General Plan and other City policies related to housing.

B. Applicability

The requirements of this Section apply to all new construction, major demolition, or remodel of an inclusionary housing project that will result in new dwelling units on lots that have been designated on the Inclusionary Housing Map, as established in Sec. 1.5.10. (Inclusionary Housing Map), and as outlined in the Subdivisions below. However, an adaptive reuse project shall not be subject to the requirements of this Section. All restricted affordable units required by this Section shall be rented or sold in accordance with the requirements established in this Section.

1. Inclusionary Rental (IR)

An inclusionary housing project providing dwelling units which are for rent shall set aside the minimum required restricted affordable units for rent. Dwelling units within the project which are for sale shall not be subject to the minimum required restricted affordable units.

2. Inclusionary Rental & For-Sale (IRF)

An inclusionary housing project providing dwelling units which are rental and/or for-sale shall set aside the minimum required restricted affordable units as required by the designated affordability requirement set.

3. Community Plan Implementation Overlay (CPIO)

An inclusionary housing project providing dwelling units shall set aside the minimum required restricted affordable units as established in an applied Community Plan Implementation Overlay.

C. Inclusionary Standards

An inclusionary housing project shall comply with the following requirements, or the requirements of an applicable Community Plan Implementation Overlay, unless a project otherwise complies with the alternatives established in Subsection D. (Inclusionary Alternatives).

1. Inclusionary Program Set Designations

Unless otherwise established in an applied Community Plan Implementation Overlay, an inclusionary housing project shall provide the minimum percentage of on-site restricted affordable units required by the designated affordability requirement set as established below.

AFFORDABILITY REQUIREMENT SETS					
Set	Affordability Requirements				
	DEEPLY LOW INCOME	EXTREMELY LOW INCOME	VERY LOW INCOME	LOWER INCOME	MODERATE INCOME
A	8%	8%	10%	12%	16%
B	12%	13%	15%	17%	28%

a. Calculating Required Units

The minimum percentage of required restricted affordable units shall be calculated based on the total number of dwelling units in the inclusionary housing project. Any number resulting in a fraction shall be rounded up to the next whole number, and not as specified in Sec. 6C.1.2. (Lot Area Per Household Dwelling Unit) or Sec. 6C.1.3. (Lot Area Per Efficiency Dwelling Unit). Restricted affordable units provided pursuant to this program may also count towards the affordable housing incentive programs established in Sec. 9.2.1. (Density Bonus) or Sec. 9.3.2. (Local Affordable Housing Incentive Program).

b. For-Sale Units

Restricted affordable units which are offered on a for-sale bases shall be subject to an applicant agreement with the Los Angeles Housing Department that ensures that a for-sale unit that qualified the applicant for the affordable housing program and meets the following conditions:

- i. The unit is initially occupied by a person or family of moderate income, low income, very low income, or extremely low income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code and is subject to an equity sharing agreement.
- ii. The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in Paragraph

(10) of Subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:

- a) A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit housing corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.
- b) An equity sharing agreement, as specified in Subdivision 6 (Equity Sharing Agreement) of Subsection E. (Records & Agreements) below.
- c) Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of moderate income, low income, very low income, or extremely low income, as defined in Section 50052.5 of the California Health and Safety Code.

2. Restricted Affordable Unit Size & Distribution

The size, construction finishes, and distribution of all required restricted affordable units shall be provided in accordance with the guidelines established by the Los Angeles Housing Department.

D. Inclusionary Alternatives

In lieu of the requirements established in Subsection C. (Inclusionary Standards) above, the requirements of this Section may be satisfied by implementing one of the following alternatives if they are approved pursuant to the applicable process in Subsection F. (Procedures).

1. In-Lieu Fee

The affordability provisions of this program may be satisfied by the payment of a fee to the City in lieu of constructing the restricted affordable units within the inclusionary housing project. The fee is due and payable to the Affordable Housing Trust Fund, established in Chapter 122 (Affordable Housing Trust Fund) of Division 5 (Finance) of the Los Angeles Administrative Code, at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, as established in Paragraph d. (Deferral Surcharge) below, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The in lieu fee shall be determined by the City based on the following:

a. Fee

The fee shall be determined by the number of dwelling units equivalent to 1.1 times the required number of on-site restricted affordable units for the inclusionary housing

project, in the same proportion of affordability, multiplied by the applicable Affordability Gap, as established in Paragraph b. (Affordability Gap) below.

b. Affordability Gap

The City shall produce a study identifying the Affordability Gap for rental and ownership units of each bedroom size (studio, 1 bedroom, 2 bedroom and 3 bedroom) for each required affordability level.

i. Rental Units

For rental dwelling units, the study shall collect and determine, by unit type and affordability level, the following information from recently completed affordable housing projects funded by the City's Affordable Housing Trust Fund: total development costs and operating expenses. The study shall also determine the amounts of permanent financing available based on restricted rents and prevailing interest rates. The difference between the total development cost and permanent financing amount shall be the Affordability Gaps per unit by unit type and affordability level.

ii. For-Sale Units

For for-sale dwelling units, the study shall identify the market median sales prices by unit type in the 34 Community Plan areas. It shall determine the restricted sales prices of for-sale units by unit type and affordability level. The difference between the market median sales price and the restricted sales price shall be the Affordability Gaps per unit by unit type and affordability level.

c. Bi-Annual Fee Adjustment

The City shall adjust the fee every two years, based on the results of a new Affordability Gap study. An Affordability Gaps study, the proposed adjusted Affordability Gaps, and the adjusted fees shall be published within 2 years of the date that the original Affordability Gaps study is released, and consecutively thereafter by the date that is 2 years after the release of the previous Affordability Gaps study.

d. Deferral Surcharge

The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Affordable Housing Trust Fund and accounted for and used as provided in Paragraph e. (Use of Funds) below.

e. Use of Funds

All monies contributed pursuant to this Section shall be deposited in the City's Affordable Housing Trust Fund. All funds collected under this Section shall be used in the following manner:

i. Except as provided in Subparagraph ii. below, the funds collected under this Section shall be used to create and/or preserve housing affordable to low

income, very low income, extremely low income, or deeply low income households.

- ii. The City shall designate and separately account for all Deferral Surcharge payments that it receives under this Section to support the creation and/or preservation of affordable housing within one-half mile of the proposed inclusionary housing project, with priority to areas where there is a demonstrated decline in units affordable to and/or occupied by low income, very low income, extremely low income, or deeply low income households.

Use of the Deferral Surcharge funds shall include but not be limited to the acquisition and/or remediation of land, and/or acquisition, construction, rehabilitation, and/or financing of housing units by a Community Land Trust or non-profit entity which guarantees perpetual affordability of these units for low income, very low income, extremely low income, or deeply low income households or a term of affordability of these units that has a duration of a minimum of 55 years.

E. Records & Agreements

Prior to the issuance of a building permit, the following requirements shall be met.

1. Restricted Affordable Unit Covenants

For any inclusionary housing project that contains restricted affordable units, a covenant acceptable to the Los Angeles Housing Department must be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 99 years, except as established in Paragraphs a., b., and c. below, from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program. A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

- a. An inclusionary housing project in which one hundred percent of all dwelling units, exclusive of a manager's unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the inclusionary housing project shall be covenanted for at least 55 years.
- b. A mixed-income inclusionary housing project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the inclusionary housing project shall be covenanted for at least 55 years.
- c. Inclusionary housing projects financed by low-income housing tax credits. At minimum, all restricted affordable units in the inclusionary housing project shall be covenanted for at least 55 years.

2. Conflicts of Duration of Affordability Covenants

Except as established in Subdivision 1 (Restricted Affordable Unit Covenants) above, if the duration of affordability covenants provided in this Section conflicts with the duration for any other government requirement, the longest duration controls.

3. Private Right of Enforcement

Any covenant described in this Section must provide for a private right of enforcement by the City, any tenant, and the owner of any building to which a covenant and agreement applies.

4. Equity Sharing Agreement

An inclusionary housing project that has opted to an equity sharing agreement for for-sale restricted affordable units shall be required to enter into an agreement with the Los Angeles Housing Department as outlined below, unless it is in conflict with the requirements of another public funding source or law.

a. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation.

b. Except as provided in Paragraph e. below, the local government shall recapture any initial subsidy, as defined in Paragraph c. below, and its proportionate share of appreciation, as defined in Paragraph d. below, which amount shall be used within five years for any of the purposes described in *Subdivision (e) of Section 33334.2 of the California Health and Safety Code* that promote home ownership.

c. For purposes of the equity sharing agreement, the Los Angeles Housing Department's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

d. For purposes of the equity sharing agreement, the Los Angeles Housing Department's proportionate share of appreciation shall be equal to the ratio of the Los Angeles Housing Department's initial subsidy to the fair market value of the home at the time of initial sale.

e. If the unit is purchased or developed by a qualified nonprofit housing corporation the Los Angeles Housing Department may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by *Sec. 50079.5 of the California Health and Safety Code* within the jurisdiction of the Los Angeles Housing Department.

F. Procedures

The Department of Building and Safety shall issue a building permit for any inclusionary housing project that meets the requirements of this Section.

1. Projects Utilizing Inclusionary Alternatives

An inclusionary housing project utilizing an alternative established in Subsection D. (Inclusionary Alternatives) above, shall also require approval from the Department of City Planning pursuant to Sec. 13B.3.1. (Administrative Review).

**E.4. New Zoning Code, Article 14 General Rules and Definitions, DIV 14.2
Glossary**

Modify Division 14.2 of Article 14 General Rules and Definitions, of the Proposed New Zoning Code to read as follows:

Inclusionary Housing Map. See Sec. 1.5.10. (Inclusionary Housing Map).

Inclusionary Housing Project. A project involving the construction of 10 or more dwelling units which is subject to the requirements established in Sec. 5C.4.5. (Inclusionary Housing Program).

Qualified Nonprofit Housing Corporation. A nonprofit housing corporation organized pursuant to Sec. 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Sec. 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

**E.5. Downtown Community Plan Implementation Overlay (CPIO) District,
Chapter I-V.C**

Modify Subsection I-V.C of the Proposed Downtown Community Plan Implementation Overlay (CPIO) District to read as follows:

C. Projects providing Restricted Affordable Units in accordance with minimum mandatory inclusionary housing requirements as identified on the Inclusionary Housing Map (LAMC CHAPTER 1A Sec. 1.5.10.) ~~to fully utilize the Affordable Housing Local Incentive Program pursuant to Chapter II, Section 2 or pursuant to the requirements of Chapter IV, Section I~~ shall be considered exempt from the Affordable Housing Linkage Fee.

**E.6. Downtown Community Plan Implementation Overlay (CPIO) District,
Chapter II-III. 3.C.2.**

Redirect affordable housing in-lieu payments from the Downtown Local Affordable Housing Incentive Program to the city wide Affordable Housing trust fund to align with the requirements of the mandatory inclusionary housing program.

Modify Subdivision 3.C.2 of Chapters II and III of the Proposed Downtown Community Plan Implementation Overlay (CPIO) District to read as follows:

2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM PURSUANT TO LAMC CHAPTER 1A 9.3.2, B. Requirements

3. In-Lieu Fee. The affordability provisions of this Section may be satisfied by the payment of a fee to the City of Los Angeles ~~Downtown~~ Citywide Affordable Housing Trust Fund in lieu of constructing the affordable units within the Project. The in lieu fee shall be determined by the City based on the following:

The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to Section II-2B.1, in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined in LAMC Chapter 1A Section 13.3.1.E.4.

The fee is due and payable to the City of Los Angeles ~~Downtown~~ Citywide Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases.

F. Fashion District Modifications

The following Council Modifications would support the recommendations to preserve existing manufacturing activities in Downtown Los Angeles while allowing for the thoughtful introduction of housing. Additionally, Section E of this report discusses an option to adopt an inclusionary housing requirement to promote a mixed-income community with opportunities for households of all income levels to live in the Plan Area. If this recommended Council Modification is approved by the PLUM Committee and adopted as part of the Plan, any new housing project, including those in the Fashion District, will be required to incorporate some amount of affordable housing as part of their project. Council Modifications to the CPC Recommended proposed New Zoning Code, below, are indicated by underline for language added and strikethroughs for language deleted.

OPTIONAL COUNCIL MODIFICATIONS F.1–F.14 - FASHION DISTRICT

F.1. New Zoning Code, Article 5 Use, SEC. 5B.7.3. Industrial-Mixed 3 (IX3)

Modify Section 5B.7.3 of Article 5 of the Proposed New Zoning Code to read as follows for the purpose of prohibiting conversion of non-residential uses to residential uses in existing buildings; reducing the required amount of productive space from 1:1 FAR to 0.5:1 FAR; and limiting office uses from counting toward the required FAR of productive space in new residential construction:

B. Allowed Uses & Use Limitations

Use	Permission	Use Standard	Specification
Dwelling	P*	(see Residential)	<ul style="list-style-type: none"> • Office • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal • <u>Manufacturing, Light: Garment & Accessory</u>
		In conjunction with:	
		Floor area (min)	1.0 0.5 FAR
		Exception	Adaptive Reuse Projects 100% Restricted affordable units
		<u>Change of use</u>	<u>Prohibited</u>

Use	Permission	Use Standard	Specification
Live/Work	P*	(see Residential)	
		Unit size (min avg.)	750 SF
		Designated work space	
		Work space area (min/max)	48%/50%
		Work space dimensions (min)	10' x 15'
		Workspace uses	<ul style="list-style-type: none"> • Office • Personal Services: General • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal • <u>Manufacturing, Light: Garment & Accessory</u>
		Open plan area (min)	70%
		In conjunction with:	<ul style="list-style-type: none"> • Office • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal • <u>Manufacturing, Light:</u>

			<u>Garment & Accessory</u>
		Floor area (min)	4.0 <u>.5</u> FAR
		Exception	Adaptive reuse projects, 100% Restricted affordable housing
		Supplemental standards	Sec 5B.7.2.C.2
		<u>Change of use</u>	<u>Prohibited</u>

Use	Permission	Use Standard	Specification
Joint Living & Work Quarters	P* --	(see Residential)	
		Designated work space:	
		Work space area (min/max)	10%/50%
		Workspace uses	<ul style="list-style-type: none"> • Office • Personal Services: General • Manufacturing: Light: General • Manufacturing: Light: Artistic & Artisanal

F.2. New Zoning Code, Article 5 Use, SEC. 5B.7.3. Industrial-Mixed 3 (IX3)

Modify Section 5B.7.3 of Article 5 of the Proposed New Zoning Code to read as follows to add “Manufacturing, Light” to clarify Light Industrial Use is permitted; update the use district tables to reflect establishment of “Manufacturing, Light: Garment & Accessory” as a defined use with prescribed permission levels; and replace “Textile and Apparel” with “Textile”:

B. Allowed Uses & Use Limitations

Use	Permission	Use Standard	Specification
LIGHT INDUSTRIAL	*	Use Standard applicability	
		Abutting	Sensitive Use, residential or Agricultural Use District
		Screening	
		Frontage Screen	F-Screen 4
		Transition Screen	T-Screen 1
		Use enclosure	Fully indoor
Electronics Assembly	P*	<i>(see Light Industrial)</i>	
Maintenance & Repair Services:	P*	<i>(see Light Industrial)</i>	
<u>Manufacturing, Light:</u>			
General	P*	<i>(see Light Industrial)</i>	
Alcoholic Beverage	P*	<i>(see Light Industrial)</i>	
Artistic & Artisanal	P*	<i>(see Light Industrial)</i>	
Cosmetic, Pharmaceutical	P*	<i>(see Light Industrial)</i>	
Food & Drink	P*	<i>(see Light Industrial)</i>	
<u>Garment & Accessory</u>	<u>P*</u>	<u><i>(see Light Industrial)</i></u>	
Textile & Apparel	P*	<i>(see Light Industrial)</i>	

F.3. New Zoning Code, Article 5 Use, SEC. 5B.7.3. Industrial-Mixed 3 (IX3)

Modify Section 5B.7.3 of Article 5 of the Proposed New Zoning Code to read as follows to prioritize preservation of existing industrial uses while limiting lodging to new construction, and limiting new office uses in existing buildings:

Use	Permission	Use Standard	Specification
Lodging	P*	<u>Change of use</u>	<u>Prohibited</u>

Use	Permission	Use Standard	Specification
Office	P*	<u>Incidental to:</u>	<u>Other allowed use</u>
		<u>Relief</u>	<u>C2</u>
		<u>Exception</u>	<u>New Construction</u>

F.4. New Zoning Code, Article 5 Use, SEC. 5B.7.2. Industrial-Mixed 2 (IX2)

Modify Section 5B.7.2 of Article 5 of the Proposed New Zoning Code to read as follows, for the purpose of requiring a zoning administrator determination for conversion of non-residential uses to Joint Living & Work Quarters:

Use	Permission	Use Standard	Specification
Joint Living & Work Quarters	P* <u>C1</u>	(see Residential)	
		Designated work space:	
		Work space area (min/max)	10%/50%
		Workspace uses	<ul style="list-style-type: none"> • Office • Personal Services: General • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal

F.5. New Zoning Code, Article 5 Use, SEC. 5B.7.1. Industrial-Mixed 1 (IX1), SEC. 5B.7.2. Industrial-Mixed 2 (IX2), SEC. 5B.7.3. Industrial-Mixed 3 (IX3), SEC. 5B.7.4. Industrial-Mixed 4 (IX4)

Modify Sections 5B.7.1, 5B.7.2, 5B.7.3 and 5B.7.4 of Article 5 of the Proposed New Zoning Code to read as follows for IX1, IX2, IX3 and IX4 Use Districts, for the purpose of requiring Residential Use to be at least 50 feet away from Manufacturing, Light: Textile, to ensure minimum separation between these two uses:

Use	Permission	Use Standard	Specification
RESIDENTIAL	*	Use Separation (Min)	
		<u>Manufacturing, Light: Textile</u>	50'
		Heavy Industrial	50'
		Relief	C1

F.6. New Zoning Code, Article 5 Use, SEC. 5C.1.7. Light Industrial Uses

Modify the following definitions for Light Industrial Uses in Section 5C.1.7 of Article 5 of the Proposed New Zoning Code to read as follows:

C. Manufacturing, Light

Any light industrial use involving the making or processing of materials or components into products.

1. General

The manufacturing of finished goods intended to be sold as consumer goods to the general public, including devices and instruments used in a workplace. Includes the manufacturing and assembly of the following: medical equipment and supplies; semiconductors and electronic instruments; signs and printed material; musical instruments; jewelry; toys; furniture; crates; boxes; and barrels. Excludes the manufacturing of heavy machinery, motor vehicles, aircraft and watercraft, metal fabrication, and manufacturing involving the processing, mixing, or refinement of inorganic raw materials, see Manufacturing, Heavy; General (Sec. 5C.1.8.B.1.).

3. Artistic & Artisanal

~~A small-scale light manufacturing use which does not involve automated or mechanized production methods. Instead, skilled craftspersons are integral to the creation of each product, requiring products to be produced in small quantities where skilled craftspersons are integral to the creation of each product. materials, substances, or components, and may include, but are not limited to the use of hand tools or light mechanical equipment such as commercial mixers, sewing machines, wax melters, bottle sealers, paste filling machines, and button press machines. Artistic & artisanal uses are less than 3,000 5,000 square feet in area or include a staff of fewer than 25 persons.~~

4. Garment & Accessory

Any light manufacturing use involving the cutting, stitching or assembly of materials to produce finished clothing, footwear, and accessories. Specific activities include but are not limited to sewing of finished textiles, printing or stenciling of designs on garments, assembly of accessories and footwear, and the knitting of finished garments. For the large-scale mechanized production of fibers and fabrics used to create materials for the production of garments and accessories see Sec. 5C.1.7.7 (Textile).

5. ~~Textile and Apparel~~ Textile

Any light manufacturing use ~~that processes or otherwise manufactures textile and other apparel products. Includes fabric mill, finishing and coating mill, jewelry manufacture, and leather product manufacture~~ involving the large-scale mechanized production of fibers and fabrics used to create materials for the production of garments and accessories. Specific activities include but are not limited to textile spinning, weaving, dyeing, printing, and finishing. For the final assembly, cutting and stitching of materials to produce finished clothing, footwear, and accessories, see garment manufacturing Sec. 5C.1.7.6. (Garment & Accessory).

F.7. New Zoning Code, Article 5 Use, SEC. 5B.5.2. Commercial-Mixed (CX2), SEC. 5B.5.3 Commercial-Mixed (CX3); SEC. 5B.5.4 (CX4)

Modify Sections 5B.5.2, 5B.5.3, and 5B.5.4 of Article 5 of the Proposed New Zoning Code to read as provided below for the purpose of making the following changes in the CX2, CX3 and CX4 Use Districts, to permit Manufacturing, Light: General only when accessory to Retail in order to allow limited jewelry manufacturing; prohibit Manufacturing, Light: Textile; to allow Garment & Accessory to be permitted; and to allow Manufacturing, Light: Alcoholic Beverage and Manufacturing, Light Food & Drink to be permitted only when accessory to any Eating & Drinking:

Use	Permission	Use Standard	Specification
Manufacturing, Light			
General	<u>P*</u>	<u>Accessory to:</u>	<u>Retail: General, Merchant Market</u>
Alcoholic Beverage	P*	Accessory to:	<u>Restaurant Eating & Drinking</u>
Artistic & Artisanal	P*	Accessory to:	Retail: General, Merchant Market
Cosmetic, Pharmaceutical	-		
Food & Drink	-P*	<u>Accessory to:</u>	<u>Eating & Drinking</u>
<u>Garment & Accessory</u>	<u>P</u>		
Textile & Apparel	-		

F.8. New Zoning Code, Article 5 Use, SEC. 5B.7.2. Industrial-Mixed 2 (IX2) D Supplemental Procedures

Modify Subsection D of New Zoning Code, Article 5 Use, SEC. 5B.7.2. Industrial-Mixed 2 (IX2) to add subdivision 1 and renumber subsequent subdivisions to read as follows for the purpose of Establishing supplemental findings for Joint Living and Work Quarters:

1. Joint Living and Work Quarters

a. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit), the Zoning Administrator shall also consider:

- i. that the uses of property surrounding the proposed location of the joint living and work quarters and the use of the proposed location will not be detrimental to the health, safety and welfare of prospective residents of the quarters; and
- ii. that the proposed joint living and work quarters will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses; and
- iii. that an applicant for the proposed joint living and work quarters involving the conversion of an existing building or portion of a building that was originally designed for nonresidential occupancy has made good faith efforts to prevent the displacement of nonresidential occupancy with evidence that includes, but not limited to, building maintenance records, duration of building vacancy and vacancy rates, and attempts of the property owner to increase or extend nonresidential tenancy with proof of advertisement such as public listings and signage and/or hiring third-party services to find nonresidential tenants.

F.9. New Zoning Code, Article 5 Use, SEC. 5C.3.6. Change of Use

Modify Article 5 of the New Zoning Code by adding the following Section 5C.3.6 (Change of Use) to Article 5 of the Proposed New Zoning Code to read as provided below for the purpose of establishing a new Change of Use standard to support the edits made to the IX3 Use District to protect manufacturing uses.

Sec. 5C.3.6. CHANGE OF USE

A. Intent

To control when new uses may be introduced into an existing building or lot.

B. Applicability

Applies only when specified by the Use District (Part 5B) as a required use standard.

C. Standards

1. Where change of use is listed as “prohibited” in the use table for an applied Use District (Part 5B), the specified use shall not be permitted within any portion of an existing building or lot

- that was permanently occupied by another use defined in Div. 5C.1. (Use Definitions) as listed on the most recent certificate of occupancy for the existing building or lot.
2. Change of use includes adaptive reuse projects meeting the requirements of the Citywide Adaptive Reuse Program (Sec. 9.4.6.) or the Downtown Adaptive Reuse Program (Sec.9.4.5.).

D. Measurement

A change of use is any project that meets the description of the change of use project activity in accordance with Sec. 14.1.15. (Project Activities).

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B). Where relief is available, it will be listed in the use table for the applied Use District (Part 5B).

F.10. New Zoning Code, Article 5 Use, SEC. 5C.3.17. New Construction

Modify Article 5 of the New Zoning Code by adding the following Section 5C.3.17 (New Construction) to Article 5 of the Proposed New Zoning Code to read as provided below for the purpose of establishing a New Construction standard to support the edits made to the IX3 Use District to protect manufacturing uses.

Sec. 5C.3.17. NEW CONSTRUCTION

A. Intent

To encourage or limit the introduction of a use into an area through new construction projects.

B. Applicability

Applies only when specified by the applied Use District (Part 5B) as a required use standard for that Use District.

C. Standards

The specified use shall be provided within a project that meets the description of new construction in accordance with Sec. 14.1.15. (Project Activities). The specified use shall only be provided in newly constructed floor area on the lot or floor area relocated from another lot.

D. Measurement

A use shall be measured as satisfying the new construction requirement when the project meets the standards outlined in Sec. 5C.3.17.D above.

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B). Where relief is available, it will be listed in the use table for the applied Use District (Part 5B).

F.11. Downtown Community Plan Implementation Overlay (CPIO) District, Chapter II-III. 3.C.

Modify Subsection 3.C of Chapter II-III of the Proposed Downtown CPIO to add subdivision 3 to read as follows for the purpose of establishing a new CPIO subarea and incentive to promote light manufacturing uses:

C. Community Facilities Pursuant to LAMC Chapter 1A 9.3.4

3. For sites located in Subarea A.5, projects that include a loading elevator and in which a minimum of 50% of the total Floor Area, inclusive of any bonus floor area, contains Manufacturing, Light uses, may obtain additional floor area above the base FAR and up to 4:1 FAR pursuant to the Employment Incentive Area, LAMC Chapter 1A Section 9.3.4.C.4.
 - a. A Housing Development must fully utilize the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2 before obtaining Floor Area through this incentive.

F.12. Downtown Community Plan Implementation Overlay (CPIO) District, Chapter II Figure 2. - Downtown Community Benefits Program Subarea Map

Modify Chapter II Figure 2. - Downtown Community Benefits Program Subarea Map of the Proposed Downtown CPIO to read as follows for the purpose of establishing a new subarea A.5 to promote light manufacturing uses:

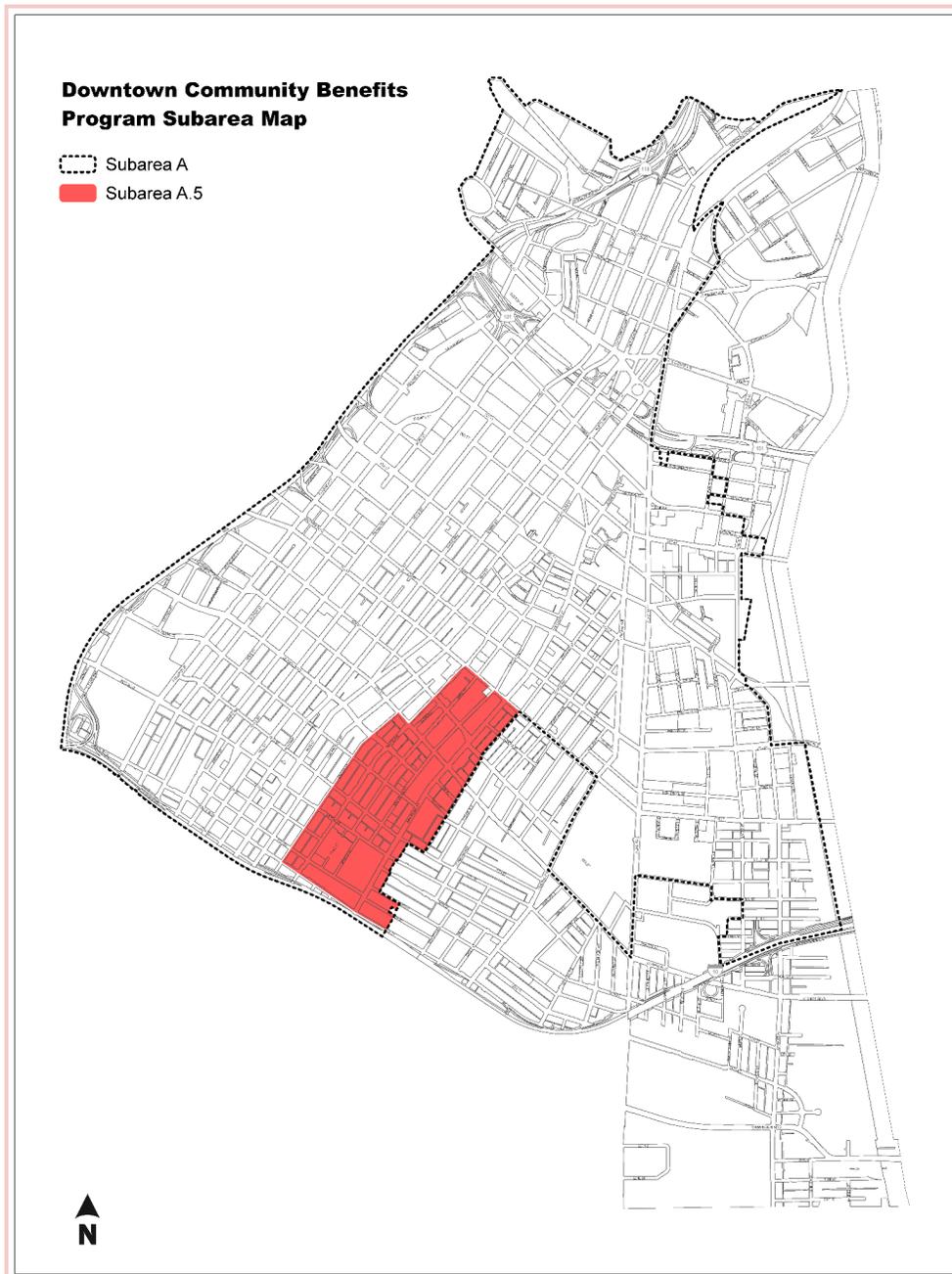


Figure 5. Downtown Community Benefits Program Subarea A.5 Map

F.13. Downtown Community Plan Implementation Overlay (CPIO) District, Chapter I-IV, Section 1-4. Definitions

Modify I-IV, Section 1-4 of Chapter I of the Proposed Downtown CPIO to read as follows for the purpose of establishing a new Loading Area definition to promote light manufacturing uses:

I-IV Section I-4. DEFINITIONS

“Loading Elevator” shall mean an elevator capable of carrying a minimum load of 10,000 pounds and designed to support loading and unloading of materials and equipment.

F.14. Zone Change Map and Matrices

Modify the zoning in the Proposed New Zoning Code Map as shown in the table below for properties in the Downtown Community Plan zoning matrix subareas generally bounded by 7th Street to the north, Main Street and Broadway to the west, Highway I-10 to the south, and Santee Street and Maple Avenue to the east from Use District CX2 to CX3 [See figure 6 below] to remove the 50,000 sf limitation on manufacturing uses:

Subarea	Zone Form - [To]
DTL-390-B	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-400-C	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-410-A	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-510-A	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-560-A	C2-4D-O-SN - [HB3-G1-5] [EX2CX3 -FA] [SN-CPIO-O]
DTL-560-B	C2-4D-O - [HB3-G1-5] [EX2CX3 -FA] [CPIO-O]
DTL-570-A	C2-4D-O - [HB3-G1-5] [EX2CX3 -FA] [CPIO-O]
DTL-800-A	C2-2D-O - [HB2-G1-5] [EX2CX3 -FA] [CPIO-O]
DTL-810-A	C2-2D-O - [HB2-G1-5] [EX2CX3 -FA] [CPIO-O]
DTL-810-B	C2-2D - [HB2-G1-5] [EX2CX3 -FA] [CPIO]
DTL-840-A	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-1210-B	M2-2D - [HM1-CHC1-5] [EX2CX3 -FA] [CPIO]
DTL-1220-B	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-1230-A	M2-2D - [HM1-CHC1-5] [EX2CX3 -FA] [CPIO]
DTL-1240-A	[T][Q]C2-4D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-1240-B	M2-2D - [HB1-G1-5] [EX2CX3 -FA] [CPIO]
DTL-1250-A	(T)(Q)C2-2 - [HM1-CHC1-5] [EX2CX3 -FA] [CPIO]
DTL-1250-B	M2-2D - [HM1-CHC1-5] [EX2CX3 -FA] [CPIO]
DTL-1260-A	[Q]C5-2D - [DM3-CHC1-5] [EX2CX3 -FA] [CPIO]

DTL-1260-B	[Q]C5-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1260-C	M2-2D - [DM3-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1260-D	M2-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1300-C	M2-2D - [HB1-G1-5] [EX2CX3-FA] [CPIO]
DTL-1310-B	M2-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1320-A	[Q]C5-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1320-B	M2-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1340-A	[Q]C5-2D - [DM3-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1340-B	M2-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]
DTL-1400-A	[Q]C5-2D-O - [HM1-CHC1-5] [EX2CX3-FA] [CPIO-O]
DTL-1400-B	M2-2D - [HM1-CHC1-5] [EX2CX3-FA] [CPIO]

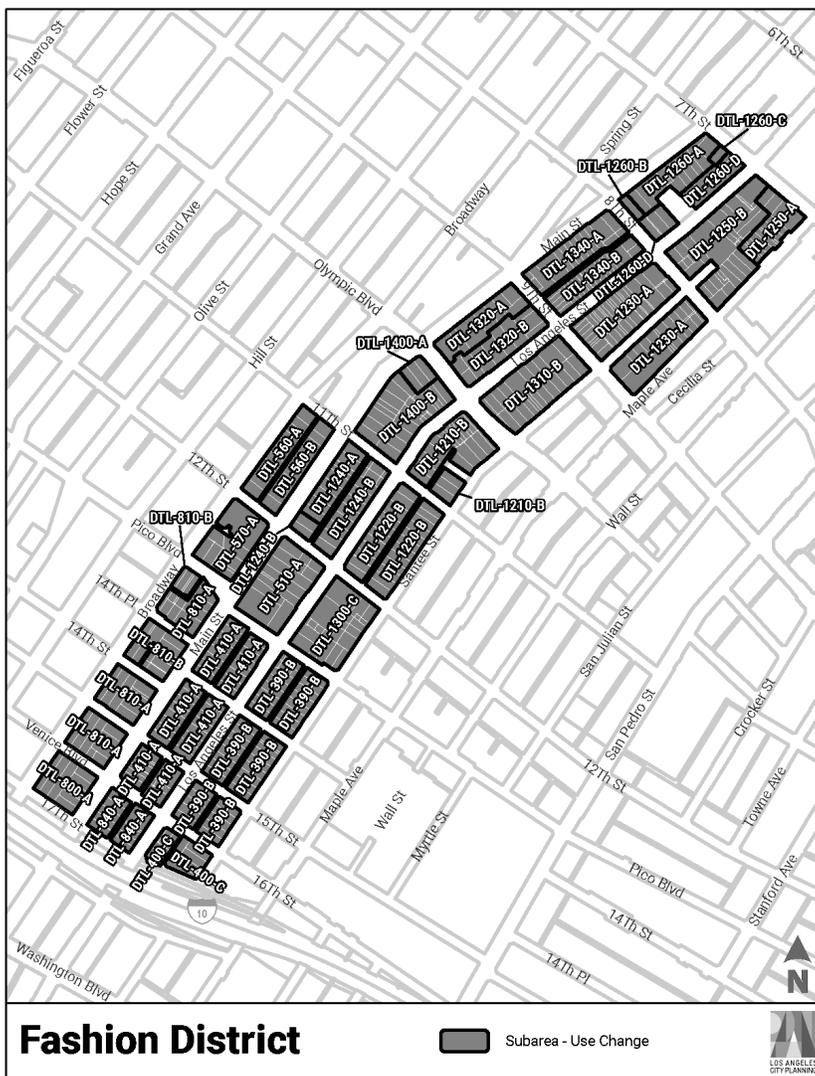


Figure 6. Fashion District Use District Change Map

G. Restaurant Beverage Program Integration

The Restaurant Beverage Program (RBP), Council File 17-0981, went into effect in March 2022, following CPC's September 2021 consideration of the Downtown Community Plan and New Zoning Code. The Proposed New Zoning Code recommended by CPC provided in Section 5 of the ordinance bill that, "[i]n the event that the City Council actually adopts the proposed ordinances in Council File 17-0981, the proposed ordinances will be automatically incorporated into the New Zoning Code, subject to changes to conform to the format and style of the New Zoning Code."

The RBP, as adopted, is intended to streamline the approval process and offer long-term, financial relief to support local economic growth in the city. Under the RBP, on-site sale of alcohol in restaurants in designated areas that comply with a set of required performance standards is permitted without a Conditional Use Permit. The RBP also establishes variations of the program to address the need for different approaches to on-site alcohol sales. The more restrictive variation provides added protection for communities that are burdened with public health and safety issues associated with the sale of alcoholic beverages, while a more expansive variation of the program supports cultural and tourism related uses in specific areas. The following Council Modifications are intended to implement the RBP regulations in the Proposed New Zoning Code.

OPTIONAL COUNCIL MODIFICATION G.1–G.6 - RESTAURANT BEVERAGE PROGRAM

G.1. New Zoning Code, Article 1 Use, SEC. 1.5.9. Alcohol Permission Area Map

Modify Article 1 of the New Zoning Code by adding the following Section 1.5.9 to the New Zoning Code to read as follows:

Sec. 1.5.9 Restaurant Beverage Program

A. Applicability

The Alcohol Permission Area Map identifies lots that are subject to the Alcohol Sales Permission Program (Sec. 5C.4.2.), which establishes permission levels and standards for uses involving the sale or dispensing of alcoholic beverages.

B. Boundaries

Any land designated, using the Department of Public Works, Bureau of Engineering land base dataset, as any of the following Alcohol Permission Area designations in the Alcohol Permission Area Map.

1. Alcohol Sensitive Sales Area
2. Restaurant Beverage Area
3. Limited Restaurant Beverage Area
4. Restaurant, Bar, Nightlife Area

C. Amendments

The City Council shall have the ability to establish and subsequently modify the Alcohol Permission Area Map, pursuant to an adopted City Council Resolution. In adopting the resolution, the City Council must find that the establishment or modification is in conformity with public necessity, convenience, general welfare and good zoning practice. The Director of Planning is authorized to revise the Alcohol Permission Area Map as established in the adopted resolution. No unauthorized person may alter or modify the Alcohol Permission Area Map.

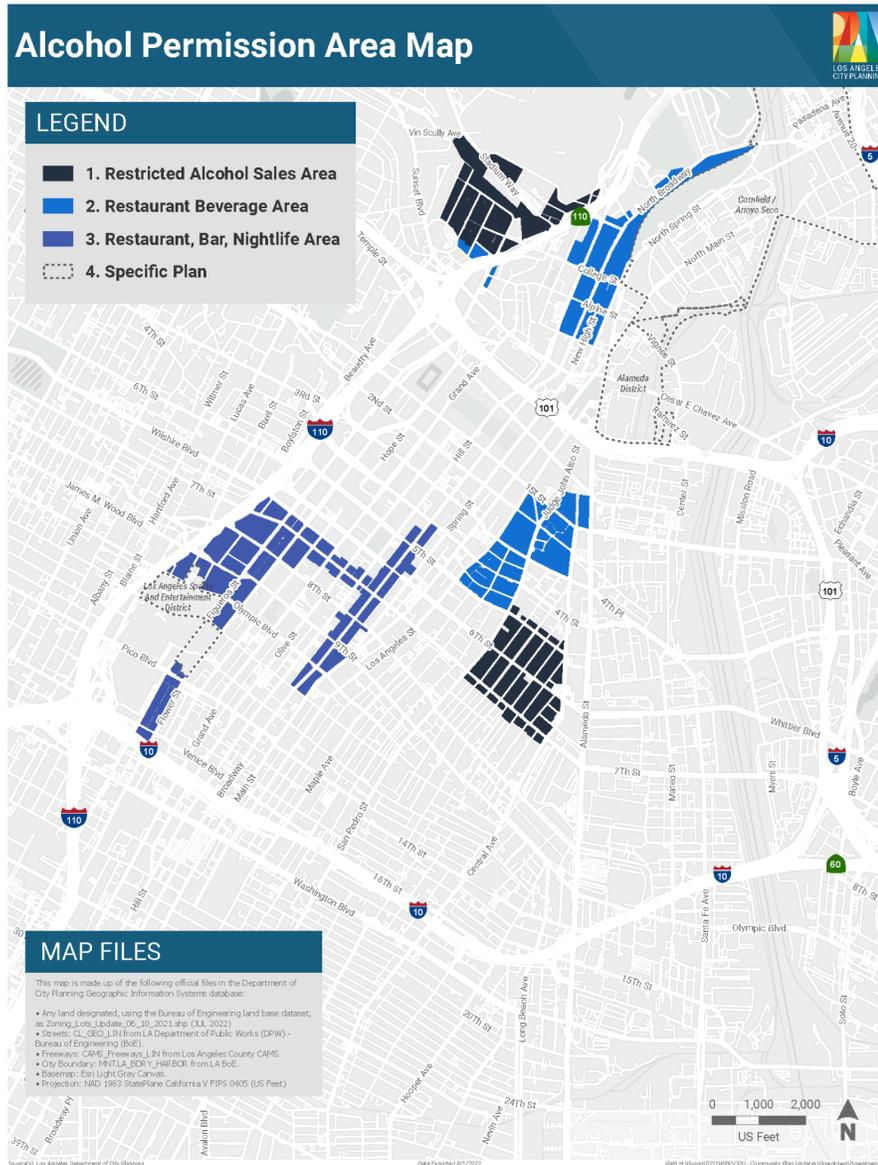


Figure 7. Alcohol Permission Area Map

G.2. New Zoning Code, Article 5 Use, SEC. 5C.2.7. Special Use Program (S)

Modify Part 5C.2 in Article 5 of the New Zoning Code to add Section 5C.2.7 read as follows:

Sec. 5C.2.7 Special Use Program (S)

A use that is permitted as established by, and in conformance with an applied Special Use Program is indicated in the Use table by the letter S. Special Use Program uses are subject to the use permissions and are considered generally appropriate within a district when in compliance with the applied Special Use Program to achieve a certain performance outcome or moderate potential effects a use may have on its surroundings.

G.3. New Zoning Code, Article 5 Use, Part 5B. Use Districts, DIV. 5B.4. Residential-Mixed Districts, DIV. 5B.5. Commercial-Mixed Districts, and DIV. 5B.7. Industrial-Mixed Districts

Update the use permission levels levels for the the Eating and Drinking: Alcohol Service use, the Eating and Drinking: Bar use, and the Retail: Alcohol use from C2* to S in RX1, and all CX and IX districts. The new “S” use permission directs applicants to the Alcohol Sales Program (Sec. 5C.4.2.), which carries forward the provisions of the recently adopted Restaurant Beverage Program.

Make the following edits to the Use District tables:

Sec.5B.4.1. - Residential-Mixed 1 (RX1):

Use	Permission	Use Standard	Specification
General Commercial	*	Non-residential tenant size (max)	1,500 SF
		Relief	C2
		Upper story location	Prohibited
		Hours of operation (early/late)	6AM/10PM
Eating & Drinking			
Alcohol Service	C2* S*	<i>(see General Commercial)</i>	
		In conjunction with: <u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Restaurant</u> <u>Sec. 5C.4.2.</u>
		Supplemental procedures	Sec. 5B.4.2.D.1.
Bar	C2* S*	<i>(see General Commercial)</i>	
		Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.4.1.D.2. <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	C2* S*	<i>(see General Commercial)</i>	
		<u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Sec. 5C.4.2.</u>

Sec. 5B.5.1. - Commercial-Mixed 1 (CX1), and Sec.5B.5.2. - Commercial-Mixed 2 (CX2):

Use	Permission	Use Standard	Specification
General Commercial	*	Non-residential tenant size (max)	x SF* [*This number varies by district]
		Relief	C2
Eating & Drinking			
Alcohol Service	C2* S*	<i>(see General Commercial)</i>	
		In conjunction with:	Restaurant
		Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.1. <u>Sec. 5C.4.2.</u>
Bar	C2* S*	<i>(see General Commercial)</i>	
		Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.2. <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	C2* S*	<i>(see General Commercial)</i>	
		Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.3. <u>Sec. 5C.4.2.</u>

Sec. 5B.5.3. - Commercial-Mixed 3 (CX3):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	P* S	In conjunction with:	Restaurant
		Special Use Program	Sec. 5C.4.2.

		<u>Alcohol Sales Program</u>	
		— Relief	C2
		— Supplemental procedures	Sec. 5B.5.x.D.1.
Bar	C2 * <u>S</u>	Supplemental procedures Special Use Program <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.2. <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	C2 * <u>S</u>	Supplemental procedures Special Use Program <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.3. <u>Sec. 5C.4.2.</u>

Sec.5B.5.4. - Commercial-Mixed 4 (CX4):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	P * <u>S</u>	In conjunction with:	Restaurant
		Special Use Program <u>Alcohol Sales Program</u>	Sec. 5C.4.2.
		— Relief	C2
		— Supplemental procedures	Sec. 5B.5.x.D.1.
Bar	C2 * <u>S</u>	Special Use Program <u>Alcohol Sales Program</u>	Sec. 5C.4.3.2.
		— Relief	C2
		— Supplemental procedures	Sec. 5B.5.x.D.2.
Retail			
Alcohol	C2 * <u>S</u>	Supplemental procedures Special Use Program <u>Alcohol Sales Program</u>	Sec. 5B.5.x.D.3. <u>Sec 5C.4.2.</u>

Sec.5B.7.1. - Industrial-Mixed 1 (IX1):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	E2*S	In conjunction with: <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Restaurant <u>Sec 5C.4.2.</u>
		Supplemental procedures	Sec. 5B.7.1.D.1.
Bar	-S	<u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Sec 5C.4.2.</u>
Retail			
Alcohol	-S	<u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Sec 5C.4.2.</u>

Sec.5B.7.2. - Industrial-Mixed 2 (IX2):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	E2*S	In conjunction with: <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Restaurant <u>Sec. 5C.4.2.</u>
		Supplemental procedures	Sec. 5B.7.2.D.1.
Bar	E2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.7.2.D.2. <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	E2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.7.2.D.3. <u>Sec. 5C.4.2.</u>

Sec.5B.7.3. - Industrial-Mixed 3 (IX3):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	G2*S	In conjunction with: <u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Restaurant</u> <u>Sec. 5C.4.2.</u>
		Supplemental procedures	<u>Sec. 5B.7.3.D.1.</u>
Bar	G2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Sec. 5B.7.3.D.2.</u> <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	G2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	<u>Sec. 5B.7.3.D.3.</u> <u>Sec. 5C.4.2.</u>
		Hours of operation (open/close)	<u>7AM/9PM</u>

Sec.5B.7.4. - Industrial-Mixed 4 (IX4):

Use	Permission	Use Standard	Specification
General Commercial			
Eating & Drinking			
Alcohol Service	E2*S	In conjunction with: <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Restaurant <u>Sec. 5C.4.2.</u>
		Supplemental procedures	Sec. 5B.7.4.D.1.
Bar	E2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.7.4.D.2. <u>Sec. 5C.4.2.</u>
Retail			
Alcohol	E2*S	Supplemental procedures <u>Special Use Program</u> <u>Alcohol Sales Program</u>	Sec. 5B.7.4.D.3. <u>Sec. 5C.4.2.</u>

G.4. New Zoning Code, Article 5 Use, Part 5B. Use Districts, delete Sec. 5B.4.1.D.1. (Alcohol Service), Sec. 5B.4.1.D.2. (Bar), Sec. 5B.5.1.D.1. (Alcohol Service), Sec. 5B.5.1.D.2. (Bar), Sec. 5B.5.1.D.3. (Retail, Alcohol), Sec. 5B.5.2.D.1. (Alcohol Service), Sec. 5B.5.2.D.2. (Bar), Sec. 5B.5.2.D.3. (Retail, Alcohol), Sec. 5B.5.1.D.3. (Alcohol Service), Sec. 5B.5.3.D.2. (Bar), Sec. 5B.5.3.D.3. (Retail, Alcohol), Sec. 5B.5.4.D.1. (Alcohol Service), Sec. 5B.5.4.D.2. (Bar), Sec. 5B.5.4.D.3. (Retail, Alcohol), Sec. 5B.7.1.D.1. (Alcohol Service), Sec. 5B.7.2.D.1. (Alcohol Service), Sec. 5B.7.2.D.2. (Bar), Sec. 5B.7.2.D.3. (Retail, Alcohol), Sec. 5B.7.3.D.1. (Alcohol Service), Sec. 5B.7.3.D.2. (Bar), Sec. 5B.7.3.D.3. (Retail, Alcohol), Sec. 5B.7.4.D.1. (Alcohol Service), and Sec. 5B.7.4.D.2. (Bar), Sec. 5B.7.4.D.3. (Retail, Alcohol)

Delete the provisions listed above as they are integrated into the provisions established in the new Sec. 5C.4.1. (Alcohol Sales Program).

G.5. New Zoning Code, Article 5 Use, SEC. 5C.3.34. Special Use Program

Modify Section 5C.3 of the New Zoning Code to add the Subsection 5.C.3.34 to read as follows:

Sec. 5C.3.34 Special Use Program.

A. Intent

To ensure that a use is made compatible through a specialized program of standards.

B. Applicability

Applies only when specified by the Use District as a required use standard.

C. Standards

The use shall be subject to the special use program indicated in the use table for the applied Use District (Part 3B).

D. Measurement

See the requirements of the indicated special use program (Div.5C.4.).

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B) and the applied special use program for possible relief.

G.6. New Zoning Code, Article 5 Use, SEC. 5C.4.2. Alcohol Sales Program

Replace Section 5C.4.2 of Article 5 of the Proposed New Zoning Code to read as follows. Remove existing text of Section 5C.4.2 (Restaurant Beverage Program) of Article 5 of the Proposed New Zoning Code, as published in the CPC Recommended Draft of the New Zoning Code.

Sec. 5C.4.2

A. Intent

To enable the sale or dispensing of alcoholic beverages to be regulated at a more granular level in accordance with the needs of the surrounding economic and social context.

B. Applicability

1. For lots identified as being within an Alcohol Permission Area, as established in Sec. 1.5.9. (Alcohol Permission Area Map), all uses involving the sale or dispensing of alcoholic beverages (alcohol service, bar, and alcohol, retail uses) shall be subject to the use permission levels and performance standards as

established in Subsection C. (Standards) below that correspond to the specified alcohol permission area designation.

2. Lots not designated as being within a specific alcohol permission area as established in Sec. 1.5.9. (Alcohol Permission Area Map) shall require a review and approval by the Zoning Administrator for the permission to sell or dispense of alcoholic beverages, in accordance with Subdivision G.5. (Ineligible Lots).
3. If the establishment or property has been the subject of Nuisance Abatement/Revocation (Sec. 13B.6.2.) resulting in the revocation of any permit or require any corrective conditions, all uses involving the sale or dispensing of alcoholic beverages shall require review and approval by the Zoning Administrator, in accordance with Subdivision G.5. (Ineligible Lots) below.

C. Alcohol Permission Area Standards

The allowance of alcohol service, bar, and alcohol, retail uses shall be subject to the permission levels, performance standards, security standards, and supplemental procedures, which are applicable based on the designated alcohol permission area as established in the table below. The standards are further detailed in Subsection D. (Performance Standards), Subsection E. (Security Standards), and Subsection F. (Supplemental Procedures). Proposed uses shall be reviewed and permitted by their corresponding procedures as established in Subsection G. (Process).

Alcohol Sales Standard Applicability				
<u>Alcohol Permission Areas</u>	<u>Alcohol Sensitive Sales Area</u>	<u>Restaurant Beverage Area</u>	<u>Limited Restaurant Beverage Area</u>	<u>Restaurant, Bar, Nightlife Area</u>
<u>Use Permission</u>				
<u>Alcohol Service</u>	<u>Requires Class 2 CUP</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Bar</u>	<u>Not Permitted</u>	<u>Requires Class 2 CUP</u>	<u>Requires Class 2 CUP</u>	<u>Permitted</u>
<u>Alcohol, Retail</u>	<u>Not Permitted</u>	<u>Requires Class 2 CUP</u>	<u>Requires Class 2 CUP</u>	<u>Requires Class 2 CUP</u>
<u>Performance Standards (see Subsection D.)</u>				
<u>1. In Conjunction with Restaurant</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>2. Restaurants In Lodging Establishments</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>

<u>3. Food Halls/Courts</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>4. Amount of Patron Seating</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>5. Booth/Group Seating</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>6. Private Dining & Banquet Rooms</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>7. Hours of Operation</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>8. Alcohol License Type</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>9. Gross Sales Limit</u>	<u>Applicable</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>10. Serving of Alcohol</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>11. Fixed Bar Areas</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>12. Live Entertainment</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>13. Dance Floors</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>14. Pool/Billiard Tables</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>15. Patron Access Requirements</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>16. Adult-Oriented Activities</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>17. Alcohol-Oriented Events</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>18. Proximity to Agricultural or Residential Use Districts</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>19. "Good Neighbor" Standards</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>20. On-Site Notices & Information</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<i>Security Standards (see Subsection E.)</i>				

<u>1. Interior Illumination</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>2. Exterior Illumination</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>3. Surveillance System</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>4. Loitering</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>5. Electronic Age Verification</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>6. Patron & Employee Conduct</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>7. On-Duty Authority</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>8. "Responsible Beverage Service" (RBS) Training</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<i>Supplemental Procedures (see Subsection F.)</i>				
<u>1. Notice of Application</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>	<u>Applicable</u>
<u>2. Preliminary Outreach</u>	<u>Applicable</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>
<u>3. Provisional Approval</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Applicable</u>	<u>Not Applicable</u>

D. Performance Standards

1. In Conjunction With Restaurant

Alcohol service and bar uses shall only be permitted in conjunction with a restaurant which complies with the following provisions.

- a. The establishment is a restaurant, which shall include an operational kitchen where food is prepared on-site and with a full menu containing an assortment of foods. Food service is available at all times during operating hours.
- b. The restaurant shall not include drive-through facilities.
- c. All food and beverages, except for takeout or delivery orders, shall be delivered to tables by an employee.
- d. The restaurant has a business tax registration certificate issued by the City of Los Angeles.
- e. Outdoor food and beverage service shall be limited to seated patrons.

2. Restaurants In Lodging Establishments

The restaurant shall not be located in a lodging establishment.

3. Food Halls/Courts

There shall be no shared seating between the restaurant and other restaurants.

4. Amount of Patron Seating

The restaurant shall have between a minimum of 10 patron seats and a maximum of 150 patron seats, including any outdoor seating.

5. Booth/Group Seating

Where booth or group seating is provided, no walls or partitions separating the booth or seating area from the main dining room shall be installed which exceed 48 inches in height above the surface on which occupants' feet are intended to rest.

6. Private Dining & Banquet Rooms

Where a private dining or banquet room is provided, a minimum of 50 percent of the vertical surface area of that portion, extending up to 6 feet above the floor, of any wall or partition separating the private dining or banquet room from the main dining room shall be composed of a transparent surface and ensure the occupants are visible to persons looking into the private dining or banquet room.

7. Hours of Operation

Daily hours of operation shall be limited to the hours between 7:00 am and 11:00 pm for both indoor and outdoor areas. There shall be no after-hours use of the restaurant, other than for routine clean-up and maintenance.

8. Alcohol License Type

The restaurant shall operate under a Type 41 or Type 47 license as issued by the California Department of Alcoholic Beverage Control.

9. Gross Sales Limit

The establishment shall operate with gross annual sales of alcohol not in excess of 45 percent of the establishment's total sales.

10. Serving of Alcohol

The serving of alcoholic beverages shall be subject to the following requirements.

- a. All service of alcoholic beverages shall be conducted by an employee.
- b. The establishment shall not sell distilled spirits by the bottle, or wine or champagne bottles that exceed 750 milliliters.

11. Fixed Bar Areas

The establishment shall only use fixed bars that are depicted on floor plans. Portable bars are prohibited.

12. Live Entertainment

Live entertainment, karaoke, or disc jockeys on the premises are prohibited.

13. Dance Floors

Dance floors or other designated dance areas on the premises are prohibited.

14. Pool/Billiard Tables

Pool tables and billiard tables are prohibited.

15. Patron Access Requirements

The establishment shall not establish the following patron restrictions or requirements.

- a. There shall be no minimum drink purchase required of patrons.
- b. There shall be no charge for admission.
- c. There shall be no age limitation restricting access to any portion of the restaurant.
- d. No more than 50 percent of the entire restaurant may be closed to the public for private events at a given time. Any portion of the restaurant used for private events shall be subject to all the same applicable standards.

16. Adult-Oriented Activities

The establishment shall not be permitted to engage in any of the following adult-oriented activities.

- a. Activities established in Sec. 5C.1.5.M. (Sexually Oriented Business) are prohibited.

b. No employee, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.

c. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.

17. Alcohol-Oriented Events

The establishment shall not organize or participate in organized events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.

18. Proximity to Agricultural or Residential Use Districts

For lots abutting or across an alley from a lot with an applied Agricultural or Residential Use District:

a. A wholly enclosed building, at least 8 feet in height above grade and extending the full length of the outdoor dining area, shall be located between the outdoor dining area and a lot with an applied Agricultural or Residential Use District that may or may not be separated by an alley. This requirement shall not apply to outdoor dining permitted on a public sidewalk by a revocable permit issued by the Bureau of Engineering, Department of Public Works; and

b. Outdoor seating shall be limited to the ground story only.

19. "Good Neighbor" Standards

All participating establishments shall be responsible for maintaining conformance with the following "good neighbor" standards.

a. Debris & Litter

The establishment shall maintain the premises and adjoining rights-of-way free of debris and litter.

b. Graffiti Abatement

Within 24 hours of its occurrence, all graffiti on the property under the restaurant's control shall be removed or painted over to match the color of the surface to which it is applied.

c. Waste Receptacles

All trash and recycling bins under control of the restaurant shall be kept closed and locked at all times when they are not in use, and shall be maintained such that they do not overflow.

d. Entertainment Equipment

Entertainment equipment in conjunction with the establishment, including televisions monitors/screens, music/speakers shall be prohibited outdoors, and shall be limited to indoor ambient sound at a low volume that is not audible outside of the building.

20. On-Site Notices & Information

All participating establishments shall provide the following on-site notices and information on the premises.

a. City-Issued Placard

A City-issued placard pursuant to this section issued by the Department of City Planning shall be posted by the establishment in an area clearly visible to the public, indicating that it is subject to the requirements and restrictions applicable to the designated alcohol permission area.

b. Copy of Alcohol Sales Program

A copy of this Alcohol Sales Program shall be retained on the premises at all times and produced upon request by the Los Angeles Police Department, the Department of Building and Safety, the Department of City Planning, or the California Department of Alcoholic Beverage Control.

c. Complaint Number

A telephone number and email address shall be provided for complaints or concerns regarding the operation of the establishment. The phone number and email address shall be provided on the establishment's website or, if there is no website, on its social media pages. The phone number and email address also shall be posted on a sign at least 8.5 × 11 inches in size, which shall be updated to reflect any changes, at the following locations:

i. Entry, visible to pedestrians; and

ii. Customer service desk, front desk or near the reception area.

d. Complaint Response Time

The establishment shall respond to complaints within 24 hours. The establishment shall maintain a log of all calls and emails, detailing the date the complaint was

received, the nature of the complaint, and the manner in which the complaint was resolved. This log shall be made available to the Department of Building and Safety upon request.

E. Security Standards

1. Interior Illumination

Within the establishment, the interior shall be adequately illuminated so as to make discernible all objects and persons, or have a minimum average surface illumination of 2.0 footcandles (21.5 lx).

2. Exterior Illumination

In addition to the requirements in Sec. 4C.10.1.C.2. (Lighting Quantity), all exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space, or have a minimum average surface illumination of 0.2 footcandles (2.15 lx). Lighting shall be installed in conformance with Sec. 4C.10.1.C.1. (Light Trespass).

3. Surveillance System

A camera surveillance system shall be installed and in operation at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.

4. Loitering

Loitering is prohibited in all areas under the control of the establishment. A "No Loitering or Public Drinking" sign that is a minimum of 4 × 6 inches shall be posted outside next to every exit.

5. Electronic Age Verification

An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

6. Patron & Employee Conduct

The establishment shall monitor both patron and employee conduct on the premises, and take all reasonable steps to ensure that the conditions and activities on the premises and within the parking areas under its control do not adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses. Reasonable steps include, but are not limited to:

- a. Requesting that those persons engaging in conduct that constitutes a nuisance cease such conduct, unless the owner or operator has reasonable cause to believe such request may jeopardize personal safety;
- b. Contacting the Los Angeles Police Department or other law enforcement agency if the owner or operator's attempts to abate the nuisance conduct have been unsuccessful, or if the owner or operator has reasonable cause to believe such attempts may jeopardize personal safety; and
- c. Taking timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the restaurant, or prohibiting persons from using any portion of the premises for the installation or operation of a temporary business or other use.

7. On-Duty Authority

A minimum of one on-duty manager with authority over the activities within the establishment shall be on the premises at all times that the establishment is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the California Department of Alcoholic Beverage Control. The establishment shall be responsible for discouraging illegal and criminal activity on the subject premises and any exterior area under its control.

8. "Responsible Beverage Service" (RBS) Training

Within the first six months of the approval, as established in Subsection G. (Process), all employees involved with the sale of alcohol shall enroll in a training program as required by the California Department of Alcoholic Beverage Control and/or the Los Angeles Police Department, such as the California Department of Alcoholic Beverage Control "Responsible Beverage Service" (RBS) training program. Upon completion of such training, the establishment shall request the California Department of Alcoholic Beverage Control or Los Angeles Police Department to issue a letter identifying which employees completed the training. Said letter shall be maintained on the premises and shall be made available to the City upon request. All required training shall be conducted for all new hires within three months of their employment.

F. Supplemental Procedures

In addition to the procedures established in Sec. 13B.3.1. (Administrative Review) or pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit), whichever is applicable, the decision-maker shall also do the following when it is applicable to the designated alcohol permission area.

1. Notice of Application

The City Council District office, the Los Angeles Police Department, and the Certified Neighborhood Council within which the establishment is located shall be notified at the time an application is filed. If the establishment is not within the boundaries of a Neighborhood Council, then notification to only the applicable Council District office shall be sufficient.

2. Preliminary Outreach

Prior to filing the application, the applicant shall conduct outreach by presenting information about the establishment at one or more Certified Neighborhood Council meetings, Business Improvement District meetings, or other meetings of such established community organization if the establishment is not within either a Certified Neighborhood Council or Business Improvement District boundary. Presentations shall include a flyer or other summary including the establishment name, contact information, projected opening date, menu and alcohol to be sold (beer, wine, and/or distilled spirits).

3. Provisional Approval

The sale of beer and wine within the establishment shall be limited to a one year provisional period that begins the day following approval by the Department of City Planning and ends after 365 days. Upon completion of a one year provisional period, the establishment's compliance with provisions for the sale and dispensing of alcoholic beverages, and shall be subject to a review of validated complaints received by the City and subject to the course of actions outlined below.

a. Validated Complaints

Validated complaints shall consist of complaints submitted by the public through a City complaint portal or as a result of City-initiated inspections regarding violations of the provisions applicable to the designated alcohol permission area which result in an Order to Comply issued by the Department of Building and Safety, citations issued by the Los Angeles Police Department, and any other City enforcement-related action.

b. Four or Fewer Valid Complaints

If an establishment receives four or fewer valid complaints upon completion of the one year provisional period, the establishment shall be allowed to continue participating in the Alcohol Sales Program. The restaurant shall continue to be subject to the provisions applicable to the designated alcohol permission area.

c. Five or More Valid Complaints

If an establishment receives five or more valid complaints upon the completion of the one year provisional period, the provisional approval by the Department of City Planning shall be terminated. If the establishment wishes to continue the sale or

dispensing of alcoholic beverages, it shall only be permitted with approval by the Zoning Administrator, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit).

G. Process

1. Alcohol Sensitive Sales Area

For lots identified as being within a Alcohol Sensitive Sales Area, alcohol service, bar, and alcohol, retail uses are not permitted. No administrative relief shall be permitted.

2. Restaurant Beverage Area

For lots identified as being within a Restaurant Beverage Area, alcohol service uses may be permitted by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), when in compliance with the provisions applicable to the designated alcohol permission area. Otherwise permission to sell or dispense of alcoholic beverages shall require a Class 2 Conditional Use Permit in accordance with Subdivision 5. (Unmapped Area) below.

a. Supplemental Procedures

See the applicable supplemental procedures as identified in Subsection C. (Alcohol Permission Area Standards) and further outlined in Subsection F. (Supplemental Procedures).

3. Limited Restaurant Beverage Area

For lots identified as being within a Restaurant Beverage Area, alcohol service uses may be permitted by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), when in compliance with the provisions applicable to the designated alcohol permission area. Otherwise permission to sell or dispense of alcoholic beverages shall require a Class 2 Conditional Use Permit in accordance with Subdivision 5. (Unmapped Area) below.

a. Supplemental Procedures

See the applicable supplemental procedures as identified in Subsection C. (Alcohol Permission Area Standards) and further outlined in Subsection F. (Supplemental Procedures).

4. Restaurant, Bar, Nightlife Area

For lots identified as being within a Restaurant, Bar, Nightlife Area, alcohol service and bar uses may be permitted to sell or dispense alcoholic beverages by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), when in compliance with the provisions applicable to the designated alcohol permission area. Otherwise

permission to sell or dispense of alcoholic beverages shall require a Class 2 Conditional Use Permit in accordance with Subdivision 5. (Unmapped Area) below.

a. Supplemental Procedures

See the applicable supplemental procedures as identified in Subsection C. (Alcohol Permission Area Standards) and further outlined in Subsection F. (Supplemental Procedures).

5. Ineligible Lots

For lots that do not have an Alcohol Use Permission Area designation, or that have had a permit revoked or had corrective conditions applied as a result of Nuisance Abatement/Revocation (Sec. 13B.6.2.), alcohol service, bar, and alcohol, retail uses shall require review and approval by the Zoning Administrator, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit) for the sale or dispensing of alcoholic beverages.

a. Supplemental Findings

In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit), the Zoning Administrator shall also consider:

- i. That the granting of the application will not result in an undue concentration of uses that dispense alcoholic beverages within a 1,000-foot radius of the lot according to the California Department of Alcoholic Beverage Control's guidelines for undue concentration.
- ii. Consider the existing crime rate nearby, especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace, and disorderly conduct, and whether revocation or nuisance proceedings have been initiated for any similar use in the area.
- iii. That the proposed use will not detrimentally affect nearby Residential Use Districts or sensitive uses.
- iv. With the exception of Retail, Alcohol, permission for multiple approvals to allow alcohol service for three or more tenant spaces may be applied for under a single conditional use permit entitlement, subject to the following:
 - a) Tenant spaces are maintained under a single ownership within a unified complex comprising a combined floor area of 10,000 square feet or greater on the same site.
 - b) The entitlement application for multiple conditional use permits shall be subject to processes and procedures required by Sec. 13B.2.2. (Class 2 Conditional Use Permit).

- c) Project review, as established in Sec. 13B.2.4., shall be completed for each individual tenant space resulting in approval for each individual tenant space prior to the establishment of the proposed use within the subject tenant space.
- d) Applications shall detail the square footage of each tenant space, suite or unit number, hours of operation, and specific nature of proposed use for each tenant-operator space.
- e) Each individual tenant space shall be separately addressed with applicable site-specific conditions. Any change in tenant-operator shall be required to apply for project review, as established in Sec. 13B.2.4., in order to evaluate the applicability of existing conditions and review any potential changes in site operations and conditions.

G. Records & Agreements

1. Case File Material

Upon submission of an application for the Alcohol Sales Program, the applicant shall submit the following with the application, and kept as part of the case file:

- a. A floor plan and site plan to the Department of City Planning demonstrating compliance with the requirements and standards as established for the Alcohol Use Permission Area designation;
- b. When the establishment is in a Limited Restaurant Beverage Area, a flyer or other summary including the establishment name, contact information, projected opening date, menu and alcohol to be sold (beer, wine, and/or distilled spirits) prepared and presented for outreach purposes;
- c. When the establishment is in a Limited Restaurant Beverage Area, proof of outreach conducted pursuant to Paragraph F.3.a.ii. (Preliminary Outreach) above which shall include an official agenda listing the establishment as intending to apply for the Alcohol Sales Program or a letter on organization letterhead attesting to the appearance or presence of the applicant before the Board; and
- d. A revocable permit from the Bureau of Engineering, Department of Public Works is required for any outdoor dining area located in the public right-of-way. A copy of the approved revocable permit, including a plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right-of-way.

2. Covenant & Agreement

Prior to approval by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), or by the Zoning Administrator, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit), a Covenant and Agreement acknowledging and agreeing to comply with all applicable performance and security standards or conditions of approval shall be recorded in the County Recorder's Office. The Covenant and Agreement shall run with the land and shall be binding for any subsequent owners, heirs or assigns. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning.

3. Mandated Inspections

The City shall have the authority to conduct inspections to verify compliance with any and all of the requirements and standards as established in this Section. Upon payment of fees pursuant to Section 19.04. (Fees for Sign Off or Clearance Requests) of Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of the LAMC, the applicant is subject to the following:

- a. Within the first 24 months of the approval by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), or by the Zoning Administrator, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit), an inspector will conduct a site visit to assess compliance with, or violations of, any of the applicable provisions of this Section. A second inspection shall take place within 36 months of the first inspection.
- b. The owner and operator shall be notified in writing of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective actions taken by the City.

4. Violations

If an establishment is issued three citations for violating the provisions applicable to the designated alcohol permission area in any two-year period, the approval by the Department of City Planning shall be terminated and made ineligible to participate in the Alcohol Service Program for a period of five years commencing on the date of the third citation. If the establishment wishes to continue the sale or dispensing of alcoholic beverages, it shall only be permitted with approval by the Zoning Administrator, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit).

- a. A citation shall include citations issued by the Los Angeles Police Department or Orders to Comply issued by the Department of Building and Safety.
- b. The California Department of Alcoholic Beverage Control shall be notified by the Los Angeles Police Department or other enforcement agency of the issued citations.

5. Modification of Establishment

The owner or the operator of the establishment shall reapply for approval by the Department of City Planning, pursuant to Sec. 13B.3.1. (Administrative Review), if there is:

- a. A change in State alcohol license type;
- b. A modification to the floor plan, including, but not limited to, floor area or number of seats, or a modification to outdoor seating; or
- c. A change in the ownership or the operator of the establishment.

H. Community Benefits Fee

Council District 14 requested City Planning staff recommend a pathway to allow for the introduction of new eligible categories to qualify for receiving funding from the Community Benefits Fund. This flexibility would allow fund disbursements to respond to changing community needs. The following Council Modification to add the language underlined below to the proposed Downtown Community Benefits Ordinance, would support this recommendation.

OPTIONAL COUNCIL MODIFICATION H.1-H.2 - COMMUNITY BENEFITS FEE

H.1. Downtown Community Benefits Fee Ordinance, SEC. X.9. Eligible Community Benefits

Modify the Proposed Downtown Community Benefits Fee Ordinance, Sec. X.9. to add the following subsection 8. To read as follows:

8. In addition to the above listed eligible programs, the Downtown Community Benefit Trust Fund Oversight Committee may recommend additional programs, subject to resolution by the City Council.

H.2. Downtown Community Benefits Fee Ordinance, SEC. X.6. DOWNTOWN COMMUNITY BENEFIT TRUST FUND

Modify the Proposed Downtown Community Benefits Fee Ordinance, Sec. X.6. to clarify that if funds are not disbursed within five years after receipt they shall be

reallocated evenly between the Affordable Housing Trust Fund and Park Fee Fund.

I. Civic Center

Council District 14 requested City Planning staff to study a pathway to maximize affordable housing development on publicly owned sites within and in proximity to the Civic Center, while ensuring preservation of Historic Resources. The following Council Modifications would expand CPIO Subarea C and allow projects to transfer unused development rights within the subarea. This strategy facilitates high density affordable housing development, while retaining the same overall development potential within the subarea.

OPTIONAL COUNCIL MODIFICATION I.1–I.4 - CIVIC CENTER

I.1. New Zoning Code, Article 9 Public Benefit Programs, SEC. 9.3.5 Transfer of Development Rights

Modify Subsection 9.3.5.B of Article 9 of the Proposed New Zoning Code to read as follows:

B. Applicability

If the Transfer of Development Rights is listed as an available incentive program in the applicable CPIO or Specific Plan, the project can obtain additional floor area up to the maximum Bonus FAR for the applied Form District through a Transfer of Development Rights, subject to the eligibility requirements and other regulations established in the CPIO or Specific Plan. However, projects on a lot with an applied Public Use District can obtain additional floor area beyond the maximum Bonus FAR when the transfer is from a donor site with an applied Public Use District upto a maximum of 13:1 FAR, but may not exceed any applied height restrictions.

I.2. Downtown CPIO District, Chapter I-I. Figure 1-3. Downtown Community Plan Implementation Overlay Civic Center Subarea C

Modify the Proposed Downtown CPIO District to replace Figure 1-3 with the following figure:

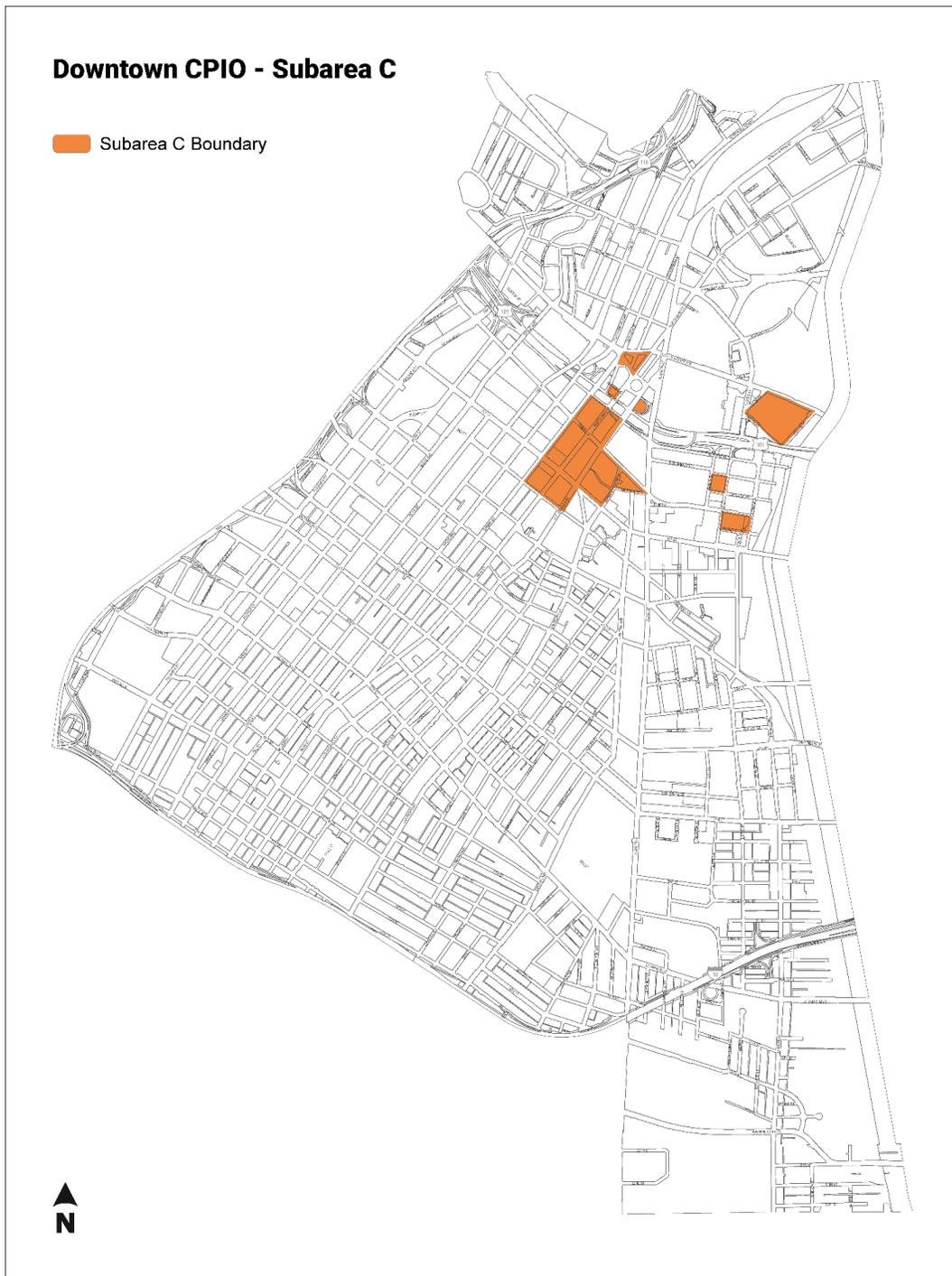


Figure 8. Downtown Community Benefits Program Subarea C Map

I.3. Downtown CPIO District, Chapter I-III. Section I-3. Subareas

Modify Section I-3 in the Proposed Downtown CPIO District to read as follows:

Civic Center Subarea C

The purpose of Subarea C is to regulate the amount of development across the district and allow for floor area to be transferred between City-owned properties within and in proximity to the Civic Center ~~Master Plan Area~~ to support an active and world-class Civic Center environment.

I.4. Downtown CPIO District, Chapter IV – Civic Center Subarea

Modify the Overview and the opening paragraph and Subsection A of Section V-I of Chapter IV of the Proposed Downtown CPIO District to read as follows:

Civic Center Development Standards Subarea C

Overview

The purpose of Subarea C is to regulate the amount of development across the district and allow for floor area to be transferred between City-owned properties within and in proximity to the Civic Center ~~Master Plan Area~~ to support an active and world-class Civic Center environment.

V – I. Transfer of Floor Area. Any owner(s) of a legally defined lot located within Subarea C may transfer unused permitted floor area to another legally defined lot within Subarea C, pursuant to the procedures of this section and LAMC Chapter 1A Section 9.3.5. Transfer of Development rights.

A. Floor Area. Total floor area in the Civic Center Subarea shall not exceed a ratio of 6.5:1. Individual sites within the subarea may exceed ~~a ratio of 6.5:1~~ the maximum Bonus FAR through a transfer of floor area.

J. Arts District Height Minimum

Council District 14 requested that staff study a mechanism to ensure high density development on opportunity sites in the Arts District. The Proposed Plan outlines a tailored strategy for the Arts District, considering both the collection of historic resources and the opportunity for high density hybrid industrial development near planned and newly constructed civic resources such as the 6th street bridge and park. The Council Modifications below focus on portions of the Arts District without height limitations and near civic resources, generally bounded by Alameda Street to the west, Bay Street and Violet Street to the south, Mesquit Street to the east, and E. 4th Place to the north. Additionally, these optional changes consider the need for flexibility for industrial and job producing uses that are generally of lower scale.

OPTIONAL COUNCIL MODIFICATION J.1–J.3 - ARTS DISTRICT HEIGHT MINIMUM

J.1. New Zoning Code, Article 2 Form, SEC. 2B.14.3 Mid-Rise Broad 3 (MB3)

Modify Subsection B. of Section 2B.14.3 of Article 2 of the Proposed New Zoning Code to read as follows for the purpose of including a minimum height of 10 stories for Form District MB3:

B. Bulk and Mass

1. FAR & HEIGHT	Div. 2C.4.
Base FAR (max)	1.5
Height (max)	n/a
<u>Height in stories (min)</u>	<u>10</u>
Bonus FAR (max)	6
2. BUILDING MASS	Div. 2C.6.
Building width (max)	280'
Building break (min)	25'

J.2. New Zoning Code, Article 9 Community Benefit Programs, SEC. 9.3.4. Community Facilities

Modify Section 9.3.4 of Article 9 of the Proposed New Zoning Code to add subdivision 3 to Subsection D. [Incentives] to read as follows:

3. Minimum Stories

A project may be exempted from an applied Form District minimum height in stories, only as enabled and established in an applicable CPIO or Specific Plan.

J.3. Downtown CPIO District, Chapter II-III. 3. C. Community Facilities pursuant to LAMC Chapter 1A 9.3.4

Modify Subsection 3.C of Chapter II-III of the Proposed Downtown CPIO District to add subdivision 3 to read as follows:

3. For sites located in Subarea A.2, projects in which a minimum of 50% of the total Floor Area, inclusive of any bonus floor area, contains non-residential uses, excluding uses in the Eating and Drinking Establishments, Personal Services, and Retail Sales use groups, are exempt from the 10-story minimum height requirement pursuant to the Employment Incentive Area. LAMC Chapter 1A Section 9.3.4.D.3.

K. River Setback

Council District 14 requested City Planning staff to study zoning modifications to support non-traditional open space design adjacent to the Los Angeles River.

OPTIONAL COUNCIL MODIFICATION K.1–K.4 - RIVER SETBACK

K.1. New Zoning Code, Article 2 Form, SEC. 2B.7.1 Very Low-Rise Full 1 (VF1)

Modify Section 2B.7.1 of Article 2 of the New Zoning Code to read as follows for the purpose of reducing the minimum Los Angeles River setback from 20 feet to 10 feet to allow for more flexibility in open space along the Los Angeles River in the Very Low-Rise Full 1 (VF1) Form District:

1. LOT SIZE	<i>Div. 2C.1.</i>
Lot area (min)	n/a
Lot width (min)	n/a
2. COVERAGE	<i>Div. 2C.2.</i>
Building coverage (max)	25%
Building setbacks	
Primary street (min)	0'
Side street (min)	0'
Side (min)	0'
Rear (min)	0'
Alley (min)	0'
Special: river (min)	20' 10'
Special: Other (min)	0'
3. AMENITY	<i>Div. 2C.3.</i>
Lot amenity space (min)	n/a
Residential amenity space (min)	n/a

K.2. New Zoning Code, Article 2 Form SEC. 2B.11.2 Low-Rise Full 2 (LF2)

Modify Section 2B.11.2 of Article 2 of the New Zoning Code to read as follows for the purpose of reducing the minimum Los Angeles River setback from 20 feet to 10 feet to allow for more flexibility in open space along the Los Angeles River in the Low-Rise Full (LF2) Form District:

1. LOT SIZE	<i>Div. 2C.1.</i>
Lot area (min)	n/a
Lot width (min)	n/a
2. COVERAGE	<i>Div. 2C.2.</i>
Building coverage (max)	100%
Building setbacks	
Primary street (min)	0'
Side street (min)	0'
Side (min)	0'
Rear (min)	0'
Alley (min)	0'
Special: river (min)	20' <u>10'</u>
Special: Other (min)	0'
3. AMENITY	<i>Div. 2C.3.</i>
Lot amenity space (min)	n/a
Residential amenity space (min)	n/a

K.3. New Zoning Code, Article 2 Form, SEC. 2B.13.1 Mid-Rise Medium 1 (MM1), SEC. 2B.14.2 Mid-Rise Broad 2 (MB2)

Modify Section 2B.13.1 of Article 2 of the New Zoning Code to read as follows for the purpose of reducing the minimum Los Angeles River setback from 20 feet to 10 feet to allow for more flexibility in open space along the Los Angeles River in the Mid-Rise Medium 1 (MM1) Form District:

1. LOT SIZE	<i>Div. 2C.1.</i>
Lot area (min)	n/a
Lot width (min)	25'
2. COVERAGE	<i>Div. 2C.2.</i>
Building coverage (max)	90%
Building setbacks	
Primary street (min)	0'
Side street (min)	0'
Side (min)	0'
Rear (min)	0'
Alley (min)	0'
Special: river (min)	20' 10'
Special: Other (min)	0'
3. AMENITY	<i>Div. 2C.3.</i>
Lot amenity space (min)	15%
Residential amenity space (min)	10%

K.4. New Zoning Code, Article 2 Form, SEC. 2C.2.2.F Building Setbacks

Modify Subsection F of Section 2C.2.2. of Article 2 the Proposed New Zoning Code to add subdivision 3 to read as follows:

1. A deviation from a required setback along a special lot line that abuts a public right-of-way or public open space may be requested in accordance with Sec. 13B.5.1. (Alternative Compliance). In addition to the finding otherwise required by Sec. 13B.5.1. (Alternative Compliance), the Director shall also consider:
 - a. That the granting of the application will improve a site's connection with the public right-of-way or public open space.
 - b. Where a deviation from a required setback from a special river lot line is requested, that the granting of the application will improve a site's connection with the river or will improve river access.

L. Parking and Transit Hubs

Council District 14 requested City Planning staff study a pathway to count above grade parking towards FAR, to diminish a potential overconcentration of parking in transit-served areas. The following Council Modifications would update Floor Area rules of measurement to specify that above-grade parking for lots within a quarter mile of a rail station and zoned "Development Standards District 5" is counted towards a project's FAR, while active ground floor area will be discounted, and clarify that floor area exemptions for detached garages are intended for House Form Districts rather than RG use districts.

OPTIONAL COUNCIL MODIFICATION L.1 - PARKING AND TRANSIT HUBS

L.1. New Zoning Code, Article 14 General Rules, SEC. 14.1.7 Floor Area.

Modify Section 14.1.7 of Article 14 of the Proposed New Zoning Code to read as follows:

SEC. 14.1.7 Floor Area

The cumulative amount of interior floor space on a lot.

A. Measurement

1. General

a. Floor area is calculated as the sum of all interior floor space for each story of a building.

b. The following areas are included in the calculation of floor area:

i. All areas within the exterior walls of a building; and

ii. All areas within the exterior walls of any structure that is both enclosed (Sec. 14A.1.4.C.1.) and covered (Sec. 14A.1.1.B.1.).

c. The following are not included in the calculation of floor area:

i. Exterior walls.

ii. Bicycle parking areas.

iii. All interior floor space dedicated to automobile parking areas, except for ~~RL-RC Use Districts, as specified in Sec. 14.1.7.A.2.~~

~~(RG Use Districts)~~ House Form Districts (Div. 2B.3) as specified in 14.1.7.A.2. and Development Standards District 5. as specified in Sec. 14.1.7.A.3. (Development Standards District 5).

iv. Spaces with ceiling heights less than 7 feet measured from finished floor, including floored attic space.

v. Basements (Sec. 14.1.18.B.) or underground structures, such as underground parking and cellars with the exception of Indoor Storage, Self Service use areas.

vi. Stairways and elevator shafts.

vii. Mechanical equipment that is integral or incidental to the operation of on-site buildings, provided that the equipment does not serve any off-site buildings.

2. ~~RL Use Districts~~ House Form Districts (Div. 2B.3)

a. Any floor or portion of a floor with a ceiling height greater than 14 feet counts as twice the square footage of that area.

b. Up to 400 square feet of a detached garage is exempt from the calculation of floor area, provided the structure is:

i. Separated from the primary structure a minimum of 10 feet; and

ii. Located a minimum of 40 feet from a primary street lot line.

c. Up to 200 square feet of an attached garage is exempt from the calculation of floor area.

d. No more than 400 square feet of garage floor area per lot shall be exempt.

e. Detached accessory buildings that do not exceed 18 feet in height and 200 square feet in floor area are exempt from the calculation of floor area, provided that the total combined area exempted of all the detached accessory buildings on a lot does not exceed 400 square feet in floor area.

3. Development Standards District 5 (Div. 4B.5)

a. All covered, above-grade parking areas located on a lot where a portion of the lot falls within a quarter mile of a rail station are included in the calculation of floor area. Any rail station that is existing, under construction, or included in the most

recent Southern California Association of Governments (SCAG) Regional transportation Plan (RTP) is counted for the purposes of this provision.

b. For lots meeting the specifications in 14.17.A.3.a. above, active space located on the ground story is exempt from the calculation of floor area. For the purposes of exempting active space located on the ground story from the calculation of floor area, the active space shall have a minimum depth of 30-feet measured from the street facing building face. Active space includes indoor *occupiable spaces* designed and intended for General Commercial uses, Institutional uses, or Common Indoor Amenity Space.

M. Historic Protections

The Cultural Heritage Commission (CHC), in their letter addressed to the PLUM Committee, requested additional regulations to strengthen historic resource protections that were included in the CPC Recommended Draft of the Proposed Plan. Recommendations include: extending the Transfer of Development Rights program to Little Tokyo; amending the CPIO to require demolition findings for designated contributing historic resources in the California Register Historic Districts and for designated Historic-Cultural Monuments within Subarea D; and expansion of Subarea D in the CPIO to include all of the eligible Seventh Street Commercial Historic District. The following Council Modifications would support the CHC recommendations to strengthen historic preservation in the Proposed Plan.

OPTIONAL COUNCIL MODIFICATION M.1–M.3 - HISTORIC PROTECTIONS

M.1. Downtown CPIO District, Chapter II Figure 2-4. Downtown Community Benefits Program Subarea Map A.4

Modify Chapter II of the Proposed Downtown CPIO District by adding the following Figure, after Figure 2 in Chapter II, to include Little Tokyo in Subarea A.4:

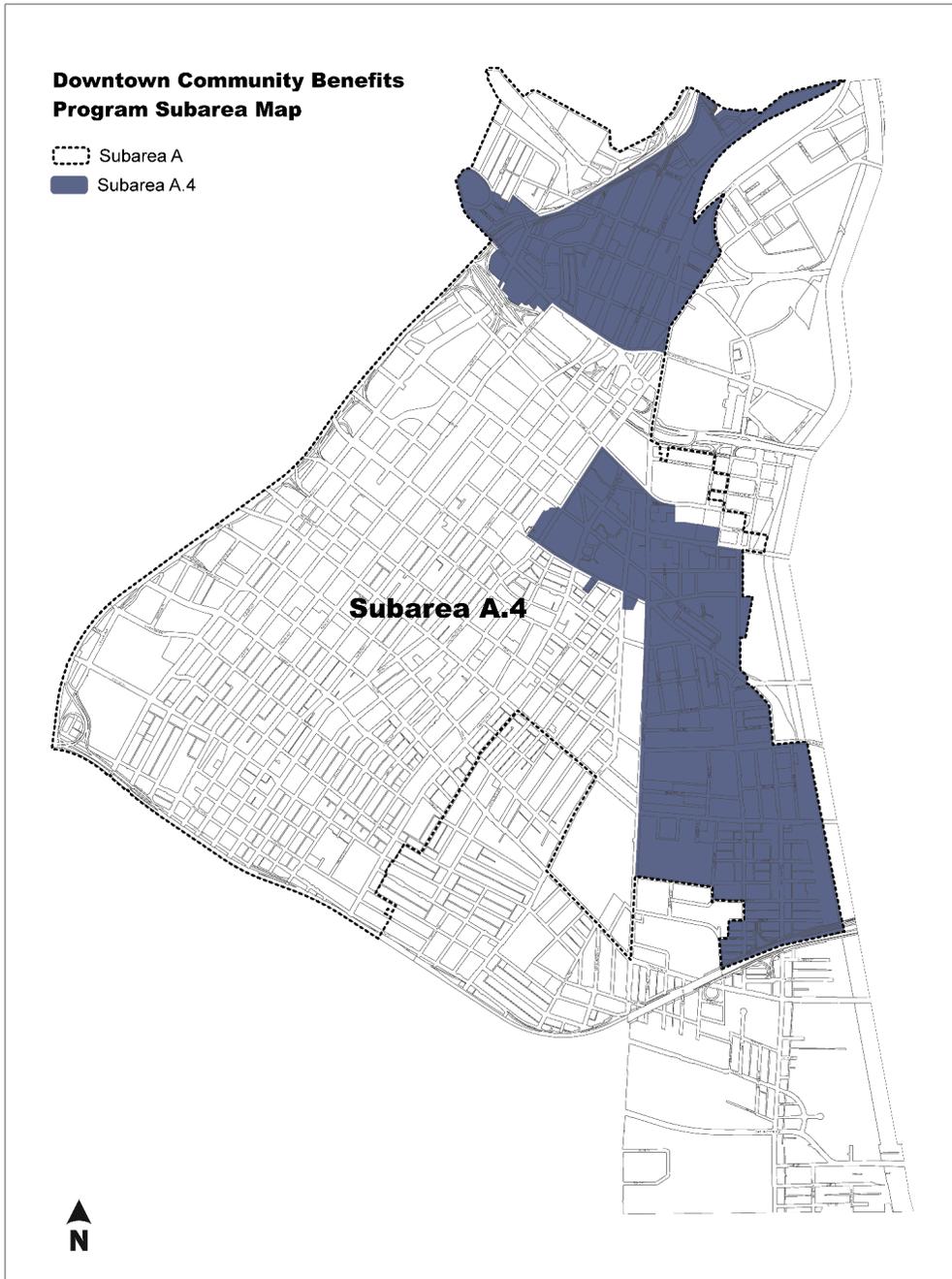


Figure 9. Downtown Community Benefits Program Subarea A.4 Map

M.2. Downtown CPIO District, Chapter V-I. B.2a

Modify paragraph a) of Subdivision 1.B.2 of Chapter V of the Proposed Downtown CPIO District to read as follows for the purpose of requiring demolition findings for projects in Subarea D that involve Historic Cultural Monuments and contributing properties to a historic district on the California Register:

- a) No Director's Determination shall be issued for Demolition or removal of any building or structure, for designated Historic Cultural Monuments and within any designated National Register Historic District and California Register Historic District, within Subarea D, that is designated as a Contributing Element, and the application shall be denied unless the Owner can demonstrate to the Director that the owner would be deprived of all economically viable use of the property.

M.3. Downtown CPIO District, Chapter I-I. Figure 1-4. Downtown Community Plan Implementation Overlay Historic Preservation Subarea D

Modify Chapter I-I of the Proposed Downtown CPIO District to replace Figure 1-4 with the following figure for the purpose of expanding Subarea D to include all of the eligible Seventh Street Commercial Historic District:

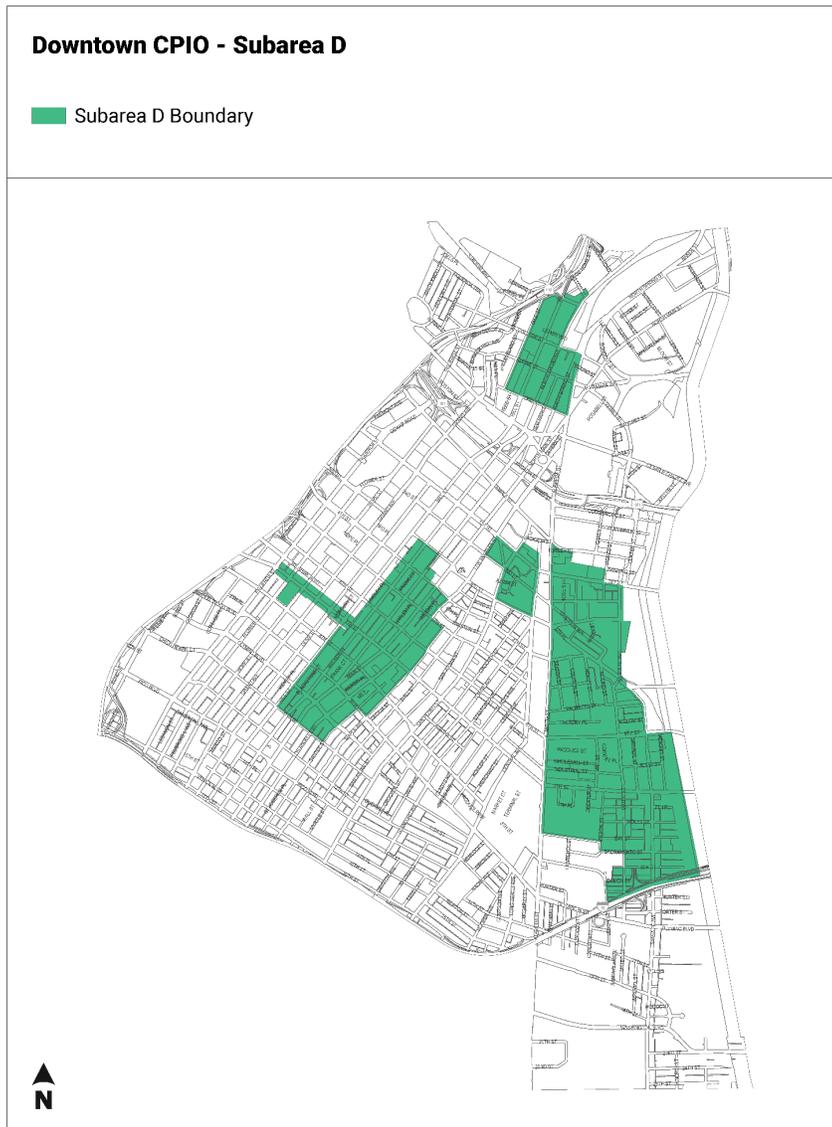


Figure 10. Downtown Community Benefits Program Subarea D Boundary Map

N. Form Districts in Chinatown and Little Tokyo

Council District 1 requested City Planning staff to study a pathway to increase base FAR for form districts applied in the commercial portions of Chinatown and allow for greater height near transit in Chinatown. The following modifications would meet this objective.

OPTIONAL COUNCIL MODIFICATION N.1–N.3 - CHINATOWN AND LITTLE TOKYO FORM DISTRICTS

N.1. New Zoning Code, Article 2 Form, Sec. 2B.12.1. MID-RISE NARROW 1 (MN1) and Sec. 2B.16.2. MODERATE-RISE MEDIUM 2 (DM2)

Modify Section 2.B.12.1 and Section 2.B.16.2 of Article 2 of the Proposed New Zoning Code to read as follows for the purpose of increasing the base FAR from 2:1 to 3:1 for Form District MID-RISE NARROW 1 (MN1) and MODERATE-RISE MEDIUM 2 (DM2):

B. Bulk and Mass

1. FAR & HEIGHT	Div. 2C.4.
Base FAR (max)	2.0 <u>3.0</u>

N.2. New Zoning Code, Article 2 Form, Sec. 2B.16.5. MODERATE-RISE MEDIUM 5 (DM5)

Modify Section 2B.16.5 of Article 2 of the Proposed New Zoning Code to read as follows for the purpose of removing Base height in stories (max) and Bonus height in stories (max) for Form District MODERATE-RISE MEDIUM 5 (DM5):

B. Bulk and Mass

1. FAR & HEIGHT	Div. 2C.4.
Base FAR (max)	6.0
Base height in stories (max)	42
Bonus FAR (max)	8.5
Bonus height in stories (max)	45

N.3. New Zoning Code, Article 2 Form, Sec. 2B.12.1. MID-RISE NARROW 1 applied in Chinatown

Act to remove limitations as to story height applied in the MID-RISE NARROW 1 (MN1) Form District, as applied within Chinatown on parcels generally bounded by Bernard St. and College St. to the north, Broadway and Spring St. to the east, Alpine St. and College St. to the South, and Hil St. and Yale St. to the west.

O. Downtown Community Plan Implementation Overlay (CPIO) Clarifications

The following modifications are offered for the PLUM Committee's consideration in order to provide clarity and consistency across the Proposed Community Plan Implementation Overlay.

OPTIONAL COUNCIL MODIFICATION O.1–O.4 - DOWNTOWN CPIO CLARIFICATIONS

O.1. Downtown CPIO District, Chapter I, Section I-1. Downtown CPIO District Authority and Boundaries, Figure 1-1; Chapter II, Figures 2-1, 2-2, 2-3, and 2-4

Modify the Proposed Downtown CPIO District to modify the sub area A boundary in Figures 1-1, 2-1, 2-2, 2-3, and 2-4, which delineates the boundaries of Subarea A with the following figure for the purpose of clarifying that CPIO standards and incentives apply to all areas of the plan indicated with bonus max FAR.

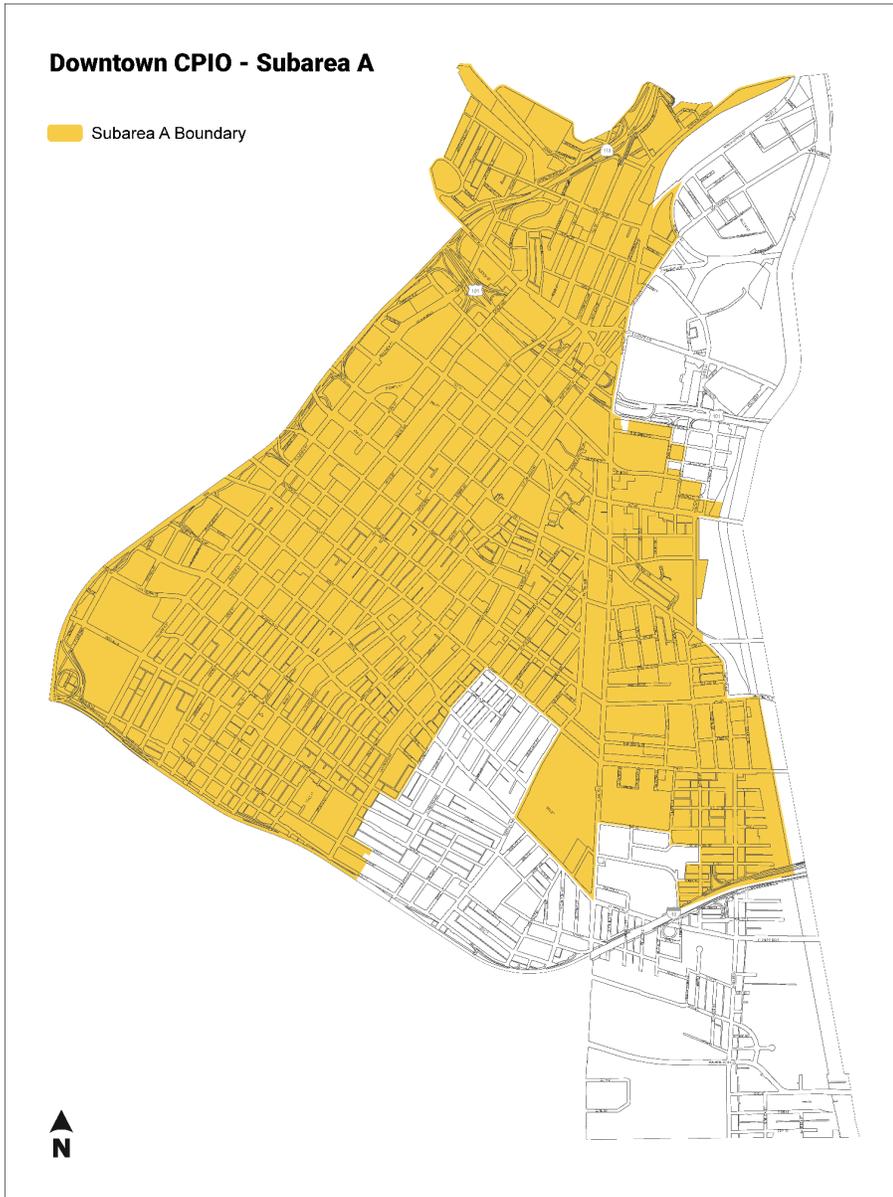


Figure 11. Downtown Community Plan Implementation Overlay District Community Benefits Program Subarea A

O.2. Downtown CPIO District, Chapter II, Figure 2-1

Modify the Proposed Downtown CPIO District to modify the sub area A.1 boundary in Figure 2-1, which delineates the boundaries of Subarea A.1 with the following figure for the purpose of clarifying that CPIO standards and incentives apply to all areas of the plan indicated with bonus max FAR.

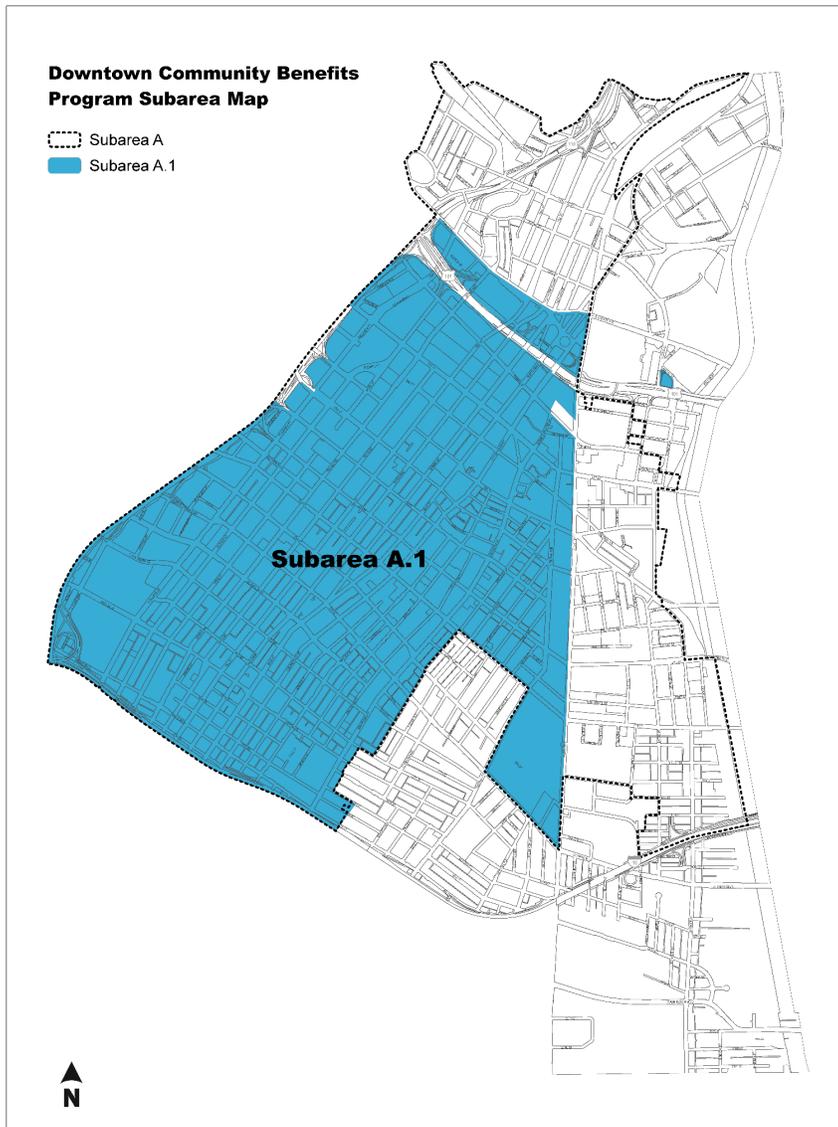


Figure 12. Downtown Community Plan Implementation Overlay District Community Benefits Program Subarea A.1

O.3. Downtown CPIO District, Chapter 1-VII, Section I-7

Modify Section I-7 in Chapter I-VIII of the Proposed Downtown CPIO to read as follows:

I - VII Section I-7. Environmental Standards Procedures

The Environmental Standards in Appendix A of this CPIO are in addition to those identified in the Environment Protection Measures Handbook (per Sec. 4A.1.2. of Chapter 1A of the LAMC). These standards are included in the Downtown CPIO District to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update, and described reviewed in the Downtown Environmental Impact Report (Case No. ENV-2017-433-EIR), certified by the City Council. Wherever the environmental standards and applicability thresholds in Appendix A of this CPIO differ from those in the Environmental Protection Measures Handbook, the more stringent of the two shall apply.

O.4. Downtown CPIO District, Appendix A

Modify Appendix A of the Proposed CPIO to add the following language to read as follows for the purpose of incorporating the following modifications outline the mitigation measures identified in the Downtown Community Plan and New Zoning Code Final EIR and clarify the relationship between mitigation measures and Environmental Protection Measures:

Appendix A – Environmental Standards

Overview

As described in Section ~~I-8~~ I-7 of the CPIO District, these Environmental Standards are in addition to those identified in the Environment Protection Measures Handbook (per Sec. 4A.1.2. of Chapter 1A of the LAMC). These standards are included in the Downtown CPIO District to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update, and described reviewed in the Downtown Environmental Impact Report (Case No. ENV-2017-433-EIR), certified by the City Council. Wherever the environmental standards and applicability thresholds in Appendix A of this CPIO differ from those in the Environmental Protection Measures Handbook, the more stringent of the two shall apply.

In addition to the above, to Projects in Subareas that are required to comply with these Environmental Standards, any other discretionary Discretionary projects within the boundaries of the Downtown CPIO DistrictCommunity Plan Areashall comply with may incorporate or impose the following Environmental Standards as applicable, in addition to the standards and notification requirements specified in the Environment Protection Measures Handbook. Compliance may be achieved through covenant, conditions, plan notations, or other means determined reasonably effective by the Director of Planning or the decision maker.

[MITIGATION MEASURES / ADDITIONAL ENVIRONMENTAL STANDARDS FORTHCOMING]

Mitigation Measure 4.2-3 Distribution Facility Health Risk Assessment

a. Applicability Threshold

Any project requiring discretionary permits for distribution centers within 1,000 feet of sensitive land uses and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day.

b. Standard

Health risk assessments (HRAs) prepared per SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the applicant shall identify ways to reduce risks. Methods may include, but are not limited to limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.

Mitigation Measure 4.3-1(c) Elysian Park

All discretionary projects in the Downtown Plan Area that are within 200 feet of Elysian Park are required to do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during the bird nesting season (February 1 -August 31) and to comply with the best practices identified in BIO MM 4.3-1(b).

Mitigation Measure 4.4-2(a) Archaeological Resources Evaluation and Avoidance/Recovery

a. Applicability Threshold

Any project requiring discretionary permits and whose construction activities involve excavating previously undisturbed land or below previously excavated depths.

b. Standard

All reasonable methods shall be used to determine the potential that archaeological or tribal cultural resources are present on the project site, including thorough searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area. If there is a medium to high potential that resources are located on the project site and it is possible that resources will be impacted, a Qualified Archaeologist shall monitor and direct all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources.

Mitigation Measure 4.6-6(a) Paleontological Resources

a. Applicability Threshold

Any project requiring discretionary permits and whose construction activities involve excavating the earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils.

b. Standard

A determination shall be made using all reasonable methods to determine the potential that paleontological resources are present on the project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows:

- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps.
- **Fossil Salvage.** The Qualified Paleontologist or designated paleontological monitor shall recover intact fossils. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the paleontological monitor.
- **Paleontological Resource Construction Monitoring.** Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated paleontological monitor during initial ground disturbance. If the paleontological monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or

cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.

Mitigation Measure 4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects

a. Applicability Threshold

Any project requiring discretionary permits and whose construction activities involve excavation that could extend below previously disturbed levels.

b. Standard

Notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified tribal monitor, if available, or qualified archaeological monitor.

P. Citywide Adaptive Reuse

The following modifications are offered for the PLUM Committee's consideration in order to remove mandatory affordable housing requirements for the Adaptive Reuse Program in the proposed new zoning code and clarify that adaptive reuse projects are subject to the Affordable Housing Linkage Fee.

OPTIONAL COUNCIL MODIFICATION P.1 - CITYWIDE ADAPTIVE REUSE

P.1. New Zoning Code, Article 9 Public Benefit Programs, Sec. 9.4.6. CITYWIDE ADAPTIVE REUSE PROGRAM.

Modify Section Sec. 9.4.6. of Article 9 of the Proposed New Zoning Code to read as follows:

A. Purpose

The purpose of this Section is to encourage and facilitate the conversion and retention of existing, or historically significant buildings, and conversion between uses permitted or conditionally permitted by the designated Use District of the property, ~~and to create opportunities for new affordable housing units.~~ The goal is to reduce vacant space, as well as preserve the City's architectural and cultural past, and encourage the sustainable practice of retaining the inherent energy that goes into the construction of existing buildings. This practice has demonstrated its effectiveness as a revitalization tool that encourages the use of underutilized buildings and the creation of new dwelling units.

C. Standards

1. ~~Affordable Housing Requirement~~

~~An adaptive reuse project that involves the creation of 10 or more new dwelling units shall provide the following restricted affordable housing units as established below:~~

a. ~~10 to 13 Dwelling Units~~

~~An adaptive reuse project that involves the creation of between 10 to 13 new dwelling units shall provide at least 1 unit affordable for very low income households as a restricted affordable unit.~~

b. ~~14 to 17 Dwelling Units~~

~~An adaptive reuse project that involves the creation of between 14 to 17 new dwelling units shall provide at least 1 unit affordable for moderate income households and at least 1 unit affordable for very low income households as restricted affordable units.~~

c. ~~18 or More Dwelling Units~~

~~An adaptive reuse project that involves the creation of 18 or more new dwelling units shall provide at least 10% of its units for moderate income households and at least 5% of its units affordable for very low income households as restricted affordable units. For the purposes of this Section, in calculating the required number of restricted affordable units, any number resulting in a fraction is rounded up to the next whole number.~~

d. ~~Affordable Housing Covenant~~

~~A covenant acceptable to the Los Angeles Housing and Community Investment Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 99 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program; except for:~~

e. ~~A housing development project in which one hundred percent of all dwelling units, exclusive of a manager's unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.~~

~~f. A mixed income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.~~

1. Affordable Housing Linkage Fee

The linkage fee, as established in Sec. 19.18. (Affordable Housing Linkage Fee) of Chapter 1 (General Provisions and Zoning) of this Code, shall continue to apply to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in Subsection D. (Incentives) below.

D. Incentives

The Department of City Planning may grant some or all of the incentives established when an adaptive reuse project qualifies for them as established below. Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new construction or additions located on the same lot as an adaptive reuse project unless otherwise stated below.

~~12. Linkage Fee Waiver~~

~~Adaptive reuse projects with 10 or more restricted affordable housing units that satisfy the requirement in Sec. 9.4.6.C.1. (Affordable Housing Requirements) shall have Linkage Fees established in Sec. 19.18. (Affordable Housing Linkage Fee) of Chapter 1 (General Provisions and Zoning) of this Code waived.~~

12. Inclusionary Housing Program

Adaptive reuse projects shall not be required to provide restricted affordable units pursuant to Sec. 5C.4.5. (Inclusionary Housing Program).

Q. Technical Modifications

The following Optional Council Modifications are offered for the PLUM Committee's consideration in order to provide clarity and consistency across the Proposed Draft of the New Zoning Code.

OPTIONAL COUNCIL MODIFICATION Q.1-Q.41 - NEW ZONING CODE TECHNICAL MODIFICATIONS

- Q.1. New Zoning Code, Article 2 Form, SEC. 2C.4.1. FLOOR AREA RATIO (FAR)**
Modify Section 2C.4.1. of Article 2 the Proposed New Zoning Code to read as follows, for the purpose of clarifying the relationship between Form District Bonus

FAR and the incentive programs in Article 9. Clarify that max bonus FAR does not limit higher FARs if a project can access them through a state program.

C. Standards

1. Base

A lot shall not exceed the maximum base floor area ratio without meeting the requirements of an incentive program outlined in Article 9 (Public Benefit Systems).

2. Bonus

A lot may exceed the base floor area ratio up to the maximum bonus floor area ratio ~~allowed in Sec. 9.1.2.C. (Maximum Bonus Floor Area)~~ for projects participating in a community benefits program pursuant to Div. 9.3. (Community Benefits Program). Projects participating in other incentive programs intended to implement State law, including Density Bonus (Sec. 9.2.1.), the Permanent Supportive Housing Incentive Program (Sec. 9.4.1.), or the Accessory Dwelling Unit Incentive Program (Sec. 9.5.1.), may only exceed the maximum bonus floor area of the applied Form District if they meet the eligibility and program requirements needed to qualify for additional benefits beyond the established maximum bonus floor area.

Q.2. New Zoning Code, Article 2 Form, SEC. 2C.4.2. HEIGHT IN FEET

Modify Section 2C.4.2. of Article 2 the Proposed New Zoning Code to read as follows, for the purpose of enabling engineering requirements for roof access elevators.

ALLOWED VERTICAL ENCROACHMENTS			
	Form District Height (max)		
	45' or less	> 45' to 75-90'	> 75-90'
Vertical Circulation (See Sec. 14.1.5.B.1.d.)			
Encroachment (max)	10'	40' <u>20'</u>	40' <u>20'</u>
Setback from roof edge (min)	5' <u>0'</u>	5' <u>0'</u>	5' <u>0'</u>

Q.3. New Zoning Code, Article 2 Form, SEC. 2C.4.3. HEIGHT IN STORIES

Modify Section 2C.4.3. of Article 2 the Proposed New Zoning Code to read as follows, for the purpose of enabling engineering requirements for roof access elevators.

ALLOWED VERTICAL ENCROACHMENTS			
	Form District Height (max)		
	3 stories or less	3 to 6 <u>7</u> stories	More than 6 <u>7</u> stories
Vertical Circulation (See Sec. 14.1.5.B.1.d.)			
Encroachment (max)	10'	40' <u>20'</u>	40' <u>20'</u>
Setback from roof edge (min)	5' <u>0'</u>	5' <u>0'</u>	5' <u>0'</u>

Q.4. New Zoning Code, Article 3 Frontage, SEC. 3A.2.2.C.2.c. Pedestrian Amenity Space-Facing Facades

Section 3A.2.2.C.2.c of Article 3 the Proposed New Zoning Code to read as follows, for the purpose of requiring frontage standards to apply to public amenity spaces, in addition to pedestrian amenity spaces.

- c. Pedestrian Amenity Space and Public Amenity Space-Facing Facades
 - i. Facades that face a pedestrian amenity space or public amenity space, see Sec. 14.1.6.C. (Pedestrian Amenity Space and Public Amenity Space-Facing Facades).
 - ii. These facades shall meet the standards specified by the applied Frontage District (Part 3B) for the frontage lot line that the pedestrian amenity space or public amenity space abuts. Where the pedestrian amenity space or public amenity space abuts multiple frontage lot lines, the standards specified for the frontage lot line that abuts the pedestrian amenity space or public amenity space for the greatest length applies.

Q.5. New Zoning Code, Article 3 Frontage, SEC. 3C.3.2. Frontage Yard Fence & Wall

Modify Section 3C.3.2. of Article 3 the Proposed New Zoning Code to read as follows, for the purpose of aligning standards with the requirements of various city CPIOs and for public safety.

- i. Fences and walls provided within the frontage yard shall not include barbed wire or concertina.

Q.6. New Zoning Code, Article 4 Development Standards, SEC. 4C.4.1.E. Exceptions

Modify Section 4C.4.1.E. of Article 4 the Proposed New Zoning Code by adding the following language, for the purpose of carrying forward the parking exception for the subdivisions of single family dwellings that exists in the current Zoning Code (Sec. 12.21.A.4(t)).

11. Conversion of Existing One-Unit Dwellings

Where the applied Development Standards district requires more than one automobile parking stall, only one automobile parking stall is required for each dwelling unit that results from the conversion of an existing building on a lot that contains only one dwelling unit, provided that the conversion meets the following requirements:

- a. The lot does not have an applied 1L Density District;
- b. The conversion is limited to the structural alteration of the existing building or the addition of not more than 250 square feet of floor area thereto;
- c. The conversion results in a total of two or more dwelling units; and
- d. All newly created dwelling units are rental units.

Q.7. New Zoning Code, Article 4 Development Standards, SEC. 4C.8.1.C.1.i. (General) [p. 4-111]

Modify Section 4C.8.1.C.1.i. of Article 4 the Proposed New Zoning Code to read as follows, for the purpose of removing prohibition on the use of chain link to meet the standards of Frontage Screens.

- i. Walls provided to meet the standards of ~~Frontage Screen 4 and 5~~ any required Frontage Screen shall not include ~~chain link~~, barbed wire, or concertina

Q.8. New Zoning Code, Article 4 Development Standards, SEC. 4C.8.1.C.1.i. (General) [p. 4-111]

Modify Section 4C.8.1.C.1.i. of Article 4 the Proposed New Zoning Code to read as follows, for the purpose of removing prohibition on the use of chain link to meet the standards of Transition Screens.

- i. Walls provided to meet the standards of ~~Frontage Screen 4 and 5~~ any required Transition Screen shall not include ~~chain-link~~, barbed wire, or concertina

Q.9. New Zoning Code, Article 4 Development Standards, SEC. 4C.11.6.C.5. Monument Sign [p. 4-157]

Modify Section 4C.11.6.C.5. of Article 4 the Proposed New Zoning Code to read as follows, adding limitations to the number of monument signs allowed in both Sign Package 1 and Sign Package 2 for the purpose of aligning the number of monument signs allowed with the existing permissions for pole signs.

	Sign Package 1	Sign Package 2
Dimensional Standards		
Combined sign area for all Monument Signs (max)		
OS, A, & RG Use Districts	n/a	n/a
All other Use Districts	1.5 SF per foot of street frontage	1.5 SF per foot of building frontage
Area of individual Monument Sign (max)		
OS, A, & RG Use Districts	9 SF per sign face	9 SF per sign face
All other Use Districts	75 SF per sign face	32 SF per sign face
<u>Total Number of Pole Signs & Monument Signs allowed (max)</u>		
OS, A, & RG Use Districts		
All other Use Districts	n/a	n/a
<u>0' to < 50' of street frontage</u>	<u>0</u>	<u>0</u>
<u>50' to ≤ 200' of street frontage</u>	<u>1</u>	<u>1</u>
<u>>200' to ≤ 400' of street frontage</u>	<u>2</u>	<u>2</u>
<u>>400' to ≤ 600' of street frontage</u>	<u>3</u>	<u>3</u>

<u>>600' of street frontage</u>	<u>+1 / 200' of street frontage</u>	<u>+1 / 200' of street frontage</u>
Height (max)		
OS, A, & RG Use Districts	6'	6'
All other Use Districts	8'	8'
Depth (max)	2'	2'

Q.10. New Zoning Code, Article 4 Development Standards, SEC. 4C.11.6.C.7. Pole Sign [p. 4-159]

Modify Section 4C.11.6.C.7. of Article 4 the Proposed New Zoning Code to read as follows, for the purpose of taking the new Monument Sign allocations into account.

Dimensional Standards	
Combined sign area for all Pole Signs (max)	
OS, A, & RG Use Districts	n/a
All other Use Districts	2 SF per foot of street frontage
Total Number of Pole Signs & Projecting Monument Signs allowed (max)	
OS, A, & RG Use Districts	
All other Use Districts	
0' to < 50' of street frontage	0
50' to ≤ 200' of street frontage	1
>200' to ≤ 400' of street frontage	2
>400' to ≤ 600' of street frontage	3
>600' of street frontage	+1 / 200' of street frontage
Area of individual Pole Sign (max)	
OS, A, & RG Use Districts	9 SF per sign face
All other Use Districts	400 SF per sign face

Height including pole (max)	
OS, A, & RG Use Districts	6'
All other Use Districts	
0' to < 50' of street frontage	none
50' of street frontage	25'
>50' to ≤ 100' of street frontage	35'
>100' of street frontage	42'

Q.11. New Zoning Code, Article 4 Development Standards, SEC. 4C.11.6.C.8. Projecting Sign [p. 4-160]

Modify Section 4C.11.6.C.8. of Article 4 the Proposed New Zoning Code to read as follows, for the purpose of taking the new Monument Sign allocations into account.

	Sign Package 1	Sign Package 2
Dimensional Standards		
Combined sign area for all Projecting Signs (max)	25 SF + 1.5 SF per foot of street frontage	25 SF + 1.5 SF per foot of building frontage
Total Number of Pole Signs & Projecting Signs allowed (max)		
0' to < 50' of street frontage	0	0c
50' to ≤ 200' of street frontage	1	1
>200' to ≤ 400' of street frontage	2	2
>400' to ≤ 600' of street frontage	3	3
>600' of street frontage	+1 / 200' of street frontage	+1 / 200' of street frontage
Area of individual Projecting Sign (max)	300 SF per sign face	48 SF per sign face
Projection from building face (max)	8'	5'
Clear Height (max)	8'	8'

Q.12. New Zoning Code, Article 5 Use, Part 5B. Use Districts

Modify all use tables in Part 5B of Article 5 the Proposed New Zoning Code to read as follows, adding “Residential Mixed Use Districts” for all Use Standard Specifications that read “Abutting: Sensitive Use, Residential Use District, Agricultural Use District”, for the purpose of addressing an accidental omission

Example Edits:

Use	Permission	Use Standard	Specification
		Use standard applicability	
		Abutting	<ul style="list-style-type: none"> • Sensitive Use • Agricultural Use Districts • Residential Use Districts • <u>Residential Mixed Use Districts</u>

Q.13. New Zoning Code, Article 5 Use, Part 5B. Use Districts

Modify all use tables in Part 5B of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of reflecting the establishment of “Manufacturing, Light: Garment & Accessory” as a defined use. Permission levels and standards for “Manufacturing, Light: Garment & Accessory” will be consistent with “Manufacturing, Light: Textile” in the CPC Recommended Draft, unless noted otherwise in this report. In addition, replace references “Textile and Apparel” with “Textile”.

Use	Permission
Manufacturing, Light	
<u>Garment & Accessory</u>	<i>To match “Manufacturing, Light: Textile permission level”, unless noted otherwise in this report</i>
Textile and Apparel	<i>No change in permission level unless noted otherwise in this report</i>

Q.14. New Zoning Code, Article 5 Use, Part 5B. Use Districts, DIV. 5B.5. Commercial-Mixed Districts

Modify all use tables in Div. 5B.5. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of aligning permissions for research and

development with the permissions for regional hospital, as hospitals also often involve research and development, and to be less restrictive about a fairly desirable. Update permission levels for Research & Development from C3 to C2 in CX Use Districts.

Example use table (Apply this change to all use permission tables for all Commercial-Mixed):

Use	Permission	Use Standard	Specification
Light Industrial	*	Non-residential tenant size (max)	10,000 SF
		Relief	C2
Research & Development	C3 C2*	(see <i>Light Industrial</i>)	

Q.15. New Zoning Code, Article 5 Use, Part 5B. Use Districts, Sec. 5B.5.2. Commercial-Mixed 2 (CX2), Sec. 5B.5.3. Commercial-Mixed 3 (CX3), Sec. 5B.5.4. Commercial-Mixed 4 (CX4), Sec.5B.7.2. - Industrial-Mixed 2 (IX2), Sec.5B.7.3. - Industrial-Mixed 3 (IX3), Sec.5B.7.4. - Industrial-Mixed 4 (IX4), Sec.5B.8.1. - Industrial 1 (I1), and Sec.5B.8.2. - Industrial 2 (IX2):

Modify use tables in Sec. 5B.5.2. , Sec. 5B.5.3. , Sec. 5B.5.4., Sec.5B.7.2., Sec.5B.7.3., Sec.5B.7.4., Sec.5B.8.1., and Sec.5B.8.2. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of adding use standards to protect residential areas. Add additional distancing requirements from Residential and Residential Mixed Use Districts, add limits to the hours of operation, and include a Class 2 CUP as relief for these new standards.

Sec.5B.5.2. - Commercial-Mixed 2 (CX2):

Use	Permission	Use Standard	Specification
General Commercial	*	Non-residential tenant size (max)	50,000 SF
		Relief	C2
Smoke & Vape Shop	P*	(see <i>General Commercial</i>)	
		<u>Use separation</u>	
		<u>Residential or Residential</u>	<u>500'</u>

		<u>Mixed Use District</u>	
		<u>Hours of operation (open/close)</u>	
		<u>Within 500' of Residential or Residential Mixed Use District</u>	<u>7AM/10PM</u>
		<u>Relief</u>	<u>C2</u>

Sec.5B.5.3. - Commercial-Mixed 3 (CX3), Sec.5B.5.4. - Commercial-Mixed 4 (CX4):

Use	Permission	Use Standard	Specification
General Commercial			
Smoke & Vape Shop	P ₋ *	<u>Use separation</u>	
		<u>Residential or Residential Mixed Use District</u>	<u>500'</u>
		<u>Hours of operation (open/close)</u>	
		<u>Within 500' of Residential or Residential Mixed Use District</u>	<u>7AM/10PM</u>
		<u>Relief</u>	<u>C2</u>

Sec.5B.7.2. - Industrial-Mixed 2 (IX2), Sec.5B.7.3. - Industrial-Mixed 3 (IX3), and Sec.5B.7.4. - Industrial-Mixed 4 (IX4):

Use	Permission	Use Standard	Specification
General Commercial			
Smoke & Vape Shop	P ₋ *	<u>Use separation</u>	
		<u>Residential or Residential Mixed Use District</u>	<u>500'</u>
		<u>Hours of operation (open/close)</u>	
		<u>Within 500' of Residential or Residential Mixed Use District</u>	<u>7AM/10PM</u>
		<u>Relief</u>	<u>C2</u>

Sec.5B.8.1. - Industrial 1 (I1), and Sec.5B.8.2. - Industrial 2 (IX2):

Use	Permission	Use Standard	Specification
General Commercial			
Smoke & Vape Shop	P*	<u>Use separation</u>	
		<u>Residential or Residential Mixed Use District</u>	<u>500'</u>
		<u>Hours of operation (open/close)</u>	
		<u>Within 500' of Residential or Residential Mixed Use District</u>	<u>7AM/10PM</u>
		<u>Relief</u>	<u>C2</u>

Q.16. New Zoning Code, Article 5 Use, Part 5B. Use Districts, DIV. 5B.5. Commercial-Mixed Districts, and DIV. 5B.7. Industrial-Mixed Districts

Modify all use tables in Div. 5B.5. And Div. 5B.7. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of aligning standards with the permissions established by the City's Backyard Beekeeping Ordinance. Permit the Animal Keeping, Bees use in all Commercial-Mixed (CX) Use Districts and all Industrial-Mixed (IX) with same use standards as applied to the Animal Keeping, Bees use in the Residential-Mixed 1 (RX1) Use District.

Example use table (Apply this change to all use permission tables for all Commercial-Mixed and Industrial-Mixed Use Districts.):

Use	Permission	Use Standard	Specification
Animal Keeping:			
Bees	-P*	<u>Accessory to:</u>	<u>Dwelling</u>
		<u>Lot Area (min):</u>	
		<u>Per beehive:</u>	<u>2,500 SF</u>
		<u>Location</u>	

		<u>Frontage yard</u>	<u>Prohibited</u>
		<u>Use Setback (min)</u>	
		<u>Side, rear, and alley lot lines</u>	<u>5'</u>
		<u>Screening</u>	
		<u>Transition screen</u>	<u>T-Screen 1</u>
		<u>Exception</u>	<u>Rooftop location</u>
		<u>Supplemental standards</u>	<u>Sec. 5B.x.x.C.x.*</u>

*update reference to line up with each respective Use District code section

Add the following Supplemental Standard language to subsection C. (Supplemental Standards) of each respective Use District code section:

1. Animal Keeping, Bees

- a. Bee keeping operator shall be registered as a beekeeper with the Los Angeles County Agricultural Commission.
- b. A water source for bees shall be provided at all times on the lot where the bees are kept.

Q.17. New Zoning Code, Article 5 Use, SEC. 5B.5.1. Commercial-Mixed 1 (CX1)

Modify the use table in Sec. 5B.5.1. of Article 5 the Proposed New Zoning Code to read as follows, adding the “Firearms” use back into the Allowed Uses & Use limitations table for the CX1 Use District, for the purpose of reflecting the use permissions published in previous draft versions. This use was deleted from the use table in error.

Use	Permission	Use Standard	Specification
Retail			
<u>Firearms</u>	<u>C2*</u>	<u>Supplemental Procedures</u>	<u>Sec. 5B.5.1. D.4.</u>

Add the following language under Supplemental Procedures (Sec. 5B.5.1.D):

4. In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit), the Zoning Administrator shall also consider the number of firearms available for sale at the lot.

Q.18. New Zoning Code, Article 5 Use, SEC. 5B.5.1. Commercial-Mixed 1 (CX1)

Modify the use table in Sec. 5B.5.1. of Article 5 the Proposed New Zoning Code to read as follows, adding the “Instructional Services” use back into the Allowed Uses & Use limitations table for the CX1 Use District, for the purpose of reflecting the use permissions published in previous draft versions. This use was deleted from the use table in error.

Use	Permission	Use Standard	Specification
General Commercial	*	Non-residential tenant size (max)	10,000 SF
		Relief	C2
<u>Instructional Services</u>	<u>P*</u>	<u>(See General Commercial)</u>	

Q.19. New Zoning Code, Article 5 Use, SEC. 5B.5.1. Commercial-Mixed 1 (CX1)

Modify the use table in Sec. 5B.5.1. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of increasing the flexibility and viability of commercial recreation. Remove upper-story location prohibition for the Indoor Recreation, Commercial use and Outdoor Recreation, Commercial uses.

Use	Permission	Use Standard	Specification
Open Space & Recreation			
Indoor Recreation, Commercial	P*	Non-residential tenant size (max)	10,000 SF
		Relief	
		Upper story location	Prohibited
Outdoor Recreation, Commercial			
General	P*	Non-residential tenant size	10,000 SF

		(max)	
		Relief	
		Upper-story location	Prohibited

Q.20. New Zoning Code, Article 5 Use, SEC. 5B.5.2. Commercial-Mixed 2 (CX2)

Modify the use table in Sec. 5B.5.2. of Article 5 the Proposed New Zoning Code to read as follows, adding the “Instructional Services” use back into the Allowed Uses & Use limitations table for the CX2 Use District, for the purpose of reflecting the use permissions published in previous draft versions. This use was deleted from the use table in error.

Use	Permission	Use Standard	Specification
Retail			
<u>Firearms</u>	<u>C2*</u>	<u>Supplemental Procedures</u>	<u>Sec. 5B.5.2. D.4.</u>

Add the following language under Supplemental Procedures (Sec. 5B.5.2.D):

4. In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit), the Zoning Administrator shall also consider the number of firearms available for sale at the lot.

Q.21. New Zoning Code, Article 5 Use, SEC. 5B.5.2. Commercial-Mixed 2 (CX2)

Modify the use table in Sec. 5B.5.2. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of increasing the flexibility and viability of commercial recreation. Remove upper-story location prohibition for the Indoor Recreation, Commercial use and Outdoor Recreation, Commercial uses.

Use	Permission	Use Standard	Specification
Open Space & Recreation			
Indoor Recreation, Commercial	P*	Non-residential tenant size (max)	10,000 SF
		Relief	
		Upper-story location	Prohibited

Outdoor Recreation, Commercial			
General	P*	Non-residential tenant size (max)	10,000 SF
		Relief	
		Upper story location	Prohibited

Q.22. New Zoning Code, Article 5 Use, SEC. 5B.5.3. Commercial-Mixed 2 (CX3)

Modify the use table in Sec. 5B.5.2. of Article 5 the Proposed New Zoning Code to read as follows, Add additional use standards to the Storage, Indoor, Self-Storage Facility in order to ensure more active commercial areas, while still permitting needed self-storage facilities.

Use	Permission	Use Standard	Specification
Storage, Indoor			
Self-Service Facility	C2 P*	<u>In conjunction with</u>	<u>Other allowed use</u>
		<u>Floor area (min)</u>	<u>0.1 FAR</u>
		<u>Use separation (min)</u>	
		<u>Other self-service facility</u>	<u>500'</u>
		<u>Relief</u>	<u>C2</u>
		<u>Supplemental Procedures</u>	<u>Sec. 5B.5.3.D.8.</u>

Add the following supplemental procedure language to subsection D. (Supplemental Procedures) for the Storage, Indoor, Self-Service Facility use:

8. Storage, Indoor, Self-Service Facility

In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit), the Zoning Administrator shall also consider:

- a. That the granting of the application will not significantly detract from the intent of the use district, including supporting quality employment and productive industries.
- b. That the granting of the application will not significantly detract from any applicable Community Plan policies intended to generate active pedestrian oriented development and higher employment densities in the surrounding area.

Q.23. New Zoning Code, Article 5 Use, SEC. 5B.5.3. Commercial-Mixed 3 (CX3)

Modify the use table in Sec. 5B.5.3. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of providing flexibility for the full range of services often provided with the Motor Vehicle Sales & Rental uses. Permit the Motor Vehicle Services, General use when Incidental To uses in the Motor Vehicle Sales & Rental Use Group.

Use	Permission	Use Standard	Specification
Motor Vehicle Services			
General	-P*	<u>Incidental To</u>	<u>Motor Vehicle Sales & Rental use group</u>

Q.24. New Zoning Code, Article 5 Use, SEC. 5B.5.4. Commercial-Mixed 4 (CX4)

Modify the use table in Sec. 5B.5.4. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of providing flexibility for the full range of services often provided with the Motor Vehicle Sales & Rental uses. Permit the Motor Vehicle Services, General use when Incidental To uses in the Motor Vehicle Sales & Rental Use Group.

Use	Permission	Use Standard	Specification
Motor Vehicle Services			
General	-P*	<u>Incidental To</u>	<u>Motor Vehicle Sales & Rental use group</u>

Car Wash	-P*		
Commercial Vehicle	-	<u>Incidental To</u>	<u>Motor Vehicle Sales & Rental use group</u>
Fueling Station	-P*	<u>Incidental To</u>	<u>Motor Vehicle Sales & Rental use group</u>

Q.25. New Zoning Code, Article 5 Use, Part 5B. Use Districts, Sec. 5B.7.1. Industrial-Mixed 1 (IX1), Sec.5B.7.2. - Industrial-Mixed 2 (IX2), Sec.5B.7.3. - Industrial-Mixed 3 (IX3), and Sec.5B.7.4. - Industrial-Mixed 4 (IX4):

Modify the use tables in Sec. 5B.7.1., Sec.5B.7.2, Sec.5B.7.3. , and Sec.5B.7.4 of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of removing redundant relief mechanisms and maintaining consistency in the Industrial Mixed Use Districts. Remove the C2 relief option under the Use Separation Use Standard.

Sec.5B.7.1. - Industrial-Mixed 1 (IX1):

Use	Permission	Use Standard	Specification
Heavy Commercial			
Motor Vehicle Services			
General	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential <u>Mixed Use District</u>	200'
		Relief	C2
		Use enclosure	Fully indoors
		Screening	
		Frontage screen	F-Screen 3
		Transition screen	T-Screen 1
		Hours of operation (early/late <u>open/close</u>)	7AM/7PM

		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	<i>Sec. 5B.7.1.C.3.</i>
		Relief	C2

Sec.5B.7.2. - Industrial-Mixed 2 (IX2):

Use	Permission	Use Standard	Specification
Heavy Commercial			
Motor Vehicle Services			
General	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential <u>Mixed Use District</u>	200'
		<u>Relief</u>	C2
		Use enclosure	Fully indoors
		Screening	
		Frontage screen	F-Screen 3
		Transition screen	T-Screen 1
		Hours of operation (early/late <u>open/close</u>)	7AM/7PM
		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	<i>Sec. 5B.7.1.C.2.</i>
		<u>Relief</u>	<u>C2</u>

Car Wash	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential Mixed Use District	200'
		Relief	C2
		Use enclosure	
		Car Wash, mechanized	Fully indoor
		Car Wash, self-service	Covered
		Screening	
		Frontage screen	F-Screen 3
		Transition screen	T-Screen 1
		Hours of operation (early/late <u>open/close</u>)	7AM/7PM
		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	Sec. 5B.7.1.C.3.
		Relief	C2
Commercial Vehicle	--		
Fueling Station	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential Mixed Use District	200'
		Relief	C2
		Screening	
		Frontage screen	F-Screen 3

		Transition screen	T-Screen 1
		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	Sec. 5B.7.2.C.4.
		<u>Relief</u>	<u>C2</u>

Sec.5B.7.3. - Industrial-Mixed 3 (IX3):

Use	Permission	Use Standard	Specification
Heavy Commercial			
Motor Vehicle Services			
General	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential <u>Mixed Use District</u>	200'
		<u>Relief</u>	<u>C2</u>
		Use enclosure	Fully indoors
		Screening	
		Frontage screen	F-Screen 3
		Transition screen	T-Screen 1
		Hours of operation (early/late <u>open/close</u>)	7AM/7PM
		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	Sec. 5B.7.3.C.5.

		<u>Relief</u>	<u>C2</u>
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Sec.5B.7.4. - Industrial-Mixed 4 (IX4):

Use	Permission	Use Standard	Specification
Heavy Commercial			
Motor Vehicle Services			
General	P*	Use separation	
		Sensitive Use	200'
		Agricultural, Residential or Agricultural, or Residential <u>Mixed Use District</u>	200'
		<u>Relief</u>	<u>C2</u>
		Use enclosure	Fully indoors
		Screening	
		Frontage screen	F-Screen 3
		Transition screen	T-Screen 1
		Hours of operation (early/late <u>open/close</u>)	7AM/7PM
		Service hours (early/late <u>open/close</u>)	7AM/7PM
		Outdoor sound system	Prohibited
		Supplemental standards	Sec. 5B.7.3.C.5.
		<u>Relief</u>	<u>C2</u>

Q.26. New Zoning Code, Article 5 Use, Part 5B. Use Districts, Sec. 5B.7.1. Industrial-Mixed 1 (IX1), Sec.5B.7.2. - Industrial-Mixed 2 (IX2), Sec.5B.7.3. - Industrial-Mixed 3 (IX3), and Sec.5B.7.4. - Industrial-Mixed 4 (IX4):

Modify the use tables in Sec. 5B.7.1., Sec.5B.7.2, Sec.5B.7.3. , and Sec.5B.7.4 of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of fixing the applicability of screening standards for Light Industrial uses in the Industrial Mixed Use Districts and ensuring that the standards are applied as intended to include lots separated by a public right-of-way. Change "abutting" to "adjoining" for all use district standards that trigger a Frontage Screen based on an abutting use (see the example edit below).

Example Edit:

Use	Permission	Use Standard	Specification
Light Industrial	*	Use standard applicability	
		Abutting <u>Adjoining</u>	<ul style="list-style-type: none"> ● Sensitive Use ● Agricultural Use Districts ● Residential Use Districts ● <u>Residential Mixed Use Districts</u>
		Screening	
		Frontage Screen	F-Screen
		Transition Screen	T-Screen
		Use enclosure	Fully Indoor

Q.27. New Zoning Code, Article 5 Use, SEC. 5B.7.4. Industrial-Mixed 4 (IX4)

Modify the use table in Sec. 5B.7.4. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of clarifying that dwelling units are permitted in adaptive reuse projects and that adaptive reuse projects are exempt from the requirement to provide 100% restricted affordable units.

Use	Permission	Use Standard	Specification
Dwelling	P*	Restricted affordable units	100% of dwelling units
		<u>Exception</u>	<u>Adaptive reuse projects</u>

Use	Permission	Use Standard	Specification
Live/Work	P*	(see Residential)	
		Unit size (min avg.)	1,000 SF
		Designated work space	
		Work space area (min/max)	48%/50%
		Work space dimensions (min)	10' x 15'
		Workspace uses	<ul style="list-style-type: none"> Office • Personal Services: General • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal • <u>Manufacturing, Light: Garment & Accessory</u>
		Open plan area (min)	70%
		In conjunction with:	<ul style="list-style-type: none"> Office • Manufacturing, Light: General • Manufacturing, Light: Artistic & Artisanal • <u>Manufacturing, Light: Garment & Accessory</u>
		Floor area (min)	1.5 FAR
		Exception	<p style="text-align: center;">Adaptive-reuse projects</p> <p style="text-align: center;">400% Restricted affordable units</p>
		Supplemental standards	Sec 5B.7.4.C.2

Q.28. New Zoning Code, Article 5 Use, Part 5C Use Rules

Add additional, more nuanced relief provisions to various use standards throughout Part 5C (Use Rules) of Article 5 of the Proposed New Zoning Code for the purpose of providing necessary flexibility in implementation. See *Appendix A: Use Standard Relief* for full recommended text edits.

Q.29. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.1.A. (Dwelling)

Modify Sec. 5C.1.1.A. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of adding more specificity for implementation purposes and read as follows:

Housing accommodations serving as a primary residency or having a tenancy of 30 consecutive days or greater. Includes household dwelling unit, efficiency dwelling unit, accessory dwelling unit, junior accessory dwelling unit.

Q.30. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.2.B. (Civic Facility)

Modify Sec. 5C.1.2.B. of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of improving implementation, basing the threshold for Civic Facility, Local and Civic Facility, Regional off of square footage rather than parking.

B. Civic Facility

Any publicly-accessible facility that primarily provides essential, educational or cultural services and is owned by a governmental or community organization. Includes post office, civic center, community center, museum, and library (places for the public to congregate as opposed to an employee workplace).

1. Local

A publicly-accessible facility that provides essential or cultural services to a city or town and is owned by a governmental or community organization. May not be larger than 50,000 square feet ~~include no more than 75 parking stalls to be considered~~ consider a Civic, Local use. Includes post office, civic center, community center, and branch library. For similar uses that are larger than 50,000 square feet ~~that include more than 75 parking stalls~~, see civic facility, regional (Sec. 5C.1.2.B.2.). For similar uses that are not publicly accessible see office (Sec. 5C.1.5.J.).

2. Regional

A publicly-accessible facility that provides essential or cultural services to a region and for display, preservation, or enjoyment of heritage, history, and the arts, or any municipal building which is owned by a governmental or community organization and are larger than 50,000 square feet ~~includes more than 75 parking stalls~~. Includes city hall, cultural center, main library, museum, and observatory. For similar uses that are 50,000 square feet or less ~~include fewer than 75 parking stalls~~, see civic facility, local (Sec. 5C.1.2.B.1.). For similar uses that are not publicly accessible, see office (Sec. 5C.1.5.I.).

Q.31. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.6.C.1. (General)

Modify Sec. 5C.1.6.C.1. (Indoor Storage) of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of adding more specificity for implementation.

Any indoor storage use, excluding self-service indoor storage, that is incidental to another use. For indoor storage that functions as the primary use on a lot and is not incidental to another use, see wholesale trade & warehousing (Sec. 5C.1.7.F).

Q.32. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.6.D.1. (General)

Modify Sec. 5C.1.6.D.1. (Outdoor Storage) of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of adding more specificity for implementation.

Any outdoor storage use that is in conjunction with another use and does not involve the keeping of empty cargo containers (Sec.5C.1.6.D.2.), inactive commercial vehicles (Sec.5C.1.6.D.3.), towing and storage for official motor vehicle impound (Sec. 5C.1.6.D.4.), or inactive standard vehicles (Sec. 5C.1.6.D.5).

Q.33. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.7.C.2. (Alcoholic Beverage)

Modify Sec. 5C.1.7.C.2. (Alcoholic Beverage) of Article 5 the Proposed New Zoning Code to read as follows, for the purpose of adding more specificity for implementation.

Any light manufacturing use where beer, wine, or other alcoholic beverages are processed or prepared for consumption and sold on a wholesale basis.

Q.34. New Zoning Code, Article 5 Use, Part 5C Use Rules, Sec. 5C.1.8.D.2. (Donation Bin)

Modify all use tables in Part 5B and Sec. 5C.1.8.D.2. of Article 5 of the Proposed new Zoning Code, for the purpose of avoiding prohibiting housing within 50' of an existing donation bin. IX districts prohibit housing within 50' of a heavy industrial use, and donation bins are currently listed as a heavy industrial use. To avoid this conflict, move donation bins to Sec. 5C.1.7. (Light Industrial Uses) as its own Subsection G. and make all of the necessary edits to all of the Use District tables to reflect this edit without changing the use permissions or standards listed in the last released New Code draft.

Q.35. New Zoning Code, Article 9 Public Benefits Systems

Modify Article 9 of the Proposed New Zoning Code to replace all mentions of the “Deeply Low” income level with “Acutely Low” for the purpose of aligning terminology with the Acutely Low income category recently introduced by the California Department of Housing and Community Development.

Q.36. New Zoning Code, Article 14 General Rules, SEC. 14.1.6.B. Lot-Line Facing Facade

Modify 14.1.6.B. of Article 14 of the Proposed New Zoning Code to read as follows, for the purpose of clarifying that a fence or wall between a facade and a lot line does not affect the facade’s lot line-facing status.

Sec. 14.1.6.B. 2. (Exceptions)

- a. Portions of a facade that would otherwise be considered to be lot line-facing that meet the following conditions are exempt from any requirements of lot line-facing facades:
 - i. Facades set back 50 feet greater than the facade nearest to the lot line, are not included, provided they are less than 50% of the total building width.
 - ii. Facades that are located entirely above the 6th story and are stepped-back more than 25 feet from the exterior perimeter of the story below are not included.
- b. Portions of a frontage applicable facade (Sec. 3A.2.2.C.2.) having an allowable fence or wall, per the applied Frontage District (Part 3B), located between the building facade and a street lot line or special lot line are still considered lot line-facing facades and are not exempt from the requirements of lot line-facing facades.

Q.37. New Zoning Code, Article 14 General Rules, SEC. 14.1.6.C. Pedestrian Amenity-Facing Facade

Modify 14.1.6.C. of Article 14 of the Proposed New Zoning Code to read as follows, for the purpose of ensuring that facades that face public amenity spaces must also meet the standards required by the applied Frontage District:

C. Pedestrian Amenity and Public Amenity-Facing Facade

The portions of any frontage applicable facade (Sec. 3A.1.2.B.2.) having no permanent structure located between the building facade and a pedestrian amenity space or public amenity space.

- 1. Measurement

- a. All portions of a facade visible from the three required building elevations below are considered pedestrian amenity or public amenity-facing.
 - i. A building elevation from the pedestrian amenity space or public amenity space projected parallel to the frontage lot line,
 - ii. A building elevation from the pedestrian amenity space or public amenity space projected perpendicular to the frontage lot line oriented to the right of the frontage lot line, and
 - iii. A building elevation from the pedestrian amenity space or public amenity space projected perpendicular to the frontage lot line oriented to the left of the frontage lot line.
- b. For building elevations along curved or complex frontage lot lines, see *Sec. 14.1.14. (Parallel or Perpendicular to Irregular Lot line)*.

2. Exceptions

Portions of a facade that would otherwise be considered to be pedestrian amenity or public amenity space-facing that meet the following conditions are exempt from any requirements of pedestrian amenity or public amenity space-facing facades:

- a. Facades set back 50 feet greater than the facade nearest to the lot line, are not included, provided they are less than 50% of the total width of the pedestrian amenity space or public amenity space.
- b. Facades that are located entirely above the 6th story and are stepped-back more than 25 feet from the exterior perimeter of the story below are not included.

Q.38. New Zoning Code, Article 14 General Rules, SEC. 14.1.15. Project Activities

Modify Sec.14.1.15. of Article 14 of the Proposed New Zoning Code to read as follows, for the purpose of clarifying the applicability of of the commercial change of use parking exemption (Sec. 4C.4.1.E.3. Change of Use, Commercial Tenant Size).

6. Use Modification

A change in use or a modification of the area designed and intended for a specific use from the previously approved uses and use areas.

a. Change of Use

~~Use modification includes a change in the permanent use of any portion of a building or lot from one of the uses defined in Div. 5C.1. (Use Definitions) to another.~~

- i. Work that includes a change in the permanent use of any portion of an existing building or lot from one use defined in Div. 5C.1. (Use Definitions) to any other use defined in Div. 5C.1. (Use Definitions).

- ii. ~~Use modification~~ Change of use does not include any temporary uses requiring event-based permission from the City. For these uses, see *Sec. 14.1.15.7. (Temporary Use)*.

b. Intensification/Expansion of Use

- i. ~~Use modification~~ Work that includes the expansion of floor area or lot area dedicated to a use defined in *{Div. 5C.1.(Use Definitions)}* or an increase in the intensity of a use, such as an increase in seating capacity or the number of persons in care.

Q.39. New Zoning Code, Article 14 General Rules, SEC. 14.1.16. Yards

Modify Section 14.1.16. of Article 14 of the Proposed New Zoning Code to read as follows, for the purpose of simplifying and clarifying the rules for frontage yard determinations, including front yards, special yards, and side street yards.

~~1. Front Yard~~

~~All portions of a lot between a primary street lot line and a principal structure facing a primary street lot line extending the full width of the lot.~~

- ~~a. No less than 80% of the width of each primary street-facing principal structure shall abut the front yard. Only portions of a building set back at least 15 feet behind the facade nearest the primary street lot line are not required to abut the front yard.~~
- ~~b. Portions of a lot that meet the criteria for front yard designation shall not be designated as any other yard.~~

~~2. Special Yard~~

~~All portions of a lot between a special lot line and a principal structure facing a special lot line extending the full width of the lot.~~

- ~~a. Special yards include yards abutting a special lot line including but not limited to special river and special alley lot lines.~~
- ~~b. No less than 80% of the length of each special lot line facing principal structure shall abut the special yard. Only portions of a building set back at least 15 feet behind the facade nearest the special lot line are not required to abut the special yard.~~
- ~~c. For portions of the lot width where no principal structure abuts the special lot line, the special yard includes only portions of the lot included in the special lot line setback as specified by Frontage District (Part 3B).~~
- ~~d. Portions of a lot that meet the criteria for special yard designation shall not be designated as a side street yard, rear yard, or side yard.~~

~~3. Side Street Yard~~

~~The portions of a lot between a side street lot line and a principal structure facing a side street lot line~~

- ~~a. No less than 80% of the width of each side street-facing principal structure shall abut the side street yard. Only portions of a building set back at least 15 feet behind the facade nearest the side street lot line are not required to abut the front yard.~~

- ~~b. For portions of the lot width where no principal structure abuts the side street yard, the side street yard includes only portions of the lot included in the side street setback.~~
- ~~c. Portions of a lot that meet the criteria for side street yard designation shall not be designated as a rear yard or side yard.~~

1. Front Yard

The area between a primary street lot line and a line running parallel to the primary street lot line, drawn 15' back from the primary street lot line-facing facade nearest to the primary street lot line, measured perpendicularly to the lot line.

- a. Only yards abutting a primary street lot line shall be designated as front yards
- b. Portions of a lot that meet the criteria for front yard designation shall not be designated as any other yard.

2. Special Yard

The area between a special lot line and a line running parallel to the special lot line, drawn 15' back from the special lot line-facing facade nearest to the primary street lot line, measured perpendicularly to the lot line.

- a. Special yards include yards abutting a special lot line, including but not limited to special river and special alley lot lines.
- b. Portions of a lot that meet the criteria for special yard designation shall not be designated as a side street yard, rear yard, or side yard. Portions of a lot that meet the criteria for side street yard designation but also meet the criteria for front yard designation shall be designated as front yard.

3. Side Street Yard

The area between a side street lot line and a line running parallel to the side street lot line, drawn 15' back from the side street lot line-facing facade nearest to the side street lot line, measured perpendicularly to the lot line.

- a. Only yards abutting a side street lot line shall be designated as side street yards.
- b. Portions of a lot that meet the criteria for side street yard designation shall not be designated as a rear yard or side yard. Portions of a lot that meet the criteria for side street yard designation but also meet the criteria for special yard or front yard designation shall be designated as special yard or front yard respectively.

Q.40. New Zoning Code, Article 14 General Rules, SEC. 14.1.17. Public Access Easements

For the purpose of providing clarity and consistency for how to measure various standards throughout the New Code when a significant public access easement is present on a lot, create a new Public Access Easement Map and add a new section to Article 14 (General Rules) regarding the treatment of public access easements. Also include references to the new rules in Article 14 within each affected standard section throughout the Code. Optional Council Modifications are provided in *Appendix B: Public Access Easements*.

Q.41. New Zoning Code, Article 14 General Rules, DIV. 14.2. Glossary, Household Dwelling Unit

Modify Div.14.2. of Article 14 of the Proposed New Zoning Code to read as follows, for the purpose of clarifying definition of household dwelling unit to specify that it refers to a tenancy of 30 consecutive days.

Household Dwelling Unit. A dwelling unit serving as a primary residency or having a tenancy of 30 consecutive days or greater, and includes a full kitchen or kitchenette.

Qi. Technical Modifications - Appendix A: Use Standard Relief

The following Optional Council Modifications are provided to add additional, more nuanced relief provisions to various use standards throughout Part 5C (Use Rules) in order to provide necessary flexibility in implementation.

OPTIONAL COUNCIL MODIFICATION Qi.1 - NEW ZONING CODE TECHNICAL MODIFICATIONS

Qi.1. New Zoning Code, Article 5 Use, Part 5C Use Rules

Modify Part 5C (Use Rules) of the Proposed New Zoning Code for sections listed below to read as follows, for the purpose of clarifying relief options for various use standards:

Sec 5C.3.1.E Accessory To

E. Relief

1. Up to a 20% square footage increase for the allowable accessory use may be requested in accordance with Sec 13B.5.2. (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.2.E Adaptive Reuse Project

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.3.E Area

E. Relief

1. Up to a 20% square footage increase or decrease for the area standard use may be requested in accordance with Sec 13B.5.2. (Adjustments).
2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.4.E Beds

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.5.E Building Separation

E. Relief

1. Up to a 20% reduction to the total required distance of building separation may be requested in accordance with Sec. 13B.5.2. (Adjustment).
2. A reduction of the total required distance of building separation may be requested in accordance with Sec. 13B.5.3. (Variance).
3. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.6.E Clients Per Hour

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.7.E Non-Residential Tenant Size

E. Relief

1. Up to a 20% increase in the maximum non-residential tenant size specified by the Use District may be requested in accordance with Sec 13B.5.2. (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.8.E Designated Work Space Area

E. Relief

1. Up to a 20% reduction in the minimum work space size required by the Use District may be requested in accordance with Sec 13B.5.2. (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.9.E Designated Work Space Dimensions

E. Relief

1. Up to a 20% reduction in the minimum work space size required by the Use District may be requested in accordance with Sec 13B.5.2. (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.10.E Designated Work Space Uses

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.11.E Government Owned

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.12.E Hours of Operation

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.13.E In Conjunction with

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.14.E Incidental to

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.15.E Minimum Floor Area

E. Relief

1. Up to a 20% reduction in floor area for the specified subject use specified by the Use District may be requested in accordance with Sec 13B.5.2 (Adjustments).
2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.16.E Open Plan Area

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.17.E Operating Days Per Week

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.18.E Outdoor Sound System

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.19.E Persons in Care

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.20.E Restricted Affordable Units

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.21.E Screening

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.22.E Seating Capacity

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.23.E Service Hours

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.24.E Size

E. Relief

1. Up to a 20% increase in the dimensions for the total size of the use specified by the Use District may be requested in accordance with Sec 13B.5.2 (Adjustments).
2. An increase in the dimensions for the total size of the use specified by the Use District may be requested in accordance with Sec 13B.5.3 (Variance).
3. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.25.E Supplemental Procedures

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.26.E Supplemental Standards

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.27.E Unit Size

E. Relief

1. Up to a 20% reduction in average dwelling unit size specified by the Use District may be requested in accordance with Sec 13B.5.2 (Adjustments).
2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.28.E Upper Story Location

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.29.E Use Enclosure

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.30.E Use Separation

E. Relief

1. Up to a 20% reduction in required distance away from any specified use, Use District, or lot line may be requested in accordance with Sec 13B.5.2 (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.31.E Use Setback

E. Relief

1. Up to a 20% reduction in the minimum distance away from any specified lot line may be requested in accordance with Sec 13B.5.2 (Adjustments).

2. See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.32.E Use Standard Applicability

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Sec 5C.3.33.E Lot Eligibility

E. Relief

See the allowed uses and use limitations of the applied Use District (Part 5B.) for any additional relief options.

Qii. Technical Modifications - Appendix B: Public Access Easements

In order to provide clarity and consistency for how to measure various standards throughout the New Code when a significant public access easement is present on a lot, Optional Council Modifications are provided to create a new Public Access Easement Map and add a new section to Article 14 (General Rules) regarding the treatment of public access easements; and to include references to the new rules in Article 14 within each affected standard section throughout the Code as follows.

OPTIONAL COUNCIL MODIFICATION Qii.1–Qii.5 - NEW ZONING CODE TECHNICAL MODIFICATIONS

Qii.1. New Zoning Code, Article 14 General Standards and Measurements SEC. 14.1.17. Public Access

Add a new Section 14.1.17. of Article 14 of the Proposed New Zoning Code, which reads as follows, for the purpose of outlining how standards throughout the code should be measured in respect to a public access easement:

Sec.14.1.17. Public Access Easements

A Public Access Easement is an easement, established between a lot owner or owners and the City of Los Angeles, as found on the Public Access Easement Map, affecting a lot or lots for the purpose of ensuring public access to the portions of the lot covered by the easement.

- A. Public Access Easements affecting a lot shall be considered a part of the whole lot for the purposes of any standard or calculation which pertains to lot area or lot dimensions, unless stated otherwise as a condition of the easement. See Section 14.1.11.F for the definition of a lot.
- B. No structures may be constructed within a Public Access Easement.
- C. When determining yard area, the yard area shall be measured from the interior edge of the easement rather than lot line.
- D. Measurements
 - 1. Building Setback

Buildings or structures to be constructed on a lot affected by a mapped Public Access Easement shall measure the nearest required yard setback from the interior edge of the Public Access Easement.

- 2. Lot Amenity Space

All portions of the Public Access Easement area on a lot or lots may be calculated as part of the Lot Amenity Space. When the Public Access Easement is counted as Lot Amenity Space, an accessway from the development on the lot must be ensured to the easement area. The required accessway must meet the minimum standards as established in Section 4C.1.1.C.2.A.i.

3. Build-to depth

Where a lot includes a Public Access Easement that abuts the frontage lot line, the build-to depth shall be measured to the front yard setback. The front yard setback is measured from the interior edge of the easement as established in Section 14.1.17.D.1.

4. Pedestrian Amenity Allowance

Where a lot includes a Public Access Easement that abuts the frontage lot line, the Pedestrian Amenity shall be measured to the front yard setback. The front yard setback is measured from the interior edge of the easement as established in Section 14.1.17.D.1.

5. Parking Setback

Where a lot includes a Public Access Easement that abuts the frontage lot line, the Parking Setback shall be measured to the front yard setback. The front yard setback is measured from the interior edge of the easement as established in Section 14.1.17.D.1.

6. Frontage Planting Area

Area within the Public Access Easement may not be used to meet planting area required by a Frontage Planting Area (Sec. 3C.3.1), Frontage Screen (Sec. 4C.8.1), or Transition Screen (Sec. 4C.8.2).

7. Frontage Yard Fence & Wall

Where a lot includes a Public Access Easement, fences and walls allowed by the applied Frontage District may be constructed and maintained on the interior edge of the Public Access Easement, but may not be constructed within the easement area nor on any lot line or portion of a lot line affected by the easement. A fence or wall may not be constructed in a manner which obstructs public access to the easement area.

8. Frontage Screens and Transition Screens

Where a lot includes a Public Access Easement, any required Frontage Screens and Transition Screens may be constructed and maintained on the interior edge of the Public Access Easement, but may not be constructed within the easement area nor on any lot line or portion of a lot line affected by the easement. A Frontage Screen or Transition

Screen may not be constructed in a manner which obstructs public access to the easement area.

Qii.2. New Zoning Code, Article 1 Introductory Provisions, SEC. 1.5.11. Public Access Easement Map

Add a new Section 1.5.11 of Article 1 of the Proposed New Zoning Code, which reads as follows, for the purpose of creating and referencing a new Public Access Easement Map, as well as directing the reader to the new 14.1.17 for standards and measurements pertaining to lots affected by a Public Access Easement.

Sec. 1.5.11 PUBLIC ACCESS EASEMENT MAP

A. Applicability

The Public Access Easement Map identifies lots in the City of Los Angeles that are affected by the Public Access Easement standards established in Sec. 14.1.17.

B. Boundaries

The Public Access Easement Map is composed of line segments, based on lot lines and easement lines established in the Department of Public Works, Bureau of Engineering land base dataset, designated as a Public Access Easement.

C. Amendments

At the direction of City Council, pursuant to Sec. 13B.1.3 (Zoning Code Amendment), the Director of Planning is authorized to revise the Public Access Easement Map. No unauthorized person may alter or modify the Public Access Easement Map.

Qii.3. New Zoning Code, Article 2 Form SEC. 2C.2.2.D. (Building Setbacks - Measurement) and SEC 2C.3.1.D (Lot Amenity Area - Measurement)

Modify Section 2C.2.2.D and Section 2C.3.1.D. of Article 2 of the Proposed New Zoning Code to add the following language, for the purpose of referring the user to new Section 14.1.17 for relevant standards/measurements pertaining to lots affected by a Public Access Easement.

Building Setbacks 2C.2.2.D.8:

For measurement on a lot affected by a Public Access Easement, see Sec. 14.1.17.E.1

Lot Amenity Space 2C.3.1.D.5:

For calculation of Lot Amenity Area on a lot affected by a Public Access Easement, see Sec. 14.1.17.E.2

Qii.4. New Zoning Code, Article 3 Frontage SEC. 3C.1.2.D. (Build-to Depth - Measurement) and 3C.1.4.D. (Pedestrian Amenity Allowance - Measurement) and 3C.2.1.D. (Parking - Measurement) and 3C.3.1.D. (Frontage Planting Area - Measurement) and 3C.3.2.D. (Frontage Yard Fence & Wall - Measurement)

Modify Section 3C.1.2.D., Section 3C.1.4.D., Section 3C.2.1.D., and Section 3C.3.2.D. of Article 3 of the Proposed New Zoning Code to add the following language, for the purpose of referring the user to new Section 14.1.17 for relevant standards/measurements pertaining to lots affected by a Public Access Easement.

Build-to Depth 3C.1.2.D.2:

For a lot affected by a Public Access Easement, see Sec 14.1.17.E.3.

Pedestrian Amenity Allowance 3C.1.4.D.3:

For a lot affected by a Public Access Easement, see Sec 14.1.17.E.4.

Parking 3C.2.1.D.3:

For a lot affected by a Public Access Easement, see Sec 14.1.17.E.5.

Frontage Planting Area 3C.3.1.D.3:

For a lot affected by a Public Access Easement, see Sec. 14.1.17.E.6.

Frontage Yard Fence & Wall 3C.3.2.D.5:

For a lot affected by a Public Access Easement, see Sec. 14.1.17.E.7.

**Qii.5. New Zoning Code, Article 4 Development Standards SEC. 4C.8.1.C.1.
(Frontage Screens and Transition Screens - Measurement)**

Modify Section 4C.8.1.C.1. of Article 4 of the Proposed New Zoning Code to add the following language, for the purpose of referring the user to new Section 14.1.17 for relevant standards/measurements pertaining to lots affected by a Public Access Easement.

Frontage Screens 4C.8.1.C.1.j:

For a lot affected by a Public Access Easement, see Sec. 14.1.17.E.8.

Transition Screens 4C.8.2.C.1.j:

For a lot affected by a Public Access Easement, see Sec. 14.1.17.E.8.

Sincerely,

Shana MM Bonstin
Deputy Director



Signatory
Title

SMMB:XXX:xxx

Enclosures

Tab (It is not required that you list the enclosures)

c: Tab (Name, Title, Department (If other than Planning Department))