

# Overview of the Boyle Heights Community Benefits Program

This is an optional incentive program that offers greater development potential in exchange for Affordable Housing units. Any project that utilizes the Community Benefits Program must include the construction or addition of at least 5 or more residential units on a site, and must meet the following requirements:

<b>Set aside of Affordable Housing Units for 55 years</b>	<i>11% of units for Extremely Low Income households; or 15% for Very Low Income households; or 25% for Lower Income households</i>
<b>Replacement of existing Restricted Affordable units or Rent Stabilized Units</b>	<i>Pursuant to the Rent Stabilization Ordinance, AB 2222, and SB 330</i>
<b>Set aside of family-sized units</b>	<i>At least 30% of all units in the development must have 2 or more bedrooms</i>

**In exchange for meeting the requirements above, a project may seek the following incentives:**

Incentive Available	Review Required	For more information
Floor Area (FAR) Increase	<b>By-right / ministerial</b> <i>No additional review by City Planning</i>	<b>Article 2: Form Districts</b> <i>“Bonus FAR” field</i>
Height Increase	<b>By-right / ministerial</b> <i>No additional review by City Planning</i>	<b>Article 2: Form Districts</b> <i>“Bonus Height” field</i>
Density Increase	<b>By-right / ministerial</b> <i>No additional review by City Planning</i>	<b>Article 9: Community Benefits</b> <i>Section 9.3.2</i>
Parking Reduction	<b>By-right / ministerial</b> <i>No additional review by City Planning</i>	<b>Article 9: Community Benefits</b> <i>Section 9.3.2</i>
Building Coverage Increase	<b>Director’s Determination</b> <i>Case filing and review by City Planning required</i>	<b>Boyle Heights CPIO</b> <i>Document follows</i>
Lot Width Reduction	<b>Director’s Determination</b> <i>Case filing and review by City Planning required</i>	<b>Boyle Heights CPIO</b> <i>Document follows</i>
Density Calculation Incentive	<b>Director’s Determination</b> <i>Case filing and review by City Planning required</i>	<b>Boyle Heights CPIO</b> <i>Document follows</i>
Averaging of Floor Area, Density, Parking, or Lot Amenity Space	<b>Director’s Determination</b> <i>Case filing and review by City Planning required</i>	<b>Boyle Heights CPIO</b> <i>Document follows</i>
Any additional incentives not listed	<b>City Planning Commission</b> <i>“Off-menu” Density Bonus process to be followed</i>	<b>Article 9: Community Benefits</b> <i>Section 9.2.1.G.3</i>

Boyle Heights  
Community Plan Implementation Overlay District  
(Boyle Heights CPIO District)

Ordinance No. \_\_\_\_\_  
Effective Date XXXXX

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## **CHAPTER I – FUNCTION OF THE CPIO DISTRICT**

### **Section I-1. BOYLE HEIGHTS CPIO DISTRICT AUTHORITY AND BOUNDARIES**

Pursuant to Los Angeles Municipal Code (LAMC) Chapter 1.A. Section 8.2.2, the City Council establishes the Boyle Heights Community Plan Implementation Overlay District (Boyle Heights CPIO District). The boundaries of the Boyle Heights CPIO District are contained within the boundaries of the Boyle Heights Community Plan Area (Community Plan Area) as adopted on \_\_\_\_\_ (Council File No. \_\_\_\_\_) and shown on Figure I.

Figure I. Subarea A - Community Benefits Program



## **Section I-2. PURPOSES**

The purposes of the Boyle Heights CPIO District are as follows:

- A. To implement the goals and policies of the Boyle Heights Community Plan.
- B. To create floor area and height incentives tailored to the neighborhood context.
- C. To encourage mixed-income and affordable housing development and minimize potential residential displacement.
- D. To create approval processes, including a ministerial administrative clearance process, which enables mixed-income housing infill development that will positively impact communities in conformance with these regulations.
- E. To ensure appropriate height, intensity, and building transition in order to protect residential neighborhoods from incompatible development and uses along the commercial corridors.

## **Section I-3. SUBAREAS**

The Boyle Heights CPIO District contains one Subarea as shown on Figure I and as precisely delineated by solid boundary lines on the CPIO District Boundary Maps, attached to the ordinance establishing the Boyle Heights CPIO District. The Subarea consists of contiguous or non-contiguous parcels characterized by common overarching Community Plan themes, goals, and policies, and are grouped by a common boundary. The Subarea is described below.

### **Community Benefits Program Subarea A**

The Community Benefits Program (CBP) Subarea A applies to areas within Boyle Heights that allow multi-unit residential development. Subarea A strives to introduce more affordable housing development wherever multi-unit residential development is allowed. This Subarea includes an incentive structure that prioritizes mixed-income and 100 percent affordable housing. Within the Subarea, unique zones tailor the incentives to the surrounding context, offering greater intensities of height, FAR, and density around fixed rail transit stations and bus corridors.

## **Section I-4. RELATIONSHIP TO OTHER ZONING REGULATIONS**

- A. For properties within the boundaries of the Boyle Heights Community Plan, the Citywide Transit Oriented Communities Guidelines (TOC) shall be superseded by the provisions and requirements contained within this ordinance. The incentives

contained within this ordinance and LAMC Ch. 1.A. Sec. 9.3.1 shall act as the TOC Area for those properties located within a one-half mile radius of a Major Transit Stop, as defined in subsection (b) of Section 21195 of the California Public Resources Code. For properties beyond the one-half mile radius of a Major Transit Stop and outlined in the Subarea map below, the Community Benefits Program is available as an optional incentive program for Eligible Housing Developments.

- B. Nothing in the Boyle Heights CPIO District is intended to override or conflict with any regulations in the LAMC or other ordinance establishing a park or Quimby fee or park or open space dedication requirement, including any provisions related to credits or fee and dedication calculations.
- C. Nothing in this Boyle Heights CPIO District is intended to override or conflict with any regulations in the LAMC that would otherwise require a conditional use permit.
- D. Nothing in this Boyle Heights CPIO District is intended to override or conflict with any bicycle parking regulations.
- E. Nothing in this Boyle Heights CPIO District is intended to override or conflict with the regulations set forth in LAMC Chapter 1A 9.2.1 that provide bonuses, waivers, and incentives for certain affordable housing projects. Projects that utilize bonuses, waivers, and incentives under LAMC Chapter 1A 9.2.1 shall not be eligible for the provisions contained within this ordinance.

#### **Section I-5. REVIEW PROCEDURES**

- A. **Prohibition of Issuance of DBS Permits Prior to CPIO Approval.** The Department of Building and Safety (DBS) shall not issue a permit for any Eligible Housing Development within a Boyle Heights CPIO subarea (in whole, or in part), that seeks to utilize the bonuses, waivers, and incentives contained herein, unless the Project has been reviewed and approved in accordance with this Section I-5.
- C. **CPIO Approval.** All Projects within a Boyle Heights CPIO District Subarea (in whole or in part) shall obtain an Administrative Clearance to demonstrate compliance with the Boyle Heights CPIO District. Projects within the Boyle Heights CPIO District Subarea A that request only Base Incentives pursuant to LAMC Ch. 1.A. Sec. 9.3.2.C. shall be considered ministerial and shall not be required to file an application with the Department of City Planning. All Projects within Boyle Heights CPIO District Subarea A that request Additional Incentives under LAMC Ch. 1.A. Sec. 9.3.2.D shall follow the Procedures in Sec. 9.2.1.1.G.2. An application for a CPIO Approval shall be reviewed and approved pursuant to LAMC Section 13B.3.1(Administrative Review), including as its requirements are modified and supplemented below:
  - 1. **Content of Application for a CPIO Approval.** An applicant shall provide,

at a minimum, two sets of detailed permit drawings and any other exhibits deemed necessary to demonstrate compliance with all applicable provisions of the CPIO District.

**2. Administrative Clearance.**

- a. **Director Approval.** The Director shall grant an Administrative Clearance after reviewing the Project and finding that it is in compliance with all applicable provisions of the Boyle Heights CPIO District as indicated by a plan stamped by the Department of City Planning.
- b. **Non-Appealable Ministerial Approval.** The approval of an Administrative Clearance is not subject to appeal and is not discretionary for purposes of CEQA Guidelines Sections 15060(c)(1) and 15268.

**Section I-6. CEQA CLEARANCE**

For purposes of CEQA compliance for subsequent projects approved with a CPIO Approval, including, but not limited to, consideration of a CEQA clearance pursuant to Government Code Section 65457, Public Resources Code Section 21155.4; or CEQA Guidelines, Sections 15183 or 15183.3, the Boyle Heights CPIO District shall operate and be treated as a specific plan, zoning ordinance, and a prior plan level decision for which and EIR was certified.

**Section I-7. SEVERABILITY**

If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

## CHAPTER II – COMMUNITY BENEFITS PROGRAM SUBAREA

### COMMUNITY BENEFITS PROGRAM SUBAREA

#### A – BOYLE HEIGHTS COMMUNITY BENEFITS PROGRAM SUBAREA A

##### OVERVIEW

The Community Benefits Program (CBP) Subarea, shown on Figure I, strives to introduce more affordable housing development throughout the Plan Area. This Subarea includes a tiered incentive structure that prioritizes mixed-income and 100 percent affordable housing and seeks to ensure replacement units on the project site. Within the Subarea, unique zones tailor the incentives to the surrounding context, offering greater height, FAR, and density incentives around fixed rail transit stations and bus corridors.



## **Section II-1. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM**

- I. For properties within the boundaries of the Boyle Heights Community Plan, where this CPIO District applies, optional development incentives are available for Eligible Housing Developments that meet the requirements outlined in LAMC Ch. 1.A. Sec. 9.3.1. Within the boundaries of the Boyle Heights Community Plan, the Citywide Transit Oriented Communities (TOC) Guidelines shall be superseded by the provisions and requirements contained within this ordinance.

- II. ELIGIBILITY.** A Housing Development shall be eligible for Local Affordable Housing Incentives Pursuant to Sec. 9.3.2. within Subarea A of the CPIO if it meets all of the following requirements:
1. **On-Site Restricted Affordable Units.** Within the boundaries of the Boyle Heights CPIO District Community Benefits Program Subarea A, a Housing Development shall provide On-Site Restricted Affordable Units at levels outlined in **Set A** of LAMC Ch. 1.A. 9.3.2. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.
  2. **Dwelling Unit Mix and Location.** For projects located in Subarea A, a minimum of 30% of the dwelling units for an Eligible Housing Development shall be two bedrooms or larger, and HCID shall determine the location of the restricted affordable units within the development.
- III. Base Incentives.** An Eligible Housing Development that meets the requirements outlined in Section II. above shall be eligible for the Base Incentives for **Set A** established in LAMC Ch. 1.A. 9.3.2.C. Projects utilizing Base Incentives only shall follow the procedures in Section 1-5.C. of this ordinance.
- IV. Additional Incentives.** In addition to the applicable Base Incentives, an Eligible Housing Development that meets the requirements outlined in Section II. above may be granted up to three (3) additional incentives by following the procedures in Section 1-5.C. of this ordinance. For Eligible Housing Developments, the available additional incentives are outlined below:
1. **Building Coverage.** See *LAMC Ch. 1.A. Sec. 9.2.1.E.4.*
    - a. Up to a 25% increase in Building Coverage limits, provided that the landscaping for the Housing Development Project is in compliance with the landscape requirements in Article 4 (Development Standards).
  2. **Lot Width.** See *LAMC Ch. 1.A. Sec. 9.2.1.E.5.*
    - a. Up to 25% decrease in the required Lot Width, provided that the landscaping for the Housing Development Project is in compliance with the landscape requirements in Article 4 (Development Standards).
  3. **Density Calculation Incentive.** See *LAMC Ch. 1.A. Sec. 9.2.1.E.9.*
    - a. 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 zone in which the Housing Development Project is located.
  4. **Averaging of Floor Area, Density, Parking, or Lot Amenity Space.** See *LAMC Ch. 1.A. Sec. 9.2.1.E.10.*

- a. A Housing Development Project that is located on two or more contiguous parcels may average the Floor Area, density, Lot Amenity Space, and parking over the project site, provided that:
  - i. The proposed use is permitted by the Use District of each parcel;  
and
  - ii. 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.