

# **EXHIBIT D.1: Downtown Community Plan Implementation Overlay (CPIO)**

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## **Downtown Community Plan**

CF 22-0617; CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR

Recommended by the City Planning Commission on September 23, 2021

September 2022

# Downtown Community Plan Implementation Overlay District (Downtown CPIO District)

Ordinance No. \_\_\_\_\_  
Effective Date XXXXX

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***Downtown CPIO District***

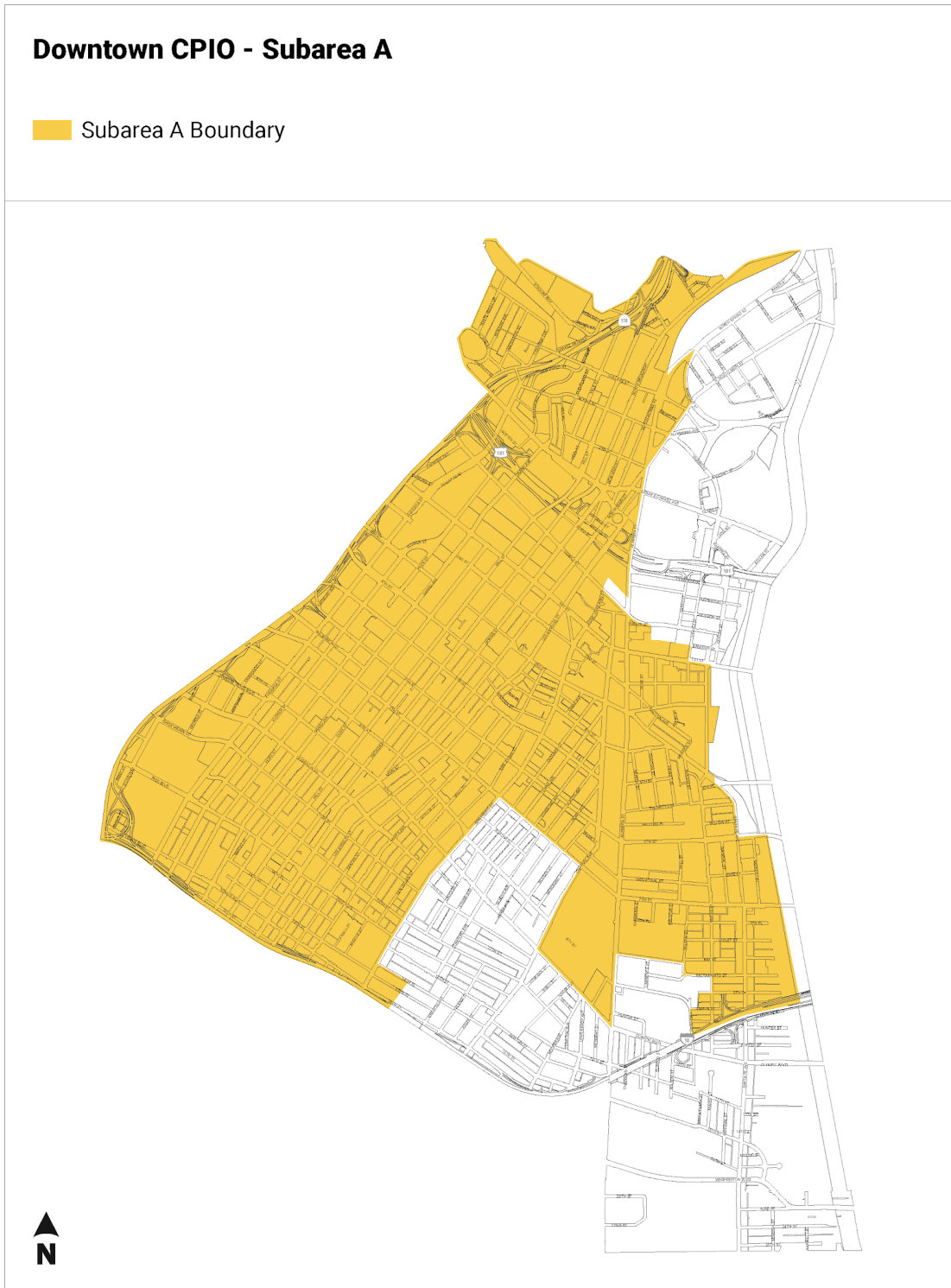
# CHAPTER I – FUNCTION OF THE CPIO DISTRICT

## **I –I. Section I-1. DOWNTOWN CPIO DISTRICT AUTHORITY AND BOUNDARIES**

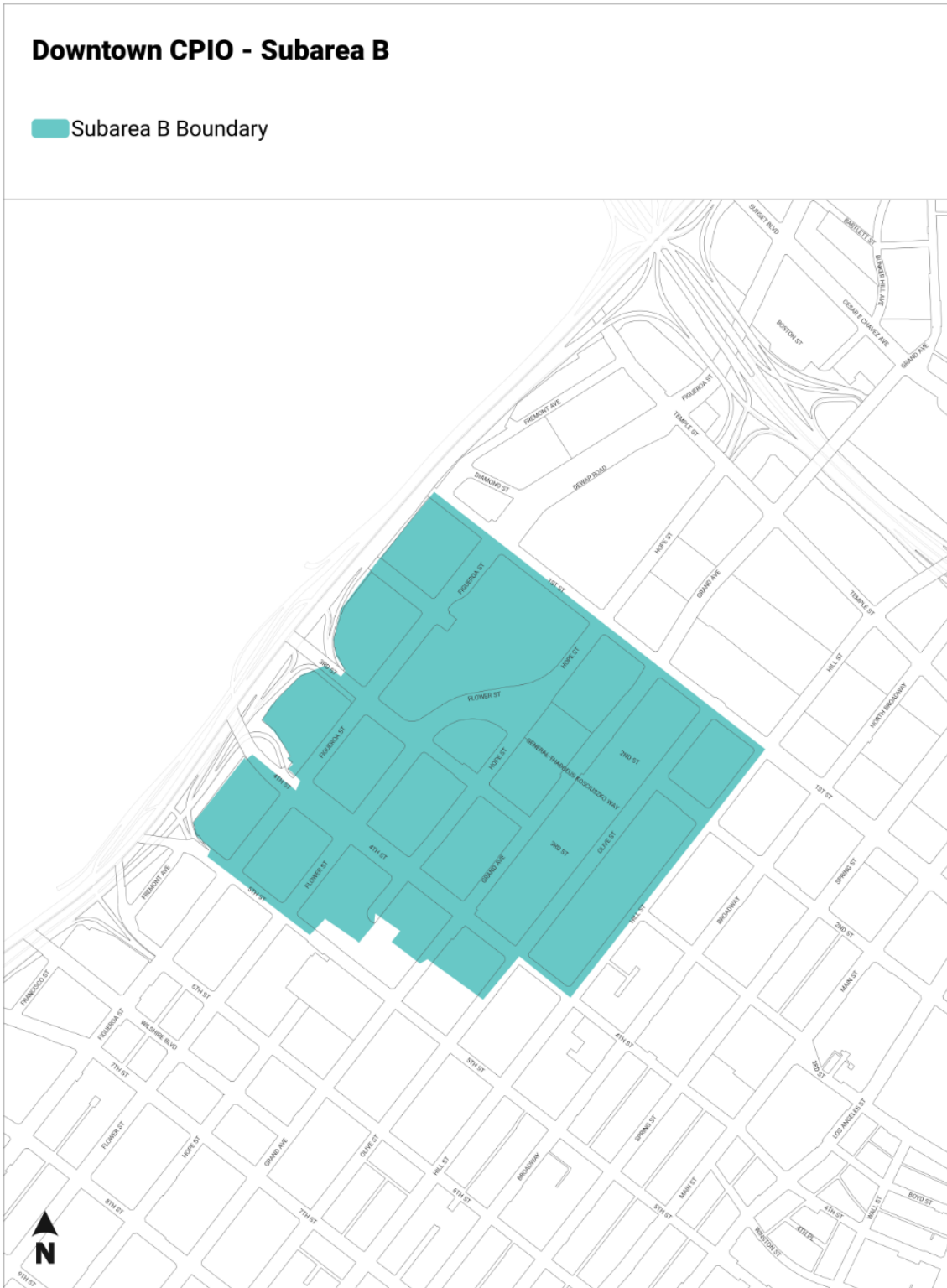
Pursuant to Los Angeles Municipal Code (LAMC) Chapter 1A Section 8.2.2, the City Council establishes the Downtown Community Plan Implementation Overlay District (Downtown CPIO District). The boundaries of the Downtown CPIO District are identical to the boundaries of the Downtown Community Plan.

***Downtown CPIO District***

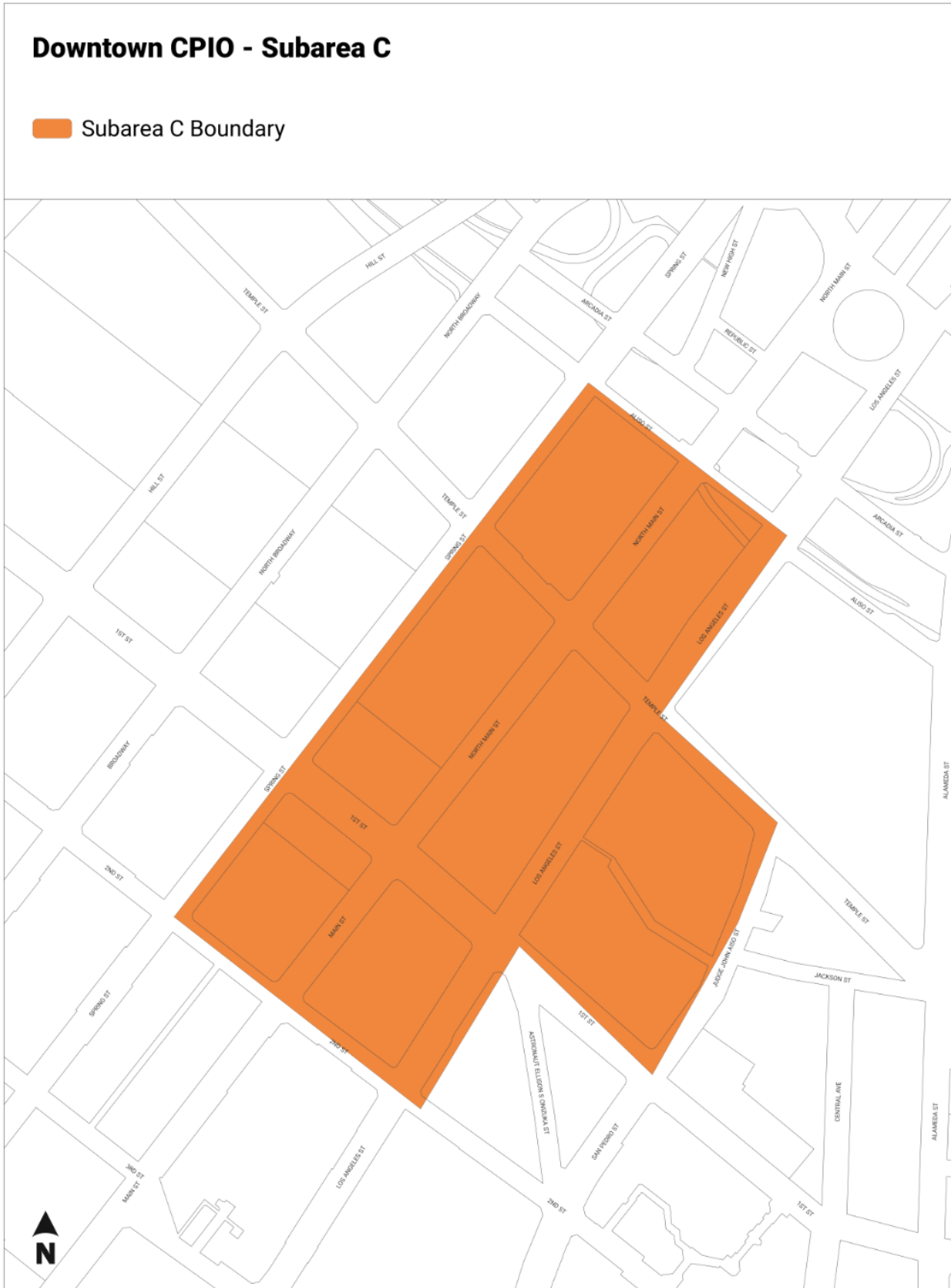
**Figure 1-1. Downtown Community Plan Implementation Overlay District Community Benefits Program Subarea A**



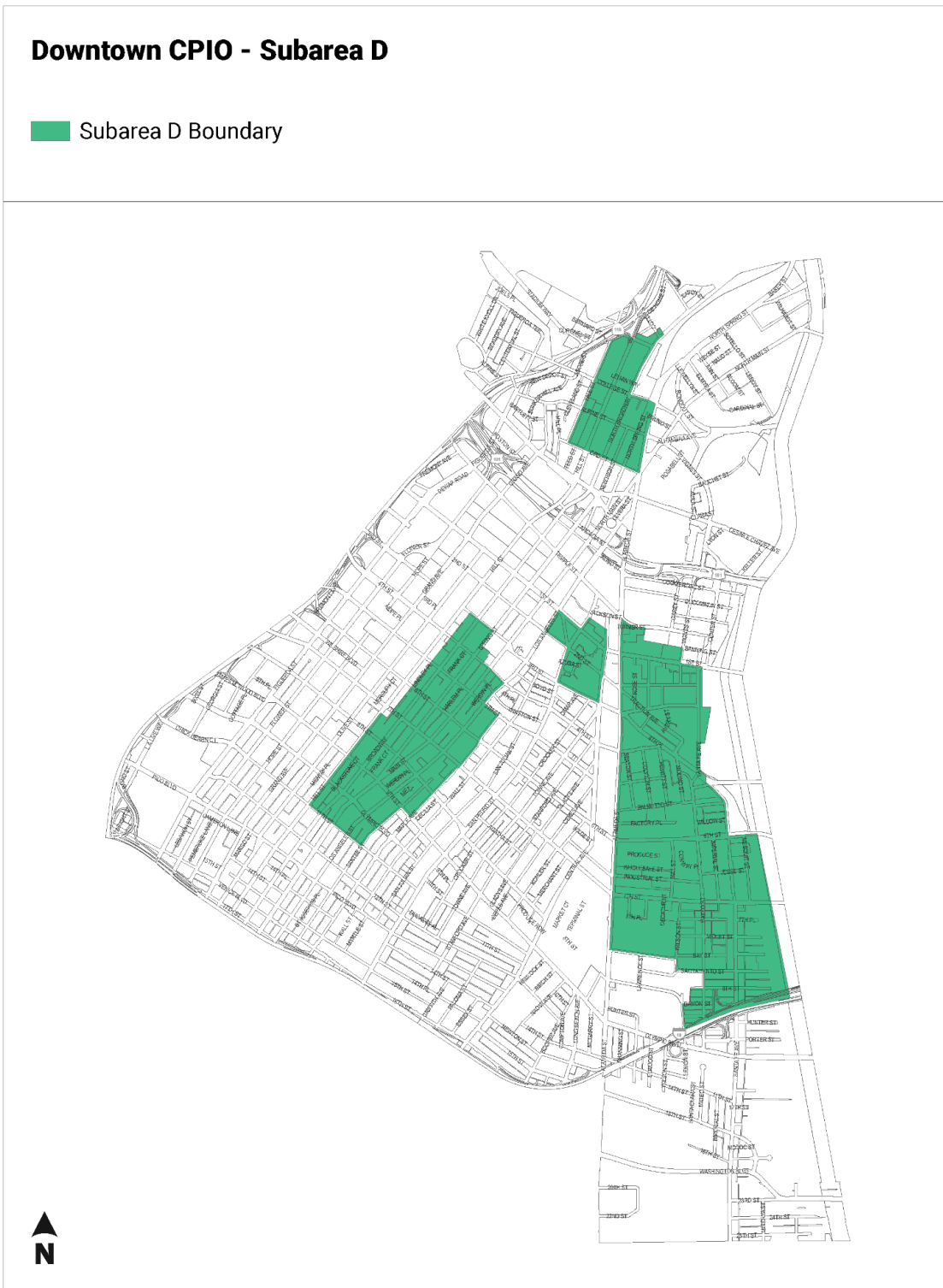
**Figure 1-2. Downtown Community Plan Implementation Overlay Bunker Hill Subarea B**



**Figure 1-3. Downtown Community Plan Implementation Overlay Civic Center Subarea C**



**Figure 1-4. Downtown Community Plan Implementation Overlay Historic Preservation Subarea D**



**I –II. Section I-2. PURPOSE**

The purposes of the Downtown CPIO District are as follows:

- A.** To implement the goals and policies of the Downtown Community Plan.
- B.** To create building floor area and height incentives tailored to the neighborhood context and development patterns.
- C.** To encourage housing that is affordable to a variety of income levels and household types.
- D.** To create approval processes for development projects that enable infill development with positive community impacts.
- E.** To promote access to public open space and community facilities that meet the needs of the community.
- F.** To promote the overall health and sustainability of the community that resides, works, and recreates in the Community Plan Area.
- G.** To preserve and protect neighborhood identity, including protecting cultural and historic resources and distinctive character defining elements of existing urban form.
- H.** To promote strong urban design and ensure that development enhances the aesthetic character of the community; and maintains appropriate land uses.

**I –III. Section I-3. SUBAREAS**

The Downtown CPIO District contains four Subareas as shown on Figures 1-1 through 1-4. The Subareas are contiguous or non-contiguous parcels characterized by common overarching Community Plan themes, goals, and policies, and are grouped by a common boundary. The Subareas are described below.

**Community Benefits Program Subarea A**

The Community Benefits Program (CBP) Subarea A strives to introduce more Mixed-income and 100 Percent Affordable housing, provide access to public open space and community facilities, and facilitate the preservation and rehabilitation of historic resources in the Community Plan Area. This Subarea includes a tiered incentive structure that prioritizes Mixed-income and 100 Percent Affordable Housing. Within the Subarea, unique zones tailor the incentives to the surrounding context, offering greater intensities of FAR and height around fixed rail transit stations and bus corridors, and considering the identity of neighborhoods.



## **Bunker Hill Pedestrian Plan Subarea B**

The purpose of Subarea B is to implement the previously adopted Bunker Hill Specific Plan for an integrated network of pedestrian linkages throughout the Bunker Hill area. Subarea B shows the general location of the pedestrian linkages. The network of linkages, and the provisions hereinafter set forth to implement such a network, shall be applicable to all Projects and to all properties within Subarea B.

## **Civic Center Subarea C**

The purpose of Subarea C is to introduce affordable housing, ensure active frontages for commercial uses, and regulate the amount of development across the district and allow for floor area to be transferred between City-owned properties in the Civic Center Master Plan Area to support an active and world-class Civic Center environment.

## **Historic Resources Subarea D**

The purpose of this Subarea, which includes neighborhoods that have an abundance of historically and architecturally significant buildings, is to guide the ongoing maintenance, and rehabilitation of these structures through an additional level of review.

## **I –IV. Section I-4. DEFINITIONS**

**"100 Percent Affordable Housing"** shall mean a project in which 100 percent of the residential dwelling units, excluding any manager unit(s), are Restricted Affordable Units as defined by the LAMC Chapter 1A.

**"At-Risk Affordable Unit"** shall mean any residential dwelling unit that receives government assistance under prescribed federal, State, and/or local programs, or any combination of rental assistance and is eligible to convert to market rate due to termination (opt-out) of a rent subsidy contract, prepayment of a subsidized mortgage, or expiration of rental restrictions. These assistance programs include, but are not limited to, Housing Choice Vouchers [formerly Section 8], project-based rental assistance, subsidized mortgage programs (e.g., FHA), or expiring rent/deed restrictions with the use of State or local funding programs, including Community Redevelopment Agency Covenants.

**"Community Land Trust"** shall mean a California nonprofit corporation that: (1) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (2) is neither sponsored by, controlled by, nor under the direction of a for-profit organization; (3) has a

corporate membership of adult residents of a particular geographic area as described in the bylaws of the corporation; (4) has a board of directors that: (A) includes a majority of members who are elected by the corporate membership; (B) includes representation by persons occupying and/or leasing any structural improvements on the land; and (C) includes representation by persons residing within the geographic area specified in the bylaws of the corporation who neither lease land from the corporation nor occupy structural improvements controlled by the corporation; (5) acquires and retains parcels of land, primarily for conveyance under long-term ground leases; (6) transfers ownership of many or all of the structural improvements located on such leased parcels to the lessees; and (7) retains a preemptive option to purchase such structural improvements at a price determined by formula that is designed to ensure that the improvements remain affordable to low and moderate income households in perpetuity.

**Demolition.** Throughout the CPIO, site activities that constitute Demolition are defined and determined by the Department of Building and Safety. For the purpose of implementing Section V-1.B.2.a, site activities that include the removal of building components, such that only exterior walls remain is considered Demolition.

**“Eligible Historic Resources”** shall mean a building, structure, object, site, landscape, or natural feature identified as an individual resource or as a contributor to a historic district under a local, state or federal designation program; or identified as a contributor to an eligible historic district through SurveyLA (The Los Angeles Historic Resources Survey), or another historical resource survey, completed subsequent to the effective date of the CPIO, and completed by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources (OHR). This term does not include a non-contributor to an eligible historic district.

**“Mixed-income Housing”** shall mean a project comprising a mix of market-rate and Restricted Affordable Units.

**“Project”** Within Subarea A, a “Project” shall mean any construction, erection, alteration of, or addition to a structure that would exceed the Base Floor Area and Base Height allowances authorized under the subject site’s Form District.

Within Subarea B, a “Project” shall mean any activity that would affect the operation, location, or vacation of any pedestrian easement subject to Chapter III of this CPIO, including, but not limited to, activities that require the issuance of a building, grading, demolition, or change of use permit; street vacation; or modification to a public easement.

Within Subarea C, a “Project” shall mean any construction, erection, alteration of, or addition to a structure that would exceed the Base Floor Area and Base Height allowances authorized under the subject site’s Form District using the transfer of floor area rights provisions within Subarea C.

Within Subarea D, a “Project” shall mean any activity that requires the issuance of a building, grading, demolition, or change of use permit on any site that is an Eligible Historic Resource, unless the work consists solely of interior work such as tenant improvements or interior rehabilitation/repair.

Within all Subareas, a “Project” shall also mean the demolition of any habitable structure pursuant to Section I-VI.C.4 of this CPIO.

“**Public Benefits**” shall mean improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public, pursuant to LAMC Chapter 1A Section 9.3

“**Rehabilitation**” shall mean the act or process of returning a property to a state of utility, through repair or Alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its Historical, architectural and Cultural values.

“**Restoration**” shall mean the act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“**Restricted Affordable Unit**” shall mean a Dwelling Unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Deeply Low, Extremely Low, Low, and Moderate households, as determined by the Los Angeles Housing and Community Investment Department or its successor agency.

#### **I –V. Section I-5. RELATIONSHIP TO OTHER ZONING REGULATIONS**

- A.** For properties within the boundaries of the Downtown Community Plan, where this CPIO applies, the Citywide Transit Oriented Communities Guidelines (TOC) shall be superseded by the provisions and requirements contained within this ordinance.
- B.** Nothing in the Downtown CPIO District is intended to override or conflict with any regulations in the LAMC or other ordinance establishing a park or Quimby fee or park or open space dedication requirement, including any provisions related to credits or fee and dedication calculations.
- C.** Projects providing Restricted Affordable Units to fully utilize the Affordable Housing Local Incentive Program pursuant to Chapter II, Section 2 or pursuant to the requirements of Chapter IV, Section I shall be considered exempt from the Affordable Housing Linkage Fee.

- D. Nothing in this Downtown CPIO District is intended to override or conflict with any regulations in the LAMC that would otherwise require a Conditional Use Permit.
- E. Nothing in this Downtown CPIO District is intended to override or conflict with any bicycle parking regulations.
- F. Nothing in this Downtown CPIO District is intended to override or conflict with the regulations set forth in LAMC Chapter 1A Section 9.B.1 that provide bonuses, waivers and incentives for certain affordable housing projects.
- G. Nothing in this Downtown CPIO District is intended to override or conflict with the regulations set forth in a Community Design Overlay or Sign District applicable to a subject site.
- H. Any reference to a section of the LAMC made in this CPIO shall be automatically updated in the event that the LAMC is re-numbered, or re-organized.

**I –VI. Section I-6. REVIEW PROCEDURES**

- A. **Prohibition of Issuance of DBS Permits Prior to CPIO Approval.** The Department of Building and Safety (DBS) shall not issue a permit for any Project as defined in this CPIO within a Downtown CPIO District Subarea (in whole or in part), unless the Project has been reviewed and approved in accordance with this Section I-6.
- B. **Filing Requirements for Multiple Approvals.** When an applicant applies for any discretionary approval for a property located (in whole or in part) in a CPIO District Subarea, the applicant shall also apply for a CPIO Approval pursuant to Subsection C, below. A CPIO Adjustment or a CPIO Exception shall be a project adjustment or project exception for purposes of LAMC Chapter 1A Section 13.6, and shall be processed pursuant to the procedures in LAMC Chapter 1A Section 13.6, if applicable.
- C. **CPIO Approval.** All projects subject to a discretionary approval within a Downtown CPIO District Subarea (in whole or in part), Projects seeking additional development rights within Subarea A, and all projects (ministerial and discretionary) within Subareas C and D shall obtain an Administrative Clearance to demonstrate compliance with the Downtown CPIO District, unless a Director’s Determination is required under subsection C.3. An application for a CPIO Approval shall be reviewed and approved pursuant to LAMC Chapter 1A Section 13.5.1, including as its requirements are modified and supplemented below:
  - 1. **Content of Application for a CPIO Approval.** In addition to any other information or documents required under LAMC Chapter 1A Section 13.5.1, an applicant shall provide, at a minimum, detailed permit drawings and any other exhibits deemed necessary to demonstrate compliance with all applicable provisions of the CPIO

District. Each application submitted for a CPIO Adjustment, or a CPIO Exception shall clearly identify and list all of the adjustments and exceptions requested.

**2. Administrative Clearance.** In addition to the requirements in LAMC Chapter 1A Section 13.5.1, the following shall apply:

- a. Director Approval.** The Director shall grant an Administrative Clearance after reviewing the Project and determining that it is in compliance with all applicable provisions of the Downtown CPIO District as indicated by a plan stamped by the Department of City Planning.
- b. Non-Appealable Ministerial Approval.** The approval of an Administrative Clearance is not subject to appeal and is not discretionary for purposes of CEQA Guidelines Sections 15060(c)(1) and 15268.
- c. Scope of Review and Non-Conforming Uses.**
  - i.** In reviewing a Project for an Administrative Clearance, the Director shall review the Project for compliance with those regulations that are applicable to the proposed scope of construction or use.
  - ii.** Non-conforming uses shall comply with LAMC Chapter 1A Section 12.6, except as noted in this ordinance.

**3. Director's Determination.** In addition to the requirements in Section I-6 C.2 above, and LAMC Chapter 1A Section 13.4.5, Projects seeking approval of Bonus FAR by providing Public Benefits under Chapter II-3.A (Transfer of Development Rights); Chapter II-4 B.1.b.i.g (Alternative Open Space Amenities); Chapter II-5 C.1.b.i. (Alternative Social Services); Chapter II-5 C.1.c.i. (Alternative Civic Facilities); Projects subject to Subarea B seeking to provide an alternative easement; and Projects subject to Subarea D shall file for a Director's Determination.

- a. Community Plan Implementation Overlay Director's Determination - Director Authority with Appeals to the Area Planning Commission.** The Director or the Director's designee shall have initial decision-making authority to grant a CPIO Director's Determination, with an appeal to the Area Planning Commission in accordance with the procedures set forth in LAMC Chapter 1A Section 13.4.5
- b. Findings.** The Director's Determination shall include written findings in support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:
  - i.** The project, as approved, is consistent with the purpose and intent of the CPIO and substantially complies with the applicable CPIO regulations;

- ii. Conditions have been incorporated into the Determination that will ensure the ongoing use or operation of the Public Benefit.
- iii. The facilities proposed by a project utilizing a Public Benefit Program under Chapter II-4 B.1.b.i.g (Alternative Open Space Amenities), Chapter II-5 C.1.b.i. (Alternative Social Services), or Chapter II-5 C.1.c.i. (Alternative Civic Facilities) serve the needs of the surrounding residents, employees, and visitors by providing a service or amenity not adequately available to the surrounding community or that contributes to the cultural or historic identity of the surrounding community; and do not result in an over-concentration of any one service or amenity.

c. **CEQA.** Approval of a CPIO Director’s Determination is a discretionary approval for purposes of CEQA Guidelines Section 15060(c)(1).

4. **CPIO Approval Compliance.** No demolition permit shall be issued for any Project unless building permits for a replacement development on the site have been issued, and any necessary land use entitlements have been granted.
- a. Notwithstanding the above this prohibition shall not apply to any structure deemed hazardous by the Department of Building and Safety.
  - b. Furthermore, this prohibition shall not apply to structures that are considered uninhabitable.

**I –VII. Section I-7. ENVIRONMENTAL STANDARDS PROCEDURES**

The Environmental Standards in Appendix A are included in the Downtown CPIO District to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update and reviewed in the City of Los Angeles Downtown Community Plan Environmental Impact Report (Case No. ENV-2017-433-EIR), certified on XX, XX, XXXX.

Any Project subject to discretionary review within the CPIO Boundaries shall comply with all applicable Environmental Standards as set forth in Appendix A, subject to the following rules.

- A. Applicability of Environmental Standards.** A Project does not need to comply with any Environmental Standard that is not relevant to the scope of activities involved with the Project. For example, a Project that proposes only minor façade alterations and no grading shall not be subject to Environmental Standards that apply to grading activities (such as noise and vibration standards). The decision maker, in his or her reasonable discretion, shall determine those Environmental Standards that apply to a particular Project.
- B. Plans.** Compliance with all applicable Environmental Standards listed in Appendix A shall be demonstrated on the plans as project features (that is, features that are physically built into the Project such as an air filtration system) or as operational features

listed on a sheet within the plans (that is, features that are carried out either during the construction of the Project, or over the life of the project, such as the use of paints, sealants, and other building materials that yield low air pollutants).

- C. Modification of Environmental Standards.** Modifications of Environmental Standards do not require the processing of a CPIO Adjustment or CPIO Exception. The Director (or appeal body on appeal) may modify or not require an Environmental Standard listed in Appendix A for any Project when: (1) the Director finds in writing, based upon substantial evidence, the Environmental Standard is not necessary to mitigate an impact, including because of the existence of a similar or more effective regulation that applies to the Project; (2) the City complies with CEQA Guidelines, Section 15162, including by preparing an addendum or subsequent environmental clearance to the Downtown Community Plans EIR to analyze the impacts from the modifications to the Environmental Standards; or (3) the City prepares a new CEQA clearance for the Project. No CPIO Approval shall be issued for a Project with a modified Environmental Standard until this subsection has been complied with. The modification of an Environmental Standard is not independently appealable unless an appeal of an entitlement or CEQA determination is otherwise available through this CPIO District, the LAMC, or CEQA

#### **I –VIII. Section I-8. DOWNTOWN STREET STANDARDS**

Any Project within the CPIO Boundaries shall comply with all applicable standards as set forth in Appendix E. The provisions of the Downtown Street Standards, previously adopted under Ordinance 181,557, remain and are effectuated by this CPIO.

#### **I –IX. Section I-9. USE OF BEST PRACTICE APPENDICES**

The Best Practices in Appendices B, C, and D of this CPIO are not mandatory for Projects requiring an Administrative Clearance, Director’s Determination, CPIO Adjustment, or CPIO Exception pursuant to Section I-6.C of this CPIO, or any other Discretionary application filed within the CPIO Boundaries. The Best Practice Appendices provide resources that encourage livable and sustainable development in Downtown Los Angeles.

Nothing in this section, the Downtown CPIO District, or any other applicable citywide design guidelines, shall allow decision makers to approve, deny, or condition a discretionary approval based on these best practices.

#### **I –X. Section I-10. CEQA CLEARANCE**

For purposes of CEQA compliance for subsequent projects approved with a CPIO Approval, including, but not limited to, consideration of a CEQA clearance pursuant to Government Code Section 65457, Public Resources Code Section 21155.4; or CEQA Guidelines, Sections 15183 or 15183.3, the Downtown CPIO District shall operate and be treated as a specific plan, zoning ordinance, and a prior plan level decision for which an EIR was certified.

#### **I –XI. Section 1-11 ADMINISTRATION**

Nothing herein shall be construed to prohibit the Director from promulgating administrative guidelines to interpret and implement the Downtown CPIO District.

**I–XII. Section I-12. 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.



# CHAPTER II – COMMUNITY BENEFITS STANDARDS SUBAREA A

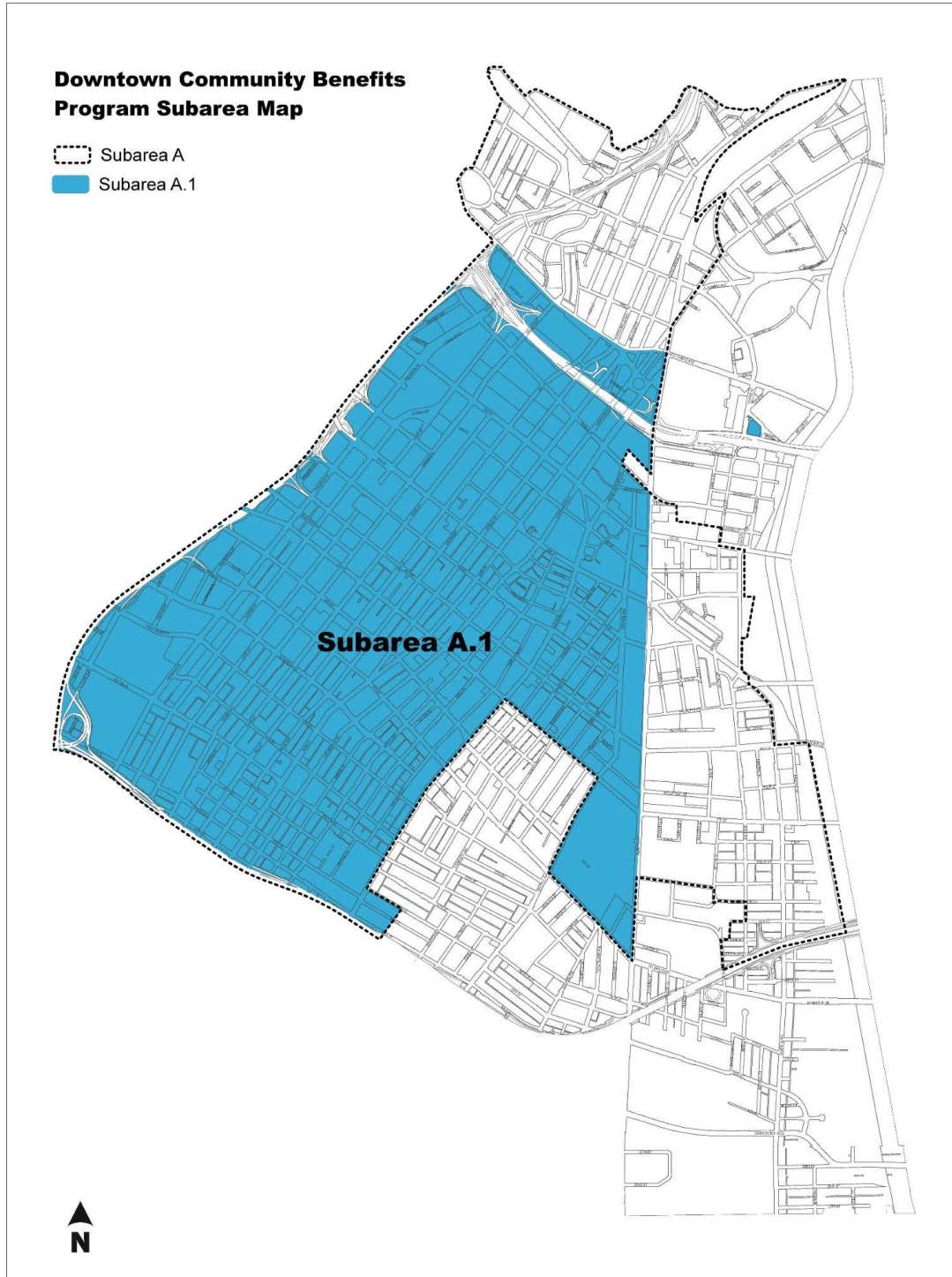
## **COMMUNITY BENEFITS PROGRAM SUBAREA**

### A – DOWNTOWN COMMUNITY BENEFITS PROGRAM SUBAREA A

#### **OVERVIEW**

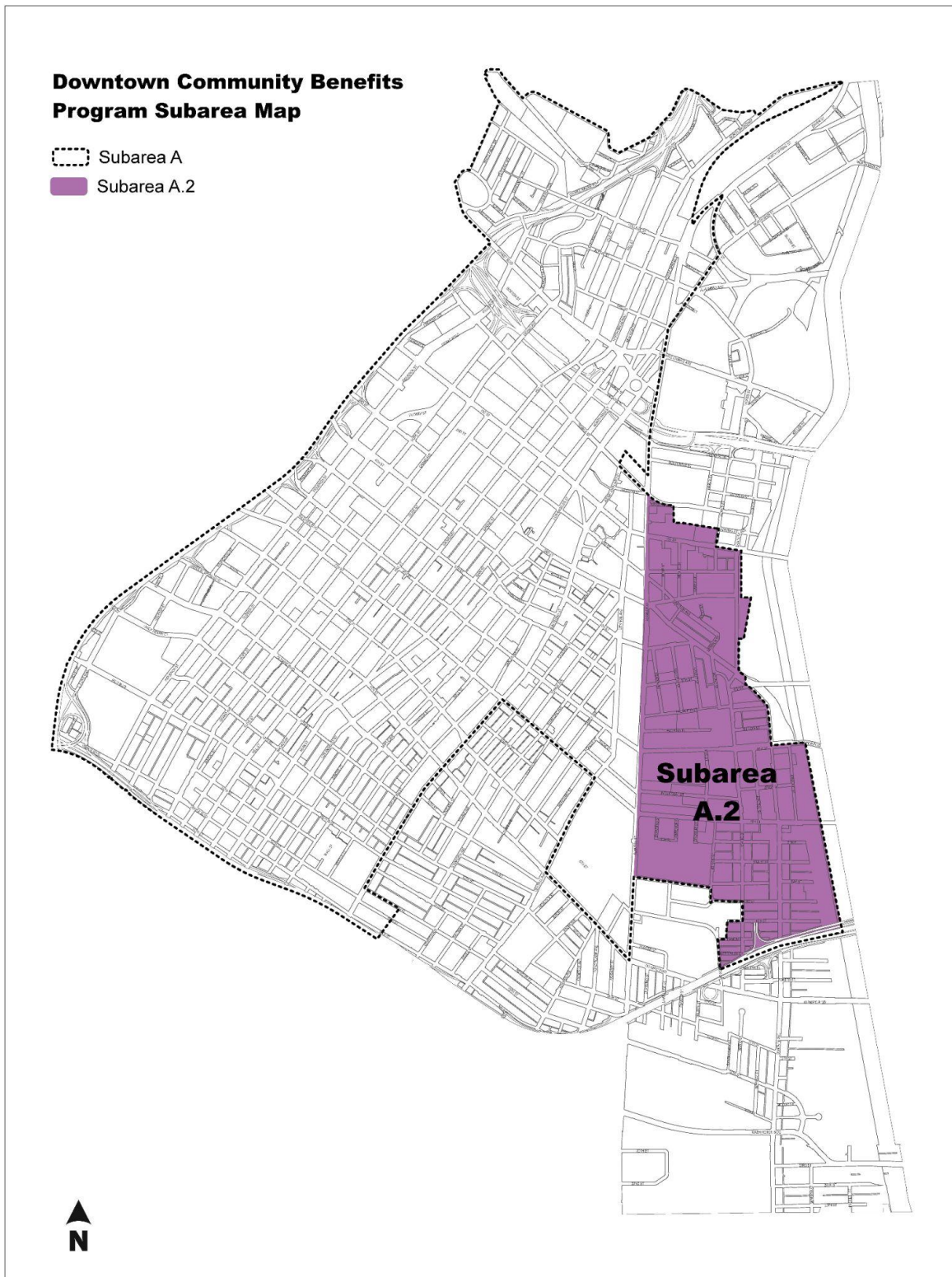
The Community Benefits Program (CBP) Subarea A strives to introduce more affordable housing development, provide access to public open space and community facilities, and facilitate the preservation and rehabilitation of historic resources in the Plan Area. This Subarea includes a tiered incentive structure that prioritizes Mixed-income and 100 Percent Affordable housing. Within the Subarea, there are three subsections that tailor the incentives to the surrounding context, offering greater intensities of FAR and height around fixed rail transit stations and bus corridors, and reinforcing the identity of neighborhoods.

**Figure 2-1. - Downtown Community Benefits Program Subarea Map A.1<sup>1</sup>**

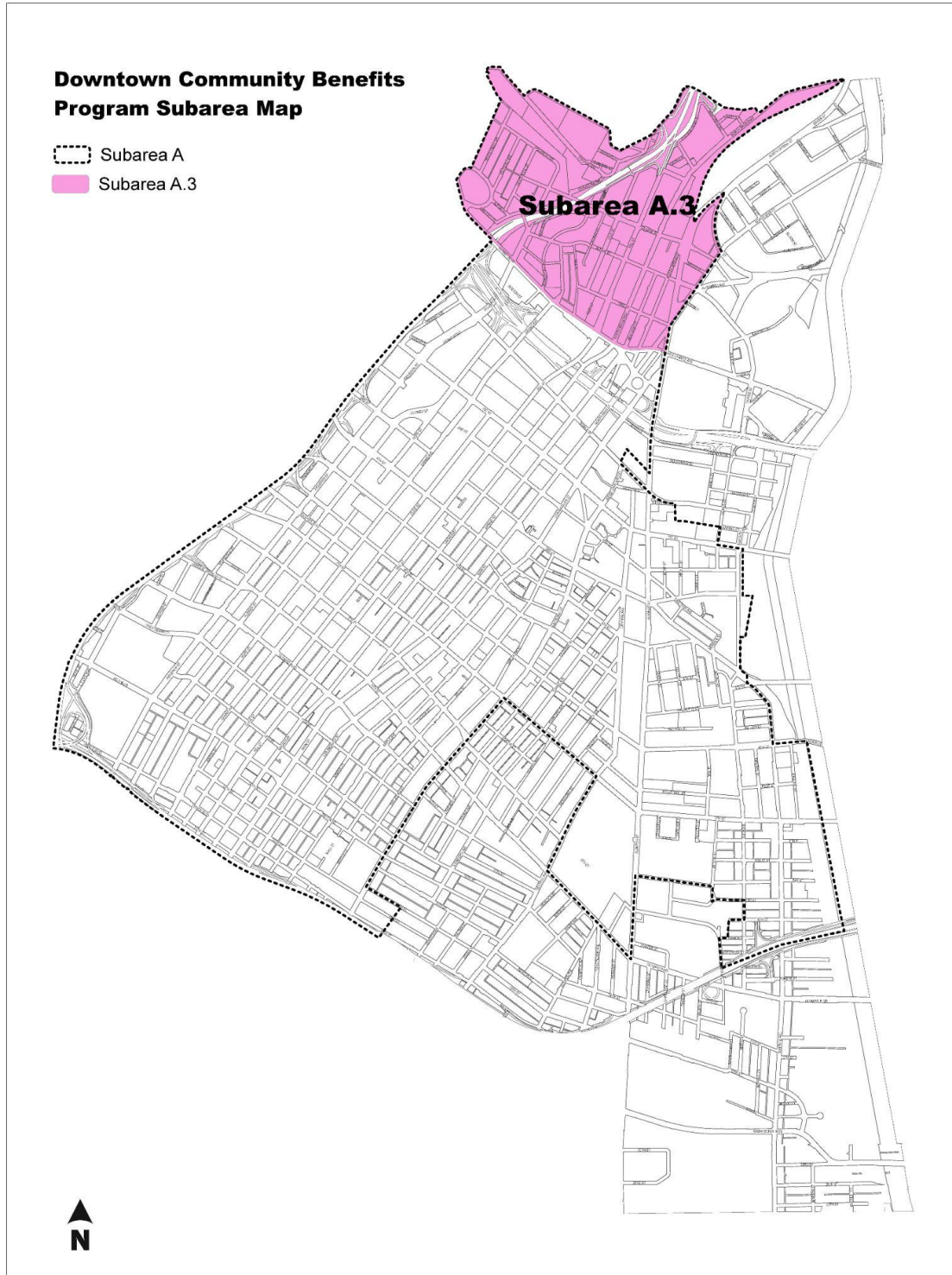


<sup>1</sup> For the purposes of LAMC Chapter 1A Section 1.4.4. this map shall be considered the Local Affordable Housing Incentive Map.

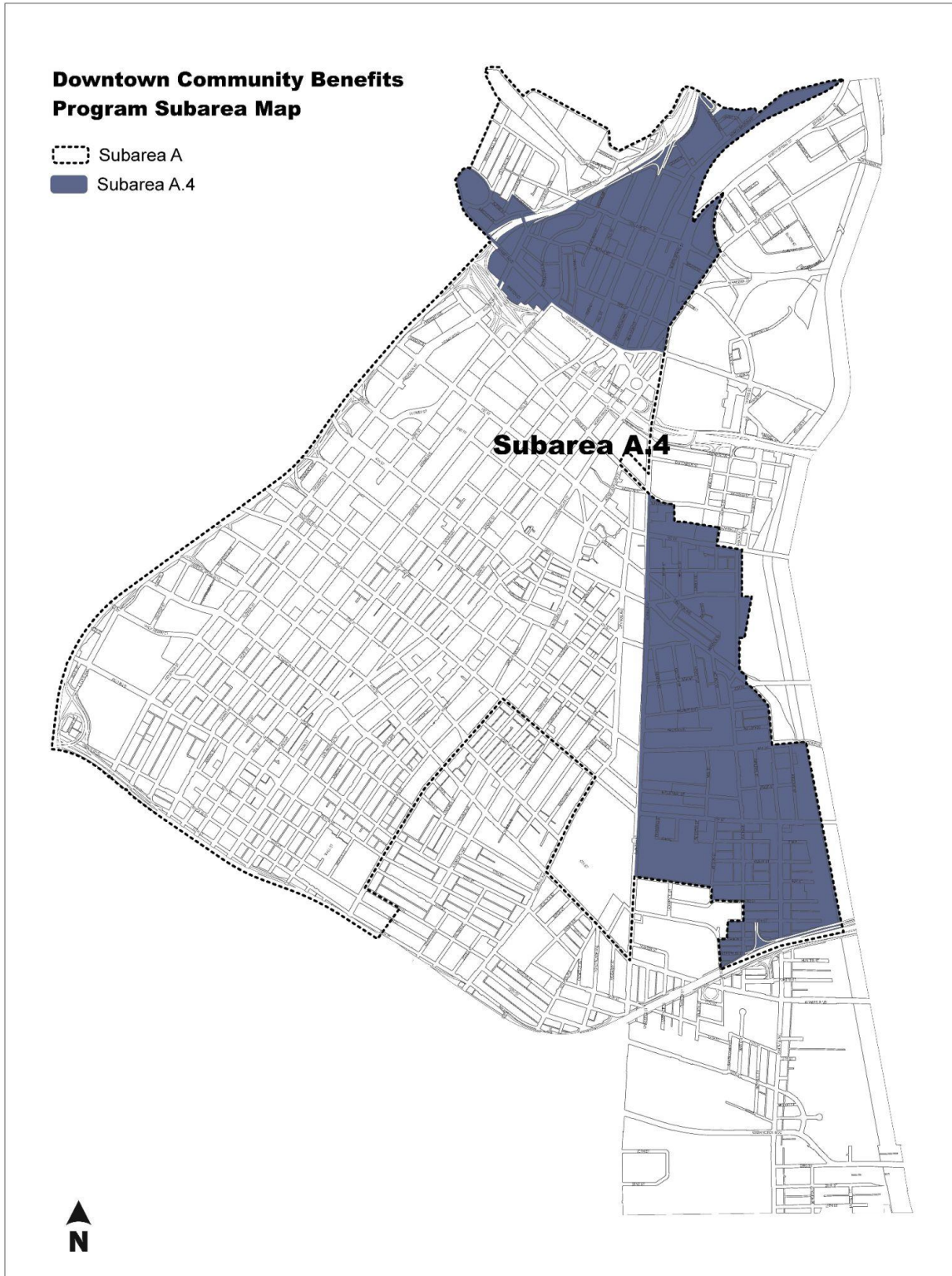
**Figure 2-2. - Downtown Community Benefits Program Subarea Map A.2**



**Figure 2-3. - Downtown Community Benefits Program Subarea Map A.3**



**Figure 2-4. - Downtown Community Benefits Program Subarea Map A.4**



**II – I. 1. COMMUNITY BENEFITS STANDARDS**

- A. Relief.** Requirements of this Chapter shall not be eligible for a Project Adjustment pursuant to LAMC Chapter 1A Section I3B.4.4 or a Project Exemption pursuant to LAMC Chapter 1A Section I3B.4.5.
- B. Pro Rata Share.** Projects may seek less than the full increment of FAR available through the incentives in this Chapter provided that they provide a proportional share of community benefits and meet the minimum requirements below.
- C. Administrative Guidelines.** The Director may prepare administrative guidelines for the implementation of the Community Benefits Program.

**II – II. 2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM PURSUANT TO LAMC CHAPTER 1A 9.3.2**

- A.** A Housing Development that meets the requirements below may obtain an additional 40% FAR above the subject site's base Maximum FAR.

**B. Requirements**

- 1. On-Site Restricted Affordable Units.** Within the boundaries of this CPIO Subarea, a Housing Development shall provide Restricted Affordable Units at rates outlined in Set G of LAMC Chapter 1A Section 9.3.2.B. The minimum number of Restricted Affordable Units shall be calculated based upon the total number of units in the final project.
- 2. Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:

No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in Section 11-2A, off-site units must be provided within the boundaries of the Downtown Community Plan Area. The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Housing and Community Investment Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first building permit for the original Project. In no event shall the Certificate of

Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same offsite project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Department of Housing and Community Investment, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section.

**3. In-Lieu Fee.** The affordability provisions of this Section may be satisfied by the payment of a fee to the City of Los Angeles Downtown Affordable Housing Trust Fund in lieu of constructing the affordable units within the Project. The in lieu fee shall be determined by the City based on the following:

The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to Section II-2B.1, in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined in LAMC Chapter 1A Section 13.3.1.E.4.

The fee is due and payable to the City of Los Angeles Downtown Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases.

**4. Dwelling Unit Mix and Location.** For sites located in Subarea A.3, a minimum of 30% of the total dwelling units for an eligible Housing Development shall be two bedrooms or greater.

**C. Additional Incentives.** In addition to the FAR and height bonus identified in LAMC Chapter 1A Section 9.3.2.C, a Housing Development Project shall be granted two additional incentives and a Housing Development Project consisting of 100% on-site restricted affordable units, exclusive of a manager's unit or units, shall be granted three additional incentives. Projects shall not be granted an adjustment, pursuant to LAMC Chapter 1A Section 13.B.5.2, in addition to a selected incentive. This shall supersede LAMC Chapter 1A Section 9.3.2.D

**Building Width.** See LAMC Chapter 1A Section 2.C.6

- a. For all eligible Housing Development Projects, up to a 20% increase in maximum building width may be granted.

**Lot Coverage.** See LAMC Chapter 1A Section 2.C.2

- b. For all eligible Housing Development Projects, up to a 20% increase in maximum lot coverage may be granted.

**Lot Width.** See LAMC Chapter 1A Section 2.C.1

- c. For all eligible Housing Development Projects, up to a 20% decrease in required minimum lot width may be granted.

**Averaging of Floor Area.** See LAMC Chapter 1A Section 2.C.4.

- d. A Housing Development Project that is located on two or more adjacent parcels may average the Floor Area over the project site provided that:
  - i. The proposed use is permitted by the Use District of each parcel; and
  - ii. No further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant is permitted.

**Ground Story Height.** See LAMC Chapter 1A Section 3.C.6.1

- e. For all eligible Housing Development Projects zoned with a character frontage, up to a 10% decrease in the required minimum Ground Story Height may be granted.

**Minimum Average Unit Size.** See LAMC Chapter 1A Section 5.C.3.26

- f. For all eligible Housing Development Projects, up to a 25% decrease in the required minimum average unit size may be granted.

**II – III. 3. PUBLIC BENEFITS INCENTIVE PROGRAMS PURSUANT TO LAMC CHAPTER 1A Section 9.3 to promote the production of improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public.**

**A. Transfer of Development Rights for Historic Preservation pursuant to LAMC Chapter 1A Section 9.3.5**

1. **For sites located in Subarea A.4,** a Receiver Site may receive all available unused Floor Area from the Donor Site, including the Donor Site’s Bonus FAR, at a 1:1 ratio (i.e., for every square-foot transferred from a Donor Site a Receiver Site gets one square-foot) up to the Receiver Site’s allotted Bonus FAR.
2. **Applicability.** The procedures contained in this subsection apply exclusively to properties within Subarea A.4 subject to the eligibility requirements and other regulations below.
3. **Eligibility.** A transfer of unused Floor Area, including Bonus FAR, from a Donor Site to a Receiver Site is permitted, provided the transfer is in conformance with the following rules for transfer:
  - a. The Donor Site is designated as a Los Angeles Historic-Cultural Monument, a Contributing Structure to a City Historic Preservation Overlay Zone, is listed in or formally determined eligible for the California Register of Historical Resources or the National Register of Historic Places, or is identified as a contributor to a historic district or individual resource by SurveyLA, or another historical resource survey completed, by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources (OHR).
  - b. The Donor Site has unused Floor Area under its Base FAR and/or Bonus FAR pursuant to Article 2 (Form).
  - c. The Receiver Site shall not demolish any structure qualifying as a donor site, as defined in Section II-III.A.3.b above.



- 4. Records and Agreements.** To utilize a Transfer of Development Rights, an application must be filed pursuant to LAMC Section 13.4.5 (Director Determination). In addition, the following requirements shall apply:
- a. The applicant shall consult with the Department of City Planning, Office of Historic resources to identify, with respect to the Donor Site, the significant historic features that are required to be maintained, and to identify any rehabilitation work required to be completed.
  - b. A Preservation Plan and easement, pursuant to Subdivision II-III.3.A.4.d below, shall be completed prior to the completion of the Director Determination process.
  - c. Following the issuance of a Director Determination, and prior to the issuance of building permits for a project utilizing a Transfer of Development Rights, all fee owners of the Donor Site(s) and receiver Site(s) involved shall execute a covenant and agreement in a form designed to run with the land and be binding on future owners, assigns and heirs and which is satisfactory to the Department of City Planning. The applicant shall record the covenant in the County Clerk Recorder's Office and shall file certified copies with the Departments of City Planning and Building and Safety.
    - i. Donor Site Covenant: The covenant on a Donor Site shall acknowledge the reduced Floor Area to the extent unused permitted Floor Area was transferred to a receiver Site(s), and the location of the receiver Site(s).
    - ii. Receiver Site Covenant: The covenant on a Receiver Site shall acknowledge the increased Floor Area to the extent unused permitted Floor Area was transferred from a Donor Site(s), and the location of the Donor Site(s).
    - iii. Covenant Applicability: The covenants shall apply as long as the transferred Floor Area is being utilized by the Receiver Site. If the Receiver Site is no longer utilizing the transferred Floor Area, the owner of the Receiver Site may apply to terminate the covenant.
  - d. Preservation Plan and Easement: The Donor Site shall execute a Preservation Plan and easement, with the following minimum standards:
    - i. The Preservation Plan and easement shall be executed with the Department of City Planning, Office of Historic resources or a qualified non-profit Historic Preservation Organization, or other entity of the city's choosing, and;
    - ii. The Preservation Plan and easement shall address, at a minimum:
      - 1) Maintenance of the resource, the property, and significant historic features;
      - 2) Additions and alterations to the resource and/or significant elements of any building and the property;
      - 3) Required rehabilitation work to any significant historic features;
      - 4) Required rehabilitation work must be completed within 10 years of the recordation of the Preservation easement;
      - 5) Inspections to ensure compliance with the Preservation easement. Inspections must occur at minimum once every 5 years, however the number of inspections may be increased as part of the Preservation Plan and easement;

- 6) Other standards and requirements as required by the Director of Planning;
- 7) Fines and penalties for violating any section of the Preservation Plan and easement. The Preservation Plan and easement shall apply as long as the transferred Floor Area is utilized on the Receiver Site. If the owners of the donor site that is the subject of the Preservation Plan and easement have violated the Plan and easement, the owners of the resource shall pay a fine equal to ten (10) times the value of the application fee and cumulative inspection fees paid.

### **B. Privately Owned Public Space pursuant to LAMC Chapter 1A 9.3.3.**

1. For every additional four percent of buildable lot area dedicated as publicly accessible outdoor amenity space, above the subject site's required Lot Amenity Space, eligible projects may obtain an additional 1.0:1 FAR for either of the following:
  - a. Land dedicated for public open space, in consultation with the Department of Recreation and Parks.
  - b. On-site publicly accessible open space, constructed in accordance with the requirements listed below:
    - i. At least one public restroom and drinking water fountain shall be provided within, adjacent to, and/or and directly accessible from the publicly accessible open space. Public restrooms shall be made available during the operational hours of the publicly accessible open space, and shall not necessitate the need to enter secured or otherwise publicly inaccessible portions of a building or site. Signage viewable from within the publicly accessible open space shall indicate that the restroom and drinking water fountain is available for public use.
    - ii. At least one of the amenity options listed below, which shall occupy a minimum of 400 square feet with no horizontal dimension less than 15 feet, shall be provided within or adjacent to the publicly accessible open space:
      - a. Outdoor exercise equipment available for public use
      - b. Sport courts available for public use
      - c. Dog run available for public use
      - d. Children's play area available for public use
      - e. Community garden available for public use
      - f. Public art or historical interpretive element
      - g. Alternative Open Space Amenities deemed appropriate by the Director of Planning and approved under a Director's Determination
    - iii. At least 20% of the publicly accessible open space shall be shaded. Percentage shading shall be the shadow cast on the publicly accessible open space measured at noon (12:00 p.m.) on the summer solstice.

- iv. A minimum of three public charging stations for personal electronic devices, with features like power outlets and USB connections, shall be provided at no cost to users.

### **C. Community Facilities pursuant to LAMC Chapter 1A 9.3.4**

1. Sites seeking to utilize the Community Facilities incentive must dedicate a minimum of 5,000 square feet to one of the eligible uses below. In addition to the minimum required space, for every 2.5% of bonus buildable floor area dedicated to one of the following, eligible projects may obtain an additional 1.0:1 FAR:
  - a. School and Library pursuant to LAMC Chapter 1A Section 9.3.4.C.5
  - b. Social Services pursuant to LAMC Chapter 1A Section 9.3.4.C.6
    - i. Alternative Social Services shall require the approval of a Director's Determination.
  - c. Civic Facility pursuant to LAMC Chapter 1A Section 9.3.4.C.7
    - i. Alternative Civic Facilities shall require the approval of a Director's Determination.
  - d. Daycare Facility pursuant to LAMC Chapter 1A Section 9.3.4.C.1
2. For sites located in Subarea A.2, projects in which a minimum of 50% of the total Floor Area, inclusive of any bonus floor area, contains non-residential uses, excluding uses in the Eating and Drinking Establishments, Personal Services, and Retail Sales use groups, may obtain additional floor area above the base FAR and up to 4.0:1 FAR pursuant to the Employment Incentive Area, LAMC Chapter 1A Section 9.3.4.C.4.
  - e. A Housing Development must fully utilize the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2 before obtaining Floor Area through this incentive.

### **II – IV. 4. Additional On-Site Restricted Affordable Units.**

- A. A Housing Development may exceed the bonus FAR received through the Local Affordable Housing Incentive Program up to the maximum bonus FAR by an additional 1.0:1 FAR for each increase in the amount of on-site restricted affordable units, calculated on the total number of units, according to the following percentages: 1.5% Deeply Low, Extremely Low Income, or Very Low Income; or 2.5% Low Income, or Moderate Income (for sale or rent).
  1. A Housing development may only obtain an additional 2.0:1 FAR by providing restricted affordable units for Moderate Income. Any additional bonus FAR must be obtained through the provision of restricted affordable units for Deeply Low, Extremely Low, Very Low, or Low Income or through the provision of other Public Benefits as specified in this CPIO.

- ### **II – V. 5. Height Incentives for non-residential projects.**
- A non-residential project receiving at least 1.0:1 FAR through any of the Public Benefits Incentive Programs above shall be eligible for the maximum bonus height in the Form District.

- ### **II – VI. 6. Community Benefits Fund pursuant to LAMC Chapter 1A 9.3.4.C.9.**
- Projects that have satisfied minimum onsite or commensurate benefits under Sections II-III through II-V, as

specified under II-VIII A and B below, may achieve additional floor area by submitting payment to a Community Benefits Fund as specified in Ordinance XXX,XXX.

- A. For Housing Development Projects, a project must meet the requirements of the Local Affordable Housing Incentive Program and provide Public Benefits as follows:
  - 1. Up to an FAR equivalent to one-half of the delta between 1.4 times the Base Maximum FAR, and the Bonus Maximum FAR.
- B. For non-residential projects, a project must provide Public Benefits up to an FAR equivalent to one-half of the delta between the Base Maximum FAR, and the Bonus Maximum FAR.
- C. Community Benefit Fund payments shall be collected from Project applicants and deposited into a Downtown Community Benefit Trust Fund prior to the issuance of an Administrative Clearance or other approval consistent with this CPIO. Fund payment collection and disbursement shall be consistent with the terms of the ordinance to establish the Downtown Community Benefit Trust Fund.

**II – VII. 7. Buildable Area Calculation.** For a project on a lot designated, in whole or in part, as Transit Core by the General Plan Land Use Map, the Maximum Bonus Floor Area Ratio shall be calculated by including the lot area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way. For a development project to be eligible:

- A. A Housing Development must fully utilize the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2 and the Public Benefits Incentives Programs above and up to the subject site's Maximum Bonus Floor Area Ratio.
- B. A non-residential project must fully utilize the Public Benefits Incentive Programs above up to the subject site's Maximum Bonus Floor Area Ratio.
- C. For the purposes of calculating required restricted affordable units and public benefits, floor area and lot area shall be calculated using the total buildable area, as defined above, including the area between the exterior lot lines and the enterline of any abutting public right-of-way.

**II – VIII. 8. Project Review Threshold.** For a Housing Development project fully utilizing the Local Affordable Housing Incentive Program pursuant to LAMC Chapter 1A 9.3.2 or a non-residential project receiving at least 1.0:1 FAR through any of the Public Benefits Incentive Programs above, the threshold for project review pursuant shall be Development Review Threshold Package 2 pursuant to LAMC Chapter 1A Section 4C.14.1.C.2.

# CHAPTER III – BUNKER HILL DEVELOPMENT STANDARDS SUBAREA

## BUNKER HILL DEVELOPMENT STANDARDS SUBAREA

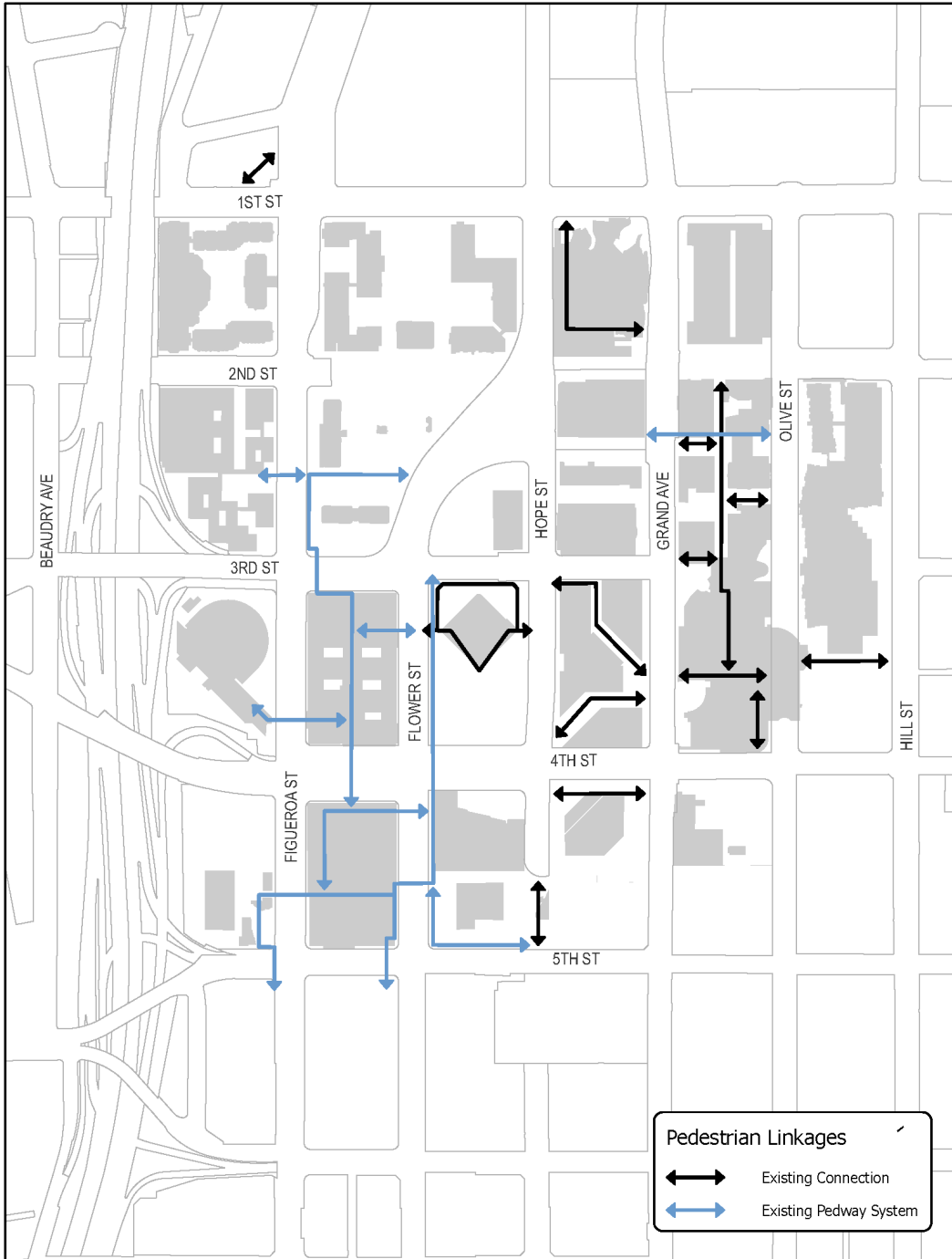
### B – BUNKER HILL DEVELOPMENT STANDARDS SUBAREA B

#### OVERVIEW

The purpose of this Subarea is to maintain an integrated network of pedestrian linkages throughout the Bunker Hill area, as initially established under Ordinance 182576. Figure 3 shows the general location of the pedestrian linkages. The network of linkages, and the provisions hereinafter set forth to implement such a network, shall be applicable to all projects and to all properties within the Subarea, as more particularly designated in Figure 1.

- III – I. Maintenance of Existing Easements for Pedestrian Walkways.** Existing public easements for Pedestrian Walkways, as shown in Figure 3, must be maintained unless an equivalent pedestrian easement is provided, pursuant to a Director's Determination. Existing public easements shall be maintained in accordance with the following:
- A.** The Pedestrian Walkway shall be open to the public between the hours of 5 a.m. and 10:30 p.m., but may be closed outside of such hours.
  - B.** The use of any components of the Pedestrian Walkway by the public shall not be revoked by the owner of any building or site without the prior written approval of the Director and the City Engineer. This Section does not supersede the City's right-of-way vacation process. Such approval shall be given only if (1) the buildings or other improvements to be served by such components have been demolished, or (2) a particular component presents a danger to public safety.
    - 1.** Any changes in the approximate location of the Pedestrian Walkway shall be subject to the Director's approval upon a finding that any such change will provide equal or better pedestrian access and safety.

**Figure 3. – Bunker Hill Pedestrian Linkages<sup>2</sup>**



<sup>2</sup> This map is for illustrative purposes, for exact locations of pedestrian linkages see recorded easements on the subject sites.

# CHAPTER IV – CIVIC CENTER SUBAREA

## CIVIC CENTER DEVELOPMENT STANDARDS SUBAREA

### C – CIVIC CENTER DEVELOPMENT STANDARDS SUBAREA C

#### OVERVIEW

The purpose of Subarea C is to introduce affordable housing, ensure active frontages for commercial uses, and regulate the amount of development across the district and allow for floor area to be transferred between City-owned properties in the Civic Center Master Plan Area to support an active and world-class Civic Center environment.

- V – I. On-Site Restricted Affordable Units.** Within the boundaries of this CPIO Subarea, a minimum of fifty percent of all permitted and constructed residential units shall be on-site Restricted Affordable Units in the Deeply Low, Extremely Low, Very Low, Low, or Moderate.
  - A.** Of these Restricted Affordable Units, a minimum of fifty percent shall be restricted to lower income households, in the Deeply Low, Extremely Low, Very Low, or Low income categories.
  - B.** The minimum percentage of Restricted Affordable Units shall be maintained across all residential development of this CPIO Subarea and shall be calculated based on the total number of dwelling units permitted within this Subarea.
  - C.** Any individual Housing Development shall provide on-site Restricted Affordable Units greater than or equal to the rates outlined in Set G of LAMC Chapter 1A Section 9.3.2.B. The minimum number of Restricted Affordable Units shall be calculated based on the total final project dwelling unit count. Projects developed in accordance with this section shall be eligible for the Project Review thresholds established under II-VIII.8
- V – II. Frontage Standards.** Within the boundaries of this CPIO Subarea, any development including uses specified as General Commercial Uses, pursuant to LAMC Chapter 1A Section 5C.1.5, located on the ground floor shall adhere to the Transparency and Entrances standards of the General 1 Frontage, pursuant to LAMC Chapter 1A Section 3B.3.1.
- V – III. Transfer of Floor Area.** Any owner(s) of a legally defined lot located within Subarea C may transfer unused permitted floor area to another legally defined lot within Subarea C, pursuant to the procedures of this section.
  - A. Floor Area.** Total floor area in the Civic Center Subarea shall not exceed a ratio of 6.5:1. Individual sites within the Subarea may exceed a floor area ratio of 6.5:1 through a transfer of floor area.
  - B. Limitation.** Any project constructed with transferred floor area must comply with all regulations set forth in this Subarea.
  - C. Procedures.** Projects seeking the transfer of unused permitted floor area, within the floor area cap, shall apply for an Administrative Clearance pursuant to the provisions of Section I-6 C.2 of this CPIO.





# CHAPTER V – HISTORIC PRESERVATION SUBAREA

## HISTORIC PRESERVATION SUBAREA

### D – HISTORIC PRESERVATION SUBAREA D

#### OVERVIEW

The purpose of this subarea, which includes neighborhoods that have an abundance of historically and architecturally significant buildings, is to maintain the eligibility of individual historic resources and historic districts, and guide the ongoing maintenance and rehabilitation of these structures.

**V – I. Eligible Historic Resource Evaluation.** Prior to any other CPIO Approval being issued, a Project in this subarea that involves an Eligible Historic Resource shall comply with the following review procedures:

**A. Non-Demolitions.** For any Project that does not involve the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until one of the following occurs:

1. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or,
2. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Project is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or,
3. A Director's Determination pursuant to Section I.VI.C.3 of this CPIO, and Environmental review in compliance with CEQA was completed for the Project, including if necessary, the adoption of a statement of overriding considerations.

**B. Demolitions.** For any Project that involves the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until one of the following occurs:

1. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or

2. A Director's Determination pursuant to Section I.VI.C.3 of this CPIO, and, Environmental review in compliance with CEQA was completed on the Project, including if necessary, the adoption of a statement of overriding considerations.
  - a) No Director's Determination shall be issued for Demolition or removal of any building or structure, within a National Register Historic District, within Subarea D, that is designated as a Contributing Element, and the application shall be denied unless the Owner can demonstrate to the Director that the owner would be deprived of all economically viable use of the property. In making its determination, the Director shall consider any evidence presented concerning the following:
    - (1) An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines;
    - (2) An estimate of the cost of the proposed, demolition, and replacement project and an estimate of the cost that would be incurred to execute a Secretary of the Interior's Standards for Rehabilitation alternative to the project, as identified in a Project Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee.;
    - (3) An estimate of the market value of the property in its current condition; after completion of the proposed Demolition and replacement project; and after any expenditure necessary to execute a Secretary of the Interior's Standards for Rehabilitation alternative to the project, as identified in a Project Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;
    - (4) An estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing

structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.

- C. CEQA Review for Eligible Historic Resources.** In complying with this Section V-I., if at any time the Director, in consultation with the Office of Historic Resources, determines the Eligible Historic Resource is not a historical resource as defined by Public Resources Code Section 21084.1, approval of the Project (involving no other discretionary approvals) shall be a ministerial approval for purposes of CEQA, including CEQA Guidelines, Section 15268.

# APPENDIX A – ENVIRONMENTAL STANDARDS

## OVERVIEW

As described in Section I-7 of the CPIO District, these Environmental Standards are included to implement the Mitigation & Monitoring Program included as part of the Downtown Community Plan update and reviewed in the Downtown Environmental Impact Report (Case No. ENV-2017-433-EIR), certified by the City Council.

In addition to Projects in Subareas that are required to comply with these Environmental Standards, any other discretionary project in the boundaries of the Downtown Community Plan Area that seeks to rely on the Downtown EIR for its CEQA clearance (including through tiering, preparing an addendum, supplemental EIR or a statutory infill exemption), may incorporate or impose the following Environmental Standards on the project. Compliance may be achieved through covenant, conditions, plan notations, or other means determined reasonably effective by the Director of Planning or the decision-maker.

[MITIGATION MEASURES / ADDITIONAL ENVIRONMENTAL STANDARDS FORTHCOMING]