

**ARTICLE 9.  
PUBLIC BENEFIT  
SYSTEMS**



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## DIV. 9.1. INTRODUCTORY PROVISIONS

### SEC. 9.1.1. PURPOSE

The purpose of this Article is to establish procedures for implementing State Density Bonus provisions, as set forth in *California Government Code Sections 65915-65918*, local incentives to increase the production of affordable housing, as well as other programs to facilitate the provision of public benefits to communities in the vicinity of new development in the City consistent with the General Plan and other housing-related City policies. Incentives include, but are not limited to, relief from a variety of regulations and requirements, or the granting of additional allowances beyond what would be normally allowed. In addition, it is also the purpose of this Article to provide mechanisms to use the Maximum Bonus FAR, Bonus Height, and Bonus Stories as allowed in the applicable Form District.

### SEC. 9.1.2. GENERAL PROVISIONS

#### A. Summary

This Article consists of Affordable Housing Incentive Programs of *Div. 9.2. (Affordable Housing Incentive Programs)*, the Community Benefits Program contained in *Div. 9.3. (Community Benefits Program)*, and a variety of other incentive programs contained in *Div. 9.4. (General Incentive Programs)*. The Community Benefits Program, which enables projects to use one or more incentive programs; if a project involves residential uses it must first use the affordable housing incentive program outlined in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*. *Div. 9.4. (General Incentive Programs)* contains programs designed to encourage the production of dwelling units that are of benefit to the public, including eldercare facilities, permanent supportive housing, and other types of household living.

#### B. Applicability

Any project containing 5 or more dwelling units, including projects with subdivisions of land, may use an affordable housing incentive program as outlined in *Div. 9.2. (Affordable Housing Incentive Programs)* or *Div. 9.3. (Community Benefits Program)*, pursuant to the eligibility requirements for the specific program being used. The programs outlined in *Div. 9.4. (General Incentive Programs)* can be used, as applicable, and in conjunction with any other incentive program established in this Article.

#### C. Maximum Bonus Floor Area

Projects using the Affordable Housing Incentive programs or Public Benefits programs may not exceed the FAR set by the Maximum Bonus FAR of the project site's Form District. However, residential projects using the State Density Bonus program may exceed the Max Bonus FAR pursuant to *Sec. 9.2.1. (Density Bonus)*.

#### D. **Project Sites with No Density Limit**

1. Where a lot is in the FA Density District (with no maximum density), the maximum allowable units is determined by dividing the allowed floor area (in square feet) by the Base FAR, and then by a standardized unit size of 950 square feet. The resulting number shall be considered the base number of units allowed.
2. A Community Plan Implementation Overlay (CPIO) or Specific Plan may establish a different method of calculation to arrive at the minimum number of restricted affordable units required.

## DIV. 9.2. **AFFORDABLE HOUSING INCENTIVE PROGRAMS**

### SEC. 9.2.1. **DENSITY BONUS**

#### A. **Purpose**

The purpose of this Section is to establish procedures for implementing the State Density Bonus provisions in *California Government Code Sections 65915-65918*, as well as to increase the production of affordable housing in the City of Los Angeles, consistent with the General Plan and other City policies related to housing.

#### B. **Applicability**

A housing development project will be granted a density bonus, including incentives, concessions, and waivers of development standards, in exchange for the required percentage of restricted affordable units established in *Sec. 9.2.1.D. (Base Incentives - Density and Parking)*, only where the project has not used any other Affordable Housing Incentive Program.

#### C. **General Standards**

##### 1. **Fractional Units**

For the purposes of this Section, regardless of *Sec. 6C.1.2.D.3. (Calculating Maximum Density Base on Lot Area)*, in calculating base density and restricted affordable units, any number resulting in a fraction is rounded up to the next whole number.

##### 2. **Other Discretionary Approvals**

Approval of density bonus units does not, in and of itself, trigger other discretionary review actions required by this Chapter.

##### 3. **Affordable Housing Subsidies**

Approval of density bonus units does not, in and of itself, preclude a housing development project or residents of a housing development project from receipt of government subsidies for affordable housing.

#### D. **Base Incentives - Density and Parking**

Any housing development project that meets the criteria established in *Sec. 9.2.1.B. (Applicability)* will receive the base incentives outlined below.

**1. Density**

**a. Very Low Income Restricted Affordable Units - For-Sale or Rental**

- i. A housing development project that includes 5% of the total units for Very Low Income households, either in rental units or for-sale units, will be granted a minimum density bonus of 20% that may be applied to any part of the housing development project.
- ii. The density bonus may be increased according to table below, up to a maximum of 35%.

| VERY LOW INCOME UNITS |                 |
|-----------------------|-----------------|
| % of Total Units      | % Density Bonus |
| 5%                    | 20.0%           |
| 6%                    | 22.5%           |
| 7%                    | 25.0%           |
| 8%                    | 27.5%           |
| 9%                    | 30.0%           |
| 10%                   | 32.5%           |
| 11%                   | 35.0%           |

- iii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Sec. 9.2.1.F. (*Housing Development Project Exceeding 35% Density Bonus*) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Meet Subsection F.*).

**b. Low Income Restricted Affordable Units - For-Sale or Rental**

- i. A housing development project that includes 10% of the total units for Low Income households, either in rental units or for-sale units, will be granted a minimum density bonus of 20% that may be applied to any part of the housing development project.
- ii. The density bonus may be increased according to table below, up to a maximum of 35%.

| LOW INCOME UNITS |                 |
|------------------|-----------------|
| % of Total Units | % Density Bonus |
| 10%              | 20.0%           |
| 11%              | 21.5%           |
| 12%              | 23.0%           |
| 13%              | 24.5%           |
| 14%              | 26.0%           |
| 15%              | 27.5%           |
| 16%              | 29.0%           |
| 17%              | 30.5%           |
| 18%              | 32.0%           |
| 19%              | 33.5%           |
| 20%              | 35.0%           |

- iii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Subsection F. (Housing Development Project Exceeding 35% Density Bonus) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Meet Sec. 9.2.1.F.*)
- c. **Common Interest Development with Low Income or Very Low Income Restricted Affordable Units**

In a common interest development (such as a condominium), as defined in *California Civil Code Section 4100*, with Low Income or Very Low Income restricted affordable units, restricted affordable units may be for sale or for rent.



d. **Common Interest Development with Moderate Income Restricted Affordable Units**

- i. A common interest development (such as a condominium), as defined in *California Civil Code Section 4100*, that includes at least 10% of its units for Moderate Income households will be granted a minimum density bonus of 5%. The density bonus may be increased according to the table below, up to a maximum of 35%.

| MODERATE INCOME UNITS |                 |
|-----------------------|-----------------|
| % of Total Units      | % Density Bonus |
| 10%                   | 5%              |
| 11%                   | 6%              |
| 12%                   | 7%              |
| 13%                   | 8%              |
| 14%                   | 9%              |
| 15%                   | 10%             |
| 16%                   | 11%             |
| 17%                   | 12%             |
| 18%                   | 13%             |
| 19%                   | 14%             |
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| 26%                   | 21%             |
| 27%                   | 22%             |
| 28%                   | 23%             |
| 29%                   | 24%             |
| 30%                   | 25%             |
| 31%                   | 26%             |
| 32%                   | 27%             |
| 33%                   | 28%             |
| 34%                   | 29%             |
| 35%                   | 30%             |
| 36%                   | 31%             |
| 37%                   | 32%             |
| 38%                   | 33%             |
| 39%                   | 34%             |
| 40%                   | 35%             |

- ii. Projects seeking a Density Bonus of greater than 35% may do so pursuant to Subsection F. (Housing Development Project Exceeding 35% Density Bonus) or Sec. 9.2.1.H. (*Projects Exceeding 35% Density Bonus That Do Not Meet Sec. 9.2.1.F.*)

e. **Senior Citizen Housing - For-Sale or Rental at Market-Rate**

A senior citizen housing development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to *California Civil Code Sections 798.76* or *California Civil Code Sections 799.5* shall be granted a density bonus of 20%.

f. **Child Care**

A housing development project that conforms to the requirements of Sec. 9.2.1.D.1.a. through Sec. 9.2.1.D.1.d. and includes a child care facility located on the premises of, as part of, or adjacent to the project, will be granted either of the following:

- i. An additional density bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the child care facility included in the project.
- ii. One additional incentive, as provided in Sec. 9.2.1.E. (*Additional Incentives*).

g. **Land Donation**

An applicant for a subdivision, or other residential development approval, that donates land for housing to the City of Los Angeles satisfying the criteria of *California Government Code Section 65915(h)(2)*, as verified by the Department of City Planning, will be granted a density bonus of 15%.

h. **Restricted Affordable Units Located Near Transit stop/major employment center**

In a housing development project located in or within 1,500 feet of a transit stop/major employment center, in lieu of providing the requisite number of restricted affordable units that would otherwise be required under this Section, an applicant may opt to provide a greater number of smaller restricted affordable units, provided that:

- i. The smaller restricted affordable units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC);
- ii. The total number of units in the housing development project, including density bonus units, does not exceed the maximum permitted by this Section; and
- iii. The area of the aggregate smaller restricted affordable units is equal to or greater than the square footage of the aggregate restricted affordable units that would otherwise be required under this Section.

**i. Condominium Conversion**

A housing development project that involves the conversion of apartments into condominiums and that includes 33% of its units restricted to households of Low Income or Moderate Income or 15% of its units restricted to households of Very Low Income will be granted a density bonus of 25% or up to three additional incentives as provided in Sec. 9.2.1.E. (*Additional Incentives*).

**2. Automobile Parking**

A housing development project that qualifies for a density bonus and complies with this Section may provide parking in compliance with the applicable parking provisions of *Article 4. (Development Standards)*, or with one of the applicable parking options.

**a. Parking Option 1**

Required parking for all dwelling units (including both unrestricted units and restricted affordable units) in the housing development project, inclusive of handicapped and guest parking, may be reduced by 33%.

**b. Parking Option 2**

Required parking for all unrestricted units must comply with the applicable provisions of *Article 4. (Development Standards)*. Required parking for any restricted affordable units may be reduced as set forth below.

**i.** One parking space per restricted affordable unit or guest room, except as follows:

- a)** Restricted affordable units or guest rooms for Low Income or Very Low Income senior citizens or disabled persons require 0.5 parking spaces for each unit; and
- b)** Restricted affordable units or guest rooms in a residential hotel require 0.25 parking spaces for each unit.

**ii.** Up to 40% of the required parking for restricted affordable units or guest rooms may be provided in compact parking stalls.

**c. Parking Option 3**

Required parking may be modified as set forth below.

- i.** 100% affordable rental projects (exclusive of a manager's unit or units) located within ½-mile of a major transit stop require 0.5 spaces per unit.
- ii.** 100% affordable rental senior projects (exclusive of a manager's unit or units) having either paratransit service or unobstructed access, within ½-mile, to fixed bus route service that operates at least 8 times per day, require 0.5 spaces per unit.

- iii. 100% affordable rental special needs projects (as defined in *Section 51312 of the Health and Safety Code*) and supportive housing projects (as defined in *Section 50675.14 of the Health and Safety Code*) having either paratransit service or unobstructed access, within 1/2-mile, to fixed bus route service that operates at least 8 times per day, shall not require any parking spaces.
- iv. Mixed-income projects consisting of the maximum number of Very Low Income or Low Income units provided for in density bonus law (which is 11 % and 20% respectively) within 1/2-mile of a major transit stop to which the project has unobstructed access require 0.5 parking spaces per bedroom.

**E. Additional Incentives**

**1. Eligibility for Additional Incentives**

To be eligible for any additional incentives, a housing development project (other than an adaptive reuse project) shall comply with the following:

- a. The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.
- b. All buildings must be oriented to the street by providing elements such as entrances, windows, architectural features, and balconies, on the front and along any street-facing elevations.
- c. The housing development project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.
- d. The housing development project shall not be located on a Substandard Hillside Limited Street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in *Chapter 5, Article 7 (Fire Code)*.

**2. Number of Additional Incentives Allowed**

In addition to the density bonus and parking options identified in *Sec. 9.2.1.D. (Base Incentives - Density and Parking)*, a housing development project that qualifies for a density bonus, meets the criteria of *Sec. 9.2.1.B. (Applicability)*, and is in compliance with the eligibility criteria *Sec. 9.2.1.E.1. (Eligibility for Additional Incentives)*, shall be granted the number of incentives set forth in the table below.

| NUMBER OF ADDITIONAL INCENTIVES |   |              |              |
|---------------------------------|---|--------------|--------------|
| Level of Affordability          | Required Percentage of Restricted Units (excluding Density Bonus units) |              |              |
|                                 | 1 Incentive   | 2 Incentives | 3 Incentives |
| Very Low Income; or             | 5%  | 10%          | 15%          |
| Low Income; or                  | 10%   | 20%          | 30%          |
| Moderate Income                 | 10%   | 20%          | 30%          |

### 3. **Yard Incentive**

Up to 20% decrease in the required width or depth of any individual yard, except along any property line that abuts a property zoned with a Residential Limited, Agriculture, or Open Space Use District. The landscaping for the housing development project must be in compliance with the landscape requirements in *Article 4. (Development Standards)*.

### 4. **Building Coverage Incentive**

Up to 20% increase in building coverage limits, provided that the landscaping for the housing development project is in compliance with the landscape requirements in *Article 4. (Development Standards)*.

### 5. **Lot Width Incentive**

Up to 20% decrease in the required lot width, provided that the landscaping for the housing development project is in compliance with the landscape requirements in *Article 4. (Development Standards)*.

### 6. **Floor Area Ratio Incentive**

- a. An increase in the percentage of base FAR equal to the percentage of density bonus for which the housing development project is eligible, not to exceed:
  - i. 35%; or
  - ii. In lieu of the applicable base FAR, a floor area ratio not to exceed 3:1, provided:
    - a) The project site is zoned with the Commercial-Mixed Use District or Commercial Use District; and
    - b) The project site fronts on a street designated as a Boulevard or Avenue in the General Plan Mobility Element, except that a housing development project in which at least 80% of the units in a rental project are restricted affordable units or in which 45% of units in a for-sale project are restricted affordable units shall be exempt from this requirement; and
- b. The housing development project contains the requisite number of restricted affordable units to qualify for a 35% density bonus; and
- c. 50% or more of the project site is located within 1,500 feet of a transit stop/major employment center.

### 7. **Height Incentive**

A percentage increase in the height limit in feet equal to the percentage of density bonus for which the housing development project is eligible, except:

- a. In any zone in which the height of buildings is limited in feet, this height increase is limited to a maximum of 11 additional feet.

- b. In any zone in which the height of buildings is limited in stories but not feet, this incentive permits a maximum of one additional story.
- c. In any zone in which height is limited in both height and stories, this height increase is limited to a maximum of 11 additional feet and one additional story.
- d. No additional height is permitted for that portion of a building in a housing development project that is located within 15 feet of a property with a 2L Density District. When a lot on which a housing development project is located is adjacent to a lot with a 2L Density District, but the building is beyond 15 feet from the property line, for each one foot of additional height, the building must be set back one foot horizontally.
- e. No additional height is permitted for any portion of a building in a housing development project located on a lot sharing a common lot line with or across an alley from a lot with a 1L Density District. This prohibition does not apply if the lot on which the housing development project is located is within 1,500 feet of a transit stop; however, no additional height is permitted for that portion of a building in the housing development project that is located within 50 feet of a property with a 1L Density District.

#### 8. Lot Amenity Space Incentive

Up to 20% decrease of the lot amenity space requirement, provided that the landscaping for the housing development project is sufficient to comply with the landscape requirements in Article 4. (*Development Standards*).

#### 9. Density Calculation Incentive

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 zone in which the housing development project is located.

#### 10. Averaging of Floor Area Ratio, Density, Parking or Lot Amenity Space

A housing development project that is located on two or more contiguous lots may average the floor area, density, lot amenity space, and parking over the project site, provided that:

- a. The housing development project includes 11% or more of the units as restricted affordable units for Very Low Income households, or 20% or more of the units for Low Income households, or 30% or more of the units for Moderate Income households; and
- b. The proposed use is permitted by the Use District of each lot; and
- c. No further lot line adjustment or any other action that may cause the housing development project site to be subdivided subsequent to this grant is permitted.

#### F. Housing Development Project Exceeding 35% Density Bonus

- 1. A housing development project may be granted additional density increases beyond 35% by providing additional restricted affordable units in the following manner:

- a. For every additional 1% of the total units set aside for Very Low Income units for sale or rental, the project is granted an additional 2.5% density increase;
  - b. For every additional 1% of the total units set aside for Low Income units for sale or rental, the project is granted an additional 1.5% density increase; and
  - c. For every additional 1% set aside of the total units for Moderate Income units in for-sale projects, the project is granted an additional 1% density increase.
2. A housing development project receiving additional density increases beyond 35% is eligible to request the density, parking, and additional incentives in this Section.

## G. Procedures

### 1. Projects with No Additional Incentives

Housing development projects requesting only the incentives outlined in *Sec. 9.2.1.D. (Base Incentives - Density and Parking)*, without any incentives outlined in *Sec. 9.2.1.E. (Additional Incentives)*, are ministerial.

### 2. Projects Requesting Additional Incentives

- a. Housing development projects that qualify for base incentives, request up to three additional incentives, and require no other discretionary actions, must file an application pursuant to Section 13.4.5. (Director Determination). Regardless of any other findings established in Section 13.4.5 (Director Determination), the Director of Planning must approve a density bonus and requested additional incentives unless the Director finds that:
  - i. The incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or affordable housing rents as defined in California Health and Safety Code Section 50053; or
  - ii. The incentive will have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low Income, Low Income, and Moderate Income households. Inconsistency with the zoning or General Plan designation of a lot does not constitute a specific adverse impact upon the public health or safety.
- b. Housing development projects that request up to three additional incentives and that require other discretionary actions, shall apply the procedures in *Sec. 13A.2.10. (Multiple Approvals)*.
- c. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Determination."

- d. Regardless of any other findings that may be applicable, the decision-maker must approve base incentives and requested additional incentives unless the decision-maker, based upon substantial evidence, makes either of the findings in *Sec. 9.2.1.G.2.a*.

### 3. Projects with Requests for Waiver or Modification

#### a. Application

Housing development projects that qualify for incentives, as outlined in *9.2.1.D. (Base Incentives - Density and Parking)*, and for which the applicant requests a waiver or modification of any Form District standard or development standard that is not included in the incentives outlined in *Sec. 9.2.1.E. (Additional Incentives)* must file an application pursuant to *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.

#### b. Decision

- i. The decision of the City Planning Commission on a Conditional Use Permit under this Section is final.
- ii. Regardless of any other findings that may be applicable, the decision-maker must approve base incentives and requested waiver or modification of any Form District standard or development standard unless the decision-maker, based upon substantial evidence, makes either of the findings in *Sec. 9.2.1.G.2.a*.
- iii. For housing development projects requesting waiver or modification of any Form District standard or development standard not included in the incentives outlined in *Sec. 9.2.1.E. (Additional Incentives)* that include other discretionary applications, the procedures of *Sec. 13A.2.10. (Multiple Approvals)* apply. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Determination."

### 4. Projects Exceeding a 35% Density Bonus

#### a. Application

The City Planning Commission may grant additional density increases beyond 35%, pursuant to *Sec. 9.2.1.F. (Housing Development Project Exceeding 35% Density Bonus)*. Applicants must file an application pursuant to *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.

#### b. Supplemental Findings

In addition to the findings of *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*, the Commission must also find that:

- i. The project is consistent with and implements the affordable housing provisions of the General Plan;



- ii. The project contains the requisite number of restricted affordable units to qualify for a full 35% density incentive based on the maximum allowable density of the project site.
- iii. The housing development project meets any applicable dwelling unit replacement requirements of *California Government Code Section 65915(c)(3)*;
- iv. The project's restricted affordable units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in *Sec. 19.14. (Fees for Enforcement of Housing Covenants)*; and
- v. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

#### **H. Projects Exceeding 35% Density Bonus That Do Not Meet Sec. 9.2.1.F.**

An applicant may request additional density increases beyond 35% when the project does not meet the requirements of *Sec. 9.2.1.F. (Housing Development Project Exceeding 35% Density Bonus)* pursuant to *Sec. 13B.3.1. (Administrative Review)*.

##### **1. Performance Standards**

###### **a. Purpose**

The purpose of these performance standards is to provide for landscaping, lot amenity space, scale, bulk, height, and yards, particularly with regard to the main buildings, which are similar to those in the adjacent properties in the neighborhood, and to reduce the impacts to neighboring properties of projects using this Section. In addition, it is the purpose of these performance standards to encourage the availability of affordable housing.

###### **b. Standards**

- i. The project contains the requisite number of restricted affordable units to qualify for a 35% density bonus based on the maximum allowable density of the project site;
- ii. The housing development project complies with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission;
- iii. No buildings are higher than any main building on adjoining property;
- iv. The development meets the lot amenity space requirements of the zone;
- v. Yards, at a minimum, meet the requirements for the zone or those which apply on adjoining or abutting properties, whichever is the most restrictive;

## 2. Housing Development Projects Not Meeting Performance Standards

### a. Application

If a proposed housing development project does not comply with the performance standards delineated in *Sec. 9.2.1.H.1.b.*, the applicant may apply for approval pursuant to *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.

### b. Supplemental Finding

The proposed project substantially meets the purpose of the performance standards.

## I. Records and Agreements

Prior to the issuance of a building permit, the following requirements shall be met.

### 1. Housing Development Projects with Senior Citizen Households

For any housing development project qualifying for a density bonus and that contains housing for senior citizens, a covenant acceptable to the Housing and Community Investment Department, or its successor agency, shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to senior citizens will be observed for at least 55 years from the issuance of the certificate of occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program or rental subsidy program.

### 2. Housing Development Projects with Low or Very Low, or Extremely Low Income Households

For any housing development project qualifying for a density bonus and that contains housing for Low Income, Very Low Income, or Extremely Low households, a covenant acceptable to the Housing and Community Investment Department must be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program or rental subsidy program.

### 3. Housing Development Projects with Moderate Income Households - For Sale

For any housing development project qualifying for a density bonus and that contains housing for Moderate Income households for sale, a covenant acceptable to the Housing and Community Investment Department and consistent with the for sale requirements of *California Government Code Section 65915(c)(2)* must be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least 10 years from the issuance of the Certificate of Occupancy.

4. **Conflicts of Duration of Affordability Covenants**

If the duration of affordability covenants provided in this Section conflicts with the duration for any other government requirement, the longest duration controls.

5. **Private Right of Enforcement**

Any covenant described in this Section must provide for a private right of enforcement by the City, any tenant, or owner of any building to which a covenant and agreement applies.

## SEC. 9.2.2. TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

### A. Purpose

The purpose of this Section is to establish procedures for implementing the provisions established by Measure JJJ, as well as to increase the production of affordable housing in the City of Los Angeles, consistent with the General Plan and other City policies related to housing.

### B. Applicability

This Transit Oriented Communities Affordable Housing Incentive Program (TOC Incentive Program), and the provisions contained in the TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), shall apply to all eligible housing developments that are located within a ½-mile radius of a major transit stop, as defined in *California Public Resources Code Section 21155(b)*. Each ½-mile radius around a major transit stop shall constitute a unique Transit Oriented Communities Affordable Housing Incentive Area (TOC Area).

### C. Preparation and Content of TOC Incentive Guidelines

The Director of Planning shall establish and maintain TOC Affordable Housing Incentive Program Guidelines that provide the eligibility standards, TOC incentives, and other necessary components of this TOC Incentive Program outlined in this Section. Nothing in the TOC Guidelines shall restrict any right authorized by the zone of a property. The TOC Guidelines shall be consistent with the purposes of this Section and shall include the following:

#### 1. Eligibility for TOC Incentives

An eligible housing development located within a TOC Area shall be eligible for TOC Incentives where it:

- a. Provides minimum required percentages of on-site restricted affordable units;
- b. Meets any applicable replacement requirements of *California Government Code Section 65915(c)(3)*; and
- c. Is not using a Density Bonus or Incentives pursuant to *Sec. 9.2.1. (Density Bonus)* or *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, or other development bonuses pursuant to *California Government Code Section 65915* or any other State or local program.

#### 2. Minimum Required Percentages of On-Site Restricted Affordable Units

- a. Minimum required percentages of on-site restricted affordable units shall be determined by the Department of City Planning and set forth in the TOC Guidelines at rates that meet or exceed 11% of the total number of dwelling units affordable to Very Low Income Households; or 20% of the total number of dwelling units affordable to Lower Income Households.

- b. The Department of City Planning shall also establish an option for an eligible housing development to qualify for the TOC Incentives by providing a minimum percentage of units for Extremely Low Income households, which shall be set at no less than 7%. In calculating the required on-site restricted affordable units, the percentage shall be based on the total final project unit count, and any number resulting in a fraction shall be rounded up to the next whole number.

### 3. **Labor Standards**

In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in *Ordinance No. 184745, Section 5*, provided that no such incentives will be created that have the effect of undermining the affordable housing incentives contained this Section or in *California Government Code Section 65915*.

### 4. **TOC Incentives**

An eligible housing development shall be granted TOC Incentives, as determined by the Department of City Planning consistent with the following:

#### a. **Residential Density Increase**

An eligible housing development shall be granted increased residential density at rates that shall meet or exceed a 35% increase. In establishing the density allowances, the Department of City Planning may allow adjustments to minimum square feet per dwelling unit, floor area ratio, or both, and may allow different levels of density increase depending on the Project's Density District.

#### b. **Parking**

An eligible housing development shall be granted parking reductions consistent with *California Government Code Section 65915(p)*.

#### c. **Incentives and Concessions**

An eligible housing development may be granted up to two or three incentives or concessions based upon the requirements set forth in *California Government Code Section 65915(d)(2)*.

### D. **Approval of TOC Guidelines and Incentives**

The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to the Director of Planning to adopt or reject the TOC Guidelines.

### E. **Process for Changing TOC Incentives and Eligibility**

The TOC Incentives and the required percentages for on-site restricted affordable units may be adjusted for an individual TOC Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for on-site restricted affordable

units may not be reduced below the percentages set forth in *Sec. 9.2.3.C.2. (Minimum Required Percentages of On-Site Restricted Affordable Units)*.

## F. 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 *Sec. 9.2.1.G. (Procedures)*.

## G. Records and Agreements

Prior to issuance of a building permit for an eligible housing development, the following shall apply:

### 1. Housing Development Containing Rental Housing

For any eligible housing development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower Income Households, a covenant acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 years or longer.

### 2. Housing Development Containing For-Sale Housing

For any eligible housing development qualifying for a TOC Incentive that contains for-sale housing, a covenant acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, and consistent with the for-sale requirements of *California Government Code Section 65915(c)(2)* shall be recorded with the Los Angeles County Recorder.

### 3. Duration of Covenants

Where the duration of affordability covenants provided for in this *Sec. 9.2.2.G. (Records and Agreements)* conflicts with the duration for any other government requirement, the longest duration shall control.

## DIV. 9.3. **COMMUNITY BENEFITS PROGRAM**

### SEC. 9.3.1. **COMMUNITY BENEFITS PROGRAM STRUCTURE**

#### A. **Purpose**

The purpose of this Section is to promote the production of improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public.

#### B. **Applicability**

This Section shall apply to any project using an incentive program included as an available incentive program in an applicable CPIO or Specific Plan, that provides the required percentage of restricted affordable units as established in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)* or public benefits as established in *Div. 9.2. (Public Benefit Incentive Programs)*, and is on a lot which allows bonus FAR, bonus height, or bonus stories.

#### C. **Eligibility**

A project must meet the following criteria in order to obtain additional development incentives through the programs contained in this Section:

##### 1. **Residential Projects**

Residential projects must first use the Local Affordable Housing Incentive Program, established in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, to its fullest extent. If there is any unused floor area, height or stories based on the bonus FAR, bonus height, or bonus stories available for the project site according to the site's applicable Form District, then a project may use the remaining development potential using one of the methods described in *Sec. 9.3.1.D. (Bonus Floor Area, Height, or Stories)* up to the maximum allowed by a lot's Form District. Using the Local Affordable Housing Incentive Program to its fullest extent means to provide the adequate number of restricted affordable units to qualify for the maximum density increase allowed by the Local Affordable Housing Program Set applicable to the lot. Calculation of the maximum density increase allowed and number of restricted affordable units required shall be based on the maximum density allowed by the project site's Density District.

##### 2. **Non-Residential Projects**

Non-residential projects, including city-approved hotels, motels, and transient occupancy residential structures, may use any of the programs established in *Div. 9.3. (Community Benefits Program)* without first using the Local Affordable Housing Incentive Program. Bonus FAR, bonus height, or bonus stories may be awarded up to the maximum allowed in the applicable Form District. In order to use any of the Public Benefits Incentive programs in *Div. 9.3. (Community Benefits Program)*, the incentive programs must be included as an available incentive program in a lot's applicable CPIO or Specific Plan.

**D. Bonus Floor Area, Height or Stories**

A residential project that does not use all of the FAR, height, or stories granted by the bonus FAR, bonus height, or bonus stories of the applicable Form District, after fully using the Local Affordable Housing Incentive Program, may access the remaining FAR, height, or stories using one or more of the following methods:

**1. Additional Restricted Affordable Units**

Providing additional percentages of restricted affordable units above the minimum percentage required to qualify for the maximum density increase of the Local Affordable Housing Incentive Program. The amount of additional bonus density, FAR, height, or stories provided for additional percentages of restricted affordable units shall be contained in the lot’s applicable CPIO or Specific Plan.

**2. Public Benefits Incentive Programs**

Using the one or more of the programs established in *Div. 9.3. (Community Benefits Program)*, provided that the programs are included as available incentive programs in the lot’s applicable CPIO or Specific Plan.

**SEC. 9.3.2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM**

**A. Purpose**

The purpose of the Local Affordable Housing Incentive Program is to encourage the creation and development of restricted affordable units Citywide beyond the levels encouraged by the State Density Bonus program, and to increase the production of affordable housing units in specific areas identified in the applicable Community Plan.

**B. Eligibility**

1. A housing development project that includes the minimum percentage of on-site restricted affordable units required by the Local Incentive Program Set in which it is located, is entitled to receive the Incentives in *Sec. 9.3.2.C. (Base Incentives)*. The Local Incentive Program Set applicable to a lot shall be identified in the lot’s applicable CPIO or Specific Plan.

| LOCAL INCENTIVE PROGRAM SETS |                            |                      |                 |              |          |
|------------------------------|----------------------------|----------------------|-----------------|--------------|----------|
| Set                          | Affordability Requirements |                      |                 |              |          |
|                              | Deeply Low Income          | Extremely Low Income | Very Low Income | Lower Income | Moderate |
| A                            | n/a                        | 11%                  | 15%             | 25%          | n/a      |
| B                            | n/a                        | 10%                  | 14%             | 23%          | n/a      |
| C                            | n/a                        | 9%                   | 12%             | 21%          | n/a      |
| D                            | n/a                        | 7%                   | 11%             | 20%          | n/a      |
| E                            | 5%                         | 8%                   | 11%             | 20%          | 40%      |



2. A housing development project must meet any applicable housing replacement requirements of *California Government Code Section 65915(c)(3)*, as verified by the Department of Housing and Community Investment prior to the issuance of any building permit. Replacement housing units required per this Section may count towards on-site restricted affordable units requirements of *Sec. 9.3.2.B.1 (Eligibility)*.

## C. Base Incentives

### 1. Residential Density

- a. In Local Incentive Program Sets A-D, a housing development project that includes the minimum percentage of on-site restricted affordable units outlined in *Sec. 9.3.2.B.1 (Eligibility)* shall be granted an increase in the allowable residential density as follows:

| RESIDENTIAL DENSITY INCENTIVE |                            |       |       |       |       |
|-------------------------------|----------------------------|-------|-------|-------|-------|
| Density District              | Allowable Density Increase |       |       |       |       |
|                               | Set A                      | Set B | Set C | Set D | Set E |
| 2, 4                          | 70%                        | 60%   | 50%   | 40%   | 40%   |
| 6                             | 60%                        | 50%   | 50%   | 40%   | 40%   |
| 8, 12                         | 50%                        | 40%   | 40%   | 35%   | 35%   |
| 15, 20                        | 40%                        | 35%   | 35%   | n/a   | n/a   |
| 1L, 2L, 3L, 4L, FA            | n/a                        | n/a   | n/a   | n/a   | n/a   |

- b. Housing development projects that consist of 100% on-site restricted affordable units, exclusive of a building manager’s unit or units, shall be permitted an additional increase in density of 10 percentage points more than listed in the table above. For example, a 50% density increase will become a 60% density increase.

### 2. Floor Area Ratio

- a. In Local Incentive Program Sets A-D, a housing development project that includes the minimum amount of on-site restricted affordable units as outlined in *Sec. 9.3.2.B.1 (Eligibility)* shall be entitled to use the entire bonus FAR consistent with the lot’s Form District.
- b. In Local Incentive Program Set E, a housing development project that includes the minimum amount of on-site restricted affordable units shall be entitled to a 35% FAR increase.
- c. Housing development projects that consist of 100% on-site restricted affordable units, exclusive of a building manager’s unit or units, shall be permitted an additional increase of 10% of floor area more than listed above or in the applicable Form District. However, in no instance shall the FAR exceed 13:1.

**3. Height**

A housing development project that includes the minimum amount of on-site restricted affordable units as outlined in *Sec. 9.3.2.B.1 (Eligibility)* shall be entitled to use the entire bonus height or bonus stories as outlined in the lot’s Form District, when the Form District includes a bonus height or bonus stories metric.

**4. Automobile Parking**

**a. Residential Parking**

- i. Eligible housing development projects shall qualify for a reduced residential parking requirement according to the Local Incentive Program Set in which the lot is located, based on the table below:

| AUTOMOBILE PARKING INCENTIVE |                                  |
|------------------------------|----------------------------------|
| Incentive Program Set        | Parking Reduction                |
| Set A, Set B                 | 75% Decrease in required minimum |
| Set C, Set D, Set E          | 50% Decrease in required minimum |

- ii. For a housing development project that consists of 100% on-site restricted affordable units, exclusive of a manager’s unit or units, there shall be no required parking for all residential units in the project.
- iii. For a housing development project located 750 feet or less from a transit stop, as measured from the closest point on any lot to the entrance of the station or stop, there shall be no required parking for all residential units in the project.

**b. Nonresidential Parking**

A housing development project with nonresidential uses located in any Local Incentive Program Set may reduce the nonresidential automobile parking requirement for any ground-floor nonresidential use by 20% of the required minimum.

**c. Consistency with State Code**

Parking reductions offered for housing development projects shall always be consistent with or greater than those in *California Government Code Section 65915(p)*.

**D. Additional Incentives**

Additional incentives, and eligibility requirements for additional incentives, shall be outlined in the applicable CPIO or Specific Plan.

## E. **Process**

1. Housing development projects requesting only the incentives outlined in Sec. 9.3.2.C. (*Base Incentives*), without any additional incentives, as outlined in applicable CPIO or Specific Plan, shall be considered ministerial. No application for these projects need to be filed with the Department of City Planning.
2. Housing development projects requesting additional Incentives, as outlined in applicable CPIO or Specific Plan, shall follow the procedures in Sec. 9.2.1.G.2. (*Projects Requesting Additional Incentives*).

### 3. **Records and Agreements**

Housing development projects shall comply with the Records and Agreements requirements of Sec. 9.2.1.I. (*Records and Agreements*).

### SEC. 9.3.3. PUBLICLY ACCESSIBLE OUTDOOR AMENITY SPACE

#### A. Purpose

The purpose of this Section is to encourage the development of public outdoor plazas, parks, seating areas, and other amenity spaces, on private land.

#### B. Applicability

If the Publicly Accessible Outdoor Amenity Space incentive program is listed as an available Incentive program in the applicable CPIO or Specific Plan, the project can obtain additional floor area as permitted by the bonus FAR by providing outdoor amenity space subject to the standards below.

#### C. Standards

A project is considered to be providing publicly accessible outdoor amenity space if:

1. The publicly accessible outdoor amenity space is provided on the ground level of the project site;
2. The publicly accessible outdoor amenity space shall be, at minimum, 100% of the size of the lot's minimum required lot amenity space area pursuant to the lot's Form District, including any pedestrian amenity exemption the project may qualify for. This provision may not be used in conjunction with the 25% reduction for making it publicly accessible pursuant to Sec. 2C.3.1.D. (*Lot Amenity Space; Measurement*);
3. All portions of the publicly accessible outdoor amenity space shall be contiguous; and
4. The outdoor amenity space complies with all minimum requirements contained in Sec. 2C.3.3.C. (*Pedestrian Amenity Space*) and Sec. 2C.3.3.D. (*Privately-Owned Public Space*).
5. The outdoor amenity space complies with any additional requirements set forth in the applicable CPIO.

#### D. Incentives

A project may obtain additional floor area, up to the project lot's bonus FAR. The amount of floor area awarded shall be in accordance to the lot's applicable CPIO or Specific Plan.

#### E. Process

To obtain additional floor area as outlines in the applicable CPIO or Specific Plan for providing Publicly Accessible Outdoor Amenity Space, an applicant must file an application pursuant to Sec. 13B.2.5. (*Director Determination*).

#### F. Records and Agreements

A covenant acceptable to the Department of City Planning must be recorded with the Los Angeles County Recorder, guaranteeing that the Publicly Accessible Outdoor Amenity Space will be maintained and remain open to the public during all required hours.

## SEC. 9.3.4. COMMUNITY FACILITIES

### A. Purpose

The purpose of this Section is to encourage the development of facilities and services that are necessary to the community or are of benefit to the public and the community in which the facility is located.

### B. Applicability

If the community facilities incentive program is listed as an available incentive program in the applicable CPIO or Specific Plan, the project can obtain additional floor area by providing one or more of the community facilities below. Each community facility must be listed as an allowable incentive option in the CPIO or Specific Plan applicable to the project site.

#### 1. On-Site Provision of Child Care Services

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the provision of on-site child care, subject to the following standards:

- a. The child-care facility shall be in compliance with all requirements of the *California Code of Regulations Title 22, Division 12, Chapter 1*.
- b. The child care facility shall be appropriately licensed by the California Department of Social Services.
- c. Floor area used as a child care facility or facilities shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- d. The floor area devoted to a child care facility shall be located on site.
- e. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a child care facility shall be issued prior to the issuance of the Certificate of Occupancy for the child care facility required pursuant to this Section.

#### 2. Full-Service Grocery Store

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the on-site provision of a full-service grocery store (food and beverage store) subject to the following standards:

- a. The grocery store shall have at least 10,000 square feet of floor area.
- b. The grocery store shall dedicate at least 25% of its floor area to perishable food items.
- c. Floor area used as a full-service grocery store shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- d. The floor area devoted to a full-service grocery store shall be located on-site.

- e. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a full-service grocery store shall be issued prior to the issuance of the Certificate of Occupancy for the full-service grocery store required pursuant to this Section.
- f. The project site must be within a grocery store incentive area pursuant to the applicable CPIO or Specific Plan.

### 3. Health Centers

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the on-site provision of a health center, which is a facility that provides health and medical care, subject to the following standards:

- a. The health center shall be certified by the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) as a Federally Qualified Health Center (FQHC), or FQHC Look-Alike as defined by the HRSA.
- b. Floor area provided for a health center shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- c. The floor area used as a health center shall be located on site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area for the provision of a health center shall be issued prior to the issuance of the Certificate of Occupancy for the health center required pursuant to this Section.
- e. The project site must be within a health center incentive area pursuant to the applicable CPIO or Specific Plan.

### 4. Employment Centers

A project in which a minimum of 50% of the floor area permitted by the base FAR contains non-residential uses may obtain additional floor area as permitted by the bonus FAR, subject to the following standards:

- a. A minimum of 50% of the floor area permitted by the base FAR must be used for non-residential uses for a minimum of 10 years after the issuance of the Certificate of Occupancy.
- b. The project site must be within an employment centers incentive area pursuant to the applicable CPIO or Specific Plan.

### 5. Schools and Libraries

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the on-site provision of a public school or public library, subject to the following standards:

- a. Floor area used for a school shall be occupied by a Los Angeles Unified School District school (LAUSD), or a school approved for operation by LAUSD, and shall be properly accredited. Floor area used for a library shall be occupied by a library operated by the City of Los Angeles Library Department. The applicant must obtain a written agreement from either LAUSD or the City of Los Angeles Library Department confirming the space shall be used for a school or library
- b. Floor area used as a school or library shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- c. The floor area devoted to a school or library shall be located on-site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area as permitted by the Bonus FAR for the provision of a school or library shall be issued prior to the issuance of the Certificate(s) of Occupancy for the school or library required pursuant to this Section.
- e. The project site must be within a school and libraries incentive area pursuant to the applicable CPIO or Specific Plan.

## 6. **Social Services**

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the on-site provision of a social service center, which is a facility that provides services for the benefit of the community, subject to the following standards:

- a. The social service center must be operated by a government agency or a 501(c)(3) non-profit organization;
- b. Services are provided on a voluntary basis with an emphasis on employment services, job training, business incubation, youth development, educational services, medical and mental health care, substance abuse treatment, food aid, or other services deemed appropriate by the Director of Planning;
- c. Floor area used as for a social service center shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued;
- d. The floor area devoted to a social service center shall be located on-site;
- e. No Certificate of Occupancy for a project obtaining additional floor area as permitted by the bonus FAR for the provision of a social service center shall be issued prior to the issuance of the Certificate(s) of Occupancy for the social service center required pursuant to this Section;
- f. The project site must be within a social service center incentive area pursuant to the applicable CPIO or Specific Plan.

## 7. Public Facilities

A residential, commercial, industrial, or mixed-use project may obtain additional floor area as permitted by the bonus FAR for the on-site provision of a public facility, which is a facility operated by a government agency for public purposes, subject to the following standards:

- a. Eligible facilities include: cultural centers, museums, police stations, fire stations, or other emergency response facilities deemed appropriate by the Director of Planning.
- b. Floor area used for a public facility shall be used for such purpose for a minimum of 10 years after the Certificate of Occupancy is issued.
- c. The floor area devoted to a public facility shall be located on-site.
- d. No Certificate of Occupancy for a project which is obtaining additional floor area as permitted by the bonus FAR for the provision of a public facility shall be issued prior to the issuance of the Certificate of Occupancy for the public facility required pursuant to this Section.
- e. The project site must be within a public facility incentive area pursuant to the applicable CPIO or Specific Plan.

## C. Incentives

A project may be allowed as much additional floor area as permitted by the bonus FAR. The amount of floor area awarded shall be in accordance to the lot's applicable CPIO or Specific Plan.

## D. Process

### 1. Application

To obtain additional development potential as allotted for in an applicable CPIO or Specific Plan for providing community facilities and improvements, an applicant must file for an application pursuant to Sec. 13B.2.5. (Director Determination).

### 2. Supplemental Findings

In addition to the findings required by Sec. 13B.2.5. (Director Determination), the Director must also find that the Community Facility will enhance the built environment or quality of life in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community.

## E. Records and Agreements

A covenant acceptable to the Department of City Planning must be recorded with the Los Angeles County Recorder, guaranteeing that the applicant, tenant, or property owner will not change the use of the portion of the building dedicated to the Community Facility for the periods outlined in Subsection B. (Applicability) from the issuance of the Certificate of Occupancy.



## DIV. 9.4. GENERAL INCENTIVE PROGRAMS

### SEC. 9.4.1. PERMANENT SUPPORTIVE HOUSING INCENTIVE PROGRAM

#### A. Purpose

1. The purpose of this Section is to facilitate the expedient production of supportive housing units meeting the established definitions and regulations, or Qualified Permanent Supportive Housing Projects, in order to provide high-quality, well-serviced and affordable housing units which are responsive to the needs of the target population.
2. This Section is intended to facilitate construction or maintenance of supportive housing units pursuant to a ministerial approval process in conformance with the State density bonus provisions in *California Government Code Section 65915*. Qualified Permanent Supportive Housing Projects are those that meet the following objectives:
  - a. Projects should be located at sites that are accessible by public transit, including paratransit.
  - b. Individual dwelling units or guest rooms should be provided with basic amenities that are sufficient to support independent living.
  - c. Sufficient non-residential floor area, as determined in *Sec. 9.4.1.B.2. (Supportive Services)*, should be made available on the subject property to provide the appropriate level of Supportive Services to the resident *target population*.

#### B. Applicability

In order for a Qualified Permanent Supportive Housing Project to be eligible for this Qualified Permanent Supportive Housing Incentive Program it must comply with the following requirements:

##### 1. Use of Other Residential Incentive Programs

A Qualified Permanent Supportive Housing Project applying for another incentive program established in *Div. 9.2. (Affordable Housing Incentive Programs)*, *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, or affordable housing incentive provisions in any other Specific Plan or Supplemental District at the same location is not eligible for this incentive.

##### 2. Supportive Services

Applicants shall provide documentation describing the supportive services that will be provided on-site and off-site. Prior to any approval of a Qualified Permanent Supportive Housing Project, the applicant shall submit information demonstrating that supportive services will be provided to residents of the project. The applicant shall indicate the name of the entity or entities that will provide the supportive services, the Local Public Agency funding sources for those services, and proposed staffing levels. If a preliminary funding commitment is needed, the applicant shall also submit a signed letter of intent from the Local Public Agency

verifying that it is providing a preliminary funding commitment for the supportive services. If no funding commitment is needed, the applicant shall demonstrate that the entity or entities that will provide the supportive services are service providers prequalified by a Local Public Agency.

### 3. Housing Replacement

Projects shall meet any applicable dwelling unit replacement requirements of *California Government Code Section 65915(c)(3)*, as verified by the Los Angeles Housing and Community Investment Department, or its successor agency, and all applicable monitoring fees in *Chapter 1, Article 9 (Fees)* shall be paid by the applicant prior to the issuance of any building permit.

### 4. On-Site Supportive Services Requirement

Non-residential floor area shall be provided for on-site supportive services in the following ratios:

- a. For Qualified Permanent Supportive Housing Projects with 20 or fewer total combined dwelling units or guest rooms, no less than 90 square feet of dedicated office space shall be provided; or
- b. For Qualified Permanent Supportive Housing Projects with greater than 20 dwelling units or guest rooms, a minimum of 3% of the total residential floor area shall be dedicated for on-site supportive services provided solely to on-site residents, including but not limited to community rooms, case management offices, computer rooms, or a community kitchen.

### 5. Location Requirement

The Qualified Permanent Supportive Housing Project shall be located within a High Quality Transit Area for the horizon year in the current Regional Transportation Plan/Sustainable Communities Strategy for the Southern California Association of Governments region.

### 6. Unit/Guest Room Requirements

Each dwelling unit or guest room shall have a private bathroom and cooking facilities containing, at minimum, a sink, refrigerator, counter space, and a hotplate or microwave. The Zoning Administrator can modify this requirement pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*.

### 7. Historic Resources

The Qualified Permanent Supportive Housing Project shall not involve a historical resource, as defined by *California Public Resources Code Section 21084.1* as determined by the Director, in consultation with the Office of Historic Resources.

## C. Incentives

The grant of any incentives under this **Subsection** shall not be considered an increase in density or other change which requires any corresponding zone change, General Plan amendment, project exception or other discretionary action.

## 1. **Base Incentives**

A Qualified Permanent Supportive Housing Project meeting the requirements in *Sec. 9.4.1.B. (Applicability)* is eligible for the following base incentives.

### a. **Minimum Lot Area per Dwelling Unit or Guest Room**

In all Density Districts except for 1L, the number of allowable dwelling units or guest rooms shall not be subject to the otherwise maximum density under any applicable zoning ordinance or Specific Plan. On any lot in Density District 15, the minimum lot area per dwelling unit or guest room shall be 500 square feet.

### b. **Parking**

The following requirements shall apply to all Qualified Permanent Supportive Housing Projects:

- i. Up to 40% of the total required parking spaces may be provided by compact stalls.
- ii. No parking spaces shall be required for dwelling units or guest rooms restricted to the target population.
- iii. For projects located within ½-mile of a transit stop, or of a major transit stop as defined in *California Public Resources Code, Section 21155(b)*, no more than 0.5 parking spaces shall be required for each income-restricted dwelling unit or guest room not occupied by the target population. Otherwise, no more than 1 parking space shall be required for each restricted affordable unit or guest room not occupied by the target population.
- iv. One parking space for every 20 dwelling units or guest rooms shall be required for the purpose of accommodating guests, supportive services, and case management.
- v. For projects located in the Downtown Community Plan, no parking space shall be required for dwelling units or guest rooms dedicated or set aside for households that earn less than 50% of the Area Median Income as determined by the Los Angeles Housing and Community Investment Department.
- vi. Parking reductions offered for Qualified Permanent Supportive Housing Projects shall always be consistent or greater than those in *California Government Code Section 65915(p)*.
- vii. If the parking requirements applicable to the project site pursuant to *Article 4. (Development Standards)* are less than the parking required by one of the applicable parking options in this Subsection, an applicant may use the parking requirements of *Article 4. (Development Standards)*.

**c. Floor Area**

Areas designated exclusively for supportive services use or public areas accessible to all residents, including those for residential or supportive services uses, shall not be considered as floor area of the building for the purposes of calculating the total allowable floor area. The floor area shall be measured to the center line of wall partitions between public and non-public areas.

**d. Conversion or Replacement of Existing Residential Hotel Use**

Despite the provisions of the applicable Use District, a Qualified Permanent Supportive Housing Project developed pursuant to this Section shall be permitted when the project is converted from, or is a replacement of a Residential Hotel as defined in *Chapter 4, Section 47.73.S. (Definitions)*, and is a continuation of an existing residential use. The replacement shall comply with the provisions of *Chapter 4, Article 7.1. (Residential Hotel Unit Conversion and Demolition)* as approved by the Los Angeles Housing and Community Investment Department. The total number of dwelling units or guest rooms may be increased as part of the conversion or replacement. This paragraph shall not apply to a Residential Hotel located on a lot in Density District 20 or more restrictive.

**e. Guest Rooms**

For the purpose of this Section, a guest room may contain cooking facilities including a sink, refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave.

**2. Additional Incentives**

A Qualified Permanent Supportive Housing Project meeting the requirements in *Sec. 9.4.1.B. (Applicability)* is eligible for any combination of up to 5 additional incentives described below, as applicable.

**a. Yard**

A Qualified Permanent Supportive Housing Project may obtain up to 20% decrease in the any required yard, and all adjustments to individual yards may be combined to count as one incentive, except that:

- i.** The project must still provide landscaping sufficient to comply with the landscape requirements in *Article 4. (Development Standards)*.
- ii.** No reduction is permitted along a property line that abuts a property in Density District 1L or any Open Space Use District.
- iii.** In Residential Use Districts, the resulting front yard may not be less than the average of the front yards, as measured to the main building, of adjoining lots along the same street face. If located on a corner lot or adjacent to a vacant lot, the front yard may

align with the facade of the adjacent building along the same front lot line, and may result in more or less than a 20% decrease in the required yard. If there are no adjacent buildings, no reduction is permitted.

**b. Building Coverage**

Up to 20% increase in building coverage limits, provided that the landscaping for the Qualified Permanent Supportive Housing Project is sufficient to provide 10% more than otherwise required by *Article 4. (Development Standards)*.

**c. Floor Area Ratio**

- i. Up to 35% increase in the base FAR.
- ii. On lots in Density District 15, up to a 20% increase in the base FAR.
- iii. In lieu of the otherwise applicable FAR, floor area may not to exceed 3.0 FAR, provided the lot is in a Commercial Use District or Commercial-Mixed Use District.

**d. Height**

Up to 35% increase in the maximum allowable height in feet, applicable over the entire lot regardless of any of the lower underlying height limits. In any Form District in which the height or number of stories is limited, this provision shall permit a maximum height increase of one additional story up to 11 feet. For the purposes of this height incentive, other transitional height requirements in this Chapter shall not apply. In their place, the following transitional height requirements shall be applied:

- i. When adjacent to or across an alley from lots with in Density District 1L or 2L, the building's height shall be stepped-back within a 45 degree angle as measured from a point 25 feet above grade at the property line.



- ii. On lots in Density District 15, when adjacent to or across an alley from lots in Density District 1L or 2L, the building's height shall be stepped-back within a 45 degree angle as measured from a point 20 feet above grade at the property line.



e. **Lot Amenity Space and Residential Amenity Space**

Up to 20% decrease in the required lot amenity space and residential amenity space, provided that the landscaping for the Qualified Permanent Supportive Housing Project is sufficient to provide 10% more than otherwise required by *Article 4. (Development Standards)*.

f. **Averaging of Floor Area Ratio, Parking**

Lot amenity space, or residential amenity space. A Qualified Permanent Supportive Housing Project that is located on two or more contiguous lots may average the floor area, lot amenity space, residential amenity space, and parking over the project site, provided that:

- i. The proposed use is permitted by the underlying zone of each lot; and
- ii. No further lot line adjustment or any other action that may cause the Qualified Permanent Supportive Housing Project site to be subdivided subsequent to this grant shall be permitted.

g. **Ground Floor Use**

Where non-residential floor area is required by a zoning ordinance, Specific Plan, Community Plan, or other set of standards, that requirement may be satisfied by any active ground floor use such as community rooms, resident amenities, supportive service areas, or lot amenity space.

h. **Other Development Standard**

Up to a 20% relief may be provided from one other development standard not described in this Section, as that term is defined in *California Government Code Section 65915(o)(1)*.

## D. Process

### 1. **Qualified Permanent Supportive Housing Projects Meeting All Applicability Requirements**

To use an incentive, as outlined in *Sec. 9.4.1.C. (Incentives)*, an applicant must file pursuant to *Sec. 13B.3.1. (Administrative Review)*.

#### a. **Application Material**

All applications shall be reviewed for compliance with the definitions in this Section, applicability requirements in *Sec. 9.4.1.B. (Applicability)*, and compliance with the applicable incentive standards in *Sec. 9.4.1.C. (Incentives)*. The application shall be approved by the Department of City Planning if the applicable standards of this Section are met.

#### b. **Notification of Application**

Despite the provisions of *Sec. 13B.3.1. (Administrative Review)*, the following requirements shall be completed at least 30 days prior to the Department of City Planning's approval of the Qualified Permanent Supportive Housing Project:

- i. The Department shall send written notices of the Qualified Permanent Supportive Housing Project application by U.S. mail to the abutting property owners, applicable Neighborhood Council and the Council District Office of the site; and
- ii. The applicant shall post, in a conspicuous place near the entrance of the property, a public notice of the Qualified Permanent Supportive Housing Project application. The applicant shall submit proof of posting to the Department, which includes submission of a completed public notice form provided by the Department and photographs of the posted notice.

#### c. **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 procedures described in Subdivision *Sec. 9.2.1.G.3. (Projects with Requests for Waiver or Modification)*. The Zoning Administrator may modify or exempt the applicability requirements for Qualified Permanent Supportive Housing Projects in *Sec. 9.4.1.B.4. (On-Site Supportive Services Requirement)*, *Sec. 9.4.1.B.5. (Location Requirement)*, *Sec. 9.4.1.B.6. (Unit/Guest Room Requirements)*, and *Sec. 9.4.1.B.7. (Historic Resources)*, pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, when the applicant can demonstrate that the project remains consistent with the purpose of those standards.

## E. Records and Agreements

Prior to the issuance of any building permit for a Qualified Permanent Supportive Housing Project, the applicant shall record a covenant acceptable to the Los Angeles Housing and Community

Investment Department that reserves and maintains the total combined number of dwelling units and guest rooms designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.

## SEC. 9.4.2. INTERIM USE OF MOTELS FOR SUPPORTIVE HOUSING OR TRANSITIONAL HOUSING

### A. Purpose

The purpose of this Section is to facilitate the interim use of existing transient residential structures, such as motels, lodging, apartment hotels, and transient occupancy residential structures, as supportive housing or transitional housing for persons experiencing homelessness or those at risk of homelessness. Under this Section, the structure may return to its previous use, or any use consistent with the underlying zoning, upon termination of the interim supportive housing or transitional housing use.

### B. Applicability

An Interim Motel Housing Project is eligible for conversion to supportive housing or transitional housing for persons experiencing homelessness or those at risk of homelessness if they meet the following requirements:

#### 1. Certificate of Occupancy

The structure has a Certificate of Occupancy as a motel, lodging, apartment hotel, or transient occupancy residential structure;

#### 2. Use of Units

All dwelling units and guest rooms in the structure must be used for supportive housing or transitional housing or a combination of both;

#### 3. No Additions

The Interim Motel Housing Project does not increase or add floor area or expand the building footprint or height;

#### 4. No Expansion of Use

The Interim Motel Housing Project does not increase the total combined number of dwelling units or Guests Rooms;

#### 5. Permitted Use

Any floor area used for on-site supportive services shall be considered accessory to the residential use;



## 6. **Supportive Service Area**

For every 20 dwelling units or guest rooms, a minimum of one dedicated office space shall be provided for the provision of on-site supportive services, including case management. A minimum of one dedicated office space shall be provided for Interim Motel Housing Projects with fewer than 20 total combined dwelling units or guest rooms. Any floor area dedicated to supportive services may be provided on-site within an existing building, but shall not exceed 10% of the total floor area of the building.

## 7. **Supportive Services Contract**

The applicant provides a copy of an executed contract agreement between the Local Public Agency, the provider of the supportive housing or transitional housing, and the Interim Motel Housing Project applicant for the provision of on-site supportive housing or transitional housing, or a combination of both; proof that the applicant has received funding from a Local Public Agency; and proof that the supportive housing or transitional housing contract is in effect.

## 8. **Residential Hotel Ordinance**

If structures or units are subject to the provisions of *Chapter 4, Article 7.1. (Residential Hotel Unit Conversion and Demolition)* on the date of the Interim Motel Housing Project application, they shall remain subject to all requirements and restrictions in *Chapter 4, Article 7.1. (Residential Hotel Unit Conversion and Demolition)* during the Supportive Housing or Transitional Housing contract.

## 9. **Historic Building**

An Interim Motel Housing Project shall not involve alteration of an historic character defining feature identified in a nomination or a survey for any project affecting a property listed in or formally determined eligible for a National, State or local historic register, individually or as a contributor to a historic district, unless the Director in consultation with the Office of Historic Resources determines the proposed alteration will not adversely impact the property's historic eligibility.

## C. **Incentives**

Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, Specific Plan, or other overlay district regulations, including, but not limited to, the following:

### 1. **Minimum Area per Dwelling Unit or Guest Room**

Interim Motel Housing Projects shall not be considered an increase in density or other change which requires any corresponding discretionary action. A structure, regardless of any nonconforming status as to the area and density regulations of the underlying zone, may be used for an Interim Motel Housing Project.

## 2. Off-Street Automobile Parking

Interim Motel Housing Projects shall be exempt from the provisions of *Article 4. (Development Standards)* during the supportive housing or transitional housing contract, however, the Interim Motel Housing Project shall maintain and not reduce the number of on-site parking spaces existing on the date of the Interim Motel Housing Project application.

## 3. Use

Despite the provisions of the underlying Use District or any nonconforming use provision to the contrary, an Interim Motel Housing Project shall be permitted.

## 4. Minor Interior Alterations for Cooking Facilities

Approved Interim Motel Housing Project applicants may make minor interior alterations adding cooking facilities, including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave, to guest rooms. In the event a structure is returned to the motel or hotel use in accordance with *Sec. 9.4.2.D.3. (Termination of Supportive Housing or Transitional Housing Contract)*, the motel or hotel may maintain any guest rooms with added cooking facilities.

## 5. Preservation of Nonconforming Rights

Upon termination of the supportive housing or transitional housing use, in accordance with *Sec. 9.4.2.D.3. (Termination of Supportive Housing or Transitional Housing Contract)*, any structure that is nonconforming as to area or use regulations or any other zoning code requirements may return to the use and condition, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, despite any physical alterations to the subject property. Any floor area used for supportive services may be returned to use as guest rooms or dwelling units, or may be converted to accessory amenity spaces, so long as the total number of dwelling units or guest rooms do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for Interim Motel Housing Project.

## D. Process

### 1. Department of Building and Safety Review

Interim Motel Housing Projects shall be approved by the Department of Building and Safety if the applicability requirements of *Sec. 9.4.2.B. (Applicability)*, and the standards described in Subsection C. (Incentives) are met, and the incentives described in *Sec. 9.4.2.C. (Incentives)* shall be granted.

### 2. Residential Hotel Ordinance

Interim Motel Housing Project applicants seeking to convert structures subject to the Residential Hotel Ordinance pursuant to *Chapter 4, Article 7.1. (Residential Hotel Unit*

*Conversion and Demolition*) must also submit an application using the process described in *Chapter 4, Section 47.78. (Application for Clearance)*.

### 3. **Termination of Supportive Housing or Transitional Housing Contract**

Upon any termination of the supportive housing or transitional housing contract, the following shall apply:

- a. The Interim Motel Housing Project applicant shall be required, within 90 days, to notify the Department of Building and Safety and to complete one of the following:
  - i. Submit an application to the Department of Building and Safety to return to the use, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, or to any use permitted by the current zoning regulations; or
  - ii. Provide a copy of a new executed contract agreement to the Department of Building and Safety in accordance with the requirements in *Sec. 9.4.2.B.7. (Supportive Services Contract)* to begin a new contract term for provision of Supportive Housing or Transitional Housing.

### 4. **Residential Hotel Ordinance**

The number of residential units, as defined in *Chapter 4, Section 47.73.T. (Definitions)*, at each participating structure of an Interim Motel Housing Project which has been converted to structures subject to *Chapter 4, Article 7.1. (Residential Hotel Unit Conversion and Demolition)* shall be identical to the number of units originally determined by the Housing and Community Investment Department to be residential units pursuant to *Chapter 4, Section 47.76. (Residential Unit Status Determination)* or any subsequent number approved as part of an application using the process described in *Chapter 4, Section 47.78. (Application for Clearance)*.

### 5. **Modifications to Interim Motel Housing Project Applicability Requirements**

The Zoning Administrator may modify or exempt the applicability requirements for Interim Motel Housing Projects in *Sec. 9.4.2.B.6 (Supportive Service Area)* and *Sec. 9.4.2.B.9 (Historic Building)*, pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, when the applicant can demonstrate that the project remains consistent with the purpose of those standards.

## SEC. 9.4.3. **ELDERCARE FACILITIES INCENTIVE PROGRAM**

### A. **Purpose**

The purpose of this Section is to provide development standards for Alzheimer's and dementia housing, assisted living, senior independent living and skilled nursing home, and create a single process for approvals and facilitate the processing of applications of eldercare facilities. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

## B. Applicability

An Eldercare Facility Project located on a lot or lots in any Agricultural, Residential, Commercial, or Commercial-Mixed Use District.

## C. Incentives

### 1. Zoning District Requirements

The Zoning Administrator may permit an Eldercare Facility Project that does not meet the Use District, Density District, or height provisions of the Form District contained in this Chapter, or the requirements of any Specific Plan, Supplemental District, or Citywide regulation adopted or imposed by City action.

### 2. Development of Site

New buildings or structures may be erected, enlargements may be made to existing buildings, and the existing housing types within the Eldercare Facility Project may be extended on the approved site, provided that development plans are submitted to and approved by the Zoning Administrator. The Zoning Administrator may disapprove the plans if it is found that the use does not conform to the purpose and intent of the findings required for an Eldercare Facility under this Section, and may specify the conditions under which the plans may be approved.

### 3. Change of Use

No housing type within an Eldercare Facility Project may be changed to a different housing type unless the new housing type is subsequently approved. The Zoning Administrator may approve changes to the number of dwelling units, guest beds, guest rooms, or floor area provided that a minimum of 75% of the floor area, exclusive of common areas, shall consist of senior independent housing and assisted living care housing.

## D. Procedures

### 1. Permit

The Zoning Administrator may permit an Eldercare Facility Project using the Incentives outlined in *Sec. 9.4.3.C. (Incentives)* pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*.

### 2. Supplemental Findings

In addition to the findings set forth in *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, the Zoning Administrator shall not grant the approval unless it is also found that:

- a. The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations;
- b. The Eldercare Facility Project shall provide services to the elderly such as housing, medical services, social services, or long-term care to meet citywide demand; and

- c. The Eldercare Facility Project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.

## SEC. 9.4.4. **NON-PERMITTED DWELLING UNITS WHERE AFFORDABLE HOUSING IS PROVIDED**

### A. **Purpose**

The purpose of this Section is to further health and safety standards in multifamily buildings and preserve and create affordable housing units by establishing procedures to legalize certain pre-existing non-permitted dwelling units in conformance with the State Density Bonus provisions in *California Government Code Section 65915*.

### B. **Process**

The applicant shall submit an application on a form developed by the Department of City Planning that contains basic information about the project, the owner or applicant and conformance with this section. The Director of Planning shall review all applications for compliance with the eligibility criteria in *Sec. 9.4.4.C. (Applicability)*. The application shall be approved by the Director of Planning if the eligibility criteria and performance standards of this Section are met.

### C. **Applicability**

A structure with a non-permitted dwelling unit or guest room located in all Density Districts, except for Density District 1L, is eligible for the provisions of this section when the following criteria are met:

#### 1. **Pre-Existing Unit**

The unit to be legalized has been occupied as a residential unit at any time between December 11, 2010, and December 10, 2015. Examples of the types of evidence to establish occupancy include, but are not limited to: an apartment lease; utility bill; Rent Stabilization Ordinance (RSO) Rent Registration Certificate; code enforcement case documentation (for example, Orders to Comply); or other evidence identified on the application form and made available for public inspection in the case file.

#### 2. **Restricted Affordable Units**

At least one additional restricted affordable unit is being provided on the project site. A restricted affordable unit is defined for the purposes of this Section as a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low Income, Low Income or Moderate Income households, as those income ranges are defined by the California Department of Housing and Community Development (HCD). Affordable means that rents or housing expenses cannot exceed 30% of the maximum gross income of each respective household income group. Moderate Income units may be used, provided the project is not located in a Low-Moderate Census Tract pursuant to the Community Reinvestment Act.

### 3. Performance Standards

The property shall meet the following performance standards:

#### a. Front Yard Landscaping

All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, are landscaped and maintained, and not otherwise paved.

#### b. Lighting

Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.

#### c. Parking Area

Any surface parking areas are landscaped pursuant to the requirements of *Article 4. (Development Standards)*.

#### d. Signs

Any illegal signs shall have been removed.

#### e. Code Violations

The project site must not have any outstanding code violations other than those being addressed by the application under this Section.

#### f. Building Area Expansion Without a Permit

The units to be legalized shall not result or have resulted in expansion of the building footprint or height without a permit, except that additions of less than 250 square feet, not resulting in any additional height, may be permitted, provided the addition is not located on the building frontage adjoining the front yard. The purpose of this standard is to limit exterior alterations to those that are minor and do not have a significant impact on the visual character of the building or neighborhood.

#### g. Alternative Compliance

If compliance with *Sec. 9.4.4.C.3. (Performance Standards)* is not met, the applicant may request approval from the Zoning Administrator pursuant to *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*.

### D. Incentives

A property meeting the eligibility criteria above must comply with all applicable zoning codes, except:

1. The grant of permitted status to pre-existing non-permitted units under this Section shall not be considered an increase in density or other change which requires any corresponding zone change, General Plan amendment, Specific Plan exception pursuant to *Sec. 13B.4.5. (Project Exception)*, or discretionary action.
2. The number of allowable dwelling units or guest rooms can be increased up to 35% over the otherwise maximum allowable residential density under any applicable zoning ordinance or Specific Plan, depending on the percentage of restricted affordable units provided in the building, pursuant to the density bonus charts in *California Government Code Section 65915(f)*. These charts may be extended proportionally to permit both a density increase and an affordable set-aside less than what is shown on the charts.
3. For properties which have more permitted units than are allowed under current maximum allowable density, an increase in current maximum allowable density beyond 35% may be authorized as long as the project offers sufficient restricted affordable units to achieve at least a 35% density bonus pursuant to the density bonus charts in *California Government Code Section 65915(f)*, and the increase in number of units does not exceed 35% of the number of permitted units on the property. Notwithstanding the actual number of permitted units on the property, the base number of units for calculating the percentage of restricted affordable units shall be the units allowed by the current maximum residential density.
4. A property containing one structure with two permitted dwelling units in all Density Districts, except for Density District 1L, may legalize a third unit as long as one of the units is a restricted affordable unit, even if the third unit increases the density by more than 35%.
5. An applicant may choose any one of the following methods of calculating required parking, if applicable, in conjunction with the bicycle parking provisions in *Article 4. (Development Standards)*:
  - a. Parking may be recalculated for all units in the project (not just the restricted units) using Parking Option 1 in *Sec. 9.2.1. (Density Bonus)*;
  - b. Parking may be calculated by maintaining all existing parking and providing additional parking just for the newly legalized units in accordance with Parking Option 2 in *Sec. 9.2.1. (Density Bonus)* 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
  - c. Parking may be calculated by maintaining all existing parking and providing additional parking at a ratio of 0.5 parking spaces per bedroom for the newly legalized units for a project located within ½-mile of a major transit stop, which is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute period or a major transit stop included in the applicable Regional Transportation Plan/Sustainable Community Strategy (RTP/STS).

- d. If the net new number of required parking spaces is other than a whole number, it shall be rounded up to the next whole number.
6. The applicant shall be eligible for up to three concessions or incentives in accordance with *California Government Code Section 65915(d)(2)*, depending on the percentage of restricted affordable units provided. For the purposes of this Section, a concession or incentive means a reduction in a site development standard or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, including, but not limited to, a reduction in lot amenity space requirements and in the ratio of vehicular parking spaces that would otherwise be required.

#### E. Additional Incentives

1. The City may not apply a development standard that will physically preclude the legalization of a project which meets the eligibility criteria of *Sec. 9.4.4.C. (Applicability)* at the densities or with the concessions or incentives permitted by this Section. Development standards, include, but are not limited to: a site condition; a height limitation; a setback requirement; a floor area ratio; an lot amenity space requirement; or a parking ratio that applies to a residential development pursuant to any ordinance, General Plan element, Specific Plan, charter, or other local condition, law, policy, resolution, or regulation. Development standards do not include conditions imposed through discretionary approvals. Incentives shall not be used to exempt compliance with performance standards.
2. The street dedication provisions of *Article 10 (Streets and Parks)* shall not apply when units are legalized under this Section.

#### F. Relationship to the Affordable Housing Incentive Guidelines

The City's Affordable Housing Incentive Guidelines shall not apply to projects under this Section.

#### G. Records and Agreements

Prior to the issuance of any building permit, a covenant acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, shall be recorded with the Los Angeles County Recorder, guaranteeing that each required restricted affordable unit shall be reserved and maintained for at least 55 years from the issuance of the Certificate of Occupancy.

### SEC. 9.4.5. DOWNTOWN ADAPTIVE REUSE PROJECTS

#### A. Purpose

The purpose of this Section is to revitalize the Downtown Community Plan Area, and implement the General Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to apartments, live/work units, offices, or visitor-serving facilities. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live/work and residential community Downtown, creating a



more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels, and transit services near each other.

## **B. Applicability**

The provisions of this Section shall apply to adaptive reuse projects in all or any portion of the following buildings in the Downtown Community Plan Area:

### **1. Prior to July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

### **2. On or After July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if 5 years have elapsed since the date of issuance of final Certificates of Occupancy.

### **3. Historic Buildings**

Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to *Div 13B.8. (Historic Preservation)* are also eligible buildings.

### **4. Parking Structures**

Any parking garage or structure, or parking area of any existing building, with a Certificate of Occupancy which was issued at least 10 years prior to the date of application.

## **C. Incentives**

Despite any other provisions of this Chapter to the contrary, Downtown adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new floor area that is added to an adaptive reuse project unless otherwise stated.

### **1. Project Review**

Adaptive reuse projects shall be exempt from the requirements set forth in *Sec. 13B.2.4. (Project Review)*.

### **2. Loading Space**

If no loading space is provided, then a loading space shall not be required pursuant to *Article 4. (Development Standards)*.

### 3. Floor Area

#### a. Existing Floor Area

Existing floor area which exceeds that permitted by the zone, Specific Plan, supplemental Use District, or any other land use regulation shall be permitted.

#### b. Floor Area Exemptions

The following actions shall not be considered as adding new floor area that enlarges an eligible building, but shall be considered part of an adaptive reuse project entitled to benefit from the incentives:

- i. Changing the use of any existing area of an eligible building that is not included in the definition of floor area in *Article 14. (General Rules)*, to any use permitted in the underlying Use District. Demolishing and removing any interior existing portion of an eligible building for the construction of any new use permitted in the underlying Use District shall not exceed the area of the existing portion demolished, and must be located within the same building's existing exterior walls and below the existing roof.
- ii. The conversion of existing parking areas of garages or structures as long as the conversion remains within the existing exterior walls of the garage or structure.

#### c. New Rooftop Structures

The construction of new structures on the existing roof, as long as the new rooftop structures:

- i. Do not exceed one story; and
- ii. Comply with the height requirements of the zone.

#### d. Lot Amenity Space Areas Created by Reusing Existing Portions of a Building

Balconies, patios, terraces, recreation and fitness rooms, pools, gardens, and other lot amenity space areas that are created by reusing existing portions of an eligible building. Such existing portions may include interior space, lobbies, fire escapes, rooftops, mechanical rooms, elevator shafts, stair shafts, elevator penthouses, or other existing portions of an eligible building, either above or below the existing roof, shall not be considered new floor area.

#### e. Mezzanines

Mezzanines, or loft spaces in dwelling units, guest rooms, or joint living and work quarters which do not exceed more than 33% of the floor area of the space below shall not be considered new floor area.

f. **Basements**

Reusing or changing the use of existing portions of an eligible building that are below grade shall not be considered new floor area.

g. **Floor Area Averaging**

Floor area may be averaged as part of a unified adaptive reuse project.

h. **Historic Buildings**

Any existing or new floor area within an existing structure identified by SurveyLA, or any qualified historic resource survey, as a contributing structure, or designated as historic in a local, state or Federal Register of Historic Places, that is maintained on site and incorporated into a unified adaptive reuse project shall be excluded from the calculation of total floor area up to a maximum of 1.5 FAR.

4. **Height**

Existing height in excess of that permitted by the zone, Specific Plan, supplemental Use District, or any other land use regulation shall be permitted.

5. **Loading Space**

Where a loading space is provided, it shall be maintained. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

6. **Density**

Dwelling units, guest rooms, and joint living and work quarters shall not be subject to the lot area requirements of the lot's Density District.

D. **Standards**

No additional standards apply to adaptive reuse projects subject to this Section.

E. **Process**

1. **Buildings Built Prior to July 1, 1974**

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974 shall be approved by the Department of Building and Safety if the requirements of *Sec. 9.4.5.B. (Applicability)*, and the standards described in *Sec. 9.4.5.C. (Incentives)* and *Sec. 9.4.5.D. (Standards)* are met, and the incentives described in *Sec. 9.4.5.C. (Incentives)* shall be granted.

## 2. **Building Built On or After July 1, 1974**

### a. **Approval**

Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, may be approved by the Zoning Administrator, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, if the requirements of *Sec. 9.4.5.B. (Applicability)*, and the standards described in *Sec. 9.4.5.C. (Incentives)* and *Sec. 9.4.5.D. (Standards)* are met, and the incentives described in *Sec. 9.4.5.C. (Incentives)* shall be granted.

### b. **Supplemental Finding**

In addition to the findings in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator must also find that the building is no longer economically viable in its current use or uses.

## SEC. 9.4.6. **CITYWIDE ADAPTIVE REUSE PROJECTS**

### A. **Purpose**

The purpose of this Section is to encourage and facilitate the conversion and retention of existing, or historically significant buildings, and conversion between uses permitted or conditionally permitted by the designated Use District of the property. The goal is to reduce vacant space, as well as preserve the City's architectural and cultural past, and encourage the sustainable practice of retaining the inherent energy that goes into the construction of existing buildings. This practice has demonstrated its effectiveness as a revitalization tool that encourages the use of underused buildings and the creation of new dwelling units.

### B. **Applicability**

The provisions of this Section shall apply to adaptive reuse projects outside the Downtown Community Plan Area and the Adaptive Reuse Incentive Areas Specific Plan, in any Commercial or Commercial-Mixed Use District, or on any lot, regardless of Use District, in Density District 2 or FA, in the following buildings:

#### 1. **Prior to July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

#### 2. **On or After July 1, 1974**

Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if 5 years have elapsed since the date of issuance of final Certificates of Occupancy.

#### 3. **Historic Buildings**

Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to *Div. 13B.8. (Historic Preservation)* are also eligible buildings.

#### 4. **Parking Structures**

Any parking garage or structure, or parking area of any existing building built at least 10 years prior to the date of application in excess of the minimum parking required by this Chapter.

### C. **Incentives**

The Zoning Administrator may grant, modify or deny some or all of the incentives established below to adaptive reuse projects proposed pursuant to this Section. Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or exceptions from the requirements of this Chapter required to permit adaptive reuse projects proposed pursuant to

this Section, including but not limited to the authority to permit dwelling units, guest rooms and joint living and work quarters in adaptive reuse projects, despite the nonconforming provisions of *Article 12. (Nonconformities)*. Despite any other provisions of this Chapter to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new floor area that is added to an adaptive reuse project, unless otherwise stated.

### 1. Project Review

Adaptive reuse projects shall be exempt from the requirements set forth in *Section 13B.2.4. (Project Review)*.

### 2. Loading Space

If no loading space is existing, then a loading space shall not be required pursuant to *Article 4. (Development Standards)*.

### 3. Floor Area

#### a. Existing Floor Area

Existing floor area which exceeds that permitted by the zone, Specific Plan, supplemental Use District, or any other land use regulation shall be permitted.

#### b. Floor Area Exemptions

The following actions shall not be considered as adding new floor area that enlarges an eligible building, but shall be considered part of an adaptive reuse project entitled to benefit from the incentives:

- i. Changing the use of any existing area of an eligible building that is not included in the definition of floor area in *Article 14 (General Rules)*, to any use permitted in the underlying Use District. Demolishing and removing any interior existing portion of an eligible building for the construction of any new use permitted in the underlying Use District shall not exceed the area of the existing portion demolished, and must be located within the same building's existing exterior walls and below the existing roof.
- ii. The conversion of existing parking areas of garages or structures as long as the conversion remains within the existing exterior walls of the garage or structure.

#### c. New Rooftop Structures

The construction of new structures on the existing roof, as long as the new rooftop structures:

- i. Do not exceed one story;
- ii. Comply with the height requirements of the zone; and

- iii. Are not used for dwelling units, guest rooms, or joint living and work quarters, but must be used solely for accessory uses or residential amenity space. However, the existing roof of an eligible building may be used as the top level of a multiple-level dwelling units, guest rooms, or joint living and work quarters. However, no complete and separate dwelling units, guest rooms, or joint living and work quarters may be constructed on the existing roof of an eligible building.
- d. **Lot Amenity Space Areas Created by Reusing Existing Portions of a Building**

Balconies, patios, terraces, recreation and fitness rooms, pools, gardens, and other lot amenity space areas that are created by reusing existing portions of an eligible building. Such existing portions may include interior space, lobbies, fire escapes, rooftops, mechanical rooms, elevator shafts, stair shafts, elevator penthouses, or other existing portions of an eligible building, either above or below the existing roof, shall not be considered new floor area.

e. **Mezzanines**

Mezzanines, or loft spaces in dwelling units, guest rooms, or joint living and work quarters which do not exceed more than 33% of the Floor Area of the space below shall not be considered new Floor Area.

f. **Basements**

Reusing or changing the use of existing portions of an eligible building that are below grade shall not be considered new floor area.

g. **Floor Area Averaging**

Floor Area may be averaged as part of a unified adaptive reuse project.

h. **Historic Buildings**

Any existing or new floor area within an existing structure identified by SurveyLA, or any qualified historic resource survey, as a contributing structure, or designated as historic in a local, state or Federal Register of Historic Places, that is maintained on site and incorporated into a unified adaptive reuse project shall be excluded from the calculation of total floor area up to a maximum of 1.5 FAR.

4. **Height**

Existing height in excess of that permitted by the zone, Specific Plan, supplemental Use District, or any other land use regulation shall be permitted.

5. **Yards**

Existing observed yards which do not meet the yards required by the zone, Specific Plan, Supplemental District, or any other land use regulation, shall be permitted.

## 6. Off-Street Automobile Parking

The required number of parking spaces shall be the same as the number of spaces that existed on the site on June 3, 1999, and shall be maintained and not reduced. However, if the total parking required by this Chapter for the new use is less than the number of parking spaces that existed as of June 3, 1999, then the number of parking spaces may be reduced to the number of required parking spaces.

## 7. Loading Space

Where a loading space is provided, it shall be maintained. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

## 8. Density

Dwelling units, guest rooms, and joint living and work quarters shall not be subject to the lot area requirements of the lot's Density District.

## D. Standards

Adaptive reuse projects permitted pursuant to this Section shall include a toilet and bathing facilities.

## E. Process

The Zoning Administrator may permit adaptive reuse projects in eligible buildings pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*.

### 1. Supplemental Findings.

In addition to the findings in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator shall also find that:

- a. The eligible building, constructed on or after July 1, 1974, is no longer economically viable in its current use or uses. In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.
- b. In approving a reduced parking incentive pursuant to *Sec. 9.4.6.C.6. (Off-Street Automobile Parking)*, the Zoning Administrator find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the site of the adaptive reuse project.