

ARTICLE 9.
**PUBLIC BENEFIT
SYSTEMS**

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DIV. 9.1. INTRODUCTORY PROVISIONS

SEC. 9.1.1. PURPOSE

The purpose of this Article is to establish procedures for implementing State Density Bonus provisions, as set forth in *California Government Code Sections 65915-65918*, local incentives to increase the production of affordable housing, as well as other programs to facilitate the provision of public benefits to communities in the vicinity of new development in the City consistent with the General Plan and other housing-related City policies. Incentives include, but are not limited to, relief from a variety of regulations and requirements, or the granting of additional allowances beyond what would be normally allowed. In addition, it is also the purpose of this Article to provide mechanisms to use the maximum bonus FAR, bonus height, and bonus stories as allowed in the applied Form District.

SEC. 9.1.2. GENERAL PROVISIONS

A. Summary

This Article consists of affordable housing incentive programs established in *Div. 9.2. (Affordable Housing Programs)*, the community benefits program established in *Div. 9.3. (Community Benefits Program)*, a variety of other incentive programs established in *Div. 9.4. (General Incentive Programs)*, and accessory dwelling unit incentive programs established in *Div. 9.5. (Accessory Dwelling Unit Incentive Programs)*.

B. Eligibility

Any project containing 5 or more dwelling units, including projects with subdivisions of land, may use an affordable housing program as outlined in *Div. 9.2. (Affordable Housing Incentive Programs)* or *Div. 9.3. (Community Benefits Program)*, pursuant to the eligibility requirements for the specific program being used. The programs outlined in *Div. 9.4. (General Incentive Programs)* can be used, as applicable, and in conjunction with any other incentive program established in this Article.

C. Incentives

This Article may grant relief from a variety of regulations and requirements, or the granting of additional allowances beyond what is normally allowed by this Zoning Code (Chapter 1A) in order to incentivize and facilitate the provision of public benefits as part of the development or use of property in the City.

DIV. 9.2. AFFORDABLE HOUSING INCENTIVE PROGRAMS

SEC. 9.2.1. DENSITY BONUS

A. Purpose

The purpose of this Section is to establish procedures for implementing the State Density Bonus provisions in *California Government Code Sections 65915-65918*, as well as to increase the production of affordable housing in the City of Los Angeles, consistent with the General Plan and other City policies related to housing.

B. Eligibility

1. Base Incentives

A housing development project will be granted a density bonus, including incentives, concessions, and waivers of development standards, in exchange for the required percentage of restricted affordable units established in *Sec. .9.2.1.C. (Base Incentives - Density and Parking)*, only where the project has not used any other Affordable Housing Incentive Program.

2. Additional Incentives

a. General Eligibility

To be eligible for any incentives in this *Sec. 9.2.1.D. (Additional Incentives)*, a housing development project (other than an adaptive reuse project) shall comply with all of the following:

- i. The housing development project shall not be a contributing element in a designated Historic Preservation District and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.
- ii. The housing development project shall not be located on a substandard hillside limited street in a hillside area or in a very high fire hazard severity zone as established in *LAMC Chapter 5 (Public Safety and Protection), Article 7 (Fire Code)*.

b. Number of Additional Incentives

- i. A housing development project that is in compliance with the eligibility criteria in *Sec. 9.2.1.E.1. (Eligibility for Certain Incentives)*, shall be granted the number of additional incentives set forth in the table below.

NUMBER OF ADDITIONAL INCENTIVES			
Level of Affordability	Required Percentage of Restricted Units (excluding density bonus units)		
	1 INCENTIVE	2 INCENTIVES	3 INCENTIVES
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%

- ii. A housing development project that consists of 100% on-site restricted affordable units, exclusive of a manager’s unit or units, that is in compliance with the eligibility criteria in *Sec. 9.2.1.E.1. (Eligibility for Certain Incentives)*, shall be granted 4 additional incentives.

3. General Standards

a. Calculating Density

The bonus dwelling units are not counted when calculating the total number of units.

b. Fractional Units

For the purposes of this Section, regardless of *Sec. 6C.1.2. (Lot Area Per Household Dwelling Unit)* or *Sec. 6C.1.3. (Lot Area Per Efficiency Dwelling Unit)*, in calculating base density and restricted affordable units, any number resulting in a fraction is rounded up to the next whole number.

c. Other Discretionary Approvals

Approval of density bonus units does not, in and of itself, trigger other discretionary review actions required by this Zoning Code (Chapter 1A) that are applicable based on the number of dwelling unitL.

C. Base Incentives – Density & Parking

Any housing development project that meets the criteria established in *Sec. 9.2.1.B.1. (Base Incentives)* will receive the base incentives outlined below.

1. Density

a. Very Low Income Restricted Affordable Units - For-Sale or Rental

- i. A housing development project that includes 5% of the total units for very low income households, either in rental units or for-sale units, will be granted a minimum density bonus of 20% that may be applied to any part of the housing development project.

- ii. The density bonus may be increased according to the table below, up to a maximum of 35%.

VERY LOW INCOME UNITS	
% of Total Units	% Density Bonus
5%	20.0%
6%	22.5%
7%	25.0%
8%	27.5%
9%	30.0%
10%	32.5%
11%	35.0%

- iii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Sec. 9.2.1.F. (*Housing Development Project Exceeding 35% Density Bonus*) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.*)

b. Low Income Restricted Affordable Units - For-Sale or Rental

- i. A housing development project that includes 10% of the total units for low income households, either in rental units or for-sale units, will be granted a minimum density bonus of 20% that may be applied to any part of the housing development project.
- ii. The density bonus may be increased according to the table below, up to a maximum of 35%.

LOW INCOME UNITS	
% of Total Units	% Density Bonus
10%	20.0%
11%	21.5%
12%	23.0%
13%	24.5%
14%	26.0%
15%	27.5%
16%	29.0%
17%	30.5%
18%	32.0%
19%	33.5%
20%	35.0%

- iii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Sec. 9.2.1.F. (*Housing Development Project Exceeding 35% Density Bonus*) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.*)

c. Common Interest Development with Low Income or Very Low Income Restricted Affordable Units

In a common interest development (such as a condominium), as defined in *California Civil Code Section 4100*, with low income or very low income restricted affordable units, restricted affordable units may be for sale or for rent.

d. Common Interest Development with Moderate Income Restricted Affordable Units

i. A common interest development (such as a condominium), as defined in *California Civil Code Section 4100*, that includes at least 10% of its units for moderate income households will be granted a minimum density bonus of 5%. The density bonus may be increased according to the table below, up to a maximum of 35%.

MODERATE INCOME UNITS	
% of Total Units	% Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%

MODERATE INCOME UNITS	
% of Total Units	% Density Bonus
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

- ii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Sec. 9.2.1.F. (*Housing Development Project Exceeding 35% Density Bonus*) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.*)

e. Senior Citizen Housing - For-Sale or Rental at Market-Rate

A senior citizen housing development, as defined in *California Civil Code Sections 51.3 and 51.12*, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to *California Civil Code Section 798.76* or *California Civil Code Section 799.5* shall be granted a density bonus of 20%.

f. Preschool/Daycare Facility

A housing development project that conforms to one of the sets of requirements of Paragraphs a. through d. above and includes a preschool/daycare facility located on the premises of, as part of, or adjacent to the project, will be granted either of the following:

- i. An additional density bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the preschool/daycare facility included in the project.
- ii. One additional incentive, as provided in Sec. 9.2.1.E. (*Additional Incentives*).

g. Land Donation

An applicant for a subdivision, or other residential development approval, that donates land for housing to the City of Los Angeles satisfying the criteria of *California Government Code Section 65915(h)(2)*, as verified by the Department of City Planning, will be granted a density bonus of 15%.

h. Restricted Affordable Units Located Near Transit Stop/Major Employment Center

In a housing development project located in or within 1,500 feet of a transit stop/major employment center, an applicant may opt to provide a greater number of smaller restricted affordable units in lieu of providing the requisite number of restricted affordable units that would otherwise be required under this Section, provided that:

- i. The smaller restricted affordable units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC);
- ii. The total number of dwelling units in the housing development project, including density bonus units, does not exceed the maximum permitted by this Section;
- iii. The smaller restricted affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and
- iv. The area of the aggregate smaller restricted affordable units is equal to or greater than the square footage of the aggregate restricted affordable units that would otherwise be required under this Section.

i. **Condominium Conversion**

A housing development project that involves the conversion of apartments into condominiums and that includes 33% of its units restricted to households of low income or moderate income, or 15% of its dwelling units restricted to households of very low income, will be granted a density bonus of 25% or up to three additional incentives as provided in *Sec. 9.2.1.E. (Additional Incentives)*.

2. **Automobile Parking**

A housing development project that qualifies for a density bonus and complies with this Section may provide parking in compliance with the applicable parking provisions of *Div. 4C.4. (Automobile Parking)*, or with one of the applicable parking options below.

a. **Parking Option 1**

Required parking for all dwelling units in the housing development project (not just the restricted affordable units), inclusive of accessible parking and guest parking, shall be reduced to the following requirements:

- i. For each dwelling unit of 0-1 bedroom: 1 on-site parking space.
- ii. For each dwelling unit of 2-3 bedrooms: 1.5 on-site parking spaces.
- iii. For each dwelling unit of 4 or more bedrooms: 2.5 on-site parking spaces.

b. **Parking Option 2**

Required parking for all other non-restricted units must comply with the applicable provisions of *Div. 4C.4. (Automobile Parking)*. Required parking for any restricted affordable units may be reduced as set forth below.

- i. One parking space per restricted affordable unit, except that restricted affordable units for low income or very low income senior citizens or disabled persons require 0.5 parking spaces for each unit; and/or

- ii. Up to 40% of the required parking for restricted affordable units may be provided in compact parking stalls.

D. Additional Incentives

Any housing development project that meets the criteria established in *Sec. 9.2.1.B.2. (Additional Incentives)* will receive the base incentives outlined below.

1. Yard Incentive

Up to 20% decrease in the required width or depth of any individual yard, except along any property line that abuts a property zoned with a Residential Limited, Agriculture, or Open Space Use District.

2. Building Coverage Incentive

Up to 20% increase in building coverage limits.

3. Lot Width Incentive

Up to 20% decrease in the required lot width.

4. Floor Area Ratio Incentive

A housing development project shall be granted one of the following incentives:

- a. An allotment of additional floor area equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35%. This additional floor area shall be calculated based on the maximum floor area of the Base FAR of the applied Form District.
- b. Regardless of the applied Form District, a housing development project shall receive a floor area ratio not to exceed 2.5:1, provided:
 - i. The housing development project contains the requisite number of restricted affordable units to qualify for a 35% Density Bonus;
 - ii. The project site is zoned with a Commercial-Mixed or Commercial Use District;
 - iii. The project site fronts on a street designated as a boulevard or avenue in the General Plan Mobility Element; and
 - iv. 50% or more of the project site is located within 1,500 feet of a transit stop/major employment center.
- c. Regardless of the applied Form District, a housing development project shall receive a floor area ratio not to exceed 2.5:1, provided:
 - i. At least 80% of the units in a rental project are restricted affordable units or 45% of units in a for-sale project are restricted affordable units;

- ii. The project site is zoned with a Commercial-Mixed or Commercial Use District; and
- iii. 50% or more of the project site is located within 1,500 feet of a transit stop/major employment center.

5. Height Incentive

A percentage increase in the height in feet limit equal to the percentage of density bonus for which the housing development project is eligible, except:

- a. In any zone in which the height or number of stories is limited, this incentive permits a maximum of 11 additional feet or one additional story, whichever is lower.
 - i. No additional height is permitted for that portion of a building in a housing development project that is located within 15 feet of a lot zoned with a 2L Density District.
 - ii. For each foot of additional height, the building must be set back one horizontal foot.
- b. No additional height is permitted for any portion of a building in a housing development project located on a lot sharing a common lot line with or across an alley from a lot with a 1L Density District.
- c. No additional height shall be permitted for any portion of a building in a housing development project located on a lot sharing a common lot line with or across an alley from a lot with an 1L Density District. This prohibition shall not apply if the lot on which the housing development project is located is within 1,500 feet of a transit stop but no additional height shall be permitted for that portion of a building in the housing development project that is located within 50 feet of a lot with an 1L Density District.

6. Lot & Residential Amenity Space Incentive

Up to 20% decrease from lot amenity space and residential amenity space requirements.

7. Density Calculation Incentive

The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the applied Density District in which the housing development project is located.

8. Averaging of Floor Area Ratio, Density, Parking or Lot Amenity Space

A housing development project that is located on two or more contiguous lots may average the floor area, density, lot amenity space, and parking over the project site, provided that:

- a. The housing development project includes 11% or more of the dwelling units as restricted affordable units for very low income households, or 20% or more of the units for low income households, or 30% or more of the units for moderate income households;
- b. The proposed use is permitted by the applied Use District of each parcel; and

- c. No further lot line adjustment or any other action that may cause the housing development project site to be subdivided subsequent to this grant is permitted.

E. Housing Development Project Exceeding 35% Density Bonus

1. A housing development project may be granted additional density increases beyond 35% by providing additional restricted affordable units in the following manner:
 - a. For every additional 1% of the total dwelling units set aside for very low income units for sale or rental, the project is granted an additional 2.5% density increase;
 - b. For every additional 1% of the total dwelling units set aside for low income units for sale or rental, the project is granted an additional 1.5% density increase; and
 - c. For every additional 1% set aside of the total dwelling units for moderate income units in for-sale projects, the project is granted an additional 1% density increase.
2. A housing development project receiving additional density increases beyond 35% is eligible to request the incentives in *Sec. 9.2.1.D. (Base Incentives – Density & Parking)* and *Sec. 9.2.1.E. (Additional Incentives)* in this Section.

F. Procedures

1. Projects with No Additional Incentives

Housing development projects requesting only the incentives outlined in *Sec. 9.2.1.D. (Base Incentives – Density & Parking)*, without any incentives outlined in *Sec. 9.2.1.E. (Additional Incentives)*, are ministerial.

2. Projects Requesting Additional Incentives

- a. Housing development projects that qualify for base incentives, request up to three additional incentives, and require no other discretionary actions, must file an application pursuant to *Sec. 13B.2.5. (Director Determination)*. Regardless of the findings established in *Sec. 13B.2.5. (Director Determination)*, the Director of Planning must approve a density bonus and requested additional incentives unless the Director of Planning finds that:
 - i. The incentive is not required in order to provide for affordable housing costs as defined in *California Health and Safety Code Sec. 50052.5.*, or affordable housing rents as defined in *California Health and Safety Code Sec. 50053.*; or
 - ii. The incentive will have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low income, low income, and moderate income households. Inconsistency with the zoning or General Plan designation of a lot does not constitute a specific adverse impact upon the public health or safety.

- b. For housing development projects that request up to three additional incentives and that require other discretionary actions, the applicable procedures set forth in Sec. 13A.2.10. (*Multiple Approvals*) apply.
 - i. The decision must include a separate section clearly labeled “Density Bonus/Affordable Housing Incentives Determination.”
 - ii. Regardless of any other findings that may be applicable, the decision-maker must approve base incentives and requested additional incentives unless the decision-maker, based upon substantial evidence, makes either of the findings in Sec. 9.2.1.G.2.a.

3. Projects with Requests for Waiver or Modification

a. Application

Housing development projects that qualify for incentives by meeting the minimum required percentage of restricted affordable units, as outlined in Sec. 9.2.1.D.1. (*Density*), and for which the applicant requests a waiver or modification of any Form District standard or Development Standards District standard that is not included in the incentives outlined in Sec. 9.2.1.E. (*Additional Incentives*) must file an application pursuant to Sec. 13B.2.3. (*Class 3 Conditional Use Permit*).

b. Decision

- i. The decision of the City Planning Commission on a Conditional Use Permit under this Section is final.
- ii. Regardless of any other findings that may be applicable, the decision-maker must approve base incentives and requested waiver or modification of any Form District standard or Development Standards District standard unless the decision-maker, based upon substantial evidence, makes either of the findings in Sec. 9.2.1.G.2.a.
- iii. For housing development projects requesting waiver or modification of any Form District standard or Development Standards District standard not included in the incentives outlined in Sec. 9.2.1.E. (*Additional Incentives*) that include other discretionary applications, the procedures of Sec. 13A.2.10. (*Multiple Approvals*) apply. The decision must include a separate section clearly labeled “Density Bonus/Affordable Housing Incentives Determination.”

4. Projects Exceeding a 35% Density Bonus

a. Application

The City Planning Commission may grant additional density increases beyond 35%, pursuant to Sec. 9.2.1.F. (*Housing Development Project Exceeding 35% Density Bonus*). Applicants must file an application pursuant to Sec. 13B.2.3. (*Class 3 Conditional Use Permit*).

b. Supplemental Findings

In addition to the findings of *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*, the City Planning Commission must also find that:

- i. The project is consistent with and implements the affordable housing provisions of the General Plan;
- ii. The project contains the requisite number of restricted affordable units to qualify for a full 35% density incentive based on the maximum allowable density of the project site;
- iii. The housing development project meets any applicable dwelling unit replacement requirements of *California Government Code Section 65915(c)(3)*;
- iv. The project's restricted affordable units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in *Chapter 1, Sec. 19.14. (Fees for Enforcement of Housing Covenants)*; and
- v. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

G. Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F

An applicant may request additional density increases beyond 35% when the project does not comply with the requirements of *Sec. 9.2.1.F. (Housing Development Project Exceeding 35% Density Bonus)* pursuant to *Sec. 13B.3.1. (Administrative Review)*.

1. Performance Standards

a. Purpose

The purpose of these performance standards is to provide for landscaping, lot amenity space, scale, bulk, height, and yards, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood, and to reduce the impacts to neighboring properties of projects utilizing this Section. In addition, it is the purpose of these performance standards to encourage the availability of affordable housing.

b. Standards

- i. The project shall contain the requisite number of restricted affordable units to qualify for a full 35% density bonus based on the maximum allowable density of the project site.
- ii. The housing development project shall comply with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission pursuant to *Sec. 13B.1.5. (Policy Action)*.

- iii. No buildings are higher than any main building on adjoining property.
- iv. The development meets the lot amenity space requirements of the zone.
- v. Yards, at a minimum, shall meet the requirements for the zone or those which apply on adjoining or abutting properties, whichever is the most restrictive.

2. Housing Development Projects Not Meeting Performance Standards

a. Application

If a proposed housing development project does not comply with the performance standards delineated in *Sec. 9.2.1.H.1.b (Standards)*, the applicant may apply for approval pursuant to *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.

b. Supplemental Finding

In addition to the findings of *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*, the City Planning Commission must also find that the proposed project substantially meets the purpose of the performance standards established in *Sec. 9.2.1.H.1.a (Purpose)*.

H. Records and Agreements

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

1. Housing Development Projects with Senior Citizen Households

For any housing development project qualifying for a Density Bonus and that contains housing for senior citizens, a covenant acceptable to the Housing and Community Investment Department, shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to senior citizens will be observed for at least 55 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. A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

2. Housing Development Projects with Low or Very Low, or Extremely Low Income Households

For any housing development project qualifying for a Density Bonus and that contains housing for low income, very low income, or extremely low income households, a covenant acceptable to the Housing and Community Investment Department must be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 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. A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

3. Housing Development Projects with Moderate Income Households - For Sale

For any housing development project qualifying for a Density Bonus and that contains housing for moderate income households for sale, a covenant acceptable to the Housing and Community Investment Department and consistent with the for sale requirements of *California Government Code Section 65915(c)(2)* must be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least 10 years from the issuance of the Certificate of Occupancy. A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

4. Conflicts of Duration of Affordability Covenants

If the duration of affordability covenants provided in this Section conflicts with the duration for any other government requirement, the longest duration controls.

5. 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.

SEC. 9.2.2. TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

A. Purpose

The purpose of this Section is to establish procedures that implement the provisions established by Measure JJJ, as well as to increase the production of affordable housing in the City of Los Angeles, consistent with the General Plan and other City policies related to housing.

B. Applicability

This Transit Oriented Communities Affordable Housing Incentive Program (TOC Incentive Program), and the provisions contained in the TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), shall apply to all eligible housing developments that are located within a ½-mile radius of a major transit stop. Each ½-mile radius around a major transit stop shall constitute a unique Transit Oriented Communities Affordable Housing Incentive Area (TOC Area).

C. Preparation and Content of TOC Guidelines

The Director of Planning shall establish and maintain TOC Guidelines that provide the eligibility standards, TOC Incentives, and other necessary components of this TOC Incentive Program outlined in this Section. Nothing in the TOC Guidelines shall restrict any right authorized by the zone of a property. The TOC Guidelines shall be consistent with the purposes of this Section and shall include the following:

1. Eligibility for TOC Incentives

An eligible housing development located within a TOC Area shall be eligible for TOC Incentives if it:

- a. Provides the minimum required percentages of on-site restricted affordable units;
- b. Meets any applicable replacement requirements of *California Government Code Section 65915(c)(3)*; and
- c. Is not utilizing a Density Bonus or Incentives pursuant to *Sec. 9.2.1. (Density Bonus)* or *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, other development bonuses pursuant to *California Government Code Section 65915*, or any other State or local program.

2. Minimum Required Percentages of On-Site Restricted Affordable Units

- a. Minimum required percentages of on-site restricted affordable units shall be determined by the Department of City Planning and set forth in the TOC Guidelines at rates that meet or exceed 11% of the total number of dwelling units affordable to very-low income households; or 20% of the total number of dwelling units affordable to lower income households.

- b. The Department of City Planning shall also establish an option for an eligible housing development to qualify for the TOC Incentives by providing a minimum percentage of dwelling units for extremely low income households, which shall be set at no less than 7%. In calculating the required on-site restricted affordable units, the percentage shall be based on the total final project dwelling unit count, and any number resulting in a fraction shall be rounded up to the next whole number, and not as specified in Sec. 6C.1.2.D.3. (*Measurement*).

3. **Labor Standards**

In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in Ordinance No. 184745, Section 5, provided that no such incentives will be created that have the effect of undermining the affordable housing incentives contained this Section or in *California Government Code Section 65915*.

4. **TOC Incentives**

An eligible housing development shall be granted TOC Incentives, as determined by the Department of City Planning consistent with the following:

a. **Residential Density Increase**

An eligible housing development shall be granted increased residential density at rates that shall meet or exceed a 35% increase. In establishing the density allowances, the Department of City Planning may allow adjustments to lot area per dwelling unit requirements, floor area ratio, or both, and may allow different levels of density increase, depending on the project site's Density District.

b. **Parking**

An eligible housing development shall be granted parking reductions consistent with *California Government Code Section 65915(p)*.

c. **Incentives and Concessions**

An eligible housing development may be granted up to two or three incentives or concessions based upon the requirements set forth in *California Government Code Section 65915(d)(2)*.

D. **Approval of TOC Guidelines and Incentives**

The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to the Director of Planning to adopt or reject the TOC Guidelines.

E. **Process for Changing TOC Incentives and Eligibility**

The TOC Incentives and the required percentages for on-site restricted affordable units may be adjusted for an individual TOC Area through a Community Plan update, Transit Neighborhood

Plan, or Specific Plan, provided that the required percentages for on-site restricted affordable units may not be reduced below the percentages set forth in *Sec. 9.2.3.C.2. (Minimum Required Percentages of On-Site Restricted Affordable Units)*.

F. Procedures

Application for the TOC Incentives shall be made on a form provided by the Department of City Planning, and shall follow the procedures outlined in *Sec. 9.2.1.G. (Procedures)*.

G. Records and Agreements

Prior to issuance of a building permit for an eligible housing development, the following shall apply:

1. Housing Development Containing Rental Housing

For any eligible housing development qualifying for a TOC Incentive that contains rental housing for extremely low income households, very-low income households, or lower income households, 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 55 years or longer.

2. Housing Development Containing For-Sale Housing

For any eligible housing development qualifying for a TOC Incentive that contains for-sale housing, a covenant acceptable to the Los Angeles Housing and Community Investment Department, and consistent with the for-sale requirements of *California Government Code Section 65915(c)(2)* shall be recorded with the Los Angeles County Recorder.

3. Duration of Covenants

If the duration of affordability covenants provided for in this Section conflicts with the duration for any other government requirement, the longest duration shall control.

DIV. 9.3. COMMUNITY BENEFITS PROGRAM

SEC. 9.3.1. COMMUNITY BENEFITS PROGRAM STRUCTURE

A. Purpose

The purpose of this Division is to promote the production of restricted affordable units and improvements, facilities, resources, and services for the benefit and enjoyment of the general public.

B. Applicability

This Section shall apply to any project using an incentive program as follows:

1. The project is eligible as established in this Section;
2. The project is also eligible due to the applicable CPIO or Specific Plan;
3. The project is providing the required percentage of restricted affordable units as established in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)* or public benefits as established in *Div. 9.2. (Public Benefit Incentive Programs)*; and
4. The applied Form District provides for bonus FAR, bonus height, or bonus stories.

C. Eligibility

A project must meet the following criteria in order to obtain additional development incentives through the programs contained in this Division:

1. Residential Projects

- a. Projects that involve the construction of dwelling units must first use the affordable housing program established in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, to its fullest extent. Using the Local Affordable Housing Incentive Program to its fullest extent means providing at least the minimum number of restricted affordable units to qualify for the maximum density increase allowed by the applicable Local Incentive Program Set in *Sec. 9.3.2.B.1. (Local Incentive Program Sets)*.
- b. If there is any unused floor area, height or stories based on the bonus FAR, bonus height, or bonus stories available for the project site according to the applied Form District, then a project may use the remaining development potential using one of the methods described in *Sec. 9.3.1.C.3. (Bonus Floor Area, Height or Stories)* up to the maximum allowed by the applied Form District.
- c. Calculation of the maximum density increase allowed and number of restricted affordable units required shall be based on the maximum density allowed by the applied Density District.

2. **Nonresidential Projects**

Projects which do not involve the construction of dwelling units, including City-approved lodging and transient occupancy residential structures, may use any of the programs established in this Division. Bonus FAR, bonus height, or bonus stories may be awarded up to the maximum allowed by the applied Form District, as established in this Section and in the applicable CPIO or Specific Plan.

3. **Bonus Floor Area, Height or Stories**

A residential project that does not use all of the FAR, height, or stories granted by the bonus FAR, bonus height, or bonus stories of the applied Form District by providing the minimum amount of on-site restricted affordable units using the Local Affordable Housing Incentive Program may access the remaining Bonus FAR, Bonus Height, or Bonus Stories using one or more of the following methods.

a. **Additional Restricted Affordable Units**

Providing additional restricted affordable units above the minimum percentage required to qualify for the maximum density increase of the Local Affordable Housing Incentive Program. The amount of additional bonus FAR, bonus height, or bonus stories provided for additional percentages of restricted affordable units is based on the applicable CPIO or Specific Plan.

b. **Public Benefits Incentive Programs**

Using one or more of the programs established in this Division, provided that the programs are included as available incentive programs in the applicable CPIO or Specific Plan.

SEC. 9.3.2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM

A. Purpose

The purpose of the Local Affordable Housing Incentive Program is to encourage the creation and development of restricted affordable units citywide beyond the levels encouraged by the State Density Bonus program, and to increase the production of affordable housing units in specific areas identified in the applicable Community Plan.

B. Eligibility

A housing development project that includes the minimum percentage of on-site restricted affordable units required by Sec. 9.3.2.B.1 (*Local Incentive Program Sets*), provides the required housing replacement units in Sec. 9.3.2.B.2 (*Housing Replacement*) or pursuant to LAMC Chapter 15, Article 1 (*Rent Stabilization Ordinance*), and meets the additional eligibility requirements for the lot in the applicable CPIO or Specific Plan (if any), is entitled to receive all of the incentives in Sec. 9.3.2.C. (*Base Incentives*) and additional incentives as outlined in Sec. 9.3.2.D. (*Additional Incentives*).

1. Local Incentive Program Sets

a. Established

Local Incentive Program Sets A through G are established below, and define the minimum percentage of on-site restricted affordable units required.

LOCAL INCENTIVE PROGRAM SETS					
Set	Affordability Requirements				
	DEEPLY LOW INCOME	EXTREMELY LOW INCOME	VERY LOW INCOME	LOWER INCOME	MODERATE
A	n/a	11%	15%	25%	n/a
B	n/a	11%	15%	25%	n/a
C	n/a	10%	14%	23%	n/a
D	n/a	10%	14%	23%	n/a
E	n/a	9%	12%	21%	n/a
F	n/a	8%	11%	20%	n/a
G	7%	8%	11%	20%	40%

b. Local Incentive Program Set Designation

The applicable Local Incentive Program Set shall be determined based on the designation shown on the Local Affordable Housing Incentive Map established in Sec. 1.4.4. (*Local Affordable Housing Incentive Map*), or in the applicable CPIO or Specific Plan.

c. Calculating Affordability Requirements

In calculating the minimum percentage of on-site restricted affordable units, the percentage of each affordability level shall be based on the total final project dwelling unit

count. 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)*.

d. Ownership Requirement

Moderate income household restricted affordable units shall be for sale only. Restricted affordable units of all other affordability levels may be rental or for sale units.

2. Housing Replacement

A housing development project must meet any applicable housing replacement requirements of *California Government Code Section 65915(c)(3)*, as verified by the Department of Housing and Community Investment prior to the issuance of any building permit. Replacement dwelling units required by this Section count towards the on-site restricted affordable units requirements in *Sec. 9.3.2.B.1. (Local Program Incentive Sets)*.

C. Base Incentives

A housing development project that includes the minimum amount of on-site restricted affordable units in *Sec. 9.3.2.B.1. (Local Program Incentive Sets)* shall be entitled to the following base incentives.

1. Residential Density

a. Housing development projects shall be granted an increase in the maximum allowable residential density as follows:

RESIDENTIAL DENSITY INCENTIVE							
Density District	Allowable Density Increase						
	SET A	SET B	SET C	SET D	SET E	SET F	SET G
2, 3, 4	80%	80%	70%	70%	60%	50%	40%
6, 8	80%	70%	70%	60%	60%	50%	40%
10, 12	60%	60%	50%	50%	45%	45%	35%
15, 20, 25, 30, 40, 50, 60	45%	40%	40%	40%	35%	35%	35%
1L, 2L, 3L, 4L, FA	n/a	n/a	n/a	n/a	n/a	n/a	n/a

b. Housing development projects that consist of 100% on-site restricted affordable units, exclusive of a building manager’s unit or units, shall be permitted an additional increase in density of 10 percentage points more than listed in Paragraph a. For example, a 50% density increase will become a 60% density increase.

2. Floor Area Ratio

a. Housing development projects shall be entitled to the portion of bonus FAR granted in the applicable CPIO or Specific Plan, up to the maximum bonus FAR allowed by the applied Form District.

- b. Housing development projects that consist of 100% on-site restricted affordable units, exclusive of a building manager’s unit or units, shall be permitted an additional 10% more of maximum floor area than listed Paragraph a. above or in the applied Form District. However, in no instance shall the housing development project exceed an FAR of 13:1.

3. Height

Housing development projects shall be entitled to use the entire bonus height or bonus stories (if any) allowed by the applied Form District.

4. Automobile Parking

- a. Housing development projects shall qualify for reduced residential parking according to the table below. The applicable Automobile Parking Incentive shall be determined based on the designation shown on the Local Affordable Housing Incentive Map established in Sec. 1.4.4. (Local Affordable Housing Incentive Map), or in the applicable CPIO or Specific Plan.

AUTOMOBILE PARKING INCENTIVE	
Parking Reduction	
75% Decrease in required minimum	
50% Decrease in required minimum	

- b. For a housing development project that consists of 100% on-site restricted affordable units, exclusive of a manager’s unit or units, no parking is required for the project.
- c. For a housing development project located 750 feet or less from a transit stop, as measured from the closest point on the lot to an entrance of the station or stop, no parking is required for the project.
- d. A housing development project with nonresidential uses in any Local Incentive Program Set may reduce the minimum automobile parking requirement in Div.4C.4. (Automobile Parking) for any nonresidential use by 20%.
- e. Where parking reductions greater than those in this Section are included in California Government Code Section 65915(p), the greater reductions shall apply.

D. Additional Incentives

In addition to the applicable incentives established in Sec. 9.3.2.C. (Base Incentives), a housing development project that includes the minimum amount of on-site restricted affordable units in Sec. 9.3.2.B.1. (Local Program Incentive Sets) shall be entitled to up to 3 of the following additional incentives. However, the number a housing development project is entitled to, and the type of additional incentives may be superseded by a CPIO or Specific Plan.

1. Density Calculation

Any area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the applied Density District.

2. Building Coverage

Up to a 25% increase in building coverage limits.

3. Lot Width

Up to 25% decrease in the required lot width.

4. Averaging of Floor Area, Lot Amenity Space, Parking, and Density

A housing development project that is located on two or more contiguous parcels may average the maximum floor area, minimum lot amenity space, minimum parking, and maximum density over the housing development project site, provided that:

- a. The proposed uses are permitted by the applied Use District of each parcel; and
- b. A covenant running with the land is recorded with the Los Angeles County Recorder, and a copy is provided to the Department of Building and Safety prior to the issuance of any building permits, that specifies no further lot line adjustment or any other action may cause the housing development project site to be subdivided subsequent to this grant, is permitted for the life of the housing development project.

5. CPIO Additional Incentives

Additional incentives (if any), and eligibility requirements for additional incentives, shall be outlined in the applicable CPIO or Specific Plan.

E. Process

The following procedures apply to housing development projects, but may be superseded by a CPIO or Specific Plan:

1. Base Incentives

Housing development projects requesting only the incentives outlined in *Sec. 9.3.2.C. (Base Incentives)*, without requesting any additional incentives outlined in applicable CPIO or Specific Plan, shall be considered ministerial and no application to the Department of City Planning is required.

Housing development projects shall comply with the records and agreements requirements of *Sec. 9.2.1.I. (Records and Agreements)*.

2. **Additional Incentives**

Housing development projects requesting additional incentives outlined in *Sec. 9.3.3.D. (Additional Incentives)* or in the applicable CPIO or Specific Plan shall follow the procedures in *Sec. 9.2.1.G.2. (Projects Requesting Additional Incentives)*.

3. **"Off-Menu" Incentives**

Housing development projects that qualify for incentives by meeting the minimum required percentage of restricted affordable units, as outlined in *Sec. 9.3.2.B.1. (Local Program Incentive Sets)*, and for which the applicant requests a waiver or modification of any Form District standard or Development Standards District standard that is not included in the incentives outlined in *Sec. 9.3.2.C. (Base Incentives)* or *Sec. 9.3.3.D. (Additional Incentives)* must file an application pursuant to *Sec. 9.2.1.G.3. (Projects with Requests for Waiver or Modification)*.

SEC. 9.3.3. PRIVATELY OWNED PUBLIC SPACE INCENTIVE PROGRAM

A. Purpose

The purpose of this Section is to encourage the development of privately owned public spaces such as outdoor plazas, parks, seating areas, and other similar types of outdoor amenity spaces on private land.

B. Eligibility

If the option to provide privately owned public space is available in the incentive program of the applicable CPIO or Specific Plan, the project shall be awarded additional floor area, up to the maximum bonus FAR allowed by the applied Form District, by providing privately owned public space in conformance with the requirements established below.

C. Standards

A project is considered to be providing privately owned public space where:

1. General

- a. The entire privately owned public space is made permanently available to the general public in accordance with the requirements in *Sec. 2C.3.3.C.3. (Public Amenity Space)*.
- b. The privately owned public space shall be, at minimum, equal to or greater than the size of the lot's minimum required lot amenity space area required by the applied Form District, including any pedestrian amenity exemption. This provision may not be used in conjunction with the 25% reduction for making outdoor amenity space publicly accessible in accordance with *Sec. 2C.3.1.D.3. (Measurement)*.
- c. All portions of the privately owned public space shall be contiguous.
- d. The privately owned public space complies with any additional requirements set forth in the applicable CPIO or Specific Plan.

2. Planting

In addition to the requirements in *Div. 4C.6. (Plants)*, plant species with toxic fruit, thorns, noxious smells, dropping branches, or weakwood, or plant species which are prone to root encroachment which damages building foundations are prohibited.

3. Seating

Regardless of the seating requirements in *Sec. 2C.3.3.C.3. (Public Amenity Space)*, the privately owned public space shall provide the following.

- a. A minimum of 4 fixed seats, 8 linear feet of seating, or 5% of the total required seating, whichever is greater, must be located within 15 linear feet of a public sidewalk or public right-of-way. Of this seating, at least 50% should be oriented to the adjacent public sidewalk or public right-of-way.
- b. If a privately owned public space is located along multiple public sidewalks or public right-of-way, it only needs to provide this seating along one public sidewalk or public right-of-way.
- c. At least 25%, or a minimum of 4 of the required seating elements shall meet the following standards.
 - i. Outdoor bench seats shall be a minimum of 17-inches in height and a maximum 19-inches above ground, and shall have full back support and armrests to assist in sitting and standing.
 - ii. For picnic table seating, benches shall have one seat removed or one side of the bench made shorter to provide proper space for a person using a wheelchair or other assistive device to approach and comfortably sit at the table. There must be 36" clearance on all usable sides of the table, this measurement is taken from the back edge of the bench. There must also be knee and toe clearance beneath the table, measuring 27" in height, 30" in width, and 19" in depth to provide ample space in regards to maneuverability and comfort.

4. **Access**

- a. At least 20% of the total perimeter of the publicly accessible outdoor amenity space shall be adjacent to a public sidewalk or public right-of-way.
- b. Access walkways to the privately owned public space from the public sidewalk or public right-of-way shall be a minimum of 7 feet wide.
- c. When a CPIO requires additional public facilities in conjunction with a privately owned public space, and are not provided within the open space, access to those facilities shall be provided from the adjacent building facades.
- d. If a privately owned public space is located along multiple public sidewalks or public right-of-way, one entrance to the privately owned public space shall be provided from each public sidewalk or public right-of-way.

5. **Visibility**

The privately owned public space shall be unenclosed, as established in *Sec. 14.1.3. (Enclosure)*, along a public sidewalk or public right-of-way.

6. Way-Finding

When a CPIO requires additional public facilities in conjunction with a privately owned public space, way-finding signs shall be provided at each of the access points to guide people to the public facilities.

D. Incentives

A project may obtain additional floor area, up to the maximum bonus FAR for the applied Form District. The amount of additional floor area shall be awarded in accordance with the applicable CPIO or Specific Plan.

E. Process

The Department of City Planning shall approve additional floor area as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied Form District, for providing privately owned public space which meet the requirements established in Subsection C. (Standards) in accordance with Sec. 13B.3.1. (*Administrative Review*).

1. Relief

The Director of Planning may approve additional floor area as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied Form District, for providing privately owned public space which does not meet the requirements established in Subdivision C. (Standards) in accordance with Sec. 13B.5.1. (*Alternative Compliance*).

F. Records and Agreements

A covenant acceptable to the Department of City Planning shall be recorded with the Los Angeles County Recorder, guaranteeing that the privately owned public space will be maintained and remain open to the public during all required hours.

SEC. 9.3.4. COMMUNITY FACILITIES

A. Purpose

The purpose of this Section is to encourage the development of facilities and services that are necessary to the community or are of benefit to the public and the community in which the facility or service is located.

B. Eligibility

If the option to provide community facilities is available in the incentive program of the applicable CPIO or Specific Plan, the project may be awarded additional floor area up to the maximum bonus FAR allowed by the applied Form District by providing one or more of the community facilities established in Sec. 9.3.4.C. (*Community Facility Options*), or by providing an alternative community facility pursuant to Sec. 9.3.4.E.2. (*Alternative Community Facilities*).

C. Community Facility Options

1. Daycare Facility Incentive Area

A project within a Daycare Facility Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area for providing an on-site daycare facility, subject to the following standards:

- a. The daycare facility shall be in compliance with all requirements of *California Code of Regulations, Title 22 (Social Security), Division 12 (Child Care Facility Licensing Regulations), Chapter 1 (Child Care Center General Licensing Requirements)*.
- b. The daycare facility shall be appropriately licensed by the California Department of Social Services.
- c. Floor area used as a daycare facility shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the daycare facility space is vacant does not count towards the required minimum.
- d. A minimum 10-year lease with a licensed daycare provider, with 5 year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the licensed daycare provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representative shall find a new licensed daycare provider to complete the 10-year term. For the purposes of this provision, the time in which the daycare facility space is vacant does not count towards the required minimum.
- e. The floor area devoted to a daycare facility shall be located on-site.

- f. For a project which is obtaining additional floor area for providing a daycare facility, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the daycare facility required pursuant to this Section.

2. Full-Service Grocery Store Incentive Area

A project within a Full-Service Grocery Store Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area for providing a full-service grocery store subject to the following standards:

- a. The full-service grocery store shall have at least 10,000 square feet of floor area.
- b. At least 25% of the floor area of the full-service grocery store shall dedicate to perishable food items.
- c. The full-service grocery store shall accept EBT or other forms of government assistance.
- d. Floor area used as a full-service grocery store shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the full-service grocery store space is vacant does not count towards the required minimum.
- e. A minimum 10-year lease with a full-service grocery store, with 5 year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the full-service grocery store is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new full-service grocery store to complete the 10-year term. For the purposes of this provision, the time in which the full-service grocery store space is vacant does not count towards the required minimum.
- f. The floor area devoted to a full-service grocery store shall be located on-site.
- g. For a project which is obtaining additional floor area for providing a full-service grocery store, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the full-service grocery store required pursuant to this Section.

3. Health Center Incentive Area

A project within a Health Center Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area for providing a health center, subject to the following standards:

- a. The health center shall be certified by the United States Department of Health and Human Services, Health resources and Services Administration (HRSA) as a Federally Qualified Health Center (FQHC), or FQHC Look-Alike as defined by the HRSA.

- b. Floor area provided for a health center shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the health center space is vacant does not count towards the required minimum.
- c. A minimum 10-year lease with a health service provider, with 5 year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the health service provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new health service provider to complete the 10-year term. For the purposes of this provision, the time in which the health center space is vacant does not count towards the required minimum.
- d. The floor area used as a health center shall be located on-site.
- e. For a project which is obtaining additional floor area for providing a health center, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the health center required pursuant to this Section.

4. **Employment Incentive Area**

A project within an Employment Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area, subject to the following standards:

- a. A minimum of 50% of the floor area permitted by the Base FAR must be used for nonresidential uses outlined in the applicable CPIO or Specific Plan (eligible uses).
- b. The floor area for those eligible uses is maintained for a minimum of 55 years after the issuance of the Certificate of Occupancy. For the purposes of this provision, the time in which the spaces for eligible uses is vacant does not count towards the required minimum.
- c. A minimum 10-year lease(s) with a tenant with an eligible use, with 5 year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the tenant with an eligible use is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new tenant with an eligible use to complete the 10-year term. For the purposes of this provision, the time in which the floor area for those eligible uses is vacant does not count towards the required minimum.
- d. The floor area devoted to eligible uses shall be located on-site.

5. **School and Library Incentive Area**

A project is within a School and Library Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area by providing a public school or public library, subject to the following standards:

- a. Floor area used for a school shall be occupied by a school run by or approved by the Los Angeles Unified School District (LAUSD), and shall be properly accredited. Floor area used for a library shall be occupied by a library operated by the City of Los Angeles Library Department. The applicant must obtain a written agreement from either LAUSD or the City of Los Angeles Library Department confirming the space will be used for a school or library.
- b. Floor area for a school or library shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the school or library space is vacant does not count towards the required minimum.
- c. A minimum 55-year lease with a school run by or approved by LAUSD or the City of Los Angeles Library Department shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the school run by or approved by LAUSD or the City of Los Angeles Library Department is required to complete the term of the lease. If the lease is not completed by a school run by or approved by LAUSD prior to the 10-year term, the property owner or their representatives shall find a new school run by or approved by LAUSD to complete the 10-year term. For the purposes of this provision, the time in which the public school or public library space is vacant does not count towards the required minimum.
- d. The floor area devoted to a school or library shall be located on-site.
- e. For a project which is obtaining additional floor area for providing a school or library, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the school or library required pursuant to this Section.

6. Social Service Incentive Area

A project within a Social Service Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area, subject to the following standards:

- a. The project provides floor area for employment services, job training, business incubation, youth development, educational services, medical care, mental health care, substance abuse treatment, or food aid (social service centers).
- b. The social service center must be operated by a government agency or a 501(c)(3) non-profit organization.
- c. Services shall be provided on a voluntary basis with an emphasis on employment services, job training, business incubation, youth development, educational services, medical care, mental health care, substance abuse treatment, food aid, or other services deemed appropriate by the Director of Planning pursuant to *Sec. 13B.2.5. (Director Determination)*.

- d. Floor area used as a social service center shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the floor area for social service center is vacant does not count towards the required minimum.
- e. A minimum 10-year lease(s) with a social service center, with 5 year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the social service center is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new social service center to complete the 10-year term. For the purposes of this provision, the time in which the floor area for social service center is vacant does not count towards the required minimum.
- f. The floor area devoted to a social service center shall be located on-site.
- g. For a project which is obtaining additional floor area for providing a social service center, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the social service center required pursuant to this Section.

7. **Civic Facility Incentive Area**

A project is within a Civic Facility Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area by providing a civic facility, subject to the following standards:

- a. Eligible facilities include: cultural centers, museums, police stations, fire stations, community centers, indoor recreation, or other public facilities deemed appropriate by the Director of Planning pursuant to *Sec. 13B.2.5. (Director Determination)*.
- b. Floor area used for a civic facility shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the floor area for the civic facility is vacant does not count towards the required minimum.
- c. A minimum 55-year lease with the City of Los Angeles, or an organization approved by the City of Los Angeles, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the the City of Los Angeles, or the organization designated by the City of Los Angeles, is required to complete the term of the lease. If the lease is not completed by the City of Los Angeles, or an organization approved by the City of Los Angeles, prior to the 10-year term, the property owner or their representatives shall find a new organization approved by the City of Los Angeles to complete the 10-year term. For the purposes of this provision, the time in which the civic facility is vacant does not count towards the required minimum.
- d. The floor area devoted to a civic facility shall be located on-site.

- e. For a project which is obtaining additional floor area for providing a civic facility, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the civic facility required pursuant to this Section.

8. Community Benefits Fund

A project within any of the incentive areas listed above may obtain additional floor area by submitting payment to a Community Benefits Fund, in compliance with the provisions established in a CPIO or Specific Plan.

D. Incentives

1. Bonus Floor Area

A project may be awarded additional floor area up to the maximum bonus FAR allowed by the applied Form District by providing one or more of the community facilities established in *Sec. 9.3.4.C. (Community Facility Options)*. The amount of floor area shall be awarded as established in the applicable CPIO or Specific Plan.

2. Tenant Size Limitations

Community facilities are not required to conform tenant size limitations in applied Use Districts.

E. Process

1. Administrative Review

The Department of City Planning shall approve additional floor area as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied Form District for providing community facilities or contributions which meet the requirements established in Subsection C. (Community Facility Options) pursuant to *Sec. 13B.3.1. (Administrative Review)*.

2. Alternative Community Facilities

The Director of Planning may approve additional floor area, as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied Form District for providing community facilities that are not listed in Subsection C. (Community Facility Options) pursuant to *Sec. 13B.2.5. (Director Determination)*.

a. Supplemental Findings

In addition to the findings required by *Sec. 13B.2.5. (Director Determination)*, the Director of Planning must also find that the alternative community facility will enhance the built environment or quality of life in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community.

3. **Change in Operator or Provider**

The property owner shall notify the Department of City Planning in the event a change in operator or provider for community facilities occurs. the Department of City Planning shall approve any change in tenant pursuant to *Sec. 13B.3.1. (Administrative Review)*.

a. **Exceptions**

- i. Projects, or those portions of a project, which provided contributions pursuant to *Sec. 9.3.4.C.8 (Community Benefits Fund)* shall not be subject to this notification and approval requirement.
- ii. In the event that the Mayor declares a fiscal emergency, property owners will not be required to have an operator or provider for community facilities for the duration of the emergency.

4. **Annual Reporting**

Projects that provide community facilities shall demonstrate compliance with the terms required under *Sec. 9.3.4.C. (Community Facility Options)* by submitting an annual report to the Department of City Planning.

a. **Annual Community Facilities Report**

The Annual Community Facilities Report shall be provided by the property owner that delineates the following:

- i. Occupancy status of the development.
- ii. Occupancy status of the community facilities.
- iii. Type of community facilities provided.
- iv. Evidence as to compliance with the any requirements of *Sec. 9.3.4.C. (Community Facility Options)*.

b. **Non-Compliance**

Non-compliance with the applicable standards for the community facilities in *Sec. 9.3.4.C. (Community Facility Options)* shall result in either renewal of the 55-year term or legal action taken against the owner to comply with the contract.

c. **Review**

The Department of City Planning shall review the Annual Community Facilities Report pursuant to *Sec. 13B.3.1. (Administrative Review)*.

d. **Exceptions**

- i. Projects, or those portions of a project, which provided contributions to pursuant to *Sec. 9.3.4.C.8 (Community Benefits Fund)* shall not be subject to this annual report requirement.
- ii. In the event that the Mayor declares a fiscal emergency, projects will not be subject to annual report requirements during the duration of the emergency.

5. **Fine**

If a property owner is found in violation of any of the applicable standards for the community facilities in *Sec. 9.3.4.C. (Community Facility Options)*, they shall be subject to a fine equal to 10 times the value of the application fee and cumulative inspection fees paid. This fine shall be imposed for each day that the property is not in compliance with the applicable standards.

a. **Exceptions**

- i. This fine shall not be imposed for public schools or public libraries after the first lease agreement has been filed with the Department of City Planning.
- ii. This fine shall not be imposed in the event that the Mayor declares a fiscal emergency for the duration of the emergency.

b. **Relief**

This fine is appealable pursuant to *Sec. 11.2.09. (Administrative Hearing) or Chapter 1 (General Provisions and Zoning) of the LAMC.*

F. **Records and Agreements**

A covenant acceptable to the Department of City Planning must be recorded with the Los Angeles County Recorder, guaranteeing that the applicant, tenant, or property owner will dedicate floor area within the development for community facilities for the periods outlined in *Sec. 9.3.4.C. (Community Facility Options)*, and will submit annual reporting to the Department of City Planning in a manner consistent with *Sec. 9.3.4.E.4. (Annual Reporting)*.

SEC. 9.3.5. **TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS**

A. **Purpose**

The purpose of this Section is to allow for a CPIO or Specific Plan to establish a Transfer of Development Rights program to facilitate the preservation of Historic Resources or to encourage the accumulation of land for use as public parks, while enabling development rights to be used on more appropriate sites.

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.

C. **Eligibility**

A CPIO or Specific Plan shall establish donor sites (if any) that are eligible to transfer unused floor area, up to the maximum bonus FAR for the applied Form District, and receiver sites that may receive all available unused floor area from the donor sites. As part of the Transfer of Development Rights program, the applicable CPIO or Specific Plan shall establish the applicable rules of transfer needed to implement the program.

D. **Process**

To use a Transfer of Development Rights, an application must be filed pursuant to *Sec. 13B.2.5. (Director Determination)*. The CPIO or Specific Plan shall establish additional supplemental procedures in order to facilitate the transfers and their successful implementation.

E. **Records and Agreements**

A CPIO or Specific Plan shall establish any requirements for required records, such as covenants or easements, and any other agreements necessary to implement the transfers.

DIV. 9.4. GENERAL INCENTIVE PROGRAMS

SEC. 9.4.1. PERMANENT SUPPORTIVE HOUSING INCENTIVE PROGRAM

A. Purpose

1. The purpose of this Section is to facilitate the expedient production of supportive housing, general units meeting the established definitions and regulations, or qualified permanent supportive housing projects, in order to provide high-quality, well-serviced and affordable housing units which are responsive to the needs of the target population.
2. This Section is intended to facilitate construction or maintenance of supportive housing, general units pursuant to a ministerial approval process in conformance with the State density bonus provisions in *California Government Code Section 65915*. Qualified permanent supportive housing projects are those that meet the following objectives:
 - a. Projects should be located at sites that are accessible by public transit, including paratransit.
 - b. Individual dwelling units should be provided with basic amenities that are sufficient to support independent living.
 - c. Sufficient nonresidential floor area, as determined in *Sec. 9.4.1.B.2. (Supportive Services)*, should be made available on the subject property to provide the appropriate level of supportive services to the resident target population.

B. Eligibility

In order for a qualified permanent supportive housing project to be eligible for this Permanent Supportive Housing Incentive Program, it must comply with the following requirements:

1. Use of Other Residential Incentive Programs

A qualified permanent supportive housing project applying for another incentive program established in *Div. 9.2. (Affordable Housing Incentive Programs)*, *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, or affordable housing incentive provisions in any other Specific Plan or Supplemental District at the same location, shall not be eligible for approval.

2. Affordable Housing Requirements

Rents or housing costs to the occupying residents do not exceed 30% of the maximum gross income of extremely low income households, very low income households, or low income households, as those income ranges are defined by the US Department of Housing and Urban Development (HUD), or any successor agency, as verified by the Housing & Community Investment Department. A minimum of 50% of the total combined dwelling units is occupied by the target population.

3. **Supportive Services**

Applicants shall provide documentation describing the supportive services that will be provided on-site and off-site. Prior to any approval of a qualified permanent supportive housing project, the applicant shall submit information demonstrating that supportive services will be provided to residents of the project. The applicant shall indicate the name of the entity or entities that will provide the supportive services, the local public agency funding source(s) for those services, and proposed staffing levels. If a preliminary funding commitment is needed, the applicant shall also submit a signed letter of intent from the local public agency verifying that it is providing a preliminary funding commitment for the supportive services. If no funding commitment is needed, the applicant shall demonstrate that the entity or entities that will provide the supportive services are service providers pre-qualified by a local public agency. Any floor area used for the delivery of supportive services shall be considered incidental to the residential use.

4. **Housing Replacement**

Projects shall meet any applicable dwelling unit replacement requirements of *California Government Code Section 65915(c)(3)*, as verified by the Los Angeles Housing and Community Investment Department, and all applicable monitoring fees in *LAMC Chapter 1 (General Provisions and Zoning), Article 9 (Fees)* shall be paid by the applicant prior to the issuance of any building permit.

5. **Performance Standards**

a. **Location Requirement**

The qualified permanent supportive housing project shall be located within a High Quality Transit Area for the horizon year in the current Regional Transportation Plan/Sustainable Communities Strategy for the Southern California Association of Governments region.

b. **Supportive Services**

Nonresidential floor area shall be provided for on-site supportive services in the following amounts:

- i. For qualified permanent supportive housing projects with 20 or fewer total combined dwelling units, no less than 90 square feet of dedicated office space shall be provided;
or
- ii. For qualified permanent supportive housing projects with greater than 20 dwelling units, a minimum of 3% of the total residential floor area shall be dedicated for on-site supportive services provided solely to on-site residents, including but not limited to community rooms, case management offices, computer rooms, or a community kitchen.

c. Dwelling Unit Requirements

Each dwelling unit shall have a private bathroom and cooking facilities containing, at minimum, a sink, refrigerator, counter space, and a hotplate or microwave.

d. Historical Resources

The qualified permanent supportive housing project shall not involve a historical resource, as defined by *California Public Resources Code Section 21084.1*, as determined by the Director of Planning, in consultation with the Office of Historic Resources.

C. Incentives

The grant of any incentives under this Section shall not be considered an increase in density or other change which requires any corresponding zone change, General Plan amendment, project exception, or other discretionary action.

1. Base Incentives

A qualified permanent supportive housing project meeting the requirements in *Sec. 9.4.1.B. (Applicability)* is eligible for the following base incentives:

a. Minimum Lot Area per Dwelling Unit

In all Density Districts, except for 1L and 15, the number of allowable dwelling units shall not be subject to the otherwise maximum density under any applicable ordinance or Specific Plan. On any lot in Density District 15, the minimum lot area per dwelling unit shall be 500 square feet.

b. Parking

The following requirements shall apply to all qualified permanent supportive housing projects:

- i.** Up to 40% of the total required parking spaces may be provided by compact stalls.
- ii.** No parking spaces shall be required for dwelling units restricted to the target population.
- iii.** For projects located within ½-mile of a transit stop, or of a major transit stop, as defined in *California Public Resources Code, Section 21155(b)*, no more than 0.5 parking spaces shall be required for each income-restricted dwelling unit not occupied by the target population. Otherwise, no more than 1 parking space shall be required for each restricted affordable unit or efficiency dwelling unit not occupied by the target population.
- iv.** One parking space for every 20 dwelling units shall be required for the purpose of accommodating guests, supportive services, and case management.

- v. Parking reductions offered for qualified permanent supportive housing projects shall always be consistent or greater than those in *California Government Code Section 65915(p)*.
- vi. If the parking requirements applicable to the project site pursuant to *Div. 4C.4. (Automobile Parking)* are less than the parking required by one of the applicable parking options in this Section, an applicant may use the parking requirements of *Div. 4C.4. (Automobile Parking)*.

c. Floor Area

Areas designated exclusively for supportive services use or public areas accessible to all residents, including those for residential or supportive services uses, shall not be considered as floor area of the building for the purposes of calculating the total allowable floor area. The floor area shall be measured to the center line of wall partitions between public and non-public areas.

d. Conversion or Replacement of Existing Residential Hotel Use

Despite the provisions of the applied Use District, a qualified permanent supportive housing project developed pursuant to this Section shall be permitted when the project is converted from, or is a replacement of a Residential Hotel as defined in *LAMC Chapter 4 (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition), Section 47.73.S. (Definitions)*, and is a continuation of an existing residential use. The replacement shall comply with the provisions of *LAMC Chapter 4 (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition)*, as approved by the Los Angeles Housing and Community Investment Department. The total number of dwelling units may be increased as part of the conversion or replacement. This paragraph shall not apply to a Residential Hotel located on a lot in Density District 20 or more restrictive.

2. Additional Incentives

A qualified permanent supportive housing project meeting the requirements in *Sec. 9.4.1.B. (Applicability)* is eligible for any combination of up to 5 additional incentives described below, as applicable.

a. Yard

A qualified permanent supportive housing project may obtain up to a 20% decrease in the any required yard, and all adjustments to individual yards may be combined to count as one incentive, except that:

- i. The project must still provide landscaping sufficient in compliance with the landscape requirements in *Div. 4C.4. (Automobile Parking)*.
- ii. No reduction is permitted along a property line that abuts a property in Density District 1L or any Open Space Use District.

- iii. In Residential Use Districts, the resulting primary street setback may not be less than the average of the primary street setbacks, as measured to the main building, of adjoining lots along the same street face. If located on a corner lot or adjacent to a vacant lot, the primary street setback may align with the facade of the adjacent building along the same primary street lot line, and may result in more or less than a 20% decrease in the required yard. If there are no adjacent buildings, no reduction is permitted.

b. Building Coverage

Up to a 20% increase in building coverage limits, provided that the landscaping for the qualified permanent supportive housing project is sufficient to provide 10% more landscaping than otherwise required by *Div. 4C.4. (Automobile Parking)*.

c. Floor Area Ratio

- i. Up to a 35% increase in the Base FAR.
- ii. On lots in Density District 15, up to a 20% increase in the Base FAR.
- iii. Regardless of the FAR established by the applied Form District, FAR not to exceed 3:1, provided the lot is in a Commercial or Commercial-Mixed Use District.

d. Height

Up to a 35% increase in the maximum allowable height in feet, applicable over the entire lot regardless of any of the lower underlying height limits. In any Form District in which the height in stories is limited, this provision shall permit a maximum height increase of one additional story of up to eleven feet. For the purposes of this height incentive, other transitional height requirements in this Zoning Code (Chapter 1A) shall not apply. In their place, the following transitional height requirements shall be applied:

- i. When adjacent to or across an alley from lots within Density District 1L or 2L, the building's height shall be stepped back within a 45-degree angle as measured from a point 25 feet above grade at the property line.



- ii. On lots in Density District 15, when adjacent to or across an alley from lots in Density District 1L or 2L, the building's height shall be stepped back within a 45-degree angle as measured from a point 20 feet above grade at the property line.



e. **Lot Amenity Space and Residential Amenity Space**

Up to a 20% decrease in the required lot amenity space and residential amenity space, provided that the landscaping for the qualified permanent supportive housing project is sufficient to provide 10% more landscaping than otherwise required by *Div. 4C.4. (Automobile Parking)*.

f. **Averaging of Floor Area Ratio, Parking**

A qualified permanent supportive housing project that is located on two or more contiguous parcels may average the floor area, lot amenity space, residential amenity space, and parking over the project site, provided that:

- i. The proposed use is permitted by the applied zone for each lot; and
- ii. No further lot line adjustment or any other action that may cause the qualified permanent supportive housing project site to be subdivided subsequent to this grant shall be permitted.

g. **Ground Floor Use**

Where nonresidential floor area is required by this Code, Specific Plan, Community Plan, or other set of standards, that requirement may be satisfied by any active ground floor use such as community rooms, resident amenities, supportive service areas, or lot amenity space.

h. **Other Development Standard**

Up to 20% relief may be provided from one other development standard not described in this Section, as that term is defined in *California Government Code Section 65915(o)(1)*.

D. Process

1. Qualified Permanent Supportive Housing Projects Meeting All Applicability Requirements

To use an incentive, as outlined in *Sec. 9.2.1.C. (Incentives)*, an applicant must file pursuant to *Sec. 13B.3.1. (Administrative Review)*.

a. Application Material

All applications shall be reviewed for compliance with the provisions in this Section, eligibility requirements in *Sec. 9.4.1.B. (Eligibility)*, and compliance with the applicable incentive standards in *Sec. 9.4.1.C. (Incentives)*. The application shall be approved by the Department of City Planning if the standards of this Section are met.

b. Notification of Application

Despite the provisions of *Sec. 13B.3.1. (Administrative Review)*, the following requirements shall be completed at least 30 days prior to the Department of City Planning's approval of the qualified permanent supportive housing project:

- i. The Department of City Planning shall send written notices of the qualified permanent supportive housing project application by U.S. mail to the abutting property owners, applicable Neighborhood Council and the Council District Office of the site; and
- ii. The applicant shall post, in a conspicuous place near the entrance of the property, a public notice of the qualified permanent supportive housing project application. The applicant shall submit proof of posting to the Department of City Planning, which includes submission of a completed public notice form provided by the Department of City Planning and photographs of the posted notice.

c. Additional Incentives

The City may not apply a development standard that will physically preclude the construction of the qualified permanent supportive housing project. Applicants may request additional incentives pursuant to the procedures described in *Sec. 9.2.1.G.3. (Projects with Requests for Waiver or Modification)*.

2. Deviations from Performance Standards

The Zoning Administrator may modify the requirements of *Sec. 9.4.1.B.5 (Performance Standards)* for qualified permanent support housing projects, pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, when the applicant can demonstrate that the project remains consistent with the purpose of those standards.

E. **Records and Agreements**

Prior to the issuance of any building permit for a qualified permanent supportive housing project, the applicant shall record a covenant acceptable to the Los Angeles Housing and Community Investment Department that reserves and maintains the total combined number of dwelling units designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.

SEC. 9.4.2. INTERIM CONVERSIONS OF LODGING UNITS PROGRAM

A. Purpose

The purpose of this Section is to facilitate the interim use of existing lodging units as supportive housing, general, or transitional housing for persons experiencing homelessness or those at risk of homelessness. Under this Section, the structure may return to its previous use, or any use consistent with the zoning of the lot, upon termination of the interim supportive housing, general or transitional housing use.

B. Eligibility

An interim lodging unit housing project is eligible for conversion to supportive housing, general or transitional housing for persons experiencing homelessness or those at risk of homelessness, as determined by the local public agency, if they meet the following requirements:

1. Certificate of Occupancy

The structure has a Certificate of Occupancy as a lodging structure.

2. Use of Dwelling Units

All household dwelling units and efficiency dwelling units, or a combination of both, in the structure must be used for supportive housing, general or transitional housing.

3. No Additions

The interim lodging unit housing project does not increase or add floor area or expand the building footprint or height.

4. No Expansion of Use

The interim lodging unit housing project does not increase the total combined number of household dwelling units or efficiency dwelling units shall not exceed the existing number of lodging units.

5. Permitted Use

Any floor area used for on-site supportive services shall be considered accessory to the residential use.

6. Supportive Service Area

For every 20 dwelling units, a minimum of one dedicated office space shall be provided for the provision of on-site supportive services, including case management. A minimum of one dedicated office space shall be provided for interim lodging unit housing projects with fewer than 20 total dwelling units. Any floor area dedicated to supportive services may be provided on-site within an existing building, but shall not exceed 10% of the total floor area of the building.

7. Supportive Services Contract

- a. The applicant shall provide a copy of an executed contract agreement between the local public agency, the provider of the supportive housing, general, or transitional housing, and the interim lodging unit housing project applicant for the provision of on-site supportive housing, general, or transitional housing, or a combination of both.
- b. The applicant shall provide proof that the applicant has received funding from a local public agency.
- c. The applicant shall provide proof that the supportive housing, general, or transitional housing contract is in effect.

8. Residential Hotel Ordinance

If structures or units are subject to the provisions of *LAMC Chapter 4, Article 7.1. (Residential Hotel Unit Conversion and Demolition)* on the date of the interim lodging unit housing project application, they shall remain subject to all requirements and restrictions in *LAMC Chapter 4 (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition)* during the supportive housing, general, or transitional housing contract.

9. Designated Historic Resource

An Interim lodging unit housing project shall not involve alteration of an historic-character-defining feature of a designated historic resource, unless the Director of Planning, in consultation with the Office of Historic Resources, determines the proposed alteration will not adversely impact the property's historic eligibility.

C. Incentives

Interim lodging unit housing projects shall not be subject to any otherwise applicable zoning, Specific Plan, or Supplemental District regulations, including, but not limited to, the following:

1. Minimum Area per Household Dwelling Unit or Efficiency Dwelling Unit

Interim lodging unit housing projects shall not be considered an increase in density or other change which requires any corresponding discretionary action. A structure, regardless of any nonconforming status as to the regulations of the applied Form District and Density District, may be used for an interim lodging unit housing project.

2. Off-Street Automobile Parking

Interim lodging unit housing projects shall be exempt from the provisions of *Div. 4C.4. (Automobile Parking)* during the supportive housing, general, or transitional housing contract, however, the interim lodging unit housing project shall maintain and not reduce the number of on-site parking spaces existing on the date of the interim lodging unit housing project application.

3. Use Permission

Despite the provisions of the applied Use District or any nonconforming use provision to the contrary, an interim lodging unit housing project shall be permitted.

4. Minor Interior Alterations for Cooking Facilities

Approved interim lodging unit housing project applicants may make minor interior alterations adding cooking facilities, including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave, to efficiency dwelling units. In the event a structure is returned to the motel or hotel use in accordance with Sec. 9.4.1.D.3. (*Termination of Supportive Housing or Transitional Housing Contract*), the lodging may maintain any efficiency dwelling units with added cooking facilities.

5. Preservation of Nonconforming Rights

Upon termination of the supportive housing, general or transitional housing use, in accordance with Sec. 9.4.1.D.3. (*Termination of Supportive Housing or Transitional Housing Contract*), any structure that is nonconforming as to area or use regulations or any other requirements in this Zoning Code (Chapter 1A) may return to the use and condition authorized by a Certificate of Occupancy existing on the date of the interim lodging unit housing project application, despite any physical alterations to the subject property. Any floor area used for supportive services may be returned to use as lodging units, or may be converted to accessory amenity spaces, so long as the total number of lodging units do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for interim lodging unit housing project.

D. Process

1. Department of Building and Safety Review

Interim lodging unit housing projects shall be approved by the Department of Building and Safety if the eligibility requirements of Sec. 9.4.2.B. (*Eligibility*), and the applicable standards described in Sec. 9.4.2.C. (*Incentives*) are met, and the incentives described in Sec. 9.4.2.C. (*Incentives*) shall be granted.

2. Residential Hotel Ordinance

Interim lodging unit housing project applicants seeking to convert structures subject to the Residential Hotel Ordinance pursuant to LAMC Chapter 4 (*Public Welfare*), Article 7.1. (*Residential Hotel Unit Conversion and Demolition*) must also submit an application using the process described in LAMC Chapter 4 (*Public Welfare*), Section 47.78. (*Application for Clearance*).

3. Termination of Supportive Housing or Transitional Housing Contract

Upon any termination of the supportive housing, general, or transitional housing contract, the following shall apply:

- a. The interim lodging unit housing project applicant shall be required, within 90 days, to notify the Department of Building and Safety and to complete one of the following:
 - i. Submit an application to the Department of Building and Safety to return to the use, authorized by a Certificate of Occupancy, existing on the date of the interim lodging unit housing project application, or to any use permitted by the current zoning regulations; or
 - ii. Provide a copy of a new executed contract agreement to the Department of Building and Safety in accordance with the requirements in *Sec. 9.4.2.B.7. (Supportive Services Contract)* to begin a new contract term for provision of supportive housing, general, or transitional housing.
- b. The number of Residential Units, as defined in *LAMC Chapter 4 (Public Welfare), Section 47.73.T. (Definitions)*, at each participating structure of an interim lodging unit housing project which has been converted to structures subject to *LAMC Chapter 4 (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition)* shall be identical to the number of units originally determined by the Housing and Community Investment Department to be Residential Units pursuant to *LAMC Chapter 4 (Public Welfare), Section 47.76. (Residential Unit Status Determination)* or any subsequent number approved as part of an application using the process described in *LAMC Chapter 4 (Public Welfare), Section 47.78. (Application for Clearance)*.

4. **Modifications to Interim Lodging Unit Housing Project Applicability Requirements**

The Zoning Administrator may modify or exempt the applicability requirements for interim lodging unit housing projects in *Sec. 9.4.2.B.6 (Supportive Service Area)* and *Sec. 9.4.2.B.9 (Historic Building)*, pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, when the applicant can demonstrate that the project remains consistent with the purpose of those standards.

SEC. 9.4.3. SENIOR CARE FACILITIES INCENTIVE PROGRAM

A. Purpose

The purpose of this Section is to provide development standards for supportive housing, medical care and supportive housing, non-medical for senior citizens, or "senior care facilities", and create a single process for approvals and facilitate the processing of applications for an eldercare facility. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

B. Applicability

A senior care facilities project located on a lot or lots in any Agricultural, Residential, Residential-Mixed, Commercial, or Commercial-Mixed Use District.

C. Incentives

1. Zoning District Requirements

The Zoning Administrator may permit a senior care facilities project that does not meet the requirements of the applied Use District or Density District, or height provisions of the applied Form District, or the requirements of any Specific Plan, Supplemental District, or Citywide regulation adopted or imposed by City action.

2. Development of Site

New buildings or structures may be erected, enlargements may be made to existing buildings, and the existing housing types within the senior care facilities project may be extended on the approved site, provided that development plans are submitted to and approved by the Zoning Administrator. The Zoning Administrator may disapprove the plans where it is found that the use does not conform to the purpose and intent of the findings required for senior care facilities under this Section, and may specify the conditions under which the plans may be approved.

D. Procedures

1. Review

The Zoning Administrator may permit a senior care facilities project utilizing the incentives outlined in *Sec. 9.4.3.C. (Incentives)* pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*.

a. Supplemental Findings

In addition to the findings set forth in *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, the Zoning Administrator shall not grant the approval unless it is also found that:

- i. The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations;

- ii. The senior care facilities project shall provide support services to senior citizens to meet citywide demand; and
- iii. The senior care facilities project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.

2. **Subsequent Change of Use**

Residential uses, as established in *Sec. 5C.1.1. (Residential Uses)*, within a senior care facilities project may not be changed to a different residential use unless it has been subsequently approved. The Zoning Administrator may approve changes to the number of household dwelling units, efficiency dwelling units, beds, or floor area provided that a minimum of 75% of the floor area, exclusive of common areas, shall consist of supportive housing, medical care or supportive housing, non-medical for senior citizens.

SEC. 9.4.4. NON-PERMITTED DWELLING UNITS PROGRAM

A. Purpose

The purpose of this Section is to further health and safety standards in multi-unit buildings and preserve and create affordable housing units by establishing procedures to legalize certain pre-existing non-permitted dwelling units in conformance with the State Density Bonus provisions in *California Government Code Section 65915*.

B. Eligibility

A structure with a non-permitted dwelling unit located in all Density Districts, except for Density District 1L, is eligible for the provisions of this Section when the following criteria are met:

1. Pre-Existing Units

The units to be legalized have been occupied as a dwelling unit at any time between December 11, 2010 and December 10, 2015. Examples of the types of evidence to establish occupancy include, but are not limited to:

- a. Apartment lease;
- b. Utility bill;
- c. Rent Stabilization Ordinance (RSO) Rent Registration Certificate;
- d. Code enforcement case documentation (e.g., Orders to Comply); or
- e. Other evidence identified on the application form and made available for public inspection in the case file.

2. Restricted Affordable Units

At least one additional restricted affordable unit is being provided on the project site. A restricted affordable unit. Affordable means that rents or housing expenses cannot exceed 30% of the maximum gross income of each respective household income group. Moderate income units may be used, provided the project is not located in a Low-Moderate Census Tract pursuant to the Community Reinvestment Act.

3. Performance Standards

The property shall meet the following performance standards:

a. Front Yard Landscaping

All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, are landscaped and maintained, and not otherwise paved.

b. Lighting

Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.

c. Parking Area

Any surface parking areas are landscaped pursuant to the requirements of *Div. 4C.4. (Automobile Parking)*.

d. Signs

Any illegal signs shall have been removed.

e. Code Violations

The project site must not have any outstanding code violations other than those being addressed by the application under this Section.

f. Unpermitted Building Footprint Expansion

The dwelling units to be legalized shall not result or have resulted in an unpermitted expansion of the building footprint or height, except that additions of less than 250 square feet, not resulting in any additional height, may be permitted, provided it is not located on the building frontage adjoining the front yard. The purpose of this standard is to limit exterior alterations to those that are minor and do not have a significant impact on the visual character of the building or neighborhood.

C. Incentives

A property meeting the eligibility criteria above must comply with all applicable zoning regulations, except:

1. The grant of permitted status to pre-existing unpermitted units under this Section shall not be considered an increase in density or other change which requires any corresponding Zone Change, General Plan Amendment, Project Exception, or other discretionary action.
2. The number of allowable dwelling units can be increased up to 35% over the otherwise maximum allowable density of the applied Density District or applicable Specific Plan, depending on the percentage of restricted affordable units provided in the building, pursuant to the Density Bonus charts in *California Government Code Section 65915(f)*. These charts can be extended proportionally to permit both a density increase and an affordable set-aside less than what is shown on the charts.
3. For properties which have more permitted dwelling units than are allowed under current maximum allowable density, an increase in current maximum allowable density beyond 35% may be authorized as long as the project offers sufficient restricted affordable units to achieve at least a 35% density bonus pursuant to the density bonus charts in *California Government Code Section 65915(f)* and the increase in number of dwelling units does not exceed 35% of

the number of permitted dwelling units on the property. Regardless of the actual number of permitted dwelling units on the property, the base number of dwelling units for calculating the percentage of restricted affordable units shall be the dwelling units allowed by the current maximum residential density.

4. A property containing one structure with two permitted dwelling units in all Density District except for Density District 1L may legalize a third unit as long as one of the dwelling units is a restricted affordable unit, even if the third dwelling unit increases the density by more than 35%.
5. An applicant may choose any one of the following methods of calculating required parking, if applicable, in conjunction with the bicycle parking provisions in *Div. 4C.4. (Automobile Parking)*. If the net new number of required parking spaces is other than a whole number, it shall be rounded up to the next whole number.
 - a. Parking may be recalculated for all units in the project (not just the restricted units) using Parking Option 1 in *Sec. 9.2.1. (Density Bonus)*.
 - b. Parking may be calculated by maintaining all existing parking and providing additional parking just for the newly legalized units in accordance with Parking Option 2 in *Sec. 9.2.1. (Density Bonus)*, as long as one restricted affordable unit or dwelling unit for low income individuals who are senior citizens, or who have a physical or mental impairment that limits one or more major life activities is provided for each legalized unit.
 - c. Parking may be calculated by maintaining all existing parking and providing additional parking at a ratio of 0.5 parking spaces per bedroom for the newly legalized dwelling units for a project located within one half mile of a major transit stop, which is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute period or a major transit stop included in the applicable Regional Transportation Plan/Sustainable Community Strategy (RTP/STS).
6. The applicant shall be eligible for up to three concessions or incentives in accordance with *California Government Code Section 65915(d)(2)*, depending on the percentage of restricted affordable units provided. For the purposes of this Section, a concession or incentive means a reduction in a site development standard or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, including, but not limited to, a reduction in lot amenity space requirements and in the ratio of vehicular parking spaces that would otherwise be required.
7. The City may not apply a development standard that will physically preclude the legalization of a project which meets the eligibility criteria of *Sec. 9.4.4.D.5.c. (Parking)* at the densities or with the concessions or incentives permitted by this Section. Development standards, include, but are not limited to: a site condition; a height limitation; a yard requirement; a floor

area ratio; an lot amenity space requirement; or a parking ratio that applies to a residential development pursuant to any ordinance, General Plan Element, Specific Plan, Charter, or other local condition, law, policy, resolution, or regulation. Development standards do not include conditions imposed through discretionary approvals. Incentives shall not be used to exempt compliance with performance standards.

8. The street dedication provisions of *Article 10. (Streets and Parks)* shall not apply when dwelling units are legalized under this Section.
9. The City's Affordable Housing Incentive Guidelines shall not apply to projects under this Section.

D. **Process**

1. **Administrative Review**

The applicant shall submit an application on a form developed by the Department of City Planning that contains basic information about the project, the owner or applicant, and conformance with this section. The Director of Planning shall review all applications for compliance with the eligibility criteria in *Sec. 9.4.4.C. (Eligibility)*. The application shall be approved by the Director of Planning if the eligibility criteria and performance standards of this Section are met pursuant to *Sec. 13B.3.1. (Administrative Review)*.

2. **Relief**

The Zoning Administrator may modify or exempt the performance standards in *Sec. 9.4.4.B.3. (Performance Standards)*, pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, when the applicant can demonstrate that the project remains consistent with the purpose of those standards.

E. **Records and Agreements**

Prior to the issuance of any building permit, a covenant acceptable to the Los Angeles Housing and Community Investment Department, shall be recorded with the Los Angeles County Recorder, guaranteeing that each required restricted affordable unit shall be reserved and maintained for at least 55 years from the issuance of the Certificate of Occupancy.

SEC. 9.4.5. DOWNTOWN ADAPTIVE REUSE PROGRAM

A. Purpose

The purpose of this Section is to facilitate the preservation and reuse of existing buildings in the Downtown Community Plan Area, and implement the General Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to apartments, live/work units, offices, or visitor-serving facilities. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live/work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other.

B. Eligibility

The provisions of this Section shall apply to adaptive reuse projects in all or any portion of the following buildings and structures in the Downtown Community Plan Area:

1. Buildings That Are At Least 25 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 25 years old. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

2. Buildings That Are At Least 10 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 10 years old. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

3. Historic Buildings

Designated historic resources and surveyed historic resources are also eligible buildings.

4. Parking Structures

Any parking structure, or parking area within an existing building, with a Certificate of Occupancy which was issued at least 10 years prior to the date of application.

C. Standards

1. Loading Space

Loading spaces which are part of a street-facing facade on lots zoned with a Frontage District established in *Div 3B.9. (Character Frontage)* shall be maintained. Otherwise, it shall be allowed to be removed.

2. 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

Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, Downtown adaptive reuse projects shall be entitled to the incentives set forth 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. The following incentives supersede the requirements established in *Div. 9.3. (Community Benefits Program)*.

1. Floor Area

a. Existing Floor Area

Existing floor area which exceeds the maximum floor area ratio of the applied Form District shall be considered allowed.

b. New Floor Area Within Existing Building Envelope

Any additional floor area, including mezzanines, as defined by *Chapter 9 (Building Regulations) of this Code*, created within an existing building shall not be counted towards the maximum floor area limit for the lot.

c. Changes of Use in Previously Exempted Floor Area

The following actions shall not be considered as adding new floor area that enlarges an existing building or structure:

- i. The change of use of any area of an existing building that is exempt from floor area, to any use permitted in the applied Use District, including the renovation of any interior portion of an existing building for a permitted use. However, this shall not include new construction, and must be located within the building's existing exterior walls and below the existing roof.
- ii. The change of use of any area of an existing building which is exempt from floor area to lot amenity spaces or residential amenity spaces.
- iii. The change of use of any area of an existing basement or portions of an eligible building that are below grade.
- iv. The conversion of existing parking areas or structures as long as the conversion remains within the exterior walls of the existing building.

d. New Rooftop Structures

The construction of new structures on the existing roof shall not be considered new floor area, as long as the new rooftop structures:

- i. Do not exceed one story.
- ii. Comply with the height requirements of the applied Form District.

e. Unified Development

- i. For buildings listed as designated historic resources or surveyed historic resources that are incorporated as part of a unified development composed of two or more buildings, the existing floor area, up to a maximum of 50,000 square feet, shall be exempted from the maximum floor area limit for the lot. This incentive shall not be utilized if the unified development involves the demolition or facade alteration of any portion of a designated historic resource or surveyed historic resource which has not been approved by the Office of Historic Resources.
- ii. The averaging of floor area ratios may be permitted even if buildings on each individual lot would exceed the permitted floor area ratio. However, the total floor area for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area by the applied Form Districts.

2. Height

a. Existing Height

An existing building which is a part of an adaptive reuse project shall be allowed to maintain its existing height, regardless of whether it exceeds the maximum height in feet or height in stories, minimum height in stories of the applied Form District.

b. New Stories Within Existing Building Envelope

Any additional story created within an existing building which is a part of an adaptive reuse project shall not be counted as an additional story towards any height in stories limit.

3. Yards

Existing observed yards which do not meet the yards required by the applied Form District shall be allowed.

4. Lot Amenity Space & Residential Amenity Space Requirements

An adaptive reuse project shall not be required to provide any additional lot amenity space or residential amenity space as a result of a change of use.

5. **Upper-Story Bulk**

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper-story provisions established in *Div. 2C.5. (Upper-Story Bulk)*.

6. **Building Mass**

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions established in *Div. 2C.6. (Building Mass)*.

7. **Frontage District Standards**

Adaptive reuse projects shall not be required to bring eligible buildings or structures into conformance with the applied Frontage District. Where an eligible building or structure is nonconforming as to the applied Frontage District an adaptive use project shall not further reduce compliance.

8. **Project Review**

Adaptive reuse projects shall be exempt from any requirements to go through the Project Review process as determined by the applied Development Standards District and set forth in *Div. 4C.14. (Project Review Threshold)*.

9. **Loading Space**

If no loading space is provided, then a loading space shall not be required.

10. **Density**

Dwelling units and joint living and work quarters shall not be subject to the lot area per dwelling unit or dwelling unit per lot requirements of the applied Density District.

E. **Process**

1. **Buildings That Are At Least 25 Years Old**

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 25 years old shall be approved by the Department of Building and Safety if the requirements of *Sec. 9.4.5.B. (Applicability)*, and the standards described in *Sec. 9.4.5.C. (Incentives)* and *Sec. 9.4.5.D. (Standards)* are met, and the incentives described in *Sec. 9.4.5.C. (Incentives)* shall be granted.

2. **Buildings That Are At Least 10 Years Old**

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 10 years old may be approved by the Zoning Administrator, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, if the adaptive reuse project complies with the provisions established in *Sec. 9.4.5.B. (Applicability)*, *Sec. 9.4.5.C. (Standards)*, and *Sec. 9.4.5.D. (Incentives)*.

3. Relief

The Zoning Administrator may grant, modify or deny some or all of the incentives established in *Sec. 9.4.5.D. (Incentives)* pursuant to *Sec. 13.B.2.1. (Class 1 Conditional Use Permit)*.

Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or relief from other zoning district standards required to permit *adaptive reuse projects* proposed pursuant to this Section, including but not limited to the authority to permit *dwelling units and joint living and work quarters*, regardless of the nonconforming provisions of *Article 12. (Nonconformities)*.

SEC. 9.4.6. **CITYWIDE ADAPTIVE REUSE PROGRAM**

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.

B. Eligibility

The provisions of this Section shall apply to adaptive reuse projects outside the Downtown Community Plan Area and the Adaptive Reuse Incentive Areas Specific Plan, in any Commercial or Commercial-Mixed Use District, or on any lot in Density District 2 or FA, regardless of Use District, in the following buildings and structures:

1. Buildings That Are At Least 25 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 25 years old. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

2. Buildings That Are At Least 10 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 10 years old. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

3. Historic Buildings

Designated historic resources and surveyed historic resources are also eligible buildings.

4. Parking Structures

Any parking structure, or parking area within an existing building, with a Certificate of Occupancy which was issued at least 10 years prior to the date of application, in excess of the minimum parking required by this Zoning Code (Chapter 1A).

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. **More than 18 Dwelling Units**

An adaptive reuse project that involves the creation of more than 18 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 55 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.

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.

1. Floor Area

a. **Existing Floor Area**

Existing floor area which exceeds the maximum floor area ratio of the applied Form District shall be considered allowed.

b. **New Floor Area Within Existing Building Envelope**

Any additional floor area, including mezzanines, as defined by *Chapter 9 (Building Regulations) of this Code*, created within an existing building shall not be counted towards the maximum floor area limit for the lot.

c. Changes of Use in Previously Exempted Floor Area

The following actions shall not be considered as adding new floor area that enlarges an existing building or structure:

- i. The change of use of any area of an existing building that is exempt from floor area, to any use permitted in the applied Use District, including the renovation of any interior portion of an existing building for a permitted use. However, this shall not include new construction, and must be located within the building's existing exterior walls and below the existing roof.
- ii. The change of use of any area of an existing building which is exempt from floor area to lot amenity spaces or residential amenity spaces.
- iii. The change of use of any area of an existing basement or portions of an eligible building that are below grade.
- iv. The conversion of existing parking areas or structures as long as the conversion remains within the exterior walls of the existing building.

d. New Rooftop Structures

The construction of new structures on the existing roof shall not be considered new floor area, as long as the new rooftop structures:

- i. Do not exceed one story.
- ii. Comply with the height requirements of the applied Form District.

e. Unified Development

- i. For buildings listed as designated historic resources or surveyed historic resources that are incorporated as part of a unified development composed of two or more buildings, the existing floor area, up to a maximum of 50,000 square feet, shall be exempted from the maximum floor area limit for the lot. This incentive shall not be utilized if the unified development involves the demolition or facade alteration of any portion of a designated historic resource or surveyed historic resource which has not been approved by the Office of Historic Resources.
- ii. The averaging of floor area ratios may be permitted even if buildings on each individual lot would exceed the permitted floor area ratio. However, the total floor area for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area by the applied Form Districts.

2. Height

a. Existing Height

An existing building which is a part of an adaptive reuse project shall be allowed to maintain its existing height, regardless of whether it exceeds the maximum height in feet or height in stories, minimum height in stories of the applied Form District.

b. New Stories Within Existing Building Envelope

Any additional story created within an existing building which is a part of an adaptive reuse project shall not be counted as an additional story towards any height in stories limit.

3. Yards

Existing observed yards which do not meet the yards required by the applied Form District shall be allowed.

4. Lot Amenity Space & Residential Amenity Space Requirements

An adaptive reuse project shall not be required to provide any additional lot amenity space or residential amenity space as a result of a change of use.

5. Upper-Story Bulk

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper-story provisions established in *Div. 2C.5. (Upper-Story Bulk)*.

6. Building Mass

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions established in *Div. 2C.6. (Building Mass)*.

7. Frontage District Standards

Adaptive reuse projects shall not be required to bring eligible buildings or structures into conformance with the applied Frontage District. Where an eligible building or structure is nonconforming as to the applied Frontage District an adaptive use project shall not further reduce compliance.

8. Off-Street Automobile Parking

The required number of parking spaces shall be the same as the number of spaces that exist on the lot, and shall be maintained and not reduced. However, if the total parking required by *Div. 4C.4. (Automobile Parking)* for the new use is less than the number of parking spaces that exist on the lot, then the number of parking spaces may be reduced to the number of required parking spaces.

9. Loading Space

If no loading space is provided, then a loading space shall not be required.

10. Project Review

Adaptive reuse projects shall be exempt from any requirements to go through the Project Review process as determined by the applied Development Standards District and set forth in *Div. 4C.14. (Project Review Threshold)*.

11. Density

Dwelling units and joint living and work quarters shall not be subject to the lot area per dwelling unit or dwelling unit per lot requirements of the applied Density District.

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.

E. Process

1. Buildings That Are At Least 25 Years Old

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 25 years old shall be approved by the Department of Building and Safety if the requirements of *Sec. 9.4.6.B. (Applicability)*, and the standards described in *Sec. 9.4.6.C. (Standards)* are met, and the incentives described in *Sec. 9.4.6.D. (Incentives)* for which the project qualifies shall be granted.

2. Buildings That Are At Least 10 Years Old

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built and are at least 10 years old may be approved by the Zoning Administrator pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, if the adaptive reuse project complies with the requirements of *Sec. 9.4.6.B. (Applicability)*, and the standards described in *Sec. 9.4.6.C. (Standards)* are met, and the incentives described in *Sec. 9.4.6.D. (Incentives)* for which the project qualifies may be granted.

3. Supplemental Findings.

In addition to the findings in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator shall also find that:

- a. The eligible building is no longer economically viable in its current use or uses. In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.
- b. In approving a reduced parking incentive pursuant to *Sec. 9.4.6.D.5. (Off-Street Automobile Parking)*, the Zoning Administrator find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the site of the adaptive reuse project.

4. Relief

The Zoning Administrator may grant, modify or deny some or all of the incentives established in *Sec. 9.4.6.D. (Incentives)* pursuant to *Sec. 13.B.2.1. (Class 1 Conditional Use Permit)*.

Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or relief from other zoning district standards required to permit adaptive reuse projects proposed pursuant to this Section, including but not limited to the authority to permit dwelling units and joint living and work quarters in adaptive reuse projects, regardless of the nonconforming provisions of *Article 12. (Nonconformities)*.

DIV. 9.5. **ACCESSORY DWELLING UNIT INCENTIVE PROGRAMS**

SEC. 9.5.1. **ACCESSORY DWELLING UNIT INCENTIVE PROGRAM**

A. **Purpose**

The purpose of this Section is to provide for the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with *California Government Code Sections 65852.2.* and *California Government Code Sections 65852.22.*, as amended from time to time, and movable tiny houses.

B. **Eligibility**

1. **Zoning Administrator Authority**

It is the intent of the City to retain all portions of this Section regarding ADUs, JADUs, and movable tiny houses not in conflict with State law. The Zoning Administrator shall have authority to clarify, amend, or revoke any provision of this Section as may be necessary to comply with any State law regarding ADUs, JADUs, or movable tiny houses.

2. **Interpretation Consistent with State Law**

This Section is not intended to conflict with State law. This Section shall be interpreted to be compatible with State enactments.

3. **California Coastal Act**

Nothing in this Section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the Department of City Planning shall not be required to hold public hearings for coastal development permit applications for ADUs, JADUs, or movable tiny houses.

4. **Reconciling Provisions**

Except as otherwise stated in *Sec. 9.5.1.D. (Incentives)*, an ADU, JADU, or movable tiny houses shall comply with all applicable objective provisions required pursuant to this Zoning Code (Chapter 1A), including provisions stated in the applied zoning districts, Specific Plans, Supplemental Districts, and Special Districts. In the event that the provisions of this Section conflict with any provisions of zoning district, Specific Plan, Supplemental District, and Special District, the provisions of this Section will prevail.

C. Standards

1. Detached Accessory Dwelling Units

Except as otherwise provided in *Sec. 9.5.1.D.1. (Detached Accessory Dwelling Units)*, a detached accessory dwelling unit shall comply with the requirements of the applied zone and the following provisions.

- a. ADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot.
- b. The floor area for a detached ADU shall not exceed 1,200 square feet. Limits on floor area on a lot apply separately and may further limit allowable detached ADU square footage, except as otherwise provided by Subdivision D.1. (Incentives; Detached Accessory Dwelling Units).
- c. In the event where an ADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU, and the rear lot line, shall not exceed 1,200 square feet.
- d. Buildings containing a detached ADU shall not be greater than two stories.
- e. Detached ADUs shall not be located between a proposed or existing dwelling unit and the frontage lot line, except in the following cases:
 - i. On a through lot zoned with a Residential or Residential-Mixed Use District with no required rear setback that has a lot depth of 150 feet or more, an ADU shall not extend into either required primary street setback, except that it need not be more than 25 feet from both primary street lot lines.
 - ii. Where the ADU is being added to a lawfully existing garage or accessory building.
- f. Except as otherwise permitted by this Section, only one ADU is permitted per lot.
- g. An ADU may only be built on a lot that contains a proposed or existing dwelling unit.
- h. In cases where additional dwelling units are added to a lot after the construction of the ADU, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- i. No ADU is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone and a Hillside Area on the Hillside Area Map, unless:
 - i. The ADU is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake-Echo Park-Elysian Valley Community Plan Area; or
 - ii. The ADU complies with all of the following requirements, regardless of *Sec. 9.5.1.D.1. (Detached Accessory Dwelling Units)*:

- a) The ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;
 - b) One off-street parking space is provided for the ADU; and
 - c) The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a through lot or a corner lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.
- j. ADUs located where a private sewage disposal system is being used, shall require approval by the local health officer.

2. Attached Accessory Dwelling Units

Except as otherwise provided in *Sec. 9.5.1.D.2. (Attached Accessory Dwelling Units)*, an attached accessory dwelling unit shall comply with the requirements of the applied zone and the following provisions.

- a. ADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot.
- b. If there is an existing primary dwelling unit, the floor area of an attached ADU may not exceed 50 percent of the existing primary dwelling unit.
- c. In the event where an ADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU and the rear lot line, shall not exceed 1,200 square feet.
- d. Limits on floor area on a lot apply separately and may further limit allowable attached ADU square footage, except as otherwise provided by *Sec. 9.5.1.D.2. (Attached Accessory Dwelling Units)*.
- e. Except as otherwise permitted by this Section, only one ADU is permitted per lot.
- f. An ADU may only be built on a lot that contains a proposed or existing dwelling unit.
- g. In cases where additional dwelling units are added to a lot after the construction of the ADU, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- h. No ADU is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone and a Hillside Area on the Hillside Area Map, unless:
 - i. The ADU is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake-Echo Park-Elysian Valley Community Plan Area; or

- ii. The ADU complies with all of the following requirements, regardless of *Sec. 9.5.1.D.2. (Attached Accessory Dwelling Units)*:
 - a) The ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;
 - b) One off-street parking space is provided for the ADU; and
 - c) The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a through lot or a corner lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.
- i. ADUs located where a private sewage disposal system is being used, shall require approval by the local health officer.

3. Movable Tiny Houses

Except as otherwise provided in *Sec. 9.5.1.D.3. (Movable Tiny Houses)*, a movable tiny house shall comply with the requirements of the applied zone and the following provisions.

- a. Movable tiny houses may be sold when removed from the lot.
- b. Movable tiny houses shall not be located between the proposed or existing single-unit dwelling and the frontage lot line. On a through lot zoned with a Residential or Residential-Mixed Use District with no required rear setback that has a lot depth of 150 feet or more, a movable tiny house shall not extend into either required primary street setback, except that it need not be more than 25 feet from both primary street lot lines.
- c. Movable tiny houses shall not be greater than two stories.
- d. Movable tiny houses shall include the following design elements:

- i. **Cladding and Trim**

Materials used on the exterior of a moveable tiny house shall exclude single piece composite, laminates, or interlocked metal sheathing.

- ii. **Windows and Doors**

Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim. Windows and doors shall not have radius corners.

- iii. **Roofing**

Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area, and shall not be composed of wooden shingles.

iv. Extensions

All exterior walls and roof of a moveable any tiny house used as an ADU shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.

- e.** Except as otherwise permitted by this Section, only one moveable tiny house is permitted per lot.
- f.** A moveable tiny house may only be created on a lot that contains a proposed or existing dwelling unit.
- g.** No moveable tiny house is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone and a Hillside Area on the Hillside Area Map, unless:
 - i.** The moveable tiny house is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake-Echo Park-Elysian Valley Community Plan Area; or
 - ii.** The moveable tiny house complies with all of the following requirements, regardless of *Sec. 9.5.1.D.3. (Movable Tiny House)*:
 - a)** One off-street parking space is provided for the moveable tiny house; and
 - b)** The moveable tiny house is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the moveable tiny house is located on a through lot or a corner lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.
- h.** Moveable tiny houses located where a private sewage disposal system is being used, shall require approval by the local health officer.
- i.** When sited on a lot, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- j.** The wheels and leveling or support jacks must sit on a paved surface compliant with *Sec. 4C.4.4.C.1. (Surfacing)*.
- k.** Mechanical equipment shall be incorporated into the structure and not located on the roof.
- l.** Moveable tiny houses shall be connected to water, sewer, and electric utilities.

4. Junior Accessory Dwelling Units

Except as otherwise provided in Subdivision D.4. (Incentives; Junior Accessory Dwelling Units), a junior accessory dwelling unit shall comply with the requirements of the applied zone and the following provisions.

- a. JADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot.
- b. A JADU shall comply with all of the provisions provided in *California Government Code Sections 65852.2(e)(1)(A)* and *California Government Code Sections 65852.22*.
- c. In the event where an JADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the JADU, and the rear lot line, shall not exceed 1,200 square feet.
- d. In cases where additional dwelling units are added to a lot after the creation of the JADU, a JADU will be counted towards the overall number of dwelling units as permitted by the zone.

5. Accessory Dwelling Units in Compliance with California Government Code Section 65852.2(e)(1)(A) or (C)

An ADU described by *California Government Code, Section 65852.2.(e)(1)(A)* or *California Government Code, Section 65852.2.(e)(1)(C)* shall be approved if in compliance with the applicable provisions in *California Government Code, Section 65852.2.(e)*; and the provisions below:

- a. ADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot.
- b. In the event where an ADU would be built as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU and the rear lot line shall not exceed 1,200 square feet.
- c. In cases where additional dwelling units are added to a lot after the creation of the ADU, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.

6. Accessory Dwelling Units in Compliance with California Government Code Section 65852.2(e)(1)(B) or (D)

An ADU described by *California Government Code, Section 65852.2.(e)(1)(B)* or *California Government Code, Section 65852.2.(e)(1)(D)* shall be approved if in compliance with all of the applicable provisions in *California Government Code, Section 65852.2.(e)*; and all of the applicable provisions of *Sec. 9.5.1.C.6. (Accessory Dwelling Units in Compliance with California Government Code, Section 65852.2(e)(1)(B) or (D))*, except for those provisions which do

not allow such an ADU otherwise in compliance with all applicable provisions in *California Government Code, Section 65852.2(e)*; and all of the provisions provided below.

- a. ADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot.
- b. An ADU created pursuant to *California Government Code, Section 65852.2(e)(1)(B)* shall have a floor area of not more than 800 square feet and a height of no more than 16 feet.
- c. In the event where an ADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU, and the rear lot line, shall not exceed 1,200 square feet.
- d. An ADU created pursuant to *California Government Code, Section 65852.2(e)(1)(B)* or *California Government Code, Section 65852.2(e)(1)(D)* shall not be located on any lot that is located in both a Very High Fire Hazard Severity Zone and a Hillside Area on the Hillside Area Map, unless:
 - i. The ADU is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake-Echo Park-Elysian Valley Community Plan Area; or
 - ii. The ADU complies with all of the following requirements, regardless of *Sec. 9.5.1.D.2. (Attached Accessory Dwelling Units)*:
 - a) The ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;
 - b) One off-street parking space is provided for the ADU; and
 - c) The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a through lot or a corner lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.
- e. In cases where additional dwelling units are added to a lot after the creation of the ADU, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.

D. Incentives

1. Detached Accessory Dwelling Units

Any detached ADUs that meet the criteria established in *Sec. 9.5.1.B. (Applicability)* and *Sec. 9.5.1.C.1. (Detached Accessory Dwelling Units)* will receive the incentives outlined below.

- a. No lot area per dwelling unit or dwelling unit per lot requirement shall apply to an ADU.

- b. No additional setbacks shall be required for an existing building, or a building constructed in the same location and to the same dimensions as an existing building, converted to an ADU or portion of an ADU. A setback of no more than 4 feet from the side lot lines and rear lot lines shall be required for an ADU that is not converted from an existing building or a new building constructed in the same location and to the same dimensions as an existing building.
- c. Regardless of the requirements of the applied zone, the following parking requirements shall apply:

- i. **ADU Parking**

One parking space is required for an ADU, except that no parking is required for an ADU that is:

- a) Located within ½-mile walking distance of a public transit. For this purpose, public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public; or
- b) Located within one block of a designated pick-up and drop-off location of a car share vehicle; or
- c) Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation District; or
- d) Part of the proposed or existing primary dwelling unit or an accessory building.

- ii. **ADU Parking Location**

ADU parking is allowed in any yard area. When located in a required primary street setback, the parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required primary street setback shall not be expanded to provide required parking. The screening requirements in *Sec. 4C.4.4.C.3. (Perimeter Screening)* shall not apply to parking required for an ADU.

- iii. **Replacement Parking**

No replacement parking shall be required when a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

- d. No minimum size requirement for a detached ADU shall apply that prohibits an efficiency unit.
- e. No other minimum or maximum size for an ADU, including size based upon a percentage of the proposed or existing primary dwelling unit, or limits on building coverage, floor area ratio, outdoor amenity space, residential amenity space, and minimum lot area, shall apply for detached dwelling units that does not permit at least an 800 square foot ADU that is at least 16 feet in height with 4-foot side setbacks and rear setbacks to be constructed in compliance with all other local development standards.
- f. Except where otherwise prohibited by this Section, an ADU is permitted in all zones where residential uses are permitted by right.
- g. Regardless of the provisions of *Article 12. (Nonconformities)*, applicants for ministerial approval of a permit application for the creation of an ADU shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.
- h. ADUs are not required to provide fire sprinklers if they are not required for the primary dwelling unit.

2. **Attached Accessory Dwelling Units**

Any attached ADUs that meet the criteria established in *Sec. 9.5.1.B. (Applicability)* and *Sec. 9.5.1.C.2. (Attached Accessory Dwelling Units)* will receive the incentives outlined below.

- a. No lot area per dwelling unit or dwelling unit per lot requirement shall apply to an ADU.
- b. No additional setbacks shall be required for an existing building, or a building constructed in the same location and to the same dimensions as an existing building, converted to an ADU or portion of an ADU. A setback of no more than 4 feet from the side lot lines and rear lot lines shall be required for an ADU that is not converted from an existing building or a new building constructed in the same location and to the same dimensions as an existing building.
- c. Nothing in this Section shall prohibit an attached ADU with a floor area of less than 850 square feet, or less than 1,000 square feet for an attached ADU that provides for more than one bedroom.
- d. Regardless of the requirements of the applied zone, the following parking requirements shall apply:

- i. **ADU Parking**

One parking space is required for an ADU, except that no parking is required for an ADU that is:

- a) Located within ½-mile walking distance of a public transit. For this purpose, public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public; or
- b) Located within one block of a designated pick-up and drop-off location of a car share vehicle; or
- c) Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation District; or
- d) Part of the proposed or existing primary dwelling unit or an accessory building.

ii. **ADU Parking Location**

ADU parking is allowed in any yard area. When located in a required primary street setback, the parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required primary street setback shall not be expanded to provide required parking. The screening requirements in *Sec. 4C.4.4.C.3. (Perimeter Screening)* shall not apply to parking required for an ADU.

iii. **Replacement Parking**

No replacement parking shall be required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

- e. No minimum size requirement for an attached ADU shall apply that prohibits an efficiency unit.
- f. No other minimum or maximum size for an ADU, including size based upon a percentage of the proposed or existing primary dwelling unit, or limits on building coverage, floor area ratio, outdoor amenity space, residential amenity space, and minimum lot area, shall apply for detached dwellings that does not permit at least an 800 square foot ADU that is at least 16 feet in height with 4-foot side setbacks and rear setbacks to be constructed in compliance with all other local development standards.
- g. Except where otherwise prohibited by this Section, an ADU is permitted in all zones where residential uses are permitted by right.

- h.** Regardless of the provisions of Article 12. (Nonconformities), applicants for ministerial approval of a permit application for the creation of an ADU shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.
- i.** ADUs are not required to provide fire sprinklers if they are not required for the primary dwelling unit.

3. Movable Tiny Houses

A movable tiny house shall be approved if in compliance with all of the following provisions.

- a.** No lot area per dwelling unit or dwelling unit per lot requirement shall apply to a movable tiny house.
- b.** No minimum size requirement for a movable tiny house shall apply that prohibits an efficiency unit.
- c.** No additional setbacks shall be required for a movable tiny house installed in the same location and to the same dimensions as an existing building. A setback of no more than 4 feet from the side lot lines and rear lot lines shall be required for a movable tiny house installed in the same location and to the same dimensions as an existing building.
- d.** Regardless of the requirements of the applied zone, the following parking requirements shall apply:

- i.** **ADU Parking**

One parking space is required for a movable tiny house, except that no parking is required for a movable tiny house that is:

- a)** Located within ½-mile walking distance of a public transit. For this purpose, public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public; or
- b)** Located within one block of a designated pick-up and drop-off location of a car share vehicle; or
- c)** Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation District; or
- d)** Part of the proposed or existing primary dwelling unit or an accessory building.

ii. **ADU Parking Location**

Movable tiny house parking is allowed in any yard area. When located in a required primary street setback, the parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required primary street setback shall not be expanded to provide required parking. The screening requirements in *Sec. 4C.4.4.C.3. (Perimeter Screening)* shall not apply to parking required for an ADU.

iii. **Replacement Parking**

No replacement parking shall be required when a garage, carport, or covered parking structure is demolished in conjunction with the installation of a movable tine house.

- e. Except where otherwise prohibited by this Section, a movable tiny house is permitted in all zones where residential uses are permitted by right.
- f. No other minimum or maximum size for a movable tiny house, including size based upon a percentage of the proposed or existing primary dwelling unit, or limits on building coverage, floor area ratio, outdoor amenity space, residential amenity space, and minimum lot area, shall apply for either attached or detached dwelling units that does not permit at least a 150 square foot minimum or 430 square foot maximum movable tiny house that is at least 16 feet in height with 4-foot side setbacks and rear setbacks to be placed on a lot in compliance with all other local development standards.
- g. Movable tiny houses are not required to comply with all applicable Building Codes for the proposed use.
- h. Movable tiny houses are not required to have separate street addresses from the primary dwelling unit.
- i. Movable tiny houses are not required to have sprinklers, but shall follow the ANSI A119.5 or NFPA 1192 standards relating to health, fire, and life-safety.

4. **Junior Accessory Dwelling Units**

Applicants for ministerial approval of a permit application for the creation of an JADU in compliance with all of the provisions provided in *California Government Code, Section 65852.2(e)(1)(A)*, *California Government Code, Section 65852.22* and *Sec. 9.5.1.C.4. (Standards)*. Junior Accessory Dwelling Units shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.

5. **Accessory Dwelling Units in Compliance with California Government Code Section 65852.2(e)(1)(A) or (C)**

Applicants for ministerial approval of a permit application for the creation of an ADU as described by *California Government Code, Section 65852.2(e)(1)(A)* or *California Government Code, Section 65852.2(e)(1)(C)* shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.

6. **Accessory Dwelling Units in Compliance with California Government Code Section 65852.2(e)(1)(B) or (D)**

Applicants for ministerial approval of a permit application for the creation of an ADU as described by *California Government Code, Section 65852.2(e)(1)(B)* or *California Government Code, Section 65852.2(e)(1)(D)* shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.

E. Process

1. **Ministerial Review**

An ADU, JADU, or movable tiny house which complies with this Section shall not require a discretionary approval. The ADU, JADU, or movable tiny house project shall be reviewed in a ministerial and administrative manner, limited to only considering the project's compliance with the applicable objective standards. An application to create an ADU, JADU, or movable tiny house shall be acted upon within 60 days from the date the City receives a completed application if there is an existing single-unit or multi-unit dwelling on the lot.

a. **Accessory Dwelling Units Otherwise Required By State Law**

An application for a building permit shall be approved to create an ADU pursuant to *California Government Code, Section 65852.2(e)(1)(B)* or *California Government Code, Section 65852.2(e)(1)(D)* within a residential or mixed-use zone, in compliance with all of the applicable provisions in *California Government Code, Section 65852.2(e)*; and all of the applicable provisions *Sec. 9.5.1.B. (Applicability)* and *Sec. 9.5.1.C.6. (Accessory Dwelling Units in Compliance with California Government Code Section 65852.2(e)(1)(B) or (D))*, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in *California Government Code Section 65852.2(e)*.

2. **Sequencing of Permits**

If the permit application to create an ADU, JADU, or movable tiny house is submitted with a permit application to build a new single-unit dwelling on the lot, the City may delay acting on the permit application for the ADU, JADU, or movable tiny house until the City acts on the permit application to create the new single-unit dwelling. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A certificate of occupancy for

an ADU or JADU shall not be issued before a certificate of occupancy for the primary dwelling unit.

3. Enforcement

Enforcement of building standards pursuant to *Health and Safety Code Division 13 (Housing), Part 1.5. (Regulation of Buildings Used for Human Habitation), Chapter 5 (Administration and Enforcement), Article 1 (Enforcement Agencies)*, commencing with Section 17960, for an ADU described in a. or b. below, upon request of an owner of an ADU, shall be delayed subject to compliance with the *Health and Safety Code, Section 17980.12.*:

- a. The ADU was built before January 1, 2020.
- b. The ADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.