



# DENSITY BONUS, CONDITIONAL USE, PUBLIC BENEFIT PROJECT Housing Incentives

## Related Code Sections

Los Angeles City Planning offers several processes intended to facilitate affordable housing in the City of Los Angeles.

Los Angeles Municipal Code (LAMC) Section 12.22 A.25 authorizes the Director of Planning to approve applications for Density Bonus requesting up to three On-Menu Incentives; and the City Planning Commission (CPC) to approve applications for Density Bonus requesting Off-Menu Incentives or Waivers of Development Standards.

LAMC Section 12.24 U.26 authorizes the CPC to approve a Conditional Use Permit (CUP) for applications requesting a density increase greater than the maximum permitted (35 percent) by LAMC Section 12.22 A.25.

LAMC Section 14.00 A.2 authorizes the Director of Planning to approve Public Benefit Projects where otherwise not permitted by right or by CUP and which does not meet specific performance standards.

Check all that apply to your entitlement request below:

- Density Bonus with On-Menu Incentive(s)
- Density Bonus with Off-Menu Incentive(s) or Waiver(s) of Development Standard(s)
- Conditional Use Permit for Greater than 35% Density Bonus
- Alternative Compliance for a Public Benefit Project\*

All applications require an Affordable Housing Referral Form ([CP-4043](#)) from the Metro Development Services Center (DSC) Housing Services Unit (HSU).

Alternative Compliance for a Public Benefit Project also requires a Case Consultation Referral Form (CP-3598) from applicable Geographic Project Planning Staff.

## Priority Housing Project (PHP) Processing

In accordance with the Mayor's Executive Directive No. 13 (ED 13), issued on October 23, 2015, City Planning has implemented a policy to prioritize case processing for projects that contribute to the new construction or rehabilitation of housing developments that meet the criteria set forth in ED 13. Please complete the following regarding your project:

The project contains a minimum of 10 or more units; and  YES  NO

At least 20% of on-site rental units have rents restricted so as to be affordable to and occupied by lower-income households; or  YES  NO

At least 30% of on-site for-sale units have sales prices restricted so as to be affordable to and occupied by low- or moderate-income households.  YES  NO

## Public Hearing and Notice

### Density Bonus with On-Menu Incentives

No public hearing is required. However, mailing of the Letter of Determination to Abutting Property Owners of all contiguously owned properties of the subject site is required. See Mailing Procedures Instructions ([CP-2074](#)) for more information.

### Density Bonus with Off-Menu Incentives or Waiver of Development Standards, Conditional Use, or Alternative Compliance for a Public Benefit Project

A public hearing is required. Notification includes mailing to Property Owners and Occupants within a 500-foot radius of all contiguously owned properties of the subject site, in addition to on-site posting of the Notice of Public Hearing and for the CPC Public Meeting, when required. Refer to the Mailing Procedures Instructions ([CP-2074](#)) and On-Site Posting ([CP-7762](#)) handouts for additional information.

## Specialized Requirements

When filing any of the above applications, except where otherwise specified, the following items are required in addition to those specified in the Department of City Planning (DCP) Filing Instructions ([CP-7810](#)).

### Affordable Housing Referral Form (AHRF)

This form ([CP-4043](#)) shall be completed by the Applicant and reviewed and signed by Development Services Center (DSC) Housing Services Unit (HSU) Staff. For assistance, please contact [planning.priorityhousing@lacity.org](mailto:planning.priorityhousing@lacity.org).

### Preliminary Zoning Assessment Form

This form ([CP-4064](#)) is required if the proposed project creates at least two residential units (which includes Accessory Dwelling Units) or residential lots. The purpose of this form is to facilitate a zoning Plan Check by LADBS. **Section I** shall be completed by the Applicant. **Section II** is completed by the Preliminary Application and Review Program (PARP) Unit. If required by Section

II, **Section III** shall be completed along with stamped and signed project plans by LADBS Staff at the conclusion of a zoning Plan Check. For assistance, please contact [planning.parp@lacity.org](mailto:planning.parp@lacity.org).

### (Optional) Housing Crisis Act (HCA) Vesting Preliminary Application

This form ([CP-4062](#)) is intended to initiate optional vested rights for a Housing Development Project pursuant to the Housing Crisis Act of 2019. The Applicant shall submit an HCA Vesting Preliminary Application through the Department's [OAS](#) at <http://planning.lacity.org/oas> for review by the PARP Unit. Once deemed complete, PARP staff shall provide a signed HCA Vesting Preliminary Application Form, to be included with the case filing. The HCA Vesting Preliminary Application is only valid when it is deemed complete prior to filing the DCP Application Form for the project. For assistance, please contact [planning.parp@lacity.org](mailto:planning.parp@lacity.org).

### Case Consultation Referral Form

This form ([CP-3598](#)) is required if the project request includes *Alternative Compliance for a Public Benefit Project* and must be signed by the planner assigned to the geographic area in which the project is located prior to case filing. For assistance regarding planner assignment, please consult DSC Staff.

### Replacement Unit Determination (RUD) Letter

An RUD letter must be obtained from LAHD for all Housing Development Projects subject to the Housing Crisis Act or projects using an affordable housing incentive program, such as Density Bonus or TOC, unless the project consists of a single residential unit on a site zoned locally for single-family uses (e.g., A, RA, RE, RS, R1) or is an ADU or JADU that does not remove units. The RUD will determine whether any replacement units are required, their affordability levels, and any applicable occupant protections. For assistance, please contact [lahd-landuse@lacity.org](mailto:lahd-landuse@lacity.org).

### Color Elevations

Color elevations are mandatory for all Density Bonus cases. These shall include specifications and a legend for all materials and colors proposed for the street facing façade. Refer to the Elevation Instructions ([CP-7817](#)) for technical requirements. Provide as many copies as plans required per the DCP Filing Instructions.

### Color Renderings

Color renderings are mandatory for all Density Bonus cases that include Site Plan Review and/or require City Planning Commission approval. Provide as many copies as plans required per the DCP Filing Instructions.

### Citywide Design Guidelines Compliance Review

If your project involves the construction of, addition to, or exterior alteration to any building or structure, please complete the Citywide Design Guidelines Compliance Review (CP-4056). This

does not apply to Permanent Supportive Housing projects, or projects utilizing State streamlining measures (i.e., SB 35 or AB 2162).

## Density Bonus with On-Menu Incentives

### Eligibility Requirements

Pursuant to LAMC 12.22 A.25(g)(2), to be eligible for On-Menu Incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the below requirements. On a separate page, provide a detailed justification/explanation of how the proposed project complies with the following eligibility requirements:

1. The façade 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 façade is not a flat surface. Indicate the sheet number on your plans which shows compliance with this requirement.
2. 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. Indicate the sheet number on your plans which shows compliance with this requirement.
3. 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. Please check the “Planning and Zoning” tab under the property profile in ZIMAS at <http://zimas.lacity.org>.
4. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.4908 of the Municipal Code. To verify whether a project is located on a substandard street, obtain a Hillside Referral Form from the Bureau of Engineering; to verify whether a project is located within a Very High Fire Hazard Severity Zone, check the “Additional” tab under the property profile in ZIMAS.

## Findings

Each of the following requests requires findings for approval. On a separate sheet, provide a detailed justification/explanation of how the proposed project conforms to the applicable findings separately for each respective request.

### Density Bonus with On- and/or Off-Menu Incentives

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Incentive(s) unless the decision maker finds that:

1. The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

2. The incentives would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety 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 low-income and moderate-income households.
3. The incentives are contrary to state or federal law.

### Density Bonus with Waiver of Development Standards

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Waiver(s) of Development Standards unless the decision maker finds that:

1. The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).
2. The waivers or reductions of development standards would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety 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 low-income and moderate-income households.
3. The waivers or reductions of development standards are contrary to state or federal law.

### Conditional Use Permit for Greater than 35% Density Bonus

Pursuant to LAMC Section 12.24 U.26, Density Bonus requests for Housing Development Projects in which the density increase is greater than the maximum permitted in LAMC Section 12.22 A.25 shall also find that:

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.
2. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.
3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan.
4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

5. The project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b).
6. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

### Alternative Compliance for a Public Benefit Project

Pursuant to LAMC Section 14.00 B.2, density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also refer to the Instructions for the Public Benefit Projects ([CP-7766](#)).