

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.04.09, 14.00, and 16.05 of the Los Angeles Municipal Code establishing regulations to facilitate the production of Permanent Supportive Housing.

**THE PEOPLE OF THE CITY OF LOS ANGELES**

**DO ORDAIN AS FOLLOWS:**

Section 1. The following definitions in Section 12.03 of the Los Angeles Municipal Code are added to read:

**SUPPORTIVE HOUSING.** Housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any Floor Area used for Supportive Services shall be considered accessory to the residential use. This definition includes a Qualified Permanent Supportive Housing Project, as that term is defined in Section 14.00 A.11(a) of this Code.

**SUPPORTIVE SERVICES.** Services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Section 2. Subdivision 11 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is added to read as follows:

**11. Density Bonus for Qualified Permanent Supportive Housing.** The purpose of this subdivision is to create permanent supportive housing units under a ministerial approval process in conformance with the State Density Bonus provisions in California Government Code Section 65915. The grant of any bonuses, incentives, or concessions under this subdivision shall not be considered an increase in density or other change which requires any corresponding zone change, general plan amendment, specific plan exception or discretionary action.

(a) **Definitions.** Notwithstanding any provision of this Code to the contrary, the following definitions shall apply to this subdivision:

- (1) **Qualified Permanent Supportive Housing Project.** The construction of, addition to, or remodeling of a building or buildings containing Supportive Housing, located in a zone that allows multiple dwellings (RD1.5 or less restrictive), where all of the total combined units or guest rooms, exclusive of any manager's units, are affordable to and occupied by Extremely Low, Very Low or Low Income households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD) or any successor agency, as verified by the Housing & Community Investment Department (HCIDLA). Affordable means that rents or housing costs to the tenant cannot exceed 30 percent of the maximum gross income of each respective household income group. A minimum of fifty (50) percent of the total combined units or guest rooms is occupied by the Target Population.
- (2) **Target Population.** Persons with qualifying lower incomes who:
  - (i) Have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, and are homeless as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines; or
  - (ii) Are chronically homeless, as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines.
- (b) **Application and Approval.** 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. All applications shall be reviewed for compliance with the definitions in Paragraph (a), requirements in Paragraph (c), zoning compliance in Paragraph (d), and adherence to the performance standards in Paragraph (g). The application shall be approved through a ministerial Public Benefit process if the eligibility criteria and performance standards of this subsection are met.
  - (1) **Other Affordable Housing Incentive Programs.** Except as described in Paragraph (f), projects which have applied for other affordable housing incentive programs offered in the Greater Downtown Housing Incentive Area in Section 12.22 A.29, Density Bonus in Section 12.22 A.25, the Transit Oriented Communities Affordable Housing Incentive Program in Section 12.22 A.31, Community Plan Implementation Overlays, or any other affordable housing incentive program shall not be eligible for a Qualified Permanent Supportive Housing Project approval under this Subdivision.
- (c) **Requirements.** A Qualified Permanent Supportive Housing Project must comply with the following requirements:

- (1) **Supportive Services.** Applicants shall provide documentation describing the Supportive Services that will be provided onsite and/or offsite. Prior to any approval of a Qualified Permanent Supportive Housing Project by the Department of City Planning, 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, funding source(s) for those services, and proposed staffing levels. A signed letter of intent from a local public agency, as identified on a list maintained by the Department of City Planning, shall be provided, verifying that the Supportive Services have received a preliminary funding commitment from the local public agency. If no funding commitment is needed, the applicant shall demonstrate that the entity or entities that will provide the Supportive Services are listed on a prequalified list of service providers maintained by a local public funding agency.
- (2) **Affordable Housing Covenant.** Projects shall record a covenant acceptable to the Housing and Community Investment Department (HCIDLA) that reserves and maintains the number of dwelling units designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.
- (3) **Housing Replacement.** Projects shall meet any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3), as verified by the Housing and Community Investment Department (HCIDLA) and all applicable covenant and monitoring fees in LAMC Section 19.14 shall be paid by the applicant prior to the issuance of any building permit.
- (4) **Notification of Application.** 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 application by U.S. mail to the abutting property owners and the Council District Office of the site for which a Qualified Permanent Supportive Housing Project application has been proposed; 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 documentation of the public notice on a form provided by the Department, along with required photographs.

(d) **Bonuses and Incentives.** A Qualified Permanent Supportive Housing Project meeting the requirements in Paragraph (c) and the performance standards in Paragraph (g) is eligible for the following bonuses and incentives:

- (1) **Minimum Lot Area per Dwelling Unit or Guest Room.** In zones where multiple dwelling uses are permitted (R3 and less restrictive), the number of allowable dwelling units or guest rooms shall not be subject to the otherwise maximum allowable residential density under any applicable zoning ordinance and/or specific plan. In the RD1.5 Zone, the minimum lot area per dwelling unit or guest room shall be 500 square feet. All applicable standards pertaining to height and floor area under any applicable zoning ordinance and/or specific plan or overlay shall apply.
- (2) **Automobile Parking Requirements.** The following requirements shall apply to all Qualified Permanent Supportive Housing Projects. Up to 40% of the total required parking may be provided by compact stalls.
  - (i) No parking spaces shall be required for dwelling units or guest rooms restricted to the Target Population.
  - (ii) For Qualified Permanent Supportive Housing Projects located within one-half (1/2) mile of a Transit Stop as defined in Section 12.22 A.25(b), 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 income-restricted dwelling unit or guest room not occupied by the Target Population.
  - (iii) One parking space for every twenty (20) dwelling units and/or guest rooms shall be required for the purpose of accommodating guests, supportive services, and case management.
  - (iv) **Exception for Projects Located in the Greater Downtown Housing Incentive Area.** Notwithstanding Paragraph (b)(1), for projects located in the Greater Downtown Housing Incentive Area, 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 Housing and Community Investment Department.
- (3) **Floor Area.** In computing the total floor area, any area designated exclusively for use in conjunction with Supportive Services and any public area accessible to all residents, including public common areas that serve residential or Supportive Services uses, shall not be considered part of the total 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 partitions.

- (4) **Use.** Notwithstanding the use provisions of the underlying zoning, a Qualified Permanent Supportive Housing Project developed pursuant to this section shall be permitted when such project is being converted from or is a replacement of a Residential Hotel as defined in Section 47.70 et seq. of this Code and is a continuation of an existing residential use. Any such replacement shall comply with the provisions of Section 47.70 et seq. The total number of dwelling units or guest rooms may increase as a result of the conversion or replacement. This subparagraph shall not apply to a Residential Hotel located in a RD2 or more restrictive residential zone.
  - (5) **Guest Rooms.** For the purposes 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.
- (e) **Additional Concessions or Incentives.** The project shall be eligible for any combination of up to five concessions or incentives described below, as applicable. Incentives shall not be used to exempt compliance with the performance standards described in Paragraph (g).
- (1) **Yard/Setback.** Up to 20% decrease in the required width or depth of any individual yard or setback except along any property line that abuts an R1 or more restrictively zoned property provided that the landscaping for the Permanent Supportive Housing project is sufficient to qualify for the number of landscape points equivalent to 10% or more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O." In Residential Zones, the resulting front yard setback may not be less 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 is permitted. Adjustments to all individual yards or setbacks may be combined to count as one concession or incentive.
  - (2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Permanent Supportive Housing project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."
  - (3) **Floor Area Ratio.**
    - (i) Up to 35% increase in the allowable Floor Area Ratio; or

- (ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a commercial zone.
- (4) **Height.** Up to 35% increase in the height requirement in feet, applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A.10 of this Code shall not apply. In its place, the following transitional height requirements shall be applied.
- (i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of one additional story up to eleven feet.
  - (ii) When adjacent to or across an alley from an R2 or more restrictive zone, the building's transitional height shall be stepped-back within a 45 degree angle as measured from a point 25 feet above grade at the property line.



- (5) **Open Space.** Up to 20% decrease from an open space requirement, provided that the landscaping for the Qualified Permanent Supportive Housing Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."
- (6) **Common Open Space.** Notwithstanding the requirements in LAMC 12.24 G, recreation rooms at least 600 square feet in area for a development of 16 or more dwelling units or guest rooms, or at least 400 square feet in area for a development of fewer than 16 dwelling units or guest rooms, may qualify as common open space, but shall not qualify for more than 40 percent of the total required usable open space.
- (7) **Averaging of Floor Area Ratio, Parking or Open Space, and permitting Vehicular Access.** A Qualified Permanent Supportive Housing Project that is located on two or more contiguous parcels may average the floor area, open space and parking over the project site, and permit vehicular access through a more restrictive zone to a less restrictive zone, 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 Permanent Supportive Housing Project site to be subdivided subsequent to this grant shall be permitted.
  
- (8) **Ground Floor Use.** Where nonresidential floor area is required by the Department of City Planning in a zoning ordinance, Specific Plan, Community Plan, Pedestrian Overlay Zone or other set of development standards, that requirement may be satisfied by any active ground floor use such as community rooms, resident amenities, supportive service areas, and common open space.
  
- (9) **Other Development Standard.** Up to a 20% relief may be provided from one other development standard not described in this section, as that term is defined in California Government Code Section 65915(o)(1).
  
- (f) **Request for Additional Waivers.** The City may not apply a development standard that will physically preclude the construction of the Qualified Permanent Supportive Housing Project. In addition to the Public Benefit Project, applicants may request additional waivers pursuant to the discretionary review procedures described in Section 12.22 A.25(g)(3) of this Code, except that the application shall not be required to provide a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Qualified Permanent Supportive Housing Project economically feasible. Additional waivers shall not be used to exempt compliance with the performance standards described in Paragraph (g).
  
- (g) **Performance Standards.** All projects shall meet the following performance standards or shall comply with the alternative compliance measures pursuant to Section 14.00 B of this Code. If otherwise applicable performance standards or design standards established under any zoning code, specific plan, or other overlay requirements conflict with this Section, those requirements shall supersede the standards provided in this Section.
  - (1) **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.
  
  - (2) **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.

- (3) **On-Site Supportive Services Requirement.** Nonresidential floor area shall be provided for on-site Supportive Services in the following ratios:
- (i) For Qualified Permanent Supportive Housing Projects with 20 or fewer total combined units or guest rooms, no less than 90 square feet of dedicated office space shall be provided; or
  - (ii) For Qualified Permanent Supportive Housing Projects with greater than 20 dwelling units or guest rooms, a minimum of three (3) percent of the total residential floor area shall be dedicated for the provision of on-site Supportive Services that are limited to tenant use, including but not limited to community rooms, case management offices, computer rooms, and/or a community kitchen.
- (4) **Façade Transparency.**
- (i) For any building located in a Commercial Zone, a minimum of 25 percent of that portion of the exterior street-facing walls which are between 2 feet to 8 feet above the sidewalk grade, shall be comprised of transparent (untinted, unfrosted, non-reflective) windows or openings, exclusive of areas for walkways, driveways, paseos and plazas.
  - (ii) Glass Transparency. Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent.
- (5) **Massing.** Buildings more than 300 feet in length shall include a design element that provides visual relief every 200 feet. The design feature shall either setback from or step forward from the primary face of the building by at least a depth of 12 inches and shall be a width of no less than 5% of the building face (ex: 5% of 200' = 10') and shall extend up the face of the building at least the full height of the building's first story.
- (6) **Building Orientation.** All buildings shall be oriented to the street by providing primary entrances, windows, architectural features or balconies on the front and along any street-facing elevations. Primary entrances shall be connected to and visible from a public street such that a pedestrian entering the building need not walk through a vehicle parking area in order to arrive at the entrance.
- (7) **Landscaping.** All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, shall be landscaped and maintained, and not otherwise paved.



- (8) **Lighting.** Security night lighting shall be shielded so that the light source cannot be seen from adjacent residential properties.
- (9) **Surface Parking.** Any surface parking areas shall be landscaped pursuant to the requirements of Subsection 12.21 A.6(i) of this Code.
- (10) **At-Grade Parking.** No at-grade parking space shall be located within the front yard. Loading areas and off-street parking facilities containing three or more spaces shall be effectively screened from abutting streets and lots. However, such screening shall not obstruct the view of the driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility. The screening shall consist of one or more of the following:
- (i) A strip at least five feet in width of densely planted shrubs or trees that are at least two feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year round visual screen; or
  - (ii) A wall, barrier, or fence of uniform appearance. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50% of the face is open. The wall, barrier or fence shall be between four and six feet in height.
- (11) **Construction Standards.** The following standards shall be met during project construction and shall be verified prior to issuance of the Certificate of Occupancy:
- (i) No pile driving shall be allowed unless required due to geological conditions. Where piles are needed, they shall use quiet techniques such as vibratory piles.
  - (ii) Where excavating below previously excavated depths, the applicant shall conduct a record search at the appropriate Information Center to determine whether the project area has previously been surveyed and whether archaeological or paleontological resources, or geological features are potentially present, and obtain review by a qualified expert to determine if the project has the potential to impact archaeological resources, or parent material with a moderate to high potential to contain unique paleontological resources, or to require the substantial alteration of a unique geologic feature. If the potential for archaeological, paleontological resources, or unique geological feature exists, the project shall require monitoring by a qualified archaeologist, and/or paleontologist, and/or geologist, as applicable. If archaeological,

paleontological, or unique geological features are discovered during excavation, grading or construction activities, work shall cease in the area of the find until a qualified expert has evaluated the find and taken any necessary measures to preserve and protect the find in accordance with federal, state and local law and guidelines.

- (iii) Projects that involve construction-related soil disturbance located on land that is currently or was historically zoned as industrial or, previously had a gas station or dry cleaning facility on-site, shall conduct a comprehensive search of databases of sites containing hazardous waste or hazardous materials, including on lists prepared pursuant to Government Code, section 65962.2. A report setting forth the results of this database search shall be provided to the City and shall be made publicly available (e.g. historical environmental reports prepared by Enviroscan, EDR or similar firms). If the report indicates the project site or property within one-quarter mile of the project site has the potential to be contaminated with hazardous waste or hazardous materials for any reason,, Phase I and, as needed, Phase II Environmental Site Assessments shall be prepared by a qualified Environmental Professional (as defined in Title 40 Code of Federal Regulations §312.10 Definitions). Applicants shall consult with appropriate oversight agencies, including the Department of Toxic Substances Control and the Los Angeles Regional Water Quality Control Board, and implement remediation measures to minimize human exposure and prevent further environmental contamination. No development shall occur until a letter of No Further Action is obtained, if required, by an appropriate agency.
- (iv) Where excavation could extend below previously disturbed levels, notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site, if the Tribe has submitted to the Department of City Planning a request in writing to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified Tribal Monitor. If tribal resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until an appropriate Tribal Representative has evaluated the find. Construction personnel shall not collect or move any tribal resources. Construction activity may continue unimpeded on other portions of the Project site. Any tribal resources shall be treated with appropriate dignity and protected and preserved as appropriate and as required by law.

- (12) **Historic Resources.** The Qualified Permanent Supportive Housing shall not involve a historical resource, as defined by Public Resources Code Section 21084.1 as determined by the Director, in consultation with the Office of Historic Resources.
- (h) **Purpose.** The purpose of this subdivision is to facilitate the expedient production of Permanent Supportive Housing units meeting the definitions and regulations established herein, in order to provide high-quality, well-serviced and affordable housing units which are responsive to the needs of the Target Population. Qualified Permanent Supportive Housing Projects should be located at sites that are accessible by public transit, including paratransit. Individual units and/or guest rooms should be provided with basic amenities that are sufficient to support independent living. Areas should be made available on the subject property to provide the appropriate level of Supportive Services to the Target Population. Architectural features should be incorporated in building design to ensure that buildings are street-oriented, provide visual interest at the street level, and facilitate pedestrian access. Landscaping should be provided in any front yard area or on any surface parking area to provide additional visual interest at the street level. Lighting on the site should be located so as to not reflect on adjoining residential uses.

Section 3. Subdivision 11 of Subsection B of Section 12.04.09 of the Los Angeles Municipal Code is added to read as follows:

11. Any joint public and private development that is a Qualified Permanent Supportive Housing Project developed pursuant to Section 14.00 A.11 of this Code, utilizing the uses and standards permitted by the least restrictive adjoining zone. The phrase “adjoining zones” refers to the zones on properties abutting, across the street or alley from or having a common corner with the subject property.

Section 4. Subdivision 8 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is added to read as follows:

8. A Qualified Permanent Supportive Housing Project developed pursuant to Section 14.00 A.11 of this Code and containing no more than 120 units, or no more than 200 units if it is located in the Greater Downtown Housing Incentive Area or on a lot with a general plan land use designation of Regional Center Commercial, Regional Commercial, or Regional Mixed Commercial.