

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2023-7068-CA	ENV-2020-6762-EIR; ENV-2020-6762-EIR-ADD1 and ENV-2020-6762-EIR-ADD2	All - Citywide
<b>RELATED CASE NOS.</b>		<b>COUNCIL FILE NO:</b>
CPC-2020-1365-GPA, CPC-2024-387-CA, CPC-2024-388-CA		Related: CF 21-1230, CF 21-1230-S1, CF 21-1230-S3, CF 21-1230-S4, CF 21-0972, CF 23-0172, CF 24-0147
<b>PROJECT ADDRESS / LOCATION:</b>		
N/A – Citywide Code Amendment		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Theadora Trindle	(213) 564-7099	<a href="mailto:theadora.trindle@lacity.org">theadora.trindle@lacity.org</a>
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
<ul style="list-style-type: none"> <li>- Environmental Clearance (EIR)</li> <li>- Code Amendment (CA)</li> </ul> <p><input checked="" type="checkbox"/> <i>The preparation of a draft ordinance by the City Attorney will be required.</i></p>		
<b>FINAL ENTITLEMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
<input checked="" type="checkbox"/> N/A		
<b>ITEMS APPEALED:</b>		
<input checked="" type="checkbox"/> N/A		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input type="checkbox"/> Mailing List	<input type="checkbox"/>	<input checked="" type="checkbox"/> Other: EIR Addendum No. 2 (ENV-2020-6762-EIR-ADD2) to the 2021-2029 Housing Element and Safety Element Final Environmental Impact Report, SCH No. 2021010130 (ENV-2020-6762-EIR); Addendum No. 1 to the 2021-2029 Housing Element and Safety Element Final Environmental Impact Report (ENV-2020-6762-EIR-ADD1)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Other: See of list of Exhibits in “Notes/Instructions” section	<input type="checkbox"/>		

**NOTES / INSTRUCTIONS:**

**The proposed Citywide Housing Incentive Program Ordinance is transmitted for City Council’s Consideration. Please create a new Council File (CF 21-1230-S5).**

This is a transmittal of the City Planning Commission’s decision and supporting documents related to the proposed Citywide Housing Incentive Program Ordinance (CPC-2023-7068-CA).

Final Addendum No. 2 (ENV-2020-6762-EIR-ADD2) document will be added at a later date.

**Only the following Attachments and Staff Report Exhibits should be transmitted for this case number (CPC-2023-7068) and new council file as follows. When uploading, please name the files as follows:**

- Staff Report with Technical Modifications Incorporated
- Findings
- Interested Parties List
- Summary of Modifications to the Citywide Housing Incentive Program Ordinance by the City Planning Commission on September 26, 2024
- Exhibit A.1 Citywide Housing Incentive Program Ordinance (as modified by the City Planning Commission on 9/26/24 per the Technical Modifications dated 9/24/24)
- Exhibit C.1 Addendum to the Final Environmental Impact Report for the Citywide 2021-2029 Housing Element Update and Safety Element Update
- Exhibit C.2 Proposed DRAFT Environmental Protection Measures Handbook for Housing Element Rezoning Program
- Exhibit D Single-Family Considerations with Technical Modifications Incorporated

<b>FISCAL IMPACT STATEMENT:</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small>	
<b>PLANNING COMMISSION:</b>	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
September 26, 2024	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
N/A	N/A
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant II	October 16, 2024



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: OCTOBER 16, 2024**

**Case No.: CPC-2023-7068-CA**

Council District: All

CEQA: ENV-2020-6762-EIR; ENV-2020-6762-EIR-ADD1;

ENV-2020-6762-EIR-ADD2

Plan Area: Citywide

**Project Site:** Citywide

**Applicant:** City of Los Angeles

At its meeting on **September 26, 2024**, the Los Angeles City Planning Commission considered the Citywide Housing Incentive Program (CHIP) Ordinance, called for by the 2021-2029 Housing Element Update. The Proposed Ordinance sets out to address housing needs and meet the City's housing obligations under state law. Related documents are available as Exhibits and Attachments (as adopted by Commission on September 26, 2024) to this Letter of Determination.

The Los Angeles City Planning Commission took the actions below in conjunction with the following Code Amendment:

An ordinance to amend Chapter 1 and Chapter 1A of the Los Angeles Municipal Code, including revisions to Sections 12.03, 12.21, 12.22, 12.24, 13.09, 13.15, 14.00, 14.5.4, 16.05, 19.01, 19.14, 19.18, and any related Code sections and the addition of Sections 11.5.15 in Chapter 1 and revisions to Articles 2, 4, 8, 9, 13, and any related code sections of Chapter 1A; and a technical amendment to Section 151.28 of Chapter 15.

The ordinance proposes streamlined project review procedures and new local density bonus incentives for eligible project types including citywide incentives, transit incentives, high opportunity incentives, 100 percent affordable housing incentives, public land incentives, faith-based development incentives, unified adaptive reuse incentives, and other tailored incentives to implement state law. The program overall prioritizes expanding access to affordable housing near transit, jobs, along corridors, and in Higher Opportunity Areas.

1. **Recommended** the City Council find, based on the whole of the record in the independent judgment of the decisionmaker, that the CHIP Ordinance was assessed in the adopted Housing Element Environmental Impact Report No. ENV-2020-6762-EIR (SCH No. 2021010130) certified on November 29, 2021, Addendum No. 1 (ENV-2020-6762-EIR-ADD1) certified on June 14, 2022, and Addendum No. 2 (ENV-2020-6762-EIR-ADD2) (collectively, "EIR"); adopt Addendum No. 2; determine that pursuant to CEQA Guidelines section 15162 and 15164, no subsequent or supplemental EIR is required; and adopt the Mitigation Monitoring Program;
2. **Approved and Recommended** that the City Council **adopt**, pursuant to Sections 13B.1.3 of the Los Angeles Municipal Code (LAMC), the proposed CHIP Ordinance (Exhibit A), as modified by the Technical Modifications dated September 24, 2024, to amend the Zoning Code including amendments to Chapter 1, Chapter 1A, and Chapter 15 of the Los Angeles Municipal Code, including revisions to sections 12.03, 12.21, 12.22, 12.24, 13.09, 13.15,

- 14.00, 14.5.4, 16.05, 19.01, 19.14, 19.18, and any related Code sections of Chapter 1; the addition of Section 11.5.15 in Chapter 1; and revisions to Articles 2, 8, 9, and 13, and any other related Code sections of Chapter 1A; and a technical amendment to Section 151.28 of Chapter 15;
3. **Recommended** that the City Council instruct the Director of City Planning to prepare the Environmental Protection Measures Handbook shown in Exhibit C;
  4. **Requested** that the City Planning Department prepare an ordinance to incorporate the proposed CHIP Ordinance, which amends LAMC Chapter 1 identified in Action Item 2 into Chapter 1A of the LAMC (New Zoning Code), subject to the policy changes described in the Staff Recommendation Report and in conformance with the format and style of the New Zoning Code; and **recommend** the City Council **adopt** this Chapter 1A version of the proposed CHIP Ordinance;
  5. **Adopted** the Staff Recommendation Report with modifications dated September 24, 2024, as the Commission's report on the subject; and
  6. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Diaz  
Second: Lawshe  
Ayes: Cabildo, Klein, Newhouse, Saitman  
Absent: Choe, Mack, Zamora

**Vote: 6 – 0**



Cecilia Lamas, Commission Executive Assistant II  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is final and not appealable.

Notice: If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed CHIP Ordinance, Amended Findings

cc: Arthi Varma, Deputy Director  
Jenna Monterrosa, Principal City Planner  
Blair Smith, Senior City Planner  
Erika Cui, City Planner  
Wajiha Ibrahim, City Planner  
Theadora Trindle, City Planner  
Abigail Thomas, Planning Assistant  
Alisanne Meyers, Planning Assistant

Christine Bustillos, City Planning Associate  
Allyn Reyes, Planning Assistant  
Kevin Umana, Student Professional Worker

## **FINDINGS**

(As Amended by the City Planning Commission at its meeting on September 26, 2024)

### **Summary**

The Proposed Plan as modified is consistent with the City Charter, LAMC, and General Plan Findings as recommended by the City Planning Commission on September 26, 2024 and the modifications approved by the City Planning Commission on September 26, 2024 are consistent with and further support the Findings of Fact.

### **Program Findings and Discussion**

Several sets of findings are required to adopt the Program, including consistency with the General Plan and various state housing laws (Housing Element and State Density Bonus).

#### **A. City Charter Findings**

**City Charter Section 556 and 558, and LAMC Section 13B.1.3** - Charter Sections 556 and 558 and LAMC Section 13B.1.3 require the City Planning Commission and the City Council to adopt the following findings when taking any action to amend zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements (collectively zoning ordinances):

- (1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.
- (3) Other findings required by law.

Pursuant to City Charter Section 556 and 558, and LAMC Section 13B.1.3, the proposed Citywide Housing Incentive Program (CHIP) Ordinance, Resident Protections (RP) Ordinance, and Housing Element Sites and Minimum Density (HESMD) Ordinance as part of the 2021 - 2029 Housing Element RHNA Re-zoning Program 121 are in substantial conformance with the purpose, intent and provisions of the General Plan. The CHIP, RP, and HESMD ordinances, hereafter referred to as “the Program”, are also in conformance with the public necessity, convenience, general welfare and good zoning practice and other laws. In particular, they respond to the City’s acute housing crisis, which negatively impacts the general welfare with high rates of homelessness, overcrowding and unaffordable rents. Incentives for new housing with deed restricted affordable units will increase the housing supply in strategically selected areas according to good zoning practice. These areas are characterized as having strong transportation service, existing infrastructure, access to jobs and amenities and existing resources linked to better life outcomes for residents.

## B. General Plan Consistency Findings

**General Plan Consistency Requirement** – State law requires that the General Plan have horizontal internal consistency among its elements (California Government Code Section 65300.5). The City Charter and California Government Code Section 65860(d) require zoning ordinances to be vertically consistent with the General Plan. The 2021-2029 Housing Element and the RHNA Re-zoning Program 121 set forth in that document were found to possess internal consistency with the General Plan at the time of The 2021-2029 Housing Element adoption. Those findings are updated to demonstrate the vertical consistency between the proposed zoning ordinances of the Program and the General Plan to comply with City Charter Sections 556 and 558, and LAMC Section 13B.1.3. This consistency discussion is provided for the City Planning Commission’s consideration in approving and recommending the Program and its determination that the Program is consistent with the City’s General Plan.

For all the reasons provided below, the proposed Program is consistent with the City of Los Angeles General Plan, in that it is compatible with the objectives, policies, general land uses, and programs of the General Plan and will not inhibit or obstruct their attainment.

### The Housing Element

The Program is consistent with the goals, objectives, policies, and programs of the 2021-2029 Housing Element, and is required under state Housing Element law (California Government Code Section 65583(c)(1)(A)). The 2021-2029 Housing Element Program 121 RHNA Re-zoning identified a rezoning need of 255,433 units and established an objective to conduct citywide rezoning to meet RHNA Targets by 2024<sup>1</sup>. The program states, “To accommodate the remaining RHNA of 255,433 units, LACP will identify and recommend rezoning for a minimum of 124,880 moderate and above moderate units and a minimum of 130,553 lower income (VLI and LI) units by October 30, 2024.” More than 50% of lower income rezoning will occur on sites with exclusively residential uses or allowing 100% residential uses (non-commercial zones). All lower income sites will have a density allowance of at least 20 units per acre. Rezoned sites will permit owner-occupied and rental multi-family uses by-right pursuant to CA Govt. Code § 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households and will be selected from sites identified in the parcel listing (Appendix 4.7). As reflected in Appendix 4.7, each development site has the capacity to accommodate at least 16 units and will be available for development in the planning period where water, sewer, and dry utilities can be provided”<sup>2</sup>. The CHIP, RP, and HESMD Ordinances implement the obligations and vision outlined in Program 121.

As a core implementation program of the 2021-2029 Housing Element, the Program strongly furthers its goals, objectives, policies and programs. The five goals that guide the 2021-2029 Housing Element are listed below, along with the most relevant objectives and policies.

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<sup>1</sup> 2021-2029 Housing Element, Chapter 6, pg 343

<sup>2</sup> 2021-2029 Housing Element, Chapter 6, pg 343

**Goal 1**

A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

**Objective 1.1:** Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

**Policy 1.1.7:** Incentivize production of mixed-income and 100% Affordable Housing projects by rezoning for more inclusive development at densities that enable their construction in every geography.

**Policy 1.1.8:** Introduce more flexible zoning and incentives for existing lower density residential areas to create opportunities for more “missing middle” low-scale housing typologies, particularly in Higher Opportunity Areas.

**Objective 1.2:** Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

**Policy 1.2.1:** Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

**Policy 1.2.2:** Facilitate the construction of a range of different housing types that addresses the particular needs of the City’s diverse households.

**Policy 1.2.5:** Streamline the housing approval process, particularly for Affordable Housing, throughout City departments.

**Policy 1.2.6:** Create new citywide and local land use incentives and programs that maximize the net gain of affordable housing and produce housing that meets Citywide Housing Priorities. Explore varied affordability ratios, the feasibility of inclusionary zoning requirements, and a greater mix of incomes based on market areas.

**Policy 1.2.8:** Develop and implement new land use and financing tools to promote more housing that is affordable to those with the lowest incomes and for longer periods of time.

**Policy 1.2.9:** Allow for zoning flexibility for Affordable Housing at the project review and planning levels when broader Citywide Priorities are being advanced.

**Policy 1.2.10:** Prioritize the development of Affordable Housing on public land.

**Objective 1.3:** Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

**Policy 1.3.1:** Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

**Policy 1.3.2:** Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

The proposed Program is based on a detailed assessment of existing and projected housing needs through the Housing Element process. It creates housing opportunities for a larger array of sites than required by state law to meet the scale of housing challenges in Los Angeles. The Program is designed to create a more equitable and affordable city by providing development incentives citywide and tailoring incentives to prioritize areas near transit, jobs, and in Higher Opportunity Areas. Elements of the CHIP Ordinance introduce more flexible zoning incentives for lower density residential development in Corridor Transition Areas to create opportunities for more “missing middle” housing typologies, and tailored incentives for majority affordable housing on sites with lower base densities. Those with the greatest housing needs are being prioritized throughout the CHIP ordinance with the inclusion of an acutely low income Category, family sized unit incentives, senior housing incentives, student housing incentives, and incentives for 100 percent affordable developments. The CHIP ordinance further provides varied affordability ratios based on market areas, new incentives for mixing income categories within developments, and creates both for sale and rental housing incentives for various building scales.

The CHIP’s Affordable Housing Incentive Program (AHIP) also prioritizes the development of affordable housing on public land, Public Facility (PF) zones, Parking (P) zones, and underutilized Faith-Based Organization owned sites by providing unique incentives for these areas. Both the CHIP and HESMD Ordinances establish streamlined review paths for projects providing affordable units, removing barriers to the production of affordable housing. Specifically, the HESMD Ordinance contains minimum density provisions to help ensure that multi-family zoned sites in High or Medium High Residential Market Areas (pursuant to the Affordable Housing Linkage Fee) are redeveloped at densities that support the inclusion of more affordable housing types including restricted affordable units. The Program also streamlines the housing approval process for projects that include affordable housing, ensures the net gain of affordable housing through provisions of the RPO and will produce housing that meets 2021-2029 Citywide Housing Priorities.

## **Goal 2**

A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

**Objective 2.1:** Strengthen renter protections, prevent displacement and increase the stock of affordable housing.

**Policy 2.1.1:** Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.

**Policy 2.1.4:** Strengthen tenant protections by expanding tenants' rights, enforcement, and legal assistance needed to access those rights.

**Policy 2.1.5:** Expand the right of first refusal to ensure displaced households may occupy replacement housing units that are comparable in size, location, cost, and rent control protection.

As mentioned previously, incentives are tailored according to the base densities of existing sites and their proximity to different types of transit service and Higher Opportunity Areas, creating more "missing middle" housing and mid-density multi-family typologies. The RPO codifies important citywide standards that ensure the quality and fairness of available new affordable units, protecting existing occupants and preventing the net loss of affordable housing units. Affected tenants are afforded certain rights such as the right to return to replacement units, the right to remain, the right to relocation and the right to return to the new development. Tenant rights are being strengthened by providing new notification requirements, as well as a right of private action if these rights are not provided. In order to comply with fair housing law and ensure equity in new housing developments, the proposed ordinance would establish the authority of the City to create and enforce requirements regarding the unit mix, unit size, quality and amenities, access to and distribution of affordable housing units (See LAMC 16.61 B). Affordability covenants are being lengthened to 99 years, which will provide for greater housing stability for all housing programs in the City, including those in CHIP. Additional income levels are being incorporated into the Program by including Acutely Low Income and expanding the use of Extremely Low Income.

**Objective 2.2:** Promote more affordable ownership opportunities and ownership retention strategies, with an emphasis on stability and wealth building for underserved communities.

**Policy 2.2.1:** Expand ownership models that increase the ability for households to attain homeownership, including alternative forms of shared- and limited-equity ownership.

Within the CHIP program are tailored incentives to expand home ownership opportunities and equity building for more households and underserved communities. In the MIIP program, the Corridor Transition incentive area offers increased density alongside reduced lot sizes, setbacks, and access requirements when either Very Low Income, Low Income, or Moderate Income units are provided. Minimum density provisions for multi-family zoned sites in High or Medium High Residential Market Areas will facilitate lower density housing typologies that may create ownership opportunities for more households. AHIP incentives in the CHIP Ordinance extend land

use incentives to Shared Equity Projects on land owned by nonprofit community land trusts, limited equity cooperatives, and workforce housing cooperatives. Incentives are intended to encourage a mix of housing types on these lands that includes limited equity for sale projects that can help income qualified individuals build wealth.

### **Goal 3**

A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

**Objective 3.1:** Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

**Policy 3.1.1:** Provide incentives and financial support for the preservation of historic residential structures, particularly for lower-income households.

**Policy 3.1.2:** Promote new development that furthers Citywide Housing Priorities in balance with the existing architectural and cultural context.

**Policy 3.1.3:** Develop and implement design standards that promote quality residential development.

**Policy 3.1.4:** Site buildings and orient building features to maximize benefit of nearby amenities and minimize exposure to features that may result in negative health or environmental impacts.

**Policy 3.1.5:** Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

**Policy 3.1.6:** Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

**Policy 3.1.9:** Encourage “convertible design” of above ground parking structures in transit rich areas so they can later be converted to housing.

**Objective 3.2:** Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

**Policy 3.2.1:** Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

**Policy 3.2.2:** Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

**Policy 3.2.8:** Provide incentives and promote flexibility for the conversion of non-residential structures to new housing in order to reduce the carbon footprint resulting from demolition and new construction.

The CHIP Ordinance encourages housing production near transit and in Higher Opportunity Areas through tailored density bonuses and development incentives that will provide relief from FAR, height, and minimum parking regulations. Residential growth in these areas will help shorten commutes and facilitate a better jobs-housing balance while also furthering citywide goals concerning livability, sustainability, and resilience. This will also help spur construction of new affordable and mixed-income housing subject to the current Los Angeles Green Building Code, which is intended to promote environmentally sustainable buildings. The CHIP Ordinance also contains tailored incentives to encourage the preservation of Designated and Eligible historic resources and incentivizes mixed-use buildings with active ground floors. Finally, the Program has been designed to exclude sites and limit incentives in areas with high environmental risk where residential growth would not prioritize the creation of healthy and resilient communities including in Very High Fire Hazard Severity Zones and the Coastal Zone. Furthermore, the CHIP Ordinance contains provisions for mitigation and distancing from Environmental Consideration Areas through requiring compliance with the new Environmental Protection Measures Handbook, which will assist in reducing hazardous risks to human health and negative environmental impacts.

#### **Goal 4**

A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.

**Objective 4.1:** Ensure that housing opportunities are accessible to all residents without discrimination on the basis of race, color, ancestry, sex, national origin, color, religion, sexual orientation, gender identity, marital status, immigration status, family status, age, intellectual, developmental, and physical disability, source of income and student status or other arbitrary reason.

**Policies 4.1.1:** Promote and facilitate equal opportunity practices in the construction, provision, sale and rental of housing.

**Policy 4.1.5:** Eliminate housing accessibility barriers that disproportionately affect populations in protected classes and special needs populations.

**Objective 4.3:** Affirmatively further fair housing in all housing and land use programs by taking proactive measures to promote diverse, inclusive communities that grant all

Angelenos access to housing, particularly in Higher Opportunity Areas, increase place-based strategies to encourage community revitalization and protect existing residents from displacement.

**Policy 4.3.1:** Increase access and transparency in the lease-up process for restricted Affordable Housing units, particularly for those who have experienced or are at-risk of displacement and those who may not be aware of Affordable Housing choices.

**Policy 4.3.2:** Ensure that all neighborhoods have a range of housing typologies to provide housing options for residents to remain in the same community, when and if their needs change.

**Policy 4.3.3:** Examine land use practices that perpetuate racial exclusion and inequities including but not limited to: single-family / low density zoning, minimum lot size requirements, location of noxious uses, and subjective design review standards. Introduce context specific reforms that further Citywide Housing Priorities

**Policy 4.3.4:** Advance place-based strategies that create opportunities and financial strength in areas of disinvestment and with a history of predatory financial practices through asset-building shared equity homeownership that creates stability and mitigates displacement pressures through community control.

The Program will advance mixed-income, 100% affordable housing projects, and shared equity projects that will foster more racially and socially inclusive neighborhoods. The CHIP prioritizes expanding housing options in Higher Opportunity Areas to address historic and present land use patterns that concentrate housing in areas with fewer resources and opportunities. For example, only 14% of the deed restricted affordable units permitted citywide between 2013 and 2021 were located in Higher Opportunity Areas, despite these neighborhoods accounting for 35% of the City's census tracts. Focusing incentives in Higher Opportunity Areas helps to create more equitable and affordable housing options for City residents. The CHIP program further offers incentives for various housing typologies citywide near transit, with incentives scaled to residential and commercial zones in addition to higher and lower intensities. Within CHIP, the AHIP will offer a new incentive model for community land trusts, creating new equity sharing tools to help strengthen housing stability and build generational wealth among income qualified persons. The HESMD Ordinance also establishes minimum density provisions for multi-family zones in High or Medium High Residential Market Areas to ensure that there is more housing production in these areas.

The RPO codifies important fair housing requirements regarding unit mix, unit size, quality and amenities, and access to and distribution of affordable housing units in mixed-income housing development projects, to ensure compliance with fair housing law. In order to increase transparency in the lease up process, the RPO would establish code requirements for affirmative

marketing and outreach requirements based on current LAHD practice, as well as require affordable units be made available for rent on the Affordable and Accessible Housing Registry (or any equivalent registry managed by LAHD) to the extent feasible. LAHD has implemented affirmative marketing requirements for projects that have land use covenanted units, such as projects that have used a density bonus. This means that owners of these projects are required to list their affordable units on LAHD's Affordable and Accessible Housing Registry. This new requirement to list on the Registry is applied to new projects with covenants executed after October 1, 2021. These new projects are expected to receive their Certificates of Occupancy as early as 2024. The RPO also attempts to prioritize Restricted Affordable Units in mixed-income housing development projects for those with identified housing needs. These priority populations include those displaced pursuant to provisions in the Ellis Act and LAMC 151.22 to 151.28, lower income residents impacted by a rent increase due to the termination of affordability restrictions, and residents displaced due to natural disasters and other code enforcement orders issued for uninhabitable units.

## **Goal 5**

*A City that is committed to preventing and ending homelessness.*

**Objective 5.1:** Provide an adequate supply of short-term and permanent housing in addition to supportive services throughout the City that are appropriate for and meet the specific needs of all persons who are homeless or at-risk of homelessness.

**Policy 5.1.5:** Expand housing, shelter, and supportive services for the homeless and special needs populations in all communities, and reduce zoning and other regulatory barriers to their placement and operation.

The Program aims to increase housing supply with a diverse range of typologies through incentives and streamlining, to provide more housing options and greater housing stability to all Los Angeles residents. Within the CHIP Ordinance, new incentives for 100% affordable housing will expand permanent housing options for those who are homeless and at risk of homelessness. Furthermore the incentives will alleviate constraints on land with existing zoning barriers including Parking (P) zones, Public Facility (PF) zones, on publicly owned land, and on land owned by Faith-Based Organizations. In addition, the RPO increases housing preservation, occupant protections and replacement requirements that help ensure the creation of new housing does not result in homelessness.

### *Housing Element Programs*

As mentioned previously, the proposed Program implements RHNA Re-zoning Program 121 and related goals and policies. The CHIP Ordinance also implements the following programs in the 2021-2029 Housing Element: 4, 11, 13, 15, 48, 54, 57, 62, 103, 122, 124, 125. The RPO implements programs 28, 29, 45, 87, 121, 122, and 124. The HESMD Ordinance implements programs 28, 29, 46, 54, 57, 61, 121, and 124. These programs are either wholly implemented by the ordinances or are implemented in collaboration with other lead agencies.

**Program 124**

The Program Affirmatively Furthers Fair Housing (AFFH) is consistent with California Government Code 65583(c)(1)(2)(10)) and Program 124 in the 2021-2029 Housing Element. The Affirmatively Furthering Fair Housing (AFFH) Program (Program 124) of the 2021 - 2029 Housing Element established the following specific strategies and actions to address the primary AFFH issue areas:

<b>Affirmatively Furthering Fair Housing (AFFH) Program 124</b> Applicable Strategies, Actions, and Implementing Program Summaries	
<i>Strategies and Actions</i>	<i>Implementing Program Summaries</i> (see individual Programs for detailed Objectives and Program Descriptions)
A. Prioritize and expand housing choices for those with the greatest housing needs, including those with the lowest incomes, persons with disabilities, seniors, large families, and victims of domestic violence.	48 and 121: Create new incentives for senior and other special needs housing through the update to the City's affordable housing incentive programs by 2024.  81: Create tailored affordability incentives that account for identified local needs such as insufficient senior, large family units, or multigenerational living, as local plans are adopted. Ensure local plans increase the production and availability of Affordable and accessible housing.
D. Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on incentivizing or requiring Affordable Housing in Higher Opportunity Areas.	48, 65 and 121: Create a tailored set of streamlining and development incentives to prioritize 100% affordable housing projects. Expand where mixed income projects may be created, with a particular focus in Higher Opportunity Areas, by 2024. Introduce context specific reforms to zoning and land use practices to increase housing choices and affordability, particularly in Higher Opportunity Areas (see figures in Chapter 4, the candidate sites for rezoning in Appendix 4.7 and associated website maps). Target more than half of rezoning efforts in Higher Opportunity Areas.
E. Prioritize local resources, such as funding and public land, in areas of high opportunity,	15: Increase the utilization of public land for affordable housing with particular emphasis in

and evaluate revisions to funding metrics or policies that may act as a barrier to projects locating in high resource areas. Seek partnerships with other public and private entities to facilitate new potential development sites in these areas for affordable housing	high resource and gentrifying areas; Identify publicly owned housing opportunity sites and issue RFPs to develop the sites by 2023, and annually thereafter; Ensure AFFH is incorporated into the public land selection process. Rezone PF (Public Facility) zoned public to allow affordable housing by-right through rezoning process by 2024; Maintain a publicly accessible citywide inventory of publicly owned sites. Prioritize public land for new models of affordable housing development and control (see Program 16).
F. Develop pathways to homeownership for lower and moderate income households, including targeted down payment assistance and increasing opportunities for community ownership of housing.	3 and 4: Facilitate new types of subdivisions and shared ownership models to encourage more affordable ownership typologies. Prepare an amendment to the zoning code by 2024 to facilitate innovation in more affordable types of for-sale subdivisions. Create accessible online and physical educational resources, and partner with community organizations, especially in gentrifying communities and communities of color, to assist existing or prospective homeowners to better understand options to increase equity and wealth creation by 2023.
K. Require the replacement of affordable housing and the right to return for existing residents, including relocation expenses	28 and 29: Require new housing developments to replace all affordable housing units lost due to new development. Record approximately 200 affordable housing replacement covenants per year. Extend replacement and right to return requirements prior to expiration of Housing Crisis Act in 2030 and evaluate best way to strengthen current requirements in order to make enhancements part of the Density Bonus update by 2024.

The Program implements these strategies and actions by providing greater incentives to projects offering more restricted affordable units, particularly in Higher Opportunity Areas and near transit. Analysis conducted for compliance with state Housing Element Law (see Section C) indicates more than 50% of the Program's added housing capacity is in Higher Opportunity Areas. Of the Program's proposed housing capacity, approximately 56% of the overall capacity is located in Higher Opportunity Areas, with 63% and 50% of capacity located in Lower Income Category and

Moderate Income Category in Higher Opportunity Areas, respectively. Of the proposed housing capacity from the MIIP and AHIP FBO, Parking, and Public Land Projects, approximately 59% of the overall capacity is located in Higher Opportunity Areas, with 64% and 50% of capacity in Lower Income Category and Moderate Income Category in Higher Opportunity Areas, respectively. The CHIP incorporates an acutely low income category to include income levels up to 15% of Area Median Income in the incentive structure, to create housing for those with the greatest need. Additionally, the Density Bonus program codifies incentives for target populations such as seniors and people with disabilities. Public Benefit Options such as child care facilities and multi-bedroom units encourage housing types for large families at lower income levels. The AHIP provides unique incentives for projects on public land to utilize public resources more effectively for housing and introduces a shared equity project type to encourage community land trust and limited equity cooperative housing models that help income qualified households build wealth through equity restricted ownership. The RP ordinance ensures that replacement of affordable units occurs across new development and that existing residents have a right to return, minimizing displacement risk and making the creation of new housing fair for existing residents. The HESMD Ordinance establishes minimum densities on Lower Income Rezoning Sites in high market tiers and requires no net loss findings for parcels included on The Housing Element's Adequate Inventory of Sites.

### **The Framework Element**

The Program is consistent with and carries out the long-range growth goals, objectives, and policies of the Framework Element of the General Plan (adopted in 1996). This section contains a discussion showing the consistency between the Program and Framework Element.

The General Plan Framework Element sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding the following categories: growth and capacity, land use, housing, urban form, neighborhood design, open space and conservation, economic development, transportation, infrastructure, and public services. Therefore, the following discussion is organized by the categories found in the Framework Element below:

#### *Growth and Capacity*

With regards to growth and capacity, the State of California requires that cities update the Housing Element of their General Plan every eight years to accommodate a share of their region's projected growth. This process is based on the City's RHNA allocation, which quantifies the need for housing within that jurisdiction over an eight year planning period. In 2020, the Southern California Association of Governments (SCAG) determined that the City must accommodate a RHNA allocation of 456,643 housing units, including 184,721 units at lower income levels. While this number of housing units exceeds the Framework Element's 2010 estimates that corresponded with SCAG's forecast for that year, the current RHNA allocation reflects a 2029 time horizon. The Framework Element is a plan to accommodate future growth – the population and housing estimates noted in the plan do not represent maximum or minimum levels of permitted growth. The Framework Element's estimated population and household figures for 2010

have yet to be reached and remain relevant, as do the Framework policies, even if housing needs anticipated by the RHNA exceed these figures. Therefore, the Program's growth and capacity targets are not inconsistent with the Framework Element goals, policies and objectives. The Program accommodates the City's forecasted growth and existing need for housing and does not induce unplanned growth.

### *Land Use*

The Program is consistent with respect to the General Plan Framework Element's goals, objectives, and policies related to **Land Use**. Since the Program does not alter the underlying land use of parcels to increase housing supply, but rather incentivizes additional housing where already permitted, the land use will remain balanced citywide except where the unbalanced lack of housing in Higher Opportunity Areas will be corrected. With regard to Land Use, the General Plan Framework Element states the following:

#### **Framework Goal 3A**

A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

**Objective 3.1** Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

**Policy 3.1.4** Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

**Policy 3.1.6** Allow for the adjustment of General Plan Framework Element land use boundaries to account for changes in the location or introduction of new transit routes and stations (or for withdrawal of funds) and, in such cases, consider the appropriate type and density of use generally within one quarter mile of the corridor and station to reflect the principles of the General Plan Framework Element and the Land Use/Transportation Policy.

**Objective 3.2** Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

**Policy 3.2.2** Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of

development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

**Objective 3.3** Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

**Policy 3.3.1** Accommodate projected population and employment growth in accordance with the Long-Range Land Use Diagram and forecasts in Table 2-2 (see Chapter 2: Growth and Capacity), using these in the formulation of the community plans and as the basis for the planning for and implementation of infrastructure improvements and public services.

**Objective 3.4** Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

**Policy 3.4.1** Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram (Figure 3-1 and 3-2).

**Policy 3.4.3** Establish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include:

- a. Densities greater than surrounding areas,
- d. Streamlined development review processes,
- e. "By-right" entitlements for development projects consistent with the community plans and zoning,
- f. Modified parking requirements in areas in proximity to transit or other standards that reduce the cost of development, and
- g. Pro-active solicitation of development.

The proposed Program supports and is consistent with the Framework Goal 3A and its associated policies and objectives. It will implement the 2021-2029 Housing Element plan for local and citywide housing growth while also conserving existing residential neighborhoods.

The CHIP incentivizes housing production in Higher Opportunity Areas primarily through the MIIP's Opportunity Corridors and Opportunity Corridor Transition Areas. These programs are in line with Goal 3A's first direction to balance land uses as well as more equitably distribute public resources such as affordable housing. The proposed Program acknowledges that a focus on Higher Opportunity Areas needs to be balanced with other growth considerations outlined in the Framework Element including the importance of locating new housing near high-quality transit and jobs while avoiding hazardous and ecologically sensitive areas. For these reasons, the MIIP is not applicable in Very High Fire Severity Zones, Areas Vulnerable to Sea Level Rise or the Coastal Zone unless the project is utilizing State Density Bonus or is a project otherwise eligible for State Density Bonus utilizing the AHIP. The more generous incentives for housing near transit in both the AHIP and MIIP advance Policy 3.1.6 and Objective 3.2 of the Framework Element emphasis on bringing housing closer to job centers. This will help reduce vehicular trips, vehicle miles traveled, and corresponding air pollution. Overall, the Program seeks to support the vision of an equitable, livable, and sustainable city that meets the needs of the population through a thoughtful, balanced distribution of different housing types.

Objectives 3.3 and 3.4 are furthered by the CHIP, which encourages housing at different densities, sizes, and affordability levels citywide to meet the housing needs of a diverse population. The CHIP promotes housing along corridors and boulevards but does not propose changes to the underlying zoning or land use which are used as the basis for new incentives, consistent with Framework Element Policy 3.4.1 and Policy 3.1.4 to accommodate growth in accordance with the designated land use and density of the Framework Element's Long-Range Land Use Diagram. Incentives encourage mixed-use development in commercial zones while also meeting the rezoning requirement in state Housing Element law that over half of lower income sites are parcels zoned exclusively for residential uses (California Government Code Section 665832.2(h)). If the Program did not meet this requirement, the City would have to allow 100 percent residential projects by-right in areas with overlays requiring mixed-use, and dedicate 50 percent of development floor area to residential use in all mixed use projects (see Section C for further discussion). This would compromise The Framework Element's Objective 3.4 to encourage a mix of uses along primary transit corridors.

Consistent with Framework Element Policy 3.4.1, the RPO will help conserve existing stable residential neighborhoods by requiring replacement of deed-restricted affordable and rent stabilized units on sites of redevelopment projects. Replacement and relocation requirements stabilize the existing housing stock and minimize displacement by ensuring that redevelopment is limited to sites where a significant amount of new housing can be produced.

The Program incentivizes stable growth in areas with transportation and stronger resources typical of Higher Opportunity Areas. These updates utilize the existing General Plan land use and zoning. Since new housing is being incentivized near transit infrastructure and/or in Higher Opportunity Areas, it is anticipated that this new development would be served by sufficient public infrastructure and services in the city.

#### *Single-Family Neighborhoods*

The Program is consistent with the goals, objectives, and policies related to single-family neighborhoods. With respect to Single-Family Neighborhoods, the General Plan Framework Element states the following:

**Framework Goal 3B**

Preservation of the City's stable single-family residential neighborhoods.

**Objective 3.5** Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

**Objective 3.6** Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.

**Policy 3.6.1** Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation of facade to convey the sense of individual units, and use of building materials that characterize single-family housing.

**Policy 7.9.3** Preserve existing single-family neighborhoods throughout the City to assure a continuing supply of variously priced single-family homes from the existing inventory.

The proposed Program is consistent with the Framework Element single-family preservation goals, objectives and policies in that it does not include areas planned and zoned for single-family uses except in limited circumstances.

*Multi-Family Neighborhoods*

The Program is consistent with the goals, objectives and policies related to Multi-Family Neighborhoods in the General Plan Framework Element. With respect to Multi-Family Neighborhoods, the General Plan Framework Element states the following:

**Framework GOAL 3C**

Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

**Objective 3.7** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

**Policy 3.7.1** Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

**Policy 3.7.3** Allow the reconstruction of existing multi-family dwelling units destroyed by fire, earthquakes, flooding, or other natural catastrophes to their pre-existing density in areas wherein the permitted multi-family density has been reduced below the pre-existing level.

The proposed Program is consistent with the Framework Element in that it encourages multi-family housing that enhances quality of life. The CHIP contains programs that promote new multi-family housing, particularly affordable and mixed-income housing, in areas near transit stations, jobs, and in Higher Opportunity Areas. Furthermore, the HESMD Ordinance supports the ability to reconstruct after a disaster, furthering Policy 3.7.3.

#### *Boulevards and Adjacent Residential Neighborhoods*

The Program is consistent with and furthers the General Plan Framework Element's emphasis on the intermix of boulevards with a mix of uses that include housing and economic opportunities alongside residential neighborhoods. With respect to this development pattern, the Framework Element states:

#### **Framework Goal 3I**

A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.

**Objective 3.13** Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public service uses.

**Policy 3.13.3** Encourage the inclusion of public service uses (e.g., day and elder care, community meeting rooms, and recreational facilities), school classrooms, cultural facilities (museums and libraries), and similar uses in mixed-use structures.

**Policy 3.13.4** Provide adequate transitions where commercial and residential uses are located adjacent to one another.

**Policy 3.13.5** Support the development of recreational and small parks in areas developed with mixed-use structures.

The Program generally does not change underlying zoning or alter use categories, and is therefore consistent with this goal and related policies to develop mixed use boulevards adjacent to residential neighborhoods. Instances where multi-family housing is allowed where otherwise not permitted are largely limited to areas where state law has already made the changes, including land owned by Faith-Based Organizations, Parking (P) zones, on publicly owned land or Public Facility (PF) zones, and on sites with land uses or Specific Plan uses which permit residential. The CHIP's MIIP further supports Framework Goal 3I through the Opportunity Corridors and Opportunity Corridor Transition Area incentive areas. Opportunity Corridors will generally support 3-7 story mixed use or 100% residential projects on major corridors while Opportunity Corridor Transition Areas will enable "Missing Middle" housing typologies within 750 feet of these corridors, further supporting Policy 3.13.4 for providing adequate transitions where commercial and residential uses are adjacent.

All CHIP programs offer Public Benefit Options that provide additional incentives in exchange for child care facilities or privately owned open space, consistent with policies 3.13.3 and 3.13.5. Another Public Benefit Option exempting a portion of active ground floor uses from floor area calculation encourages the inclusion of commercial or social service enterprises in developments where zoning already allows for those uses.

#### *Transit Stations*

The Program's incentive structure is consistent with the intent of the General Plan Framework Element to encourage new development in proximity to rail and bus transportation corridors and stations. This considerable mix of uses should be accommodated to provide population support and enhance activity near the stations.

With respect to transit stations, the General Plan Framework Element states the following:

**Objective 3.15** Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

**Policy 3.15.3** Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

**Policy 3.15.4** Design and site new development to promote pedestrian activity and provide adequate transitions with adjacent residential uses.

The CHIP Ordinance is consistent with the Framework Element in that it encourages multi-family and mixed-use residential development, particularly affordable housing, in areas of the City that have quality transit stations and a range of employment opportunities supported by commercial

services and amenities through the transit and transit-opportunity incentive package in the MIIP. Throughout the MIIP and AHIP, incentives are tailored to sites where the Maximum Allowable Residential Density is less or greater than five units, thereby balancing the distribution of housing consistent with existing density contexts and Objective 3.15. With regard to Framework Element Policy 3.15.4, all CHIP projects are subject to citywide design standards as well as the proposed the Landscape and Site Design Ordinance, but the MIIP specifically incentivizes development through transit to promote walkability, utilizes Corridor Transition incentives to provide adequate residential transitions, and imposes performance standards such as additional open space and frontage requirements on Corridor Transition projects to promote a more vibrant and walkable streetscape.

### *Historic and Architectural Districts*

The Program includes sufficient historical resource protections to be consistent with the how the General Plan Framework Element seeks to balance the benefits of historic and architectural assets with the need for new development as stated in the following goal and policy:

#### **Framework Goal 3M**

A City where significant historic and architectural districts are valued.

**Policy 3.17.2** Develop other historic preservation tools, including transfer of development rights, adaptive reuse, and community plan historic preservation policies.

The CHIP balances streamlined review processes and tailored incentives with protections for Designated and Eligible Historic Resources. The CHIP offers review processes consistent with State Law. However, where local incentives exceed state law in the MIIP and AHIP, the Ordinance includes additional demolition and review protections for Designated and Surveyed Historic Resources. Furthermore, the CHIP offers new incentives to encourage the retention of eligible historic features by offering Public Benefit incentives for the retention of eligible historic building facades. This incentive was developed based on the public comment of the Los Angeles Conservancy. In addition, the HESMD Ordinance includes provisions to exempt historic resources from minimum density requirements. Similarly, historic resources have been removed from the inventory of Lower Income Sites subject to by-right review and minimum density requirements.

### *Urban Form and Neighborhood Design*

The Program is consistent with the goals, objectives, and policies in respect to **Urban Form and Neighborhood Design** through the use of tailored incentives, Menus of Incentives, Public Benefit Options, and performance standards. The General Plan Framework Element states the following regarding Urban Form and Neighborhood Design:

#### **Framework Goal 5A**

A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

**Objective 5.2** Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

**Policy 5.2.3** Encourage the development of housing surrounding or adjacent to centers and along designated corridors, at sufficient densities to support the centers, corridors, and the transit system. While densities and distances will vary based on local conditions, the following residential density standards, which are based on the City's adopted Land Use/Transportation Policy, should be used as a general guide when updating community plans through a public participation process:

- a. Four-stories over parking (R4) within 1,500 feet of grade-separated (subway or arterial) fixed rail transit stations;
- b. Three-stories over parking (R3) within 1,500 feet of at-grade fixed rail transit stations;
- c. Two-stories over parking (RD1.5) within 750 feet of major bus corridor intersections;
- d. Where appropriate, two units per lot (R2) may be considered within 750 feet of major bus corridors.

**Objective 5.5** Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

**Policy 5.5.1** Plant and/or facilitate the planting of street trees, which provide shade and give scale to residential and commercial streets in all neighborhoods of the City.

**Objective 5.8** Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented sub-areas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

**Policy 5.8.3** Revise parking requirements in appropriate locations to reduce costs and permit pedestrian-oriented building design:

- a. Modify parking standards and trip generation factors based on proximity to transit and provision of mixed-use and affordable housing.
- b. Provide centralized and shared parking facilities as needed by establishing parking districts or business improvement districts and permit in-lieu parking fees in selected locations to further reduce on-site parking and make mixed-use development economically feasible.

**Objective 5.9** Encourage proper design and effective use of the built environment to help increase personal safety at all times of day.

**Policy 5.9.2** Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by locating community facilities such as libraries, cultural facilities, or police substations, on the ground floor of such building, where feasible.

The proposed Program is consistent with the Framework Element because it promotes and encourages livable buildings and neighborhoods with a range of housing types for diverse communities that builds on their strengths while also meeting citywide needs. The CHIP Ordinance encourages a wide range of different densities and scales with incentives that balance the need for more housing and quality urban form. As previously discussed, the CHIP Ordinance incentivizes housing near transit with density, FAR, and height incentives which scale based on proximity to transit service and base density.

Regarding livability, the Framework Element contains policy 5.5.1 to plant or facilitate the planting of street trees. The MIIP and AHIP offer the preservation of significant trees as a public benefit option to help maintain the City's existing canopy as more trees are planted. The Framework Element also includes Objective 5.8 and Policy 5.8.3 to create pedestrian oriented areas and reduce parking. There are no parking requirements in the entire MIIP, and the AHIP only requires parking in very limited circumstances. In accordance with Objective 5.9 and Policy 5.9.2, the CHIP Ordinance supports mixed-use development by incentivizing greater residential intensity at sites already allowing mixed uses, which will encourage more street activation and neighborhood presence.

With respect to open space as an integral part of neighborhood form and design, The Framework Element includes these policies:

**Policy 6.4.4** Consider open space as an integral ingredient of neighborhood character, especially in targeted growth areas, in order that open space resources contribute positively to the City's neighborhoods and urban centers as highly desirable places to live.

**Policy 6.5.5** Establish incentives for the provision of publicly accessible open space in conjunction with private development projects.

The CHIP implements Policies 6.4.4. And 6.5.5 of The Framework Element by maintaining open space requirements for projects in targeted growth areas and establishing incentives to either offset reductions in open space or add open space to projects. Access to incentives for reducing open space requires a higher score on the Landscape and Site Design Ordinance checklist, to require a higher quality of open space in exchange for less. A Public Benefit Option in the MIIP

and AHIP offer a reduction in rear yard setback in exchange for setting aside additional lot area beyond the required common outdoor space as Privately Owned Open Space.

### *Economic Development*

The Program is consistent with respect to the Policies and Objectives related to **Economic Development** in the General Plan Framework Element by providing incentives for projects on public land, incentivizing and streamlining affordable housing without the use of public subsidy, and encouraging mixed-use projects where the underlying zoning allows. Regarding Economic Development, the Framework Element states the following:

***Policy 7.2.1*** *Identify the characteristics of any surplus City-owned land and determine the appropriateness of designating this land for public, commercial, industrial, or residential uses.*

***Policy 7.8.3*** *Encourage mixed-use development projects, which include revenue generating retail, to offset the fiscal costs associated with residential development*

**Objective 7.4** Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.

**Policy 7.4.1** Develop and maintain a streamlined development review process to assure the City's competitiveness within the Southern California region.

**Policy 7.4.2** Maximize opportunities for "by-right" development.

### **Framework Goal 7G**

A range of housing opportunities in the City

**Objective 7.9** Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's workforce to both live and work in the City.

**Policy 7.9.1** Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

**Policy 7.9.2** Concentrate future residential development along mixed-use corridors, transit corridors and other development nodes identified in the General Plan Framework Element, to optimize the impact of City capital expenditures on infrastructure improvements.

**Objective 7.10** Program resources in a manner that encourages appropriate development, housing opportunities, transit service and employment generation in all areas of the City, with particular emphasis on those portions of the City which historically have not received a proportional share of such opportunities, consistent with the City's overall economic policies.

**Policy 7.10.2** Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.

The Framework Element recognizes the critical link between economic development and housing, particularly between jobs and housing. The proposed Program is consistent with the Framework Element Objectives 7.9, 7.10 and related policies in that it aims to enable the City's workforce to both live and work in the City, by encouraging an ample supply of housing for residents and workers and promoting an array of housing types at different costs, including affordable and mixed income housing in areas with transit stations, a range of employment opportunities, and commercial services and amenities. The Program aims to boost affordable housing without relying upon subsidies, in line with its position as an implementation of State Density Bonus and Policy 7.9.1. Incentives in Higher Opportunity Areas throughout the MIIP and the AHIP will alleviate housing concentration by promoting an emphasis on those portions of the City which historically have not received a proportional share of housing opportunities, and will Affirmatively Further Fair Housing near employment and educational resources.

The CHIP Ordinance also provides incentives for developing publicly owned land and sites zoned Public Facility (PF) for affordable housing under the AHIP, which contains a provision under which any public agency, if authorized by a resolution of City Council, may develop land for 100% affordable housing regardless of a site's development standards. This supports Policies 7.2.1 and 7.8.3 of the Framework Element by providing a pathway to a streamlined mixed-use development of public land and public facilities regardless of underlying zoning, and advances both a public commitment to construct affordable housing while balancing the fiscal constraints of residential development where public dollars are being spent.

Framework Element Objective 7.4 and related Policies 7.4.1 and 7.4.2 encourage streamlined development procedures for a better business and economic environment citywide. The CHIP and HESMD Ordinance both provide by-right and streamlined processes for projects providing the public benefit of affordable housing, and will facilitate a more stable development process. Better streamlining is available to projects offering more affordability in an effort to lower costs linked to the development process overall, while also closing the financial gap specific to affordable housing development.

### *Housing*

The Program is consistent with the policies and objectives of The Framework Element **Housing** section, which provides much of its overall policy direction. The Framework Element acknowledges that housing production has not kept pace with the demand for housing leading to

increased overcrowding and states that the “City must strive to meet the housing needs of the population in a manner that contributes to stable, safe, and livable neighborhoods, reduces conditions of overcrowding, and improves access to jobs and neighborhood services, particularly by encouraging future housing development near transit corridors and stations.”

With respect to **Housing**, the General Plan Framework includes the following overall Housing goals and objectives:

#### **Framework Goal 4A**

An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

**Objective 4.1** Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010 (Per Table 2-1, the Framework Plan 2010 population is 4,306,500 persons).

**Policy 4.1.1** Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs (see Figure 4-1).

**Policy 4.1.2** Minimize the overconcentration of very low- and low-income housing developments in City subregions by providing incentives for scattered site development citywide.

**Policy 4.1.3** Minimize the over concentration of public housing projects in a City subregion.

**Policy 4.1.4** Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

**Policy 4.1.5** Monitor the growth of housing developments and the forecast of housing needs to achieve a distribution of housing resources to all portions of the City and all income segments of the City's residents.

**Policy 4.1.6** Create incentives and give priorities in permit processing for low- and very-low income housing developments throughout the City.

**Policy 4.1.7** Establish incentives for the development of housing units appropriate for families with children and larger families.

**Policy 4.1.8** Create incentives and reduce regulatory barriers in appropriate locations in order to promote the adaptive re-use of structures for housing and rehabilitation of existing units.

**Policy 4.1.9** Whenever possible, assure adequate health-based buffer zones between new residential and emitting industries.

**Objective 4.2** Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

**Policy 4.2.1** Offer incentives to include housing for very low- and low-income households in mixed-use developments.

**Objective 4.3** Conserve scale and character of residential neighborhoods.

**Objective 4.4** Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

**Policy 4.4.1** Take the following actions in order to increase housing production and capacity:

- a. Establish development standards that are sufficiently detailed and tailored to community and neighborhood needs to reduce discretionary approvals requirements.
- b. Streamline procedures for securing building permits, inspections, and other clearances needed to construct housing.
- c. Consider raising thresholds for categorical exemptions for CEQA clearances for projects conforming to the City's development standards, particularly when housing is combined with commercial uses in targeted growth areas.
- d. Consider establishing City service which assists applicants in processing applications for housing projects.

The proposed Program supports and is consistent with the Framework Element housing goal 4A as it strongly promotes a more equitable distribution of housing opportunities, with higher incentives offered in Higher Opportunity Areas throughout the CHIP. As identified in the 2021-2029 Housing Element, and shown on [Figure 1](#) on page A-4 of this staff report, affordable housing unit production has been heavily concentrated in lower opportunity areas of the city. As such the CHIP program offers larger incentives in Higher Opportunity Areas, expands access to affordable housing, and provides for a more equitable distribution of mixed-income and one hundred percent affordable housing developments. The Program aligns with the Framework's Objective 4.1 and associated policies with its focus on planning to provide a supply of housing available at affordable types and costs while alleviating overconcentration of affordable housing and overcrowding.

The CHIP establishes incentives to encourage a wider variety of housing types by providing tailored incentives for missing middle, mid-scale, and higher intensity developments, alongside options to encourage multi-bedroom units to house large families. Within the CHIP Ordinance, the MIIP and AHIP offer limited FAR and height incentives for both lower density sites and for Designated Historic Resources. The Corridor Transition incentives are crafted to integrate into existing neighborhood contexts, by offering height and FAR maximums in exchange for incentives which are often below the existing allowances on a site.

Within the CHIP Ordinance, the MIIP incentive affordability requirements are calibrated to market tiers identified by the Linkage Fee Ordinance in Section 19.18 of the Los Angeles Municipal Code. With higher affordability set asides in higher market tiers, affordable housing will be more evenly distributed throughout the City. Set aside options in the MIIP are of an even greater variety of income levels than the Framework Element calls for, and include moderate income (80-120% AMI), low income (80% AMI), very low income (60% AMI), extremely low income (30% AMI), and acutely low income (15% AMI) levels. The popularity of the extremely low income affordability set-aside in the City's Transit Oriented Communities Program indicates that this is an effective and proven way to spur production of these units citywide. As stated in previous findings, the MIIP emphasizes transit as a key location for growth in alignment with Objective 4.2.

Streamlining and reducing development barriers is a key component of the CHIP and The HESMD Ordinance, in alignment with Objective 4.4 and associated policies of the Framework Element. Streamlining is provided in exchange for the public benefit of more affordable housing and does not apply where the value of cultural or environmental assets exceeds that of the proposed project. Consistent with Framework Element Policy 4.1.9, environmental justice is a key consideration of the CHIP Ordinance. Parcels zoned for heavy manufacturing, or hybrid industrial zones with an overlay restricting residential uses, cannot qualify for more than the minimum incentives available under State Density Bonus. Sites within 1,000 feet of certain contaminated areas would be required to complete Phase I and/or II assessment and remediation in compliance with the proposed Environmental Protection Measures, if warranted, or they are not eligible until complying with Environmental Protection Measures once adopted. Furthermore, the Lower Income Rezoning Housing Element Sites List, where by-right streamlining is facilitated by the HESMD, excludes sites with potentially harmful environmental concerns. For additional details, refer to Section C.

It is the ultimate goal of the Program to provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost to meet projections of housing needs. The Program will also decrease the overconcentration of very low- and low-income housing developments in City subregions by preventing development on sites presenting risk to human health or negative externalities and providing greater incentives for scattered site development citywide, particularly in Higher Opportunity Areas where affordable housing production has been underproduced.

### **Other General Plan Elements**

The proposed Program is consistent with the purpose, intent, and provisions of the General Plan in that it implements policies contained in a number of other General Plan Elements in addition to the Housing and Framework Element discussed above, including the:

- Circulation Element (Mobility Plan 2035)
- Health Element (Plan for a Healthy Los Angeles)
- Air Quality Element
- Conservation Element
- Safety Element

*Mobility Plan 2035 (Circulation Element)*

The City's Mobility Plan 2035 (Circulation Element) provides the policy foundation for achieving a transportation system that balances the needs of all road users and incorporates "complete streets" principles and lays the policy foundation for how future generations of Angelenos interact with their streets. This includes the strong link between residential land uses to transportation.

The City's Mobility Plan 2035 contains a number of important policies supported by and consistent with the proposed Program, including:

**Objective 3.1** Ensure that 90% of households have access within one mile to the Transit Enhanced Network by 2035.

**Objective 3.2** Ensure that 90% of all households have access within one-half mile to high quality bicycling\* facilities by 2035. (\*protected bicycle lanes, paths, and neighborhood enhanced streets)

**Objective 5.2** Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita

The Program supports the strong link between residential land uses and transportation, particularly public transit stations in the CHIP's MIIP. Incentivizing housing, particularly affordable housing, near transit stations ensures that transit-dependent residents have access to housing and employment opportunities, education, quality healthcare, and other amenities while reducing Vehicle Miles Traveled per capita, which aligns with Mobility Objective 5.2. Additionally consistent with AB 2097 and AB 2334, most projects proposed under the MIIP and AHIP will not require parking, thereby increasing the public transit user base. These policies and programs acknowledge the ample opportunities for transit-oriented development that can support new housing (particularly affordable housing) as a result of significant transit infrastructure investments occurring in multiple neighborhoods of the City.

*Plan for a Healthy Los Angeles (Health Element)*

The Plan for a Healthy Los Angeles (Health Element) lays the foundation to create healthier communities for all Angelenos. As an Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health and environmental justice as a priority for the City's future growth and development. It acknowledges that access to safe, affordable, accessible, and healthy housing is of paramount importance to living a healthy life.

The proposed Program is consistent with the Health Element and furthers the following goals, objectives, and policies:

**Policy 1.5** Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

**Policy 1.6** Reduce the debilitating impact that poverty has on individual, familial, and community health and well-being by: promoting cross-cutting efforts and partnerships to increase access to income; safe, healthy, and stable affordable housing options; and attainable opportunities for social mobility.

**Policy 1.7** Reduce the harmful health impacts of displacement on individuals, families, and communities by pursuing strategies to create opportunities for existing residents to benefit from local revitalization efforts by: creating local employment and economic opportunities for low-income residents and local small businesses; expanding and preserving existing housing opportunities available to low-income residents; preserving cultural and social resources; and creating and implementing tools to evaluate and mitigate the potential displacement caused by large-scale investment and development.

### ***Health Element Goal 2***

A city that is built for health uses design, construction, and public services to promote the physical, mental, and social well-being of its residents. A healthy city has neighborhoods where health-promoting goods and services are abundant and accessible, so that the healthy choice is the easy choice for all residents. Health is further supported by safe multi-modal corridors that offer active transportation alternatives, access to a diverse housing stock that offers options for all ages and incomes, ample opportunities for recreation, healthy food options, and a vibrant economy that offers quality employment opportunities.

**Policy 2.2** Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

**Policy 5.1** Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

**Policy 5.4** Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

**Policy 5.7** Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

The proposed Program is consistent with the Health Element goals, objectives, and policies related to housing in the City in that it prioritizes affordable housing with anti-displacement measures and orientates housing development around health, economic stability, and well-being. Carefully designed incentives that work synergistically with the proposed amendments to the City's proposed Landscape and Sites Design Ordinance, as well as Public Benefit Options, are intended to improve health and well being and are consistent with Health Element Policy 1.5 and Goal 2. The RPO alleviates displacement pressure so that existing residents can benefit from increasing housing opportunities as stated in Policy 1.7. As previously stated, incentives in the MIIP promote housing near transit to promote decreased per capita greenhouse gas emissions. The CHIP Ordinance provides higher incentives in Higher Opportunity Areas to Affirmatively Further Fair Housing and works to reduce the debilitating effects of poverty on welfare by providing more affordable housing options in areas with stronger life outcomes that have underproduced it, thereby implementing Health Element Policy 1.6.

### *Air Quality Element*

The Air Quality Element sets forth the goals, objectives, and policies which guide the City in its implementation of its air quality improvement programs and strategies. A number of these goals, objectives, and policies are relevant to land use development, and relate to traffic mobility, discouraging single-occupancy vehicle trips, and increasing energy efficiency in City facilities and private developments.

The proposed Program is consistent with the City's Air Quality Element and furthers the following goals, objectives, and policies:

#### **Air Quality Element Goal 2**

Less reliance on single-occupant vehicles with fewer commute and non-work trips

**Objective 2.1** Reduce work trips as a step towards attaining trip reduction objectives necessary to achieve regional air quality goals.

#### **Air Quality Element Goal 3**

Efficient management of transportation facilities and systems infrastructure using cost-effective system management and innovative demand-management techniques. ‘

**Objective 3.1** Increase the portion of work trips made by transit to levels that are consistent with the goals of the Air Quality Management Plan and the Congestion Management Plan.

**Objective 3.2** Reduce vehicular traffic during peak periods.

#### **Air Quality Element Goal 4**

Minimal impact of existing land use patterns and future land use development on air quality by addressing the relationship between land use, transportation, and air quality.

**Objective 4.2** Reduce vehicle trips and vehicle miles traveled associated with land use patterns

**Policy 4.2.3** Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.

#### **Air Quality Element Goal 5**

Energy Efficiency through land use and transportation planning, the use of renewable resources, and the implementation of conservation measures such as site orientation and tree planting.

The proposed Program is consistent with the Air Quality Element’s goals, objectives, and policies related to housing development and reducing vehicle trips in the City in that it encourages housing locations near jobs and transit, particularly through the CHIP Ordinance’s MIIP incentives. This program facilitates high quality, healthy housing in neighborhoods that improves accessibility to jobs and services, deploying a transportation demand management strategy to reduce vehicle miles traveled (VMT) and therefore improve air quality. These programs and policies are also aligned with the regional and state mandates of improving air quality. Transportation incentives are scaled according to distance from major transit stops, which for the purposes of the CHIP includes stations and bus stops included in the most recent Southern California Association of Governments Regional Transportation Plan.

#### *Conservation Element*

The proposed Program furthers the objectives and policies of the conservation element, specifically related to cultural and historical sites. The Conservation Element states that the City has a primary responsibility for identifying and protecting its cultural and historical structures, natural features or sites of historic, architectural, cultural or aesthetic significance.

**Conservation Element Objective 4** Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

**Policy 4.1** Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

The proposed Program is consistent with the Conservation Element in that it seeks to maintain and protect important cultural and historic resources while allowing for the development and preservation of housing in the City. The CHIP Ordinance utilizes the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) for review of projects proposing alterations to Designated Historic Resources. Furthermore, projects are ineligible for the ordinance incentives if demolition of a Designated Historic Resource is proposed. The MIIP and AHIP incentives also offer protections to eligible or surveyed historic resources, requiring any surveyed, eligible or architectural historic resource identified for any protection or special consideration or review by an applicable Overlay or Specific Plan to be compliant with the Standards. As institutions of faith often contain both eligible architectural and cultural resources, the AHIP incentives require eligible buildings using Faith-Based Organization Project incentives to conform with the Standards. Throughout the CHIP Ordinance sites with Designated Historic Resources and Non-Contributing Elements to Historic Preservation Overlay Zones have limited access to FAR and height incentives, to further ensure new development is integrated appropriately into historic sites. In addition, the HESMD Ordinance includes provisions to exempt historic resources from minimum density requirements. Similarly, historic resources have been removed from the inventory of Lower Income Sites subject to by-right review and minimum density requirements.

#### *Safety Element*

The Program is consistent with the goals and policies of the Safety Element regarding environmentally sensitive and hazardous sites, and sites that may be especially sensitive to climate change. The Safety Element details a policy direction to prevent, respond to, and recover from disaster events. Policies of the Safety Element include:

#### **Safety Element Goal 1: Hazard Mitigations**

A city where potential injury, loss of life, property damage and disruption of the social and economic life of the city due to hazards is minimized.

**Policy 1.1.5** Risk Reduction. Reduce potential risk hazards due to disaster with a focus on protecting the most vulnerable people, places and systems.

**Policy 1.1.8** Land Use. Consider hazard information and available mitigations when making decisions about future land use. Maintain existing low density and open space designations in Very High Fire Hazard Severity Zones. Ensure mitigations are incorporated for new development in hazard areas such as VHFHSZs, landslide areas, flood zones and in other areas with limited adaptive capacity.

The proposed Program is consistent with the updated policies above in that it contains special provisions for projects proposed in Very High Fire Hazard Severity Zones, the Coastal Zone, Sea Level Rise Areas, or sites that may pose a hazardous risk to human health. Sites in Very High Fire Hazard Severity Zones, areas vulnerable to Sea Level Rise, and the Coastal Zone are excluded from the MIIP. A site in a Very High Fire Hazard Severity Zone would only be included in instances where a project site is abutting, across the street or alley, or sharing a common corner with a subject property that is not in such a zone on an Opportunity Corridor. Projects otherwise eligible for State Density Bonus in Very High Fire Severity Zones, Sea Level Rise areas, and the Coastal Zone are eligible only for limited state incentives. Inclusion of these limited sites is consistent with Policy 1.1.5, as parcels are located on transit served corridors on the periphery of impacted areas, and have higher mobility in a hazard event. Sites in Environmental Consideration Areas will be eligible for program incentives so long as the project complies with the requirements set forth in the Environmental Protection Measures Handbook. These measures are consistent with the hazard mitigation and risk reduction measures proposed in Safety Element Goal 1 and Policies 1.1.5 and 1.1.8.

#### *Public Facilities and Services Element*

The Public Facilities and Services Element contains several Master Plans for facilities and services of public interest in the City. It includes the Cultural and Historical Monuments Plan to guide the preservation of significant, beautiful, or interesting cultural and historic sites in The City of Los Angeles. The Program furthers the first objective in the Cultural and Historical Monuments Plan is:

**Objective 1.1** To encourage the preservation and restoration of designated monuments.  
Objective To make available a full range of public educational

See Conservation Element findings above for a discussion of consistency of Objective 1.1 with the proposed Program.

The Program is also consistent with and furthers the following objectives in the Public Schools Plan:

**Objective 4.1:** To make available a full range of public educational facilities from the elementary grades through the junior college level within the Los Angeles City area.

**Objective 4.4:** To provide safe, direct access to school sites for the maximum number of attending students

The Program provides higher incentives for projects located in Higher Opportunity Areas, which includes areas of the City that have more access to public facilities such as schools. By encouraging housing in these areas, the Program furthers the objectives to make public educational facilities more available in the City of Los Angeles, and provides more direct access to schools for a majority of students through added housing supply in these areas.

*Land Use Element*

The Community Plans establish neighborhood-specific goals and implementation strategies to achieve the broad objectives laid out in the City's General Plan. Together, the 35 Community Plans make up the General Plan's Land Use Element, which plays an important role in bolstering housing and job opportunities, conserving open space and natural resources, and balancing different neighborhoods' needs. The Program is consistent with the Land Use Element because it will not change the underlying zoning or land use of any parcels, but functions as a local implementation of State Density Bonus (see Section D).

Uses are only altered where they otherwise prevent residential density increases in line with citywide policies and/or state law. These developments (in P or PF Zones, or on land owned by Faith-Based Organizations or publicly owned land) may only occur on or adjacent to land that otherwise permits residential uses in the General Plan, Zoning Ordinance, or Specific plan, or by City Council resolution. Assembly Bill (AB) 2334 (Wicks) amended California Government Code Section 65915's definition of "Maximum Allowable Residential Density" so that under state law, the City is legally required to afford the applicant the highest base density among the General Plan, Zoning Ordinance, or Specific Plan for purposes of the application of a density bonus. Therefore, there may be instances where a proposed project is not consistent with the Land Use Element of the General Plan or the requirement of a Specific Plan, but the City is legally required to allow the applicant to develop at the highest permitted density among the General Plan, Zoning Ordinance, or Specific Plan (California Government Code Section 65915(o)(6)). In addition, the City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of proposed development from the Program will be offset by the increase in affordable units required by the City's local implementation of State Density Bonus. The ordinances provide a service that is essential and beneficial to the community, city and region and conforms to the purpose of the Land Use Element by providing much needed housing near job centers and transit, and by providing housing which fulfills the needs for market rate and affordable housing.

**C. State Housing Element Discussion (California State Government Code Section 65580 – 65589.11)****State Housing Element Law**

Statutory requirements for the Housing Element and RHNA Re-zoning programs are delineated in California State Government Code Sections 65580 – 65589.11. The California Department of Housing and Community Development approved The City of Los Angeles 2021-2029 Housing Element on June 29, 2022, which outlined Program 121 RHNA Re-zoning. The 2021-2029 Housing Element includes a list of 'Candidate Sites Identified to be Rezoned to Accommodate Housing Shortfall Need' in Appendix 4.7, compiled after identifying a shortfall of 255,433 units, of which 130,553 are a shortfall of lower income units. Pursuant to California Government Code Section 65583(c)(1) and 65583.4(a), rezoning to accommodate the City's RHNA deficit must

occur by February 12, 2025, or meet the narrow criteria for a one year extension. Additional requirements for the state mandated rezoning are:

1. Sites shall be made available during the planning period with appropriate zoning and development standards, including the adoption of minimum densities, and with services and facilities to accommodate that portion of the City's or County's share of the regional housing need that could not be accommodated on sites identified in The 2021-2029 Housing Element Candidate Sites inventory (California Government Code 65583(c)(1)).
2. Sites shall be identified to Affirmatively Further Fair Housing and to facilitate and encourage the development of a variety of types of housing for all income levels (including but not exclusive to extremely low, very low, low and moderate) (California Government Code 65583(c)(1)(2)(10)).
3. Pursuant to California Government Code 65583.2(h), Lower Income Sites identified for rezoning must be:
  - (a) On sites that shall permit owner-occupied and rental multi-family residential use by-right for developments in which 20 percent of units are affordable to lower income households during the planning period. Sites must be zoned with a minimum density and development standards permitting at least 20 units per acre and 16 units per site in Los Angeles.
  - (b) At least 50 percent sites designated for residential uses where nonresidential or mixed-uses are not permitted (if a jurisdiction elects not to meet this requirement it must impose mandatory housing requirements in non-residential zones).
4. Per Housing Element Law, sites previously listed in The Housing Element Inventory of Adequate Sites over two consecutive planning periods must permit by-right development streamlining if 20 percent of proposed project's units are set aside for lower income households. Eligible projects that meet objective zoning standards will be subject to a by-right review procedure (California Government Code 65583.2(c)). Sites listed on the current Inventory of Sites (Appendix 4.1 of The 2021-2029 Housing Element) are subject to no net loss and housing replacement requirements.
5. Notwithstanding other requirements of the rezoning, a jurisdiction must adopt a replacement requirement policy for sites that currently or within the past five years had residential uses subject to a recorded covenant, ordinance or law restricting rent to lower incomes, consistent with replacement requirements set forth in California Government Code Section 65915(c)(3) (California Government Code 65583.2(g)(3)).

The Program makes sites with more than 255,433 units of capacity available to accommodate the portion of the City's share of the regional housing need that could not be accommodated through the identification of sites in the 2021-2029 Housing Element. The sites have appropriate zoning and development standards and are more than adequate to meet the need for 255,433 units, of which 130,553 are a shortfall of lower income units, as identified by The 2021-2029 Housing Element.

Of these sites, at least 130,553 units of capacity are identified as Lower Income Sites, which meet the requirements in California Government Code 65583.2(h). The sites have appropriate zoning

and development standards and are in excess of the 130,553 unit shortfall of lower income units identified by The 2021-2029 Housing Element. More than 50 percent of the rezoned sites and associated capacity are located on residentially zoned sites (i.e. sites designated for residential uses) where nonresidential or mixed-uses are not permitted. Lower Income Sites permit owner-occupied and rental multi-family residential use by-right for developments in which 20 percent of units are affordable to lower income households during the planning period. Sites are zoned with a minimum density and development standards permitting at least 20 units per acre and 16 units per site in Los Angeles.

It is important to note that the additional rezoning efforts include other efforts that may be adopted within the state required deadline of February 12, 2025. This includes the Downtown Los Angeles Community Plan Update, as well as the Adaptive Reuse Ordinance, with an adoption status that is currently unknown. Rezoned sites through other work programs will also be established by City Council Resolution, submitted to the state each year as part of the Housing Element Annual Progress Report and identified in the public Zoning Information Mapping and Access System (ZIMAS). Approximately 56% of the rezoning efforts of the CHIP Ordinance and the Downtown Los Angeles Community Plan Update are located in Higher Opportunity Areas of the City, with 63% and 50% of capacity located in Lower Income Category Capacity and Moderate Income Category Capacity in Higher Opportunity Areas, respectively. Of the proposed housing capacity from the MIIP and AHIP FBO, Parking, and Public Land Projects, approximately 59% of the overall capacity is located in Higher Opportunity Areas, with 64% and 50% of capacity in Lower Income Category and Moderate Income Category in Higher Opportunity Areas, respectively.

Shortfall sites have adequate services and facilities to ensure that sites are developable to meet the housing needs. The sites are generally already developed with other uses and connected to reliable energy, water and gas as part of the urbanized area. Streets and highways are available to all sites in the inventory, and in most cases, transit is within close proximity. The methodology used to select the Program sites considers the suitability and availability of each site for residential development during the planning period. Finally, each housing development will be granted a permit on a site-by-site basis, at which time it is possible that some projects may be required to improve the existing infrastructure. A project proposed on any site in the inventory would be allowed where consistent with the zoning provisions for that site, and would be issued a permit by the Department of Building and Safety (provided no extraordinary site-specific health and safety circumstances were found to exist).

The Program's sites Affirmatively Further Fair Housing (AFFH) consistent with Government Code 65583(c)(1)(2)(10)) and Program 124 in the 2021-2029 Housing Element. The sites facilitate and encourage the development of a variety of types of housing for all income levels (including but not exclusive to extremely low, very low, low and moderate). The detailed AFFH discussion earlier in the staff report (under Housing Element Programs) is incorporated here by reference. In summary, the Program focuses new incentive programs in Higher Opportunity Areas, expands affordable housing set asides that account for identified local needs, creates new home ownership and equity building opportunities, expands senior housing incentives, incentivizes use of public land, provides new incentives for 100 percent affordable housing, and ensures a replacement of

existing housing units. This results in the majority of new housing opportunities created through the proposed ordinance to be located in Higher Opportunity Areas. The Program therefore achieves the fundamental AFFH metrics set forth for the program in the adopted 2021-2029 Housing Element.

Housing Element Rezoning Sites are drawn primarily from the MIIP, as well as portions of the AHIP. Sites were selected based on whether they facilitate housing development at higher densities than otherwise allowed under state Density Bonus law (100%) and are consistent with the statutory requirements. These sites will also have incentives that provide flexibility for other important development standards (height, floor area, parking, etc.), along with added procedural certainty compared to what is currently allowed. They include sites eligible for incentives under the following strategies: Opportunity Corridors, Corridor Transition Areas, Transit Oriented Incentive Areas, as well as sites identified as being eligible for AHIP incentives on Faith-Based Organization owned land, publicly owned land, Public Facility (PF) zones, and Parking (P) zones.

The sites and capacity figures have been identified through a detailed exercise to ensure compliance with state law, building upon the model used for the Candidate Sites for Rezoning Appendix 4.7. The system was designed to identify rezoned sites that meet the various requirements, particularly those for Lower Income Rezoning Sites. This includes criteria for accommodating state requirements, where a minimum density of 20 units per acre and an allowance of 16 units per site is needed to qualify as a Lower Income Site, as well as ensuring that bonuses are calculated appropriately utilizing “base units” (number of units allowed prior to any bonus). Additional criteria was also added to screen out sites that may be less suitable for by-right development (see below).

The City updated the Appendix 4.7 model with several new assumptions to better reflect realistic development potential based on information gained by the Appendix 4.1 regression model and recent economic analysis of the CHIP performed by AECOM (see Appendix 3). The methodology takes into consideration the suitability of the parcel’s size as part of the evaluation of whether a site is likely to be redeveloped, including many suitability factors such as the allowable density and realistic capacity of the site, the existing use, age of existing structure, and the current utilization of existing buildings. For a detailed summary of the model and assumptions see Appendix 5.

Sites listed on the Inventory of Lower Income Rezoning Housing Element Sites (Exhibit E.2) must permit multi-family development as a use-by-right when projects propose 20% affordability to lower income households by state law. The sites identified as Lower Income Rezoning Housing Element Sites utilized additional filtering criteria to ensure that only sites most suitable for by-right development were included. This includes properties subject to the Rent Stabilization Ordinance (RSO), designated historic resources, and environmentally sensitive sites and others listed above in the Key Provisions subsection of the Housing Element Sites and Minimum Density Ordinance section of this report.

The proposed HESMD Ordinance ensures compliance with state law for designated Lower Income Sites and other Housing Element Sites. The ordinance includes provisions for by-right review for developments in which 20 percent of units are affordable to lower income households during the planning period, as well as regulations to enforce the minimum density standards requiring new housing developments to be developed with at least 20 units per acre. Pursuant to state Housing Element law, the proposed ordinance also includes by-right development review for non vacant sites that were identified in the prior Housing Element and vacant sites that were identified in the prior two Housing Elements, including sites identified in Column O of Appendix 4.1 of the current 2021-2029 Housing Element. These Sites are called Prior Housing Element Sites. Finally, the ordinance adopts existing no net loss and housing replacement requirements for existing Housing Element Sites identified in the 2021-2029 Housing Element. Housing replacement is required for sites that currently or within the past five years had residential uses subject to a recorded covenant, ordinance or law restricting rent to lower incomes, consistent with replacement requirements set forth in California Government Code Section 65915(c)(3) and as additionally codified in the RPO.

In summary, the Program meets the requirements of state Housing Element law.

#### **D. State Density Bonus Law Discussion (California Government Code Sections 65915 - 65918)**

As a local implementation of State Density Bonus Law, the CHIP calibrates incentives so that local programs offer greater bonuses and incentives to projects meeting the requirements of California Government Code Sections 65915 - 65918, pursuant to California Government Code Section 65915(n). The density bonuses and incentives offered in all programs match or exceed the bonuses and incentives provided by state law for Housing Developments. Within CHIP, the local state density bonus incentives offer a unique menu of incentives available to all eligible projects for streamlined review. The AHIP provides a FAR incentive and additional menu of incentives to projects located outside of certain environmentally or culturally sensitive sites, and also creates additional project types that qualify for those incentives. The MIIP incentives offer FAR and height as base incentives and provide up to four additional incentives for TOIA and Corridor projects. As the MIIP incentives offer greater bonuses than State Density Bonus Law offers, the MIIP calculates affordability set asides based on a project's proposed units rather than off of a parcel's Maximum Allowable Residential Density, as is done in State Density Bonus. The MIIP also allows for a mixing of incomes in some cases, when the percentage of affordable units in an affordability set-aside for any project otherwise eligible for State Density Bonus also meets the affordability requirements of State Density Bonus (see the affordability footnotes related to Transit Oriented Incentive Areas and Opportunity Corridors). This ensures that the CHIP does not offer greater bonuses to mixed income projects that do not meet the state's affordability requirements.

As an implementation of the state Density Bonus program, the CHIP Ordinance also uses the same definitions as State Density Bonus Law for terms including but not limited to Housing Development, Maximum Allowable Residential Density, Development Standard, One Hundred

Percent Affordable Housing Project, and Incentive. The City's local program also aligns with the rent schedule requirements of State Density Bonus. Replacement housing unit and demolition protections align with or exceed State Density Bonus as set forth in California Government Code Section 65915(c)(3) and as additionally mandated by the proposed RPO.

### **Summary of CEQA Findings**

Adoption of the proposed Citywide Housing Incentive Program Ordinance, Housing Element Sites and Minimum Density Ordinance, and Resident Protections Ordinance are called for by the programs in the Housing Element of the City of Los Angeles. The provisions of the proposed ordinances were called for specifically by Program 121 (RHNA Re-zoning Program) of the Housing Element, which provides the structure for the Program in order to meet the City's RHNA target. The ordinances are further called for and supported by several other Housing Element programs including Program 61 (Provide Adequate Sites for Lower Income Households on Nonvacant and vacant Sites Previously Identified), Program 46 (Housing Element Sites Inventory Update) Program 122 (Anti-Displacement Strategies), and Program 124 (Affirmatively Furthering Fair Housing). The adoption of the proposed ordinances will implement the identified programs set forth in the Housing Element.

An Environmental Impact Report (EIR) (ENV-2020-6762-EIR, SCH No. 2021010130) that analyzed the environmental effects of the 2021-2029 General Plan Housing Element and Safety Element, and a Program for the creation of additional housing was certified by the Los Angeles City Council on November 24, 2021. An Addendum to the EIR (ENV-2020-6762-EIR-ADD1) was subsequently certified by the Los Angeles City Council on June 14, 2022. A second Addendum to the EIR (EIR-2020-6762-ADD2) dated July 2024 has also been prepared. For the purposes of this report, the EIR and Addendums will be referred to as the Housing Element EIR.

The Housing Element EIR was prepared to examine the potential environmental effects of the 2021-2029 Housing Element, including build out of the Regional Housing Needs Assessment (RHNA) Allocation, as well as the programs and policies that have the potential to result in physical environmental effects, and the Inventory of Sites and RHNA Re-zoning Program needed to demonstrate zoned capacity needed to accommodate the City's RHNA Allocation. Additionally, the EIR analyzed the potential effect from the construction and operation of 420,327 housing units (full RHNA build out of 456,643 units minus the 36,316 housing units that have been approved but not built). The Housing Element EIR found that the environmental impacts of several of the issue areas were significant and unavoidable, even with imposition of mitigation measures. Based on the analysis in the Housing Element EIR, the EIR concluded the implementation of the 2021-2029 Housing Element Update would result in unavoidable significant environmental impacts with regard to:

- Air Quality (Exceedance of Criteria Pollutants—Construction and Operations)
- Biological Resources (Special Status Species, Sensitive Habitats, Wildlife Corridors)
- Cultural Resources (Historical Resources and Archaeological Resources)

- Geology and Soils (Paleontological Resources)
- Hazards and Hazardous Materials (Hazardous Materials Near Schools and Hazardous Materials Sites)
- Noise (Construction Noise, Operation Noise, and Construction Vibration)
- Public Services (Fire Protection, Police Protection, and School Facilities)
- Recreation (Deterioration of Recreational Facilities and Construction of Recreational Facilities)
- Transportation (Freeway Queuing)
- Tribal Cultural Resources (Construction: Ground Disturbance during Construction)
- Wildfire (Impair Emergency Response Plan, Exacerbate Wildfire Risks in State Responsibility Area or VHFHSZ, Require Infrastructure that may Exacerbate Fire Risk, Expose People or Structures to Significant Risks in State Responsibility Area or VHFHSZ, and Expose People or Structures to Significant Risks Involving Wildland Fires)

The Housing Element EIR also identified the following significant impacts that were anticipated to be reduced to less than significant with identified mitigation measures:

- Air Quality: Construction-related emissions of toxic air contaminants
- Hydrology: Impeding or Redirect Flood Flows
- Transportation: Circulation Plan Consistency, Hazardous Design, Emergency Access

The proposed Citywide Housing Incentive Program Ordinance, Resident Protections Ordinance, and Housing Element Sites and Minimum Density Ordinance are needed to facilitate the production of affordable housing in the City and to accommodate build out of the City's RHNA Allocation which was analyzed by the Housing Element EIR. Adoption of the proposed ordinances is also needed to implement the City's Housing Element. The City's 2021-2029 Housing Element implements State housing law mandates for the City to adopt zoning ordinances to accommodate RHNA targets which the City cannot accommodate through the existing inventory of sites. To meet the State law mandates, the Housing Element requires the City, through zoning and other actions, to make it possible to build almost 185,000 affordable units for lower-income households in eight years.

The Housing Element EIR fully analyzed the environmental impacts that could occur as a result of the implementation of the 2021-2029 Housing Element, including the construction and operation of up to 420,327 housing units (including 185,000 affordable units and 75,091 moderate income units), and rezoning programs to facilitate the construction and operation of those housing units. Any and all types of potential housing development (including mixed-use development ranging in size and scale from neighborhood commercial mixed-use with smaller non-residential uses, to high-rise mixed-use with larger non-residential uses) were analyzed in the Housing

Element EIR. The Housing Element EIR anticipated and fully analyzed that the construction and operation of these housing units would require action to streamline approvals of these housing units, including making more projects subject to by-right or administrative review and eliminating discretion in the approval of affordable housing developments.<sup>3</sup> The second Addendum found there is no change to the project, change to circumstances, or new information as described in PRC Section 21166 or CEQA Guidelines Section 15162(a) that would cause the need for a subsequent or supplemental EIR.

The Housing Element EIR is available for review at the City of Los Angeles, Department of City Planning Records Management, 221 N. Figueroa Street, Room 1450 Los Angeles, and online at the following weblinks:

- Draft EIR: [https://planning.lacity.org/development-services/eir/Housing-Element\\_2021-2029\\_Update\\_Safety-Element\\_Update\\_deir](https://planning.lacity.org/development-services/eir/Housing-Element_2021-2029_Update_Safety-Element_Update_deir)
- Final EIR: <https://planning.lacity.org/development-services/eir/housing-element-2021-2029-update-safety-element-update-0>
- EIR Administrative Record: Los Angeles City Council File 21-1230 - <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230>
- Addendum 1 to the EIR: [https://clkrep.lacity.org/online/docs/2021/21-1230-S1\\_misc\\_7\\_5-24-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-1230-S1_misc_7_5-24-22.pdf)
- Addendum Administrative Record: Los Angeles City Council File 21-1230-S1 - <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230-S1>

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<sup>3</sup> Housing Element Draft EIR Environmental Analysis can be found here: [https://planning.lacity.org/eir/HEU\\_2021-2029\\_SEU/deir/files/04\\_Environmental%20Analysis.pdf](https://planning.lacity.org/eir/HEU_2021-2029_SEU/deir/files/04_Environmental%20Analysis.pdf)

## INTRODUCTION

This document is the third draft of the proposed Citywide Housing Incentive Program Ordinance to amend Chapter 1 and Chapter 1A of the Los Angeles Municipal Code. The proposed Citywide Housing Incentive Program Ordinance aims to Affirmatively Further Fair Housing by promoting housing development citywide and, in particular, increasing affordable housing in Higher Opportunity Areas<sup>1</sup>, where access to affordable housing is limited today. The draft Citywide Housing Incentive Program Ordinance proposes to do this through three distinct programs seen in Contents below. Note that this is a Clean version of the most recently revised draft. To review a strike-out version of this draft or the drafts released in March or June 2024, please visit:

<https://planning.lacity.gov/plans-policies/housing-element-rezoning-program#draft-ordinances>

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<sup>1</sup> More information on Higher Opportunity Areas can be found here:  
<https://planning.lacity.gov/plans-policies/community-plan-update/housing-element-rezoning-program-news/what-are-higher>

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

An ordinance amending Sections 12.03, 12.21, 12.22, and 12.24 of Article 2, Sections 13.09 and 13.15 of Article 3, Section 14.00 of Article 4, Section 14.5.4 of Article 4.5, Section 16.05 of Article 6, Section 19.01, 19.14, and 19.18 of Article 9 of Chapter 1; adding Section 11.5.15 to Article 1 of Chapter 1; amending Part 2B and Part 2C of Article 2, 8.1.1., 8.2.2., 8.2.3., 8.2.5., 8.2.6., 8.2.7., and 8.2.8 of Article 8, Sections 9.2.1., 9.3.1., 9.3.2., 9.3.3., and 9.4.1. of Article 9, Sections 13A.2.7., 13B.2.1., 13B.2.2., 13B.2.3., 13B.2.5., and 13B.3. of Article 13 of Chapter 1A; and amending 151.28 of Article 1 of Chapter 15 of the Los Angeles Municipal Code for the purpose of implementing the Citywide Housing Incentive Program.

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

Section 1. Section 11.5.15 is added to Chapter I of the Los Angeles Municipal Code to read:

- A. **Intent.** This Section is intended to:
1. Ensure that development in the city does not result in detrimental impacts to those residing or working in and around construction activities, and to abutting properties, and the public right-of-way, including the habitat, cultural resources, and historic or fragile buildings.
  2. Provide a mechanism for mitigation measures adopted pursuant to CEQA for city plans, policies, or regulations to be made enforceable on future development projects consistent with *CEQA Guidelines, Section 15162.4*.
  3. Provide a flexible mechanism to adopt and amend uniformly applicable development standards to allow streamlined environmental review, including pursuant to *CEQA Guidelines Section 15183.3*.
- B. **Applicability.** No building permit shall be issued by the Department of Building and Safety without the applicant demonstrating compliance with any regulations adopted by the Director of Planning under this Section to implement environmental protection measures.
- C. **Adoption and Maintenance of the Environmental Protection Measures Handbook.** The Director of Planning, as deemed necessary and appropriate, is authorized to prepare, maintain, amend, and adopt environmental protection measures to meet the intent of this Division, and to prepare, maintain, amend and adopt regulations to implement the environmental protection measures. The Director of Planning may, as deemed appropriate, use technical consultants or a consultant advisory panel to make recommendations on new environmental protection measures or updates to existing environmental protection measures.

- D. **Noncompliance.** Failure to comply with the environmental protection measures, regulations adopted pursuant to this Section, any condition or commitments made in compliance with the environmental protection measures or their implementing regulations, or any provision of this Section, is a violation of the code, subject to all available administrative, criminal and civil remedies for a violation of this Code. Additionally, upon verification of non-compliance, the City of Los Angeles may require as deemed necessary and appropriate the applicant or property owner to retain at its own expense an independent consultant, subject to the City of Los Angeles' approval, to ensure compliance with the environmental protection measures or regulations, and any conditions or commitments made in compliance with the environmental protection measures or regulations.

Section 2. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to include the following definitions:

**Acutely Low Income.** Income level as defined in Section 50063.5 of the California Health and Safety Code as amended from time to time

**Area Median Income (AMI).** The median income in Los Angeles County as determined annually by the California Department of Housing and Community Development (HCD) or any successor agency, adjusted for household size.

**Coastal Zone.** The Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000).

**Density Bonus.** A density increase over the otherwise Maximum Allowable Residential Density, as of the date of application by the applicant to the City.

**Designated Historic Resource.** 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, at the local, state, or national level. Including but not limited to a listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or Historic Preservation Overlay Zone.

**Development Standard.** A site or construction condition as defined in California Government Code Section 65915(o)(2), or as amended.

**Extremely Low Income.** Income Level as defined in Section 50106 of the California Health and Safety Code.

**Neighborhood Retail and Service Uses.** Uses that involve business activity serving the general public, pursuant to LAMC Section 13.07 C, definitions of Neighborhood Retail and Neighborhood Services, including, but not limited to, retail, professional and personal services, hospitality, restaurants, and entertainment.

**High Quality Transit Service.** A transit route with 15 minutes or less service frequency during peak commute hours in one direction. For the purpose of determining service interval frequency, a bus route may include a combination of overlapping bus lines when part of a “colinear” or “family” line as determined in coordination with SCAG and local transit agencies, may be considered as one service route for service interval frequency.

**Higher Opportunity Areas.** High and Highest Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC).

**Housing Development.** As defined in subdivision (i) of Government Code Section 65915, or as amended, a development project with five or more Residential Units including mixed-use developments; and subdivisions or common interest developments as defined in Section 4100 of the Civil Code or as amended.

**Incentive.** A reduction in site development standards or a modification to zoning code requirements or architectural design requirements that results in identifiable and actual cost reductions to provide for affordable housing costs as defined in subdivision (k) of California Government Code Section 65915, or as amended.

**Lower Income.** Income level as defined in California Health and Safety Code Section 50079.5.

**Moderate and Lower Opportunity Areas.** Moderate Resource, Low Resource, and High-Poverty & Segregation Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC).

**Major Transit Stop.** In addition to California Public Resources Code Section 21064.3, a site containing a rail or bus rapid transit station or the intersection of two or more bus routes with a service interval of 20 minutes or less during the morning and afternoon peak commute periods in either direction. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). A bus route may include a combination of overlapping buses and may be considered as one service route for service interval frequency, when part of a “colinear”, “family”, or augmented line as determined in coordination with SCAG and transit agencies).

**Maximum Allowable Residential Density.** The greatest number of units allowed on a project site as defined in California Government Code Section 65915(o)(6), or as amended.

**Moderate Income.** Income level as defined in California Health and Safety Code Section 50093.

**Non-Contributor.** Any building, structure, natural feature, lot, or landscaping that is identified in an Historic Resources Survey or nomination form for a designated federal, state, or local historic district as a Non-Contributing Element, or not listed in the Historic Resources Survey or nomination form.

**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 of five or more additional residential dwelling units or guest rooms, where all new dwelling units or guest rooms, exclusive of any manager's units, are restricted affordable for a term of at least 55 years for rental projects or at least 45 years for for-sale projects. With the exception of a manager's unit or units, or staff units for Projects utilizing California Government Code Section 65913.16, all units shall be affordable to lower income households earning up to 80 percent of the area median income, and rents or housing costs to the occupying residents do not exceed 30 percent of the maximum gross income, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD), or any successor agency, 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 California Health and Safety Code Section 50053.

**Privately Owned Public Spaces (POPS).** An open space located on private property accessible to the public, such as a plaza, arcades, paseos, through block pedestrian connections, or open air concourses located in or around buildings. To ensure that such open spaces are available to the public, each space must meet the following criteria:

1. Open to the general public free of charge between sunrise and sunset, or during regular business hours, whichever is longer.
2. The publicly accessible open space shall be at a minimum, equal to, or greater than the common outdoor amenity space required by LAMC Section 12.21 G.2(a) and shall have at least one clear minimum dimension of 15 feet in any direction. Planters used for trees and landscaping may be located within the required 15 foot dimension provided that planters do not exceed a height of 42 inches.
3. Shall provide at least one tree (non-palm species) for every 1,000 square feet of POPS space.
4. At least one Privately Owned Public Space (POPS) sign shall be posted at every public entrance to the amenity space in accordance with the

Public Amenity Space Sign Standards as established by the Director of Planning, and in accordance with LAMC Ch1A, Div. 4C.11. (Signs).

5. Provides at least three (3) ground floor pedestrian amenities as listed below:
  - a. Movable seating/furniture
  - b. At grade planting area
  - c. Hydration station inclusive of a water fountain or bottle refill station
  - d. Urban garden for community use
  - e. Play and/or exercise equipment
  - f. Running water elements
  - g. Shade structures

**Residential Unit.** A dwelling unit or joint living and work quarters; a mobilehome, as defined in California Health and Safety Code Section 18008, or as amended; a mobile home lot in a mobilehome park, as defined in California Health and Safety Code Section 18214, or as amended; or a Guest Room or Efficiency Dwelling Unit provided that the unit is not located in a Transient Residential Use.

**Restricted Affordable Unit.** A Residential Unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Acutely Low Income, Extremely Low, Very Low, Lower or Moderate Income households, as defined by the California Department of Housing and Community Development (HCD) or any successor agency. Affordable means that rents or housing expenses should not exceed requirements set forth in California Health and Safety Code Section 50052.5 for for-sale Residential Units, California Health and Safety Code Section 50053 for for-lease Residential Units, or by the California Tax Credit Allocation Committee.

**Sea Level Rise Area.** An area of the coast that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or as determined by a local coastal hazards vulnerability assessment.

**Specific Adverse Impact.** Per California Government Code Section 65589.5(d)(2), or as amended, a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards,

policies, or conditions as they existed on the date the application was deemed complete.

**Surveyed Historic Resource.** Any building, structure, object, site, landscape, or natural feature identified through an Historic Resources Survey as eligible for listing as either an individual resource or as a contributor to an historic district under a local, state or federal designation program, including but not limited to listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as an Historic Preservation Overlay Zone. This term does not include a non-contributor to an eligible historic district.

**Very High Fire Hazard Severity Zones.** Refer to LAMC Section 57.4911.1.1.

**Very Low Income.** Income level as defined in California Health and Safety Code Section 50105.

Section 3. Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is modified to read as follows:

4. Off-Street Automobile Parking Requirements. (Amended by Ord. No. 185,480, Eff. 5/9/18.) A garage or an off-street automobile parking area shall be provided in connection with and at the time of the erection of each of the buildings or structures hereinafter specified, or at the time such buildings or structures are altered, enlarged, converted or increased in capacity by the addition of dwelling units, guest rooms, beds for institutions, floor area or seating capacity. The parking space capacity required in said garage or parking area shall be determined by the amount of dwelling units, guest rooms, beds for institutions, floor area or seats so provided, and said garage or parking area shall be maintained thereafter in connection with such buildings or structures.

New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one standard or compact automobile parking space for every four required or non-required bicycle parking spaces provided, so long as the number of compact stalls complies with Section 12.21 A.5.(c) of this Code. In cases where additional bicycle parking spaces are required as a result of an addition to an existing building, the maximum number of bicycle parking spaces eligible to be applied toward the required number of automobile parking spaces shall be calculated based on the total number of bicycle parking spaces provided for the existing building plus the number of bicycle parking spaces provided for the addition. Notwithstanding the foregoing, no more than 20 percent of the required automobile parking spaces for nonresidential uses shall be replaced at a site. Automobile parking spaces for nonresidential projects or buildings located within 1,500 feet of a major transit stop, as defined in Subdivision (b) of Section 21155 of the California Public Resources Code as that section may be amended from time to time, may replace up to 30 percent of the

required automobile parking spaces with bicycle parking. For buildings with less than 20 required automobile parking spaces, those spaces may be replaced subject to the limits described in this Subdivision, not exceeding a total of four parking spaces replaced.

Residential buildings, including hotels, motels and apartment hotels, may replace 10 percent of the required automobile parking with bicycle parking. Automobile parking spaces for residential projects or buildings located within 1,500 feet of a major transit stop, as defined in Subdivision (b) of Section 21155 of the California Public Resources Code, may replace up to 15 percent of the required automobile parking spaces with bicycle parking. If a residential building includes at least the minimum number of restricted affordable units to receive a density bonus ~~under Section 12.22 A.25,~~ pursuant to California Government Code Section 65915 (b) then up to 30 percent of the required automobile parking may be replaced. In such cases, the replacement of automobile parking with bicycle parking shall be implemented in lieu of the parking options in California Government Code Section 65915(p) ~~Section 12.22 A.25(d).~~

Section 4. Paragraph e Subdivision 31 of Subsection E of Section 12.22 of the Los Angeles Municipal Code is modified to read as follows:

31. Procedures. Application for the TOC Incentives shall be made on a form provided by the Department of City Planning, and shall follow the procedures outlined in Los Angeles Municipal Code Section 13B.2.5 (Director Determination) of Chapter 1A of this Code ~~12.22 A.25(g).~~

Section 5. Subdivision 25 of Subsection A of Section 12.22 of Los Angeles Municipal Code is hereby amended to read as follows:-

See LAMC Section 12.22 A.37 (State Density Bonus Program).

**~~25. Affordable Housing Incentives – Density Bonus. (Amended by Ord. No. 179,681, Eff. 4/15/08.)~~**

~~(a) **Purpose.** The purpose of this subdivision is to establish procedures for implementing State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing, consistent with City policies.~~

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

~~**Affordable Housing Incentives Guidelines** – the guidelines approved by the City Planning Commission under which Housing Development Projects for which a Density Bonus has been requested are evaluated for compliance with the requirements of this subdivision.~~

**Area Median Income (AMI)** — the median income in Los Angeles County as determined annually by the California Department of Housing and Community Development (HCD) or any successor agency, adjusted for household size.

**Density Bonus** — a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and/or specific plan granted pursuant to this subdivision.

**Density Bonus Procedures** — procedures to implement the City's Density Bonus program developed by the Departments of Building and Safety, City Planning and Housing.

**Disabled Person** — a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of an impairment or, anyone who has a record of having that type of an impairment.

**Floor Area Ratio** — the multiplier applied to the total buildable area of the lot to determine the total floor area of all buildings on a lot.

**Housing Development Project** — the construction of five or more new residential dwelling units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, or a mixed use development in which the residential floor area occupies at least fifty percent of the total floor area of the building or buildings. For the purpose of establishing the minimum number of five dwelling units, Restricted Affordable Units shall be included and density bonus units shall be excluded.

**Incentive** — a modification to a City development standard or requirement of Chapter I of this Code (zoning).

**Income, Very Low, Low or Moderate** — annual income of a household that does not exceed the amounts designated for each income category as determined by HCD or any successor agency.

**Residential Hotel** — any building containing six or more Guest Rooms or Efficiency Dwelling Units, which are intended or designed to be used, or are used, rented, or hired out to be occupied, or are occupied for sleeping purposes by guests, so long as the Guest Rooms or Efficiency Dwelling Units are also the primary residence of those guests, but not including any building containing six or more Guest Rooms or Efficiency Dwelling Units, which is primarily used by transient guests who do not occupy that building as their primary residence.

**Residential Unit** — a dwelling unit or joint living and work quarters; a mobilehome, as defined in California Health and Safety Code Section 18008; a mobile home lot in a

~~mobilehome park, as defined in California Health and Safety Code Section 18214; or a Guest Room or Efficiency Dwelling Unit in a Residential Hotel.~~

**~~Restricted Affordable Unit~~**—a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low, Low or Moderate Income households, as determined by the Los Angeles Housing Department. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

**~~Senior Citizens~~**—individuals who are at least 62 years of age, except that for projects of at least 35 units that are subject to this subdivision, a threshold of 55 years of age may be used, provided all applicable City, state and federal regulations are met.

**~~Senior Citizen Housing Development~~**—a Housing Development Project for senior citizens that has at least 35 units.

**~~Specific Adverse Impact~~**—a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**~~Transit Stop/Major Employment Center~~**—any one of the following:

- ~~(1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or~~
- ~~(2) A Metro Rapid Bus stop located along a Metro Rapid Bus route; or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or~~
- ~~(3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or~~
- ~~(4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students.~~

**~~(c) Density Bonus.~~** Notwithstanding any provision of this Code to the contrary, the following provisions shall apply to the grant of a Density Bonus for a Housing Development Project:

- ~~(1) For Sale or Rental Housing with Low or Very Low Income Restricted Affordable Units.~~** A Housing Development Project that includes 10% of the total units of the project for Low Income households or 5% of the total units of the project for Very Low Income households, either in rental units or for sale units, shall be granted a minimum Density Bonus of 20%, which may be applied to any part of the Housing Development Project. The bonus may be increased according to the

~~percentage of affordable housing units provided, as follows, but shall not exceed 35%:~~

<b>Percentage Low Income Units</b>	<b>Percentage Density Bonus</b>
40	20
44	21.5
42	23
43	24.5
44	26
45	27.5
46	29
47	30.5
48	32
49	33.5
20	35

<b>Percentage Very Low Income Units</b>	<b>Percentage Density Bonus</b>
5	20
6	22.5
7	25
8	27.5
9	30
40	32.5
44	35

~~(2) **For Sale or Rental Senior Citizen Housing (Market Rate).** A Senior Citizen Housing Development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 shall be granted a minimum Density Bonus of 20%.~~

~~(3) (Deleted by Ord. No. 181,142, Eff. 6/1/10.)~~

- ~~(4) A Common Interest Development That Includes Moderate Income Restricted Affordable Units. (Amended by Ord. No. 181,142, Eff. 6/1/10.) A common interest development as defined in Section 1351 of the Civil Code that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 5%. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:~~

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26

32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- ~~(5) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(h)(2), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15%.~~
- ~~(6) **Child Care.** A Housing Development Project that conforms to the requirements of Subparagraphs (1), (2), (3), (4) or (5) of this paragraph and includes a child care facility located on the premises of, as part of, or adjacent to, the project, shall be granted either of the following:~~
- ~~(i) an additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the child care facility included in the project.~~
  - ~~(ii) An additional Incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~(7) **Fractional Units.** In calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number.~~
- ~~(8) **Other Discretionary Approval.** Approval of Density Bonus units shall not, in and of itself, trigger other discretionary approvals required by the Code.~~
- ~~(9) **Other Affordable Housing Subsidies.** Approval of Density Bonus units does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.~~

- (10) ~~**Additional Option for Restricted Affordable Units located near Transit Stop/Major Employment Center.**~~ In lieu of providing the requisite number of Restricted Affordable Units in a Housing Development Project located in or within 1,500 feet of a Transit Stop/Major Employment Center that would otherwise be required under this subdivision, an applicant may opt to provide a greater number of smaller units, provided that:
- (i) ~~the total number of units in the Housing Development Project including Density Bonus units does not exceed the maximum permitted by this subdivision;~~
  - (ii) ~~the square footage of the aggregate smaller Restricted Affordable units is equal to or greater than the square footage of the aggregate Restricted Affordable Units that would otherwise be required under this subdivision;~~
  - (iii) ~~the smaller Restricted Affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and~~
  - (iv) ~~the smaller Restricted Affordable Units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC).~~
- (11) ~~**Common Interest Development with Low or Very Low Income restricted Affordable Units for Rent.**~~ In a common interest development as defined in California Government Code Section 1351, such as a condominium, Restricted Affordable Units may be for sale or for rent.
- (12) ~~**Condominium Conversion.**~~ A Housing Development Project that involves the conversion of apartments into condominiums and that includes 33 percent of its units restricted to households of Low or Moderate income or 15 percent of its units restricted to households of Very Low Income shall be granted a Density Bonus of 25 percent or up to three incentives as provided in Paragraph (e) of this subdivision.
- (d) ~~**Parking in a Housing Development Project.**~~ Required parking spaces for a Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: applicable parking provisions of Section 12.21 A.4. of this Code, or Parking Option 1 or Parking Option 2, below. Required parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space. The separate sale or rental of a

dwelling unit and a parking space shall not cause the rent or purchase price of a Restricted Affordable Unit (or the parking space) to be greater than it would otherwise have been.

~~(1) **Parking Option 1.** Required parking for all residential units in the Housing Development Project (not just the restricted units), inclusive of handicapped and guest parking, shall be reduced to the following requirements:~~

- ~~(i) For each Residential Unit of 0-1 bedroom: 1 on-site parking space.~~
- ~~(ii) For each Residential Unit of 2-3 bedrooms: 2 on-site parking spaces.~~
- ~~(iii) For each Residential Unit of 4 or more bedrooms: 2-1/2 on-site parking spaces.~~

~~(2) **Parking Option 2.** Required parking for the Restricted Affordable Units only shall be reduced as set forth in Subparagraphs (i) and (ii) below. Required parking for all other non-restricted units in the Housing Development Project shall comply with applicable provisions of Section 12.21 of this Code.~~

~~(i) One parking space per Restricted Affordable Unit, except:~~

- ~~a. 0.5 parking space for each dwelling unit restricted to Low or Very Low Income Senior Citizens or Disabled Persons; and/or~~
- ~~b. 0.25 parking space for each Restricted Affordable Unit in a Residential Hotel.~~

~~(ii) Up to 40% of the required parking for the Restricted Affordable Units may be provided by compact stalls.~~

~~(c) **Incentives.**~~

~~(1) In addition to the Density Bonus and parking options identified in Paragraphs (c) and (d) of this subdivision, a Housing Development Project that qualifies for a Density Bonus shall be granted the number of Incentives set forth in the table below.~~

<b>Number of Incentives</b>	<b>Required Percentage* of Units Restricted for Very Low Income Households</b>	<b>Required Percentage* of Units Restricted for Low Income Households</b>	<b>Required Percentage* of Units Restricted for Moderate Income Households (For Sale Only)</b>
One Incentive	5% or	10% or	10%
Two Incentives	10% or	20% or	20%
Three Incentives	15% or	30%	30%

~~\*Excluding Density Bonus Units~~

- ~~(2) To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:~~
- ~~(i) The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.~~
  - ~~(ii) 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.~~
  - ~~(iii) 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.~~
  - ~~(iv) 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 this Code.~~
- ~~(f) **Menu of Incentives.** Housing Development Projects that meet the qualifications of Paragraph (e) of this subdivision may request one or more of the following Incentives, as applicable:~~
- ~~(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 Housing Development 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."~~
  - ~~(2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Housing Development 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) **Lot Width.** Up to 20% decrease from a lot width requirement, provided that the landscaping for the Housing Development 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".~~
  - ~~(4) **Floor Area Ratio.**~~

- ~~(i) A percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%; 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 in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City's General Plan, and~~
- ~~(iii) the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and~~
- ~~(iv) 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.~~

~~A Housing Development Project in which at least 80% of the units in a rental project are Restricted Affordable Units or in which 45% of the units in a for-sale project are Restricted Affordable Units shall be exempt from the requirement to front on a Major Highway.~~

~~(g) **Height.** A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be 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.~~

~~(1) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units.~~

~~(i) No additional height shall be permitted for that portion of a of a building in a Housing Development Project that is located within fifteen feet of a lot classified in the R2 Zone.~~

~~(ii) For each foot of additional height the building shall be set back one horizontal foot.~~

~~(2) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.~~

~~(3) No additional height shall be permitted for any portion of a building in a Housing Development Project located on a lot sharing a common lot line with or across an alley from a lot classified in an R1 or more restrictive zone. This prohibition shall~~

~~not apply if the lot on which the Housing Development Project is located is within 1,500 feet of a Transit Stop but no additional height shall be permitted for that portion of a building in the Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.~~

~~(4) **Open Space.** Up to 20% decrease from an open space requirement, provided that the landscaping for the Housing Development 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”.~~

~~(5) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located.~~

~~(6) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development Project that is located on two or more contiguous parcels may average the floor area, density, open space and parking over the project site, and permit vehicular access from a less restrictive zone to a more restrictive zone, provided that:~~

~~(i) the Housing Development Project includes 11% or more of the units as Restricted Affordable Units for Very Low Income households, or 20% of the units for Low Income households, or 30% of the units for Moderate Income households; and~~

~~(ii) the proposed use is permitted by the underlying zone(s) of each parcel; and~~

~~(iii) no further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted.~~

~~(h) **Procedures.**~~

~~(1) **Density Bonus and Parking.** Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements in accordance with Paragraphs (c) and (d) of this subdivision) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.~~

~~(2) **Requests for Incentives on the Menu.**~~

~~(i) The applicant for Housing Development Projects that qualify for a Density Bonus and that request up to three Incentives on the Menu of Incentives in Paragraph (f) of this subdivision, and which require no other discretionary actions, the following procedures shall apply:~~

~~a. **Application.** The request shall be made on a form provided by the Department of City Planning, as set forth in Section 11.5.7 B.2.(a) of this Code, accompanied by applicable fees.~~

~~b. **Authority. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** The Director shall be the initial decision maker for applications seeking on Menu incentives.~~

~~**EXCEPTION:** When the application is filed as part of a project requiring multiple approvals, the initial decision maker shall be as set forth in Section 12.36 of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision maker.~~

~~c. **Action.** The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:~~

~~i. The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or~~

~~ii. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.~~

~~d. **Transmittal of Written Decision.** Within three business days of making a decision, the Director shall transmit a copy by First Class Mail to the applicant and to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property, and to the local Certified Neighborhood Council.~~

~~e. **Effective Date of Initial Decision.** The Director's decision shall become effective after an elapsed period of 15 calendar days from the date of the mailing of the written decision unless an appeal is filed to the City Planning Commission.~~

~~f. **Appeals. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section 11.5.7 C.6. of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section 19.01 B. of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and the interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination.~~

~~**EXCEPTION:** When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Section 12.36 of this Code shall govern. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Section 17.54 of this Code shall govern. When the application is filed in conjunction with a tentative map and no other approval, the appeals procedures set forth in Section 17.06 A.3. of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Section 17.02 of this Code, and shall not be subject to further appeal to the City's legislative body.~~

~~(ii) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests up to three Incentives listed in Paragraph (f), above, and that require other discretionary actions, the applicable procedures set forth in Section 12.36 of this Code shall apply.~~

- ~~a. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Program Determination".~~
- ~~b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.~~

~~(3) Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.~~

- ~~(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:~~
  - ~~a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include 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 Restricted Affordable Units economically feasible.~~
  - ~~b. **Notice and Hearing.** The application shall follow the procedures for conditional uses set forth in Section 12.24 D. of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.~~
  - ~~c. The City Planning Commission shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.~~
- ~~(ii) For Housing Development Projects requesting waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:~~
  - ~~a. The applicable procedures set forth in Section 12.36 of this Code shall apply.~~

~~b. The decision must include a separate section clearly labeled “Density Bonus/ Affordable Housing Incentives Program Determination”.~~

~~c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.~~

~~(i) **Covenant.** Prior to issuance of a Building Permit, the following shall apply:~~

~~(1) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Senior Citizens, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to Senior Citizens shall be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**~~

~~(2) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Low or Very Low Income households, 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 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**~~

~~(3) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Moderate Income households for sale, a covenant acceptable to the Los Angeles Housing Department and consistent with the for sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least ten years from the issuance of the Certificate of Occupancy. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**~~

~~(4) If the duration of affordability covenants provided for in this subdivision conflicts with the duration for any other government requirement, the longest duration shall control.~~

~~(5) Any covenant described in this paragraph 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.~~

- (j) ~~**Fee Deferral.** At the option of the applicant, payment of fees may be deferred pursuant to Sections 19.01 O. and 19.05 A.1. of this Code.~~
- (k) ~~**Applicability.** To the extent permitted under applicable State law, if a conflict arises between the terms of this subdivision and the terms of the City's Mello Act Settlement Agreement, Interim Administrative Procedures for Complying with the Mello Act or any subsequent permanent Mello Ordinance, Procedures or Regulations (collectively "Mello Terms"), the Mello Terms preempt this subdivision.~~

Section 6. Subdivision 37 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

#### **12.22 A.37 STATE DENSITY BONUS PROGRAM**

- (a) **Purpose.** The purpose of this Subdivision is to establish procedures for the implementation of State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing, consistent with City policies.
- (b) **Definitions.** The following definitions shall apply to this Subdivision:
- Disabled Veteran.** Disabled Veteran shall be as defined in Section 18541 of the California Government Code.
- Environmental Consideration Area.** Project sites that were previously used as a gas station, gas or oil well, or dry-cleaning facility, or Project sites located on or within 500 feet of a Hazardous Materials site (as listed on any of the following databases: State Water Resources Control Board Geotracker, DTSC EnviroStor or listed pursuant to Government Code Section 65962.5, DTSC Hazardous Waste Tracking System, LAFD Certified Unified Program Agency, Los Angeles County Fire Department Health Hazardous Materials Division, SCAQMD Facility Information Detail), or Project sites located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator or Large Quantity Generator (refer to US EPA Envirofacts database), or Project sites located in an Oil Drilling District (O), or Project sites located within the following buffers of a property identified as having an oil well or an oil field by the California Geologic Energy Management Division: on or within 1,000 feet from an active oil well or field, on or within 200 feet from an idle oil well or field, and on or within 100 feet from a plugged oil well or field.
- Homeless Person.** Homeless Person as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

**Lower Income Student.** A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code, or as amended. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

**Senior Citizens.** Individuals who are at least 62 years of age, except that for projects of at least 35 units that are subject to this subdivision, a threshold of 55 years of age may be used, provided all applicable City, state and federal regulations are met.

**Senior Citizen Housing Development.** A Housing Development that has at least 35 dwelling units or guest rooms, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

**Shared Housing Building.** A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants as defined in California Government Code Section 65915(o)(7)(A), or as amended.

**Shared Housing Unit.** A Residential Unit with one or more habitable rooms, not within another dwelling unit as defined in Government Code Section 65915(o)(7)(B) or as amended. Shared Housing Units shall be considered "Guest Rooms" for purposes of zoning and allowable density.

**Student Housing Development.** Student Housing Development shall be as defined in California Government Code Section 65915(b)(1)(F).

**Transitional Foster Youth.** Transitional Foster Youth shall be as defined in Section 66025.9 of the Education Code.

**Very Low Vehicle Travel Area.** Refer to California Government Code Section 65915 (o)(9).

- (c) **Eligibility.** To qualify for the provisions of this Subdivision, a Housing Development must satisfy all of the following:

- (1) Meet the definition of a Housing Development or Shared Housing Building, with five or more Residential Units or Shared Housing Units including mixed-use developments. For the purpose of establishing the minimum number of five Residential Units or Shared Housing Units, Density Bonus units shall be excluded.

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- (2) Reserve a percentage of the Residential Units (excluding Residential Units added by a Density Bonus) provided in a Housing Development for:

- (i) Restricted Affordable Units for at least one of the following income levels in Table 12.22 A.37(c)(2)(iii) below, or
- (ii) Restricted Affordable Units for one of the Target Populations listed in Table 12.22 A.37(c)(2)(iii) below.

<b>TABLE 12.22 A.37(c)(2)(iii)</b> <b>Required Percentage of Restricted Affordable Units</b>	
Income Level	Minimum % of Residential Units Provided (Excluding Residential Units Added by a Density Bonus)
Very Low Income (For Rental or For Sale)	5
Low Income (For Rental or For Sale)	10
Moderate Income (For Sale)	10
Target Population	Minimum % of Residential Units Provided (Excluding Residential Units Added by a Density Bonus)
Senior Citizen	100 <sup>1</sup>
Transitional Foster Youth, Disabled Veteran, or Homeless Persons <sup>2</sup>	10
Lower Income Students <sup>3</sup>	20

Footnotes

1 Senior Citizen Housing Development must comply with Sections 51.2 and 51.3 of the California Civil Code and all units provided in the resulting Senior Citizen Housing Development should be reserved for Senior Citizens regardless of the specifications stated in Table 12.22 A.37(c)(2)(iii).

2 Residential Units provided for Transitional Foster Youth, Disabled Veterans, or Homeless Persons in Table 12.22 A.37(c)(2)(iii) shall be provided as Very Low Income Restricted Affordable Units.

3 Residential Units provided for Lower Income Students shall be provided at an affordability level as specified in California Government Code Section 65915(b)(1)(F).

- (3) The Housing Development does not require the demolition of a Designated Historic Resource, as demolition is defined in LAMC Section 13B.8.1.C of Chapter 1A of this Code, and any proposed alteration to a Designated Historic Resource shall not be approved until a review has been completed by the Office of Historic Resources.
- (4) Housing Developments located on project sites that meet the definition of an Environmental Consideration Area shall comply with all applicable standards contained in the Environmental Protection Measures adopted pursuant to LAMC Section 11.5.15.
- (d) **Procedures.** A Housing Development that meets the provisions of this Subdivision shall be reviewed pursuant to Procedures described in this Paragraph. Though an approval of a Density Bonus or Incentive pursuant to this Subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review or other discretionary review actions required by this Zoning Code, the applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply for Housing Developments seeking other discretionary approvals in conjunction with an application requested pursuant to the procedures in Paragraph (d).
  - (1) **Los Angeles Department of Building and Safety Review.** Housing Developments seeking Base Incentives described in Paragraph (e) and/or Incentives listed on the Menu of Incentives described in LAMC Section 12.22 A.37(f)(2) shall be considered ministerial and processed by the Department of Building and Safety.
    - (i) Exception. Housing Developments requesting Incentives from the Menu of Incentives that cannot comply with the criteria established in LAMC Section 12.22 A.37(f)(1)(iii) shall comply with procedures set forth in LAMC Section 12.22 A.37(d)(2).

(2) **Expanded Administrative Review.** The following Housing Developments shall be ministerially reviewed by the Department of City Planning pursuant to Expanded Administrative Review, as set forth by the provisions of LAMC Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. 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). Housing Developments requesting waivers or reductions of Development Standards in addition to Incentives shall be subject to the Procedures described in LAMC Section 12.22 A.37(d)(3).

(i) Housing Developments that request the Public Benefit Options described in Paragraph (g). Housing Developments that request only Public Benefit Options in addition to Incentives listed on the Menu of Incentives shall not be subject to any hearing procedures regardless of the provisions contained in LAMC Section 13B.3.2.D.

(ii) Housing Developments that request Incentives not listed on the Menu of Incentives described in LAMC Section 12.22 A.37(f)(2). Housing Developments that request Incentives not listed on the Menu of Incentives may be subject to a public hearing as described in LAMC Section 13B.3.2.D.

(3) **City Planning Commission Review.** The following Housing Developments must file an application pursuant to the procedures set forth in LAMC Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Notwithstanding the provisions set forth in Sec. 13B.2.3. of Chapter 1A, the decision of the City Planning Commission shall be final.

- (i) Housing Developments that request waivers or reductions of any Development Standards not listed on the Menu of Incentives described in LAMC Section 12.22 A.37(f)(2). Waivers or reductions of Development Standards shall be approved by the applicable decision-making authority unless that decision making authority finds that:
  - a. The Development Standard associated with a request for waiver(s) or reduction(s) in Development Standards will not have the effect of physically precluding the construction of a development meeting the Eligibility criteria described in Paragraph (c) at the densities or with the concessions or incentives permitted under Paragraph (e); or
  - b. 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 a 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; or
  - c. The waivers or reductions of Development Standards are contrary to state or federal law.
- (ii) In addition to the procedures set forth in LAMC Section 13B.2.3 of Chapter 1A of this Code, Housing Developments requesting Density Bonuses that exceed 50% or 88.75% dependent on the percentage of Restricted Affordable Units provided shall be subject to the requirements and findings set forth in LAMC 12.24 U.26.

- (4) **One Hundred Percent Affordable Housing Projects.** One Hundred Percent Affordable Housing Projects shall be reviewed pursuant to LAMC Section 12.22 A.39.
- (5) **Other Discretionary Approvals.** Applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for Housing Developments seeking other discretionary approvals in conjunction with an application requested pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision maker must approve the requested Base Incentives and Additional Incentives, either on or off the Menu of Incentives described in LAMC Section 12.22 A.37(f)(2), requested under this Subdivision unless the decision maker, based upon substantial evidence, determines that the Housing Development meets one or more of the criteria described in LAMC Section 12.22 A.37(f)(1)(ii).

(e) **Base Incentives.** A Housing Development shall be granted any of the Base Incentives established in this Paragraph in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this Subdivision. Projects that qualify for Base Incentives established in this Paragraph shall also be eligible for Additional Incentives pursuant to Paragraph (f) and Public Benefit Options pursuant to Paragraph (g) of this Subdivision unless otherwise stated.

(1) **Density.**

(i) **For Sale or Rental Housing with Very Low or Low Income Restricted Affordable Units and For Sale Housing with Moderate Income Units.** For Sale or Rental Housing with Very Low or Low Income Restricted Affordable Units and For Sale Housing with Moderate Income units shall receive a Density Bonus as follows in Table 12.22 A.37(e)(1)(i)a but shall not exceed 50% unless seeking an Additional Density Bonus pursuant to Table 12.22 A.37(e)(1)(ii). Residential Units constructed as a result of a Density Bonus may be permitted in geographic areas of the Housing Development other than the areas where Restricted Affordable Units or units for a Target Population are located.

<b>TABLE 12.22 A.37(e)(1)(i)a</b> <b>Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses</b>			
<b>Percentage of Density Bonus</b>	<b>Percentage of Very Low Income</b>	<b>Percentage of Low Income</b>	<b>Percentage of Moderate Income (For-Sale)</b>
5	-	-	10
6	-	-	11
7	-	-	12
8	-	-	13
9	-	-	14
10	-	-	15
11	-	-	16
12	-	-	17
13	-	-	18
14	-	-	19
15	-	-	20
16	-	-	21
17	-	-	22
18	-	-	23
19	-	-	24
20	5	10	25
20.5	-	-	-
21	-	-	26
21.5	-	11	-

<b>TABLE 12.22 A.37(e)(1)(i)a</b> <b>Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses</b>			
<b>Percentage of Density Bonus</b>	<b>Percentage of Very Low Income</b>	<b>Percentage of Low Income</b>	<b>Percentage of Moderate Income (For-Sale)</b>
22	-	-	27
22.5	6	-	-
23	-	12	28
23.5	-	-	-
24	-	-	29
24.5	-	13	-
25	7	-	30
25.5	-	-	-
26	-	14	31
26.5	-	-	-
27	-	-	32
27.5	8	15	-
28	-	-	33
28.5	-	-	-
29	-	16	34
29.5	-	-	-
30	9	-	35
30.5	-	17	
31	-	-	36
31.5	-	-	-

<b>TABLE 12.22 A.37(e)(1)(i)a Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses</b>			
<b>Percentage of Density Bonus</b>	<b>Percentage of Very Low Income</b>	<b>Percentage of Low Income</b>	<b>Percentage of Moderate Income (For-Sale)</b>
32	-	18	37
32.5	10	-	-
33	-	-	38
33.5	-	19	-
34	-	-	39
34.5	-	-	-
35	11	20	40
38.75	12	21	41
42.5	13	22	42
46.25	14	23	43
50	15	24	44

(ii) **Additional Density Bonus.** A Housing Development that provides Restricted Affordable Units sufficient to qualify for a 50% Density Bonus may seek an additional Density Bonus pursuant to Table 12.22 A.37(e)(1)(ii)a provided that the resulting Housing Development does not restrict more than 50% of a Housing Development's overall Residential Units to Restricted Affordable Units. The Additional Density Bonus shall be calculated excluding any Density Bonus allowed by Table 12.22 A.37(e)(1)(i). The Additional Density Bonus shall also be calculated

separately from the Density Bonus allowed by Table 12.22 A.37(e)(1)(i)a to account for the rounding of fractional numbers for both the Density Bonus and Additional Density Bonus pursuant to LAMC Section 12.22 A.37(h)(5).

<b>TABLE 12.22 A.37(e)(1)(ii)a Required Percentage of Restricted Affordable Unit Set Asides - Additional Density Bonuses</b>		
<b>Percentage of Density Bonus</b>	<b>Percentage of Very Low Income</b>	<b>Percentage of Moderate-Income</b>
20	5	5
22.5	-	6
23.75	6	-
25	-	7
27.5	7	8
30	-	9
31.25	8	-
32.5	-	10
35	9	11
38.75	10	12
42.5	-	13
46.25	-	14
50	-	15

- (iii) **Housing for Target Populations.** Housing Developments that provide Residential Units for a target population listed in Table 12.22 A.37(c)(2)(iii) shall receive a Density Bonus as follows in Table 12.22 A.37(e)(1)(iii)a. These Density Bonuses may be combined with a Density Bonus for Residential Units set aside as Restricted Affordable Units based on Table 12.22 A.37(e)(1)(i)a so long as the Restricted Affordable Units are set aside for the applicable Target Population.

<b>TABLE 12.22 A.37(e)(1)(iii)a Housing for Target Populations - Density Bonuses</b>	
<b>Target Population</b>	<b>Percentage of Density Bonus</b>
Senior Citizen	20%
Transitional Foster Youth/Disabled Veterans/Homeless Persons	20%
Lower Income Student Development	35%

Footnotes

1 Senior Citizen Housing Development must comply with Sections 51.2 and 51.3 of the California Civil Code.

- (iv) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(g)(2), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15% in addition to the Density Bonus sought pursuant to LAMC Section 12.22 A.37(e)(1), up to a combined maximum density increase of 35%. The Department of City Planning may create an Implementation Memorandum for the purpose of clarifying procedures associated with the implementation of Land Donations pursuant to California Government Code Section 65915(g).

(2) **Parking.** Housing Developments may reduce the number of required parking spaces set forth in Section 12.21 A.4 of this code as follows, pursuant to California Government Code Section 65915 (p):

(i) Parking shall not be required for Housing Developments located within one-half mile of a Major Transit Stop pursuant to California Government Code Section 65863.2.

(ii) Unless eligible for parking reductions pursuant to California Government Code Section 65863.2, a Housing Development may utilize the vehicular parking ratio described in Table 12.22 A.37(e)(2)(ii)a.

<b>TABLE 12.22 A.37(e)(2)(ii)a</b> <b>Vehicular Parking Ratio for Eligible Housing Developments</b>	
<b>Number of Bedrooms</b>	<b>Parking Spaces per Residential Unit Type</b>
Zero to one bedroom	1
Two to three bedrooms	1.5
Four and more bedrooms	2.5

(iii) Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the Residential Units in Housing Developments with 16 or more units, as verified by the Los Angeles Housing Department.

(iv) Required automobile parking applies for all Residential Units in a Housing Development (not just the Restricted Affordable Units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with Subdivision 12.21 A.5 of the LAMC. Except that, consistent with California Government Code Section 65915(p)(4), any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with Subparagraph 12.21 A.5(h)(2) of the LAMC may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.

(v) Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

(f) **Additional Incentives.** A Housing Development shall be granted a number of Additional Incentives pursuant to the provisions of this Paragraph in addition to the Base Incentives established in LAMC Section 12.22 A.37(e).

(1) A Housing Development shall be eligible for Additional Incentives based on Table 12.22 A.37(f)(1)(i) below. A Housing Development may request Incentives listed in Paragraph (f)(2) or use an Incentive to seek a deviation from a Development Standard elsewhere in the LAMC or a Housing Development site's applicable zoning ordinance, specific plan, or overlay. Refer to Paragraph (d) for the approval Procedure that is consistent with the Housing Development's Incentive request.

<b>TABLE 12.22 A.37(f)(1)(i)</b> <b>Allowed Number of Additional Incentives</b>				
Level of Affordability	Required Percentage of Residential Units Provided (Excluding Units Added by a Density Bonus)			
	1 Incentive	2 Incentives	3 Incentives	4 Incentives <sup>1</sup>
Very Low Income (for rental or for sale)	5%	10%	15%	16%
Low Income (for rental or for sale)	10%	17%	24%	N/A*
Moderate Income (for sale)	10%	20%	30%	45%
Lower Income Student Housing	20%	20%	N/A	N/A

Footnotes

<sup>1</sup> One Hundred Affordable Housing Projects shall be processed pursuant to LAMC Section 12.22 A.39.

- (ii) Incentives allowed per Table 12.22 A.37(f)(1)(i) and requested pursuant to the applicable procedure in Paragraph (d) of this Subdivision shall be granted unless it is found, based upon substantial evidence, that:
- a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or
  - b. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety; or
  - c. The Incentive would be contrary to state or federal law.
- (iii) To be eligible for the Menu of Incentives described in LAMC Section 12.22 A.37(f)(2) a Housing Development shall comply with the following:
- a. The Housing Development shall not be located in a Very High Fire Hazard Severity Zone, a Sea Level Rise Area, or the Coastal Zone.

(iv) Commercial Off-Site. Pursuant to California Government Code Section 65915.7, a commercial development may request one Incentive set forth in California Government Code Section 65915.7 (b) if the commercial developer directly contributes affordable housing, or enters into a contract for partnered housing described in 65915.7(c) with a housing developer to construct affordable housing. If a commercial developer partners with a housing developer, an agreement, subject to approval by the Department of City Planning, shall identify exactly how the commercial developer will contribute affordable housing. Housing constructed pursuant to this Subparagraph shall be constructed on the site of the commercial development or on a site that meets all of the following requirements:

- a. Located within the boundaries of the City of Los Angeles; and
- b. In close proximity to public amenities including schools and employment centers; and
- c. Located within one-half mile of a Major Transit Stop.

(2) **Menu of Incentives.** A Housing Development may elect to request one of the following incentives not to exceed the allowed number of incentives pursuant to Table 12.22 A.37(f)(1)(i). Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

(i) **Yards.** Housing Developments may request a reduction of otherwise required yards as follows:

Yards/Setbacks	C Zones	R Zones (yard reductions for requests from the Menu of Incentives in R zones may be combined and require the use of only one incentive)
	In any Commercial zone, Housing Developments may utilize any or all of the yard requirements for the RAS3 zone per LAMC Section 12.10.5. Housing Developments on commercially zoned sites adjacent to properties zoned RD or more restrictive may provide a rear yard of not less than five feet.	<b>Front Yards.</b> Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line, 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.
		<b>Side and Rear Yards.</b> Up to 30% decrease in the required width or depth of any individual yard or setback.

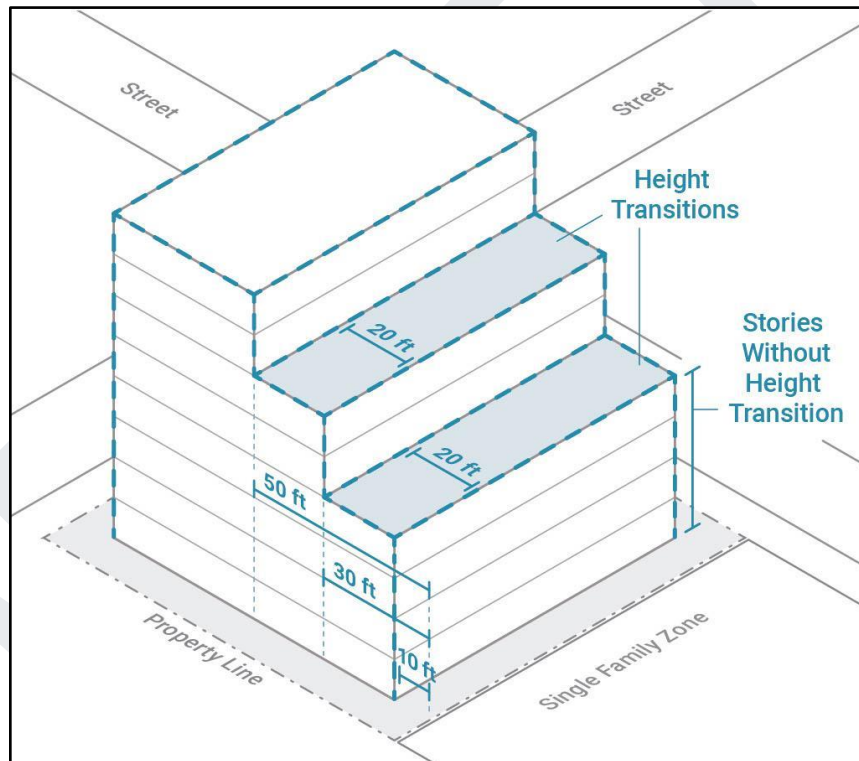
(ii) **Floor Area Ratio.** Housing Developments may request an increase in the otherwise allowed Floor Area Ratio (FAR) equal to the percentage of Density Bonus for which the Housing Development is eligible, not to exceed 35% or a maximum FAR of 3.0:1, whichever is greater, if located within a one-half mile radius (2,640 feet) of a Major Transit Stop. In a mixed-use development, the FAR bonus will apply only to the residential portion of the development and the nonresidential portion shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.

a. **Exception.** Projects on lots zoned "RD" Restricted Density or more restrictive; or on lots with Designated Historic Resources, or Non-Contributor(s), shall not be eligible for an on-menu FAR incentive.

(iii) **Height.** A Housing Development may request a height increase to permit a maximum of eleven additional feet or one additional story, whichever is lower. This increase in height shall be applicable over the entire lot regardless of the number of underlying height limits, including Transitional Height or stepback requirements, except when the Transitional Height Incentive below is also requested. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Housing Developments.

a. Notwithstanding Section 12.21.1, for Housing Developments where a rooftop deck is provided, roof structures for the housing of elevators and stairways may exceed the building height limit by up to seventeen feet in height on sites where the applicable Height District limits height to thirty feet or forty-five feet provided the proposed roof structure(s) is set back from the roof perimeter by five feet.

- (iv) **Transitional Height.** Housing Developments may select the following transitional height requirements in lieu of those found in Section 12.21.1.A.10 of this Code or any applicable transitional height limits in a Housing Development site's applicable zoning, Specific Plan, or overlay including any requirements for reduced building heights or stepbacks when a building is adjoining a RW1 or more restrictive zone. Furthermore, Housing Developments adjoining an OS zone may utilize this incentive to be exempt from the transitional height requirements found in Section 12.21.1.A.10 of this Code or any applicable Specific Plan or Overlay for the portion of the Housing Development abutting the OS zone.



	Setback/Step Back Distance*
Side or Rear Setback	10-feet
4 Story Step-Back	30-feet
6 Story Step-Back	50-feet

\*Setback and Step-back is measured from the property line.

- (v) **Space Between Buildings and Passageways.** Housing Developments subject to the provisions set forth in LAMC Section 12.21 C.2 may request a reduction in space between buildings and passageways requirements as follows:
- a. Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a); and
  - b. Up to 50% reduction in the width of the passageway required pursuant to LAMC Section 12.21 C.2(b) or the space provided to meet a subject site's required side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the Housing Developments site.
- (vi) **Lot Coverage.** Housing Developments may request up to a 20% increase in lot coverage limits, provided that the landscaping for the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (vii) **Lot Width.** Housing Developments may request up to a 25% decrease from a lot width requirement, provided that the landscaping for the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (viii) **Open Space.** In lieu of the open space calculations set forth in LAMC Section 12.21 G.2, Housing Developments requesting this incentive may calculate their usable open space requirement as 15% of the total lot area or 10% of the total floor area confined within the perimeter walls of the provided Residential Units, whichever is greater, provided that the overall design of the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a)(1-4). Usable open space provided as Private Open Space shall comply with Section 12.21 G.2(b).
- (ix) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the Housing Development is located.

(x) **Averaging of Floor Area Ratio, Density, Parking, or Open Space, and permitting Vehicular Access.** A Housing Development that is located on one or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space, and residential and commercial parking over the Housing Development site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:

- a. The proposed Housing Development includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus; and
- b. No further lot line adjustment or any other action that may cause the Housing Development site to be subdivided subsequent to this grant shall be permitted; and
- c. The proposed use is permitted by the underlying zone(s) of each lot.

(xi) **Supplementary Parking Reductions.** An applicant may request the following reductions as a single incentive:

- a. **Commercial Parking.** Housing Developments may request to waive any requirement to provide new or maintain existing automobile parking spaces required by Chapter 1 of this Code associated with a commercial use that is proposed in conjunction with the Housing Developments.
- b. **General Parking Reduction.** Housing Developments located within one-half mile radius of a High Quality Transit Service may receive up to 50% reduction in required parking spaces pursuant to California Government Code Section 65915 (p)(5).

(xii) **P Zone.** In lieu of the limitations described in LAMC Section 12.12.1 and LAMC Section 12.12.1.5, in a P or PB zone a Project may include the uses and area standards permitted in the least restrictive adjoining zone. The phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.

(xiii) **Relief from a Development Standard.** A Housing Development may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, an Overlay, a Specific Plan, a Q Condition, or a D Condition. Housing Developments requesting this incentive must provide landscaping for the Housing Development that meets a minimum of 30 points under the Landscape and Site Design Ordinance Section 12.40 of this Code, and the Landscape and Site Design Point System. This incentive may be requested more than once, but shall require the use of an Incentive for each request.

a. **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, ground story requirements, signs, parking in front of buildings, or usable open space. This incentive shall not apply to a Designated Historic Resource(s), or a Non-Contributor(s).

(xiv) **Senior Independent Housing.** In lieu of otherwise applicable limitations, a Housing Development or Senior Citizen Housing Development that also meets the definition of Senior Independent Housing may be permitted in any zone that would otherwise allow a Housing Development. In addition, a Senior Independent Housing development that qualifies as a Shared Housing Building shall be treated the same as a Shared Housing Building.

(g) **Public Benefit Options.** A Housing Development shall be granted any number of Public Benefit Options pursuant to the provisions described below in addition to the Base Incentives established in LAMC Section 12.22 A.37(e) and the Additional Incentives described in LAMC Section 12.22 A.37(f). Housing Developments located in Sea Level Rise Areas, Very High Fire Hazard Severity Zones, or the Coastal Zone shall not be eligible for the Public Benefit Option described in LAMC Section 12.22 A.37(g)(2) or LAMC Section 12.22 A.37(g)(3).

(1) **Child Care Facility.** A Housing Development that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the Housing Development, and that complies with the requirements set forth in Government Code Section 65915(h)(2) shall be granted either of the following:

- (i) An additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the Housing Development equal to the floor area of the Child Care Facility included in the Housing Development; or
- (ii) An additional Incentive from the Menu of Incentives or not listed on the Menu of Incentives that contributes significantly to the economic feasibility of the construction of the Child Care Facility; or
- (iii) Notwithstanding the Public Benefit available under this Subparagraph, pursuant to California Government Code Section 65915(h)(3), a Density Bonus or Incentive for a Child Care Facility shall not be provided if it is found, based on substantial evidence, that the community has adequate Child Care Facilities.

(2) **Multi-Bedroom Units.** A Housing Development providing multi-bedroom units shall be granted one of the following so long as an affidavit declaring the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional Residential Units in the future is executed and recorded with the Department of City Planning:

- (i) A Housing Development that includes a minimum of 10% of Residential Units, including Residential Units added by a Density Bonus, as Residential Units with three bedrooms or more shall be granted additional Floor Area and Height in addition to what is available on the Menu of Incentives in LAMC Section 12.22 A.37(f)(2) as follows in Table 12.22 A.37(g)(3)(i)a; or

<b>TABLE 12.22 A.37(g)(3)(i)a Additional FAR and Height for Multi-Bedroom Units</b>		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2
75+	2.0:1	2

- (ii) A Housing Development shall be granted the following Floor Area and Height Incentives, as described in (a) and (b) below:
  - a. An exemption of the square footage of all Residential Units with three or more bedrooms from the floor area calculations of multi-bedroom units, and/or
  - b. An additional story of height beyond what is available in the applicable height incentive as listed for Additional Incentives in Paragraph (f), provided, the square footage of this additional story is limited to the square footage exempted as a result of applying 12.22 A.37(g)(4)(ii)(a) above.

- (3) **Surveyed Historic Resource Facade Rehabilitation.** Projects incorporating a Surveyed Historic Resource(s) into the Project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available on the Menu of Incentives in LAMC Section 12.22 A.37(f)(2), provided all of the following standards are met:
- (i) The Project retains all street Fronting facades to a depth of 10-feet,
  - (ii) New Floor Area shall be setback behind the 10-foot retention area, except that open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In instances where a lot contains dual-frontages, the setback shall be applied from both frontages, and
  - (iii) Rehabilitation of the facades is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources.
- (h) **Program Standards.** The following program standards shall be applicable to any Housing Development that meets the eligibility criteria established in Paragraph (c) of this Subdivision.
- (1) **Other Density Bonus Programs.** Housing Developments seeking a Density Bonus pursuant to this Subdivision may not pursue a Density Bonus pursuant to the procedures of any other housing incentive program contained in this Code or in an Overlay or Specific Plan.
  - (2) **Calculating Maximum Allowable Residential Density.** Per Government Code Section 65915 (o)(6), a Housing Development shall calculate its Maximum Allowable Residential Density, before the application of a Density Bonus, using the maximum number of units allowed under a Housing Development site's applicable zoning ordinance, specific plan, overlay, or general plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, Specific Plan, or General Plan Land Use designation shall be applicable when determining a Housing Development's density prior to the application of a Density Bonus. Residential Units added using an incentive program contained in a specific plan or overlay shall not count toward a Housing Development's Maximum Allowable Residential Density.
  - (3) **Calculating Restricted Affordable Units.** The required number of Restricted Affordable Units shall be calculated based on the Residential Units (excluding Residential Units added by a Density Bonus) provided in a Housing Development.

(4) **Calculating a Density Bonus.** In addition to the provisions set forth in Section 12.22 A.37(h)(2), for the purposes of calculating a Density Bonus, the following shall apply:

- (i) Residential Units that comprise a Housing Development shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on individual subdivision maps or lots.
- (ii) A Shared Housing Unit and its proportional share of associated common area facilities shall be considered a Guest Room pursuant to California Government Code Section 65915(o)(8)(B).
- (iii) An applicant for a Housing Development may have the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.

(5) **Fractional Numbers.**

(i) **Units.** For the purposes of this Subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:

- a. Maximum Allowable Residential Density
- b. Density Bonus units
- c. Number of Restricted Affordable Units
- d. Number of Replacement Housing Units
- e. Vehicular Parking
- f. Number of Multi-Bedroom Units provided pursuant to LAMC Section 12.22 A.37(g)(3)

(6) **Replacement Housing Units and Demolition Protections.** A Housing Development must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and LAMC Section 16.60, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this Subdivision may count towards any Restricted Affordable Unit requirements.

- (7) **Standards for Restricted Affordable Units.** A Housing Development must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in LAMC Sections 16.61 B and 16.61 C and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning.
- (8) **Rent Schedules.** Restricted Affordable Units required as part of a Housing Development shall be rented at rates not to exceed those specified in California Health and Safety Code 50052.5 for for-sale units or California Health and Safety Code Section 50053 for for-lease units.
- (9) **Implementation Memorandums, FAQs, Forms/Applications and User Guides.** The Director may prepare Implementation Memorandums, Technical Bulletins and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this Subdivision and maintaining consistency with State Density Bonus Law.
- (10) **Covenants.** Prior to the issuance of a building permit for any Housing Development qualifying for a Density Bonus pursuant to the provisions of this Subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Subdivision and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder.
- (14) **Story.** A story shall be defined as 11-feet in height.

(i) **Relationship to Other Sections of the Los Angeles Municipal Code.** The following provisions shall govern the relationship to other sections of the Los Angeles Municipal Code for any Housing Development that meets the eligibility criteria established in Paragraph (c) of this Subdivision.

(1) A Housing Development that meets the eligibility criteria established in Paragraph (c) and complies with the Procedures established in Paragraph (d) may exceed the use limitations that may apply to a Housing Development site.

(2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraph (e), Additional Incentives described in Paragraph (f), Public Benefit Options described in Paragraph (g), or waivers requested pursuant to LAMC Section 12.22 A.37(d)(3)(i) conflict with those of any otherwise applicable specific plan, overlay, 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.

- (i) Alameda District Specific Plan (171,139)
- (ii) Avenue 57 Transit Oriented District (174,663)
- (iii) Bunker Hill Specific Plan (182,576)
- (iv) Century City North Specific Plan (156,122)
- (v) Century City West Specific Plan (186,370)
- (vi) Century City South Specific Plan (168,862)
- (vii) Coastal Bluffs Specific Plan (170,046)
- (viii) Coliseum District Specific Plan (185,042)
- (ix) Colorado Boulevard Specific Plan (178,098)
- (x) Cornfield Arroyo Seco Specific Plan (182,617)
- (xi) Crenshaw Corridor Specific Plan (184,795)
- (xii) Devonshire/Topanga Corridor Specific Plan (168,937)
- (xiii) Exposition Corridor Transit Neighborhood Plan (186,402)
- (xiv) Foothill Boulevard Corridor Specific Plan (170,694)
- (xv) Girard Tract Specific Plan (170,774)
- (xvi) Glencoe/Maxella Specific Plan (171,946)
- (xvii) Granada Hills Specific Plan (184,296)
- (xviii) Hollywoodland Specific Plan (168,121)
- (xix) Jordan Downs Urban Village Specific Plan (184,346)
- (xx) Los Angeles Airport/El Segundo Dunes Specific Plan (167,940)
- (xxi) Los Angeles International (LAX) Specific Plan (185,164)
- (xxii) Los Angeles Sports and Entertainment District Specific Plan (181,334)
- (xxiii) Loyola Marymount University Specific Plan (181,605)
- (xxiv) Mt. Washington/Glassell Park Specific Plan (168,707)
- (xxv) Mulholland Scenic Parkway Specific Plan (167,943)
- (xxvi) North Westwood Village Specific Plan (163,202)

- (xxvii) Oxford Triangle Specific Plan (170,155)
- (xxviii) Pacific Palisades Commercial Village and Neighborhood Specific Plan (184,371)
- (xxix) Paramount Pictures Specific Plan (184,539)
- (xxx) Park Mile Specific Plan (162,530)
- (xxxi) Playa Vista Area D Specific Plan (176,235)
- (xxxii) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)
- (xxxiii) Porter Ranch Land Use/Transportation Specific Plan (180,083)
- (xxxiv) Redevelopment Plans (186,325)
- (xxxv) San Vicente Scenic Corridor Specific Plan (173,381)
- (xxxvi) University of Southern California University Park Campus Specific Plan (182,343)
- (xxxvii) Valley Village Specific Plan (168,613)
- (xxxviii) Venice Coastal Zone Specific Plan (175,693)
- (xxxix) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)
- (xl) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)
- (xli) Warner Center 2035 Plan (182,766)
- (xlii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)
- (xlili) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)
- (xliv) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

(j) **Interpretation Consistent with State Density Bonus Law.** This Subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this Subdivision becomes inconsistent with California Government Code Sections 65915-65918, the provisions of State Density Bonus Law shall apply.

Section 7. Subdivision 38 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

#### **12.22 A.38 MIXED INCOME INCENTIVE PROGRAM**

(a) **Purpose.** The purpose of this subdivision is to establish specific incentives and procedures for the implementation of State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing near transit, in Higher Opportunity Areas, and on major corridors. In conjunction with the incentives granted by state law, this subdivision shall offer incentives and waivers or reductions of Development Standards for the purposes of increasing the feasibility of housing construction.

(b) **Definitions.** The following definitions shall apply to this Subdivision:

**Consolidated Development.** A residential or mixed use development that consists of multiple lots with the same owner or developer.

**Corridor.** A major street with Street Designations as designated in the Mobility Element of the General Plan, including Avenue I, Avenue II, Avenue III, Boulevard I, and Boulevard II.

**Direct Pedestrian Access.** A means of approaching or entering a lot from the public right-of-way as a pedestrian.

**Environmental Consideration Area.** As defined in LAMC Section 12.22 A.37 (b).

**Finished Floor Elevation.** The finished floor height associated with the ground story.

**Frequent Bus Service.** A bus route with 30 minute or less service frequency during Peak Commute Hours in at least one direction.

**Ground Floor Frontage.** The lowest story within a building which is accessible to the street, the floor level of which is within three feet above or below curb level, is parallel to or primarily facing any public street, and which is at least 15 feet in depth of the total depth of the structure.

**Market Tier.** Categories of residential market areas adopted by City Council resolution, as described in the Affordable Housing Linkage Fee Ordinance in LAMC Section 19.18 C.1, for the purposes of informing the amount of the Linkage Fee to be assessed for a given Project.

**Mixed Income Incentive Project.** A Project that involves the construction of, addition to, or remodeling of any building or buildings which results in the creation of five or more total residential units, including a mixed use development containing two-thirds of the square footage designated for Residential Units, and meets the eligibility criteria described in Paragraph (c) of LAMC Section 12.22 A.38.

**Opportunity Corridor Transition Area Incentive Project.** A Project, located within 750 feet of an Opportunity Corridor Incentive Area, that involves the construction of, addition to, or remodeling of any building or buildings which result in the creation of four or more total residential dwelling units.

**Peak Commute Hour.** Peak periods are considered to be between 6:00 to 9:00 AM and 3:00 to 7:00 PM.

**Rapid Bus.** A higher quality bus service that may include several key attributes, including full-time dedicated bus lanes, branded vehicles and defined stations, high frequency, limited stops at major intersections, intelligent transportation systems, and possible off-board fare collection and/or all door boarding. It includes, but is not limited to, Metro Bus Rapid Transit lines, Metro Rapid 700 lines, Metro NextGen Tier 1 lines that replaced Metro Rapid 700 lines, Metro G (Orange) and J (Silver Lines), Big Blue Rapid lines and the Rapid 6 Culver City bus. Rapid Bus lines do not need to meet the 15 minute average Peak Commute Hour headways if intersecting at a qualified Major Transit Stop.

**Total Units.** The total units in a project after a Density Bonus is awarded pursuant to this Subdivision.

(c) **Eligibility.** To qualify for the provisions of this subdivision, a Project approved under the Mixed Income Incentive Program must satisfy all of the following eligibility requirements:

- (1) Meet the definition of one of the following Project Types described in Table 12.22 A.38(c)(1)(i):

<b>TABLE 12.22 A.38(c)(1)(i) Eligible Project Types and Total Units Required</b>	
<b>Project Type</b>	<b>Total Units Required</b>
Mixed Income Incentive Project	Five or more
Opportunity Corridor Transition Area Incentive Project	Four or more
Type I Unified Adaptive Reuse Project <sup>1</sup>	Five or more

Footnote

<sup>1</sup> See LAMC 12.22 A.26(h)(1) for additional requirements associated with a Type I Unified Adaptive Reuse Project.

- (2) Be located in and meet the requirements of a Transit Oriented Incentive Area, Opportunity Corridor Incentive Area, or an Opportunity Corridor Transition Incentive Area as described in Paragraphs (e), (f), and (g) below, except that properties abutting, across the street or alley, or having a common corner with a site eligible for Opportunity Corridor Incentives shall also be eligible for the Opportunity Corridor Incentives as described in paragraph (f) below,
- (3) Reserve a percentage of the Project's Total Units for:
- (i) On Site Restricted Affordable Units in a Project for at least one of the following income levels, as defined on Table 12.22 A.38(c)(3)(iii) or by providing the combination of income levels as defined on 12.22 A.38(c)(3)(iv) Table, or
  - (ii) Restricted Affordable Units in a Opportunity Corridor Transition Area Incentive Project for at least one of the following income levels, as defined on Table 12.22 A.38(c)(3)(v) below.

<b>TABLE 12.22 A.38(c)(3)(iii)<sup>1</sup></b> <b>Single Affordability Options for Meeting Restricted Affordable Units</b>					
Market Tier	Incentive Program		Minimum Percent of Total Units Provided as Restricted Affordable Units		
	Transit Oriented Incentive Area	Opportunity Corridors Incentive Area	Income Level		
			Extremely Low Income (For Rental or For Sale)	Very Low Income (For Rental or For Sale)	Low Income (For Rental or For Sale)
Low and Medium Market Tiers	T1	OC-1	9%	12%	21%
	T2	OC-2	10%	14%	23%
	T3	OC-3	11%	15%	25%
High Medium and High Market Tiers	T1	OC-1	11%	14%	23%
	T2	OC-2	12%	16%	25%
	T3	OC-3	13%	17%	27%

Footnote

1 A Type I Unified Adaptive Reuse Project shall provide Restricted Affordable Units in accordance with the project site's Market Tier location and Base Incentives used. Type I Unified Adaptive Reuse Projects that utilize Base Incentives contingent on a site's location in a Transit Oriented Incentive Area shall provide Restricted Affordable Units in conjunction with a site's applicable Transit Oriented Incentive Area Tier. Type I Unified Adaptive Reuse Projects that utilize Base Incentives contingent on a site's location in an Opportunity Corridor Incentive Area shall provide Restricted Affordable Units in conjunction with a site's applicable Opportunity Corridor. Restricted Affordable Units shall be provided and distributed throughout the entire Type I Unified Adaptive Reuse Project in compliance with LAMC 16.61 B.

<b>TABLE 12.22 A.38(c)(3)(iv)</b> <b>Mixed Affordability Options for Meeting Restricted Affordable Units</b>				
Opportunity Area	Minimum Percent of Total Units Provided as Restricted Affordable Units <sup>1</sup>			
	Income Level			
	Acutely Low Income (For Rental or For Sale)	Extremely Low Income (For Rental or For Sale)	Very Low Income (For Rental or For Sale)	Moderate Income (For Rental or For Sale)
<b>Moderate and Lower Opportunity Areas</b>	-	4% <sup>2</sup>	8%	-
<b>Higher Opportunity Areas</b>	4% <sup>2</sup>	4%	-	12%

Footnote:

1 Provided at least one affordability income category is consistent with the minimum affordability requirements pursuant to California Government Code Sections 65915.

2 Projects utilizing the combinations of mixed affordability described in Table 12.22 A.38(c)(3)(iv) to meet the required restricted affordable units must provide one 3-bedroom covenanted unit per Project.

<b>TABLE 12.22 A.38(c)(3)(v)</b>			
Incentive Program	Minimum Percent of Total Units Provided as Restricted Affordable Units <sup>1,2</sup>		
Corridor Transition Incentive Area	Income Level		
	Very Low Income (For Rental or For Sale)	Low Income (For Rental or For Sale)	Moderate Income (For Rental or For Sale)
CT-1A	—	—	1 unit
CT-1B, and CT-2	1 unit	1 unit	2 unit
CT-3	2 units	2 units	3 units

Footnote:

<sup>1</sup> For consolidated lots, the Project shall provide the same affordability as required per individual lot. For example, if a project consolidated two lots into one project using CT-2 incentives, the project would be required to provide either 2 Very Low Income or Low Income units, or 4 Moderate Income units.

<sup>2</sup> Provided at least one affordability income category is consistent with the minimum affordability requirements pursuant to California Government Code Sections 65915.

- (4) The Project site does not include any lots located in a single family or more restrictive zone (RW and more restrictive zone), or any lots located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, and M3), including sites zoned CM, MR1, and MR2 with no residential uses permitted from an applicable planning overlay.
- (5) Projects located on sites that meet the definition of an Environmental Consideration Area shall comply with all applicable standards contained in the Environmental Protection Measures adopted pursuant to LAMC Section 11.5.15.
- (5) The Project site does not include any lots located within a Very High Fire Hazard Severity Zone (VHFHSZ), within the Coastal Zone, or within a Sea Level Rise Area. Except that a project site that is located within a VHFHSZ or Coastal Zone shall be eligible for Opportunity Corridor Incentives as defined in Paragraph (f), if properties are abutting, across the street or alley, or having a common corner with the subject property are not in a VHFHSZ or Coastal Zone, and is eligible for the Opportunity Corridor Incentives as described in paragraph (f) below.
- (6) The Project would not require the demolition of any of the following, as demolition is defined in LAMC Section 13B.8.1.C of Chapter 1A of this Code.
  - (i) A Designated Historic Resource, or
  - (ii) Any Surveyed Historic Resource, eligible or architectural historic resource identified for any historic protection or special consideration or review by an applicable Overlay or Specific Plan including sites located in 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, Westwood Village Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.
- (7) A Project involving Designated Historic Resources shall be consistent with the Secretary of the Interior's Standards for Rehabilitation.
- (8) A Project shall not be located in the Boyle Heights Community Plan, the Harbor Gateway Community Plan, the Wilmington-Harbor City Community Plan, the Central City North Community Plan, the Central City Community Plan Areas, and the Cornfield Arroyo Seco Specific Plan.

(d) **Procedures.** A Project that meets the provisions of this Subdivision shall be reviewed pursuant to the Procedures, as set forth below. Though an approval of a Density Bonus or Incentive pursuant to this Subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review, the applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply for Projects seeking other discretionary approvals in conjunction with an application requested pursuant to the Procedures in Paragraph (d).

(1) **Los Angeles Department of Building and Safety Review.** Projects seeking Base Incentives described in Paragraphs (e)(2), (f)(2) or (g)(2), and/or Incentives listed on the Menu of Incentives in Paragraph (h) shall be considered ministerial and processed by the Department of Building and Safety.

(2) **Expanded Administrative Review.** The following Projects shall be ministerially approved pursuant to Expanded Administrative Review, as set forth by the provisions of LAMC Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. As defined in this Subdivision, 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):

(i) Projects that request the Public Benefit Options described in Paragraph (i). Housing Developments that request only Public Benefit Options in addition to Incentives listed on the Menu of Incentives shall not be subject to any hearing procedures regardless of the provisions contained in LAMC Section 13B.3.2.D.

(ii) Projects that request Incentives not listed on the Menu of Incentives described in LAMC Section 12.22 A.38(h)(2). Housing Developments that request Incentives not listed on the Menu of Incentives may be subject to a public hearing as described in LAMC Section 13B.3.2.D

a. Projects requesting Incentives not listed in Paragraph (h) shall be required to meet a minimum of 35 points under the Landscape and Site Design Ordinance.

b. **Exception.** Projects that request an Incentive not on or in excess of the Menu of Incentives for relief from Floor Area Ratio (FAR), Height, Open Space requirements, tree planting requirements, ground story requirements, and/or yards/setback requirements shall seek approval pursuant to the Procedures described in LAMC 12.22 A.37.

(3) **Director's Determination.** The Director of Planning shall review the following Projects pursuant to LAMC Section 13B.2.5 of Chapter 1A of this Code.

- (i) Projects requesting up to one waiver or reduction of any Development Standard not on the Menu of Incentives described in Paragraph (h). Waivers or reductions of any Development Standards shall be reviewed pursuant to the Findings described in LAMC Section 12.22 A.38(d)(3).

(4) **City Planning Commission Review.** The following Projects must file an application pursuant to LAMC Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Notwithstanding the provisions set forth in Sec. 13B.2.3. of Chapter 1A, the decision of the City Planning Commission shall be final.

- (i) Projects that request more than one waiver or reduction of any Development Standards not on the Menu of Incentives described in Paragraph (h). Waivers or reduction of any Development Standards shall be reviewed pursuant to the Findings described in LAMC Section 12.22 A.38(d)(5).

(5) **Findings for Waivers or Reductions of Development Standards.** Waivers requested pursuant to the procedures described in this Paragraph shall be approved by the applicable decision-making authority unless that decision-making authority finds that:

- (i) The Development Standard associated with a request for waiver(s) or reduction(s) in Development Standards will not have the effect of physically precluding the construction of a development meeting the Eligibility criteria described in Paragraph (c) at the densities or with the concessions or incentives permitted under Paragraphs (e), (f), or (g); or

- (ii) 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 a 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; or

- (iii) The waivers or reductions of Development Standards are contrary to state or federal law.

- (6) **Other Discretionary Approvals.** Applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for Projects seeking other discretionary approvals in conjunction with an application requested pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision maker must approve the requested Base Incentives and Additional Incentives, either on or off the Menu of Incentives described in Paragraph (h), requested under this Subdivision unless the decision maker, based upon substantial evidence determines that the Project meets one or more of the criteria described in LAMC Section 12.22 A.38(h)(1).

**(e) Transit Oriented Incentive Area.**

- (1) **Eligibility.** Projects may seek Base Incentives according to the eligibility criteria for Transit Oriented Incentive Areas described below.
- (i) Each one-half mile radius (2,640 feet) around a Major Transit Stop, shall constitute a unique Transit Oriented Incentive Area.
  - (ii) Each lot within a Transit Oriented Incentive Area shall be determined to be in a specific subarea based on the shortest distance between any point on the lot and a qualified Major Transit Stop as delineated in Table 12.22 A.38(e)(1)(iv) below.
  - (iii) Each lot in a Transit Oriented Incentive Area shall be determined to be in a specific Transit Oriented Incentive Area (T-1 to T-3) based on the shortest distance between any point on the lot and a qualified Major Transit Stop.

Table 12.22 A.38(e)(1)(iv)			
Distance to Major Transit Stop	Eligibility Subarea		
Description	T-1	T-2	T-3
Two Regular Buses (intersection of two non Rapid Bus Lines each with at least 15 minute average peak headways)	<2640 feet	-	-
Regular plus Rapid Bus (intersection of a regular bus and a Rapid Bus line)	750 - < 2640 feet	<750 feet	-
Two Rapid Buses (intersection of two Rapid Bus lines)	1500-2640 feet	<1500 feet	-
Metrolink Rail Stations	750 - <2640 feet	<750 feet	-
Metro Rail Stations and Rapid Bus Transit Stations	-	≤ 2640 feet	<750 feet from intersection with another rail line or a Rapid Bus

- (2) **Base Incentives.** Projects shall be granted Base Incentives established in Table 12.22 A.38(e)(2)(i), in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this Subdivision. Projects that qualify for Base Incentives established in the table below shall also be eligible for Public Benefit Options listed in Paragraph (i) of this subdivision. For Type I Unified Adaptive Reuse Projects that meet the eligibility criteria established in LAMC 12.22 A.38(c), notwithstanding the Density Bonuses described in Table 12.22 A.38(e)(2)(i), the density shall be limited by floor area and Base Incentives for Parking, FAR, and Height shall only apply to the project's new construction.

**Table 12.22 A.38(e)(2)(i)**

Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each subarea, the required parking ratio shall be as follows: <sup>1 2 6</sup>	In each subarea, the maximum allowable FAR shall be as follows: <sup>3 4</sup>	In each subarea, the maximum allowable height permitted shall be equal to the following: <sup>5</sup>
T-1	Moderate and Lower Opportunity Areas: 100%	No parking minimum required. If parking is provided, up to 40% of spaces may be provided as compact vehicular spaces. Tandem parking may also be permitted so long as a 24-hour attendant is present on-site.	R - zones: 40% increase. C - zones: 3.25:1, or 40% increase, whichever is greater.	One additional story, up to 11 additional feet.
	Higher Opportunity Areas: 120%		R - zones: 40% increase. C - zones: 4.2:1, or 45% increase, whichever is greater.	
T-2	Moderate and Lower Opportunity Areas: 110%		R - zones: 40% increase. C - zones: 4.2:1, or 50% increase, whichever is greater.	Two additional stories, up to 22 additional feet.
	Higher Opportunity Areas: Limited by Floor Area		R - zones: 45% increase. C - zones: 4.5:1, or 50% increase, whichever is greater.	
T-3	Moderate and Lower Opportunity Areas: 120%		R - zones: 45% increase. C - zones: 4.5:1, or 50% increase, whichever is greater.	Three additional stories up to 33 additional feet.
	Higher Opportunity Areas:		R - zones: 50% increase.	

	Limited by Floor Area		C - zones: 4.65:1, or 55% increase, whichever is greater.	
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**Footnotes:**

1 Required automobile parking applies for all Residential Units in a Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with Subdivision 12.21 A.5 of the Code. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with Subparagraph 12.21 A.5(h)(2) of the Code may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.

2 Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.

3 The maximum increase in the allowable FAR permitted shall be equal to the table above, provided that any additional floor area provided through this Paragraph is utilized only by residential uses. Any nonresidential uses shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.

4 For the purpose of applying this incentive, commercial zones include Hybrid Industrial zones, Commercial Manufacturing zones and any defined area in a Specific Plan or overlay district that allows for both commercial uses and residential uses.

5 The increase in height shall be applicable to a Project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Projects.

6 Consistent with California Government Code Section 65915(p)(4), required parking spaces provided allowable may be uncovered.

**(i) Exceptions.**

a. Sites with a Maximum Allowable Residential Density of less than 5 units shall be eligible for the following Density Bonuses:

- i. T-1: 60%
- ii. T-2: 70%
- lii. T-3: 80%

b. Sites with a Maximum Allowable Residential Density of less than 5 units, Designated Historic Resource(s), or Non-Contributor(s) shall not be eligible for an incentive to increase allowable FAR or height above one additional story, up to 11 additional feet.

c. In a Specific Plan or overlay district that has a FAR available through a development bonus or incentive program to provide affordable housing, a Project may utilize the Bonus FAR of the Specific Plan or overlay district in lieu of the FAR maximum described above in Table 12.22 A.38(e)(2)(i).

(f) **Opportunity Corridor Incentive Area.**

- (1) **Eligibility.** Projects may seek Base Incentives according to the eligibility criteria for Mixed Income Incentive Projects as described in Paragraph (c) and Opportunity Corridor Incentive Areas, described in Table 12.22 A.38(f)(1)(i), below.

Table 12.22 A.38(f)(1)(i)		
Eligibility Subarea	Corridor Requirements	Geographic Criteria
OC-1	Corridors with Frequent Bus Service	Higher Opportunity Areas
OC-2	Corridors with High Quality Transit Service	
OC-3	Corridors within one - half mile from Metro Rail Station or Portal and Rapid Bus Stop	

- (ii) **Corridor Access.** A Project must provide Direct Pedestrian Access to the eligible Opportunity Corridor.
- (iii) **Frontage.** Each eligible lot must provide a minimum 25-foot frontage along the eligible corridor, or be part of a Consolidated Development with a 25-foot frontage along the eligible corridor.
- (2) **Base Incentives.** A Project shall be granted Base Incentives established in this Paragraph as defined in Table 12.22 A.38(f)(2)(i) below, in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph 12.22 A.38(c)(3) of this Subdivision. Projects that qualify for Base Incentives established in the table below shall also be eligible for Public Benefit Options listed in Paragraph (i) of this subdivision. For Type I Unified Adaptive Reuse Projects that meet the eligibility criteria established in LAMC 12.22 A.38(c), the Base Incentives shall only apply to the project's new construction.

<b>Table 12.22 A.38(f)(2)(i)</b> <b>Opportunity Corridor Incentive Area Base Incentives</b>				
<b>Eligibility Subarea</b>	<b>Density Bonus</b>	<b>Parking</b>	<b>Floor Area Ratio</b>	<b>Height</b>
Description	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each subarea, the required parking ratio shall be as follows: <sup>1 2 5</sup>	In each subarea, the maximum allowable FAR permitted shall be as follows <sup>3</sup> :	In each subarea, the maximum allowable height permitted shall be equal to the following: <sup>4</sup>
OC-1	Limited by Floor Area	No Parking required.	R - zones: 45% increase.	One additional story, up to 11 additional feet; or up to a maximum of 5 total stories, whichever is greater.
			C - zones: 4.5:1, or 50% increase, whichever is greater.	
OC-2			R - zones: 50% increase.	Two additional stories, up to 22 additional feet; or up to a maximum of 6 total stories, whichever is greater.
			C - zones: 4.65:1, or 55% increase, whichever is greater.	
OC-3			4.8:1, or 60% increase, whichever is greater.	Three additional stories, up to 33 additional feet; or up to a maximum of 7 total stories, whichever is greater.

**Footnotes:**

1 Required automobile parking applies for all Residential Units in an Eligible Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with Subdivision 12.21 A.5 of the Code. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with Subparagraph 12.21 A.5(h)(2) of the Code may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.

2 Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.

3 The maximum increase in the allowable FAR permitted shall be equal to the table above, provided that any additional floor area provided through this Subdivision is utilized only by residential uses. Any nonresidential

uses shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.

4 The increase in height shall be applicable to a Project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Projects.

5 Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

**(ii) Exceptions.**

- a. Sites with Designated Historic Resource(s) or Non-Contributor(s) shall not be eligible for an incentive to increase allowable FAR or height above one additional story, up to 11 additional feet.
- b. In a Specific Plan or overlay district that has a FAR available through a development bonus or incentive program to provide affordable housing, a Project may choose to utilize the Bonus FAR and affordability requirement of the Specific Plan or overlay district in lieu of the FAR maximum described above in Table 12.22 A.38(e)(2)(i).

**(g) Opportunity Corridor Transition Incentive Area.**

- (1) **Eligibility.** Projects may seek Base Incentives according to the eligibility criteria for Opportunity Corridor Transition Incentive Areas, described in Table 12.22 A.38(g)(1)(i), below.

Table 12.22 A.38(g)(1)(i)			
Eligibility Subarea	Site Requirements	Eligible Underlying Zones	Geographic Criteria
CT-1	Sites within 750 feet of the furthest property line of a lot from the corridor located within an Opportunity Corridor Incentive Area.	RD zones and R2 zones	Higher Opportunity Areas
CT-2	Sites within 500 feet of the furthest property line of a lot from the corridor located within an Opportunity Corridor Incentive Area.		
CT-3	Sites within 250 feet of the furthest property line of a lot from the corridor located within an Opportunity Corridor Incentive Area.		

- (i) **Property Line Measurement.** Distance measured from the Opportunity Corridor Incentive Area shall be measured from the rear property line of the eligible lot located within the Opportunity Corridor Incentive Area. Where a lot is a Reverse Corner Lot in an Opportunity Corridor Incentive Area, distance shall be measured from the property line parallel to the Opportunity Corridor. In the case that Opportunity Corridor sites are abutting or are consolidated, the buffer measurement will not be adjusted to accommodate the new rear property line of the consolidated site.

(ii) **Exceptions.**

- a. Sites with Designated Historic Resource(s), or Non-Contributor(s) shall not be eligible for CT-3 incentives.

- (2) Projects utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(3)(i) are not eligible to request waivers or reductions of any Development Standard. Opportunity Corridor Transition

Incentive Area Projects are not eligible to request Incentives on or off the Menu of Incentives.

- (3) **Base Incentives.** A Project shall be granted Base Incentives established in this Paragraph as defined in Table 12.22 A.38(g)(3)(i) below, in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph 12.22 A.38(c)(3) of this Subdivision.

<b>Table 12.22 A.38(g)(3)(i)</b> <b>Opportunity Corridor Transition Base Incentives</b>				
<b>Eligibility Subarea</b>	<b>Density Bonus</b>	<b>Floor Ratio</b> (maximum permitted)	<b>Area</b>	<b>Parking</b>
<b>Height</b> (maximum permitted)				
Description	In each subarea, the maximum Density shall be as follows:	For each subarea, the maximum FAR shall be equal to the following:	Required automobile parking for all Residential Units in a Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows: <sup>1 3</sup>	
CT-1A <sup>2</sup>	4 units	1.15:1	No parking required.	2 stories
CT-1B <sup>2</sup>	5 units	1.30:1		
	6 units	1.45:1		
CT-2	7 units	1.60:1		3 stories
	8 units	1.75:1		
	9 units	1.90:1		
	10 units	2.0:1		
CT-3	11 units	2.15:1		
	12 units	2.30:1		
	13 units	2.45:1		

	14 units	2.60:1		
	15 units	2.75:1		
	16 units	2.90:1		

Footnotes:

1 Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.

2 Sites are eligible for CT-1 site requirements from Table 12.22 A.38(g)(1)(i).

3 Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

(i) **Lot Requirements.** Projects are eligible for a reduction of otherwise required Lot standards, as part of a subdivision as follows:

- a. Minimum Lot Area: 600 square feet
- b. Minimum Lot Width: 15 feet
- c. Minimum Lot Access: A 3-foot pedestrian access easement may be provided in lieu of vehicular access requirements.

(ii) **Yards.** Projects are eligible for the reduction of otherwise required Yard standards, up to the following minimums:

- a. Front yard setback of 10 feet.
- b. Side yard setback of 4 feet, or 3 feet for a two-story structure.
- c. No interior side yard setback shall be required for buildings that are part of the same development.
- d. Rear yard setbacks of 4 feet, provided structures maintain a height of less than 26 feet within 15 feet of the rear property line.
- e. Alley setbacks of zero feet for structures that maintain a height of less than 26 feet in height for at least the first 15 feet from the alley.

(iii) **Multi-Bedroom Units.** A Project that includes a minimum of 40% of total Residential Units as 3-bedrooms or larger, shall be granted either additional Floor Area up to 0.5 FAR and an additional 11 feet in height.

- (iv) **Spaces Between Buildings and Passageways.** Projects do not need to meet zoning requirements related to spaces between buildings or passageways pursuant to section 12.21 C.2.
- (v) **Consolidated Development.** In the case that a Opportunity Corridor Transition Project consolidates multiple lots, the Density Bonuses established in Table 12.22 A.38(g)(3)(i) shall be available to each lot, however, FAR and height bonuses shall not exceed the maximum permitted Incentive Area in Table 12.22 A.38(g)(3)(i).
  - a. For example, if two CT-1 lots are consolidated in one project, the project is eligible for up to 12 units, with 1.45:1 FAR maximum and a height maximum of 2 stories; or if two CT-2 lots are consolidated in one project, the project is eligible for up to 20 units, with a 2.0:1 FAR maximum and a height maximum of 3 stories.
  - b. If a project consolidates two lots of differing incentive areas, for example CT-2 and CT-3, the incentives of the more intense incentive area shall be permitted.
- (4) **Performance Standards.** Projects 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 or an addition up to a maximum of 1,200 square feet to an existing structure need not comply with these standards.
  - (i) **Common Outdoor Open Space Standards.** Projects shall provide at-grade Common Outdoor Open Space that is accessible to all the residential tenants of a project. The Common Outdoor Open Space shall be open to the sky and have no structures that project into the area, except for Outdoor Amenity Space areas as provided in Sec. 12.21 B and except for Projections into Yards, as provided in Section 12.22 C.20(b). This common open space requirement shall supersede the per Residential Unit calculation of common open space in LAMC Section 12.21 G.2. In lieu of the provisions of LAMC Section 12.21 G.2, a project must meet at least one Common Outdoor Open Space typology from the menu listed in Table 12.22 A.38(g)(4)(ii), below.

- a. **Minimum Planting Area.** The Common Outdoor Open Space provided shall comply with the provisions of LAMC 12.21 G.2.(a).(3) regarding minimum planting area.

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<b>Table 12.22 A.38(g)(4)(ii)</b> <b>Common Outdoor Open Space Types Menu</b>		
<b>Common Outdoor Open Space Typologies:</b>	<b>Dimension Requirements (minimum)</b>	<b>Standards</b>
Courtyard	<p>Courtyard width (minimum): 30% of lot width or 15 feet, whichever is greater</p> <p>Courtyard depth (minimum): 40% of lot depth (minimum)</p>	<p>Placement of courtyard shall comply with at least one of the following standards:</p> <ol style="list-style-type: none"> <li>1. The courtyard shall be oriented so that it and an existing open space courtyard on an adjacent lot work together to create the effect of one large open space.</li> <li>2. The courtyard shall be contiguous with the minimum front yard setback creating a deep combined courtyard or wide connection between two spaces.</li> <li>3. The courtyard shall be an internal courtyard, entirely contained onsite.</li> </ol>
Paseo	<p>Paseo width (minimum): 10% of lot width or 10 feet wide, whichever is greater</p> <p>Paseo depth (minimum): 60% of the lot depth</p>	<p>A Paseo shall be located between residential structures, perpendicular to the primary lot line. A Paseo shall have a minimum 4 foot wide pedestrian pathway accessible from the Ground Floor Frontage. A Paseo may be covered by architectural projections, but no structures or habitable space shall encroach on the Paseo.</p>
Rear Yard	<p>Rear Yard width (minimum): 50% of lot width</p> <p>Rear Yard depth (minimum): 10% of lot depth, or 15 feet, whichever is greater</p>	<p>Located adjacent to the rear property line</p>

(iii) **Entrances.**

a. **Street-Facing Entrance.** Each unit fronting a public street (provided there is no structure located between the lot line and unit) shall have an entrance facing the public street and one of the following entry features:

1. **Porch.** A wide, raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed. A porch shall have a minimum depth of four and one half feet, a minimum of 30% of the building width, and a finished floor elevation between two to five feet.
2. **Forecourt.** A yard screened with a short wall, fence or hedge that provides significant privacy for tenants located on the ground story, near sidewalk grade. A forecourt shall have a minimum depth of eight feet, a minimum width of 10 feet, required covered entrance, and a fence or wall height between two and one half to three feet and 6 inches.
3. **Recessed entry.** A space set behind the building face plane providing sheltered access to a street-facing entrance. A recessed entry shall have a depth between three to 15 feet minimum, and a maximum width of five feet, and a required covered entrance.



(iv) **Ground Floor External Entrances.** Ground floor external entrances to units not located on a street-fronting lot line, shall have an entrance oriented towards the open space when adjacent to the open space.

(v) **Parking Areas, Garages, and Carports**

a. Location.

1. No above-ground parking areas including parking structures and parking stalls, shall be allowed between a Ground Floor Frontage and public right-of-way.
2. New detached garages and carports shall be located behind the main building(s) facade, furthest from the Ground Floor Frontage Line.
3. Attached parking areas shall be located either underground (subterranean or semi-subterranean) or behind any main building(s).
4. Access driveways shall be provided from alleys when present and determined feasible by LADOT.

(h) **Additional Incentives.** In addition to the Base Incentives established in Paragraphs (e) and (f), Projects that satisfy eligibility criteria set forth in Paragraph (c) shall have the ability to select up to four Incentives from the Menu of Incentives provided in LAMC Section 12.22 A.38(h)(2) below or use an Incentive to seek a deviation from a Development Standard elsewhere in the LAMC. Refer to Paragraph (d) for the approval Procedure that is consistent with the Project's Incentive request. Projects utilizing the Opportunity Corridor Transition Incentive Area are not eligible for Incentives on or off the Menu of Incentives. For Type I Unified Adaptive Reuse Projects, Additional Incentives shall only apply to the project's new construction.

(1) A Project shall be eligible for up to four Additional Incentives. A Project may request Incentives listed in Paragraph (f)(2) or use an Incentive to seek a deviation from a Development Standard elsewhere in the LAMC or a Project site's applicable zoning ordinance, Specific Plan, or overlay. Refer to Paragraph (d) for the approval Procedure that is consistent with the Project's Incentive request.

(i) Incentives requested pursuant to the applicable procedure in Paragraph (d) of this Subdivision shall be granted unless it is found, based upon substantial evidence, that:

- a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in

California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or

- b. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety; or
- c. The Incentive would be contrary to state or federal law.

(2) Menu of Incentives. A Project may elect to request one of the following incentives not to exceed the allowed number of incentives pursuant to Paragraph (h)(1) above. Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

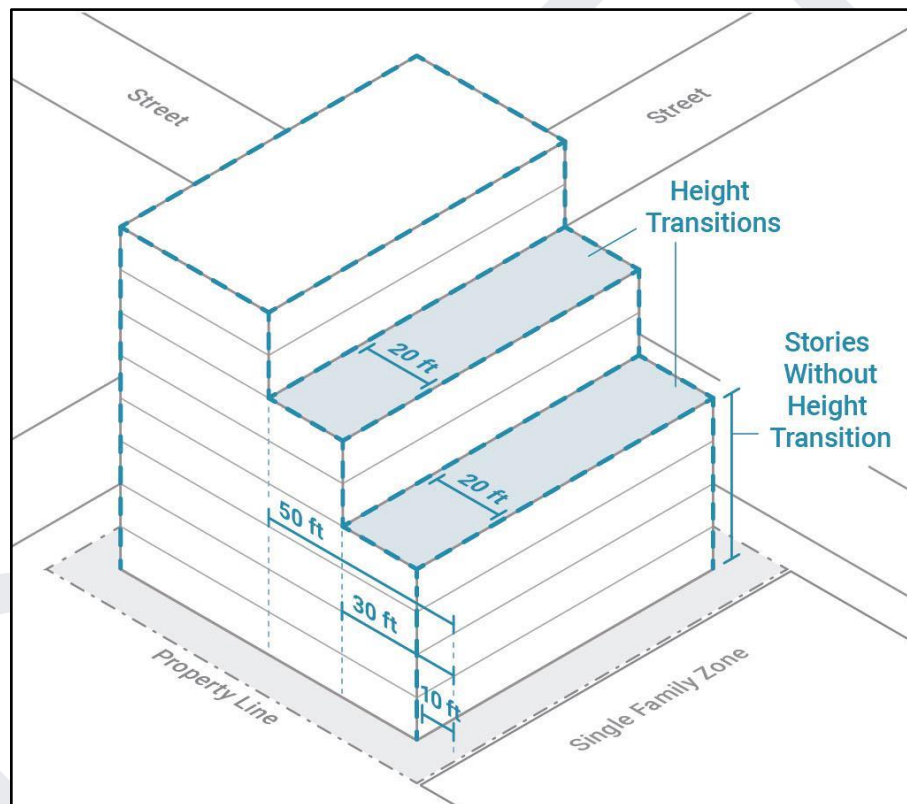
- (i) **Yards.** Projects may request a reduction of otherwise required yards as follows:

Yards/Setbacks	C Zones	<b>R Zones</b> (yard reductions for requests from the Menu of Incentives in R zones may be combined and require the use of only one incentive)
	In any Commercial zone, Eligible Projects may utilize any or all of the yard requirements for the RAS3 zone per LAMC Section 12.10.5. Projects on commercially zoned sites adjacent to properties zoned RD or more restrictive may provide a rear yard of not less than five feet.	<b>Front Yards.</b> Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line, of adjoining buildings along the same street frontage. 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. If a Project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.

		<b>Side and Rear Yards.</b> Up to 30% decrease in the required width or depth of any individual yard or setback.
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- (ii) **Ground Floor Height.** Projects involving the construction of a new building or additions may receive up to a 20% reduction in any Ground Floor Height restrictions contained in an Overlay, Specific Plan, Q condition or D condition.

- (iii) **Transitional Height.** Projects may select the following transitional height requirements in lieu of those found in Section 12.21.1.A.10 of this Code or any applicable transitional height limits in a Project site's applicable zoning, Specific Plan, or overlay including any requirements for reduced building heights or setbacks when a building is adjoining a RW1 or more restrictive zone. Furthermore, Projects adjoining an OS zone may utilize this incentive to be exempt from the transitional height requirements found in Section 12.21.1.A.10 of this Code or any applicable Specific Plan or Overlay for the portion of the Project abutting the OS zone.



	Setback/Step Back Distance*
Side or Rear Setback	10-feet
4 Story Step-Back	30-feet
6 Story Step-Back	50-feet

\*Setback and Step-back is measured from the property line.

- (iv) **Space Between Buildings and Passageways.** Projects subject to the provisions set forth in LAMC Section 12.21 C.2 may request a reduction in space between buildings and passageways requirements as follows:
- a. Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a); and
  - b. Up to 50% reduction in the width of the passageway required pursuant to LAMC Section 12.21 C.2(b) or the space provided to meet a subject site's required side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the project site.
- (v) **Lot Coverage.** Projects may request up to a 20% increase in lot coverage limits, provided that the landscaping for the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (vi) **Lot Width.** Projects may request up to a 25% decrease from a lot width requirement, provided that the landscaping for the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (vii) **Open Space.** In lieu of the open space calculations set forth in LAMC Section 12.21 G.2, Projects may calculate their usable open space requirement as 15% of the total lot area or 10% of the total floor area confined within the perimeter walls of the provided Residential Units, whichever is greater, provided that the overall design of the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance pursuant to Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a)(1-4). Usable open space provided as Private Open Space shall comply with Section 12.21 G.2(b).
- (viii) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the Project is located.

- (ix) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Project that is located on one or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space and residential and commercial parking over the project site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:
- a. No further lot line adjustment or any other action that may cause the Project site to be subdivided subsequent to this grant shall be permitted; and
  - b. The proposed use is permitted by the underlying zone(s) of each lot.
- (x) **P Zone.** In lieu of the limitations described in LAMC Section 12.12.1 and LAMC Section 12.12.1.5, in a P or PB zone, a Project may include the uses and area standards permitted in the least restrictive adjoining zone. The phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.
- (xi) **Relief from a Development Standard.** A Project may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, an Overlay, a Specific Plan, a Q Condition, or a D Condition. Projects requesting this incentive must provide landscaping for the Project that meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System. This incentive may be requested more than once but shall require the use of an Incentive for each request.
- a. **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, ground story requirements, signs, parking in front of buildings, or usable open space. This incentive shall not apply to a Designated Historic Resource(s), or Non-Contributor(s).

(i) **Public Benefit Options.** Per Paragraphs (e)(2) or (f)(2), all Projects that qualify for the Base Incentives contained in this subdivision shall be eligible for one or more of the following Public Benefit Options. Projects utilizing the Opportunity Corridor Transition Incentive Area are not eligible for Public Benefit Options. Projects may utilize more than one Public Benefit Option if eligible, and development incentives granted in exchange for Public Benefits may be stacked. These Public Benefit Options may be combined with the Additional Incentives pursuant to Paragraph (h). If a Project includes five of the following Public Benefit Options, they shall receive an additional 11 feet in height.

(1) **Child Care Facility.** A Project that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the project, shall be granted either of the following:

- (i) An additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the Child Care Facility included in the project; or
- (ii) An additional Incentive from the Menu of Incentives or not listed on the Menu of Incentives that contributes significantly to the economic feasibility of the construction of the Child Care Facility. Projects that utilize this incentive may request an additional 11 feet in height.

(2) **Multi-Bedroom Units.** A Project providing multi-bedroom units shall be granted one of the following so long as an affidavit declaring the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional Residential Units in the future is executed and recorded with the Department of City Planning:

- (i) A Project that includes a minimum of 10% of Total Units as Residential Units with three bedrooms or more shall be granted additional Floor Area and Height as follows in Table 12.22 A.38(i)(2)(i)a in addition to what is available in the applicable FAR and Height incentive as listed for Base Incentives in Table 12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i); or

<b>TABLE 12.22 A.38(i)(2)(i)a Additional FAR and Height for Multi-Bedroom Units</b>		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2
75+	2.0:1	2

- (ii) A Project shall be granted the following:
- An exemption of the square footage of all Residential Units with three or more bedrooms from the floor area calculations of family size units.
  - An additional story of height beyond what is available in the applicable height incentive as listed for Base Incentives in Table

12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i). The square footage of this additional story shall be limited to the square footage exempted as a result of applying 12.22 A.38(g)(2)(ii)(a).

- (3) **Preservation of Trees.** An additional 11 feet of height may be awarded for projects that maintain existing mature, Significant Trees (any tree that measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height), as verified by a focused Tree Report prepared by a certified arborist. A covenant shall be filed with Los Angeles Department of Building and Safety that requires the tree to be maintained for at least 15 years unless a certified arborist certifies that the tree is dead, dying, or dangerous to public health.
- (4) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(g), as verified by the Department of City Planning, shall be granted a Density Bonus of 15%. Provided developments are otherwise consistent with (insert small lot design standards). The Department of City Planning may adopt administrative guidelines for the purpose of clarifying procedures associated with the implementation of Land Donations pursuant to California Government Code Section 65915(g).
- (5) **Active Ground Floor Exemption from Calculation of Floor Area.** Active uses, up to 1,500 square feet, located on the ground story shall be exempt from the calculation of floor area.
- (i) For the purposes of exempting active uses on the ground story from calculating floor area, active space shall be designed and intended for Neighborhood Retail and Service Uses. Areas for circulation, storage, mechanical equipment, parking, lobbies, mailrooms, laundry rooms, utilities, and waste collection shall not account for more than 15% of an area designated as an active use.
  - (ii) Projects utilizing this option shall provide a ground story transparency of a minimum of 60% along the building Frontage.
  - (iii) Projects utilizing this option shall provide a ground floor entrance at minimum every 50 feet along the front property line that provides both ingress and egress pedestrian access to the ground story of the building.
- (6) **Privately Owned Public Space.** Projects that provide 4% of buildable lot area that is dedicated as Privately Owned Public Space above the Project site's required Common Outdoor Open Space shall be eligible for zero rear yard setback and shall

be eligible to utilize the Modification of Development Standard for site landscaping as described in LAMC Section 12.22 A.38 (h)(2)(xi).

(7) **Surveyed Historic Resource Facade Rehabilitation.** Projects incorporating a Surveyed Historic Resource(s) into the Project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available in the applicable height incentive as listed for Base Incentives in Table 12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i), provided all of the following standards are met:

- (i) The Project retains all street Fronting facades to a depth of 10-feet,
- (ii) New Floor Area shall be setback behind the 10-foot retention area, except that open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In instances where a lot contains dual-frontages, the setback shall be applied from both frontages, and
- (iii) Rehabilitation of the facades is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources.

(j) **Program Standards.** The following program standards shall be applicable to any Project that meets the eligibility criteria established in Paragraphs (e), (f), and (g) of this subdivision.

- (1) **Other Density Bonus Programs.** Projects seeking a Density Bonus pursuant to this Subdivision may not pursue a Density Bonus pursuant to the procedures of any other housing incentive program contained in the LAMC or in an Overlay or Specific Plan.
- (2) **Calculating Maximum Allowable Residential Density.** The Maximum Allowable Residential Density of a Project site shall be calculated pursuant to Government Code Section 65915(o)(6), before the application of a Density Bonus, using the maximum number of units allowed under a Project site's applicable zoning ordinance, specific plan, overlay, or general plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, specific plan, or general plan land use designation shall be applicable when determining a Project site's density prior to the application of a Density Bonus.
- (3) **Calculating Restricted Affordable Units.** The required number of Restricted Affordable Units shall be calculated based on a Project's Total Units and shall include any unit added by a Density Bonus awarded pursuant to this subdivision.

(4) **Calculating a Density Bonus.** For the purposes of calculating a Density Bonus, the following shall apply:

- (i) Residential Units that comprise a Project shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on individual subdivision maps or lots.
- (ii) An applicant for a Project may have the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.

(5) **Fractional Numbers.**

(i) **Units.** For the purposes of this Subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:

- a. Maximum Allowable Residential Density
- b. Density Bonus units
- c. Number of Restricted Affordable Units
- d. Number of Replacement Housing Units
- e. Vehicular Parking
- f. Number of Multi-Bedroom Units provided pursuant to LAMC Section 12.22 A.38(i)(2)

(6) **Multiple Lots.** A building that crosses one or more lots is eligible for the Transit Oriented Incentive Area or Opportunity Corridor Incentive Area that corresponds to the lot with the highest incentive area permitted in Table 12.22 A.38(e)(1)(iv) or Table 12.22 A.38(f)(1)(i).

(7) **Update Frequency.** The Director shall have the authority to issue updated eligibility maps on an annual basis in order to align with updated zoning and geographic data updates, including updates to Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC) and updates to the locations of major transit stops.

(8) **Updates to Community Plans, Specific Plans, Transit Neighborhood Plans and Overlays.** Community Plans, Specific Plans, Transit Neighborhood Plans

and Overlays with sites eligible for this Subdivision shall meet at minimum the Base Incentives and percentage of set-aside affordable units for every lot eligible in the Mixed Income Incentive Programs. In the case that a Community Plan Update, Specific Plan, Transit Neighborhood Plan, or Overlay proposes to exceed the development incentives or set-aside percentages as set forth in the Mixed Income Incentive Program, the Community Plan, Specific Plan, Transit Neighborhood Plan, or Overlay may supercede the Transit-Oriented Incentive Area program. If these provisions are met, Community Plans and Overlay Plans shall not be subject to the Update Frequency provisions of Subparagraph 7 of Paragraph (j) above.

(i) **Exception.** In the case that a Community Plan, Specific Plan, Transit Neighborhood Plan, or Overlay assigns a site a zone that does not match the minimum Base Incentives for every lot eligible for the Transit-Oriented Incentive Area program, the Plan shall be required to demonstrate that the zoning action does not result in the net loss of residential capacity.

(9) **Request for a Lower Eligibility Subarea.** Even though a project site may be eligible for a certain Transit Oriented Incentive Area or Opportunity Corridor Incentive Area, an applicant may chose to select a lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area within the applicable market tier by providing the percentage of Restricted Affordable Housing Units required for any lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area and be limited to the incentives available for the lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area.

(10) **Replacement Housing Units.** A Project approved under this subdivision must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and LAMC Section 16.60, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this Subparagraph may count towards any Restricted Affordable Unit requirements.

(11) **Standards for Restricted Affordable Units.** Projects must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in LAMC Section 16.61 B and C and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning.

(12) **Rent Schedules.** Restricted Affordable Units required as part of a Project shall be rented at rates not to exceed those specified in California Health and Safety Code 50052.5 for for-sale units or California Health and Safety Code Section 50053 for for-lease units. Restricted Affordable Units associated with One

Hundred Percent Affordable Housing Projects shall comply with the definition set forth in LAMC Section 12.03.

- (13) **Implementation Memorandums, FAQs, Forms/Applications and User Guides.** The Director may prepare Implementation Memorandums, FAQs, Forms/Applications and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this Subdivision and maintaining consistency with State Density Bonus Law.
- (14) **Covenants.** Prior to the issuance of a building permit for any Project qualifying for a Density Bonus pursuant to the provisions of this Subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Subdivision and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder.
- (15) **Story.** A story shall be defined as 11-feet in height.
- (k) **Relationship to Other Sections of the Los Angeles Municipal Code.** The following provisions shall govern the relationship to other sections of the Los Angeles Municipal Code for any Project that meets the eligibility criteria established in Paragraph (c) of this Subdivision.
- (1) A Project that meets the eligibility criteria established in Paragraph (c) and complies with the Procedures established in Paragraph (d) may exceed the use limitations that may apply to a Project site.
- (2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraphs (e), (f), and (g), Additional Incentives described in Paragraph (h), Public Benefit options described in Paragraph (i), or waivers requested pursuant to LAMC Section 12.22 A.38(d)(4) conflict with those of any otherwise applicable specific plan, overlay, 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.
- (i) Alameda District Specific Plan (171,139)
  - (ii) Avenue 57 Transit Oriented District (174,663)
  - (iii) Bunker Hill Specific Plan (182,576)
  - (iv) Century City North Specific Plan (156,122)
  - (v) Century City West Specific Plan (186,370)
  - (vi) Century City South Specific Plan (168,862)
  - (vii) Coastal Bluffs Specific Plan (170,046)
  - (viii) Coliseum District Specific Plan (185,042)
  - (ix) Colorado Boulevard Specific Plan (178,098)

- (x) Cornfield Arroyo Seco Specific Plan (182,617)
- (xi) Crenshaw Corridor Specific Plan (184,795)
- (xii) Devonshire/Topanga Corridor Specific Plan (168,937)
- (xiii) Exposition Corridor Transit Neighborhood Plan (186,402)
- (xiv) Foothill Boulevard Corridor Specific Plan (170,694)
- (xv) Girard Tract Specific Plan (170,774)
- (xvi) Glencoe/Maxella Specific Plan (171,946)
- (xvii) Granada Hills Specific Plan (184,296)
- (xviii) Hollywoodland Specific Plan (168,121)
- (xix) Jordan Downs Urban Village Specific Plan (184,346)
- (xx) Los Angeles Airport/El Segundo Dunes Specific Plan (167,940)
- (xxi) Los Angeles International (LAX) Specific Plan (185,164)
- (xxii) Los Angeles Sports and Entertainment District Specific Plan (181,334)
- (xxiii) Loyola Marymount University Specific Plan (181,605)
- (xxiv) Mt. Washington/Glassell Park Specific Plan (168,707)
- (xxv) Mulholland Scenic Parkway Specific Plan (167,943)
- (xxvi) North Westwood Village Specific Plan (163,202)
- (xxvii) Oxford Triangle Specific Plan (170,155)
- (xxviii) Pacific Palisades Commercial Village and Neighborhood Specific Plan (184,371)
- (xxix) Paramount Pictures Specific Plan (184,539)
- (xxx) Park Mile Specific Plan (162,530)
- (xxxi) Playa Vista Area D Specific Plan (176,235)
- (xxxii) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)
- (xxxiii) Porter Ranch Land Use/Transportation Specific Plan (180,083)
- (xxxiv) Redevelopment Plans (186,325)
- (xxxv) San Vicente Scenic Corridor Specific Plan (173,381)
- (xxxvi) University of Southern California University Park Campus Specific Plan (182,343)
- (xxxvii) Valley Village Specific Plan (168,613)
- (xxxviii) Venice Coastal Zone Specific Plan (175,693)
- (xxxix) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)
- (xl) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)
- (xli) Warner Center 2035 Plan (182,766)
- (xlii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)
- (xlili) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)
- (xliv) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

- (l) **Interpretations Consistent with State Density Bonus Law.** This Subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this Subdivision becomes inconsistent with California Government Code Sections 65915-65918, the provisions of State Density Bonus Law shall apply.

Section 8. Subdivision 39 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

**12.22 A.39 AFFORDABLE HOUSING INCENTIVE PROGRAM**

- (a) **Purpose.** The purpose of this Subdivision is to establish procedures for implementing State Density Bonus requirements as set forth in California Government Code Sections 65915-65918 for affordable housing projects, including Priority Housing Projects, and to increase the production of affordable housing citywide with tailored application for sites on parking (P) zones, public facility (PF) zones, and sites owned by Public Agencies, Faith-Based Organizations and nonprofit Community Land Trusts and Cooperatives. In conjunction with the incentives granted by state law, this subdivision shall offer incentives and waivers or reductions of Development Standards for the purposes of increasing the feasibility of affordable housing construction.

- (b) **Definitions.** The following definitions shall apply to this Subdivision:

**Environmental Consideration Area.** As defined in LAMC Section 12.22 A.37.

**Faith-Based Organization Project.** A housing project located on land owned entirely, whether directly or through a wholly owned company or corporation, by a Religious Institution at the time of project filing, developed by or in partnership with a Qualified Developer. This includes ownership through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law (Part 2 [commencing with Section 5110] of Division 2 of Title 1 of the Corporations Code).

**General Commercial Uses.** Uses that involve business activity serving the general public, including retail, professional and personal services, hospitality, and entertainment.

**Moderate Opportunity Areas.** Moderate Resource Areas and areas experiencing moderate rates of rapid change as defined and identified by the California Tax Credit Allocation Committee (TCAC).

**Public Agency.** Refer to California Government Code Section 20056.

**Public Land Project.** A housing project located in a Public Facility (PF) Zone and/or located on lots owned by a Public Agency.

**Qualified Developer.** The same meaning as California Government Code Section 65913.16.(b)(9) exclusive of (D). For purposes of this Subdivision, a Qualified Developer shall also include a Community Development Financial Institution (CDFI) identified on the United States Department of the Treasury's list of Certified CDFIs at the time of project filing, provided the CDFI maintains a non-profit status pursuant to Section 501(c)(3) of the United States Internal Revenue Code.

**Religious Institution.** Refer to California Government Code Section 65913.16.(b)(10).

**Sea Level Rise Area** As defined in LAMC Section 12.22 A.38 (b).

**Shared Equity Project.** A housing project located on land owned by a Community Land Trust as defined in the California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust as defined in Section 817 of The California Civil Code, except that Residential Units, in addition to being sold or rented to income qualified persons, may also be held by the non-profit corporation for the purpose of making Lower Income units financially stable. The land must be owned by the Community Land Trust, Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust at the time of project filing through the issuance of a Certificate of Occupancy.

**Total Units.** The total units in a project after a Density Bonus is awarded pursuant to this subdivision.

**Very Low Vehicle Travel Area.** Refer to California Government Code Section 65915 (o)(9).

(c) **Eligibility Criteria.** To qualify for the provisions of this Subdivision, an Affordable Housing Incentive Project (Project) must satisfy the following eligibility requirements:

- (1) A Project meeting the definition of a One Hundred Percent Affordable Housing Project, Public Land Project, Shared Equity Project, or a Faith Based Organization Project with five or more Total Units.

- (2) Reserve a percentage of the Project's Total Units for at least one of the following income levels or target populations, as defined on Table 12.22 A.39(c)(2).

<b>TABLE 12.22 A.39(c)(2)(i) Required Percentage of Restricted Affordable Units</b>	
Project Type	Minimum % of Total Units that are Restricted Affordable Units <sup>1</sup>
One Hundred Percent Affordable Housing Project	100% <sup>1</sup>
Public Land Project	100% <sup>2</sup>
Faith-Based Organization Project	80% <sup>3</sup>
Shared Equity Project	80% <sup>4</sup>

Footnotes:

1 Per GCS 65915(b)(1)(G), a One Hundred Percent Affordable Housing Project must reserve all units (including units provided as a result of a Density Bonus), excluding a manager's unit or units, for lower income households earning up to 80 percent of the area median income, and rents or housing costs to the occupying residents do not exceed 30 percent of the maximum gross income, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD), or any successor agency except that 20 percent of the units may be affordable to Moderate Income households, as defined in California Health and Safety Code Section 50053, or as amended.

2 Provided a portion of Residential Units (excluding Residential Units added by a Density Bonus) as follows either 16 percent Very Low Income, 25 percent Low Income, or 45 percent Moderate Income for sale as defined in California Government Code Section 65915.

3 A Faith Based Organization Project shall reserve a portion of Residential Units (excluding Residential Units added by a Density Bonus) as follows either 16 percent Very Low Income, 25 percent Low Income, or 45 percent Moderate Income for sale as defined in California Government Code Section 65915, or as amended. Remaining Restricted Affordable Units shall be reserved for households earning up to 80 percent of the area median income, except that up to 20 percent of remaining Restricted Affordable Units may be affordable to Moderate Income households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD), rents or housing costs shall not exceed 30 percent of the maximum gross income of the occupying residents. 20 percent of Total Units may be unrestricted.

4 A Shared Equity Project shall reserve a portion of Residential Units (excluding Residential Units added by a Density Bonus) as follows either 16 percent Very Low Income, 25 percent Low Income, or 45 percent Moderate Income for sale as defined in California Government Code Section 65915, or as amended. Remaining Restricted Affordable Units shall be reserved for households earning up to 120 percent of the area median income, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD), rents or housing costs shall not exceed 30 percent of the maximum gross income of the occupying residents. 20 percent of Total Units may be unrestricted.

- (3) The One Hundred Percent Affordable Housing Project site shall not include any lots located in a single family or more restrictive residential zone (RW and more restrictive zone), if a Project's Maximum Allowable Residential Density is less

than 5 units. A Shared Equity Project site shall not include lots located in a single family or more restrictive residential zone (RW and more restrictive).

- (4) Faith-Based Organization Projects utilizing land purchased by a Religious Institution after January 1st, 2024, shall not include any lots located in a single family or more restrictive residential zone (RW and more restrictive) unless the filing Religious Institution owns a lot with an existing Church or House of Worship located within 528 feet of the Project site.
- (5) The Faith-Based Organization Project, Shared Equity Project, or a One Hundred Percent Affordable Project with Maximum Allowable Residential Density of less than 5 units, shall not include any lots located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, M3), including sites zoned CM, MR1, and MR2 with no residential uses permitted from an applicable planning overlay.
- (6) The Faith-Based Organization Project, Shared Equity Project, or a One Hundred Percent Affordable Project with a Maximum Allowable Residential Density of less than 5 units, shall not include any lots located in a Very High Fire Hazard Severity Zone (VHFHSZ), the Coastal Zone, or a Sea Level Rise Area.
- (7) A Faith-Based Organization Project or Shared Equity Project may be located on a lot with a Surveyed Historic Resource, that is classified as a historical resource, as defined by Public Resources Code Section 21084.1 as determined by the Office of Historic Resources. Provided that:
  - (i) If proposed alterations to a Surveyed Historic Resource do not meet the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources, the Discretionary Procedure pursuant to Section 12.22.A.39(d)(3) shall be followed; and
  - (ii) The Faith-Based Organization Project or Shared Equity Project does not require Demolition as defined in LAMC Section 13B.8.1.C of Chapter 1A of this Code a Surveyed Historic Resource.
- (8) The Project does not require the demolition of a Designated Historic Resource, as demolition is defined in LAMC Section 13B.8.1.C of Chapter 1A of this Code , and any proposed alteration to a Designated Historic Resource shall not be approved until a review has been completed by the Office of Historic Resources.
- (9) The following shall apply to a Type I Unified Adaptive Reuse Project, as defined in LAMC 12.22 A.26(h)(1), that meets the definition of a One Hundred Percent Affordable Housing Project, Public Land Project, Faith-Based Organization Project, or a Shared Equity Project, and that complies with the criteria for Eligibility associated with the corresponding project type:

- (i) The portion of the Type I Unified Adaptive Reuse Project consisting of new construction may be eligible for Base Incentives, Additional Incentives, and Public Benefits Options in LAMC 12.22 A.39 for the respective project type definition unless otherwise stated; and
  - (ii) The Type I Unified Adaptive Reuse Project shall comply with the Procedures set forth in LAMC 12.22 A.39(d) based on the corresponding project type definition and associated project request.
- (10) Projects located on project sites that meet the definition of an Environmental Consideration Area shall comply with all applicable standards contained in the Environmental Protection Measures adopted pursuant to LAMC Section 11.5.15.
- (d) **Procedures.** A Project that meets the provisions of this Subdivision shall be reviewed pursuant to Procedures, as set forth below. Though an approval of a Density Bonus or Incentive pursuant to this Subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review or other discretionary review actions required by this Zoning Code, the applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply for Projects seeking other discretionary approvals in conjunction with an application requested pursuant to the procedures in Paragraph (d).
  - (1) **Los Angeles Department of Building and Safety Review.** A Project seeking Base Incentives described in Paragraph (e) and/or Incentives listed on the Menu of Incentives in Paragraph (f) shall be considered ministerial and processed by the Department of Building and Safety.
    - (i) **Exceptions.**
      - a. Faith-Based Organization Projects and Shared Equity Projects with Surveyed Historic Resources shall seek approval pursuant to Subparagraph (2) of Paragraph (d).
  - (2) **Expanded Administrative Review.** The following Projects shall be ministerially approved pursuant to Expanded Administrative Review, as set forth by the provisions of LAMC Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. As defined in this Subdivision, 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).
    - (i) Projects that request the Public Benefit Options described in Paragraph (g). Projects that request only Public Benefit Options in addition to Incentives listed on the Menu of Incentives shall not be subject to any hearing procedures regardless of the provisions contained in LAMC Section 13B.3.2.D.

- (ii) Projects seeking Incentives not listed on the Menu of Incentives described in Paragraph (f) pursuant to California Government Code Section 65915(e).
  - (iii) Projects that request up to one waiver or reduction of any Development Standards not listed on the Menu of Incentives described in LAMC Section 12.22 A.39(f)(2). Waivers or reductions of any Development Standard shall be reviewed pursuant to the Findings described in LAMC Section 12.22 A.39(d)(5).
  - (vi) Faith Based Organization Projects and Shared Equity Projects with Surveyed Historic Resources.
  - (vii) Projects requesting Incentives from the Menu of Incentives that cannot comply with the criteria established in LAMC Section 12.22 A.39(f)(1)(ii) shall be subject to the Public Hearing procedures described in LAMC Section 13B.3.2.D of Chapter 1A of this Code in addition to the general procedures described in LAMC Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code.
- (3) **Director's Determination.** The Director of Planning shall review the following Projects pursuant to LAMC Section 13B.2.5 of Chapter 1A of this Code:
- (i) Projects requesting up to three waivers or reduction of any Development Standards, pursuant to California Government Code Section 65915. Waivers or reductions of any Development Standards shall be reviewed pursuant to the Findings described in LAMC Section 12.22 A.39(d)(5).
- (4) **City Planning Commission Review.** The following Projects must file an application pursuant to LAMC Section 13B.2.3 of Chapter 1A of this Code. Notwithstanding the provisions set forth in Sec. 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A , the decision of the City Planning Commission shall be final.
- (i) A Project that requests more than three waivers or reductions of Development Standards pursuant to California Government Code Section 65915. Waivers or reductions of any Development Standards shall be reviewed pursuant to the Findings described in LAMC Section 12.22 A.39(d)(5).

- (5) **Findings for Waivers or Reductions of Development Standards.** Waivers requested pursuant to the Procedures described in this Paragraph shall be approved by the applicable decision-making authority unless that decision-making authority finds that:
- (i) The Development Standard associated with a request for waiver(s) or reduction(s) in Development Standards will not have the effect of physically precluding the construction of a development meeting the Eligibility criteria described in Paragraph (c) at the densities or with the concessions or incentives permitted under Paragraph (e) or Paragraph (f); or
  - (ii) 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 a 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; or
  - (iii) The waivers or reductions of Development Standards are contrary to state or federal law.
- (6) **Other Discretionary Approvals.** Applicable procedures set forth in LAMC Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for a Project seeking other discretionary approvals in conjunction with an application requested pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision-maker must approve the requested Base Incentives and Additional Incentives, either on or off the Menu of Incentives described in LAMC Section 12.22 A.39(f)(2), requested under this Subdivision unless the decision-maker, based upon substantial evidence, determines that the Project meets one or more of the criteria described in LAMC Section 12.22 A.37(f)(1)(i).

- (e) **Base Incentives.** A Project that meets the eligibility criteria established in Paragraph (c) may utilize Base Incentives described in this Paragraph, in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this Subdivision. A Project that qualifies for Base Incentives established in the table below shall also be eligible for Public Benefit Options listed in subparagraph (g).

TABLE 12.22 A.39(e)(i) Base Incentives				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
Description	In each Subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each Subarea, the required shall be as follows: <sup>1,2</sup>	In each Subarea, the maximum increase in the allowable FAR permitted shall be as follows <sup>3</sup> :	In each Subarea, the maximum increase in the allowable height permitted shall be equal to the following: <sup>4</sup>
Citywide	Any Density Bonus provided by California Government Code Section 65915. <sup>5</sup>	0.5 Parking Spaces per Unit. <sup>5</sup> .	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 1.5:1  Otherwise: 3.0:1, or a 35% increase, whichever is greater.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater.  Otherwise: Bonus of 22' or 2 stories, whichever is greater.
Lots located within a half mile of a Major Transit Stop or Very Low Vehicle Travel Area <sup>6</sup>	Limited by Floor Area	No minimum parking required. <sup>7</sup>	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 2.0:1  Otherwise: 4.5:1, or a 50% increase, whichever is greater.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater.  Otherwise: bonus of 33' or 3 stories, whichever is greater.
Higher Opportunity or Moderate Opportunity Area	Limited by Floor Area	No minimum parking required.  Required parking for current or proposed nonresidential uses may be reduced by 25%	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 2.5:1  Otherwise: 4.65:1, or a 55% increase, whichever is greater.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater.  Otherwise: bonus of 33' or 3 stories, whichever is greater.

Footnotes:

1 Required automobile parking applies for all Residential Units in a Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with LAMC Section 12.21 A.5. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with LAMC Section 12.21 A.5(h)(2) may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times. Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

2 For consistency with California Government Code Section 65913.6, parking that was previously required under a Conditional Use Permit pursuant to LAMC Section 12.24 for an existing “church” or “house of worship” use, or that would be required as part of a Conditional Use Permit for a proposed “church” or “house of worship” use, shall be reduced by 50%. California Government Code Section 65913.6 does not apply to Projects within half a mile of a Major Transit Stop or to Projects located on a lot within one block of a car share vehicle.

3 Provided that any additional floor area provided through this Subdivision is utilized only by residential uses. Any nonresidential uses shall be limited to the FAR associated with a site’s underlying zoning prior to the application of any Incentive.

4 The increase in height shall be applicable to a Project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Projects.

5 No parking shall be required for a Project meeting the criteria of California Government Code Section 65915(p)(3). No minimum parking is required for Faith-Based Organization Project if there is a car share vehicle within one block of the lot.

(2) **Automobile Parking Zones.** In lieu of the limitations described in LAMC Section 12.12.1 and LAMC Section 12.12.1.5, in a P or PB zone, a Project may establish Maximum Allowable Residential Density, uses and area standards permitted in the least restrictive adjoining zone.

(i) **Lots with Dual Zoning.** In cases where a lot contains split zoning with a P or PB Zone, the entire lot may utilize the least restrictive adjoining zone.

(3) **Public Land Project.** In lieu of the requirements in LAMC Section 12.24 U.21 and 12.04.09 B.9, a Public Land Project may either:

(i) Establish Maximum Allowable Residential Density, uses, and area standards as permitted in the least restrictive adjoining zone. Regardless of adjacent zoning, all Public Land Projects shall be granted a base Floor Area Ratio of 3.0:1 and a base height of three stories or 33 feet whichever is greater; or

(ii) Where specifically authorized through a resolution of City Council, a Public Land Project, shall be permitted to have multi-family residential uses and shall not be limited to the use and zoning requirements of the underlying zoning, Specific Plan or General Plan.

(4) **Exceptions.**

(i) A One Hundred Percent Affordable Housing Project with five or more units prior to the issuance of a Density Bonus pursuant to section (i) of California Government Code Sections 65915-65918 shall not be eligible for the FAR and Parking Incentives indicated in Table 12.22.A.39(e)(1) and shall be limited to the Density Bonus, Parking, and Height Incentives for projects meeting the eligibility criteria of 65915(b)(1)(G) set forth in California Government Code Section 65915 if any of the following is applicable:

- a. The Project is located in a Very High Fire Hazard Severity Zone, the Coastal Zone, or a Sea Level Rise Area; or
- b. The Project is located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, M3) or is located in a hybrid industrial zone (CM, MR1, MR2) with residential use restrictions from an applicable planning overlay.
- c. The Project is located in a single-family or more restrictive residential zone (RW or more restrictive).

- (ii) In a Specific Plan or overlay district that has FAR available through a development bonus or incentive program to provide affordable housing, a Project may utilize the Bonus FAR of the Specific Plan or overlay district in lieu of the FAR maximum described in table 12.22 A.39(e)(1).
- (iii) A Shared Equity Project shall be limited to the low density base incentives indicated in Table 22.A.39(e)(1) for a site with a Maximum Allowable Residential Density less than 5 units, regardless of the underlying Maximum Allowable Residential Density or zoning of the Project site.
  - a. **Measure ULA Exception.** A Shared Equity Project receiving funding from a program established under Ordinance 187692 (Measure ULA) shall be eligible for incentives as determined by the Project site's Maximum Allowable Residential Density.

(f) **Additional Incentives.** A Project shall be granted a number of Additional Incentives pursuant to the provisions described below in addition to the Base Incentives established in Paragraph (e).

(1) A Project shall be eligible for up to five Additional Incentives. A Project may request Incentives listed in Paragraph (f)(2) or use an Incentive to seek a deviation from a Development Standard elsewhere in the LAMC or a Project site's applicable zoning ordinance, specific plan, or overlay. Refer to Paragraph (d) for the approval Procedure that is consistent with the Project's Incentive request.

(i) Incentives requested pursuant to the applicable procedure in Paragraph (d) of this Subdivision shall be granted unless it is found, based upon substantial evidence, that:

- a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or
- b. The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety; or
- c. The Incentive would be contrary to state or federal law.

(ii) To be eligible for the Menu of Incentives described in LAMC Section 12.22 A.39(f)(2) a Project shall comply with all of the following:

- a. The Project shall not be located in a Very High Fire Hazard Severity Zone, Sea Level Rise Area or the Coastal Zone.
- b. The Project would not require the Demolition, as Demolition is defined in LAMC Section 13B.8.1.C of Chapter 1A of this Code, of a Designated Historic Resource, or any Surveyed Historic Resource, eligible or architectural historic resource identified for any historic protection or special consideration or review by an applicable Overlay or Specific Plan including sites located in 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, Westwood Village Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.

- c. The Project shall not include any lots located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, M3) or lots located in a hybrid industrial zone (CM, MR1, MR2) with residential use restrictions from an applicable planning overlay, except for Public Land Projects.

(2) **Menu of Incentives.** A Project may elect to request any of the following incentives not to exceed the allowed number of incentives pursuant to Subparagraph (f)(1) above. Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

(i) **Yards.** Projects contained in this subdivision may request a reduction of otherwise required yards as follows:

<b>Yards/ Setbacks</b>	<b>C Zones</b>	<b>R Zones</b> (yard reductions in R zones may be combined and require the use of only one incentive)
	In any Commercial zone, a Project may utilize any or all of the yard requirements for the RAS3 zone per LAMC Section 12.10.5. Projects on commercially zoned sites adjacent to properties zoned RD or more restrictive may provide a rear yard of not less than five feet.	<p><b>Front Yards.</b> Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line, 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. If a Project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.</p> <p><b>Side and Rear Yards.</b> Up to 30% decrease in the required width or depth of any individual yard or setback.</p>

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- (ii) **Transitional Height.** No otherwise applicable requirement for transitional height including Section 12.21.1 A.10., or any applicable transitional height limits in a Project site's applicable zoning, Specific Plan, or overlay, including any requirements for reduced building heights when a building is adjoining a more restrictive zone, shall need to be met for projects eligible for the Base Incentives contained in this subdivision.
  - (iii) **Ground Floor Activation.** Where nonresidential Floor Area is required by a zoning ordinance, Specific Plan, Community Plan Implementation Overlay, Pedestrian Overlay Zone, or other set of Development Standards, including to meet the definition of a Mixed Use Project in LAMC Section 13.09 B.3, that requirement may be reduced by 50 percent and be satisfied by residential lobbies, community rooms, resident amenities spaces, child care centers, supportive services areas, common open space or use whose primary purpose is to provide services and assistance to residents of the building or the general public.
  - (iv) **Ground Floor Height.** Projects eligible for the base incentives contained in this subdivision may request a 30% reduction in any ground floor height requirement.
  - (v) **Commercial Parking.** Projects may request to waive any requirement to provide new or maintain existing automobile parking spaces associated with a commercial use that is proposed in conjunction with the Project.
  - (vi) **Space Between Buildings and Passageways.** Projects subject to the provisions set forth in LAMC Section 12.21 C.2 may request a reduction in space between buildings and passageways requirements as follows:
    - a. Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a).

- b. Up to 50% reduction in the width of the passageway required pursuant to LAMC Section 12.21 C.2(b) or the space provided to meet a subject site's side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the project site.
- (vii) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance, Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (viii) **Lot Width.** Up to 25% decrease from a lot width requirement, provided that the landscaping for the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance, Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (ix) **Open Space.** In lieu of the open space calculations set forth in LAMC Section 12.21 G.2, A Project requesting this incentive may calculate its usable open space requirement as 15 of the total lot area or 10 of the total floor area confined within the perimeter walls of the provided Residential Units, whichever is greater, provided that the overall design of the Project meets a minimum of 30 points under the Landscape and Site Design Ordinance, Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a)(1-4). Usable open space provided as Private Open Space shall comply with Section 12.21 G.2(b).
- (x) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the Project is located.
- (xi) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Project that is located on two or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space, and residential and commercial parking over the project site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:

- a. No further lot line adjustment or any other action that may cause the Project to be subdivided subsequent to this grant shall be permitted; and
- b. The proposed use is permitted by the underlying zone(s) of each lot.

(xii) **Relief from a Development Standard.** A Project may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, an Overlay, a Specific Plan, a Q Condition, or a D Condition. Projects requesting this incentive must provide landscaping for the Projects that meets a minimum of 30 points under the Landscape and Site Design Ordinance, Section 12.40 of this Code, and the Landscape and Site Design Point System. This incentive may be requested more than once, but shall require the use of an Incentive for each request.

- a. **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, signs, parking in front of buildings, or usable open space. This incentive shall not apply to a Designated Historic Resource(s), or a Non-Contributor(s).

(xiii) **Lot Requirements.** Faith Based Organization Projects and Shared Equity Projects on sites with a Maximum Allowable Residential Density of less than 5 units are eligible for a reduction of otherwise required Lot standards, as part of a subdivision as follows:

- a. Minimum Lot Area: 600 square feet
- b. Minimum Lot Width: 15 feet
- c. Minimum Lot Access: A 3-foot pedestrian access easement may be provided in lieu of vehicular access requirements.

(xiv) **Yards.** Faith Based Projects and Shared Equity Projects on sites with a Maximum Allowable Residential Density of less than 5 units are eligible for the reduction of otherwise required Yard standards, up to the following minimums:

- a. Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line, 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. If a Project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.
- b. Side yard setback of 4 feet, or 3 feet for a two-story structure.
- c. No interior side yard setback shall be required for buildings that are part of the same development.
- d. Rear yard setbacks of 4 feet, provided structures maintain a height of less than 26 feet within 15 feet of the rear property line.
- e. Alley setbacks of zero feet for structures that maintain a height of less than 26 feet in height for at least the first 15 feet from the alley.

(xv) **Spaces Between Buildings and Passageways.** A Faith Based Organization Project or Shared Equity Project on sites with a Maximum Allowable Residential Density of less than 5 units does not need to meet zoning requirements related to spaces between buildings or passageways pursuant to section 12.21 C.2.

(g) **Public Benefits Options.** A Project that qualifies for the Base Incentives contained in this Subdivision shall be eligible for one or more of the following Public Benefit Options. Projects may utilize more than one Public Benefit Option if eligible, and bonuses granted in exchange for Public Benefits may be stacked. These Public Benefit Options may be combined with the Additional Incentives granted pursuant to Paragraph (f). If a Project includes 5 of the following Public Benefit Options, they shall receive an additional 11 feet in height. Projects located in Very High Fire Hazard Severity Zones, Coastal Zones or Sea Level Rise Areas shall only be eligible for Public Benefit Options listed in 12.22 A.39(g)(1) or 12.22 A.39(g)(4).

(1) **Child Care Facility.** A Project that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the Project, shall be granted either of the following:

- (i) An additional Density Bonus that is, for purposes of calculating residential density, an increase in the Floor Area of the project equal to the Floor Area of the Child Care Facility included in the Project.

- (ii) An additional Incentive from the Menu of Incentives or not listed on the Menu of Incentives that contributes significantly to the economic feasibility of the construction of the Child Care Facility. A Project that utilizes this incentive may request an additional 11 feet in height.

(2) **Multi-Bedroom Units.** A Project providing multi-bedroom units shall be granted one of the following so long as an affidavit declaring the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional Residential Units in the future is executed and recorded with the Department of City Planning:

- (i) A Project that includes a minimum of 10% of the Total Units, as Residential Units with three bedrooms or more shall be granted additional Floor Area and Height in addition to what is available on the Base Incentives in LAMC Section 12.22 A.39(e) as follows in Table 12.22 A.39(g)(2)(i)a; or

<b>TABLE 12.22 A.39(g)(2)(i)a Additional FAR and Height for Multi-Bedroom Units</b>		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2

75+	2.0:1	2
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(ii) A Project shall be granted the following:

- a. An exemption of the square footage of all Residential Units with three or more bedrooms from the floor area calculations of family size units.
- b. An additional story of height beyond what is available in the applicable height incentive as listed for Base Incentives in Paragraph (e). The square footage of this additional story shall be limited to the square footage exempted as a result of applying 12.22 A.39(g)(2)(ii)(a).

(3) **Preservation of Trees.** Additional 11 feet of height may be awarded for Projects that maintain existing mature, Significant Trees (any tree that measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height), as verified by a focused Tree Report prepared by a certified arborist. A covenant shall be filed with Los Angeles Department of Building and Safety that requires the tree to be maintained for at least 15 years unless a certified arborist certifies that the tree is dead, dying or dangerous to public health.

(4) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(g), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15%. The Department of City Planning may adopt administrative guidelines for the purpose of clarifying procedures associated with the implementation of Land Donations pursuant to California Government Code Section 65915(g).

(5) **Active Ground Floor Exemption from Calculation of Floor Area.** Active uses, up to 1,500 square feet, located on the ground story shall be exempt from the calculation of floor area.

- (i) For the purposes of exempting active uses on the ground story from calculating floor area, active space shall be designed and intended for Neighborhood Retail and Service Uses. Areas for circulation, storage,

mechanical equipment, parking, lobbies, mailrooms, laundry rooms, utilities, and waste collection shall not account for more than 15% of an area designated as an active use.

(ii) Projects utilizing this option shall provide a ground story transparency of a minimum of 60% along the building Frontage.

(iii) Projects utilizing this option shall provide a ground floor entrance at minimum every 50 feet along the front property line that provides both ingress and egress pedestrian access to the ground story of the building.

(6) **Privately Owned Public Space.** Projects that provide 4% of buildable lot area that is dedicated as Privately Owned Public Space above the Project site's required Common Outdoor Open Space, the Project shall be eligible for zero rear yard setback and shall be eligible to utilize the Modification of Development Standard for site landscaping as described in Paragraph (f)(2)(xii).

(7) **Surveyed Historic Resource Facade Rehabilitation.** Projects incorporating a Surveyed Historic Resource(s) into the Project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available in the applicable height incentive as listed for Base Incentives in Table 12.22 A.39(e)(2)(i), provided all of the following standards are met:

(i) The Project retains all street Fronting facades to a depth of 10-feet,

(ii) New Floor Area shall be setback behind the 10-foot retention area, except that open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In instances where a lot contains dual-frontages, the setback shall be applied from both frontages, and

(iii) Rehabilitation of the facades is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources.

(h) **Program Standards.** The following program standards shall be applicable to any Project that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) **Other Density Bonus Programs.** Projects seeking a Density Bonus pursuant to this Subdivision may not pursue a Density Bonus pursuant to the procedures of any other housing incentive program contained in the LAMC or in an Overlay or Specific Plan.

- (2) **Calculating Maximum Allowable Residential Density.** The Maximum Allowable Residential Density of a Project site shall be calculated pursuant to Government Code Section 65915(o)(6), before the application of a density bonus, using the maximum number of units allowed under a project site's applicable zoning ordinance, specific plan, or general plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, specific plan, or general plan land use designation shall be applicable when determining a Project site's density prior to the application of a density bonus. A Project in a P or PB zone shall calculate Maximum Allowable Residential Density using additional provisions pursuant to Subparagraph (2) of LAMC 12.22.A.39(e), and a Public Land Project shall calculate Maximum Allowable Residential Density using additional provisions pursuant to Subparagraph (3) of LAMC 12.22.A.39(e).
- (3) **Calculating Restricted Affordable Units.** The required number of Restricted Affordable Units shall be calculated based on the Total Units of a Project.
- (4) **Calculating a Density Bonus.** For the purposes of calculating a Density Bonus, the following shall apply:
- (i) Residential Units that comprise a Project shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on an individual subdivision maps or lots.
  - (ii) An applicant for a Project may always have the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.
- (5) **Fractional Numbers.**
- (i) Units. For the purposes of this Subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:
    - a. Maximum Allowable Residential Density
    - b. Density Bonus Units
    - c. Number of Restricted Affordable Units
    - d. Number of Replacement Housing Units
    - e. Vehicular Parking

f. Number of Multi-Bedroom Units provided pursuant to LAMC Section 12.22 A.39(g)(2)

- (6) **Replacement Housing Units and Demolition Protections.** A Project approved under this subdivision must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and LAMC Section 16.60, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this Subdivision may count towards any Restricted Affordable Unit requirements.
- (7) **Standards for Restricted Affordable Units.** A Project must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in LAMC Section 16.61 B and C and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning.
- (8) **Implementation Memorandums, FAQs, Forms/Applications and User Guides.** The Director may prepare Implementation Memorandums, FAQs, Forms/Applications and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this Subdivision and maintaining consistency with State Density Bonus Law.
- (9) **Covenants.** Prior to the issuance of a building permit for any Project qualifying for a Density Bonus pursuant to the provisions of this Subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Subdivision and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder. For Shared Equity Projects covenants shall restrict the resale of the property to Community Land Trusts, Limited Equity Housing Cooperatives, Workforce Housing Cooperative Trusts, or nonprofit affordable housing corporations pursuant to Section 501(c)(3) of the United States Internal Revenue Code.
- (10) **Interpretation Consistent with State Density Bonus Law.** This Subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this Subdivision becomes inconsistent with California Government Code Sections 65915-65918, the provisions of State Density Bonus Law shall apply.

- (11) **Update Frequency.** The Director shall have the authority to issue updated eligibility maps on an annual basis in order to align with updated zoning and geographic data updates, including updates to Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC) and updates to the locations of Very Low Vehicle Travel Areas and Major Transit Stops.
- (12) **Adjoining Zone.** Refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.
- (13) **Income Limits, For-sale Costs, and Rent Schedules.** Restricted Affordable Units required as part of a One Hundred Percent Affordable Housing Project, Public Land Project, Faith-Based Organization Project, or Shared Equity Project shall meet the income limit, for-sale cost and rent schedule requirements specified for these Projects in footnotes (1) (2) (3) and (4) of Table A.39(c)(2)(i).
- (14) **Story.** A story shall be defined as 11-feet in height.
- (i) **Relationship to Other Sections of the Los Angeles Municipal Code.** The following provisions shall govern the relationship to other sections of the Los Angeles Municipal Code for any Project that meets the eligibility criteria established in Paragraph (c) of this Subdivision.
- (1) A Project that meets the eligibility criteria established in Paragraph (c) and complies with the Procedures established in Paragraph (d) may exceed the use limitations that may apply to a Project site.
- (2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraph (e), Additional Incentives described in Paragraph (f), Public Benefit Options described in Paragraph (g), or waivers requested pursuant to LAMC Section 12.22 A.39(d)(2) or LAMC Section 12.22 A.39(d)(4) conflict with those of any otherwise applicable specific plan, overlay, 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.
- (i) Alameda District Specific Plan (171,139)
  - (ii) Avenue 57 Transit Oriented District (174,663)
  - (iii) Bunker Hill Specific Plan (182,576)
  - (iv) Century City North Specific Plan (156,122)
  - (v) Century City West Specific Plan (186,370)
  - (vi) Century City South Specific Plan (168,862)
  - (vii) Coastal Bluffs Specific Plan (170,046)
  - (viii) Coliseum District Specific Plan (185,042)
  - (ix) Colorado Boulevard Specific Plan (178,098)
  - (x) Cornfield Arroyo Seco Specific Plan (182,617)
  - (xi) Crenshaw Corridor Specific Plan (184,795)

- (xii) Devonshire/Topanga Corridor Specific Plan (168,937)
- (xiii) Exposition Corridor Transit Neighborhood Plan (186,402)
- (xiv) Foothill Boulevard Corridor Specific Plan (170,694)
- (xv) Girard Tract Specific Plan (170,774)
- (xvi) Glencoe/Maxella Specific Plan (171,946)
- (xvii) Granada Hills Specific Plan (184,296)
- (xviii) Hollywoodland Specific Plan (168,121)
- (xix) Jordan Downs Urban Village Specific Plan (184,346)
- (xx) Los Angeles Airport/El Segundo Dunes Specific Plan (167,940)
- (xxi) Los Angeles International (LAX) Specific Plan (185,164)
- (xxii) Los Angeles Sports and Entertainment District Specific Plan (181,334)
- (xxiii) Loyola Marymount University Specific Plan (181,605)
- (xxiv) Mt. Washington/Glassell Park Specific Plan (168,707)
- (xxv) Mulholland Scenic Parkway Specific Plan (167,943)
- (xxvi) North Westwood Village Specific Plan (163,202)
- (xxvii) Oxford Triangle Specific Plan (170,155)
- (xxviii) Pacific Palisades Commercial Village and Neighborhood Specific Plan (184,371)
- (xxix) Paramount Pictures Specific Plan (184,539)
- (xxx) Park Mile Specific Plan (162,530)
- (xxxi) Playa Vista Area D Specific Plan (176,235)
- (xxxii) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)
- (xxxiii) Porter Ranch Land Use/Transportation Specific Plan (180,083)
- (xxxiv) Redevelopment Plans (186,325)
- (xxxv) San Vicente Scenic Corridor Specific Plan (173,381)
- (xxxvi) University of Southern California University Park Campus Specific Plan (182,343)
- (xxxvii) Valley Village Specific Plan (168,613)
- (xxxviii) Venice Coastal Zone Specific Plan (175,693)
- (xxxix) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)
- (xl) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)
- (xli) Warner Center 2035 Plan (182,766)
- (xlii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)
- (xlili) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)
- (xliv) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

- (j) **Interpretations Consistent with State Density Bonus Law.** This Subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this Subdivision becomes inconsistent with California Government Code Sections 65915-65918, the provisions of State Density Bonus Law shall apply.

Section 9. Subdivision 26 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended as follows:

**Density Bonus for a Housing Development in Which the Density Increase Is Greater than the Maximum Permitted in Section ~~12.22 A.25~~ 12.22 A.37.** (Amended by Ord. No. 185,373, Eff. 2/26/18.)

- (a) In addition to the findings set forth in LAMC Section 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find that:
- (1) the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;
  - (2) the project contains the requisite number of Restricted Affordable Units ~~sufficient to qualify for a 88.75% or 100% Density Bonus pursuant to 12.22 A.37~~, based on the number of Residential Units units permitted by the maximum allowable density provided, excluding Residential Units added by a Density Bonus, on the date of application, as follows:
    - (i) ~~a. 25~~ 44% Very Low Income Units for a 88.75 ~~35~~ density increase; or

(ii) ~~b. 24~~ 20% Low Income Units for a 50 ~~35~~ density increase; or

(iii) ~~e. 44~~ 40% Moderate Income Units for a 50 ~~35~~ density increase in for-sale projects.

The project may then be granted an additional Density Bonus ~~density increases~~ beyond 50 ~~100~~ ~~35~~ or 88.75 by providing additional affordable housing units in the following manner:

~~a.—d.~~ (iv) For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or

~~b.—e.~~ (v) For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or

~~e. f.—~~ (vi) For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or

~~d.—g.—~~ (vii) In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including the calculation of Maximum Allowable Residential Density, base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

(3) the project meets any applicable dwelling unit replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and LAMC Section 16.60 as verified by the Los Angeles Housing Department (LAHD). Replacement housing units required pursuant to these sections may count towards any On-Site Restricted Affordable Unit requirement;

(4) the project meets the requirements for projects including affordable housing in LAMC Section 16.61 B and C.

(5) ~~(4)~~ the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years or 99 years longer pursuant to LAMC Section 16.61 A from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

~~—(5)—the project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.~~

Section 10. Paragraph e of Subdivision 3 of Subsection E of Section 13.09 of the Los Angeles Municipal Code is modified to read as follows:

e. Affordable Housing. The transit facility and Central Parking Structure incentives set forth above shall not be combined with the parking reduction provided for affordable housing as set forth in Section ~~12.22 A.25(d)(2)~~ 12.22 A.37, 12.22 A.38, or 12.22 A.39.

Section 11. Subdivision 1 of Subsection E of Section 13.15 of the Los Angeles Municipal Code is modified to read as follows:

1. An MPR District shall not authorize any of the strategies listed above, except for the strategies described in subsections D.5. and D.6., for any lot that contained a residential use subject to the Rent Stabilization Ordinance, or that contained any Restricted Affordable units, ~~as defined in Section 12.22 A.25.(b) of the Code,~~ within the five years preceding the adoption of the MPR District. Required parking on such properties, however, may be reduced pursuant to Section ~~12.22 A.25.~~ 12.22 A.37, 12.22 A.38, or 12.22 A.39. of the Code, or pursuant to any other applicable affordable housing incentive program.

Section 12. Subdivision 2 of Subsection E of Section 13.15 of the Los Angeles Municipal Code is modified to read as follows:

2. Minimum parking requirements for multi-residential uses in an MPR district shall be less restrictive for projects that qualify for a density bonus under Section ~~12.22 A.25~~ 12.22 A.37, 12.22 A.38, or 12.22 A.39. of the Code.

Section 13. Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is modified to read as follows:

2. Density increase for a Housing Development to provide for additional density in excess of that permitted in Section ~~12.22 A.25~~ 12.22 A.37, 12.22 A.38, or 12.22 A.39. (Subdivision Title Amended by Ord. No. 179,681, Eff. 4/15/08.)

Section 14. Sub-subparagraph i of Subparagraph 4 of Paragraph d of Subdivision 10 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is modified to read as follows:

- i. Parking may be recalculated for all units in the project (not just the restricted units) using ~~Parking Option 1 in LAMC Section 12.22 A.25(d)~~ Table 12.22 A.37(e)(2)(iii) in Section 12.22 A.37.

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Section 15. Sub-subparagraph ii of Subparagraph 4 of Paragraph d of Subdivision 10 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is modified to read as follows:

ii. Parking may be calculated by maintaining all existing parking and providing additional parking just for the newly legalized unit(s) in accordance with ~~Parking Option 2 in LAMC Section 12.22 A.25(d), Table 12.22 A.37(e)(2)(iii) in Section 12.22 A.37~~ as long as one Restricted Affordable Unit or dwelling unit for Low Income individuals who are 62 years of age or more, or who has a physical or mental impairment that limits one or more major life activities is provided for each legalized unit; or

Section 16. Subparagraph 1 of Paragraph b of Subdivision 13 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is modified to read as follows:

1. Other Affordable Housing Incentive Programs. Except as described in Paragraph (f), applicants for other affordable housing incentive programs, including, but not limited to, the Floor Area Bonus for the Greater Downtown Housing Incentive Area in Section 12.22 A.29.; the Density Bonus provisions in Section ~~12.22 A.25~~ 12.22 A.37, 12.22 A.38, 12.22 A.39.; the Transit Oriented Communities Affordable Housing Incentive Program in Section 12.22 A.31.; or affordable housing incentive provisions in Community Plan Implementation Overlays (CPIOs) ~~community plan implementation overlays (CIPOs)~~, shall not also be eligible for a Qualified Permanent Supportive Housing Project approval at the same location.

Section 17. Sub-subparagraph ii of Subparagraph 2 of Paragraph d of Subdivision 13 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is modified to read as follows:

ii. For Qualified Permanent Supportive Housing Projects located within one-half (1/2) mile of a ~~Transit Stop~~ a Rapid Bus, as defined in Section 12.22 A.38(b) ~~Section 12.22 A.25(b), High Quality Transit Service~~, or of a Major Transit Stop as defined in Section 21155(b) of the Public Resources Code, no more than one-half (1/2) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population. Otherwise, no more than one (1) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population.

Section 18. Paragraph f of Subdivision 13 of Subsection A of Section 14.00 of the Los Angeles Municipal Code modified to read as follows:

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. Applicants may request additional waivers pursuant to the discretionary review procedures described in Section ~~12.22 A.25(g)(3)~~ 12.22 A.37(d)(3) of this Code. The applicant shall not be required to provide a pro forma or other documentation to show

that the waiver or modification of any development standard(s) is needed in order to make the Qualified Permanent Supportive Housing Project economically feasible, but must provide reasonable documentation of its eligibility for the requested waiver. Additional waivers shall not be used to exempt compliance with the performance standards described in Paragraph (g).

Section 19. Subdivision 5 of Subsection A of Section 14.5.4 of the Los Angeles Municipal Code is modified to read as follows:

5. Residential Projects that exceed the number of dwelling units or Floor Area permitted by the zoning or the Community Plan as a result of a density or Floor Area bonus received pursuant to Sections ~~12.22 A.25, 12.22 A.37, 12.22 A.38, 12.22 A.39,~~ 12.22 A.29., 12.24 U.26. or 12.24 U.27. of this Code.

Section 20. Subdivision 4 of Subsection B of Section 14.5.4 of the Los Angeles Municipal Code is modified to read as follows:

4. Residential Projects that exceed the number of dwelling units or Floor Area permitted by the zoning or the Community Plan as a result of a density or Floor Area bonus received pursuant to Sections ~~12.22 A.25, 12.22 A.37, 12.22 A.38, 12.22 A.39,~~ 12.22 A.29., 12.24 U.26. or 12.24 U.27. of this Code.

Section 21. Subdivision 11 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is added to read as follows:

11. A Housing Development that provides Restricted Affordable Units consistent with the affordability requirements set forth in LAMC Section 19.18 B.2(b) in lieu of the Linkage Fee that may otherwise be required pursuant to LAMC Section 19.18.

Section 22. Subsection M of Section 19.01 of the Los Angeles Municipal code is modified to read as follows:

Type of Application	Base Fee*
Application for a Density Bonus in conjunction with: <u>Up to one waiver of a development standard under the Mixed Income Incentive Program; or</u>  <u>Up to three waivers of a development standard under the Affordable Housing Incentive Program including a request for one or more Incentives Included in the Menu of Incentives</u> ( <del>Section 12.22 A.25.(g)(2)</del> Section 12.22 A.38(d)(3); Section 12.22 A.39(d)(3); Section 13B.2.5.)	\$9,459
Application for a Density Bonus in conjunction with: <u>Waivers under the State Density Bonus Program;</u>  <u>More than one waiver under the Mixed Income Incentive Program; or</u>  <u>More than three waivers under the Affordable Housing Incentive Program including a request for one or more Incentives not included in the Menu of Incentives</u> ( <del>Section 12.22 A.25.(g)(3)</del> Section 12.22 A.37(d)(3); Section 12.22 A.38(d)(4); Section 12.22 A.39(d)(4); Section 13B.2.3.)	\$24,349
Application for a Density Bonus in excess of that permitted by Section 12.22 A.37 <del>25</del> . (Section 12.24 U.26.; Section 13B.2.3)	\$24,359

Section 23. Subsection A of Section 19.14 of the Los Angeles Municipal Code is modified to read as follows:

A. Unless a fee Exemption pursuant to Section 19.14(b) applies, the following fees shall be charged and collected by the Los Angeles Housing Department (Department) for the preparation, enforcement, monitoring, and associated work relating to the affordable housing covenants ~~described in Sections 12.22 A.25(h)(1) through (3), required by~~ Sections 12.22 A.37, 12.22 A.38, 12.22 A.39, 12.22 A.29.(d)(1) through (2), and 14.00 A.10.(c)(2) of this Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

Section 24. Paragraph b of Subdivision 2 of Subsection C of Section 19.18 of the Los Angeles Municipal Code is modified to read as follows:

b. Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are

dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid, or any Mixed Income Incentive Project consistent with LAMC Section 12.22 A.38. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time.

Section 25. Paragraph b of Subdivision 4 of Subsection C of Section 19.18 of the Los Angeles Municipal Code is modified to read as follows:

b. Affordable Housing Units. Any Restricted Affordable Units ~~as defined in Section 12.22 A.25 of this Code~~ may be subtracted from the total number of dwelling units or guest rooms in a building in determining the required Linkage Fee.

Section 26. Part 2B and Part 2C of Article 2 (Form) of Chapter 1A of the Los Angeles Municipal Code are amended as follows:

*[Language in Development. Intent: Provide revisions to Part 2B and Part 2C of Article 2 (Form)]*

Section 27. Sections 8.1.1, 8.2.2, 8.2.3, 8.2.5, 8.2.6, 8.2.7, and 8.2.8 of Article 8 (Specific Plans, Supplemental and Special Districts) of Chapter 1A of the Los Angeles Municipal Code are amended as follows:

*[Language in Development. Intent: Provide revisions to 8.1.1, 8.2.2, 8.2.3, 8.2.5, 8.2.6, 8.2.7, and 8.2.8 of Article 8 (Specific Plans, Supplemental and Special Districts)]*

Section 28. Sections 9.2.1, 9.3.1, 9.3.2, 9.3.3, and 9.4.1 of Article 9 (Public Benefit Programs) of Chapter 1A of the Los Angeles Municipal Code are amended to read as follows:

*[Language in Development. Intent: Provide revisions to Sections 9.2.1, 9.3.1, 9.3.2, 9.3.3, and 9.4.1 of Article 9 (Public Benefit Programs)]*

Section 29. Section 13B.3.2. Expanded Administrative Review within Division 13B.3. of Part B. of the Table of Contents of Article 13 of Chapter 1A of the Los Angeles Municipal Code is added as follows:

<b>Div. 13A.1. Authorities . . . . .</b>	<b>13-5</b>
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Section 30. Table 2 - Process Summary of Subsection A (Overview) of Section 13A.2.2. (Process Elements) of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Legislative Action													
General Plan Adoption / Amendment		R †						[R] †	[D] †	R/ SV †			
Specific Plan Adoption / Amendment		R						[R] †	[D] †	SV †			
Zoning Code Amendment		R						[R] †	D †	SV †			
Zone Change		R					[R]	[R]* †	[D] †	SV †			
Guidelines of Standards Adoption/ Amendment								[D]					
Land for Public Use								R	D				
Quasi-Judicial Review													
Class 1 Conditional Use Permit			<D>				[A]						
Class 2 Conditional Use Permit			D †				[A] †						
Class 3 Conditional Use Permit		[R] †						[D] †	[A]				
Project Review		<D>					[A]						
Director Determination		D					[A]	[A]					
Ministerial Action													
Administrative Review		D											
Expanded Administrative Review		<D>											
Specific Plan Implementation													
Project Compliance		<D>					[A]						
Project Compliance (Design Review Board)		D					[A]				[R]		
Project Adjustment		<D>					[A]						
Project Exception							[D]		[A]				

Specific Plan Interpretation	<D>					[A]	[A]						
Quasi-Judicial Relief													
Alternative Compliance	D					[A]							
Adjustment	<D>					[A]							
Variance		[D]				[A]		[A]					
		†				†							
Modification of Entitlement	↔					↔						↔	
Reasonable Accommodation	D							[A]					
Non-Compliance													
Evaluation of Non-Compliance		[D]				[A]	[D]	[A]					
Nuisance Abatement/Revocation		[D]						[A]					
								†					
Division of Land													
Parcel Map Exemption/ Lot Line Adjustment	D					[A]	[A]						
Tentative Tract Map	[D]		R			[A]	[A]						
Final Tract Map				C				D					
Preliminary Parcel Map	[D]		R			[A]	[A]						
Final Parcel Map				C				D					
Private Street Map	<D>		R			[A]	[A]						
Subdivision Appeal						[D]	[D]						
Historic Preservation													
Historic Preservation Overlay Zone Designation							[R]	[D]				C	
Preservation Plan Adoption / Amendment		R			[R]		[D]					[R]	
					†								
Review of Conforming Work	D											D	
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)		D				[A]						[R]	
Certificate of Appropriateness (Demolition, Removal, or Relocation)						D		[A]				[R]	
Certificate of Compatibility for Non-Contributing Elements		D				[A]						[R]	
Coastal Development													
Coastal Development Permit (Pre-Certification)	↔					↔						↔	

Coastal Development Permit (Post-Certification)	<D>			<D>		[A]							
Department of Building and Safety													
Appeals from LADBS Determination	<D>					[A]	[A]						
California Environmental Quality Act (CEQA) Provisions													
CEQA Appeal								D					

**Key**

C Certification  
R Review & Recommendation  
D Decision or Acceptance  
SV Signature / Veto

A Appeal  
[ ] Public Hearing

< > Public Hearing optional or waivable

‡ Optional or where directed by decision

**Blank Cell** Not required

† Required by City Charter

**Italics** Action only under certain conditions (such as project size, delegation or transfer from another agency, etc.)

↔ Varies with underlying process

\* If filed by application and CPC recommends disapproval, its decision is appealable to CC.

Section 31. Table 4 - Summary of Notice Requirements of Subsection F (Notice Requirements of Each Process) of Section 4 (Notice of Public Hearing) of Division 13A.2. (General Procedural Elements) of Part A (General Administrative Provisions) of Article 13 of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

Action	Reference	Publication	Mail	Posting
Legislative Action	Div. 13B.1.			
General Plan Adoption / Amendment	Sec. 13B.1.1.	■	■	●
Specific Plan Adoption / Amendment	Sec. 13B.1.2.	■	●	●
Zoning Code Amendment	Sec. 13B.1.3.	■		
Zone Change	Sec. 13B.1.4.	■	●	●
Guidelines or Standards Adoption / Amendment	Sec. 13B.1.5.	■		
Land for Public Use	Sec. 13B.1.6.			
Quasi-Judicial Review	Div. 13B.2.			
Class 1 Conditional Use Permit	Sec. 13B.2.1.		■	■
Class 2 Conditional Use Permit	Sec. 13B.2.2.	■	■	■
Class 3 Conditional Use Permit	Sec. 13B.2.3.	■	■	■
Project Review	Sec. 13B.2.4.		■	
Director Determination	Sec. 13B.2.5.		○	○
Ministerial Action	Div. 13B.3.			
Administrative Review	Sec. 13B.3.1.			
Expanded Administrative Review	Sec. 13B.3.2.		■	■
Specific Plan Implementation	Div. 13B.4.			
Project Compliance	Sec. 13B.4.2.		○	
Project Compliance (Design Review Board)	Sec. 13B.4.3.		■	■
Project Adjustment	Sec. 13B.4.4.		○	
Project Exception	Sec. 13B.4.5.	■	■	■
Specific Plan Interpretation	Sec. 13B.4.6.		○	
Quasi-Judicial Relief	Div. 13B.5.			
Alternative Compliance	Sec. 13B.5.1.		○	
Adjustment	Sec. 13B.5.2.		■	■
Variance	Sec. 13B.5.3.		■	■
Modification of Entitlement	Sec. 13B.5.4.		◆	◆
Reasonable Accommodation	Sec. 13B.5.5.	○	○	○
Non-Compliance	Div. 13B.6.			
Evaluation of Non-Compliance	Sec. 13B.6.1.		■	■
Nuisance Abatement/Revocation	Sec. 13B.6.2.		■	■
Division of Land	Div. 13B.7.			
Parcel Map Exemption/Lot Line Adjustment	Sec. 13B.7.2.			
Tentative Tract Map	Sec. 13B.7.3.	■	■	■

Tentative Tract Map	Sec. 13B.7.3.	■	■	■
Final Tract Map	Sec. 13B.7.4.			
Preliminary Parcel Map	Sec. 13B.7.5.	■	■	■
Final Parcel Map	Sec. 13B.7.6.			
Private Street Map	Sec. 13B.7.7.		■	■
Subdivision Appeal	Sec. 13B.7.8.		■	
Historic Preservation	Div. 13B.8.			
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	■	■	●
Preservation Plan Adoption or Amendment	Sec. 13B.8.3.		■	
Review of Conforming Work	Sec. 13B.8.4.			
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■	■
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■	■
Certificate of Compatibility for Non-Contributing Elements	Sec. 13B.8.7.		■	■
Coastal Development	Div. 13B.9.			
Coastal Development Permit (Pre-Certification)	Sec. 13B.9.1		■	❖
Coastal Development Permit (Post-Certification)	Sec. 13B.9.2		■	❖
Department of Building and Safety	Div. 13B.10			
Appeals from LADBS Determinations	Sec. 13B.10.2		■	
California Environmental Quality Act (CEQA) Provisions	Div. 13B.11			
CEQA Appeal	Sec. 13B.11.1		■	

Key: ■ = initial decision ● = site specific only (not City-initiated) ○ = appeal only

❖ = varies with underlying application



Section 32. Table 5 - Classifications of Actions for Multiple Approvals of Paragraph 2 (Terms) of Subsection A (Applicability) of Section 10 (Multiple Approvals) of Division 13A.2. (General Procedural Elements) of Part A (General Administration Provisions) of Section of Article 13 of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
<b>Legislative Action</b>	<b>Div. 13B.1.</b>				
General Plan Adoption / Amendment	Sec. 13B.1.1.	■			
Specific Plan Adoption / Amendment	Sec. 13B.1.2.	■			
Zoning Code Amendment	Sec. 13B.1.3.	■			
Zone Change	Sec. 13B.1.4.	■			
Guidelines or Standards Adoption/Amendment	Sec. 13B.1.5.	■			
Land for Public Use	Sec. 13B.1.6.	■			
<b>Quasi-Judicial Review</b>	<b>Div. 13B.2.</b>				
Class 1 Conditional Use Permit	Sec. 13B.2.1.		■		
Class 2 Conditional Use Permit	Sec. 13B.2.2.		■		
Class 3 Conditional Use Permit	Sec. 13B.2.3.		■		
Project Review	Sec. 13B.2.4.		■		
Director Determination	Sec. 13B.2.5.		■		
<b>Ministerial Action</b>	<b>Div. 13B.3.</b>				
Administrative Review	Sec. 13B.3.1.				—
Expanded Administrative Review	Sec. 13B.2.2				—
<b>Specific Plan Implementation</b>	<b>Div. 13B.4.</b>				
Project Compliance	Sec. 13B.4.2.		■		
Project Compliance (Design Review Board)	Sec. 13B.4.3.		■		
Project Adjustment	Sec. 13B.4.4.		■		
Project Exception	Sec. 13B.4.5.		■		
Specific Plan Interpretation	Sec. 13B.4.6.		—		
<b>Quasi-Judicial Relief</b>	<b>Div. 13B.5.</b>				
Alternative Compliance	Sec. 13B.5.1.		■		
Adjustment	Sec. 13B.5.2.		■		
Variance	Sec. 13B.5.3.		■		
Modification of Entitlement	Sec. 13B.5.4.		■		
Reasonable Accommodation	Sec. 13B.5.5.		—		
<b>Non-Compliance</b>	<b>Div. 13B.6.</b>				
Evaluation of Non-Compliance	Sec. 13B.6.1.		—		
Nuisance Abatement/Revocation	Sec. 13B.6.2.		—		
<b>Division of Land</b>	<b>Div. 13B.7.</b>				
Parcel Map Exemption/Lot Line Adjustment	Sec. 13B.7.2.			—	
Tentative Tract Map	Sec. 13B.7.3.			■	
Final Tract Map	Sec. 13B.7.4.			—	

Final Tract Map	Sec. 13B.7.4.			—	
Preliminary Parcel Map	Sec. 13B.7.5.			■	
Final Parcel Map	Sec. 13B.7.6.			—	
Private Street Map	Sec. 13B.7.7.			■	
Subdivision Appeal	Sec. 13B.7.8.			—	
Historic Preservation	Div. 13B.8.				
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	—			
Preservation Plan Adoption / Amendment	Sec. 13B.8.3.	■			
Review of Conforming Work	Sec. 13B.8.4.				—
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■		
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■		
Certificate of Compatibility for Non-Contributing Elements	Sec. 13B.8.7.		■		
Coastal Development	Div. 13B.9.				
Coastal Development Permit (Pre-Certification)	Sec. 13B.9.1		■		
Coastal Development Permit (Post-Certification)	Sec. 13B.9.2		■		
Department of Building and Safety	Div. 13B.10				
Appeals from LADBS Determinations	Sec. 13B.10.2		—		
Annual Inspection Monitoring (Recycling)	Sec. 13B.10.3		—		
Annual Inspection Monitoring (Automotive)	Sec. 13B.10.4		—		
California Environmental Quality Act (CEQA) Provisions	Div. 13B.11.				
CEQA Appeal	Sec. 13B.11.1.		—		

Key: ■ = qualifies for multiple approval — = varies with underlying application

Section 33. Paragraph (C) of Section 13A.2.7. (Scope of Decision) of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

#### C. Utilizing the Grant

1. A discretionary project approval is considered utilized after it has been effectuated by the Department of City Planning and a building permit has been issued by the Department of Building and Safety. Utilization of a grant must occur no later than 3 years from the last date an action can be effectuated. An approval not requiring building permits from the Department of Building and Safety is considered utilized when compliance with all conditions of approval have been demonstrated, appropriate fees paid, plans stamped and authorization has been obtained from the Department of City Planning.

#### 2. Exceptions

##### a. Religious and Institutional Uses

Where a lot or lots have been approved for use as a governmental

enterprise, religious use, hospital, educational institution or private school, including elementary and high schools, no time limit to utilize the privileges shall apply provided that all of the following conditions are met:

- i. The property involved is acquired or legal proceedings for its acquisition are commenced within one year of the effective date of the decision approving the conditional use.
  - ii. A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the decision approving the conditional use. This sign shall have a surface area of at least 20 square feet.
  - iii. The sign is maintained on the property and in good condition until the conditional use privileges are utilized.
- b. Affordable Housing Projects  
A six-year time limit to utilize the privileges shall apply where a lot or lots have been approved for housing that includes 100% restricted Affordable Units, exclusive of a manager's unit or units, as defined in ~~Sec. 12.22 A.25(b) (Exceptions: Affordable Housing Incentives – Density Bonus; Definitions)~~ *Sec. 12.03 (Definitions) of Chapter 1 (General Provisions and Zoning)* of this Code.

Section 34. Paragraph (D) of Section 13B.2.1 (Class 1 Conditional Use Permit) of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

~~DG.~~ Decision

1. General Procedures  
See *Sec. 13A.2.5. (Decisions)*.
2. Decision Maker  
The Zoning Administrator is the initial decision maker.
3. Public Hearing
  - a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.
  - b. The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.
4. Decision
  - a. The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.

- b. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to *Sec. 13A.2.6. (Transfer of Jurisdiction)*.

5. Conditions of Approval and inspections

- a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.
- b. The decision may state that the height and area regulations required by other provisions of this Chapter and *Chapter 1 (General Provisions and Zoning)* shall not apply to the conditional use approved. ~~If the Density Bonus is increased beyond the maximum allowed as defined in *Sec. 12.22 A.37 (State Density Bonus Program)*, the development project must also contain the requisite number of Restricted Affordable Units as set forth in *Sec. 12.24 U.26. (a)(1) – (5) (Density Bonus for a Housing Development in Which the Density increase is Greater than the Maximum Permitted in Sec. 12.22 A.3725)* of this Code.~~
- c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in *Article 9 (Fees) of Chapter 1 (General Provisions and Zoning)*.
- d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to *Sec. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.

Section 35. Paragraph (D) of Section 13B.2.2 (Class 2 Conditional Use Permit) of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

D. Decision

1. General Procedures

See *Sec. 13A.2.5. (Decisions)*.

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

a. Upon receipt of a complete application, the Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.

4. Decision

a. The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.

b. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to *Sec. 13A.2.6. (Transfer of Jurisdiction)*.

5. Conditions of Approval and inspections

a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

b. The decision may state that the height and area regulations required by other provisions of this Chapter and *Chapter 1 (General Provisions and Zoning)* shall not apply to the conditional use approved. ~~If the Density Bonus is increased beyond the maximum allowed as defined in Sec. 12.22 A.37 (Affordable Housing incentives – Density Bonus), the development project must also contain the requisite number of Restricted Affordable Units as set forth in Sec. 12.24 U.26. (a)(1) – (5) (Density Bonus for a Housing Development in Which the Density increase is Greater than the Maximum Permitted in Sec. 12.22 A.3725) of this Code.~~

- c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in *Article 9 (Fees) of Chapter 1 (General Provisions and Zoning)*.
  - d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to *Sec. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.
6. Transmittal
- The Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property and all persons who filed a written request for the notice with the Zoning Administrator.

Section 36. Paragraph (D) of Section 13B.2.3 (Class 3 Conditional Use Permit) of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

D. Decision

1. General Procedures  
See *Sec. 13A.2.5. (Decisions)*.
2. Decision Maker  
The City Planning Commission is the initial decision maker.
3. Public Hearing
  - a. Upon receipt of a complete application, the City Planning Commission shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.
  - b. The City Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.
4. Decision

- a. If the Director conducts the public hearing, the Director shall transmit its findings and recommendation to the City Planning Commission.
  - b. After the Director or City Planning Commission's hearing is closed, the City Planning Commission shall render the initial decision at a public meeting.
  - c. The City Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete.
  - d. If the City Planning Commission fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the City Council pursuant to *Sec. 13A.2.6. (Multiple Approvals)*.
5. Conditions of Approval and inspections
- a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.
  - b. The decision may state that the height and area regulations required by other provisions of this Chapter and *Chapter 1 (General Provisions and Zoning)* shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in ~~Sec. 12.22 A. 25 (Affordable Housing Incentives – Density Bonus)~~, Sec. 12.22 A.37 (State Density Bonus Program), the development project must also contain the requisite number of Restricted Affordable Units as set forth in *Sec. 12.24 U.26. (a)(1) - (5) (Density Bonus for a Housing Development in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.2537)* of this Code.
  - c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring, and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in *Article 9 (Fees) of Chapter 1 (General Provisions and Zoning)*.
  - d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the

specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to *Sec. 13B.6.1. (Evaluation of Non-Compliance)* or *Sec. 13B.6.2. (Nuisance Abatement/Revocation)* may commence.

6. Transmittal

The City Planning Commission shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and all persons who filed a written request for the notice.

Section 37. Paragraph (G) of Section 13B.2.5 of Chapter 1A of the Los Angeles Municipal Code is amended as follows:

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

a. The Area Planning Commission is the appellate decision maker.

b. ~~On-Menu Density Bonus~~ Density Bonus

The City Planning Commission is the appellate decision maker for projects seeking approval pursuant to Sec. 12.22 A.37(d)(5)(iii) (State Density Bonus Program), Sec. 12.22 A.38(d)(3) (Mixed Income Incentive Program), or Sec. 12.22 A.39(d)(3) (Affordable Housing Incentive Program) ~~(Sec. 12.22 A.25. (Affordable Housing Incentives—Density Bonus))~~ of Chapter 1 (General Provisions and Zoning).

3. Filing

a. An applicant or any other person aggrieved by the Director's decision may file an appeal.

b. ~~On-Menu Density Bonus~~ Density Bonus

An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may file an appeal on projects seeking approval pursuant to Sec. 12.22 A.37(d)(5)(iii) (State Density Bonus Program), Sec. 12.22 A.38(d)(3) (Mixed Income Incentive Program), or Sec. 12.22 A.39(d)(3) (Affordable Housing Incentive Program) ~~Sec. 12.22 A.25. (Affordable Housing Incentives—Density Bonus)~~ of Chapter 1 (General Provisions and Zoning).

4. Appellate Decision

- a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.
- b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

5. Exception

- a. When the application is filed as part of a project requiring multiple approvals, the appeals  
  
procedures set forth in LAMC Section 13A.2.10. (Multiple Approvals) of this Code shall govern.
- b. When the application is filed in conjunction with a Parcel Map and no other approval, the  
  
appeals procedures set forth in LAMC Section 13B.7.8. (Subdivision Appeal) of this Code shall govern.
- c. When the application is filed in conjunction with a Tentative Map and no other approval, the appeals procedures set forth in LAMC Section 13B.7.3.G. (Tentative Tract Map; Appeals) of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Div. 13C.1. (Administration Definitions) of this Code, and shall not be subject to further appeal to the City's legislative body.

Section 38. A new Section 2. is added to Division 13B.3. of Article 13 (Administration) of Chapter 1A of the Los Angeles Municipal Code as follows:



A. Applicability

1. This Section applies where any provision of this Code requires an Expanded Administrative Review.

B. Initiation

1. An application for an Expanded Administrative Review is filed with the Department.
2. An Expanded Administrative Review is initiated as required in order to obtain a building permit.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public informational hearing on the decision, if held.

Type of Notice	When	Where/To Whom/Additional Requirements
Mail	24 days	<ul style="list-style-type: none"><li>• The applicant;</li><li>• The owner(s) of the property involved;</li><li>• The owners and tenants of all property within 300 feet of the boundary of the subject site;</li><li>• The Certified Neighborhood Council representing the area in which the property is located; and</li><li>• Interested parties who have requested in writing to be notified</li></ul>
Posting	10 days	<ul style="list-style-type: none"><li>• The applicant will post notice in a conspicuous place on the property</li></ul>

D. Review

1. The Department shall determine compliance with the applicable regulations and standards for projects requiring an Administrative Review.

2. Clearance

Clearance shall be issued as required pursuant to the applicable ordinance or building permit requirement.

3. Public Hearing

If the matter has a significant effect on neighboring properties, or if required where any provision of this Code requires an Expanded Administrative Review and a public hearing, the Department may require a public hearing in the manner specified in Subsection C.

E. Criteria for Compliance Review

The Department shall review the application for compliance with the applicable regulations and standards of this Code or the applicable specific plan or overlay, including the zoning standards, established development standards, and any supplemental use regulations.

F. Scope of Action

After the Expanded Administrative Review determines that the application is in compliance with the applicable regulations and standards, the following actions must comply with the approved plans:

1. The erection, enlargement or maintenance of buildings;
2. Any development or construction work; or
3. Issuance of a grading, building, demolition, or change of use permit.

G. Appeals

There is no appeal.

H. Modification Procedures

1. Modifications Equal to or Less than 10%

- a. Projects approved pursuant to this Section may seek a modification to modify conditions of approval for the original action prior to the issuance of the Certificate of Occupancy.
- b. For purposes of this Section, a “modification” means any changes in the proposed physical development or related conditions of approval that were approved in the original action by no more than 10%.
- c. A modification does not include the granting of any new rights or increased or additional incentives, nor does it include the granting of any new deviation from zoning regulations in this Chapter or Chapter 1 (General Provisions and Zoning).
- d. An application for a Modification pursuant to this Section shall be filed with the Department before the original action expires and include development plans showing the requested modifications.
- e. In approving a modification pursuant to this section, the Department shall review the application for compliance with the applicable regulations and standards of this Code or the applicable specific plan or overlay, including the zoning standards, established development standards, and any supplemental use regulations

2. Modifications Greater than 10%

Any request for a modification that exceeds the 10% limitation will not be processed as a modification of the original action under this Subdivision and shall instead require a filing of a new Expanded Administrative Review Application pursuant to this Section.

Section 39. Subsection B of Section 151.28 of Chapter 15 of the Los Angeles Municipal Code is modified to read as follows:

Units that are used to qualify for a density bonus pursuant to the provisions of either California Government Code Section 65915 or Los Angeles Municipal Code Section 12.22 A.25, 12.22 A.37, 12.22 A.38, or 12.22 A.39, or are used to satisfy any inclusionary zoning or replacement affordable housing requirement, or are used to qualify for any other public benefit or incentive, may be used to qualify as replacement affordable housing units pursuant to the provisions of this subsection.

Section 40. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.