

ORDINANCE NO. _____

An ordinance amending Chapter 1 and Chapter 1A of the Los Angeles Municipal Code, including Section 12.22 of Chapter 1 and Articles 9 and 13 of Chapter 1A, for the purpose of establishing procedures and performance standards for administrative approval of one hundred percent affordable housing projects.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The following definition is added to Section 12.03 of the Los Angeles Municipal Code to read as follows:

One Hundred Percent Affordable Housing Project. A Housing Development Project, as defined in California Government Code Section (§) 65589.5, that involves the construction of, addition to, or remodeling of any building or buildings which results in the creation, addition, or remodeling of five or more residential dwelling units or guest rooms, where all dwelling units or guest rooms, exclusive of any manager's units, are restricted affordable. With the exception of a manager's unit or units, all units shall be affordable to lower income households earning up to 80 percent of the area median income, as defined by the United States Department of Housing and Urban Development (HUD), or any successor agency, and rents or housing costs to the occupying residents shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee or any more restrictive rent schedule for lower income households as defined by California Health and Safety Code Section 50052.5 or Section 50053, except that up to 20 percent of the units may be affordable to Moderate Income households earning up to 120 percent of the area median income, with rents or housing costs consistent with the rents and income ranges as defined by California Health and Safety Code Section 50052.5 or Section 50053.

Section 2. Subdivision 36 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

12.22 A.36 ADMINISTRATIVE APPROVAL FOR ONE HUNDRED PERCENT AFFORDABLE HOUSING PROJECTS.

- (a) **Purpose.** The purpose of this Subdivision is to establish procedures for administrative approval of One Hundred Percent Affordable Housing Projects in order to increase the production of affordable housing, consistent with objective review standards and City policies.

(b) Projects Submitted Under Executive Directive 1. *(Language under development. Intent: Eligible projects submitted under Executive Directive 1 are also eligible for review and approval under this ordinance but will not be subject to the additional limitations of this ordinance.)*

(c) Eligibility Requirements. To qualify for the provisions of this Subdivision, a One Hundred Percent Affordable Housing Project must meet all of the following eligibility requirements:

- (1) The project site does not include any parcels located in a single family or more restrictive zone, or any parcels located in a manufacturing zone that does not allow multi-family residential uses.
- (2) If the project site has a residential zoning classification, then the entire project site's zoning, prior to the granting of any density bonus, permits the construction of five or more residential units, rounded up to the nearest whole number, on the project site.
- (3) The project, excluding any additional density or other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code Section 65915 or any other local affordable housing incentive program, is consistent with objective zoning standards and objective overlay and design review standards in effect at the time that the development application is submitted pursuant to this Subdivision.
- (4) The project does not require review and approval of any action pursuant to Sections 11.5.6, 11.5.7 F, 11.5.7 G, 11.5.14 D.7, 11.5.14 D.8, 12.20.2, 12.20.2.1, 12.27, 12.28, 12.32, 12.37 I, 13.14 G.3, 13.14 G.4, or 14.00 B.
- (5) The project would not require the demolition, as that term is defined in Section 12.20.3 B.9, of:
 - (i) A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually or as a contributor to a district, under a local, state, or federal designation program, or
 - (ii) Any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b, or
 - (iii) Any eligible historic or architectural resource located in the Westwood Village Specific Plan, Central City West Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.

- (6) The project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
- (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
 - (ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

(d) Performance Standards. A One Hundred Percent Affordable Project approved pursuant to this Subdivision shall meet the following performance standards, and no deviations from these standards shall be granted, except that any project resulting from the conversion of an existing structure need not comply with these standards.

- (1) **Screening of Above Grade Parking Areas.** Any parking areas provided at or above grade shall be concealed as follows:
- (i) **Surface Parking Screening.** Where any surface parking area abuts a public street, a landscape buffer, planted with shade trees and shrubs, of a minimum of three feet in depth shall be provided between the property line and the subject surface parking.
 - (ii) **Ground Floor and Upper Floor Screening.** Ground floor and above-grade vehicular parking and circulation areas located within buildings or structures, including within standalone buildings or structures, shall be screened with:
 - a. Active uses such as residential units, amenities such as gyms and other common areas serving residential tenants, or commercial uses, or
 - b. Visually opaque materials or treatments on exterior, street-facing walls of the parking area, provided that opaque materials shall not have less than 60% opacity for any individual tier of parking measured in elevation projection. Screening systems can include openings for natural ventilation, such as louvers, solid walls, or spandrel systems. Parking area enclosures shall not include perforated metal screening products.

Minimum opacity is measured as a percentage calculated as the sum of all solid areas on a parking facade area divided by the total parking facade area projected horizontally and perpendicular to the facade area. When a parking structure tier uses more than one screening treatment with varying opacities, the opacity for the entire tier is calculated as a weighted average of the opacities of all the treatments used on the tier. The opacity of each screening treatment is weighted by the percent of the total parking screen facade area covered by that screening treatment.

- (2) **Street Facing Entrance.** Any building fronting a public street shall have at least one entrance facing a public street.
 - (3) **Pedestrian Access.** A means of approaching or entering a lot from the public right-of-way as a pedestrian shall be provided to the street facing entrance from a public street.
- (e) **Administrative Review Process.** A One Hundred Percent Affordable Housing Project that meets the provisions of this Subdivision shall be ministerially approved pursuant to Administrative Review, as set forth below. As defined in this section, ministerial approval means an administrative process to approve a “use by right” as this term is defined in California Government Code Section 65583.2 (i). No City agency shall require a discretionary permit, but objective standards may be applied pursuant to Subdivision (f) of Section 65589.5. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. The project shall not be subject to review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.
- (1) **Initiation.** An application for Administrative Review pursuant to this Subdivision shall be made on a form provided by the Department for the purposes of administering this Subdivision, and applicable fees shall be paid.
 - (2) **Notice.** There is no public hearing required for an Administrative Review, and therefore no notice of a public hearing or written decisions are required for any project proposed pursuant to this Subdivision.
 - (3) **Review.** The Department shall determine compliance with the applicable regulations and standards for One Hundred Percent Affordable Projects approved pursuant this Subdivision and provide ministerial approval if the project complies with those regulations and standards.
 - (i) **Criteria for Compliance Review.** The Department shall review the application for compliance with the applicable objective regulations and standards of this Code or the applicable specific plan, including the zone standards, established development standards, and any supplemental use regulations.
 - (4) **Appeals.** There is no appeal for any project approved pursuant to this Subdivision.

- (5) **Modification of Action.** Except as provided in California Government Code Section 65913.4(g) or any otherwise required entitlement, no modification is available for any project approved pursuant to this Subdivision.
- (6) **Eligibility for Development Incentives.** Except as limited in Subparagraphs (7) and (8), a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision may request any otherwise applicable density bonus, incentives, or waivers pursuant to California Government Code Section 65915 or other provisions of this Municipal Code that provide such bonuses, incentives, or waivers in exchange for the provision of affordable housing. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 of this Code may apply up to five additional incentives, which may be provided through an on-menu incentive or an off-menu incentive. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 may apply as an on-menu incentive any applicable Base or Additional Incentive from the Transit Oriented Communities program pursuant to Section 12.22 A.31, the Qualified Permanent Supportive Housing Ordinance pursuant to Section 14.00 A.13, or any Community Plan Implementation Overlay (CPIO). For the purpose of requesting an on or off-menu incentive or waiver to reduce required Yards, all adjustments to individual Yards or setbacks may be combined to count as one off-menu incentive or waiver. Any requests for a density bonus, incentive, or waiver in exchange for affordable housing shall be reviewed according to the Administrative Review Process provided by this Subdivision, except for projects pursuing Density Bonus that seek additional waivers or modification of development standards not on the menu provided in 12.22 A.25(g)(3) in excess of those provided in Subparagraphs (7) and (8). Such projects shall be reviewed and processed according to the procedures in Section 12.22 A.25(g)(3).
- (7) **Limitation on Number of Waiver Requests.** Projects approved pursuant to this Subdivision shall be eligible for no more than one waiver described in Section 12.22 A.25(g)(3).
- (8) **Limitation on Types of Requests for Incentives, Waivers, or Modifications of any Development Standard (s) Not on the Menu.** For any projects approved pursuant to this Subdivision that request any incentives, waivers, or modifications of any development standard(s) not on the menu described in Section 12.22 A.25(g)(3), such waivers or modifications of development standards shall be limited as follows:
- (i) Increase in Floor Area Ratio (FAR). A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a 100 percent increase in the total project Floor Area Ratio (FAR), or up to a 3.5:1 FAR, whichever is greater.
 - (ii) Increase in Height. A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a total project height increase of

three stories, or 33 feet, in excess of the otherwise applicable height limit imposed by the project's zoning.

- (iii) **Reduction in Yards.** A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no less than a Side Yard setback of 5 feet and a Rear Yard setback of 8 feet. Off-menu incentive or waivers for a reduction of Front Yard setbacks shall be limited to no more than the average of the Front Yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the Front Yard setback may align with the façade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction in the Front Yard setback is permitted.
 - (iv) **Reduction in Open Space.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Open Space.
 - (v) **Reduction in Bicycle Parking.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Bicycle Parking.
 - (vi) **Reduction in Tree Planting Requirements.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 25 percent reduction in any otherwise required Tree Planting Requirements.
 - (vii) **Ground Story Requirements.** A One Hundred Percent Affordable Housing Project located in a commercial zone shall be eligible to request no more than a 30 percent reduction in any otherwise required ground story requirement related to ground story minimum height requirements, ground story transparency requirements, or ground story pedestrian entrance number and spacing requirements. If requesting multiple modifications to ground story requirements, they may be combined to count as one incentive or waiver, but each individual request shall not exceed a 30 percent reduction.
- (9) **Other Procedures or Requirements.** If the application or related applications for a One Hundred Percent Affordable Housing Project would require noticing, hearing, or appeal pursuant to any otherwise required approval pursuant to the Los Angeles Municipal Code, those procedures shall be superseded by the Procedures outlined in this Subdivision.
- (10) **Covenant.** Prior to the issuance of a Building Permit for a One Hundred Percent Affordable Housing Project, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria described in Subparagraph (c)(1) of this Subdivision will be observed for at least 99 years from the issuance of the

Certificate of Occupancy, except for a One Hundred Percent Affordable Housing Project which receives any form of public subsidy that is tied to a specified covenant period including Low Income Housing Tax Credits, as verified by the Los Angeles Housing Department, in which case all restricted affordable units shall be covenanted for at least a period of 55 years for rental units, or 45 years for for-sale units . If the duration of affordability covenants provided for in this Subdivision conflicts with the duration of any other government requirement, the longest duration shall control. Any covenant described in this Subparagraph 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.

(f) Relationship to Other Sections of the Los Angeles Municipal Code.

- (1) If any of the Performance Standards in Paragraph (e) or Administrative Review Process in Paragraph (f) conflict with those of any otherwise applicable specific plan, supplemental use district, “Q” condition, “D” limitation, or citywide regulation established in Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this Subdivision shall prevail. Furthermore, a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision shall not require any design review procedures under any Specific Plan, Supplemental Use District, or other overlay, including but not limited to the Ordinance Nos. listed below.

- (i) 171,139 (Alameda District Specific Plan)
- (ii) 174,663 (Avenue 57 Transit Oriented District)
- (iii) 182,576 (Bunker Hill Specific Plan)
- (iv) 156,122 (Century City North Specific Plan)
- (v) 186,370 (Century City West Specific Plan)
- (vi) 168,862 (Century City South Specific Plan)
- (vii) 170,046 (Coastal Bluffs Specific Plan)
- (viii) 186,105 (Coastal Transportation Corridor Specific Plan)
- (ix) 185,042 (Coliseum District Specific Plan)
- (x) 178,098 (Colorado Boulevard Specific Plan)
- (xi) 182,617 (Cornfield Arroyo Seco Specific Plan)
- (xii) 184,795 (Crenshaw Corridor Specific Plan)
- (xiii) 168,937 (Devonshire/Topanga Corridor Specific Plan)
- (xiv) 186,402 (Exposition Corridor Transit Neighborhood Plan)
- (xv) 170,694 (Foothill Boulevard Corridor Specific Plan)
- (xvi) 171,946 (Glencoe/Maxella Specific Plan)
- (xvii) 184,296 (Granada Hills Specific Plan)
- (xviii) 168,121 (Hollywoodland Specific Plan)
- (xix) 184,346 (Jordan Downs Urban Village Specific Plan)
- (xx) 167,940 (Los Angeles Airport/El Segundo Dunes Specific Plan)
- (xxi) 181,334 (Los Angeles Sports and Entertainment District Specific Plan)
- (xxii) 168,707 (Mt. Washington/Glassell Park Specific Plan)
- (xxiii) 167,943 (Mulholland Scenic Parkway Specific Plan)
- (xxiv) 171,128 and 158,194 (North University Park Specific Plan)
- (xxv) 163,202 (North Westwood Village Specific Plan)
- (xxvi) 170,155 (Oxford Triangle Specific Plan)

- (xxvii) 184,371 (Pacific Palisades Commercial Village and Neighborhood Specific Plan)
- (xxviii) 162,530 (Park Mile Specific Plan)
- (xxix) 165,638 (Playa Vista Area B Specific Plan)
- (xxx) 165,639 (Playa Vista Area C Specific Plan)
- (xxxi) 176,235 (Playa Vista Area D Specific Plan)
- (xxxii) 182,937 and 182,939 (Ponte Vista at San Pedro Specific Plan)
- (xxxiii) 180,083 (Porter Ranch Land Use/Transportation Specific Plan)
- (xxxiv) 186,325 (Redevelopment Plans)
- (xxxv) 175,736 (San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan)
- (xxxvi) 166,352 (San Pedro Specific Plan)
- (xxxvii) 173,381 (San Vicente Scenic Corridor Specific Plan)
- (xxxviii) 182,343 (University of Southern California University Park Campus Specific Plan)
- (xxxix) 168,613 (Valley Village Specific Plan)
- (xl) 175,693 (Venice Coastal Zone Specific Plan)
- (xli) 174,052 (Ventura-Cahuenga Boulevard Corridor Specific Plan)
- (xlii) 173,749 (Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan))
- (xliii) 182,766 (Warner Center 2035 Plan)
- (xliv) 163,203 and 163,186 (Westwood Community Multi-Family Specific Plan)
- (xlv) 187,644 (Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan)
- (xlvi) 155,044 (Wilshire - Westwood Scenic Corridor Specific Plan)
- (xlvii) 185,539 (San Pedro CPIO District)
- (xlviii) 185,927 (South Los Angeles CPIO District)
- (xlix) 185,925 (Southeast Los Angeles CPIO District)
- (l) 184,268 (Sylmar CPIO District)
- (li) 184,794 (West Adams-Baldwin Hills-Leimert CPIO District)
- (lii) 187,155 (Westchester - Playa del Rey CPIO District)
- (liii) 180,871 (Broadway Theater and Entertainment District Design Guide)
- (liv) 174,519 (Canoga Park-Commercial Corridor CDO District)
- (lv) 108,561 (Cypress Park & Glassell Park CDO)
- (lvi) 173,508 (Downtown Canoga Park CDO District)
- (lvii) 179,907 (Downtown Westchester CDO District)
- (lviii) 180,880 (Echo Park CDO District)
- (lix) 178,157 (Fletcher Square CDO District)
- (lx) 179,906 (Lincoln Boulevard CDO District)
- (lxi) 176,658 (Lincoln Heights CDO District)
- (lxii) 183,011 (Little Tokyo CDO District)
- (lxiii) 180,797 (Loyola Village CDO District)
- (lxiv) 176,331 (Miracle Mile CDO District)
- (lxv) 175,545 (Pacoima CDO District)
- (lxvi) 175,549 (Panorama City CDO)
- (lxvii) 176,557 (Reseda Central Business District CDO District)
- (lxviii) 174,398 (Sun Valley CDO District)
- (lxix) 184,366 (Toluca Lake Village CDO)
- (lxx) 174,420 (Van Nuys Central Business District CDO District)

- (lxxi) 174,161 (West Wilshire Boulevard CDO District)
- (lxxii) 173,676 (Atwater Village POD)
- (lxxiii) 171,859 (Westwood/Pico NOD)
- (lxxiv) 174,260 (Westwood Boulevard POD)

- (2) Any subdivision of the site(s) shall not be streamlined and shall be subject to all applicable review procedures and laws, including, Article 2.9 and Article 7 of Chapter 1 of this Municipal Code. Other types of entitlements for the project may be reviewed pursuant to this subdivision.
- (3) Non-residential uses that are not permitted by-right by the zoning, including those requiring a conditional use permit, are not eligible for Administrative Review pursuant to this Subdivision and shall be subject to applicable review procedures and laws.

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