

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09, 12.12.1, 12.12.1.5, 12.21, 12.22, 12.24, 12.36, 13.09, 13.15, 14.00, 14.5.4, 19.01, 19.14, and 19.18 of Chapter 1, Article 13 of Chapter 1A, and 151.28 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 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to include the following definitions:

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, 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).

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

High Quality Transit Service. A transit route with 15 minutes or less service frequency during peak commute hours in both directions. 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. A development project with five or more Residential Units including mixed-use developments.

For the purposes of this section, “Housing Development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, or as amended, and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, or as amended where the result of the rehabilitation would be a net increase in available residential units.

Incentive. An incentive shall have the same meaning as defined in subdivision (k) of California Government Code Section 65915, or as amended, and mean all of the following.

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, or as amended, that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or as amended, or for rents for the targeted units to be set as specified in any local housing incentive program described in Chapter 1 of this Code.
2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code or as amended, or for rents for the targeted units to be set as specified in any local housing incentive program described in Chapter 1 of this Code.

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

Major Transit Stop. A site containing a rail station or the intersection of two or more bus routes with a service interval of 15 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. Refer to California Government Code Section 65915(o)(6).

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

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 Extremely Low, Very Low, Low 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, 50053 for for-lease Residential Units, or by the California Tax Credit Allocation Committee. Requirements for Residential Units provided as part of a One Hundred Percent Affordable Housing Project shall comply with the provisions as defined by Section 12.03.

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

Section 2. Subdivision 25 of Subsection A of Section 12.22 of Los Angeles Municipal Code is hereby repealed in its entirety.

Section 3. 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:

Childcare Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.

Disabled Veteran. Disabled Veteran shall be as defined in Section 18541 of the California Government Code.

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. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A Shared Housing Building may include 100% Shared Housing Units. A Shared Housing Building may include Residential Units that are not Shared Housing Units provided that those units do not occupy more than 25 percent of the floor area of a Shared Housing Building. Refer to California Government Code Section 65915(o)(7)(A).

Shared Housing Unit. A Residential Unit with one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304, or as amended, of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202, or as amended, of the California Residential Code. Shared Housing Units shall be considered “Guest Rooms” for purposes of zoning and allowable density. Refer to California Government Code Section 65915(o)(7)(B).

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 project must satisfy all of the following:

- (1) Meet the definition of a Housing Development, with a total of five or more Residential Units including mixed-use developments. For the purpose of establishing the minimum number of five Residential Units, Restricted Affordable Units shall be included and Density Bonus units shall be excluded.
- (2) Reserve a percentage of the Housing Development's Maximum Allowable Residential Density for:
 - (i) Restricted Affordable Units for at least one of the following income levels in Table 12.22 A.37(c)(2) below, or
 - (ii) Residential Units for one of the Target Populations listed in 12.22 A.37(c)(2) below.

DRAFT

TABLE 12.22 A.37(c)(2) Required Percentage of Restricted Affordable Units	
Income Level	Minimum % of Maximum Allowable Residential Density
Very Low Income (For Rental or For Sale)	5
Low Income (For Rental or For Sale)	10
Moderate Income (For Sale)	10
One-Hundred Percent Affordable Housing Project**	100*
Target Population	Minimum % of Maximum Allowable Residential Density
Senior Citizen	100**
Transitional Foster Youth, Disabled Veteran, or Homeless Persons***	10
Lower Income Students****	20

*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.

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

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

****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 project does not require the demolition of a Designated Historic Resource, as demolition is defined in Section 12.20.3 B.9, and any proposed alteration to a Designated Historic Resource shall not be approved until a review by the Office of Historic Resources is completed.

(d) **Procedures.** A Housing Development that meets the provisions of this Subdivision shall be reviewed pursuant to Procedures, as set forth below. 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.

(1) **Los Angeles Department of Building and Safety Review.** Housing Developments seeking Base Incentives described in Paragraph (e) and/or Incentives listed on the Additional Menu of Incentives described in Paragraph (f) shall be considered ministerial and processed by the Department of Building and Safety without an application to the Department of City Planning.

(2) **Administrative Review.** The following Housing Developments shall be ministerially approved pursuant to Administrative Review, as set forth by the provisions of Sec. 13B.3.1 (Administrative Review) of Chapter 1A of this Code. 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):

(i) Housing Developments that request Incentives, allowed by Table 12.22 A.37(f), not listed on the Additional Menu of Incentives described in Paragraph (f).

a. **Exception.** Housing Developments that request an Incentive not on the Additional 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 be subject to the Supplementary Procedures described in LAMC Section 12.22 A.37(d)(5)(ii) in addition to the procedures described in Sec. 13B.3.1 (Administrative Review).

(ii) Housing Developments that request Public Benefit Options described in Paragraph (g).

(3) **City Planning Commission Review.** The following Housing Developments must file an application pursuant to the procedures set forth in Sec. 13B.2.3:

(i) Housing Developments that request waivers or modifications of any Development Standards not listed on the Additional Menu of Incentives described in Paragraph (f) that would have the effect of physically precluding the construction of an eligible Housing Development, pursuant to California Government Code Section GCS 65915 (e), not on the Additional Menu of Incentives described in Paragraph (f). Housing

Developments requesting a waiver or modification of any Development Standard must provide Restricted Affordable Units sufficient to qualify for three incentives pursuant to Table 12.22 A.37(f).

- (ii) Housing Developments requesting Density Bonuses that exceed 100%. In addition to the procedures set forth in Sec. 13B.2.3, projects requesting Density Bonuses that exceed 100% 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 may seek project approval utilizing the procedures described in paragraph (d) of this subdivision or pursuant to LAMC Section 12.22 A.36 or 12.22 A.39.

(5) **Supplementary Procedures.**

- (i) **Findings.** Incentives and waivers or modifications of development standards 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:

- 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.
- c. The Incentive would be contrary to state or federal law.

d. 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).
- 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.
- iii. The waivers or reductions of development standards are contrary to state or federal law.

(ii) **Requests for Incentives Not Listed on the Additional Menu of Incentives (FAR, Height, Open Space, Tree Planting, ground story requirements, and/or yards/setbacks).** Regardless of the procedures described in Sec. 13B.3.1 (Administrative Review), Housing Developments requesting Incentives not listed on the Additional 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 be subject to a public hearing and appeals and shall comply with the following procedures. All other procedures set forth in Sec. 13B.3.1 (Administrative Review) shall still apply.

a. Notice.

- i. Notice of Public Hearing. The following notice is required for the public hearing on the initial decision for Housing Developments requesting incentives not listed on the

Additional Menu of Incentives and subject to these Supplemental Procedures.

Type of Notice	When	Where/To Whom/Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • The owner(s) of the property involved; • The owners and tenants of all property within 300 feet of the boundary of the subject site; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> • The applicant will post notice in a conspicuous place on the property

ii. Notice of Public Hearing on Appeal. The following notice is required for the public hearing, if held, on the appeal for Housing Developments requesting incentives not listed on the Additional Menu of Incentives and subject to these supplemental procedures.

Type of Notice	When	Where/To Whom/Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> • The applicant; • The owner(s) of the property involved; • The owners and tenants of all property within 300 feet of the boundary of the subject site; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	<ul style="list-style-type: none"> • The applicant will post notice in a conspicuous place on the property

b. Appeals. Appeal procedures as set forth in the provisions of Sec. 13B.2.5.G (Director Determination) shall apply.

(iii) **Modification of Action.** Projects approved pursuant to this Subdivision may seek a modification or change in the proposed physical development or related conditions of approval that were approved in the original action without complying with the procedures set forth in Sec. 13B.5.4 (Modification of Entitlement) if the alteration of the physical development or conditions of approval on the original action is by no more than 5%. Any request for a modification that exceeds the 5% limitation will not be processed as a modification of the original action under this Subdivision and shall instead be required to seek a modification pursuant to Sec. 13B.5.4 (Modification of Entitlement) or a new application.

(6) **Other Discretionary Approvals.** Applicable procedures set forth in Sec. 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for projects seeking other discretionary approvals in conjunction with a Density Bonus sought pursuant to this Subdivision. 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 Additional Menu of Incentives described in Paragraph (f), requested under this Subdivision unless the decision-maker, based upon substantial evidence, makes either of the findings in subsection (6) of Paragraph (d) of this subdivision.

(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.

(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) but shall not exceed 50% unless seeking an Additional Density Bonus pursuant to 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.

TABLE 12.22 A.37(e)(1)(i) Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses			
Density Bonus	Very Low Income	Low Income	Moderate Income
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	-
22	-	-	27
22.5	6	-	-

TABLE 12.22 A.37(e)(1)(i) Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses			
Density Bonus	Very Low Income	Low Income	Moderate Income
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	-	-	-
32	-	18	37
32.5	10	-	-
33	-	-	38
33.5	-	19	-
34	-	-	39

TABLE 12.22 A.37(e)(1)(i) Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses			
Density Bonus	Very Low Income	Low Income	Moderate Income
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) provided that the resulting Housing Development does not restrict more than 50% of the Maximum Allowable Residential Density to Restricted Affordable Units. The Additional Density Bonus shall be calculated excluding any density bonus awarded by Table 12.22 A.37(e)(1)(i).

TABLE 12.22 A.37(e)(1)(ii) Required Percentage of Restricted Affordable Unit Set Asides - Additional Density Bonuses		
Density Bonus	Very Low Income	Moderate-Income
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 12.22 A.37(d)(2)(v) shall receive a Density Bonus as follows in Table 12.22 A.37(e)(1)(iii). These Density Bonuses may be combined with a Density Bonus for units set aside as Restricted Affordable Units based on Table 12.22 A.37(3)(1)(i) so long as the Restricted Affordable Units are set aside for the applicable Target Population.

TABLE 12.22 A.37(e)(1)(iii) Housing for Target Populations - Density Bonuses		
Target Population	Minimum Required % of Maximum Allowable Residential Density for Target Population (excluding Density Bonus units)	Percentage of Density Bonus
Senior Citizen	100%*	20%
Transitional Foster Youth/Disabled Veterans/Homeless Persons	10%	20%
Lower Income Student	20%	35%

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

(2) **Parking.** Housing Developments may reduce the number of the project’s 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 projects 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 shall be subject to the vehicular parking ratio described in Table 12.22 A.37(e)(2)(ii).

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

(3) **One Hundred Percent Affordable Housing Projects.** In lieu of the Base Incentives described in Subparagraph (e)(1), One Hundred Percent Affordable Projects shall be eligible for the following Base Incentives as described in Table 12.22 A.37(e)(3) or Incentives described in Section 12.22 A.39 of this code.

TABLE 12.22 A.37(e)(3)
One Hundred Percent Affordable Housing Projects - Base Incentives

Geographic Criteria	Density	Height	Parking
Citywide	80%	N/A	See LAMC 12.22 A.37(e)(2) None for a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code.
Within ½ mile of a Major Transit Stop	Unlimited	33 feet or 3 stories	None
Within a Very Low Vehicle Travel Area	Unlimited	33 feet or 3 stories	See LAMC 12.22 A.37(e)(2)
Within ½ mile of a fixed bus route service that operates at least eight times per day, or with paratransit service.	80%	N/A	None for 100 Percent Affordable Senior Citizen Housing Developments or a special needs housing development, as defined in Section 51312 of the California Health and Safety Code.

- (f) **Additional Menu of Incentives.** A Housing Development shall be granted a number of Additional Incentives based on Table 12.22 A.37(f) below. A Housing Development may request Incentives listed in Paragraph (f) or use an Incentive to seek a deviation from a Development Standard elsewhere in this Code 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 Housing Development's Incentive request.

TABLE 12.22 A.37(f) Allowed Number of Additional Incentives					
Level of Affordability	Required Percentage of Maximum Allowable Residential Density for Restricted Affordable Units (excluding Density Bonus units)				
	1 Incentive	2 Incentives	3 Incentives	4 Incentives	5 Incentives
Very Low Income (for rental or for sale)	5%	10%	15%	16%	N/A
Low Income (for rental or for sale)	10%	17%	24%	100%*	100%*
Moderate Income (for sale)	10%	20%	30%	45%	N/A
Lower Income Student Housing	20%	N/A	N/A	N/A	N/A

*One hundred percent of all units in the development (including units provided through a Density Bonus). *Except up to 20 percent of the units may be affordable to Moderate Income households earning up to 110 percent of the Area Median Income, with allowable incomes and affordable rents consistent with California Health and Safety Code Section 50053.*

- (1) **Yards.** Projects eligible for the Base Incentives contained in this Subdivision may request a reduction of otherwise required yards as follows:

Yards/Setbacks	C Zones	R Zones (yard reductions 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.	Front Yards. 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.
		Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.

- (2) **Floor Area Ratio.** Projects eligible for the Base Incentives contained in this Subdivision may request an increase in the otherwise allowed Floor Area Ratio (FAR) as follows. 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. Vehicle parking created above grade will be counted as floor area and included in the calculation of Floor Area Ratio for projects using this incentive.

Floor Area Ratio	C Zones	R Zones
	A percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development is eligible, not to exceed 35% or 3:1 whichever is greater, provided the Housing Development includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus.	A percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development is eligible, not to exceed 35%. Exception. Projects in the “RD” Restricted Density Zone or more restrictive zone, shall not be eligible for an FAR incentive.

- (3) **Height.** A percentage increase in the allowable height in feet equal to the percentage of Density Bonus for which the Housing Development is eligible, not to exceed 35%. 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 greater. This percentage increase in height shall be applicable over the entire parcel 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.
- (4) **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 project site’s applicable zoning ordinance, Specific Plan, or overlay including any requirements for reduced building heights or stepbacks when a building is adjoining a RW1 or more restrictive zone. A Height Incentive is not required in order to request this Incentive to modify transitional height.

[Figure in Development. Intent: Provide illustrative graphic communicating Transitional Height incentive provisions]

	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.

- (5) **Space Between Buildings and Passageways.** Projects eligible for the Base Incentives contained in this Subdivision and 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:
 - (i) Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a).
 - (ii) 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.

- (6) **Lot Coverage.** Up to 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, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (7) **Lot Width.** Up to 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, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (8) **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, equivalent to 10% more than otherwise required by 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).
- (9) **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.
- (10) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development that is located on two or more contiguous parcels 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 from a less restrictive zone to a more restrictive zone, provided that:
 - (i) The proposed project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus; and

- (ii) 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.
 - (11) **Supplementary Parking Reductions.** An applicant may request the following reductions as a single incentive:
 - (i) **Commercial parking.** Projects eligible for Base Incentives contained in this Subdivision 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 project.
 - (ii) **General Parking Reduction.** Projects 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 GCS 65915 (p)(5).
 - (12) **PF Zone.** In lieu of the requirement in LAMC Section 12.24 U.21, a joint public and private development that qualifies as a Housing Development 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.
 - (13) **Modification of Development Standard.** A Housing Development may request up to a 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. This incentive may be requested more than once.
 - (i) **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, ground story requirements, signs, trees, parking in front of buildings, walkways, site landscaping, usable open space or a Designated Historic Resource.
- (g) **Public Benefit Options.**
- (1) **Childcare Facility.** A Housing Development that includes a Childcare 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 Childcare Facility included in the project.

- (ii) An additional Incentive on or off the Additional Menu of Incentives that contributes significantly to the economic feasibility of the construction of the Childcare Facility.

- (2) **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 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).

- (3) **Commercial Off-Site.** Pursuant to California Government Code Section 65915.7, a commercial development may request a development bonus 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.

- (4) **Multi-Bedroom Units.** A Project that includes a minimum of 40% of Residential Units as 2-bedrooms or larger, shall be granted additional Floor Area up to 0.5 FAR or an additional 11 feet in height.

- (h) **Program Standards.** The following program standards shall be applicable to any Housing Development that meets the eligibility criteria established in Paragraph (d) of this Subdivision.
 - (1) **Other Density Bonus Programs.** Housing Developments seeking a Density Bonus pursuant to this Subdivision must not be pursuing a Density Bonus pursuant to the procedures of any other housing incentive program contained in this code or in a 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 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'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 a Housing Development's Maximum Allowable Residential Density and shall exclude any unit added by a Density Bonus awarded pursuant to this Subdivision.
- (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 sites that are the subject of a single development application, but do not need to be based on individual subdivision maps or parcels.
 - (ii) A Shared Housing Unit and its pro rata 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 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. Bicycle Parking

(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 section shall count towards any Restricted Affordable Unit requirements.

(7) **Restricted Affordable Units.** A Housing Development 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) **Rent Schedules.** Restricted Affordable Units provided 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. Restricted Affordable Units associated with One Hundred Percent Affordable Housing Projects shall comply with the definition set forth in LAMC Section 12.03.

(9) **Implementation Memorandums, Technical Bulletins 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.

(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 Section, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Section and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder.

(i) **Relationship to Other Sections of the Los Angeles Municipal Code.** If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraph (e), Additional Menu of Incentives in Paragraph (f), or Public Benefit Options described in Paragraph (g) 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.

[Language in Development. Intent: Provide comprehensive list of Specific Plans and Overlays that may conflict with provisions of this Subdivision]

(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 4. 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 of development standards for the purposes of increasing the feasibility of housing construction.

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

Childcare Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.

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.

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

Frequent Bus Service. A bus line with 30 minute or less service frequency during peak commute hours in at least one direction.

General Commercial Uses. Uses that involve business activity serving the general public, including, but not limited to, retail, professional and personal services, hospitality, restaurants, and entertainment.

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, whichever is less.

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 Development Project.

Mixed Income Incentive Project. A Housing Development 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 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 housing project, located within 350 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 dwell units.

Parking Setback. An area on a lot between the front property line and front yard setback, where motor vehicle use areas are prohibited.

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 a minimum dimension of 15 feet in width.
3. Shall provide at least one tree (non-palm species) for every 1000 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 defined in the list below:
 - a. Movable seating/furniture
 - b. Pedestrian oriented lighting
 - c. At grade planting area
 - d. Hydration station
 - e. Urban garden

- f. Play and exercise equipment
- g. Running water elements

Rapid Bus. A higher quality bus service that may include several key attributes, including dedicated bus lanes, branded vehicles and 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 Orange and 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 headways if intersecting at a qualified Major Transit Stop.

Sea Level Rise Area. Areas with vulnerability to Sea Level Rise exposure identified by the U.S. Geological Survey in a 100-year storm event in a 200 cm sea level rise scenario or as determined by a local coastal hazards vulnerability assessment.

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

Very High Fire Hazard Severity Zones. Refer to LAMC Section 57.4908.1.

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

- (1) Meet the definition of one of the following:
 - (i) Mixed Income Incentive Project with a total of five or more Residential Units including mixed-use developments, or
 - (ii) Opportunity Corridor Transition Area Incentive Project with a total of four or more Residential Units.

For the purpose of establishing the minimum number of Residential Units, Restricted Affordable Units and Density Bonus units shall be included.

- (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; and

- (3) Reserve a percentage of the Project’s Total Units for Restricted Affordable Units for at least one of the following income levels, as defined on Table 12.22 A.38(c)(3).1 and Table 12.22 A.38(c)(3).2 below.

TABLE 12.22 A.38(c)(3).1					
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 Market Tier	T1	–	9%	12.5%	21%
	T2	OC-1	10%	13%	22%
	T3	OC-2	11%	14%	23%
	T4	OC-3	12%	15%	25%
Medium Market Tier	T1	–	10%	13%	21%
	T2	OC-1	11%	14%	22%
	T3	OC-2	12%	15%	24%
	T4	OC-3	13%	16%	26%
High Medium Market Tier	T1	–	11%	14%	22%
	T2	OC-1	12%	15%	23%
	T3	OC-2	13%	16%	25%
	T4	OC-3	14%	17%	27%
High Market Tier	T1	–	12%	15%	23%
	T2	OC-1	13%	16%	24%
	T3	OC-2	14%	17%	25%
	T4	OC-3	16%	19%	29%

TABLE 12.22 A.38(c)(3).2			
Incentive Program	Minimum Percent of Total Units Provided as Restricted Affordable Units		
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

- (4) The Project does not include any buildings located on parcels located in a single family or more restrictive zone (RW and more restrictive zone), or any parcels located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, and M3).
- (5) Project sites that meet one of the following criteria shall not be approved until a Phase I Environmental Site Assessment, as defined in Section 25319.1 of the Health and Safety Code, and a Phase II Environmental Site Assessment, as defined in subdivision (o) of Section 25403 of the Health and Safety Code, if warranted. A “No Further Action” letter, or some other comparable documentation issued by the appropriate regulatory agency shall be required in order to participate in the Mixed Income Incentive Program.

Project sites that were previously used as a gas station, automotive maintenance or repair, gas or oil well, or drying cleaning facility, or

Project sites located 500 feet of a Hazardous Materials site 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 Demail, or

Project sites located 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 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division.

- (i) If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
 - (ii) If a release of hazardous substance is found to exist on the site, the release shall be removed, or any significant effect of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.
- (6) The project site does not include any parcels located within a Very High Fire Hazard Severity Zone (VHFHSZ) or within a Sea Level Rise Area. Except that a project site that is located within a VHFHSZ 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, and is eligible for the Opportunity Corridor Incentives as described in paragraph (f) below.
 - (7) The Project would not require the demolition of any of the following, as demolition is defined in Section 12.20.3 B.9, and any proposed alteration of any of the following shall not be approved until a review by the Office of Historic Resource is completed.

- (i) A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually or as a contributor to a district, under a local, state, or federal designation program, or
 - (ii) Any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b, or any other historic resource identified within any future CPIO.
 - (iii) Any surveyed, eligible or architectural historic resource identified for any protection or special consideration or review by an applicable CPIO or Specific plan particularly sites located in the Westwood Village Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.
- (8) Opportunity Corridor Incentive Areas. The project site shall be located in a Higher Opportunity Area to be eligible for Opportunity Area Incentives. Except that a project site that is located outside of a Higher Opportunity Area shall be eligible for Opportunity Corridor Incentives as defined in paragraph (f) below, if properties are abutting, across the street or alley, or having a common corner with the subject property and are eligible for the Opportunity Corridor Incentives as described in paragraph (f) below.
- (d) **Procedures.** A Project that meets the provisions of this Subdivision shall be reviewed pursuant to the Procedures set forth below. Approval of a Density Bonus or Incentive pursuant to this Subdivision shall not, in and of itself, trigger a General Plan Adoption / Amendment, Zone Change, Project Review, or other discretionary review actions required by this Zoning Code.
- (1) **Los Angeles Department of Building and Safety Review.** Projects seeking Base Incentives described in Paragraphs (e)(ii), (f)(ii) or (g)(ii), and/or incentives listed as Additional Incentives in Paragraph (h), shall be considered ministerial and processed by the Department of Building and Safety without an application to the Department of City Planning.
 - (2) **Administrative Review.** The following Projects shall be ministerially approved pursuant to Administrative Review, as set forth by the provisions of Sec. 13B.3.1 (Administrative Review) of Chapter 1A of this Code. 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):
 - (i) Projects requesting Public Benefit Options described in Paragraph (i).

- (ii) Projects that request Incentives, allowed by Table 12.22 A.38(h), not listed on the Additional Menu of Incentives described in Paragraph (h).
 - a. Projects shall not be eligible to request an Incentive not on the Additional Menu of Incentives for an increase in the total project Floor Area Ratio (FAR), Height, Open Space requirements, tree planting requirements, ground story requirements, and/or yards/setback requirements. These Projects shall seek approval pursuant to the Procedures described in Section 3 of Paragraph (d).
 - b. 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, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape Site Design Point System.
- (3) **Director's Determination.** The Director of Planning shall review the following Projects pursuant to Sec. 13B.2.5.
 - (i) Projects requesting Incentives not listed on the Additional Menu of Incentives for an Increase in Floor Area Ratio (FAR) and/or Height.
 - (ii) Projects requesting Incentives not listed on the Additional Menu of Incentives for a reduction in Open Space requirements, tree planting requirements, ground story requirements, and/or yards/setback requirements.
 - (iii) Projects requesting up to one Waiver or Modification of any Development Standard not on the Additional Menu of Incentives described in Paragraph (h) that would have the effect of physically precluding the construction of an eligible Project, pursuant to California Government Code Section GCS 65915 (e).
- (4) **City Planning Commission Review.** The following Projects must file an application pursuant to Sec. 13B.2.3.
 - (i) Projects that request more than one waiver or modification of any Development Standards that would have the effect of physically precluding the construction of an eligible Project, pursuant to California Government Code Section GCS 65915 (e), not on the Additional Menu of Incentives described in Paragraph (h).

(5) **Exceptions.**

- (i) Projects utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(ii) are not eligible to request waivers or modifications of any Development Standard. Opportunity Corridor Transition Incentive Area Projects are not eligible to request Incentives on or off the Additional Menu of Incentives.

(6) **Supplementary Procedures.**

- (i) **Findings.** Incentives and waivers or modifications of development standards 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:
 - 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.
 - c. The Incentive would be contrary to state or federal law.
 - d. 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).

- 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.
- iii. The waivers or reductions of development standards are contrary to state or federal law.

(ii) **Modification of Action.** Projects approved pursuant to this Subdivision may seek a modification or change in the proposed physical development or related conditions of approval that were approved in the original action without complying with the procedures set forth in Sec. 13B.5.4 (Modification of Entitlement) if the alteration of the physical development or conditions of approval on the original action is by no more than 5%. Any request for a modification that exceeds the 5% limitation will not be processed as a modification of the original action under this Subdivision and shall instead be required to seek a modification pursuant to Sec. 13B.5.4 (Modification of Entitlement) or a new application.

(7) **Other Discretionary Approvals.** Applicable procedures set forth in Sec. 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for projects seeking other discretionary approvals in conjunction with a Density Bonus sought pursuant to this Subdivision. 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 Additional Menu of Incentives described in Paragraph (h), requested under this Subdivision unless the decision-maker, based upon substantial evidence, makes either of the findings in subsection (6) of Paragraph (d) of this subdivision.

(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) 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-4) based on the shortest distance between any point on the lot and a qualified Major Transit Stop.

Table 12.22 A.38(e)(1)					
Eligibility Subarea	Distance to Major Transit Stop				
Description	Two Regular Buses (intersection of two non Rapid Bus Lines each with at least 15 minute average peak headways)	Regular plus Rapid Bus (intersection of a regular bus and a Rapid Bus line)	Two Rapid Buses (intersection of two Rapid Bus lines)	Metrolink Rail Stations	Metro Rail Stations
T-1	750 - 2640 feet	1500 - 2640 feet	-	1500 - 2640 feet	-
T-2	<750 feet	750 - <1500 feet	1500-2640 feet	750 - <1500 feet	-
T-3	-	<750 feet	<1500 feet	<750 feet	≤ 2640 feet
T-4	-	-	-	-	<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), 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.

Table 12.22 A.38(e)(2)

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:	Required automobile parking for all Residential Units in an Eligible Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:	In each subarea, the maximum increase in the allowable FAR permitted shall be equal to the following, provided that any additional floor area provided through this section 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. Vehicle parking areas above ground will be counted as floor area and included in the calculation of Floor Area Ratio for projects using this incentive:	In each subarea, the maximum increase in the allowable height permitted shall be equal to the following. This increase in height shall be applicable to an Eligible Project over the entire parcel regardless of the number of underlying height limits.
T-1	100 % Sites with a Maximum Allowable Residential Density of less than 5 units: 50%	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%	One additional story, up to 11 additional feet.
			C - zones: 3.0, or 40% increase, whichever is greater.	
T-2	120 % Sites with a Maximum Allowable Residential Density of less than 5 units: 60%		R - zones: 45%	
		C-zones: 3.5, or 45% increase, whichever is greater.		

Table 12.22 A.38(e)(2)

Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
T-3	Limited by Floor Area Sites with a Maximum Allowable Residential Density of less than 5 units: 70%		R - zones: 50%	Two additional stories, up to 22 additional feet.
			C - zones: 4.0, or 50% increase, whichever is greater.	
T-4	Limited by Floor Area Sites with a Maximum Allowable Residential Density of less than 5 units: 80%		R- zones: 55%	Three additional stories up to 33 additional feet.
			C - zones: 4.5, or 55% increase, whichever is greater.	

(i) **Exceptions.**

- a. Sites with a Maximum Allowable Residential Density of less than 5 units shall not be eligible for an incentive to increase allowable FAR.
- b. In a Specific Plan or overlay district that has a FAR available through a development bonus or incentive program to provide affordable housing, the FAR may be the maximum allowed by the Plan provided the affordability requirements in both programs are met.

(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), below.

Table 12.22 A.38(f)(1)		
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	

- (i) **Corridor Access.** A Project must provide Direct Pedestrian Access to the eligible Opportunity Corridor.
- (ii) **Frontage.** Each eligible parcel 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) 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.

DRAFT

Table 12.22 A.38(f)(2)				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio	Height
Description	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	Required automobile parking for all Residential Units in an Eligible Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:	In each subarea, the maximum increase in the allowable FAR permitted shall be equal to the following, provided that any additional floor area provided through this section 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. Vehicle parking areas above ground will be counted as floor area and included in the calculation of Floor Area Ratio for projects using this incentive.	In each subarea, the maximum increase in the allowable height permitted shall be equal to the following. This increase in height shall be applicable to an Eligible Project over the entire parcel regardless of the number of underlying height limits.
OC-1	Limited by Floor Area	No Parking required.	R zones: 3.0:1	R zones: Up to 45 feet.
			C zones: 3.5:1	C zones: One additional story, up to 11 additional feet; or up to a maximum of 5 total stories, whichever is greater.
OC-2			R zones: 3.5:1	R zones: Up to 56 feet.
			C zones: 4.0:1, or 45% increase, whichever is greater.	C zones: Two additional stories, up to 22 additional feet; or up to a maximum of 6 total stories, whichever is greater.
OC-3			4.5:1, or 50% increase, whichever is greater.	Three additional stories, up to 33 additional feet; or up to a maximum of 7 total stories, whichever is greater.

(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), below.

Table 12.22 A.38(g)(1)			
Eligibility Subarea	Site Requirements	Eligible Underlying Zones	Geographic Criteria
CT-1	Sites within 350 feet of the rear property line of a lot located within an Opportunity Corridor Incentive Area	RD zones and R2 zones	Higher Opportunity Areas
CT-2	Sites within 150 feet of the rear property line of a lot 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 parcel 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 contiguous or are consolidated, the buffer measurement will not be adjusted to accommodate the new rear property line of site.
- (2) **Base Incentives.** A Project shall be granted Base Incentives established in this Paragraph as defined in Table 12.22 A.38(g)(2) below, in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph 12.22 A.38(c)(3) of this Subdivision.

Table 12.22 A.38(g)(2)				
Eligibility Subarea	Density Bonus	Floor Area Ratio (maximum permitted)	Parking	Height (maximum permitted)
Description	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential 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 an Eligible Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:	In each subarea, the maximum allowable height permitted shall be as follows:
CT-1A*	4 units	1.15	No parking required.	2 stories
CT-1B*	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		

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

- (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
- (ii) **Required Yards.** Projects are eligible for the following required yards:
 - 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 2-bedrooms or larger, shall be granted either additional Floor Area up to 0.5 FAR or 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 parcels, the Density Bonuses established in Table 12.22 A.38(g)(2) shall be available to each parcel, however, FAR and height bonuses shall not exceed the maximum permitted Incentive Area in Table 12.22 A.38(g)(2).
 - a. For example, if two CT-1 parcels 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 parcels 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.
- (3) **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 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 dwelling 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)(3), 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.

Table 12.22 A.38(g)(3) Common Outdoor Open Space Types Menu		
Common Outdoor Open Space Typologies:	Dimension Requirements (minimum)	Standards
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"> 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. 2. The courtyard shall adjoin the minimum front yard setback creating a deep combined courtyard or wide connection between two spaces. 3. The courtyard shall be an internal courtyard, entirely contained onsite.
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 at the center of a site with a minimum 4 feet wide pedestrian pathway accessible from the ground floor frontage line.</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>

(ii) **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.



(iii) 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.

(iv) Parking Areas, Garages, and Carports

a. Location.

1. No parking areas including parking structures and parking stalls, shall be allowed between a Ground Floor Frontage Line 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 Menu of 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 list below. A Project may request Incentives listed in Paragraph (h) or use an Incentive to seek a deviation from a Development Standard elsewhere in this Code. 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 Additional Menu of Incentives.

- (1) **Yards.** Projects eligible for the Base Incentives contained in this subdivision may request a reduction of otherwise required yards as follows:

Yards/Setbacks	C Zones	R Zones (yard reductions 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. 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.	Front Yards. Front yard reductions are limited to no more than the average of the front yards 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.
		Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.

- (2) **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.

- (3) **Transitional Height.** A Project 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 Specific Plan, including any requirements for reduced building heights when a building is adjoining or abutting a RW1 or more restrictive zone:

[Figure in Development. Intent: Provide illustrative graphic communicating Transitional Height incentive provisions]

	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.

- (4) **Space Between Buildings and Passageways.** Projects eligible for the Base Incentives contained in this subdivision and 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:
- (i) Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a).
 - (ii) 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.
- (5) **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, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (6) **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, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.

- (7) **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, equivalent to 10% more than otherwise required by 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).
- (8) **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.
- (9) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development that is located on two or more contiguous parcels 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 from a less restrictive zone to a more restrictive zone, provided that:
- (i) 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.
- (10) **PF Zone.** In lieu of the requirement in LAMC Section 12.24 U.21, a joint public and private development that qualifies as an Eligible 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.
- (11) **Modification of Development Standard.** A Housing Development may request up to a 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. This incentive may be requested more than once.
- (ii) **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, ground story requirements, signs, trees, parking

in front of buildings, walkways, site landscaping, usable open space or a Designated Historic Resource.

(i) **Public Benefit Options.** Per Paragraphs (e)(ii) or (f)(ii), 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. If a Project includes five of the following Public Benefit Options, they shall receive an additional 11 feet in height.

- (1) **Childcare Facility.** A Project that includes a Childcare 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 Childcare Facility included in the project; or
 - (ii) An additional Incentive on or off the Additional Menu of Incentives that contributes significantly to the economic feasibility of the construction of the Childcare Facility. Projects that utilize this incentive may request an additional 11 feet in height.
- (2) **Multi-Bedroom Units.** A Project that includes a minimum of 40% of Residential Units as 2-bedrooms or larger, shall be granted additional Floor Area up to 0.5 FAR or an additional 11 feet in height.
- (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 LADBS 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 General Commercial Uses, such as restaurants, counter service, general retail, personal services, and food & beverage uses. Areas for circulation, storage, mechanical equipment, 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 primary street frontage.
 - (iii) **Street-Facing Entrance and Spacing.** 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.** For every additional 4% of buildable lot area that a Project provides 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.
- (7) **Adaptive Reuse Projects.** Mixed Income Incentive Projects involving Adaptive Reuse Projects shall be eligible for Incentives and subject to the Procedures described in 12.22 A.26. Mixed Income Incentive Projects utilizing this Public Benefit Option shall also be eligible for the Base Incentives described in Paragraph (e) or (f) of 12.22 A.38 and Additional Incentives described in Paragraph (h) of 12.22 A.38, unless otherwise specified in Paragraph (h) of 12.22 A.26, so long as the required percentage of Restricted Affordable Units is provided.
- (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 must not be pursuing 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 Project shall calculate its Maximum Allowable Residential Density, 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'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 sites that are the subject of a single development application, but do not need to be based on an individual subdivision maps or parcels.
 - (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. Bicycle Parking

- (6) **Multiple Lots.** A building that crosses one or more lots may request 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) or Table 12.22 A.38(f)(1)
- (7) **Update Frequency.** Geographic eligibility associated with the Transit Oriented Incentive Areas and the Opportunity Corridors Incentive Areas, and Opportunity Corridors Transition Incentive Areas shall be updated on an annual basis.
- (8) **Updates to Community Plans, Specific Plans, Transit Neighborhood Plans and Overlays.** Community Plans, Specific Plans, Transit Neighborhood Plans and Overlays utilizing the zoning standards of Ch1A of the Zoning Code after January 1, 2025, 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 this program. If a site is eligible for more than one incentive area in the Mixed Income Incentive Program, the incentive area with the highest development potential shall be selected. If these provisions are met, Community Plans and Overlay Plans shall not be subject to the Update Frequency provisions of Section 11 of Paragraph (j) below.

Exception. In the case that a Community Plan, Specific Plan, Transit Neighborhood Plan, or Overlay assigns a site a Ch1A zone that does not match the minimum Base Incentives for every lot eligible for the Transit-Oriented Incentive Area or Opportunity Corridor Transition Incentive Area programs, 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 an applicant may be eligible for a certain Transit Oriented Incentive Area or Opportunity Corridor Incentive Area, they may chose to select a lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area 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 section may count towards any Restricted Affordable Unit requirements.
- (11) **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 provided 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. 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, Technical Bulletins 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.
- (14) **Covenants.** Prior to the issuance of a Building Permit for any Housing Development qualifying for a Density Bonus pursuant to the provisions of this Section, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Section and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder.

- (k) **Relationship to Other Sections of the Los Angeles Municipal Code.** If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraphs (e), (f), and (g), Additional Menu of Incentives in Paragraph (h), or Public Benefit options described in Paragraph (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.

[Language in Development. Intent: Provide comprehensive list of Specific Plans and Overlays that may conflict with provisions of this Subdivision]

- (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 5. 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, 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 Faith Based Organizations. In conjunction with the incentives granted by state law, this subdivision shall offer incentives and waivers of development standards for the purposes of increasing the feasibility of affordable housing construction.

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

Automobile Parking Zone: Land classified as a P per LAMC Section 12.12.1 or PB zone, excluding all classifications within a single family or more restrictive zone.

Childcare Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age childcare centers.

Faith Based Organization. Refer to California Government Code Section 65913.16(b)(10).

Faith Based Organization Project. A Housing Development located on land owned entirely, whether directly or through a wholly owned company or corporation, by a Faith Based Organization. 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). At least 80 percent of the development project's Total units, exclusive of a manager's unit or units, shall be for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the 80 percent may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. Units in the development shall be offered at an affordable rent as set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee, or if for-sale, an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

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

One Hundred Percent Affordable Housing Project. See LAMC Section 12.03.

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 Facilities Zone. Refer to LAMC Section 12.04.09.

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

Very High Fire Hazard Severity Zones. Refer to LAMC Section 57.4908.1.

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, a project must satisfy the following requirements:

- (1) Meet the definition of a One Hundred Percent Affordable Housing Project or a Faith Based Organization Project with a total of five or more residential units including mixed-use developments.
- (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)(1).

TABLE 12.22 A.39(c)(1) Required Percentage of Restricted Affordable Units	
Project Type	Minimum % of Total Units that are Restricted Affordable Units
One Hundred Percent Affordable Housing Project	100%
Faith Based Organization Project	80%*

*Per definition of Faith Based Organization Project, up to 20 percent of the 80 percent may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

- (3) The One Hundred Percent Affordable Housing Project does not include any buildings located on parcels located in a single family or more restrictive zone (RW and more restrictive zone), or any parcels located in a manufacturing zone that does not allow multi-family residential uses (M1, M2, and M3), unless it qualifies pursuant to 12.22 A.39(e)(i)(2) as a project in a Public Facility Zone and/or parcels owned by a Public Agency.
- (4) Project sites that meet one of the following criteria shall not be approved until a Phase I Environmental Site Assessment, as defined in Section 25319.1 of the Health and Safety Code, and a Phase II Environmental Site Assessment, as defined in subdivision (o) of Section 25403 of the Health and Safety Code, if warranted. A “No Further Action” letter, or some other comparable documentation issued by the appropriate regulatory agency shall be required in order to participate in the Mixed Income Incentive Program.

Project sites that were previously used as a gas station, automotive maintenance or repair, gas or oil well, or drying cleaning facility, or

Project sites located within 500 feet of a Hazardous Materials site 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 Demail, or

Project sites located 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 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division.

- (i) If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
 - (ii) If a release of hazardous substance is found to exist on the site, the release shall be removed, or any significant effect of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.
- (5) The One Hundred Percent Affordable Housing Project or Faith Based Organization Project site is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.
 - (6) The One Hundred Percent Affordable Housing Project or Faith Based Organization Project does not include any parcels located within a Very High Fire Hazard Severity Zone (VHFHSZ) or within an area vulnerable to Sea Level Rise.
 - (7) The One Hundred Percent Affordable Housing Project or Faith Based Organization Project would not require the demolition of any of the following, as

demolition is defined in Section 12.20.3 B.9, and any proposed alteration of any of the following shall not be approved until a review by the Office of Historic Resource is completed.

- (i) A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually or as a contributor to a district, under a local, state, or federal designation program, or
- (ii) Any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b, or any other historic resource identified within any future CPIO
- (iii) Any surveyed, eligible or architectural historic resource identified for any protection or special consideration or review by an applicable CPIO or Specific Plan particularly sites located in the Westwood Village Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.

(8) A Faith Based Organization Project may be located on a site hosting 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.
- (ii) The Faith Based Organization Project does not require the demolition of a Surveyed Historic Resource.

(d) **Procedures.** A One Hundred Percent Affordable Housing Project or Faith Based Organization Project that meets the provisions of this Subdivision shall be reviewed pursuant to Procedures, as set forth below.

(1) **Los Angeles Department of Building and Safety Review.** Projects seeking Base Incentives described in Paragraph (e), and/or up to five Incentives listed on the Additional Menu of Incentives shall be considered ministerial and processed by the Department of Building and Safety.

- (i) **Exceptions.**

- a. Faith Based Organization Projects with Surveyed Historic Resources shall seek approval pursuant to Section (2) of Paragraph (d).

(2) **Administrative Review.** The following projects shall be ministerially approved pursuant to Administrative Review, as set forth by the provisions of Sec. 13B.3.1 (Administrative Review) of Chapter 1A of this Code. 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)

- (i) One Hundred Percent Affordable Housing Projects and Faith Based Organization Projects requesting Public Benefit Options described in Paragraph (g).
- (ii) One Hundred Percent Affordable Housing Projects and Faith Based Organization Projects seeking up to five incentives not listed on the Additional Menu of Incentives described in Paragraph (f) and/or up to one waivers or modifications of any Development Standards pursuant to California Government Code Section GCS 65915(e), and/or Public Benefit Options described in Paragraph (g).
- (iii) Faith Based Organization Development Projects with Surveyed Historic Resources.
- (iv) Exceptions:
 - a. Projects shall comply with the Limitations on Types of Requests for Incentives, Waivers, or Modifications of any Development Standard(s) Not on the Menu in LAMC Section 12.22 A.36(e)(8). Projects requesting an incentive, waiver, or modification exceeding the limitations described in LAMC Section 12.22 A.36(e)(8) shall seek approval pursuant to the Procedures in Section 3 of Paragraph (d).

(3) **Director’s Determination.** The following Projects must file an application pursuant to Sec. 13B.2.5 (Director Determination):

- (i) Projects requesting incentives, waivers, or modifications of development standards exceeding the Limitations on Types of Requests for Incentives, Waivers, or Modifications of any Development Standard(s) Not on the Menu in LAMC Section 12.22 A.36(e)(8).
- (ii) If seeking up to three waivers or modifications of any Development Standards, pursuant to California Government Code Section GCS 65915.

(4) **City Planning Commission Review.** The following Housing Development Projects must file an application pursuant to Sec. 13B.2.3 (Conditional Use Permit, Class 3):

- (i) Projects that request more than three waivers or modifications pursuant to California Government Code Section GCS 65915.

(5) **Supplementary Procedures.**

- (i) **Findings.** Incentives and waivers or modifications of development standards 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:

- a. Incentives 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 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
- 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 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.
- iii. The Incentive would be contrary to state or federal law.

- b. 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).
 - 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.
 - iii. The waivers or reductions of development standards are contrary to state or federal law.

(ii) **Modification of Action.** Projects approved pursuant to this Subdivision may seek a modification or change in the proposed physical development or related conditions of approval that were approved in the original action without complying with the procedures set forth in Sec. 13B.5.4 (Modification of Entitlement) if the alteration of the physical development or conditions of approval on the original action is by no more than 5%. Any request for a modification that exceeds the 5% limitation will not be processed as a modification of the original action under this Subdivision and shall instead be required to seek a modification pursuant to Sec. 13B.5.4 (Modification of Entitlement) or a new application.

(6) **Other Discretionary Approvals.** Applicable procedures set forth in Sec. 13A.2.10 (Multiple Approvals) apply for projects seeking other discretionary approvals in conjunction incentives and waivers sought pursuant to this Subdivision. 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 Additional Menu of Incentives described in Paragraph (f), requested under this Subdivision unless the decision-maker, based on substantial evidence, makes either of the findings in subsection (14) of Paragraph (f) of this subdivision.

(e) **Base Incentives.** One Hundred Percent Affordable Housing Projects or Faith Based Organization Projects that meet the eligibility criteria established in Paragraph (c) may utilize base incentives described in Table 12.22 A.39(e)(ii) that correspond with the eligibility criteria described in Paragraph (c). Projects that qualify for Base Incentives established in the table below shall also be eligible for Public Benefit Options listed in subparagraph (g).

(1) **Density.** The Maximum Allowable Residential Density for eligible parcels shall be considered 40 units per acre for nonresidential zoned sites and sites zoned for multi-family housing, or, at least 30 units per acre for single-family zoned sites in the case of a Faith Based Organization Project. In addition, in the case of a Faith Based Organization Project, the density permitted on the least restrictive adjoining parcel may be permitted as the Maximum Allowable Residential Density in cases when it allows more than otherwise permitted on the eligible parcels.

(2) **Consolidated Developments.** In the case that a One Hundred Percent Affordable Housing Project or Faith Based Organization Project located in a moderate, high, or highest resource area consolidates multiple contiguous parcels, the Density Bonuses and incentives established in Table 12.22 A.39(e)(ii) shall be available to the project based on the cumulative Maximum Allowable Residential Density of the consolidated parcels, however, FAR and height bonuses shall not exceed the maximum permitted in Table 12.22 A.39(e)(ii). Consolidated lot development may not include ineligible lots as described in paragraph (c).

(i) For example, if five contiguous R2 parcels in a Low VMT area are consolidated in one project, and together the parcels have a Maximum Allowable Residential Density of over 5 units, the project is eligible for density limited by other requirements and qualifies for a height incentive of 3 stories or 33 feet and a FAR incentive of 50% or 3.5:1, whichever is greater.

Table 12.22 A.39(e)(ii)

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, required automobile parking for all residential units in an Eligible Project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:	In each Subarea, the maximum increase in the allowable FAR permitted shall be equal to the following, provided that any additional floor area provided through this section 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. Vehicle parking areas will be counted as floor area and included in the calculation of FAR for projects using this incentive.	In each Subarea, for Eligible Projects that have a residential use which occupies more than 50% of the total floor area within a building, the applicable Total Height shall be as follows:
Citywide	Any density bonus provided by California Government Code Section 65915.*	<p>0.5 Parking Spaces per Unit, except if the development has paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day, then no minimum parking required.</p> <p>As part of a Faith Based Organization Project, the required parking for current or proposed religious-uses may be reduced by 50 and be counted towards the housing project pursuant to California Government Code Sec. 65913.6.</p>	<p>Sites with a Maximum Allowable Residential Density of less than 5 units: No FAR incentive or 1.5 FAR, whichever is greater.</p> <p>Otherwise: 35% or 3.0:1, whichever is greater.</p>	<p>Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater.</p> <p>Otherwise: bonus of 22' or 2 stories, whichever is greater.</p>

Table 12.22 A.39(e)(ii)				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
Parcels located within a half mile of a Major Transit Stop or Very Low Vehicle Travel Area	Limited by Floor Area	No minimum parking required. Required parking for current or proposed nonresidential uses may be reduced by 50 percent.	Sites with a Maximum Allowable Residential Density of less than 5 units: No FAR incentive or 2.0 FAR, whichever is greater. Otherwise: 50% or 3.5:1, 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 percent.	Sites with a Maximum Allowable Residential Density of less than 5 units: No FAR incentive or 2.5 FAR, whichever is greater. Otherwise: 50% or 3.5:1, 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.

*See LAMC Section 12.22 A.39 (e)(1).

- (3) **Automobile Parking Zones.** In lieu of the use allowances in LAMC Section 12.12.1 A, Faith Based Organization Projects and One Hundred Percent Affordable Housing Projects located on parcels in a “P” Automobile Parking Zone may establish Maximum Allowable Residential Density, uses, and area standards as 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. Base incentives set forth in 12.22.A.39(e)(ii) may be applied based on this established Maximum Allowable Residential Density.
- (i) **Lots with Dual Zoning.** In cases where a lot contains split zoning with an Automobile Parking Zone, the entire parcel may utilize the least restrictive adjoining zone.
- (4) **Public Facility Zones and Parcels Owned by a Public Agency.** In lieu of the requirements in LAMC Section 12.24 U.21 and 12.04.09 B.9, a Joint Public and Private Development located in a Public Facility (PF) Zone and/or located on parcels owned by a Public Agency that qualifies as a One Hundred Percent Affordable Housing Project may establish Maximum Allowable Residential Density, uses, and area standards as 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. Base incentives set forth in 12.22.A.39(e)(ii) may be applied based on this established Maximum Allowable Residential Density. In addition, if specifically authorized through a resolution of City Council, such a development shall be permitted to have multi-family residential uses and shall not be limited to the zoning requirements of the underlying zoning, specific plan or general plan. Only the building code requirements shall apply in addition to any Development Standards included in the City Council resolution.
- (f) **Additional Menu of Incentives.** In addition to the Base Incentives established in Paragraph (e), projects that satisfy eligibility criteria set forth in Paragraph (c) shall have the ability to select up to five incentives from below:

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

Yards/ Setbacks	C Zones	R Zones (yard reductions in R zones may be combined and require the use of only one incentive)
	<p>In any Commercial zone, Eligible 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.</p>	<p>Front Yards. Front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjoining building along the same front lot line. If 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>Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.</p>

- (2) **Transitional Height.** No otherwise applicable requirement for transitional height including Section 12.21.1 A.10., or any applicable transitional height limits in a Specific Plan, 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.
- (3) **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 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.
- (4) **Ground Floor Height.** Projects eligible for the base incentives contained in this subdivision may request a 30% reduction in any ground floor height requirement.

- (5) **Commercial parking.** Projects eligible for base incentives contained in this subdivision 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.
- (6) **Space Between Buildings and Passageways.** Projects eligible for the Base Incentives contained in this subdivision and 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:
 - (i) Up to a 30% reduction in the space between buildings required pursuant to LAMC Section 12.21 C.2(a).
 - (ii) 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.
- (7) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Housing Development Project meets a minimum of 30 points under the Landscape and Site Design Ordinance, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (8) **Lot Width.** Up to 25% decrease from a lot width requirement, provided that the landscaping for the Housing Development Project meets a minimum of 30 points under the Landscape and Site Design Ordinance, equivalent to 10% more than otherwise required by Section 12.40 of this Code, and the Landscape and Site Design Point System.
- (9) **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, equivalent to 10% more than otherwise required by 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).

- (10) **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.
- (11) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development that is located on two or more contiguous parcels 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 from a less restrictive zone to a more restrictive zone, provided that:
- (i) 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.
- (12) **Modification of Development Standard.** A Housing Development may request up to a 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. This incentive may be requested more than once.
- (iii) **Exception.** This incentive shall not apply to standards that regulate FAR, Height, yards/setbacks, ground story requirements, signs, trees, parking in front of buildings, walkways, site landscaping, usable open space or a Designated Historic Resource.
- (g) **Public Benefits Options.** Per Subparagraph (1) of Paragraph (d), all Housing Development Projects that qualify for the Base Incentives contained in this subdivision shall be eligible for one or more of the following Public Benefit Options. If a Project includes 5 of the following Public Benefit Options, they shall receive an additional 11 feet in height.
- (1) **Childcare Facility.** A Housing Development Project that includes a Childcare 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 Childcare Facility included in the project.
 - (ii) An additional on or off menu of additional Incentive that contributes significantly to the economic feasibility of the construction of the Childcare

Facility. Projects that utilize this incentive may request an additional 11 feet in height.

- (2) **Multi-Bedroom Units.** A Housing Development Project that includes a minimum of 40% of residential units as 2-bedrooms or larger, shall be granted additional Floor Area up to 0.5 FAR or an additional 11 feet in height.
- (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 LADBS 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 General Commercial Uses, such as restaurants, counter service, general retail, personal services, and food & beverage uses. Areas for circulation, storage, mechanical equipment, 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 primary street frontage.
 - (iii) **Street-Facing Entrance and Spacing.** 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.** For every additional 4% of buildable lot area that a Project provides 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.
- (7) **Adaptive Reuse Projects.** One Hundred Percent Affordable Housing Projects or Faith Based Organization Projects involving Adaptive Reuse Projects shall be eligible for incentives and subject to the procedures described 12.22 A.26. One Hundred Percent Affordable Housing or Faith Based Organization Projects utilizing this Public Benefit Option shall also be eligible for the Base Incentives described in Paragraph (e) of this Subdivision and Additional Incentives described in Paragraph (f) of 12.22 A.39, as specified in Paragraph (h) of 12.22 A.26, so long as the required percentage of Restricted Affordable Units is provided.
- (h) **Program Standards.** The following program standards shall be applicable to any Housing Development Project that meets the eligibility criteria established in Paragraph (e) of this subdivision.
- (1) **Other Density Bonus Programs.** Projects seeking a Density Bonus pursuant to this Subdivision must not be pursuing 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 One Hundred Percent Affordable Housing Project or Faith Based Organization Project may calculate its Maximum Allowable Residential Density, 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'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 Housing Development Project's Total Units.
 - (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 sites that are the subject of a single development application, but do not need to be based on an individual subdivision maps or parcels.
- (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. Bicycle Parking

(6) Replacement Housing Units and Demolition Protections. A Housing Development 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 section may count towards any On-Site Restricted Affordable Unit requirements.

(7) 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.

(8) Implementation Memorandums, Technical Bulletins 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.

(9) **Covenants.** Prior to the issuance of a Building Permit for any Housing Development qualifying for a Density Bonus pursuant to the provisions of this Section, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Section and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder.

(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.

(i) **Relationship to Other Sections of the Los Angeles Municipal Code.** If any of the Incentives described in Paragraphs (e), (f), and (g) 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 1A of this Code, including but not limited to the Ordinance Nos. listed below, this Subdivision shall prevail.

[Language in Development. Intent: Provide comprehensive list of Specific Plans and Overlays that may conflict with provisions of this Subdivision]

(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 6. (PF) Subdivision 12 of Subsection B of Section 12.04.09 of the Los Angeles Municipal Code is added to read as follows:

12. A One Hundred Percent Affordable Housing Project or Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 7. (A1) Subdivision 17 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is added to read as follows:

17. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 8. (A2) Subdivision 3 of Subsection A of Section 12.06 of the Los Angeles Municipal Code is added to read as follows:

3. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 9. (RA) Subdivision 15 of Subsection A of Section 12.07 of the Los Angeles Municipal Code is added to read as follows:

15. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 10. (RE) Subdivision 11 of Subsection A of Section 12.07.01 of the Los Angeles Municipal Code is added to read as follows:

11. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 11. (RS) Subdivision 11 of Subsection A of Section 12.07.1 of the Los Angeles Municipal Code is added to read as follows:

11. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 12. (R1) Subdivision 11 of Subsection A of Section 12.08 of the Los Angeles Municipal Code is added to read as follows:

11. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 13. (RU) Subdivision 7 of Subsection B of Section 12.08.1 of the Los Angeles Municipal Code is added to read as follows:

7. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 14. (RZ) Subdivision 8 of Subsection B of Section 12.08.3 of the Los Angeles Municipal Code is added to read as follows:

8. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 15. (RW1) Subdivision 6 of Subsection B of Section 12.08.5 of the Los Angeles Municipal Code is added to read as follows:

6. A Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 16. (R2) Subdivision 3 of Subsection A of Section 12.09 of the Los Angeles Municipal Code is amended as follows:

3. Apartment houses, boarding or rooming houses, or multiple dwellings ~~on lots having a side lot line adjoining a lot in a commercial or industrial zone, provided that:~~ may use a minimum lot area per dwelling unit or guest room of 1,500 square feet on the following types of lots:

- (a) Lots having a side lot line adjoining a lot in a commercial or industrial zone, as well as located within an Opportunity Corridor, or an Opportunity Corridor Transition Incentive Area per LAMC 12.22 A.38. ~~the accessory buildings and uses and required yards, does not extend more than 65 feet from the boundary of the less restrictive zone which it adjoins; and~~
- ~~(b) The lot area per dwelling unit or guest room regulations of the RD1.5 zone shall apply to these uses.~~
- (c) Lots that are eligible for incentives as part of a One Hundred Percent Affordable Housing Project or a Faith Based Organization Project pursuant to LAMC 12.22 A.39.

Section 17. (P) Subdivision 4 of Subsection A of Section 12.12.1 of the Los Angeles Municipal Code is added to read as follows:

4. A One Hundred Percent Affordable Housing Project or Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 18. (PB) Subdivision 5 of Subsection A of Section 12.12.1.5 of the Los Angeles Municipal Code is added to read as follows:

5. A One Hundred Percent Affordable Housing Project or Faith Based Housing Project approved pursuant to LAMC 12.22 A.39.

Section 19. 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 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 20. 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) ~~12.22 A.25(g)~~.

Section 21. 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 Project 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 Sec. 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 units permitted by the maximum allowable density on the date of application, as follows:~~

~~a. 11% Very Low Income Units for a 35% density increase; or~~

~~b. 20% Low Income Units for a 35% density increase; or~~

~~c. 40% Moderate Income Units for a 35% density increase in for-sale projects.~~

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

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

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

c. ~~f.~~ 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.~~—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 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 22. Subsection A of Section 12.36 of the Los Angeles Municipal Code is modified to read as follows:

A. Definitions. The following definitions shall apply to this Section: Legislative Approval. Any approval that requires an action by the City Council, such as those as set forth in Sections 11.5.6, 11.5.7 G., 12.20.3 F., and 12.32 of this Code. Quasi-judicial Approval. Any approval for which the initial decision becomes final unless appealed, such as those as set forth in Sections 11.5.7 C. - F., H., 12.20.2, 12.20.2.1, 12.20.3 I. - L., 12.21 A.2., 12.21 G.3., ~~12.22 A.25.~~ 12.22 A.37, 12.22 A.38, or 12.22 A.39, 12.24, 12.24.1, 12.26 K., 12.27, 12.28, 12.30 H., 12.30 J., 12.32 H., 13.08 E., 14.00 B., 16.05, 16.50, and Article 8 of this Code. Subdivision Approval. Any approval under the Division of Land Regulations set forth in Article 7 of this Code.

Section 23. 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 24. 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.~~ 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 25. 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 26. 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 Project 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 27. 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;

Section 28. 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 29. 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 (CIPOs), shall not also be eligible for a Qualified Permanent Supportive Housing Project approval at the same location.

Section 30. 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 31. Paragraph f of Subdivision 13 of Subsection A of Section 14.00 of the Los Angeles Municipal Code:

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 32. 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 33. 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 34. Subsection M of Section 19.01 of the Los Angeles Municipal code is modified to read as follows:

[Language and Revised Table in Development. Intent: Replace 12.22 A.25 references with 12.22 A.37, 12.22 A.38, and 12.22 A.39 and update fee schedule]

Section 35. 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 36. 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 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)(ii) (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)(ii) (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).

Section 38. Subsection B of Section 151.28 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.