



Department of City Planning

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

November 15, 2023

TO: City Planning Commission

FROM: Cally Hardy, City Planner

TECHNICAL MODIFICATIONS TO STAFF RECOMMENDATION REPORT AND PROPOSED ORDINANCE (EXHIBIT A) FOR CASE NO. CPC-2023-5273-CA

TECHNICAL MODIFICATIONS TO EXHIBIT A

The following technical modifications and corrections are to be incorporated into Exhibit A (Proposed Affordable Housing Streamlining Ordinance) of the staff recommendation report to be considered at the City Planning Commission meeting of November 16, 2023 related to Item No. 6 on the meeting agenda.

INSTRUCTIONS: Modify the proposed definition of One Hundred Percent Affordable Housing Project in Section 12.03, as provided in Section 1 of Exhibit A, to provide additional clarification, 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-substantial rehabilitation of, or retrofitting for accessibility purposes of,~~ any building or buildings which results in the creation, addition, or ~~remodel-substantial rehabilitation of, or retrofitting for accessibility purposes 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~~ 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, HUD, 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 with two exceptions: (1) a manager's unit or units, and (2)~~ 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.

INSTRUCTIONS: Modify proposed Subparagraph 12.22 A.36(e)(10) in Section 2 of Exhibit A, to correct a typographical error, as follows:

- (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.

INSTRUCTIONS: Modify proposed Subparagraph 12.22 A.36(a) in Section 2 of Exhibit A, to clarify that the provisions of that Section are intended to sunset upon the operative date of the Processes and Procedures Ordinance (Ordinance No. 187,712) and be replaced with the provisions in Section 3, as follows:

- (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. This Subdivision shall sunset upon the operative date of Ordinance No. 187,712 (Processes and Procedures).

INSTRUCTIONS: ADD a new Section 3 to Exhibit A, to incorporate updated Code references in the Proposed Ordinance that are intended to align with the Processes and Procedures Ordinance (Ordinance No. 187,712) upon its operative date of January 22, 2024, as follows:

[ADDED] Section 3. 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. This Subdivision shall be effective upon the operative date of Ordinance No. 187,712 (Processes and Procedures).

(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 the following:
 - (i) Coastal development permit, pursuant to Div. 13B.9.1 (Coastal Development Permit Pre-Certification)) or Div. 13B.9.2 (Coastal Development Permit (Post-Certification)) of Chapter 1A of this Code.
 - (ii) Applicant requested relief from standards or requirements via a quasi-judicial review process established in Sec. 13B.5.1 through Sec. 13B.5.4 (Quasi-Judicial Relief) of Chapter 1A of this Code.
 - (iii) Applicant requested waivers and appeals of dedication and improvement requirements under Section 12.37 I of Chapter 1 of this Code.
 - (iv) Deviation from development standards applied through a Specific Plan for Community Plan Implementation Overlay (CPIO) pursuant to Sec. 13B.4.5 (Project Exception) or Sec. 13B.4.4 (Project Adjustment) of Chapter 1A of this Code.
 - (v) Any form of legislative action pursuant to Div. 13B.1 (Legislative Action) of Chapter 1A of this Code.
- (5) The project would not require the demolition, as that term is defined in Div. 13B.8 (Historic Preservation) of Chapter 1A of this Code, 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, Century 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 by the provisions of Sec. 13B.3.1 (Administrative Review) of Chapter 1A of this Code and subject to the following supplemental procedures. 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) **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.
- (2) **Eligibility for Development Incentives.** Except as limited in Subparagraphs (3) and (4), 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 (3) and (4). Such projects shall be reviewed and processed according to the procedures in Section 12.22 A.25(g)(3).

- (3) **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).
- (4) **Limitation on Types of Requests for Incentives, Waivers, or Modification 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 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.
- (5) **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.
- (6) **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 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))
- (xlili) 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, Div. 13B.7 (Division of Land) of Chapter 1A of this 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.

CORRECTIONS AND ADDITIONS TO STAFF RECOMMENDATION REPORT

The following corrections and additions are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of November 16, 2023 related to Item No. 6 on the meeting agenda.

INSTRUCTIONS: Revise the last sentence on page A-1 to the top of page A-2, to correct the total number of affordable units proposed under ED 1, as follows:

As of October 30, 2023, more than 50 projects have been administratively approved under ED 1, with an additional 55 pending applications — all of which would result in ~~12,383~~ 8,228 new affordable homes.

INSTRUCTIONS: Revise the discussion titled “Relationship to the New Zoning Code” beginning at the bottom of page A-15 to page A-16, to provide additional information about the policy intent for the Chapter 1A version of the proposed ordinance, as follows:

Relationship to the New Zoning Code

The Processes and Procedures Ordinance (Ord. 187,712) was recently adopted in December 2022 and will become operative on January 22, 2024. It is the initial part of a larger effort to comprehensively revise the City’s Zoning Code. The proposed ordinance provided in Exhibit A will require additional review as part of the Form and Legality review process to ensure that all code references are compatible with the Processes and Procedures Ordinance upon its operative date.

Currently, the Zoning Code resides in Chapter 1 of the Los Angeles Municipal Code (LAMC). The Code is undergoing a comprehensive revision, which will be established in a new Chapter 1A of the LAMC and is planned to be implemented in phases as each community plan is updated, starting with the Downtown Community Plan. The new Zoning Code was approved by the City Council on May 2, 2023 and is currently undergoing Form and Legality review with the City Attorney. After this process is complete, the new Zoning Code will be brought to the City Council for final adoption.

In the event that the City Council adopts Chapter 1A of the LAMC, the proposed ordinance would be incorporated into the new Zoning Code. Incorporation of the proposed ordinance in the new Zoning Code would require amendments to Article 9 (Public Benefit Programs) to incorporate a new Affordable Housing Streamlining Program as a general incentive program, Article 8 (Specific Plans and Supplemental Districts) to clarify the procedural relationship to any applicable overlays, and Article 14 (General Rules and Definitions) to codify relevant definitions. All provisions of the proposed ordinance would need to be translated and carried into the new Zoning Code, subject to changes to conform to the format and style of the New Zoning Code. ~~with the exception of the Performance Standards provided in Paragraph (d) of the proposed ordinance.~~

As Ch. 1A is built around a new zoning system and document structure and organization and incorporates many additional changes to citywide policies, the Ch. 1A version of the ordinance will not look exactly the same as the Ch. 1 version of the ordinance; rather, it proposes

amendments to the New Zoning Code system that align with the intent of the Ch. 1 version of the ordinance. The policy outcomes in New Zoning Code version of the proposed ordinance will be equivalent to those of the Chapter 1 version of the proposed ordinance, with the following minor exceptions, in order to best align the program with the updated regulatory system of the New Zoning Code:

- a. **Performance Standards provided in Paragraph (d) of the proposed Chapter 1 ordinance.** The new Zoning Code contains more specific provisions that regulate building frontage (Article 3, Frontage Districts) and other design standards (Article 4, Development Standards Districts); therefore, the ~~proposed~~ required additional performance standards proposed in the Chapter 1 version of the ordinance would be duplicative of similar types of standards that would be applicable to all projects subject to the new Zoning Code. Planning therefore recommends removing these additional performance standards from the New Zoning Code version of the proposed ordinance.
- b. **Remediation requirement for projects located on listed hazardous waste sites , as provided in Subparagraph (c)(6) of the proposed Chapter 1 ordinance.** Areas subject to the New Zoning Code will also be subject to a standardized set of Environmental Protection Measures, which are environmental regulations that apply to all projects, including by-right projects, that meet the eligibility criteria for each regulatory measure. Projects located on hazardous waste sites listed on the DTSC inventory as well as various other lists will trigger a required Phase I Environmental Site Assessment and, if necessary, a Phase II Environmental Site Assessment. No permits shall be granted until adequate remediation has been approved. Given this environmental regulatory framework will apply more broadly to all applicable projects in areas subject to Chapter 1A, for the Chapter 1A version of the proposed ordinance, there is no need to separately include this as a requirement for one hundred percent affordable housing projects. Planning recommends excluding this provision from the New Zoning Code version of the proposed ordinance.
- c. **Limitations on requests for an Increase in Floor Area Ratio (FAR), as described in Sub-Subparagraph (e)(8)(i) of the proposed Chapter 1 ordinance.** The New Zoning Code applies base zones to all lots that include Form Districts that specify a maximum Bonus Floor Area Ratio (Bonus FAR) that a project can achieve through participation in its main mixed-income development incentive program, the Local Affordable Housing Incentive Program. The intent of the proposed ordinance is to allow for increased incentives for 100% Affordable Housing Projects; however, in some cases, the Form Districts paired with residential Use Districts in the New Zoning Code provide Bonus FARs that exceed the proposed FAR bonus allowances under the Chapter 1 version of the proposed ordinance. For projects in residential zones, the Chapter 1 version of the proposed ordinance allows for applicants to request up to a 100% increase in FAR or a maximum of 3.5 FAR, whichever is greater. In order to ensure that 100% Affordable Housing Projects pursuing a state density bonus can achieve at least an FAR bonus equivalent to what is available to mixed income projects under the Local Affordable Housing Incentive Program, Planning recommends that the Chapter 1A version of the proposed ordinance expand the allowable FAR increase request to include: 1) a 100%

increase in Base FAR, 2) the maximum Bonus FAR identified in the applied Form District, or 3) a minimum of 3.5 FAR, whichever is greatest.

- d. **Limitations on requests for an Increase in Height, as described in Sub-Subparagraph (e)(8)(ii) of the proposed Chapter 1 ordinance.** The New Zoning Code applies base zones to all lots that include Form Districts that specify a maximum Bonus Height that a project can achieve through participation in its main mixed-income development incentive program, the Local Affordable Housing Incentive Program. The intent of the proposed ordinance is to allow for increased incentives for 100% Affordable Housing Projects; however, in some cases, the Form Districts paired with residential Use Districts in the New Zoning Code provide Bonus Heights that exceed the proposed bonus height allowances under the Chapter 1 version of the proposed ordinance. For projects in residential zones, the Chapter 1 version of the proposed ordinance allows for applicants to request up to a 33-foot or 3-story height increase. In order to ensure that 100% Affordable Housing Projects pursuing a state density bonus can achieve at least a height increase equivalent to what is available to mixed income projects under the Local Affordable Housing Incentive Program, Planning recommends that the Chapter 1A version of the proposed ordinance expand the allowable height increase request to include: 1) an increase of up to 33 feet, 2) an increase of up to 3 stories, or 3) an increase up to the maximum Bonus Height identified in the applied Form District.
- e. **Limitations on requests for reduction in Open Space, as described in Sub-Subparagraph (e)(8)(iv) of the proposed Chapter 1 ordinance.** The Chapter 1 version of the proposed ordinance allows 100 Percent Affordable Housing Projects in any zone to request up to a 50% decrease in required Open Space. In the New Zoning Code, open space requirements have been broken up into two different requirements: a Residential Amenity Space requirement, which is required as a percentage of the total floor area dedicated to dwelling units, and a Lot Amenity Space requirement, which is required as a percentage of total lot area. In order to address both Residential Amenity Space and Lot Amenity Space in the New Zoning Code version of the proposed ordinance, Planning recommends that a 50% reduction in either Residential Amenity Space or Lot Amenity Space be considered as a single waiver request. As such, an applicant would not be able to request reductions in both requirements as a single waiver request, but would need to request only a reduction in one amenity space requirement or the other.

The City Planning Commission's action on the proposed ordinance would include recommending that the City Council instruct that the proposed Ordinance be incorporated into the New Zoning Code, subject to changes to conform to its format and style and the incorporation of the minor policy differences a-e above, making the proposed amendments applicable in the Downtown Plan Area and throughout Chapter 1A of the New Zoning Code, wherever the New Zoning Code is subsequently applied.