

# DOWNTOWN COMMUNITY PLAN COMMUNITY BENEFITS PROGRAM

## Planning a dynamic future for Downtown Los Angeles

The intent of the Downtown Community Plan is to ensure that Downtown continues to grow in a sustainable, equitable, healthy, and inclusive manner, and capture vital public community benefits that are responsive to neighborhood needs. The Downtown Community Plan proposes to expand and refine the system that links growth and public benefits, through the draft Downtown Community Plan Community Benefits Program.

The key objectives of the proposed Community Benefits Program are the following:

- Ensure priority community benefits are provided first, namely Affordable Housing
- Offer a more predictable and transparent process for the provision of community benefits
- Encourage the provision of on-site community benefits

The Downtown Plan Community Benefits Program provides a path for development projects to exceed the base development potential, up to the maximum allowable development potential, in exchange for providing community benefits. The Community Benefits Program prioritizes affordable housing, followed by parks and open space, preservation of historic structures, and community facilities.



# Introduction

## Relationship Between New Development and Public Community Benefits

### Citywide Community Benefit Requirements

Under current Los Angeles citywide regulations, new by-right development is required to contribute to community benefits, namely affordable housing, through the Affordable Housing Linkage Fee, and public open space, through Quimby Fees. The amount and type of community benefits required depends on the type and size of the project.

The Affordable Housing Linkage Fee (Linkage Fee), adopted December 13, 2017, places a fee per square foot on certain new market-rate residential and commercial developments to generate local funding for affordable housing production and preservation. The fee varies by the type of use and by geography across the city.

The Parks Dedication and Update Fee (Quimby), adopted September 7, 2016, requires that residential projects pay a fee for the purpose of acquiring new parkland and developing park and recreational facilities.

### Elective Downtown Community Plan Community Benefits Program

The Affordable Housing Linkage Fee and Quimby Fee will remain and continue to provide a funding stream for the provision of affordable housing units and open space amenities, as they now exist. However, the Downtown Plan will introduce the Downtown Plan Community Benefits Program within the Plan Area to incentivize the provision of on-site community benefits, in accordance with and to better implement policies of the Downtown Plan.

The Downtown Community Benefits Program prioritizes the provision of on-site community benefits, and in some instances benefits provided under the Downtown Program may be able to be counted towards the project's Linkage Fee or Quimby Fee payments.

New development within the Downtown Plan Area may participate in the Downtown Community Benefits Program, as permitted by the applicable zoning regulations. The zoning will outline a base maximum and bonus maximum development capacity, and in some cases a base and bonus maximum story height. Development projects can elect to exceed the base maximum building size by participating in the Community Benefits Program.

# Relationship between new development and public community benefits.

## 1. Citywide requirements which apply to all development

All new development projects are required to contribute to citywide community benefits, such as affordable housing and new parks that can be developed throughout the city.

Quimby fees used to build new parks

Housing Linkage fees used to build affordable housing



Created by Julia Wilson from Noun Project  
Created by Lynn CHange from Noun Project

The fee amount and type of community benefit required depends on the type (residential, commercial, etc.) and size of the development project.



Created by Pablo Rozenberg from Noun Project

## 2. Elective Downtown Community Plan Community Benefits Program

The Downtown Community Plan Community Benefits Program provides a way for developments to contribute to localized community benefits within the Downtown Plan area.



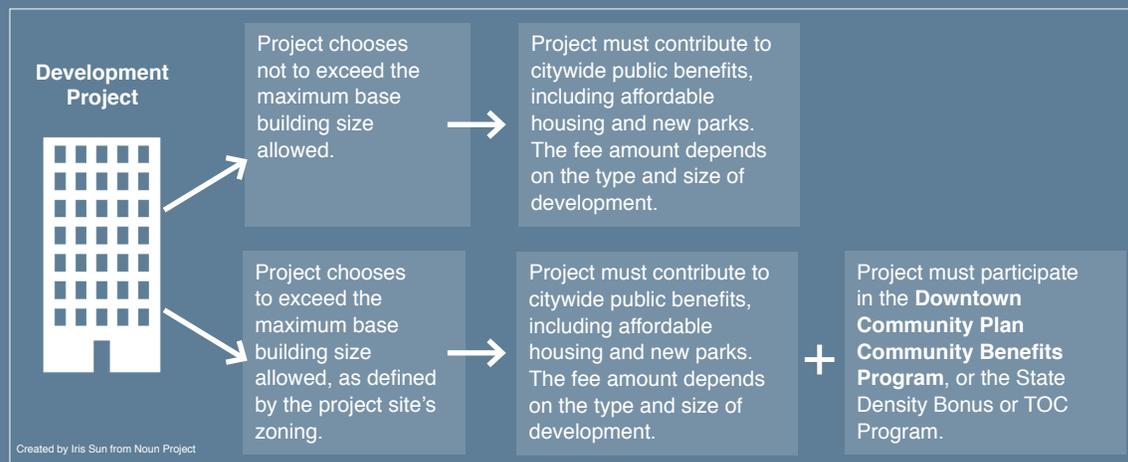
**Downtown Community Plan Area**

If a project chooses to exceed the base development rights and build up to the maximum building size allowed, the project will still contribute to the citywide community benefits listed above, and will participate in the Downtown Plan Community Benefits Program.



Created by Charlotte Vogel from Noun Project

### In summary:



# Downtown Community Plan Community Benefits Program Structure

There are several paths a development project may take as part of this elective program. The project pathway and required community benefits will relate to the project type. Residential projects will always be required to provide affordable housing, followed by a selection of community benefits such as publicly accessible open space, community facilities, and preservation of a historic resource. Non-housing projects will be required to provide a selection of community benefits.

## Housing Development Projects

The type of benefits provided by a Housing Development Project will be based on the extent of additional development rights requested. The Downtown Plan Community Benefits Program is structured into three separate levels.

Level 1 would allow for 35 percent additional FAR over and above the Base FAR, in exchange for providing the required number of on-site restricted affordable housing units, consistent with State Density Bonus minimum requirements.

Level 1 would also allow a development to reach its maximum story height in exchange for providing the required number of on-site restricted affordable units.

Level 2 would allow additional FAR or additional stories up to the maximum allowable FAR or story height, in exchange for providing the required number of on-site affordable housing units, open space or community facilities. Under Level 2, in certain limited areas of the Plan Area, projects may also utilize the Transfer of Development Rights option to transfer development potential from an existing historic building to a receiver site, in order to preserve an existing resource.

As described above, projects can reach the maximum bonus development capacity by providing affordable housing. The figure below describes the general structure of incentives offered under each level and the available options for providing the specified public benefits.

## Level of Incentives and Community Benefits for Housing Development



## Non-Housing Development Projects

The type of community benefits required to be provided for a Non-Housing Project will be based on the extent of additional development rights requested. For non-housing projects, Level 1 will not be required

Level 2 would allow for a specified amount of additional FAR over and above the Base development potential in exchange for providing the required amount of publicly accessible open space, or community facilities.

Level 2 would also allow for a development to reach its maximum permitted story height in exchange for providing the required amount of publicly accessible open space, or community facilities.

Under Level 2, in certain limited areas of the Plan Area, projects may also utilize the Transfer of Development Rights option to transfer development potential from an existing historic building to a receiver site, in order to preserve an existing resource.

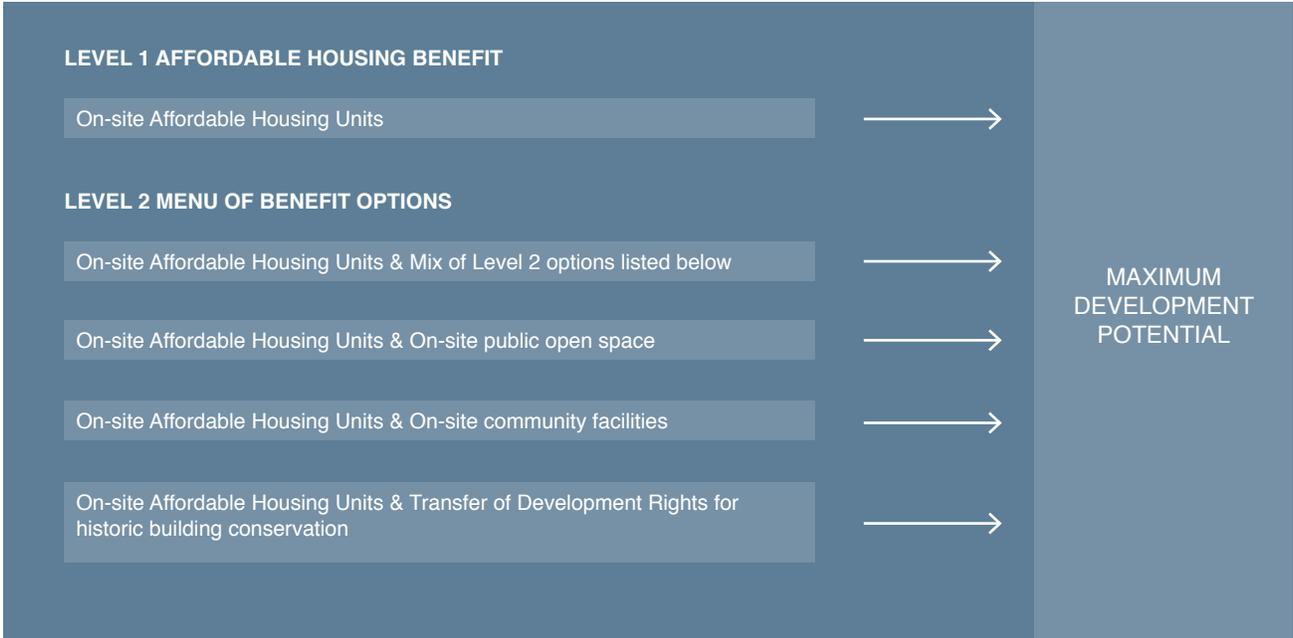
### Level of Incentives and Community Benefits for Non-Housing Development



# Summary of Development Project Scenarios

The graphic below outlines the pathways a development may elect to achieve the maximum bonus development capacity defined in the zoning.

## Housing Development Project Scenarios



## Non-Housing Development Project Scenarios



# Downtown Community Plan Community Benefits Program Structure

The Base and Bonus FAR and/or Base and Bonus Height for a property is established in the Property's Form District component of the Zoning. Projects seeking to exceed the Base FAR or the Base Height in Stories are required to comply with the draft zoning provisions in Article 9, "Incentive Systems" and the Community Benefits Standards (Chapter II) section of the Downtown Plan Community Plan Implementation Overlay (CPIO). The zoning provisions in Article 9, Incentive Systems sets the implementation framework for a community benefits program that can be utilized both within and outside of the Downtown Plan Area (currently proposed only for the Downtown Community Plan Area). The Community Benefits Standards (Chapter II) section of the draft Downtown CPIO provides supplemental regulations that are tailored to achieve the objectives of the Downtown Community Plan. The following text broadly summarizes the requirements and the implementation approach to the Community Benefits Program for the Downtown Community Plan

## LEVEL 1: Local Affordable Housing Incentive Program

Level 1 only applies to Housing Development Projects and allows for up to a 35% FAR increase or the maximum allowable bonus height in exchange for providing on-site restricted affordable units, in any of the following amounts:

- 5% of Base Residential Units towards Deeply Low Income
- 8% of Base Residential Units towards Extremely Low Income units
- 11% of Base Residential Units towards Very Low Income units
- 20% of Base Residential Units towards Low Income units
- 40% of Base Residential Units towards Moderate Income units

For information regarding the calculation of Base Residential Units, see the Downtown Plan CPIO (Chapter II, Community Benefit Standards).

In-lieu of providing restricted affordable units on-

site projects may opt to pay a fee that goes toward a trust fund for construction of affordable housing; build off-site restricted affordable units within the Downtown Plan Area; or partner with an affordable housing developer to provide off-site restricted affordable units in the Downtown Plan Area.

The in-lieu fee will align with the fee schedule for projects pursuing General Plan amendments or a zone change as defined in Los Angeles Municipal Code (LAMC), SEC.11.5.11. Affordable Housing.

## LEVEL 2: Public Benefits Incentive Program

Housing Development Projects are required to exhaust Level 1 prior to utilizing Level 2. However, non-housing projects may access Level 2 to achieve FAR above the Base FAR or height and are not required to comply with Level 1. Level 2 allows for additional FAR or height in exchange for providing one or a combination of the following:

- Restricted Affordable Units
- Community Facility
- Publicly Accessible Open Space
- Transfer of Development Rights from an existing historic building

### *Restricted Affordable Units*

Housing Development Projects may continue to provide restricted affordable units under Level 2. For every additional 1.0:1 Bonus FAR in Level 2, a project has to set-aside on-site restricted affordable units, in any of the following amounts:

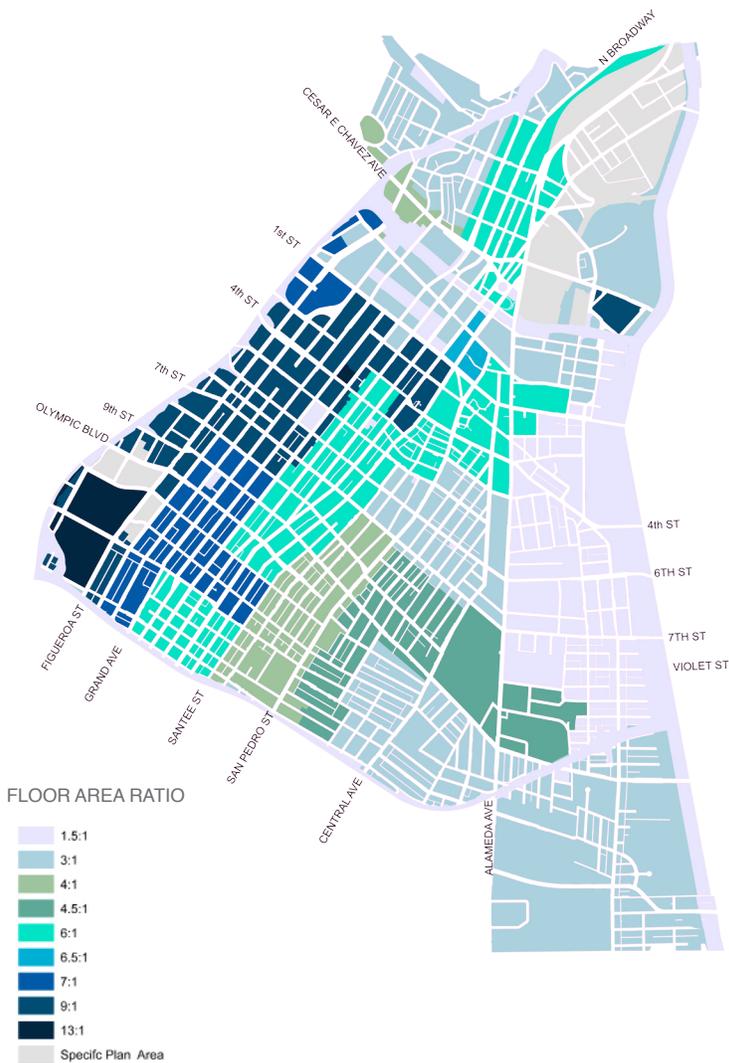
- 3% of Base Residential Units towards Deeply Low, Extremely Low Income or Very Low Income units; or
- 4.5% of Base Residential Units towards Low, Moderate or Workforce Income units

In order to encourage the provision of family-size units in specific areas of the Downtown Plan Area, the Downtown Plan includes a requirement for two bedroom units in those areas. Projects located within the Subarea A.4 as delineated in the Downtown Plan CPIO are required to provide a minimum of 30% of all dwelling units of a Housing Development Project as two bedrooms or larger.

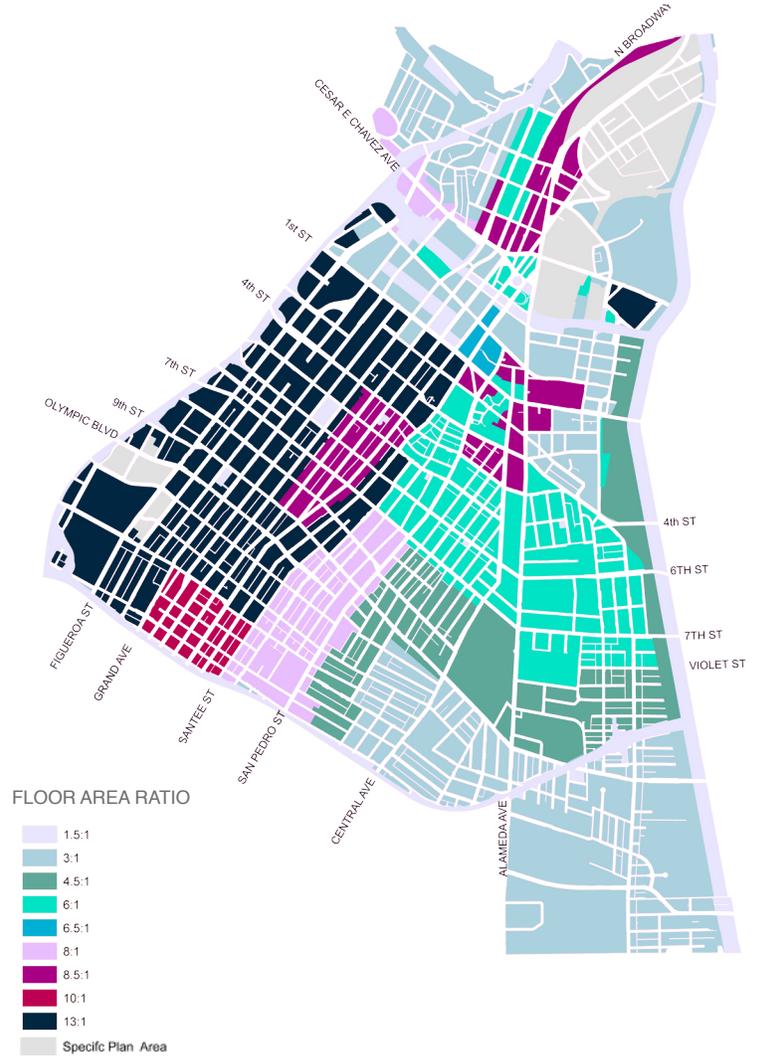
# Eligibility

A development shall be eligible for the Downtown Community Plan Community Benefits Program when there is a Maximum Floor Area Ratio or Story Height available beyond the base within the project site's zoning.

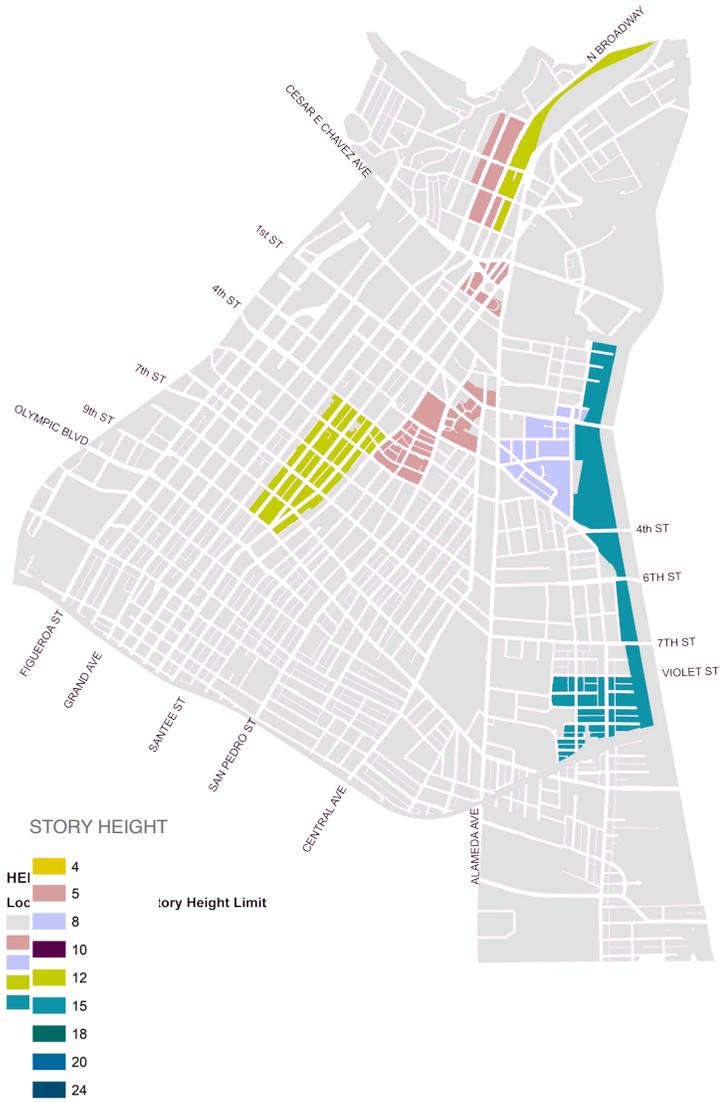
## BASE MAXIMUM DEVELOPMENT POTENTIAL



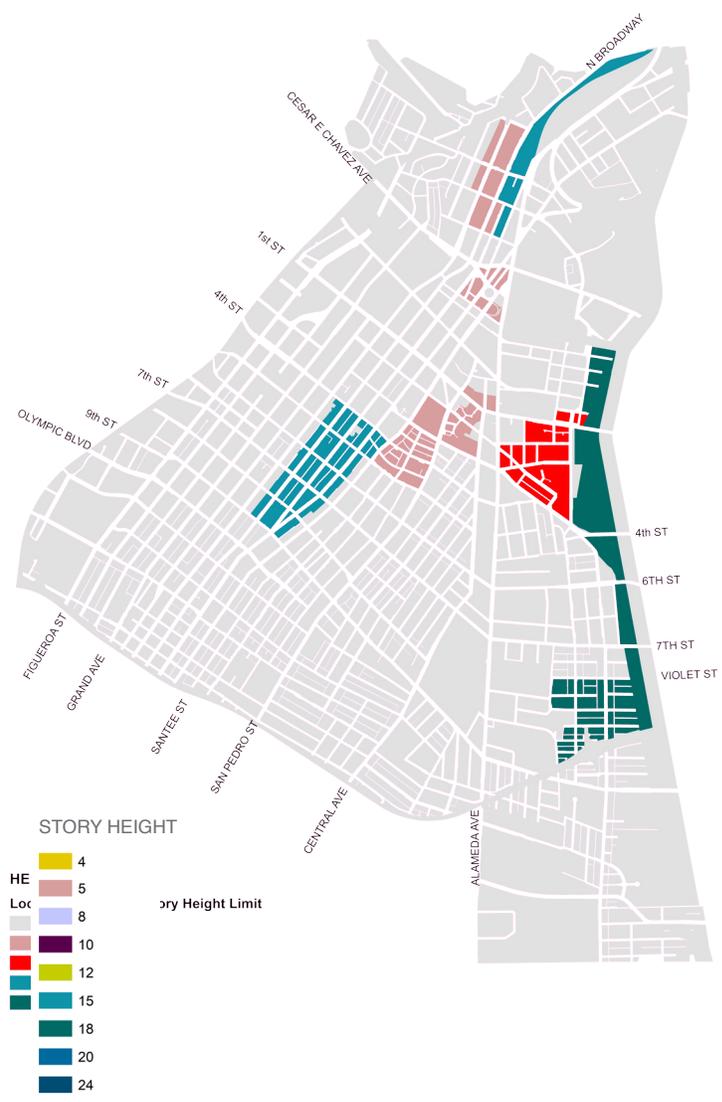
## BONUS MAXIMUM DEVELOPMENT POTENTIAL



# BASE MAXIMUM STORY HEIGHT POTENTIAL



# BONUS MAXIMUM STORY HEIGHT POTENTIAL



### *Publicly Accessible Open Space*

A project may also provide on-site publicly accessible open space in order to access Level 2 benefits. In addition to the required Lot Amenity Space identified in the property's zoning, a project is required to provide 4% of lot area as Publicly Accessible Open Space for every additional 1.0:1 Bonus FAR.

Pursuant to zoning provisions in Article 9, "Incentive Systems", Publicly Accessible Open Space is required to be a minimum size of 150% of the Lot Amenity Space.

Open space shall meet specific design requirements in order to qualify as publically accessible. See the Downtown Plan CPIO (Chapter II, Community Benefit Standards) for these regulations regarding location, access, signage, hours of operation, design, and landscaping requirements.

When an applicant elects to provide a publicly accessible open space through the Downtown Community Benefits Program, the open space may count toward Quimby fees as well as the Lot Amenity Space required by the zoning.

### *Community Facilities*

A project may provide community facilities such as childcare centers, Public libraries, Public or LAUSD charter schools, Government or non-profit clinics, social service centers, or Public safety facilities in exchange for additional FAR.

Pursuant to the zoning provisions in Article 9, "Incentive Systems", for every additional 1.0:1 bonus FAR, a project is required to provide 2.5% of incremental square footage plus 5,000 square feet for a community facility. The area dedicated towards a community facility will not count towards a project's FAR. See the Downtown Plan CPIO (Chapter II, Community Benefit Standards) for regulations regarding location, access, signage, and tenancy requirements for community facilities.



### *Employment Center Incentive*

In order to encourage the provision of job generating uses in specific areas of the Downtown Plan Area, the Downtown Plan includes incentives for projects with 50% of the base floor area dedicated for productive and light industrial uses. Projects located within Subarea A.3 delineated in the Downtown Plan CPIO (Chapter II, Community Benefit Standards), and include 50% of base floor area towards non-residential uses, excluding retail and restaurant uses, may receive a bonus of 4.0:1 FAR.

### *Transfer of Development Rights*

Projects located within the Subarea A.3, delineated in Downtown Plan CPIO may transfer unused development rights from an existing historic building, to achieve bonus FAR and preserve an existing resource.

A donor site may transfer all unused Floor Area up to its maximum Bonus FAR identified in the property's zoning. Sites designated at local, state, or federal level; site deemed eligible at local, state, or federal level; SurveyLA contributor to a historic district or identified individual resource may qualify as donor sites. A donor site is required to sign a covenant acknowledging

reduced floor area and is subject to a preservation contract addressing building maintenance, rehabilitation; inspections for a set term.

A receiver site is required to sign a covenant acknowledging the increased floor area and Record of Transfer prior to receiving a building permit. For more information regarding eligibility of donor & receiver sites, process, agreements and preservation easements, see the zoning provisions in Article 9, "Incentive Systems", Section 9.02.3, Transfer of Development Rights.



# Definitions and Resources

## **Density Bonus:**

Eligible Housing Development Projects may continue to access the existing Density Bonus Program per the State Density Bonus Law, Government Code Section 65915, or elect to participate in the draft Community Benefits Program for the Downtown Plan.

## **Transit Oriented Communities Affordable Housing Incentive Program (TOC Program):**

Housing Development Projects within the TOC Area may access the existing citywide TOC Program per Los Angeles Municipal Code (LAMC) Section 12.22 A. 31, or elect to participate in the draft Community Benefits Program for the Downtown Plan.

## **Housing Development Project:**

Defined as the construction of five or more new residential dwelling units; the addition of five or more residential dwelling units to an existing building or buildings; or the remodeling of a building or buildings containing five or more residential dwelling units, including a mixed use development containing residential dwelling units.

## **Non-Housing Project:**

Projects not defined as a Housing Development Project will be considered a Non-Housing Project.

## **On-Site Restricted Affordable Unit:**

On-site restricted Affordable unit shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by households with Deeply Low, Extremely Low, Very Low, Low, Moderate or Workforce income households, as determined by the Los Angeles Housing + Community Investment Department (HCIDLA).

The minimum required percentage of on-site restricted affordable units shall be calculated based upon the base number of units in the final project.

In exchange for providing the minimum required percentage of affordable units, developments shall be permitted an additional 35% FAR increase. This percent increase is consistent with California State Density Bonus Law. The FAR increase shall continue to scale upward as additional affordable units are provided.

Affordable Housing Qualifying Income Levels are calculated as a percentage of the Area Median Income (AMI) and are defined by the Los Angeles Housing + Community Investment Department (HCIDLA):

- Deeply Low Income: 0-15% of AMI
- Extremely Low Income: 15-30% of AMI
- Very Low Income: 31-50% AMI
- Low Income: 50-80% AMI
- Moderate Income: 80-120% AMI
- Workforce Income: 120-150% AMI



# **Downtown Community Plan Implementation Overlay District (Downtown CPIO District)**

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

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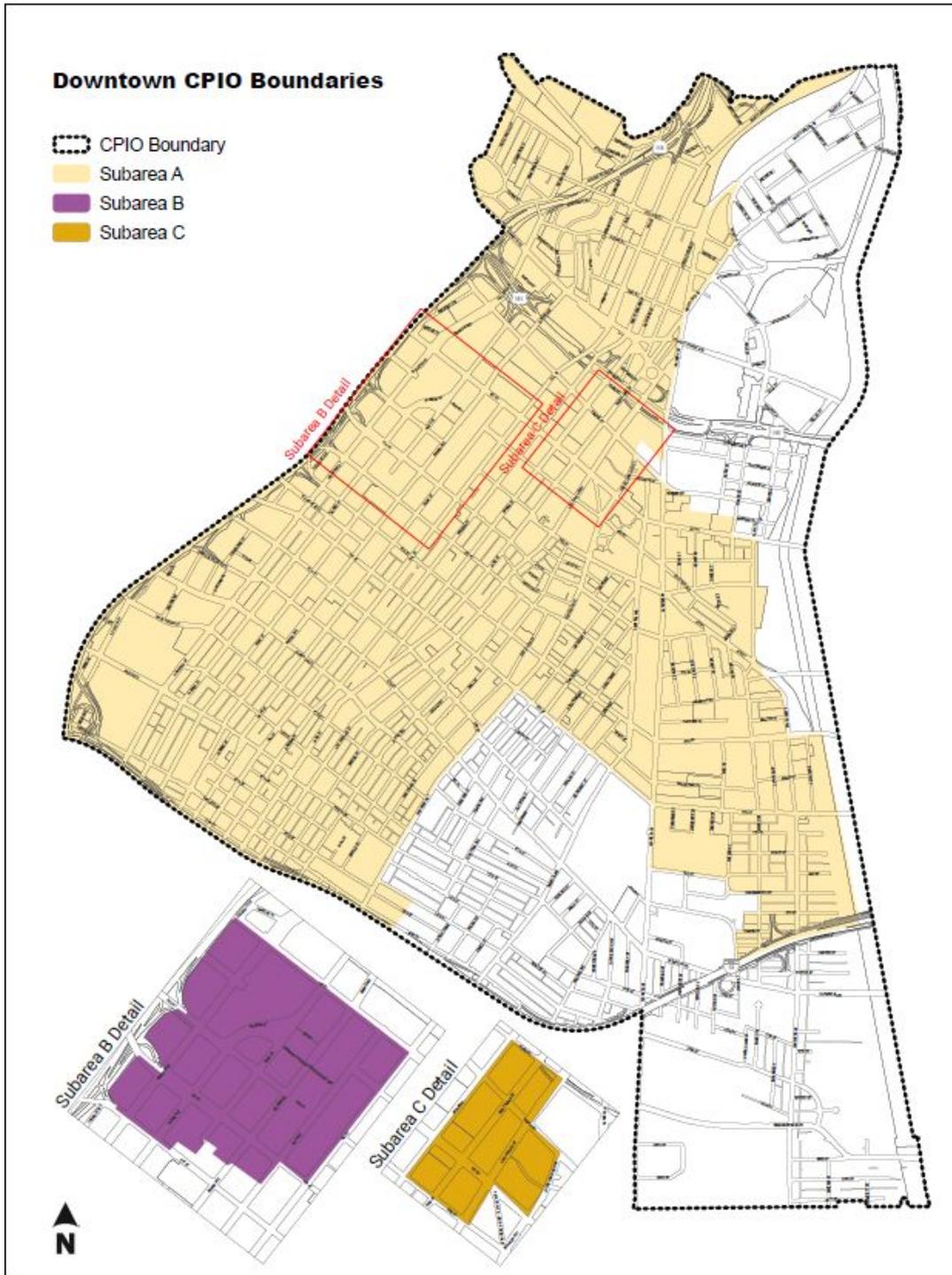
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# CHAPTER I – FUNCTION OF THE CPIO DISTRICT

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

Pursuant to Los Angeles Municipal Code (LAMC) Chapter 1A Section 8.2.2, the City Council establishes the Downtown Community Plan Implementation Overlay District (Downtown CPIO District). The boundaries of the Downtown CPIO District are identical to the boundaries shown in Figure 1.

**Figure 1. Downtown Community Plan Implementation Overlay District Boundaries**



**I –II. Section I-2. PURPOSE**

The purposes of the Downtown CPIO District are as follows:

- A. To implement the goals and policies of the Downtown Community Plan.
- B. To create building floor area and height incentives tailored to the neighborhood context and development patterns.
- C. To encourage housing that is affordable to a variety of income levels and household types.
- D. To create approval processes for development projects that enable infill development with positive community impacts.
- E. To promote access to public open space and community facilities that meet the needs of the community.
- F. To promote the overall health and sustainability of the community that resides, works, and recreates in the Community Plan Area.
- G. To preserve and protect neighborhood identity, including protecting cultural and historic resources and distinctive character defining elements of existing urban form.
- H. To promote strong urban design and ensure that development enhances the aesthetic character of the community; and maintains appropriate land uses.

**I –III. Section I-3. SUBAREAS**

The Downtown CPIO District contains three Subareas as shown on Figure 1 and as precisely delineated by solid boundary lines on the CPIO District Boundary Maps, attached to the Ordinance establishing the Downtown CPIO District. The Subareas are contiguous or non-contiguous parcels characterized by common overarching Community Plan themes, goals, and policies, and are grouped by a common boundary. The Subareas are described below.

**Community Benefits Program Subarea A**

The Community Benefits Program (CBP) Subarea A strives to introduce more Mixed-income and 100 Percent Affordable housing, provide access to public open space and community facilities, and facilitate the preservation and rehabilitation of historic resources in the Community Plan Area. This Subarea includes a tiered 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 FAR and height around fixed rail transit stations and bus corridors, and considering the identity of neighborhoods.

## **Bunker Hill Pedestrian Plan Subarea B**

The purpose of Subarea B is to implement the previously adopted Bunker Hill Specific Plan for an integrated network of pedestrian linkages throughout the Bunker Hill area. Subarea B shows the general location of the pedestrian linkages. The network of linkages, and the provisions hereinafter set forth to implement such a network, shall be applicable to all Projects and to all properties within Subarea B.

## **Civic Center Development Standards Subarea C**

The purpose of Subarea C is to implement development standards for the Civic Center Master Plan Area. These standards regulate projects that may be built upon City-owned properties located in proximity to City Hall, and aim to achieve an active and world-class Civic Center environment.

### **I –IV. Section I-4. DEFINITIONS**

**“100 Percent Affordable Housing”** shall mean a project in which 100 percent of the residential dwelling units, excluding any manager unit(s), are Restricted Affordable Units.

**“Above-Moderate Income”** shall mean persons and families whose incomes do not exceed 150 percent of area median income, adjusted for family size.

**"At-Risk Affordable Unit"** shall mean any residential dwelling unit that receives government assistance under prescribed federal, State, and/or local programs, or any combination of rental assistance and is eligible to convert to market rate due to termination (opt-out) of a rent subsidy contract, prepayment of a subsidized mortgage, or expiration of rental restrictions. These assistance programs include, but are not limited to, Housing Choice Vouchers [formerly Section 8], project-based rental assistance, subsidized mortgage programs (e.g., FHA), or expiring rent/deed restrictions with the use of State or local funding programs, including Community Redevelopment Agency Covenants.

**"Community Land Trust"** shall mean a California nonprofit corporation that: (1) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (2) is neither sponsored by, controlled by, nor under the direction of a for-profit organization; (3) has a corporate membership of adult residents of a particular geographic area as described in the bylaws of the corporation; (4) has a board of directors that: (A) includes a majority of members who are elected by the corporate membership; (B) includes representation by persons occupying and/or leasing any structural improvements on the land; and (C) includes representation by persons residing within the geographic area specified in the bylaws of the corporation who neither lease land from the corporation nor occupy structural improvements

controlled by the corporation; (5) acquires and retains parcels of land, primarily for conveyance under long-term ground leases; (6) transfers ownership of many or all of the structural improvements located on such leased parcels to the lessees; and (7) retains a preemptive option to purchase such structural improvements at a price determined by formula that is designed to ensure that the improvements remain affordable to low and moderate income households in perpetuity.

**"Developer"** shall mean the owner of the Project and, if different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which develops or causes to be developed the residential housing project and, if applicable, provides off-site affordable units, together with their successors and assigns, but does not include a lender, any governmental entity or the general contractor working for any developer.

**"Eligible Historic Resources"** shall mean a building, structure, object, site, landscape, or natural feature identified as an individual resource or as a contributor to a historic district under a local, state or federal designation program; or identified as a contributor to an eligible historic through SurveyLA (The Los Angeles Historic Resources Survey), or another historical resource survey, completed after the effective date of the CPIO, and completed by a person meeting the Secretary of the Interior's Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources (OHR). This term does not include a non-contributor to an eligible historic district.

**"Mixed-income Housing"** shall mean a project comprising a mix of market-rate and Restricted Affordable Units.

**"Project"** Within Subarea A, a "Project" shall mean any construction, erection, alteration of, or addition to a structure that would exceed the Base Floor Area and Base Height allowances authorized under the subject site Form District.

Within Subareas B & C, a "Project" shall mean any activity that requires the issuance of a building, grading, demolition, or change of use permit, unless the activity consists solely of interior tenant improvements, rehabilitation, or repair work.

Within all Subareas, a "Project" shall also mean the installation of any Conventional Plastic Faced Box or Cabinet Sign; any Formed Plastic Faced Box or Injection Molded Plastic Sign, Any Luminous Vacuum Formed Letter Sign, and/or any Animated or Flashing Sign. Furthermore, a "Project" shall also mean the installation of signs on any structure or site that has received approval under LAMC Chapter 1A Section 16.05 following the effective date of this CPIO.

**"Public Benefits"** shall mean improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public, pursuant to LAMC Chapter 1A Section 9.3

**“Restricted Affordable Unit”** shall mean a Dwelling Unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Deeply Low, Extremely Low, Low, Moderate, and Above Moderate households, as determined by the Los Angeles Housing and Community Investment Department or its successor agency.

**I–V. Section I-5. RELATIONSHIP TO OTHER ZONING REGULATIONS**

- A.** For properties within the boundaries of the Downtown Community Plan, where this CPIO applies, the Citywide Transit Oriented Communities Guidelines (TOC) shall not be superseded by the provisions and requirements contained within this ordinance.
- B.** Nothing in the Downtown 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.** For projects participating in the Community Benefits Program, Restricted Affordable Units provided through the Affordable Housing Local Incentive Program pursuant to Chapter II, Section 2 shall be deducted from a project’s required Affordable Housing Linkage Fee.
- D.** Nothing in this Downtown CPIO District is intended to override or conflict with any regulations in the LAMC that would otherwise require a Conditional Use Permit.
- E.** Nothing in this Downtown CPIO District is intended to override or conflict with any bicycle parking regulations.

- F. Nothing in this Downtown CPIO District is intended to override or conflict with the regulations set forth in LAMC Chapter 1A Section 9.B.1 that provide bonuses, waivers and incentives for certain affordable housing projects.
- G. Nothing in this Downtown CPIO District is intended to override or conflict with the regulations set forth in a Community Design Overlay or Sign District applicable to a subject site.
- H. Any reference to a section of the LAMC made in this CPIO shall be automatically updated in the event that the LAMC is re-numbered, or re-organized.

**I –VI. Section I-6. 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 Project as defined in this CPIO within a Downtown CPIO District Subarea (in whole or in part), unless the Project has been reviewed and approved in accordance with this Section I-6.
- B. **Filing Requirements for Multiple Approvals.** When an applicant applies for any discretionary approval for a property located (in whole or in part) in a CPIO District Subarea, the applicant shall also apply for a CPIO Approval pursuant to Subsection C, below. A CPIO Adjustment or a CPIO Exception shall be a project adjustment or project exception for purposes of LAMC Chapter 1A Section 13.6, and shall be processed pursuant to the procedures in LAMC Chapter 1A Section 13.6, if applicable.
- C. **CPIO Approval.** All Discretionary Projects within a Downtown CPIO District Subarea (in whole or in part), Projects seeking additional development rights within Subarea A, and all projects (ministerial and discretionary) within Subareas C and D shall obtain an Administrative Clearance to demonstrate compliance with the Downtown CPIO District, unless a Director’s Determination is required under subsection C.3. An application for a CPIO Approval shall be reviewed and approved pursuant to LAMC Chapter 1A Section 13.5.1, including as its requirements are modified and supplemented below:
  - 1. **Content of Application for a CPIO Approval.** In addition to any other information or documents required under LAMC Chapter 1A Section 13.5.1, 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. Each application submitted for a CPIO Adjustment, or a CPIO Exception shall clearly identify and list all of the adjustments and exceptions requested.
  - 2. **Administrative Clearance.** In addition to the requirements in LAMC Chapter 1A Section 13.5.1, the following shall apply:
    - 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 Downtown 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.
  - c. Scope of Review and Non-Conforming Uses.**

    - i. In reviewing a Project for an Administrative Clearance, the Director shall review the Project for compliance with those regulations that are applicable to the proposed scope of construction or use.
    - ii. Non-conforming uses shall comply with LAMC Chapter 1A Section 12.6, except as noted in this ordinance.
- 3. Director's Determination.** In addition to the requirements in Section I-6 C.2 above, and LAMC Chapter 1A Section 13.4.5, projects providing Public Benefits under Chapter II – 3 of this CPIO shall file for a Director's Determination.
- a. Community Plan Implementation Overlay Director's Determination - Director Authority with Appeals to the Area Planning Commission.** The Director or the Director's designee shall have initial decision-making authority to grant a CPIO Director's Determination, with an appeal to the Area Planning Commission in accordance with the procedures set forth in LAMC Chapter 1A Section 13.4.5
  - b. Limitations.** A Director's Determination shall be solely for the purpose of approving Public Benefits Incentive Programs pursuant to LAMC Chapter 1A Section 9.3.
  - c. Findings.** The Director's Determination shall include written findings in support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:

    - i. The project, as approved, is consistent with the purpose and intent of the CPIO and substantially complies with the applicable CPIO regulations;
    - ii. Conditions have been incorporated into the Determination that will ensure the ongoing use or operation of the Public Benefit.
    - iii. The facilities proposed by a project utilizing a Public Benefit Program under Section II – 3 B. Publicly Accessible Outdoor Amenity Space or C. Community Facilities serve the needs of the surrounding residents, employees, and visitors; and do not result in an over-concentration of any one service or amenity.

- d. **CEQA.** Approval of a CPIO Director's Determination is a discretionary approval for purposes of CEQA Guidelines Section 15060(c)(1).
4. **CPIO Adjustments.** In addition to the requirements in LAMC Chapter 1A Section 13.6.4, the following shall apply:
- a. **Eligible Regulations.** Development regulations contained in Chapter IV of this CPIO are eligible for a CPIO Adjustment pursuant to this Section I-6.C.4. Projects seeking relief from a Subarea regulation that is not eligible (or further eligible) for a CPIO Adjustment may seek relief with a - CPIO Exception.
  - b. **CEQA.** Approval of a CPIO Adjustment is a discretionary approval for purposes of CEQA Guidelines Section 15060(c)(1).
5. **CPIO Exceptions.** In addition to the requirements in LAMC Chapter 1A Section 13.6.5, the following shall apply:
- a. **Eligible Regulations.** Development regulations contained in Chapters III and IV of this CPIO are eligible for a CPIO Exception pursuant to this Section I-6.C.5.
  - b. **CEQA.** Approval of a CPIO Exception is a discretionary approval for purposes of CEQA Guidelines Section 15060(c)(1).
  - c. **Supplemental Development Regulations.** All Projects shall comply with all applicable supplemental development regulations in the applicable CPIO Subarea, unless a CPIO Adjustment or CPIO Exception is permitted and obtained or the Project falls within the category of Projects described in Section I-5.G of this CPIO District. Images and figures provided in the CPIO District are illustrative only and are not intended to establish supplemental development regulations.

**I –VII. Section I-7. SIGN STANDARDS**

- A. CONCEPTUAL SIGN PLAN** All projects requesting Project Review pursuant to LAMC Chapter 1A Section 13.4.4, shall submit a Conceptual Sign Plan for the entire project and are subject to the standards below.
- 1. The Conceptual Sign Plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way. The intent of the Conceptual Sign Plan is to ensure a cohesive, integrated sign program so that all individual tenant signs will contribute to and create strong project identity. The Conceptual Sign Plan shall include:
    - a. A site plan identifying the general location of all signs and showing its location in relation to structures, walkways and landscaped areas; and

- b. A schematic elevation of each building façade identifying the general placement, size, and sign area of all sign types.
- 2. No permits for individual signs shall be issued until the applicant has submitted detailed sign plans to the Department of City Planning, showing substantial compliance with the Conceptual Sign Plan, including:
  - a. A matrix describing general characteristics of each sign type, sign name or number, illumination, dimensions, and quantity; and
  - b. A scaled elevation of each sign type showing overall dimensions, sign copy, typeface, materials, colors and form of illumination.

**B. Prohibited Signs**

- 1. Within CPIO Subareas A, B, and C, the following signs are prohibited:
  - a. Conventional plastic faced box or cabinet signs;
  - b. [Formed plastic faced box or injection molded plastic signs](#);
  - c. [Luminous vacuum formed letters](#); and
  - d. Animated or flashing signs (real-time information signs are permitted)

**C. Sign Illumination and Animation**

- 1. Within CPIO Subareas A, B, and C, signs shall adhere to the following illumination and animation standards:
  - a. Signs shall use appropriate means of illumination. These include: neon tubes, fiber optics, incandescent lamps, cathode ray tubes, shielded spotlights and wall wash fixtures.
  - b. Signs may be illuminated during the hours of operation of a business, but not later than 2 a.m. or earlier than 7 a.m. Signs for 24-hour uses, such as hotels, are exempt from these limited hours of illumination.

**I –VIII. Section I-8. ENVIRONMENTAL STANDARDS PROCEDURES**

The Environmental Standards in Appendix A are included in the Downtown CPIO District to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update and reviewed in the City of Los Angeles Downtown Community Plan Environmental Impact Report (Case No. ENV-2017-433-EIR), certified on XX, XX, XXXX.

Any Discretionary Project within the CPIO Boundaries shall comply with all applicable Environmental Standards as set forth in Appendix A, subject to the following rules.

- A. Applicability of Environmental Standards.** A Project does not need to comply with any Environmental Standard that is not relevant to the scope of activities involved with the Project. For example, a Project that proposes only minor façade alterations and no grading shall not be subject to Environmental Standards that apply to grading activities (such as noise and vibration standards). The decision maker, in his or her reasonable

discretion, shall determine those Environmental Standards that apply to a particular Project.

- B. Plans.** Compliance with all applicable Environmental Standards listed in Appendix A shall be demonstrated on the plans as project features (that is, features that are physically built into the Project such as an air filtration system) or as operational features listed on a sheet within the plans (that is, features that are carried out either during the construction of the Project, or over the life of the project, such as the use of paints, sealants, and other building materials that yield low air pollutants).
- C. Modification of Environmental Standards.** Modifications of Environmental Standards do not require the processing of a CPIO Adjustment or CPIO Exception. The decision maker may modify or dispense with an Environmental Standard listed in Appendix A.

**I –IX. Section I-9. USE OF BEST PRACTICE APPENDICES**

The Best Practices in Appendices B, C, D, and E of this CPIO are not mandatory for Projects requiring an Administrative Clearance, Director’s Determination, CPIO Adjustment, or CPIO Exception pursuant to Section I-6.C . of this CPIO, or any other Discretionary application filed within the CPIO Boundaries. The Best Practice Appendices provide resources that encourage livable and sustainable development in Downtown Los Angeles.

Nothing in this section, the Downtown CPIO District, or any other applicable citywide design guidelines, shall allow decision makers to approve, deny, or condition a discretionary approval based on these best practices.

**I –X. Section I-10. 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 Downtown CPIO District shall operate and be treated as a specific plan, zoning ordinance, and a prior plan level decision for which an EIR was certified.

**I –XI. Section I-11. 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 STANDARDS SUBAREA

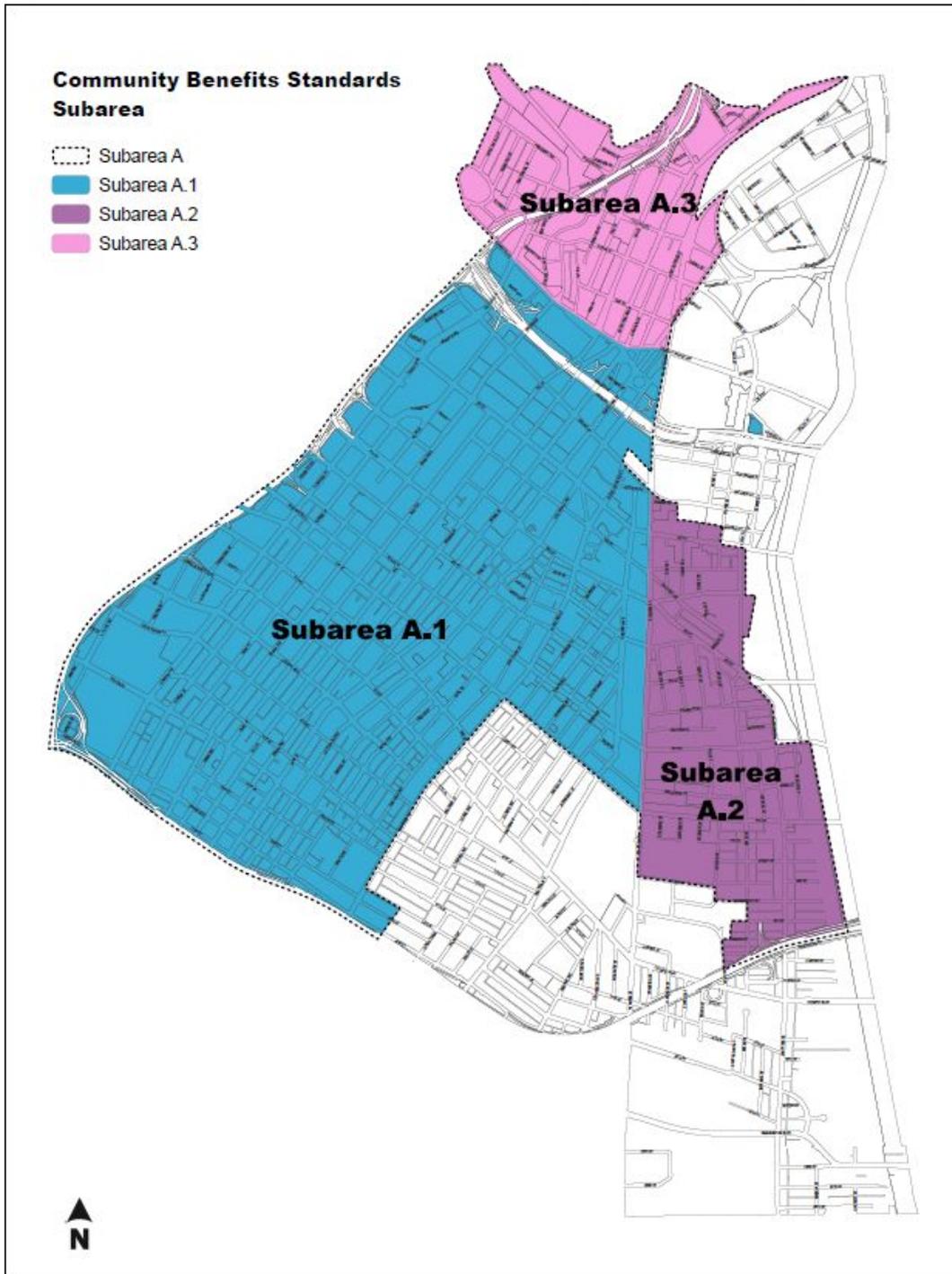
## **COMMUNITY BENEFITS PROGRAM SUBAREA**

### A – DOWNTOWN COMMUNITY BENEFITS PROGRAM SUBAREA A

#### **OVERVIEW**

The Community Benefits Program (CBP) Subarea A strives to introduce more affordable housing development, provide access to public open space and community facilities, and facilitate the preservation and rehabilitation of historic resources in the Plan Area. This Subarea includes a tiered incentive structure that prioritizes Mixed-income and 100 Percent Affordable housing. Within the Subarea, there are three subsections that tailor the incentives to the surrounding context, offering greater intensities of FAR and height around fixed rail transit stations and bus corridors, and reinforcing the identity of neighborhoods.

**Figure 2. - Downtown Community Benefits Program Subarea Map**



**II – I. 1. COMMUNITY BENEFITS STANDARDS**

- A. Relief.** Requirements of this Chapter shall not be eligible for a CPIO Adjustment pursuant to Section I-6 C.4 or a CPIO Exemption Section I-6 C.5.
  
- B. Pro Rata Share.** Projects may seek less than the full increment of FAR available through the incentives in this Chapter provided that they provide a proportional share of community benefits and meet the minimum requirements below.

**II – II. 2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM PURSUANT TO LAMC CHAPTER 1A 9.3.2**

**A. Requirements**

- 1. On-Site Restricted Affordable Units.** Within the boundaries of this CPIO Subarea, a Housing Development shall provide Restricted Affordable Units at rates outlined in Set E of LAMC Chapter 1A Section 9.3.2.B. The minimum number of Restricted Affordable Units shall be calculated based upon the base number of units in the final project.
  
- 2. Calculation of base residential units.** To determine the number of base units for purposes of calculating the required number of Restricted Affordable Units pursuant to A.1 above, follow the steps outlined below:
  - a.** Calculate the average unit size in the proposed project by dividing the total proposed residential square feet by the total number of proposed units.
  
  - b.** Calculate the total base residential square feet by taking the lesser of the following:
    - i.** The total square feet allowed under the Base Maximum FAR; or
  
    - ii.** The total proposed residential square feet in the project
  
  - c.** Divide the base residential square feet as calculated in (b) by the average unit size in (a). This is the base number of units that shall be used for purposes of determining the number of affordable units.
  
  - d.** For purposes of this calculation, in no instance shall the average unit size be greater than 1,500 square feet.
  
  - e.** A project may adjust the size of units and residential square feet up to 10% without recalculating base units after an application has been deemed complete.

**B. Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:

No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Section 11-2A, off-site units must be provided within the boundaries of the Downtown Community Plan Area. The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Housing and Community Investment Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first Certificate of Occupancy for the original Project. In no event shall the Certificate of Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same offsite project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Department of Housing and Community Investment, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section.

**C. Off-site Acquisition.** The affordability provisions of this Section may be satisfied by the acquisition of property containing At-Risk Affordable Units and converting the units to non-profit, Community Land Trust, and/or tenant ownership prior to issuance of the Certificate of Occupancy for the original Project. Prior to transferring ownership to a qualified entity, the At-Risk Affordable Units shall achieve a minimum of a C2 rating based on the Fannie Mae Uniform Appraisal Dataset Property Condition Ratings, as assessed and certified by the Housing and Community Investment Department (HCID), or as required by HCID to be completed by the Developer and subsequently certified by HCID. Any entity taking ownership of At-Risk Affordable Units pursuant to this Section shall record an affordability covenant guaranteeing affordability to Deeply Low, Extremely Low, Very Low, Lower, or Moderate Income Households. The number of At Risk Affordable Units that must be acquired and converted to non-profit or tenant ownership under this subdivision shall be as follows:

No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Section II – 2A of this CPIO District; and

Properties acquired must be located within the boundaries of the Downtown Community Plan Area.

All other units located on the subject property shall be restricted to no more than 150% AMI.

In no circumstances shall existing tenants be evicted from existing units. If existing tenants do not meet the income restriction above, the unit shall not be income restricted until the unit is vacant.

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

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

The fee is due and payable to the City of Los Angeles Downtown Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Downtown Affordable Housing Trust Fund and accounted for and used as provided in Section (c).

- E. Dwelling Unit Mix and Location.** For sites located in Subarea A.3, a minimum of 30% of the total dwelling units for an Eligible Housing Development shall be two bedrooms or greater.
- F. Additional Incentives.** In addition to the FAR and height bonus identified in LAMC Chapter 1A Section 9.3.2, a Housing Development Project shall be granted two additional incentives.

**Building Width.** See LAMC Chapter 1A Section 2.C.6

- a. For all Eligible Housing Development Projects, up to a 20% increase in maximum building width may be granted.

**Lot Coverage.** See LAMC Chapter 1A Section 2.C.2

- b. For all Eligible Housing Development Projects, up to a 20% increase in maximum lot coverage may be granted.

**Lot Width.** See LAMC Chapter 1A Section 2.C.1

- c. For all Eligible Housing Development Projects, up to a 20% decrease in required minimum lot width may be granted.

**Averaging of Floor Area.** See LAMC Chapter 1A Section 2.C.4.

- d. A Housing Development Project that is located on two or more adjacent parcels may average the Floor Area 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

**II – III. 3. PUBLIC BENEFITS INCENTIVE PROGRAMS PURSUANT TO LAMC CHAPTER 1A Section 9.3 to promote the production of improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public.**

**A. Transfer of Development Rights for Historic Preservation.**

1. **Purpose.** The purpose of the Transfer of Development Rights program is to facilitate the preservation of Historic Resources within Subarea A.2, while enabling development rights to be utilized on more appropriate sites.
2. **Applicability.** The procedures contained in this subsection apply exclusively to properties within Subarea A.2 subject to the eligibility requirements and other regulations below.
3. **Eligibility.** A transfer of unused Floor Area, including Bonus FAR, from a Donor Site to a Receiver Site is permitted, provided the transfer is in conformance with the following rules for transfer:
  - a. The Donor Site is designated as a Los Angeles Historic-Cultural Monument, a Contributing Structure to a City Historic Preservation Overlay Zone, is listed in or formally determined eligible for the California Register of Historical Resources or the National Register of Historic Places, or is identified as a contributor to a historic district or individual resource by SurveyLA, or another historical resource survey completed, completed after the effective date of the CPIO by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources (OHR).
  - b. The Donor Site has unused Floor Area under its Base FAR and/or Bonus FAR pursuant to Article 2 (Form).
  - c. A Receiver Site may receive all available unused Floor Area from the Donor Site, including the Donor Site’s Bonus FAR, at a 1:1 ratio (i.e., for every square-foot transferred from a Donor Site a receiver Site gets one square-foot) up to the receiver Site’s allotted Bonus FAR.
  - d. The receiver site shall not demolish any Historic resource, as defined above.
4. **Process.** To utilize a Transfer of Development Rights, an application must be filed pursuant to LAMC Section 13.4.5 (Director Determination). In addition, the following requirements shall apply:
  - a. The applicant shall consult with the Department of City Planning, Office of Historic resources to identify, with respect to the Donor Site, the significant

historic features that are required to be maintained, and to identify any rehabilitation work required to be completed.

- b. A Preservation Plan and easement, pursuant to Subdivision e.2. below, shall be completed prior to the completion of the Director Determination process.
- c. Following the issuance of a Director Determination, and prior to the issuance of building permits for a project utilizing a Transfer of Development Rights, all fee owners of the Donor Site(s) and receiver Site(s) involved shall execute a covenant and agreement in a form designed to run with the land and be binding on future owners, assigns and heirs and which is satisfactory to the Department of City Planning. The applicant shall record the covenant in the county recorder's Office and shall file certified copies with the Departments of City Planning and Building and Safety.
  - i. Donor Site Covenant: The covenant on a Donor Site shall acknowledge the reduced Floor Area to the extent unused permitted Floor Area was transferred to a receiver Site(s), and the location of the receiver Site(s).
  - ii. Receiver Site Covenant: The covenant on a receiver Site shall acknowledge the increased Floor Area to the extent unused permitted Floor Area was transferred from a Donor Site(s), and the location of the Donor Site(s).
  - iii. Covenant Applicability: The covenants shall apply as long as the transferred Floor Area is being utilized by the Receiver Site. If the Receiver Site is no longer utilizing the transferred Floor Area, the owner of the Receiver Site may apply to terminate the covenant.
- d. Preservation Plan and Easement: The Donor Site shall execute a Preservation Plan and easement, with the following minimum standards:
  - i. The Preservation Plan and easement shall be executed with the Department of city Planning, Office of Historic resources or a qualified non-profit Historic Preservation Organization, or other entity of the city's choosing, and;
  - ii. The Preservation Plan and easement shall address, at a minimum:
    - 1) Maintenance of the resource, the property, and significant historic features;
    - 2) Additions and alterations to the resource and/or significant elements of any building and the property;
    - 3) Demolition of the resource and/or significant elements of any building and the property;
    - 4) Required rehabilitation work to any significant historic features;
    - 5) Required rehabilitation work must be completed within 10 years of the recordation of the Preservation easement.
    - 6) Inspections to ensure compliance with the Preservation easement. Inspections must occur at minimum once every 5 years, however the number of inspections may be increased as part of the Preservation Plan and easement;
    - 7) Other standards and requirements as required by the Director of Planning;

- 8) Fines and penalties for violating any section of the Preservation Plan and easement. The Preservation Plan and easement shall apply as long as the transferred Floor Area is utilized on the receiver Site. If the owners of the Historic resource that is the subject of the Preservation Plan and easement have violated the Plan and easement, the owners of the resource shall pay a fine equal to ten (10) times the value of the application fee and cumulative inspection fees paid.

**II – IV. 4. Publicly Accessible Outdoor Amenity Space pursuant to LAMC Chapter 1A 9.3.3.**

- A. For every additional 4% of lot area dedicated as publicly accessible open space, above the subject site's required Lot Amenity Space, eligible projects may obtain an additional 1.0:1 FAR for either of the following:
  1. Land dedicated for public open space, in consultation with the Department of Recreation and Parks.
  2. On-site publicly accessible open space, constructed in accordance with the requirements listed below:
    - a. At least one public restroom shall be provided within or adjacent to and directly accessible from the publicly accessible open space. Signage shall indicate that the restroom is available for public use.
    - b. At least one of the amenity options listed below shall be provided within or adjacent to the publicly accessible open space:
      - i. Outdoor exercise equipment available for public use
      - ii. Sport courts available for public use
      - iii. Dog run available for public use
      - iv. Children's play area available for public use
      - v. Community garden available for public use
    - c. At least 20% of the publicly accessible open space shall be shaded. Percentage shading shall be the shadow cast on the publicly accessible open space measured at noon (12:00 p.m.).

**II – V. 5. Community Facilities pursuant to LAMC Chapter 1A 9.3.4**

- A. For every 2.5% of incremental bonus floor area above a minimum of 5,000 square feet, dedicated to one of the following, eligible projects may obtain an additional 1.0:1 FAR:
  1. LAUSD or public charter Schools and public Libraries pursuant to LAMC Chapter 1A Section 9.3.4.B.5
  2. Social Services pursuant to LAMC Chapter 1A Section 9.3.4.B.6
  3. Public facilities pursuant to LAMC Chapter 1A Section 9.3.4.B.7
  4. Regional Mobility Hubs as specified in the Mobility Hubs Reader's Guide
- B. For sites located in Subarea A.2, Employment Centers, projects in which a minimum of 50% of the total Floor Area, inclusive of any bonus floor area, contains non-residential uses, excluding uses in the Eating and Drinking Establishments, Personal Services, and Retail Sales use groups, may obtain additional floor area up to 4.0:1 FAR.  
On-site provision of Child Care services pursuant to LAMC Chapter 1A Section 9.3.4.B.1

1. A Housing Development must fully utilize the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2 before obtaining Floor Area through this incentive.

**II – VI. 6. Additional On-Site Restricted Affordable Units.**

- A. A Housing Development may exceed the bonus FAR received through the Local Affordable Housing Incentive Program up to the maximum bonus FAR by an additional 1.0:1 FAR for each increase in the amount of on-site restricted affordable units according to the following percentages: 3% Deeply Low, Extremely Low Income, or Very Low Income; or 4.5% Low Income, Moderate Income (for sale or rent), or Above Moderate Income (for sale or rent).

**II – VII. 7. Height Incentives for non-residential projects.** A non-residential project receiving at least 1.0:1 FAR through any of the Public Benefits Incentive Programs above shall be eligible for the maximum bonus height in the Form District.

**II – VIII. 8. Community Benefits Fund.** Projects that have satisfied minimum onsite or commensurate benefits under Sections II-III through II-V, may achieve additional floor area by submitting payment to a Community Benefits Fund. *Procedures involving the implementation of the Community Benefits Fund are forthcoming. (See Program P21 of the Community Plan Text for additional information).*

- A. For Housing Development Projects, a project must meet the requirements of the Local Affordable Housing Incentive Program and provide Public Benefits up to an FAR equivalent to one-half of the delta between 1.35 times the Base Maximum FAR, and the Bonus Maximum FAR.
- B. For non-residential projects, a project must provide Public Benefits up to an FAR equivalent to one-half of the delta between the Base Maximum FAR, and the Bonus Maximum FAR.

**II – IX. 9. Buildable Area Calculation.** For a project on a lot designated, in whole or in part, as Transit Core by the General Plan Land Use Map the Maximum Bonus Floor Area Ratio shall be calculated by including the lot area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way. For a development project to be eligible:

- A. A Housing Development must fully utilize the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2
- B. A non-residential project must obtain at least 1.0:1 FAR through any of the Public Benefits Incentive Programs above.

**II – X. 10. Project Review Threshold.** For a project participating in the Community Benefits Program that meets the minimum requirements of Chapter II above, the threshold for project review pursuant to LAMC Chapter 1A Section 13.4.4 shall be five hundred residential dwelling units or 500,000 square feet of non-residential development.

# CHAPTER III – BUNKER HILL DEVELOPMENT STANDARDS SUBAREA

## **BUNKER HILL DEVELOPMENT STANDARDS SUBAREA**

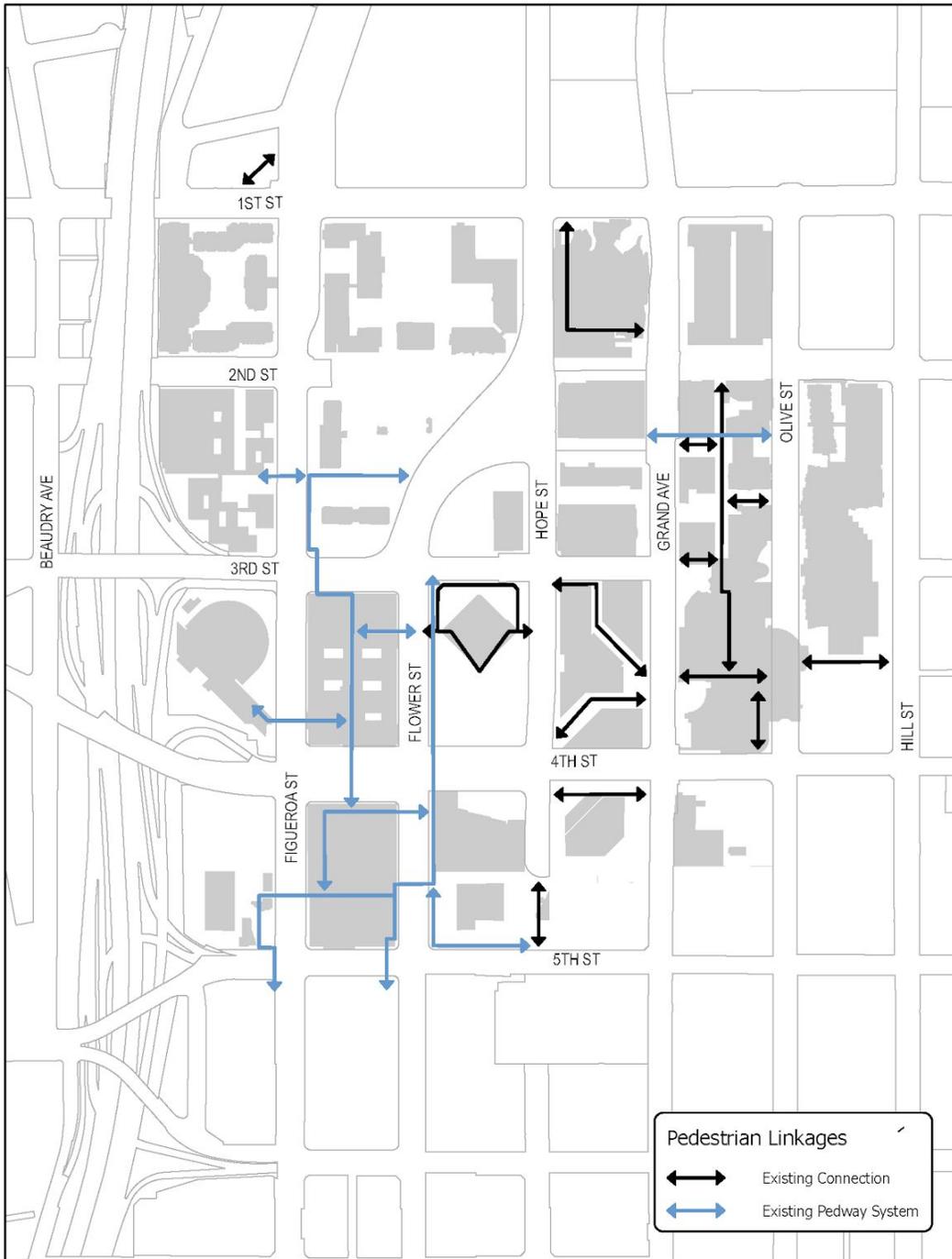
### B – BUNKER HILL DEVELOPMENT STANDARDS SUBAREA B

#### **OVERVIEW**

The purpose of this Subarea is to maintain an integrated network of pedestrian linkages throughout the Bunker Hill area, as initially established under Ordinance 182576. Figure 3 shows the general location of the pedestrian linkages. The network of linkages, and the provisions hereinafter set forth to implement such a network, shall be applicable to all projects and to all properties within the Subarea, as more particularly designated in Figure 1.

- III – I. Maintenance of Existing Easements for Pedestrian Walkways.** Existing public easements for Pedestrian Walkways must be maintained unless an equivalent pedestrian easement is provided, subject to the Director's approval. Existing public easements shall be maintained in accordance with the following:
- A.** The Pedestrian Corridor shall be open to the public between the hours of 5 a.m. and 10:30 p.m., but may be closed outside of such hours.
  - B.** The use of any components of the Pedestrian Corridor by the public shall not be revoked by the owner of any building without the prior written approval of the Director and the City Engineer. This Section does not supersede the City's right-of-way vacation process. Such approval shall be given only if (1) the buildings or other improvements to be served by such components have been demolished, or (2) a particular component presents a danger to public safety.
    - 1.** Any changes in the approximate location of the Pedestrian Corridor shall be subject to the Director's approval upon a finding that any such change will provide equal or better pedestrian access and safety.

**Figure 3. – Bunker Hill Pedestrian Linkages**



# CHAPTER IV – CIVIC CENTER DEVELOPMENT STANDARDS SUBAREA

## CIVIC CENTER DEVELOPMENT STANDARDS SUBAREA

### C – CIVIC CENTER DEVELOPMENT STANDARDS SUBAREA C

#### OVERVIEW

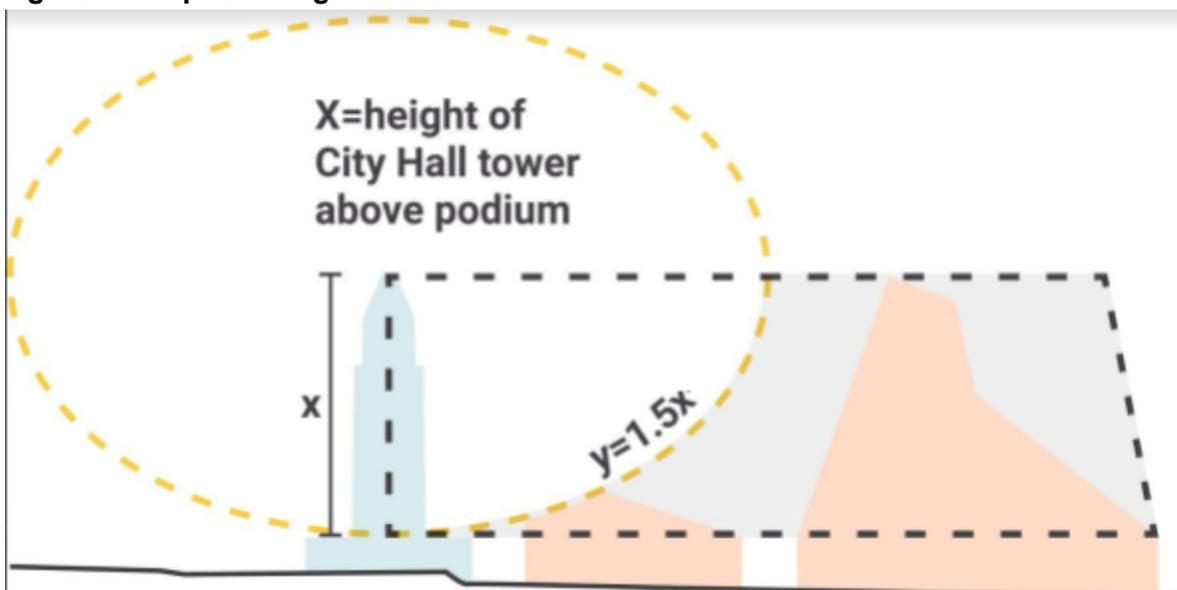
The purpose of this is to implement development standards for the Civic Center Master Plan Area. These standards regulate projects that may be built upon City-owned properties located in proximity to City Hall, and aim to achieve an active and world-class Civic Center environment. Additionally, these standards ensure that new development responds to the surrounding context, especially Los Angeles City Hall.

**IV – I. Scale and Massing of New Development.** New development in the Civic Center Subarea shall respect City Hall’s prominence as the District’s iconic building by complying with the following development standards:

#### A. Building Height

1. No portion of any building shall exceed the absolute height of Los Angeles City Hall.
2. In addition to the general height limit, buildings are subject to a height limit relative to their distance to City Hall’s tower. Buildings shall not exceed an elliptical height plane as described by Figure 4 below. The elliptical height plane has a height-to-width ratio of one times City Hall’s tower height by one and a half times said height.

**Figure 4. Elliptical Height Plane.**



- IV – II. Transfer of Floor Area.** Any owner(s) of a legally defined lot located within Subarea A may transfer unused permitted floor area to another legally defined lot within Subarea C, pursuant to the procedures of this section.
- A. Floor Area.** Total floor area in the Civic Center Subarea shall not exceed a ratio of 6.5:1. Individual sites within the subarea may exceed a floor area ratio of 6.5:1 through a transfer of floor area.
  - B. Limitation.** Any project constructed with transferred floor area must comply with all regulations set forth in this Subarea.
  - C. Procedures.** Projects seeking the transfer of unused permitted floor area, within the floor area cap, shall apply for an Administrative Clearance pursuant to the provisions of Section I-6 C.2 of this CPIO.

## APPENDIX A – ENVIRONMENTAL STANDARDS

### OVERVIEW

As described in Section I-8 of the CPIO District, these Environmental Standards are included to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update and reviewed in the Downtown Environmental Impact Report (Case No. ENV-2017-433-EIR), certified by the City Council.

In addition to Projects in Subareas that are required to comply with these Environmental Standards, any other discretionary project in the boundaries of the Downtown Community Plan Area that seeks to rely on the Downtown EIR for its CEQA clearance (including through tiering, preparing an addendum, supplemental EIR or a statutory infill exemption), may incorporate or impose the following Environmental Standards on the project. Compliance may be achieved through covenant, conditions, plan notations, or other means determined reasonably effective by the Director of Planning or the decision-maker.

[MITIGATION MEASURES / ADDITIONAL ENVIRONMENTAL STANDARDS FORTHCOMING]

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/or requirements or the granting of additional allowances beyond what would normally be allowed. In addition, it is also the purpose of this Article to provide mechanisms to utilize the Maximum Bonus FAR, Bonus Height, and Bonus Stories as provided by a site's Form District.

### SEC. 9.1.2. GENERAL PROVISIONS

#### A. Summary

This Article consists of Affordable Housing Incentive Programs of *Div. 9.2.* (Affordable Housing Programs), the Community Benefits Program contained in *Div. 9.3.* (Community Benefits Program), and a variety of other incentive programs contained in *Div. 9.4.* (General Incentive Programs). The Community Benefits Program, which enables projects to utilize one or more incentive programs; if a project involves residential uses it must first utilize the affordable housing incentive program outlined in *Sec. 9.3.2.* (Local Affordable Housing Incentive Program). *Div. 9.4.* (General Incentive Programs) contains programs designed to incentivize the production of dwelling units that are of benefit to the public, including eldercare facilities, permanent supportive housing, and other types of household living.

#### B. Applicability

Any project containing 5 or more dwelling units, including projects with subdivisions of land, may utilize an affordable housing incentive 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 utilized. The programs outlined in *Div. 9.4.* (General Incentive Programs) can be utilized as applicable and in conjunction with any other incentive program established in this Article.

#### C. Maximum Bonus Floor Area

Projects using the Affordable Housing Incentive programs or Public Benefits programs may not exceed the FAR set by the Maximum Bonus FAR of the project site's Form District. However, residential projects utilizing the State Density Bonus program may exceed the Max Bonus FAR pursuant to *Sec. 9.2.1.* (Density Bonus).

#### D. Project Sites with No Density Limit

If the project site's zoning has an "FA" Density District, no maximum density, then the maximum allowable units shall be determined by dividing the amount of Floor Area (in square feet) allowed

by the Base FAR by a “standardized unit size” of 950 square feet. The resulting number shall be considered the base amount of units allowed. However, a Community Plan Implementation Overlay (CPIO) can establish a different “standardized unit size”, in which case the amount of Floor Area (in square feet) allowed by the Base FAR is divided by the CPIO’s “standardized unit size”.

## 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. **Applicability**

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, as established in Subsection D. (Base Incentives – Density and Parking), and if it has not utilized any other Affordable Housing Incentive Program.

#### C. **General Standards**

##### 1. **Fractional Units**

For the purposes of this Section, regardless of *Sec. 6C.1.2.D.3. (Calculating Maximum Density Base on Lot Area)*, in calculating base density and restricted affordable units, any number resulting in a fraction is rounded up to the next whole number.

##### 2. **Other Discretionary Approvals**

Approval of density bonus units does not, in and of itself, trigger other discretionary review actions required by this Chapter.

##### 3. **Affordable Housing Subsidies**

Approval of density bonus units does not, in and of itself, preclude a housing development project or residents of a housing development project from receipt of government subsidies for affordable housing.

#### D. **Base Incentives – Density and Parking**

Any housing development project that meets the criteria established in Subsection B. (Applicability) above will receive the base incentives outlined below.

##### 1. **Density**

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

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. The density bonus may be increased according to table below, up to a maximum of 35%. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Subsection F. (Housing Development Project Exceeding 35% Density Bonus) or Subsection H. (Projects Exceeding 35% Density Bonus That Do Not Meet Subsection F.) below.

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%

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

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. The density bonus may be increased according to table below, up to a maximum of 35%. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Subsection F. (Housing Development Project Exceeding 35% Density Bonus) or Subsection H. (Projects Exceeding 35% Density Bonus That Do Not Meet Subsection F.) below.

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%

**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**

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%. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Subsection F. (Housing Development Project Exceeding 35% Density Bonus) or Subsection H. (Projects Exceeding 35% Density Bonus That Do Not Meet Subsection F.) below.

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%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

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

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

**f. Child Care**

A housing development project that conforms to the requirements of any of Paragraphs (a) through (d) above, and includes a child care 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 child care facility included in the project.
- ii. One additional incentive, as provided in Subsection E. (Additional Incentives) below.

**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, in lieu of providing the requisite number of restricted affordable units that would otherwise be required under this Section, an applicant may opt to provide a greater number of smaller restricted affordable units, 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 units in the housing development project, including density bonus units, does not exceed the maximum permitted by this Section;
- iii. 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; 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 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 Subsection E. (Additional Incentives) below.

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 *Article 4* (Development Standards), 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 handicapped and guest parking, may be reduced by 33%.

b. **Parking Option 2**

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

i. One parking space per restricted affordable unit or guest room, except as follows:

- a) Restricted affordable units or guest rooms for Low Income or Very Low Income senior citizens or disabled persons require 0.5 parking spaces for each unit; and
- b) Restricted affordable units or guest rooms in a residential hotel require 0.25 parking spaces for each unit.

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

c. **Parking Option 3**

- i. 100% affordable rental projects (exclusive of a manager's unit or units) located within ½ mile of a Major Transit Stop require 0.5 spaces per unit.
- ii. 100% affordable rental senior projects (exclusive of a manager's unit or units) having either paratransit service or unobstructed access, within ½ mile, to fixed bus route service that operates at least eight times per day, require 0.5 spaces per unit.

- iii. 100% affordable rental special needs projects (as defined in Section 51312 of the Health and Safety Code) and supportive housing projects (as defined in Section 50675.14 of the Health and Safety Code) having either paratransit service or unobstructed access, within ½ mile, to fixed bus route service that operates at least eight times per day, shall not require any parking spaces.
- iv. Mixed-income projects consisting of the maximum number of Very Low Income or Low Income units provided for in density bonus law (which is 11 % and 20% respectively) within ½ mile of a major transit stop to which the project has unobstructed access require 0.5 parking spaces per bedroom.
- d. If the parking requirements applicable to the project site pursuant to Article 4 (Development Standards) are less than the parking required by one of the applicable parking options in this Subdivision, an applicant may utilize the parking requirements of Article 4 (Development Standards).

## E. **Additional Incentives**

### 1. **Eligibility for Additional Incentives**

To be eligible for any Incentives in this Subsection, a housing development project (other than an Adaptive Reuse project) shall comply with the following:

- a. The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.
- b. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations.
- c. The housing development project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.
- d. 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 Article 7 (Fire Code) of Chapter 5 (Public Safety and Protection) of this Code.

### 2. **Number of Additional Incentives Allowed**

In addition to the Density Bonus and parking options identified in Subsection D. (Base Incentives – Density and Parking), a housing development project that qualifies for a Density Bonus, meets the criteria of Subsection B. (Applicability), and is in compliance with the eligibility criteria of this Subsection, shall be granted the number of 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; or	5%	10%	15%
Low Income; or	10%	20%	30%
Moderate Income	10%	20%	30%

**3. 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. The landscaping for the housing development project must be in compliance with the landscape requirements in *Article 4* (Development Standards).

**4. Building Coverage Incentive**

Up to 20% 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).

**5. Lot Width Incentive**

Up to 20% 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).

**6. Floor Area Ratio Incentive**

- a. An increase in the percentage of Base FAR equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35%; or
- b. In lieu of the otherwise Base FAR, a floor area ratio not to exceed 3:1, provided:
  - i. The project site is zoned with a Commercial-Mixed or Commercial Use District; and,
  - ii. The project site fronts on a street designated as a Boulevard or Avenue in the General Plan Mobility Element; except that a housing development project in which at least 80% of the units in a rental project are restricted affordable units or in which 45% of units in a for-sale project are restricted affordable units shall be exempt from this requirement.
- c. The housing development project contains the requisite number of restricted affordable units to qualify for a 35% Density Bonus; and,
- d. 50% or more of the project site is located within 1,500 feet of a Transit Stop/Major Employment Center.

## 7. Height Incentive

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

- a. In any zone in which the height of buildings is limited in feet, this height increase only permits a maximum of 11 additional feet. In any zone in which the height of buildings is limited in stories but not feet, this incentive permits a maximum of one additional story. In any zone in which height is limited in both height and stories, this incentive permits a maximum of 11 additional feet and/or one additional story.
- b. No additional height is permitted for that portion of a building in a housing development project that is located within 15 feet of a property with a 2L Density District. When a lot on which a housing development project is located is adjacent to a lot with a 2L Density District, but the building is beyond 15 feet from the property line, for each foot of additional height, the building must be set back one foot horizontally.
- c. 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. This prohibition does not apply if the lot on which the housing development project is located is within 1,500 feet of a Transit Stop; however, no additional height is permitted for that portion of a building in the housing development project that is located within 50 feet of a property with a 1L Density District.

## 8. Lot Amenity Space Incentive

Up to 20% decrease from the lot amenity space requirement, provided that the landscaping for the housing development project is sufficient to comply with the landscape requirements in *Article 4* (Development Standards).

## 9. 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 zone in which the housing development project is located.

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

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:

- a. The housing development project includes 11% or more of the 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; and
- b. The proposed use is permitted by the 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.

## F. Housing Development Project Exceeding 35% Density Bonus

A housing development project may be granted additional density increases beyond 35% by providing additional restricted affordable units in the following manner:

1. For every additional 1% of the total units set aside for Very Low Income units for sale or rental, the project is granted an additional 2.5% density increase;
2. For every additional 1% of the total units set aside for Low Income units for sale or rental, the project is granted an additional 1.5% density increase; and
3. For every additional 1% set aside of the total units for Moderate Income units in for-sale projects, the project is granted an additional 1% density increase.
4. A housing development project receiving additional density increases beyond 35% is eligible to request the density, parking, and additional Incentives in this Section.

## G. Procedures

### 1. Projects with No Additional Incentives

Housing development projects requesting only the incentives outlined in Subsection D. (Base Incentives – Density and Parking) above, without any incentives outlined in Subsection E. (Additional Incentives) above, 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 Section 13.4.5. (Director Determination). Regardless of any other findings established in Section 13.4.5 (Director Determination), the Director of Planning must approve a density bonus and requested additional incentives unless the Director finds that:
  - i. The incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or affordable housing rents as defined in California Health and Safety Code Section 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. 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 Paragraph (a) above.

### 3. **Projects with Requests for Waiver or Modification**

#### a. **Application**

Housing development projects that qualify for incentives, as outlined in Subsection D. (Base Incentives – Density and Parking) above, and for which the applicant requests a waiver or modification of any Form District standard or development standard that is not included in the incentives outlined in Subsection E. (Additional Incentives) above 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 standard unless the decision-maker, based upon substantial evidence, makes either of the findings in Paragraph 2(a) above.
- iii. For housing development projects requesting waiver or modification of any Form District standard or development standard not included in the incentives outlined in Subsection E. (Additional Incentives) above 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 Subsection F. (Housing Development Project Exceeding 35% Density Bonus) above. 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 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 Sec. 19.14. (Fees for Enforcement of Housing Covenants) of Chapter 1 of this Code; and
- v. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

## H. Projects Exceeding 35% Density Bonus That Do Not Meet Subsection F

An Applicant may request additional density increases beyond 35% when the project does not meet the requirements of Subsection 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 contains 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 complies with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission;
- 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 Subsection A, the applicant may apply for approval pursuant to Sec. 13B.2.3. (Class 3 Conditional Use Permit).

b. **Supplemental Finding**

The proposed project substantially meets the purpose of the performance standards.

## I. 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, or its successor agency, 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.

### 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 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.

### 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.

### 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, or 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 for implementing 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, shall apply to all Eligible Housing Developments that are located within a one-half mile radius of a Major Transit Stop, as defined in Subdivision (b) of Section 21155 of the California Public Resources Code. Each one-half 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 Incentive Guidelines**

The Director of Planning shall establish and maintain TOC Affordable Housing Incentive Program Guidelines ("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 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), or 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.**

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. 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 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 unit count, and any number resulting in a fraction shall be rounded up to the next whole number.

### 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 Section 5 of Ordinance No. 184745, provided that no such incentives will be created that have the effect of undermining the affordable housing incentives contained this Section or in 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 minimum square feet per dwelling unit, floor area ratio, or both, and may allow different levels of density increase depending on the Project'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 Subdivision B.2. above.

## **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. (Density Bonus; 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, Very Low, or Lower Income Households, a covenant acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, 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, or its successor agency, 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 Subsection 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 improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public.

#### B. **Applicability**

This Section shall apply to any project utilizing an incentive programs included as an available incentive program in a lot's applicable CPIO or specific plan, 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 is on a lot which provides 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**

Residential projects must first utilize the Local Affordable Housing Incentive Program, established in *Sec. 9.3.2.*, to its fullest extent. 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 site's applicable Form District, then a project may utilize the remaining development potential using one of the methods described in Subsection D. (Bonus Floor Area) below up to the maximum allowed by a lot's Form District. Utilizing the Local Affordable Housing Incentive Program to its fullest extent means to provide the adequate number of restricted affordable units to qualify for the maximum density increase allowed by the Local Affordable Housing Program Set applicable to the lot. Calculation of the maximum density increase allowed and number of restricted affordable units required shall be based on the maximum density allowed by the project site's Density District.

##### 2. **Non-Residential Projects**

Non-residential projects, including city-approved Hotels, Motels, and Transient Occupancy Residential Structures, may utilize the any of the programs established in *Div. 9.3.* (Community Benefits Program) without first utilizing the Local Affordable Housing Incentive Program. Bonus FAR, Bonus Height, or Bonus Stories may be awarded up to the maximum allowed by each sites Form District. In order to utilize any of the Public Benefits Incentive programs in *Division 9.3.* (Community Benefits Program), the incentive programs must be included as an available incentive program in a lot's applicable CPIO or specific plan.

## D. **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 applicable Form District, after fully using the Local Affordable Housing Incentive Program, may access the remaining FAR, height, or stories using one or more of the following methods:

### 1. **Additional Restricted Affordable Units**

Providing additional percentages of 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 density, FAR, height, or stories provided for additional percentages of restricted affordable units shall be contained in the lot's applicable CPIO or specific plan.

### 2. **Public Benefits Incentive Programs**

Utilizing the one or more of the programs established in *Div. 9.3. (Community Benefits Program)* below, provided that the programs are included as available incentive programs in the lot's 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 incentivize the creation and development of restricted affordable units Citywide beyond the levels incentivized 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 the Local Incentive Program Set in which it is located, is entitled to receive the Incentives in Subsection C. (Base Incentives) below. The Local Incentive Program Set applicable to a lot shall be identified in the lot's applicable CPIO or specific plan.

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	10%	14%	23%	n/a
C	n/a	9%	12%	21%	n/a
D	n/a	7%	11%	20%	n/a
E	5%	8%	11%	20%	40%

1. **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 housing units required per this Section may count towards on-site restricted affordable units requirements of Subdivision 1. above.

C. **Base Incentives**

1. **Residential Density**

- a. In Local Incentive Program Sets A-D, a housing development project that includes the minimum percentage of on-site restricted affordable units outlined in Subdivision B.1. above shall be granted an increase in the allowable residential density as follows:

RESIDENTIAL DENSITY INCENTIVE					
Density District	Allowable Density Increase				
	Set A	Set B	Set C	Set D	Set E
2, 4	70%	60%	50%	40%	40%
6	60%	50%	50%	40%	40%
8, 12	50%	40%	40%	35%	35%
15, 20	40%	35%	35%	n/a	n/a
1L, 2L, 3L, 4L, FA	n/a	n/a	n/a	n/a	n/a

- b. 100% affordable housing development projects. 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) above. For example, a 50% density increase will become a 60% density increase.

2. **Floor Area Ratio**

- a. In Sets A-D, a housing development project that includes the minimum amount of on-site restricted affordable units as outlined in Subdivision B.1. shall be entitled to utilize the entire Bonus FAR as outlined in the lot’s Form District.

- b. In Set E, a housing development project that includes the minimum amount of on-site restricted affordable units shall be entitled to a 35% FAR increase.
- c. 100% affordable housing development projects. 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 of 10% of floor area more than listed above or in the applicable Form District. However, in no instance shall the floor area ratio exceed 13:1.

**3. Height**

A housing development project that includes the minimum amount of on-site restricted affordable units shall be entitled to utilize the entire Bonus Height or Bonus Stories as outlined in the lot’s Form District, when the Form District includes a Bonus Height or Bonus Stories metric.

**4. Automobile Parking**

- a. Residential Parking. Eligible housing development projects shall qualify for a reduced residential parking requirement according to the Local Incentive Program Set in which the lot is located, based on the table below:

AUTOMOBILE PARKING INCENTIVE	
Incentive Program Set	Parking Reduction
Set A, Set B	75% Decrease in required minimum
Set C, Set D, Set E	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, there shall be no required parking for all residential units in the project.
- c. For a housing development project located 750 feet or less from a Transit Stop, as measured from the closest point on any lot to the entrance(s) of the station or stop, there shall be no required parking for all residential units in the project.
- d. Nonresidential Parking. A housing development project with nonresidential uses located in any Local Incentive Program Set may reduce the nonresidential automobile parking requirement for any ground-floor nonresidential use by 20% of the required minimum.
- e. Consistency with State Code. Parking reductions offered for housing development projects shall always be consistent with or greater than those in California Government Code Section 65915(p).

**D. Additional Incentives**

Additional incentives, and eligibility requirements for additional incentives, shall be outlined in the applicable CPIO or specific plan.

## E. Process

1. Housing development projects requesting only the Incentives outlined in Subsection C. (Base Incentives), without any additional Incentives, as outlined in applicable CPIO or specific plan, shall be considered ministerial. No application for these projects need to be filed with the Department of City Planning.
2. Housing development projects requesting additional Incentives, as outlined in applicable CPIO or specific plan, shall follow the procedures in Sec. 9.2.1.G.2. (Density Bonus; Procedures; Projects Requesting Additional Incentives).
3. Records and Agreements. housing development projects shall comply with the Records and Agreements requirements of Sec. 9.2.1.I. (Density Bonus; Procedures; Records and Agreements).

### SEC. 9.3.3. **PUBLICLY ACCESSIBLE OUTDOOR AMENITY SPACE**

#### A. **Purpose**

The purpose of this Section is to incentivize the development of public outdoor plazas, parks, seating areas, and other amenity spaces, on private land.

#### B. **Applicability**

If the Publicly Accessible Outdoor Amenity Space incentive program is listed as an available Incentive program in the applicable CPIO or specific plan, the project can obtain additional floor area as permitted by the Bonus FAR by providing Outdoor Amenity Space subject to the standards below.

#### C. **Standards**

A project is considered to be providing Publicly Accessible Outdoor Amenity Space if:

1. The Publicly Accessible Outdoor Amenity Space is provided on the ground level of the project site;
2. The Publicly Accessible Outdoor Amenity Space shall be, at minimum, 100% of the size of the lot's minimum required lot amenity space area pursuant to the lot's Form District, including any Pedestrian Amenity exemption the project may qualify for. This provision may not be used in conjunction with the 25% reduction for making it publicly accessible pursuant to Sec. 2C.3.1.D. (Lot Amenity Space; Measurement);
3. All portions of the Publicly Accessible Outdoor Amenity Space shall be contiguous; and
4. The Outdoor Amenity Space complies with all minimum requirements contained in Sec. 2C.3.3.C. (Pedestrian Amenity Space) and D. (Privately-Owned Public Space).
5. The Outdoor Amenity Space complies with any additional requirements set forth in the applicable CPIO.

#### D. **Incentives**

A project may obtain additional floor area, up to the project lot's Bonus FAR. The amount of floor area awarded shall be in accordance to the lot's applicable CPIO or specific plan.

#### E. **Process**

To obtain additional floor area as outlines in the applicable CPIO or specific plan for providing Publicly Accessible Outdoor Amenity Space, an applicant must file an application pursuant to Sec. 13B.2.5. (Director Determination).

## 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 Publicly Accessible Outdoor Amenity 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 incentivize 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 is located.

### B. **Applicability**

If the Community Facilities incentive program is listed as an available incentive program in the applicable CPIO or specific plan, the project can obtain additional floor area by providing one or more of the Community Facilities below. Each Community Facility must be listed as an allowable incentive option in the CPIO or specific plan applicable to the project site.

#### 1. **On-Site Provision of Child Care Services**

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the provision of on-site child care, subject to the following standards:

- a. The child-care facility shall be in compliance with all requirements of Title 22, Division 12, Chapter 1 of the California Code of Regulations.
- b. The child care facility shall be appropriately licensed by the California Department of Social Services.
- c. Floor area utilized as a child care facility or facilities shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- d. The floor area devoted to a child care facility shall be located on site.
- e. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a child care facility shall be issued prior to the issuance of the Certificate(s) of Occupancy for the child care facility required pursuant to this Subdivision.

#### 2. **Full-Service Grocery Store**

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the on-site provision of a Full-Service Grocery Store (Food and Beverage Store) subject to the following standards:

- a. The grocery store shall have at least 10,000 square feet of floor area.
- b. The grocery store shall dedicate at least 25% of its floor area to perishable food items.
- c. Floor area utilized as a Full-Service Grocery Store shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- d. The floor area devoted to a Full-Service Grocery Store shall be located on site.

- e. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a Full-Service Grocery Store shall be issued prior to the issuance of the Certificate(s) of Occupancy for the Full-Service Grocery Store required pursuant to this Subdivision.
- f. The project site must be within a Grocery Store Incentive Area pursuant to the applicable CPIO or specific plan.

### 3. Health Centers

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the on-site provision of a Health Center, which is a facility that provides health and medical care, 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 10 years after the Certificate of Occupancy is issued.
- c. The floor area utilized as a Health Center shall be located on site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a Health Center shall be issued prior to the issuance of the Certificate(s) of Occupancy for the Health Center required pursuant to this Subdivision.
- e. The project site must be within a Health Center Incentive Area pursuant to the applicable CPIO or specific plan.

### 4. Employment Centers

A project in which a minimum of 50% of the floor area permitted by the Base FAR contains non-residential uses may obtain additional floor area as permitted by the Bonus FAR, subject to the following standards:

- a. A minimum of 50% of the floor area permitted by the Base FAR must be utilized for non-residential uses for a minimum of 10 years after the issuance of the Certificate of Occupancy.
- b. The project site must be within an Employment Centers Incentive Area pursuant to the applicable CPIO or specific plan.

### 5. Schools and Libraries

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the on-site provision of a public school or public library, subject to the following standards:

- a. Floor area utilized for a school shall be occupied by a Los Angeles Unified School District school (LAUSD), or a school approved for operation by LAUSD, and shall be properly accredited. Floor area utilized 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 shall be utilized for a school or library
- b. Floor area utilized as a school or library shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- c. The floor area devoted to a school or library shall be located on site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area as permitted by the Bonus FAR for the provision of a school or library shall be issued prior to the issuance of the Certificate(s) of Occupancy for the school or library required pursuant to this Subdivision.
- e. The project site must be within a School and Libraries Incentive Area pursuant to the applicable CPIO or specific plan.

## 6. **Social Services**

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the on-site provision of a Social Service Center, which is a facility that provides services for the benefit of the community, subject to the following standards:

- a. The Social Services Center must be operated by a government agency or a 501(c)(3) non-profit organization;
- b. Services are provided on a voluntary basis with an emphasis on employment services, job training, business incubation, youth development, educational services, medical and mental health care, substance abuse treatment, food aid, or other services deemed appropriate by the Director of Planning;
- c. Floor area utilized as for a Social Service Center shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued;
- d. The floor area devoted to a Social Service Center shall be located on-site;
- e. No Certificate of Occupancy for a Project which is obtaining additional floor area as permitted by the Bonus FAR for the provision of a Social Service Center shall be issued prior to the issuance of the Certificate(s) of Occupancy for the Social Service Center required pursuant to this Subdivision;
- f. The project site must be within a Social Service Center Incentive Area pursuant to the applicable CPIO or specific plan.

## 7. Public Facilities

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the Bonus FAR for the on-site provision of a Government Facility, which is a facility operated by a government agency for public purposes, subject to the following standards:

- a. Eligible facilities include: cultural centers, museums, police stations, fire stations, or other emergency response facilities deemed appropriate by the Director of Planning.
- b. Floor area utilized for a Public Facility shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- c. The floor area devoted to a Public Facility shall be located on-site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area as permitted by the Bonus FAR for the provision of a Public Facility shall be issued prior to the issuance of the Certificate(s) of Occupancy for the Public Facility required pursuant to this Subdivision.
- e. The project site must be within a Public Facility Incentive Area pursuant to the applicable CPIO or specific plan.

## C. Incentives

A project may additional floor area as permitted by the Bonus FAR. The amount of floor area awarded shall be in accordance to the lot's applicable CPIO or specific plan.

## D. Process

### 1. Application

To obtain additional development potential as allotted for in an applicable CPIO or specific plan for providing community facilities and improvements, an applicant must file for an application pursuant to *Sec. 13B.2.5*. (Director Determination).

### 2. Supplemental Findings

In addition to the findings required by *Sec. 13B.2.5*. (Director Determination), the Director must also find that the 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.

## E. 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 not change the use of the portion of the building dedicated to the Community Facility for the periods outlined in Subsection B. (Applicability) above from the issuance of the Certificate of Occupancy.

## 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 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 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 or guest rooms should be provided with basic amenities that are sufficient to support independent living.
  - c. Sufficient non-residential floor area, as determined in Subdivision B.2. (Supportive Services) below, should be made available on the subject property to provide the appropriate level of Supportive Services to the resident Target Population.

#### B. Applicability

In order for a Qualified Permanent Supportive Housing Project to be eligible for this Qualified 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 also be eligible for approval.

##### 2. Supportive Services

Applicants shall provide documentation describing the Supportive Services that will be provided onsite and offsite. 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 prequalified by a Local Public Agency.

### 3. **Housing Replacement**

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

### 4. **On-Site Supportive Services Requirement**

Non-residential floor area shall be provided for on-site Supportive Services in the following ratios:

- a. For Qualified Permanent Supportive Housing Projects with 20 or fewer total combined dwelling units or guest rooms, no less than 90 square feet of dedicated office space shall be provided; or
- b. For Qualified Permanent Supportive Housing Projects with greater than 20 dwelling units or guest rooms, 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.

### 5. **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.

### 6. **Unit/Guest Room Requirements**

Each dwelling unit or guest room shall have a private bathroom and cooking facilities containing, at minimum, a sink, refrigerator, counter space, and a hotplate or microwave. The Zoning Administrator can modify this requirement pursuant to *Sec. 13B.2.2*. (Class 2 Conditional Use Permit).

### 7. **Historic 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, in consultation with the Office of Historic Resources.

## C. Incentives

The grant of any incentives under this Subsection 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 Subsection B. (Applicability) above is eligible for the following base incentives:

#### a. Minimum Lot Area per Dwelling Unit or Guest Room

In all Density Districts except for 1L, the number of allowable dwelling units or guest rooms shall not be subject to the otherwise maximum density under any applicable zoning ordinance or specific plan. On any lot in Density District 15, the minimum lot area per dwelling unit or guest room 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 or guest rooms restricted to the Target Population.
- iii. For projects located within one-half (1/2) mile of a Transit Stop, or of a Major Transit Stop as defined in Section 21155(b) of the California Public Resources Code, no more than one-half (1/2) parking space shall be required for each income-restricted dwelling unit or guest room not occupied by the Target Population. Otherwise, no more than one (1) parking space shall be required for each restricted affordable unit or guest room not occupied by the Target Population.
- iv. One parking space for every 20 dwelling units or guest rooms shall be required for the purpose of accommodating guests, Supportive Services, and case management.
- v. For projects located in the Downtown Community Plan, no parking space shall be required for dwelling units or guest rooms dedicated or set aside for households that earn less than 50% of the Area Median Income as determined by the Los Angeles Housing and Community Investment Department, or its successor agency.
- vi. Parking reductions offered for Qualified Permanent Supportive Housing Projects shall always be consistent or greater than those in California Government Code Section 65915(p).

- vii. If the parking requirements applicable to the project site pursuant to Article 4 (Development Standards) are less than the parking required by one of the applicable parking options in this Subsection, an applicant may utilize the parking requirements of Article 4 (Development Standards).

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 applicable 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 Section 47.73.S. (Residential Hotel Unit Conversion and Demolition; Definitions) of Chapter 4 (Public Welfare) of this Code, and is a continuation of an existing residential use. The replacement shall comply with the provisions of Article 7.1. (Residential Hotel Unit Conversion and Demolition) of Chapter 4 (Public Welfare) of this Code as approved by the Los Angeles Housing and Community Investment Department, or its successor agency. The total number of dwelling units or guest rooms may be increased as part of the conversion or replacement. This Subdivision shall not apply to a Residential Hotel located on a lot in Density District 20 or more restrictive.

e. **Guest Rooms**

For the purpose of this Section, a guest room may contain cooking facilities including a sink, refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave.

2. **Additional Incentives**

A Qualified Permanent Supportive Housing Project meeting the requirements in Subsection B. (Applicability) above is eligible for any combination of up to five additional incentives described below, as applicable.

a. **Yard**

A Qualified Permanent Supportive Housing Project may obtain up to 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 Article 4 (Development Standards).

- 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 front yard may not be less than the average of the front yards, 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 front yard may align with the facade of the adjacent building along the same front 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 20% increase in Building Coverage limits, provided that the landscaping for the Qualified Permanent Supportive Housing Project is sufficient to provide 10% more than otherwise required by *Article 4* (Development Standards).

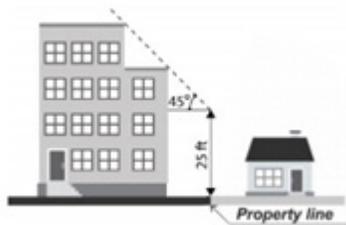
**c. Floor Area Ratio**

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

**d. Height**

Up to 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 or number of stories is limited, this provision shall permit a maximum height increase of one additional story up to eleven feet. For the purposes of this Height incentive other transitional height requirements in this Chapter shall not apply. In their place, the following transitional height requirements shall be applied:

- i. When adjacent to or across an alley from lots with in 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 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 than otherwise required by Article 4 (Development Standards).

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

Lot amenity space, or Residential Amenity Space. 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 underlying zone(s) of each parcel; 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 non-residential floor area is required by a zoning ordinance, 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 a 20% relief may be provided from one other development standard not described in this Subsection, as that term is defined in California Government Code Section 65915(o)(1), or as may be amended from time to time.

## D. Process

### 1. **Qualified Permanent Supportive Housing Projects Meeting All Applicability Requirements**

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

#### a. **Application Material**

All applications shall be reviewed for compliance with the definitions in this Section, applicability requirements in Subsection B. (Applicability) above, and compliance with the applicable incentive standards in Subsection C. (Incentives) above. The application shall be approved by the Department of City Planning if the applicable 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 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, which includes submission of a completed public notice form provided by the Department and photographs of the posted notice.

#### c. **Additional Waivers**

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 waivers pursuant to the procedures described in Subdivision *Sec. 9.2.1.G.3. (Density Bonus; Procedures; Projects with Requests for Waiver or Modification)*. The Zoning Administrator may modify or exempt the applicability requirements for Qualified Permanent Supportive Housing Projects in Subdivisions B.4. (On-Site Supportive Services Requirement), B.5. (Location Requirement), B.6. (Unit/Guest Room Requirements), and B.7. (Historic Resources), 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, or its successor agency, that reserves and maintains the total combined number of dwelling units and guest rooms designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.

## SEC. 9.4.2. INTERIM USE OF MOTELS FOR SUPPORTIVE HOUSING OR TRANSITIONAL HOUSING

### A. Purpose

The purpose of this Section is to facilitate the interim use of existing Transient Residential structures, such as Motels, Lodging, Apartment Hotels, and Transient Occupancy Residential structures, as Supportive Housing 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 underlying zoning, upon termination of the interim Supportive Housing or Transitional Housing use.

### B. Applicability

An Interim Motel Housing Project is eligible for conversion to Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness if they meet the following requirements:

#### 1. Certificate of Occupancy

The structure has a Certificate of Occupancy as a Motel, Lodging, Apartment Hotel, or Transient Occupancy Residential Structure;

#### 2. Use of Units

All dwelling units and guest rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both;

#### 3. No Additions

The Interim Motel Housing Project does not increase or add floor area or expand the building footprint or height;

#### 4. No Expansion of Use

The Interim Motel Housing Project does not increase the total combined number of dwelling units or Guests Rooms;

## 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 or guest rooms, 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 Motel Housing Projects with fewer than 20 total combined dwelling units or guest rooms. 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**

The applicant provides a copy of an executed contract agreement between the Local Public Agency, the provider of the Supportive Housing or Transitional Housing, and the Interim Motel Housing Project applicant for the provision of on-site Supportive Housing or Transitional Housing, or a combination of both; proof that the applicant has received funding from a Local Public Agency; and proof that the Supportive Housing or Transitional Housing contract is in effect;

## 8. **Residential Hotel Ordinance**

If structures or units are subject to the provisions of Article 7.1. (Residential Hotel Unit Conversion and Demolition) of Chapter 4 (Public Welfare) of this Code on the date of the Interim Motel Housing Project application, they shall remain subject to all requirements and restrictions in Article 7.1. (Residential Hotel Unit Conversion and Demolition) of Chapter 4 (Public Welfare) of this Code during the Supportive Housing or Transitional Housing contract; and

## 9. **Historic Building**

An Interim Motel Housing Project shall not involve alteration of an historic character defining feature identified in a nomination or a survey for any project affecting a property listed in or formally determined eligible for a National, State or local historic register, individually or as a contributor to a historic district, unless the Director in consultation with the Office of Historic Resources determines the proposed alteration will not adversely impact the property's historic eligibility.

## C. **Incentives**

Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

1. **Minimum Area per Dwelling Unit or Guest Room**

Interim Motel 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 area and density regulations of the underlying zone, may be used for an Interim Motel Housing Project.

2. **Off-Street Automobile Parking**

Interim Motel Housing Projects shall be exempt from the provisions of Article 4 (Development Standards) during the Supportive Housing or Transitional Housing contract, however, the Interim Motel Housing Project shall maintain and not reduce the number of on-site parking spaces existing on the date of the Interim Motel Housing Project application.

3. **Use**

Despite the provisions of the underlying Use District or any nonconforming use provision to the contrary, an Interim Motel Housing Project shall be permitted.

4. **Minor Interior Alterations for Cooking Facilities**

Approved Interim Motel 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 guest rooms. In the event a structure is returned to the Motel or Hotel use in accordance with Subdivision D.3. (Termination of Supportive Housing or Transitional Housing Contract) below, the Motel or Hotel may maintain any guest rooms with added cooking facilities.

5. **Preservation of Nonconforming Rights**

Upon termination of the Supportive Housing or Transitional Housing use, in accordance with Subdivision D.3. (Termination of Supportive Housing or Transitional Housing Contract) below, any structure that is nonconforming as to area or use regulations or any other zoning code requirements may return to the use and condition, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, despite any physical alterations to the subject property. Any floor area used for Supportive Services may be returned to use as guest rooms or dwelling units, or may be converted to accessory amenity spaces, so long as the total number of dwelling units or guest rooms do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for Interim Motel Housing Project.

D. **Process**

1. **Department of Building and Safety Review**

Interim Motel Housing Projects shall be approved by the Department of Building and Safety if the applicability requirements of Subsection B. (Applicability) above, and the standards

described in Subsection C. (Incentives) above are met, and the incentives described in Subsection C. (Incentives) above shall be granted.

## 2. **Residential Hotel Ordinance**

Interim Motel Housing Project applicants seeking to convert structures subject to the Residential Hotel Ordinance pursuant to Article 7.1. (Residential Hotel Unit Conversion and Demolition) of Chapter 4 (Public Welfare) of this Code must also submit an application using the process described in Section 47.78. (Application for Clearance) of Chapter 4 (Public Welfare) of this Code.

## 3. **Termination of Supportive Housing or Transitional Housing Contract**

Upon any termination of the Supportive Housing or Transitional Housing contract, the following shall apply:

- a. The Interim Motel 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 Motel 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 Subdivision B.7. (Supportive Services Contract) above to begin a new contract term for provision of Supportive Housing or Transitional Housing.
- b. Residential Hotel Ordinance. The number of Residential Units, as defined in Section 47.73.T. (Residential Hotel Unit Conversion and Demolition; Definitions) of Chapter 4 (Public Welfare) of this Code, at each participating structure of an Interim Motel Housing Project which has been converted to structures subject to Article 7.1. (Residential Hotel Unit Conversion and Demolition) of Chapter 4 (Public Welfare) of this Code shall be identical to the number of units originally determined by the Housing and Community Investment Department to be Residential Units pursuant to Section 47.76. (Residential Unit Status Determination) of Chapter 4 (Public Welfare) of this Code or any subsequent number approved as part of an application using the process described in Section 47.78. (Application for Clearance) of Chapter 4 (Public Welfare) of this Code.

## 4. **Modifications to Interim Motel Housing Project Applicability Requirements**

The Zoning Administrator may modify or exempt the applicability requirements for Interim Motel Housing Projects in Subdivisions B.6 (Supportive Service Area) and B.9 (Historic Building) above, 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. ELDERCARE FACILITIES INCENTIVE PROGRAM

#### A. Purpose

The purpose of this Section is to provide development standards for Alzheimer's and Dementia Housing, Assisted Living, Senior Independent Living and Skilled Nursing Home, and create a single process for approvals and facilitate the processing of applications of Eldercare Facilities. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

#### B. Applicability

An Eldercare Facility project located on a lot or lots in any Agricultural, Residential, Commercial, Or Commercial-Mixed Use District.

#### C. Incentives

##### 1. Zoning District Requirements

The Zoning Administrator may permit an Eldercare Facility project that does not meet the Use District, Density District, or height provisions of the Form District contained in this Chapter, 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 Eldercare Facility 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 if he/she finds that the use does not conform to the purpose and intent of the findings required for an Eldercare Facility under this Section, and may specify the conditions under which the plans may be approved.

##### 3. Change of Use

No housing type within an Eldercare Facility project may be changed to a different housing type unless the new housing type is subsequently approved. The Zoning Administrator may approve changes to the number of dwelling units, guest beds, guest rooms, or floor area provided that a minimum of 75% of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing.

#### D. Procedures

##### 1. Permit

The Zoning Administrator may permit an Eldercare Facility project utilizing the Incentives outlined in Subsection C. (Incentives) above pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit).

## 2. 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 he or she also finds that:

- a. 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;
- b. The Eldercare Facility project shall provide services to the elderly such as housing, medical services, social services, or long-term care to meet citywide demand; and
- c. The Eldercare Facility project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.

### SEC. 9.4.4. **NON-PERMITTED DWELLING UNITS WHERE AFFORDABLE HOUSING IS PROVIDED**

#### A. Purpose

The purpose of this Section is to further health and safety standards in multifamily 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. Process

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 and/or applicant and conformance with this section. The Director of Planning shall review all applications for compliance with the eligibility criteria in Subsection C. (Applicability). The application shall be approved by the Director of Planning if the eligibility criteria and performance standards of this subsection are met.

#### C. Applicability

A structure with a non-permitted dwelling unit or guest room 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 Unit

The unit(s) to be legalized have been occupied as a residential 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: an apartment lease; utility bill; Rent Stabilization Ordinance (RSO) Rent Registration Certificate; code enforcement case documentation (e.g., Orders to Comply); or 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 is defined for this section as a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low Income, Low Income or Moderate Income households, as those income ranges are defined by the California Department of Housing and Community Development (HCD) or any successor agency. 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 utilized, 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 Article 4 (Development Standards);

### 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; and

### f. Unpermitted Building Area Expansion

The 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.

#### g. Alternative Compliance

If compliance with the performance standards outlined in this Subdivision is not met, the applicant may request approval from the Zoning Administrator pursuant to *Sec. 13B.2.2*. (Class 2 Conditional Use Permit).

### D. Incentives

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

1. The grant of permitted status to pre-existing non-permitted units under this Section shall not be considered an increase in density or other change which requires any corresponding zone change, general plan amendment, specific plan exception pursuant to *Sec. 13B.4.5*. (Project Exception), or discretionary action.
2. The number of allowable dwelling units or guest rooms can be increased up to 35% over the otherwise maximum allowable residential density under any applicable zoning ordinance and/or 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 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 units does not exceed 35% of the number of permitted units on the property. Notwithstanding the actual number of permitted units on the property, the base number of units for calculating the percentage of restricted affordable units shall be the 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 units is a restricted affordable unit, even if the third 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 *Article 4* (Development Standards):
  - 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 unit(s) 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 62 years of age or more, or who has a physical or mental impairment that limits one or more major life activities is provided for each legalized unit;  
or

- 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 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).
  - d. 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.
6. The applicant shall be eligible for up to three concessions or incentives in accordance with Government Code Section 65915(d)(2), depending on the percentage of restricted affordable units provided. For the purposes of this subdivision, 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. Additional Incentives. The City may not apply a development standard that will physically preclude the legalization of a project which meets the eligibility criteria of Paragraph C.3.c. above 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 setback 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 units are legalized under this Section.
  9. Relationship to the Affordable Housing Incentive Guidelines. The City's Affordable Housing Incentive Guidelines shall not apply to projects under this Subsection.

## E. Records and Agreements

Prior to the issuance of any building permit, a covenant acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, 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 PROJECTS.**

### A. **Purpose**

The purpose of this Section is to revitalize 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. **Applicability**

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

#### 1. **Prior to July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

#### 2. **On or After July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if five years have elapsed since the date of issuance of final Certificates of Occupancy.

#### 3. **Historic Buildings**

Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Division 13.11. (Historic Preservation) are also eligible buildings.

#### 4. **Parking Structures**

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

## C. Incentives

Despite any other provisions of this Chapter to the contrary, Downtown adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new floor area that is added to an Adaptive Reuse Project unless otherwise stated.

### 1. Project Review

Adaptive reuse projects shall be exempt from the requirements set forth in Section 13.4.4. (Project Review).

### 2. Loading Space

If no loading space is provided, then a loading space shall not be required pursuant to Article 4 (Development Standards).

### 3. Floor Area

#### a. Existing Floor Area

Existing floor area which exceeds that permitted by the zone, specific plan, supplemental use district, or any other land use regulation shall be permitted.

#### b. Floor Area Exemptions

The following actions shall not be considered as adding new floor area that enlarges an eligible building, but shall be considered part of an Adaptive Reuse Project entitled to benefit from the incentives:

- i. Changing the use of any existing area of an eligible building that is not included in the definition of floor area in *Article 14* (Rules and Definitions), to any use permitted in the underlying Use District. Demolishing and removing any interior existing portion of an eligible building for the construction of any new use permitted in the underlying Use District shall not exceed the area of the existing portion demolished, and must be located within the same building's existing exterior walls and below the existing roof.
- ii. The conversion of existing parking areas of garages or structures as long as the conversion remains within the existing exterior walls of the garage or structure.

#### c. New Rooftop Structures

The construction of new structures on the existing roof, as long as the new rooftop structures:

- i. Do not exceed one story;
- ii. Comply with the height requirements of the zone;

**d. Lot Amenity Space Areas Created by Reusing Existing Portions of a Building**

Balconies, patios, terraces, recreation and fitness rooms, pools, gardens, and other lot amenity space areas that are created by reusing existing portions of an eligible building. Such existing portions may include interior space, lobbies, fire escapes, rooftops, mechanical rooms, elevator shafts, stair shafts, elevator penthouses, or other existing portions of an eligible building, either above or below the existing roof, shall not be considered new floor area.

**e. Mezzanines**

Mezzanines, or loft spaces in dwelling units, guest rooms, or joint living and work quarters which do not exceed more than 33% of the floor area of the space below shall not be considered new floor area.

**f. Basements**

Reusing or changing the use of existing portions of an Eligible Building that are below grade shall not be considered new floor area.

**g. Floor Area Averaging**

Floor area may be averaged as part of a unified Adaptive Reuse Project.

**h. Historic Buildings**

Any existing or new floor area within an existing structure identified by SurveyLA, or any qualified historic resource survey, as a contributing structure, or designated as historic in a local, state or Federal Register of Historic Places, that is maintained on site and incorporated into a Unified Adaptive Reuse Project shall be excluded from the calculation of total floor area up to a maximum of 1.5 FAR.

**4. Height**

Existing height in excess of that permitted by the zone, specific plan, supplemental use district, or any other land use regulation shall be permitted.

**5. Loading Space**

Where a loading space is provided, it shall be maintained. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an Adaptive Reuse Project.

**6. Density**

Dwelling units, guest rooms, and joint living and work quarters shall not be subject to the lot area requirements of the lot's Density District.

## D. Standards

No additional standards apply to adaptive reuse projects subject to this Section.

## E. Process

### 1. Buildings Built Prior to July 1, 1974

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974 shall be approved by the Department of Building and Safety if the requirements of Subsection B. (Applicability) above, and the standards described in Subsections C. (Incentives) and D. (Standards) above are met, and the incentives described in Subsection C. (Incentives) above shall be granted.

### 2. Building Built On or After July 1, 1974

#### a. Approval

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, may be approved by the Zoning Administrator, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, if the applicability requirements of Subsection B. (Applicability), and the standards described in Subsections C. (Incentives) and D. (Standards) above are met, and the incentives described in Subsection C. (Incentives) above shall be granted.

#### b. Supplemental Finding

In addition to the findings in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator must also find that the building is no longer economically viable in its current use or uses.

## SEC. 9.4.6. **CITYWIDE ADAPTIVE REUSE PROJECTS**

### 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. 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. **Applicability**

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, regardless of Use District, in Density District 2 or FA, in the following buildings:

#### 1. **Prior to July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

#### 2. **On or After July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if five years have elapsed since the date of issuance of final Certificates of Occupancy.

#### 3. **Historic Buildings**

Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Division 13.11. (Historic Preservation) are also eligible buildings.

#### 4. **Parking Structures**

Any parking garage or structure, or parking area of any existing building built at least 10 years prior to the date of application in excess of the minimum parking required by this Chapter.

### C. **Incentives**

The Zoning Administrator may grant, modify or deny some or all of the incentives established below to adaptive reuse projects proposed pursuant to this Section. Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or exceptions from the requirements of this Chapter required to permit adaptive reuse projects proposed pursuant to

this Section, including but not limited to the authority to permit dwelling units, guest rooms and joint living and work quarters in adaptive reuse projects, despite the nonconforming provisions of *Article 12* (Nonconformities). Despite any other provisions of this Chapter to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new Floor Area that is added to an adaptive reuse project unless otherwise stated.

### 1. Project Review

Adaptive reuse projects shall be exempt from the requirements set forth in *Section 13B.2.4*. (Project Review).

### 2. Loading Space

If no loading space is provided, then a loading space shall not be required pursuant to *Article 4* (Development Standards).

### 3. Floor Area

#### a. Existing Floor Area

Existing Floor Area which exceeds that permitted by the zone, specific plan, supplemental use district, or any other land use regulation shall be permitted.

#### b. Floor Area Exemptions

The following actions shall not be considered as adding new Floor Area that enlarges an eligible building, but shall be considered part of an adaptive reuse project entitled to benefit from the incentives:

- i. Changing the use of any existing area of an eligible building that is not included in the definition of Floor Area in *Article 14* (Rules and Definitions), to any use permitted in the underlying Use District. Demolishing and removing any interior existing portion of an eligible building for the construction of any new use permitted in the underlying Use District shall not exceed the area of the existing portion demolished, and must be located within the same building's existing exterior walls and below the existing roof.
- ii. The conversion of existing parking areas of garages or structures as long as the conversion remains within the existing exterior walls of the garage or structure.

#### c. New Rooftop Structures

The construction of new structures on the existing roof, as long as the new rooftop structures:

- i. Do not exceed one story;
- ii. Comply with the height requirements of the zone;

iii. Are not used for dwelling units, guest rooms, or joint living and work quarters, but must be used solely for Accessory Uses or Residential Amenity Space. However, the existing roof of an eligible building may be used as the top level of a multiple-level dwelling units, guest rooms, or joint living and work quarters. However, no complete and separate dwelling units, guest rooms, or joint living and work quarters may be constructed on the existing roof of an eligible building.

d. **Lot Amenity Space Areas Created by Reusing Existing Portions of a Building**

Balconies, patios, terraces, recreation and fitness rooms, pools, gardens, and other Lot Amenity Space areas that are created by reusing existing portions of an eligible building. Such existing portions may include interior space, lobbies, fire escapes, rooftops, mechanical rooms, elevator shafts, stair shafts, elevator penthouses, or other existing portions of an eligible building, either above or below the existing roof, shall not be considered new Floor Area.

e. **Mezzanines**

Mezzanines, or loft spaces in dwelling units, guest rooms, or joint living and work quarters which do not exceed more than 33% of the Floor Area of the space below shall not be considered new Floor Area.

f. **Basements**

Reusing or changing the use of existing portions of an Eligible Building that are below grade shall not be considered new Floor Area.

g. **Floor Area Averaging**

Floor Area may be averaged as part of a unified adaptive reuse project.

h. **Historic Buildings**

Any existing or new Floor Area within an existing structure identified by SurveyLA, or any qualified historic resource survey, as a contributing structure, or designated as historic in a local, state or Federal Register of Historic Places, that is maintained on site and incorporated into a Unified adaptive reuse project shall be excluded from the calculation of total Floor Area up to a maximum of 1.5 FAR.

4. **Height**

Existing height in excess of that permitted by the zone, specific plan, supplemental use district, or any other land use regulation shall be permitted.

5. **Yards**

Existing observed yards which do not meet the yards required by the zone, specific plan, Supplemental District, or any other land use regulation shall be permitted.

## 6. Off-Street Automobile Parking

The required number of parking spaces shall be the same as the number of spaces that existed on the site on June 3, 1999, and shall be maintained and not reduced. However, if the total parking required by this Chapter for the new use is less than the number of parking spaces that existed as of June 3, 1999, then the number of parking spaces may be reduced to the number of required parking spaces.

## 7. Loading Space

Where a loading space is provided, it shall be maintained. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

## 8. Density

Dwelling units, guest rooms, and joint living and work quarters shall not be subject to the lot area requirements of the lot's Density District.

## D. Standards

Adaptive reuse projects permitted pursuant to this Section shall include a toilet and bathing facilities.

## E. Process

The Zoning Administrator may permit adaptive reuse projects in eligible buildings pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit).

### 1. 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, constructed on or after July 1, 1974, 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 Subdivision C.6. (Off-Street Automobile Parking) above, 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.