

ARTICLE 9.

**PUBLIC BENEFIT
SYSTEMS**

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DIV. 9.1. GENERAL RULES

SEC. 9.1.1. PURPOSE

The purpose of this *Article (Public Benefit Systems)* is to establish procedures for implementing State Density Bonus provisions, as set forth in *California Government Code, Sec. 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 normally be allowed. In addition, it is also the purpose of this *Article (Public Benefit Systems)* to provide mechanisms to use the maximum bonus FAR and bonus height as allowed in the applied *Form District (Part 2B.)*.

SEC. 9.1.2. GENERAL PROVISIONS

A. Summary

This *Article (Public Benefit Systems)* consists of affordable housing incentive programs established in *Div. 9.2. (Affordable Housing Incentive Programs)*, the community benefits program established in *Div. 9.3. (Community Benefits Program)*, a variety of other incentive programs established in *Div. 9.4. (General Incentive Programs)*, and accessory dwelling unit incentive programs established in *Div. 9.5. (Accessory Dwelling Unit Incentive Program)*.

B. Eligibility

Any project containing five or more dwelling units, including projects with subdivisions of land, may use an affordable housing 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 (Public Benefit Systems)*.

C. Incentives

This *Article (Public Benefit Systems)* may grant relief from a variety of regulations and requirements, or the granting of additional allowances beyond what is normally allowed by this Zoning Code (Chapter 1A) in order to incentivize and facilitate the provision of public benefits as part of the development or use of property in the City.

DIV. 9.2. AFFORDABLE HOUSING INCENTIVE PROGRAMS

SEC. 9.2.1. DENSITY BONUS

A. Purpose

The purpose of this *Section (Density Bonus)* is to establish procedures for implementing the State Density Bonus provisions in *California Government Code, Sec. 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. Eligibility

1. Base Incentives

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 *Subsection C. (Base Incentives – Density and Parking)* below, only where the project has not used any other affordable housing incentive program.

2. Additional Incentives

a. General Eligibility

To be eligible for any incentives in *Subsection D. (Additional Incentives)* below, a housing development project (other than an adaptive reuse project) shall comply with all of the following:

- i. The housing development project shall not be a contributing element in a designated Historic Preservation District and shall not be on the City of Los Angeles list of Historic-Cultural Monuments.
- ii. 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 V. (Public Safety and Protection), Article 7 (Fire Code)* of this Code.

b. Number of Additional Incentives

- i. A housing development project that is in compliance with the eligibility criteria in *Subparagraph a. (General Eligibility)* above, shall be granted the number of additional 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	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%

- ii. A housing development project that consists of 100 percent on-site restricted affordable units, exclusive of a manager unit or units, that is in compliance with the eligibility criteria in *Subparagraph a. (General Eligibility)* above, shall be granted four additional incentives.

3. General Standards

a. Calculating Density

The bonus dwelling units are not counted when calculating the total number of units.

b. Fractional Units

For the purposes of this Section (*Density Bonus*), regardless of Sec. 6C.1.2. (*Lot Area Per Household Dwelling Unit*) or Sec. 6C.1.3. (*Lot Area Per Efficiency Dwelling Unit*), in calculating base density and restricted affordable units, any number resulting in a fraction is rounded up to the next whole number.

c. Other Discretionary Approvals

Approval of density bonus units does not, in and of itself, trigger other discretionary review actions required by this Zoning Code (Chapter 1A) that are applicable based on the number of dwelling units.

C. Base Incentives — Density & Parking

Any housing development project that meets the criteria established in *Paragraph 1. (Base Incentives)* above, 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 five percent 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 percent that may be applied to any part of the housing development project.
- ii. The density bonus may be increased according to the table below, up to a maximum of 35 percent

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 percent may do so pursuant to Subsection E. (*Housing Development Project Exceeding 35% Density Bonus*) below, or Subsection G. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.4.*) below.

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

- i. A housing development project that includes 10 percent 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 percent that may be applied to any part of the housing development project.
- ii. The density bonus may be increased according to the table below, up to a maximum of 35 percent.

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 percent may do so pursuant to Subsection E. (*Housing Development Project Exceeding 35% Density Bonus*) below, or Subsection G. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.4.*)

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, Sec. 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, Sec. 4100*, that includes at least 10 percent of its units for moderate income households will be granted a minimum density bonus of five percent. The density bonus may be increased according to the table below, up to a maximum of 35 percent.

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%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%

MODERATE INCOME UNITS	
% of Total Units	% Density Bonus
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

- ii. Projects seeking a density bonus of greater than 35 percent may do so pursuant to Subsection E. (*Housing Development Project Exceeding 35% Density Bonus*) below, or Subsection G. (*Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.4.*) below.

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

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

f. **Childcare Facility**

A housing development project that conforms to one of the sets of requirements of Subparagraph a. (*Very Low Income Restricted Affordable Units — For-Sale or Rental*) through Subparagraph d. (*Common Interest Development with Moderate Income Restricted Affordable Units*) above and includes a childcare facility as defined by *California Government Code, Sec. 65915(h).* (*Density Bonuses and Other Incentives*) 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 childcare facility included in the project.
- ii. One additional incentive, as provided in Subsection D. (*Additional Incentives*) below.

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, Sec. 65915(h)(2)*, as verified by the Department of City Planning, will be granted a density bonus of 15 percent.

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, an applicant may opt to provide a greater number of smaller

restricted affordable units in lieu of providing the requisite number of restricted affordable units that would otherwise be required under this *Section (Density Bonus)*, 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 dwelling units in the housing development project, including density bonus units, does not exceed the maximum permitted by this *Section (Density Bonus)*;
- iii. The smaller restricted affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and
- iv. The 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 (Density Bonus)*.

i. **Condominium Conversion**

A housing development project that involves the conversion of apartments into condominiums and that includes 33 percent of its units restricted to low income households or moderate income households, or 15 percent of its dwelling units restricted to very low income households, will be granted a density bonus of 25 percent or up to three additional incentives as provided in *Subsection D. (Additional Incentives)* below.

2. **Automobile Parking**

A housing development project that qualifies for a density bonus and complies with this *Section (Density Bonus)* may provide parking in compliance with the applicable parking provisions of *Div. 4C.4. (Automobile Parking)*, or with one of the applicable parking options below.

a. **Parking Option 1**

Required parking for all dwelling units in the housing development project (not just the restricted affordable units), inclusive of accessible parking and guest parking, shall be reduced to the following requirements:

- i. For each dwelling unit of zero to one bedroom: one on-site parking space.
- ii. For each dwelling unit of two to three bedrooms: 1 1/2 on-site parking spaces.
- iii. For each dwelling unit of four or more bedrooms: 2 1/2 on-site parking spaces.

b. Parking Option 2

Required parking for all other non-restricted units must comply with the applicable provisions of *Div. 4C.4. (Automobile Parking)*. Required parking for any restricted affordable units may be reduced as set forth below.

- i. One parking space per restricted affordable unit, except that restricted affordable units for low income or very low income senior citizens or disabled persons require 1/2 parking spaces for each unit; and/or
- ii. Up to 40 percent of the required parking for restricted affordable units may be provided in compact parking stalls.

D. Additional Incentives

Any housing development project that meets the criteria established in *Paragraph 2. (Additional Incentives)* of *Subsection B. (Eligibility)* above, will receive the base incentives outlined below.

1. Yard Incentive

Up to 20 percent 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.

2. Building Coverage Incentive

Up to 20 percent increase in building coverage limits.

3. Lot Width Incentive

Up to 20 percent decrease in the required lot width.

4. Floor Area Ratio Incentive

A housing development project shall be granted one of the following incentives:

- a. An allotment of additional floor area equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35 percent. This additional floor area shall be calculated based on the maximum floor area of the base FAR of the applied *Form District (Part 2B.)*.
- b. Regardless of the applied *Form District (Part 2B.)*, a housing development project shall receive a floor area ratio not to exceed 2.5:1, provided:
 - i. The housing development project contains the requisite number of restricted affordable units to qualify for a 35 percent Density Bonus;
 - ii. The project site is zoned with a Commercial-Mixed Use District;

- iii. The project site fronts on a street designated as a boulevard or avenue in the General Plan *Circulation Element*; and
 - iv. 50 percent or more of the project site is located within 1,500 feet of a transit stop/major employment center.
- c. Regardless of the applied *Form District (Part 2B.)*, a housing development project shall receive a floor area ratio not to exceed 2.5:1, provided:
- i. At least 80 percent of the units in a rental project are restricted affordable units or 45 percent of units in a for-sale project are restricted affordable units;
 - ii. The project site is zoned with a Commercial-Mixed Use District; and
 - iii. 50 percent or more of the project site is located within 1,500 feet of a transit stop/major employment center.

5. Height Incentive

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

- a. In any zone in which the height or number of stories is limited, this incentive permits a maximum of 11 additional feet or one additional story, whichever is lower.
 - i. No additional height is permitted for that portion of a building in a housing development project that is located within 15 feet of a lot zoned with a 2L *Density District (Part 6B.)*.
 - ii. For each foot of additional height, the building must be set back one horizontal foot.
- b. 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 (Part 6B.)*.
- c. No additional height shall be permitted for any portion of a building in a housing development project located on a lot sharing a common lot line with or across an alley from a lot with a 1L *Density District (Part 6B.)*. This prohibition shall not apply if the lot on which the housing development project is located is within 1,500 feet of a transit stop but no additional height shall be permitted for that portion of a building in the housing development project that is located within 50 feet of a lot with a 1L *Density District (Part 6B.)*.

6. Lot & Residential Amenity Space Incentive

Up to 20 percent decrease from lot amenity space and residential amenity space requirements.

7. 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 applied *Density District (Part 6B.)* in which the housing development project is located.

8. 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 percent or more of the dwelling units as restricted affordable units for very low income households, or 20 percent or more of the units for low income households, or 30 percent or more of the units for moderate income households;
- b. The proposed use is permitted by the applied Use District of each parcel; 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.

E. Housing Development Project Exceeding 35% Density Bonus

1. A housing development project may be granted additional density increases beyond 35 percent by providing additional restricted affordable units in the following manner:
 - a. For every additional one percent of the total dwelling units set aside for very low income units for sale or rental, the project is granted an additional 2.5 percent density increase;
 - b. For every additional one percent of the total dwelling units set aside for low income units for sale or rental, the project is granted an additional 1.5 percent density increase; and
 - c. For every additional one percent set aside of the total dwelling units for moderate income units in for-sale projects, the project is granted an additional one percent density increase.
2. A housing development project receiving additional density increases beyond 35 percent is eligible to request the incentives in *Subsection C. (Base Incentives – Density & Parking)* and *Subsection D. (Additional Incentives)* above, in this *Section (Density Bonus)*.

F. Procedures

1. Projects With No Additional Incentives

Housing development projects requesting only the incentives outlined in *Subsection C. (Base Incentives – Density & Parking)* above, without any incentives outlined in *Subsection D. (Additional Incentives)* above, 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 Sec. 13B.2.5. (Director Determination). Regardless of the findings established in Sec. 13B.2.5. (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, Sec. 50052.5.*, or affordable housing rents as defined in *California Health and Safety Code, Sec. 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 households, low income households, 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. For housing development projects that request up to three additional incentives and that require other discretionary actions, the applicable procedures set forth in Sec. 13A.2.10. (Multiple Approvals) apply.
 - i. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Determination."
 - ii. 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 *Subparagraph a. (Projects Requesting Additional Incentives)* above.

3. Projects With Requests for Waiver or Modification

a. Application

Housing development projects that qualify for incentives by meeting the minimum required percentage of restricted affordable units, as outlined in Paragraph 1. (Density) of Subsection C. (Base Incentives — Density & Parking) above, and for which the applicant requests a waiver or modification of any Form District (Part 2B.) standard or Development Standards District (Part 4B.) standard that is not included in the incentives outlined in Subsection D. (Additional Incentives) above, 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 (Density Bonus)* is final.

- ii. Regardless of any other findings that may be applicable, the decision maker shall approve base incentives and requested waiver or modification of any *Form District (Part 2B.)* standard or *Development Standards District (Part 4B.)* standard unless the decision maker, based upon substantial evidence, makes either of the findings in *Subparagraph a. of Paragraph 2. (Projects Requesting Additional Incentives)* above.
- iii. For housing development projects requesting waiver or modification of any *Form District (Part 2B.)* standard or *Development Standards District (Part 4B.)* standard not included in the incentives outlined in *Subsection D. (Additional Incentives)* above, 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 35% Density Bonus

a. Application

The City Planning Commission may grant additional density increases beyond 35 percent, pursuant to *Subsection E. (Housing Development Project Exceeding 35% Density Bonus)* above. 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 City Planning 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 percent 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, Sec. 65915(c)(3)*. Consistent with *California Government Code, Sec. 65915(c)(3)*, dwelling units that are subject to *Chapter XV. (Rent Stabilization)* of the LAMC and *California Government Code, Sec. 65915(c)(3)(C)* and that are also deemed or presumed to be occupied by persons or families above the lower income category shall be replaced with low income units pursuant to *California Government Code, Sec. 65915(c)(3)(C)(i)*, as determined by the Los Angeles Housing Department;
- iv. The housing development project's restricted affordable units are subject to a recorded affordability restriction of 99 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in *Sec. 15.4.2. (Fees for Enforcement of Housing Covenants)*; except for:

- a) A housing development project in which one hundred percent of all dwelling units, exclusive of a manager's unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.
- b) A mixed-income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.
- v. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

G. Projects Exceeding 35% Density Bonus That Do Not Comply With Subsection F.4.

An applicant may request additional density increases beyond 35 percent when the project does not comply with the requirements of *Paragraph 4. (Projects Exceeding 35% Density Bonus)* of *Subsection F. (Procedures)* above, 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 utilizing this *Section (Density Bonus)*. In addition, it is the purpose of these performance standards to encourage the availability of affordable housing.

b. Standards

- i. The project shall contain the requisite number of restricted affordable units to qualify for a full 35 percent density bonus based on the maximum allowable density of the project site.
- ii. The housing development project shall comply with the standards contained in the Affordable Housing Incentives Guidelines approved by the City Planning Commission pursuant to *Sec. 13B.1.5. (Guidelines or Standards Adoption/Amendment)*.
- 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, shall 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 *Subparagraph b. (Standards) of Paragraph 1. (Performance Standards)* above, the applicant may apply for approval pursuant to *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.

b. Supplemental Finding

In addition to the findings of *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*, the City Planning Commission must also find that the proposed project substantially meets the purpose of the performance standards established in *Subparagraph a. (Purpose) of Paragraph 1. (Performance Standards)* above.

H. Records & 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 Los Angeles Housing Department, shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to senior citizens will be observed for at least 99 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; except for:

- a. A housing development project in which 100 percent of all dwelling units, exclusive of a manager unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.
- b. A mixed-income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.

A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

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 income households, a covenant acceptable to the Los Angeles Housing Department must be recorded with the Los Angeles

County Recorder, guaranteeing that the affordability criteria will be observed for at least 99 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program; except for:

- a. A housing development project in which 100 percent of all dwelling units, exclusive of a manager unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.
- b. A mixed-income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.

A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

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 Los Angeles Housing Department and consistent with the for sale requirements of *California Government Code*, Sec. 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. A copy of the covenant shall be filed with the Department of City Planning and the Department of Building and Safety.

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

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

5. **Private Right of Enforcement**

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

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

Pursuant to *Chapter I. (General Provisions and Zoning)*, Sec. 12.22.A.31 (d) (*Process for Changing TOC Incentives and Eligibility*) of this Code, projects may follow the requirements of Sec. 9.3.2. (*Local Affordable Housing Incentive Program*) of this Zoning Code (Chapter 1A). For all other projects, see *Chapter I. (General Provisions and Zoning)*, Sec. 12.22.A.31 (*Transit Oriented Communities Affordable Housing Overlay*) of this Code.

DIV. 9.3. COMMUNITY BENEFITS PROGRAM

SEC. 9.3.1. COMMUNITY BENEFITS PROGRAM STRUCTURE

A. Purpose

The purpose of this *Division (Community Benefits Program)* is to promote the production of restricted affordable units and improvements, facilities, resources, and services for the benefit and enjoyment of the general public.

B. Applicability

This *Section (Community Benefits Program Structure)* shall apply to any project using an incentive program as follows:

1. The project is eligible as established in this *Section (Community Benefits Program Structure)*;
2. The project is also eligible due to the applicable CPIO District or Specific Plan;
3. The project is providing 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 another program established within this *Division (Community Benefits Program)*; and
4. The applied *Form District (Part 2B.)* provides for bonus FAR or bonus height.

C. Eligibility

A project must meet the following criteria in order to obtain additional development incentives through the programs contained in this *Division (Community Benefits Program)*:

1. Residential Projects

- a. Projects that involve the construction of dwelling units must first use the affordable housing program established in *Sec. 9.3.2. (Local Affordable Housing Incentive Program)* to its fullest extent. Using the Local Affordable Housing Incentive Program to its fullest extent means providing at least the minimum number of restricted affordable units to qualify for the maximum density increase allowed by the applicable Local Incentive Program Set in *Sec. 9.3.2.B.1. (Local Incentive Program Sets)*.
- b. If there is any unused floor area or height based on the bonus FAR or bonus height available for the project site according to the applied *Form District (Part 2B.)*, then a project may use the remaining development potential using one of the methods described in *Paragraph 3. (Bonus Floor Area or Height)* below, up to the maximum allowed by the applied *Form District (Part 2B.)*.
- c. Calculation of the maximum density increase allowed and number of restricted affordable units required shall be based on the maximum density allowed by the applied *Density District (Part 6B.)*.

2. Non-Residential Projects

Projects which do not involve the construction of dwelling units, including City-approved lodging uses, may use any of the programs established in this *Division (Community Benefits Program)*. Bonus FAR or bonus height may be awarded up to the maximum allowed by the applied *Form District (Part 2B.)*, as established in this *Section (Community Benefits Program Structure)* and in the applicable CPIO or Specific Plan.

3. Bonus Floor Area or Height

A residential project that does not utilize all of the FAR or height granted by the bonus FAR or bonus height of the applied *Form District (Part 2B.)* by providing the minimum amount of on-site restricted affordable units using the Local Affordable Housing Incentive Program may access the remaining bonus FAR or bonus height using one or more of the following methods.

a. Additional Restricted Affordable Units

Providing additional 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 FAR or bonus height provided for additional percentages of restricted affordable units is based on the applicable CPIO or Specific Plan.

b. Public Benefits Incentive Programs

Using one or more of the programs established in this *Division (Community Benefits Program)*, provided that the programs are included as available incentive programs in the 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 or other plan or ordinance.

B. Eligibility

A housing development project that includes the minimum percentage of on-site restricted affordable units required by *Paragraph 1. (Local Incentive Program Sets)* below, provides the required housing replacement units in *Paragraph 2. (Housing Replacement)* below, or pursuant to *Chapter XV., Article 1. (Rent Stabilization Ordinance)* of this Code, and meets the additional eligibility requirements for the lot in the applicable CPIO or Specific Plan, if any, is entitled to receive all of the incentives in *Subsection C. (Base Incentives)* below, and additional incentives as outlined in *Subsection D. (Additional Incentives)* below.

1. Local Incentive Program Sets

a. Established

Local Incentive Program Sets A through G are established below, and define the minimum percentage of on-site restricted affordable units required.

LOCAL INCENTIVE PROGRAM SETS					
Set	Affordability Requirements				
	ACUTELY LOW INCOME	EXTREMELY LOW INCOME	VERY LOW INCOME	LOWER INCOME	MODERATE
A	n/a	11%	15%	25%	n/a
B	n/a	11%	15%	25%	n/a
C	n/a	10%	14%	23%	n/a
D	n/a	10%	14%	23%	n/a
E	n/a	9%	12%	21%	n/a
F	n/a	8%	11%	20%	n/a
G	7%	8%	11%	20%	40%

b. Local Incentive Program Set Designation

The applicable Local Incentive Program Set shall be determined based on the designation shown on the Local Affordable Housing Incentive Map established in *Sec. 1.5.4. (Local Affordable Housing Incentive Map)*, or in the applicable CPIO or Specific Plan.

c. Calculating Affordability Requirements

In calculating the minimum percentage of on-site restricted affordable units, the percentage of each affordability level shall be based on the total final project dwelling unit count. Any number resulting in a fraction shall be rounded up to the next whole number, and not as specified in *Sec. 6C.1.2. (Lot Area Per Household Dwelling Unit)* or *Sec. 6C.1.3. (Lot Area Per Efficiency Dwelling Unit)*.

d. Ownership Requirement

Moderate income household restricted affordable units shall be for sale only. Restricted affordable units of all other affordability levels may be rental or for sale units.

e. Linkage Fee Calculation

For the purpose of the fee established in *Sec. 15.4.3. (Affordable Housing Linkage Fee)*, a minimum of seven percent acutely low income households dwelling units shall be calculated in the same manner as a minimum of eight percent extremely low income household dwelling units.

2. Housing Replacement

A housing development project must meet any applicable housing replacement requirements of *California Government Code, Sec. 65915(c)(3)*. Consistent with *California Government Code, Sec. 65915(c)(3)*, dwelling units that are subject to *Chapter XV. (Rent Stabilization) of the LAMC* and *California Government Code Sec. 65915(c)(3)(C)* and that are also deemed or presumed to be occupied by persons or families above the lower income category shall be replaced with low income units pursuant to *California Government Code, Sec. 65915(c)(3)(C)(i)*, as determined by the Los Angeles Housing Department.

C. Base Incentives

A housing development project that includes the minimum amount of on-site restricted affordable units in *Paragraph 1. (Local Incentive Program Sets) of Subsection B. (Eligibility)* above, shall be entitled to the following base incentives.

1. Residential Density

- a. Housing development projects shall be granted an increase in the maximum allowable residential density as follows:

RESIDENTIAL DENSITY INCENTIVE							
Density District	Allowable Density Increase						
	SET A	SET B	SET C	SET D	SET E	SET F	SET G
2, 3, 4	80%	80%	70%	70%	60%	50%	40%
6, 8	80%	70%	70%	60%	60%	50%	40%
10, 12	60%	60%	50%	50%	45%	45%	35%
15, 20, 25, 30, 40, 50, 60	45%	40%	40%	40%	35%	35%	35%
1L, 2L, 3L, 4L, FA	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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

2. Floor Area Ratio

- a. Housing development projects shall be entitled to the portion of bonus FAR granted in the applicable CPIO or Specific Plan, up to the maximum bonus FAR allowed by the applied Form District (Part 2B.).
- b. Housing development projects that consist of 100 percent on-site restricted affordable units, exclusive of a building manager unit or units, shall be permitted an additional 10 percent more of maximum floor area than listed *Subparagraph a.* above or in the applied Form District (Part 2B.). However, in no instance shall the housing development project exceed an FAR of 13:1.

3. Height

Housing development projects shall be entitled to use the entire bonus height (if any) allowed by the applied Form District.

4. Automobile Parking Incentives

- a. Housing development projects shall qualify for reduced residential parking according to the table below. The applicable Automobile Parking Incentive shall be determined based on the designation shown on the Local Affordable Housing Incentive Map established in *Sec. 1.5.4. (Local Affordable Housing Incentive Map)*, or in the applicable CPIO or Specific Plan.

AUTOMOBILE PARKING INCENTIVE	
Parking Reduction	
	75% Decrease in required minimum
	50% Decrease in required minimum

- b. For a housing development project that consists of 100 percent on-site restricted affordable units, exclusive of a manager unit or units, no parking is required for the project.
- c. For a housing development project located 750 feet or less from a transit stop, as measured from the closest point on the lot to an entrance of the station or stop, no parking is required for the project.
- d. A housing development project with non-residential uses in any Local Incentive Program Set may reduce the minimum automobile parking requirement in *Div. 4C.4. (Automobile Parking)* for any non-residential use by 20 percent.
- e. Where parking reductions greater than those in this *Section (Local Affordable Housing Incentive Program)* are included in *California Government Code, Sec. 65915(p)*, the greater reductions shall apply.

D. Additional Incentives

In addition to the applicable incentives established in *Subsection C. (Base Incentives)* above, a housing development project that includes the minimum amount of on-site restricted affordable units in *Paragraph 1. (Local Program Incentive Sets)* of *Subsection B. (Eligibility)* above, shall be entitled to up to three of the following additional incentives. However, the number a housing development project is entitled to, and the type of additional incentives may be superseded by a CPIO or Specific Plan.

1. Density Calculation

Any 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 applied *Density District (Part 6B.)*.

2. Building Coverage

Up to a 25 percent increase in building coverage limits.

3. Lot Width

Up to 25 percent decrease in the required lot width.

4. Averaging of Floor Area, Lot Amenity Space, Parking, & Density

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

- a. The proposed uses are permitted by the applied Use District of each parcel; and
- b. A covenant running with the land is recorded with the Los Angeles County Recorder, and a copy is provided to the Department of Building and Safety prior to the issuance of any building permits, that specifies no further lot line adjustment or any other action may cause the housing development project site to be subdivided subsequent to this grant, is permitted for the life of the housing development project.

5. CPIO Additional Incentives

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

E. Process

The following procedures apply to housing development projects, but may be superseded by a CPIO or Specific Plan:

1. Base Incentives

Housing development projects requesting only the incentives outlined in *Subsection C. (Base Incentives)* above, without requesting any additional incentives outlined in applicable CPIO or Specific Plan, shall be considered ministerial and no application to the Department of City Planning is required.

Housing development projects shall comply with the records and agreements requirements of *Sec. 9.2.1.H. (Records & Agreements)*

2. Additional Incentives

Housing development projects requesting additional incentives outlined in *Subsection D. (Additional Incentives)* above, or in the applicable CPIO or Specific Plan shall follow the procedures in *Sec. 9.2.1.F.2. (Projects Requesting Additional Incentives)*.

3. "Off-Menu" Incentives

Housing development projects that qualify for incentives by meeting the minimum required percentage of restricted affordable units, as outlined in *Paragraph 1. (Local Incentive Program Sets)* of *Subsection B. (Eligibility)* above, and for which the applicant requests a waiver or modification of any *Form District (Part 2B.)* standard or *Development Standards District (Part 6B.)* standard that is not included in the incentives outlined in *Subsection C. (Base Incentives)* above, or *Subsection D. (Additional Incentives)* above, must file an application pursuant to *Sec. 9.2.1.F.3. (Projects with Requests for Waiver or Modification)*.

SEC. 9.3.3. PRIVATELY OWNED PUBLIC SPACE INCENTIVE PROGRAM

A. Purpose

The purpose of this *Section (Privately Owned Public Space Incentive Program)* is to encourage the development of privately owned public spaces such as outdoor plazas, parks, seating areas, and other similar types of outdoor amenity spaces on private land.

B. Eligibility

If the option to provide privately owned public space is available in the incentive program of the applicable CPIO or Specific Plan, the project shall be awarded additional floor area, up to the maximum bonus FAR allowed by the applied Form District, by providing privately owned public space in conformance with the requirements in this *Section (Privately Owned Public Space Incentive Program)*.

C. Standards

A project is considered to be providing privately owned public space if it complies with the following or any alternative or additional requirement in the applicable CPIO or Specific Plan.

1. General

- a. The entire privately owned public space is made permanently available to the general public in accordance with the requirements in *Sec. 2C.3.3.C.3. (Public Amenity Space)*.
- b. The privately owned public space shall be, at minimum, equal to or greater than the size of the lot's minimum required lot amenity space area required by the applied *Form District (Part 2B.)*, including any pedestrian amenity exemption. This provision may not be used in conjunction with the 25 percent reduction for making outdoor amenity space publicly accessible in accordance with *Sec. 2C.3.1.D.3. (Measurement)*.
- c. All portions of the privately owned public space shall be contiguous.

2. Planting

In addition to the requirements in *Div. 4C.6. (Plants)*, plant species with toxic fruit, thorns, noxious smells, dropping branches, or weakwood, or plant species which are prone to root encroachment which damages building foundations are prohibited.

3. Seating

Regardless of the seating requirements in *Sec. 2C.3.3.C.3. (Public Amenity Space)*, the privately owned public space shall provide the following.

- a. A minimum of four fixed seats, eight linear feet of seating, or five percent of the total required seating, whichever is greater, must be located within 15 linear feet of a public sidewalk or public right-of-way. Of this seating, at least 50 percent should be oriented to the adjacent public sidewalk or public right-of-way.
- b. If a privately owned public space is located along multiple public sidewalks or public right-of-way, it only needs to provide this seating along one public sidewalk or public right-of-way.
- c. At least 25 percent, or a minimum of four of the required seating elements shall meet the following standards.
 - i. Outdoor bench seats shall be a minimum of 17-inches in height and a maximum 19-inches above ground, and shall have full back support and armrests to assist in sitting and standing.
 - ii. For picnic table seating, benches shall have one seat removed or one side of the bench made shorter to provide proper space for a person using a wheelchair or other assistive device to approach and comfortably sit at the table. There must be 36-inch clearance on all usable sides of the table, this measurement is taken from the back edge of the bench. There must also be knee and toe clearance beneath the table, measuring 27-inch in height, 30-inch in width, and 19-inch in depth to provide ample space in regards to maneuverability and comfort.

4. Access

- a. At least 20 percent of the total perimeter of the publicly accessible outdoor amenity space shall be adjacent to a public sidewalk or public right-of-way.
- b. Access walkways to the privately owned public space from the public sidewalk or public right-of-way shall be a minimum of seven feet wide.
- c. When a CPIO or Specific Plan requires additional public facilities in conjunction with a privately owned public space, and such facilities are not provided within the open space, access to those facilities shall be provided from the adjacent building facades.
- d. If a privately owned public space is located along multiple public sidewalks or public right-of-way, one entrance to the privately owned public space shall be provided from each public sidewalk or public right-of-way.

5. Visibility

The privately owned public space shall be unenclosed, as established in *Sec. 14.2.4. (Enclosure)*, along a public sidewalk or public right-of-way.

6. Way-Finding

When a CPIO requires additional public facilities in conjunction with a privately owned public space, way-finding signs shall be provided at each of the access points to guide people to the public facilities.

D. Incentives

A project may obtain additional floor area, up to the maximum bonus FAR for the applied *Form District (Part 2B.)*. The amount of additional floor area shall be awarded in accordance with the applicable CPIO or Specific Plan.

E. Process

The Department of City Planning shall approve the additional floor area incentive authorized under this *Section (Privately Owned Public Space Incentive Program)* in accordance with *Sec. 13B.3.1. (Administrative Review)*, unless provided otherwise in the applicable CPIO or Specific Plan.

1. Relief

The Director of Planning may approve additional floor area as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied *Form District (Part 2B.)*, for providing privately owned public space which does not meet the requirements established in *Subsection C. (Standards)* above, in accordance with *Sec. 13B.5.1. (Alternative Compliance)*.

F. Records & Agreements

A covenant acceptable to the Department of City Planning shall be recorded with the Los Angeles County Recorder, guaranteeing that the privately owned public 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 (Community Facilities)* 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 or service is located.

B. Eligibility

If the option to provide community facilities is available in the incentive program of the applicable CPIO or Specific Plan, the project may be awarded additional floor area up to the maximum bonus FAR allowed by the applied *Form District (Part 2B.)* by providing one or more of the community facilities established in *Subsection C. (Community Facility Options)* below, or by providing an alternative community facility pursuant to *Paragraph 2. (Alternative Community Facilities)* of *Subsection E. (Process)* below.

C. Community Facility Options

1. Daycare Facility

A project in a CPIO subarea or Specific Plan that provides incentives for a on-site daycare facility pursuant to this Section (Community Facilities) may obtain additional floor area for providing an on-site daycare facility, subject to the following standards unless otherwise required in the applicable CPIO or Specific Plan:

- a. The daycare facility shall be in compliance with all requirements of *California Code of Regulations, Title 22 (Social Security), Div. 12 (Child Care Facility Licensing Regulations), Chapter I. (Child Care Center General Licensing Requirements)*.
- b. The daycare facility shall be appropriately licensed by the State.
- c. Floor area used as a daycare facility shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the daycare facility space is vacant does not count towards the required minimum.
- d. A minimum 10-year lease with a licensed daycare provider, with five year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the licensed daycare provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representative shall find a new licensed daycare provider to complete the 10-year term. For the purposes of this provision, the time in which the daycare facility space is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- e. The floor area devoted to a daycare facility shall be located on-site.
- f. For a project which is obtaining additional floor area for providing a daycare facility, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the daycare facility required pursuant to this Section (Community Facilities).

2. Full-Service Grocery Store

A project in a CPIO subarea or Specific Plan that provides incentives for a full-service grocery store pursuant to this Section (Community Facilities) may obtain additional floor area for providing a full-service grocery store subject to the following standards:

- a. The full-service grocery store shall have at least 10,000 square feet of floor area.
- b. At least 25 percent of the floor area of the full-service grocery store shall dedicate to perishable food items.
- c. The full-service grocery store shall accept EBT or other forms of government assistance.

- d. Floor area used as a full-service grocery store shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the full-service grocery store space is vacant does not count towards the required minimum.
- e. A minimum 10-year lease with a full-service grocery store, with five year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the full-service grocery store is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new full-service grocery store to complete the 10-year term. For the purposes of this provision, the time in which the full-service grocery store space is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- f. The floor area devoted to a full-service grocery store shall be located on-site.
- g. For a project which is obtaining additional floor area for providing a full-service grocery store, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the full-service grocery store required pursuant to this Section (Community Facilities).

3. Health Center

A project in a CPIO subarea or Specific Plan that provides incentives for a health center may obtain additional floor area for providing a health center, 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 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the health center space is vacant does not count towards the required minimum.
- c. A minimum 10-year lease with a health service provider, with five year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the health service provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new health service provider to complete the 10-year term. For the purposes of this provision, the time in which the health center space is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- d. The floor area used as a health center shall be located on-site.

- e. For a project which is obtaining additional floor area for providing a health center, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the health center required pursuant to this Section (Community Facilities).

4. Employment

A project in a CPIO subarea or Specific Plan that provides incentives for employment may obtain additional floor area, subject to the following standards:

- a. A minimum of 50 percent of the floor area permitted by the base FAR must be used for non-residential uses, which are not otherwise prohibited in the CPIO or Specific Plan.
- b. The floor area for those eligible uses is maintained for a minimum of 55 years after the issuance of the Certificate of Occupancy. For the purposes of this provision, the time in which the spaces for eligible uses is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- c. A minimum 10-year lease(s) with a tenant with an eligible use, with five year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the tenant with an eligible use is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new tenant with an eligible use to complete the 10-year term. For the purposes of this provision, the time in which the floor area for those eligible uses is vacant does not count towards the required minimum.
- d. The floor area devoted to eligible uses shall be located on-site.

5. School & Library

A project in a CPIO subarea or Specific Plan that provides incentives for a public school or public library may obtain additional floor area by providing a public school or public library, subject to the following standards:

- a. Floor area used for a school shall be occupied by a school run by or approved by the Los Angeles Unified School District (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 will be used for a school or library.
- b. Floor area for a school or library shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the school or library space is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- c. A minimum 55-year lease with a school run by or approved by LAUSD or the City of Los Angeles Library Department shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the school run by or approved by

LAUSD or the City of Los Angeles Library Department is required to complete the term of the lease. If the lease is not completed by a school run by or approved by LAUSD prior to the 55-year term, the property owner or their representatives shall find a new school run by or approved by LAUSD to complete the 55-year term. For the purposes of this provision, the time in which the public school or public library space is vacant does not count towards the required minimum.

- d. The floor area devoted to a school or library shall be located on-site.
- e. For a project which is obtaining additional floor area for providing a school or library, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the school or library required pursuant to this *Section (Community Facilities)*.

6. Social Service

A project in a CPIO subarea or Specific Plan that provides incentives for social services may obtain additional floor area, subject to the following standards:

- a. The project provides floor area for a social services center for services described in *Subparagraph c.* below.
- b. The social service center must be operated by a government agency or a 501(c)(3) non-profit organization.
- c. Services shall be provided on a voluntary basis with an emphasis on employment services, job training, business incubation, youth development, educational services, medical care, mental health care, substance abuse treatment, food aid, or other services deemed appropriate by the Director pursuant to *Sec. 13B.2.5. (Director Determination)*.
- d. Floor area used as a social service center shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the floor area for social service center is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- e. A minimum 10-year lease(s) with a social service center, with five year renewal option, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the social service center is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new social service center to complete the 10-year term. For the purposes of this provision, the time in which the floor area for social service center is vacant does not count towards the required minimum.
- f. The floor area devoted to a social service center shall be located on-site.

- g. For a project which is obtaining additional floor area for providing a social service center, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the social service center required pursuant to this Section (*Community Facilities*).

7. Civic Facility

A project in a CPIO subarea or Specific Plan that provides incentives for a civic facility may obtain additional floor area by providing a civic facility, subject to the following standards:

- a. The project provides floor area for a civic facility with eligible uses, as described in Subparagraph b. below.
- b. Eligible facilities include: cultural centers, museums, police stations, fire stations, community centers, indoor recreation, or other public facilities deemed appropriate by the Director pursuant to Sec. 13B.2.5. (*Director Determination*).
- c. Floor area used for a civic facility shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the floor area for the civic facility is vacant does not count towards the required minimum.
- d. A minimum 55-year lease with the City, or an organization approved by the Director, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the City, or the organization designated by the City, is required to complete the term of the lease. If the lease is not completed by the City, or an organization approved by the City, prior to the 55-year term, the property owner or their representatives shall find a new organization approved by the City to complete the 55-year term. For the purposes of this provision, the time in which the civic facility is vacant does not count towards the required minimum except during fiscal emergencies as declared by the Mayor.
- e. The floor area devoted to a civic facility shall be located on-site.
- f. For a project which is obtaining additional floor area for providing a civic facility, no other Certificate of Occupancy for the project shall be issued prior to a Certificate of Occupancy for the civic facility required pursuant to this Section (*Community Facilities*).

8. Community Benefits Fund

A project within any of the incentive areas listed above may obtain additional floor area by submitting payment to a Community Benefits Fund, in compliance with the provisions established in a CPIO or Specific Plan.

D. Incentives

1. Bonus Floor Area

A project may be awarded additional floor area up to the maximum bonus FAR allowed by the applied *Form District (Part 2B.)* by providing one or more of the community facilities established in *Subsection C. (Community Facility Options)* above. The amount of floor area shall be awarded as established in the applicable CPIO or Specific Plan.

2. Tenant Size Limitations

Community facilities are exempt from tenant size limitations in the applied Use Districts.

E. Process

1. Administrative Review

The Department shall approve additional floor area as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied *Form District (Part 2B.)* for providing community facilities or contributions which meet the requirements established in *Subsection C. (Community Facility Options)* above pursuant to *Sec. 13B.3.1. (Administrative Review)*.

2. Alternative Community Facilities

The Director may approve additional floor area, as outlined in the applicable CPIO or Specific Plan, up to the maximum bonus FAR for the applied *Form District (Part 2B.)* for providing community facilities that are not listed in *Subsection C. (Community Facility Options)* pursuant to *Sec. 13B.2.5. (Director Determination)*.

a. Supplemental Findings

In addition to the findings required by *Sec. 13B.2.5. (Director Determination)*, the Director must also find:

- i. That the alternative 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;
- ii. That the floor area provided for the alternative community facility shall be used for such purpose for a minimum of 55 years after the Certificate of Occupancy is issued;
- iii. That a minimum 10 year lease with the alternative community facility be provided with a five year renewal option prior to the issuance of a Certificate of Occupancy, as well as a recognition of renewal for non-compliance pursuant to *Paragraph 4.b.* below.
- iv. That the other requirements of this *Subsection (Process)* are met.

3. Change in Operator or Provider

The property owner shall notify the Department in the event a change in operator or provider for community facilities occurs. The Department shall approve any change in tenant pursuant to *Sec. 13B.3.1. (Administrative Review)*.

a. Exceptions

- i. Projects, or those portions of a project, which provided contributions pursuant to *Sec. 9.3.4.C.8. (Community Benefits Fund)* shall not be subject to this notification and approval requirement.
- ii. In the event that the Mayor declares a fiscal emergency, property owners will not be required to have an operator or provider for community facilities for the duration of the emergency.

4. Annual Reporting

Projects that provide community facilities shall demonstrate compliance with the terms required under *Subsection C. (Community Facility Options)* above by the property owner submitting an annual report to the Department of City Planning.

a. Annual Community Facilities Report

The annual community facilities report required in this *Paragraph (Annual Reporting)* shall include the following information for the prior year:

- i. Occupancy status of the development;
- ii. Occupancy status of the community facilities;
- iii. Type of community facilities provided; and
- iv. Evidence as to compliance with the requirements of *Subsection C. (Community Facility Options)* above.

b. Non-Compliance

Violation of any applicable standards for the community facilities in *Subsection C. (Community Facility Options)* above, shall be a violation of LAMC, subject to all criminal, civil, and administrative remedies and result in renewal of the full term of the lease. Additionally, the Director may require the term of the initial 10 year lease or 55 year requirement to provide community facilities to be extended for any period the owner was found to be out of compliance. This Subparagraph is subject to any state or federal law limitations.

c. Review

The Department of City Planning shall review the annual community facilities report pursuant to *Sec. 13B.3.1. (Administrative Review)*.

d. Exceptions

- i. Projects, or those portions of a project, which provided contributions to pursuant to Sec. 9.3.4.C.8. (Community Benefits Fund) shall not be subject to this annual report requirement.
- ii. In the event that the Mayor declares a fiscal emergency, projects will not be subject to annual report requirements during the duration of the emergency.

5. Fine

In addition to the remedies in *Subparagraph d. (Exceptions) of Paragraph 4. (Annual Reporting)* above, if a property owner is found in violation of any of the applicable standards for the community facilities in *Subsection C. (Community Facility Options)* above, they shall be subject to an administrative fine pursuant to *Chapter I. (General Provisions and Zoning), Sec. 11.2.04. (Administrative Fines)* of this Code.

a. Exceptions

- i. This fine shall not be imposed for public schools or public libraries after the first lease agreement has been filed with the Department of City Planning.
- ii. This fine shall not be imposed in the event that the Mayor declares a fiscal emergency for the duration of the emergency.

b. Administration of Fine

This fine shall be administered in accordance with the provisions of *Chapter I. (General Provisions and Zoning), Article 1.2. (Administrative Citations)* of this Code.

c. Relief

This fine is appealable pursuant to *Chapter I. (General Provisions and Zoning), Sec. 11.2.08. (Appeal of the Administrative Citation)* of this Code.

F. Records & Agreements

For any project getting additional floor area under this *Section (Community Facilities)*, a covenant acceptable to the Department must be recorded with the Los Angeles County Recorder, guaranteeing that the property owner will comply with all applicable requirements of this *Section (Community Facilities)* including but not limited to, dedicating required floor area for community facilities and providing annual reports.

SEC. 9.3.5. TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS

A. Purpose

The purpose of this *Section (Transfer of Development Rights Programs)* is to allow for a CPIO or Specific Plan to establish a transfer of development rights program to facilitate the preservation of

historically or culturally significant buildings and resources or to encourage the accumulation of land for use as public parks, while enabling development rights to be used on more appropriate sites.

B. Applicability

If the transfer of development rights is listed as an available incentive program in the applicable CPIO or Specific Plan, the project can obtain additional floor area up to the maximum bonus FAR for the applied Form District (Part 2B.) through a transfer of development rights, subject to the eligibility requirements and other regulations established in the CPIO or Specific Plan. However, projects on a lot with an applied Public Use District can obtain additional floor area beyond the maximum bonus FAR when the transfer is from a donor site with an applied Public Use District up to a maximum of 13:1 FAR, but may not exceed any applied height restrictions.

C. Eligibility

A project is eligible to use the transfer of development rights program if the CPIO or Specific Plan establishes donor sites (if any) that are eligible to transfer unused floor area, up to the maximum bonus FAR for the applied Form District (Part 2B.), and receiver sites that may receive some or all available unused floor area from the donor sites. As part of the transfer of development rights program, the applicable CPIO or Specific Plan shall establish the applicable rules of transfer needed to implement the program.

D. Process

To use a transfer of development rights, an application must be filed pursuant to Sec. 13B.2.5. (Director Determination). The CPIO or Specific Plan shall establish additional supplemental procedures in order to facilitate the transfers and their successful implementation.

E. Records & Agreements

A CPIO or Specific Plan shall establish any requirements for required records, such as covenants or easements, and any other agreements necessary to implement the transfers.

DIV. 9.4. GENERAL INCENTIVE PROGRAMS

SEC. 9.4.1. PERMANENT SUPPORTIVE HOUSING INCENTIVE PROGRAM

A. Purpose

1. The purpose of this *Section (Permanent Supportive Housing Incentive Program)* is to facilitate the expedient production of supportive housing: general 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 (Permanent Supportive Housing Incentive Program)* is intended to facilitate construction or maintenance of supportive housing: general units pursuant to a ministerial approval process in conformance with the State density bonus provisions in *California Government Code, Sec. 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 should be provided with basic amenities that are sufficient to support independent living.
 - c. Sufficient non-residential floor area, as determined in *Paragraph 3. (Supportive Services)* below, should be made available on the subject property to provide the appropriate level of supportive services to the resident target population.
3. The purpose of this *Section (Permanent Supportive Housing Incentive Program)* is also intended to maintain the standards in Ordinance numbers 185,489 and 185,492 for purposes of the exemption from CEQA in *California Public Resources Code, Sec. 21080.2*.

B. Eligibility

In order for a qualified permanent supportive housing project to be eligible for this 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, shall not be eligible for approval.

2. Affordable Housing Requirements

Rents or housing costs to the occupying residents do not exceed 30 percent of the maximum gross income of extremely low income households, very low income households, or low

income households, as those income ranges are defined by the US Department of Housing and Urban Development (HUD), or any successor agency, as verified by the LAHD. A minimum of 50 percent of the total combined dwelling units is occupied by the target population.

3. 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 source(s) 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 pre-qualified by the relevant a local public agency. Any floor area used for the delivery of supportive services shall be considered incidental to the residential use.

4. Housing Replacement

Projects shall meet any applicable dwelling unit replacement requirements of *California Government Code, Sec. 65915(c)(3)*. Consistent with *California Government Code, Sec. 65915(c)(3)*, dwelling units that are subject to *Chapter XV. (Rent Stabilization)* of this Code and *California Government Code, Sec. 65915(c)(3)(C)* and that are also deemed or presumed to be occupied by persons or families above the lower income category shall be replaced with low income units pursuant to *California Government Code Sec. 65915(c)(3)(C)(i)*, as determined by the Los Angeles Housing Department, and all applicable monitoring fees in *Chapter I. (General Provisions and Zoning), Article 9 (Fees)* of this Code shall be paid by the applicant prior to the issuance of any building permit.

5. Performance Standards

a. 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.

b. Supportive Services

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

- i. For qualified permanent supportive housing projects with 20 or fewer total combined dwelling units, no less than 90 square feet of dedicated office space shall be provided; or

- ii. For qualified permanent supportive housing projects with greater than 20 dwelling units, a minimum of three percent 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.

c. Dwelling Unit Requirements

Each dwelling unit shall have a private bathroom and cooking facilities containing, at minimum, a sink, refrigerator, counter space, and a hotplate or microwave.

d. Historical Resources

The qualified permanent supportive housing project shall not involve a historical resource.

C. Incentives

The grant of any incentives under this Section (*Permanent Supportive Housing Incentive Program*) 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 Subsection B. (*Eligibility*) above is eligible for the following base incentives:

a. Minimum Lot Area per Dwelling Unit

In all *Density Districts (Part 6B.)*, except for 1L and 15, the number of allowable dwelling units shall not be subject to the otherwise maximum density under any applicable ordinance or Specific Plan. On any lot in Density District 15, the minimum lot area per dwelling unit shall be 500 square feet.

b. Parking

The following requirements shall apply to all qualified permanent supportive housing projects:

- i. Up to 40 percent of the total required parking spaces may be provided by compact stalls.
- ii. No parking spaces shall be required for dwelling units restricted to the target population.
- iii. For projects located within 1/2-mile of a transit stop, no more than 1/2 parking spaces shall be required for each income-restricted dwelling unit not occupied by the target population. Otherwise, no more than one parking space shall be required for each restricted affordable unit or efficiency dwelling unit not occupied by the target population.

- iv. For projects located within a 1/2-mile of a major transit stop, no parking shall be required.
- v. One parking space for every 20 dwelling units shall be required for the purpose of accommodating guests, supportive services, and case management.
- vi. Parking reductions offered for qualified permanent supportive housing projects shall always be consistent or greater than those in *California Government Code, Sec. 65915(p)*.
- vii. If the parking requirements applicable to the project site pursuant to *Div. 4C.4. (Automobile Parking)* are less than the parking required in this *Subparagraph (Parking)*, an applicant may use the parking requirements of *Div. 4C.4. (Automobile Parking)*.

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 applied Use District, a qualified permanent supportive housing project developed pursuant to this *Section (Permanent Supportive Housing Incentive Program)* shall be permitted when the project is converted from, or is a replacement of a Residential Hotel as defined in *Chapter IV. (Public Welfare), Sec. 47.73.S. (Definitions)* of this Code, and is a continuation of an existing residential use. The replacement shall comply with the provisions of *Chapter IV. (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition)* of this Code, as approved by the Los Angeles Housing Department. The total number of dwelling units may be increased as part of the conversion or replacement. This *Subparagraph (Conversion or Replacement of Existing Residential Hotel Use)* shall not apply to a Residential Hotel located on a lot in Density District 20 or more restrictive.

2. Additional Incentives

A qualified permanent supportive housing project meeting the requirements in *Sec. 9.4.1.B. (Eligibility)* is eligible for any combination of up to five additional incentives described below, as applicable.

a. Yard

A qualified permanent supportive housing project may obtain up to a 20 percent decrease in 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 in compliance with the landscape requirements of the applied *Frontage District (Part 3B.)* per *Sec. 3C.3.1. (Frontage Planting Area)* and any applicable standards from *Div. 4C.6. (Plants)*.
- ii. No reduction is permitted along a property line abutting a property in Density District 1L or any Open Space Use District.
- iii. In Residential Use Districts, the resulting primary street setback may not be less than the average of the primary street setbacks, 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 primary street setback may align with the facade of the adjacent building along the same primary street lot line, and may result in more or less than a 20 percent decrease in the required yard. If there are no adjacent buildings, no reduction is permitted.

b. Building Coverage

Up to a 20 percent increase in building coverage limits, provided that the landscaping for the qualified permanent supportive housing project is sufficient to provide 10 percent more landscaping than otherwise required by the applied *Frontage District (Part 3B.)* per *Sec. 3C.3.1. (Frontage Planting Area)* and any applicable standards from *Div. 4C.6. (Plants)*.

c. Floor Area Ratio

- i. Up to a 35 percent increase in the base FAR.
- ii. On lots in Density District 15, up to a 20 percent increase in the base FAR.
- iii. Regardless of the FAR established by the applied *Form District (Part 2B.)*, FAR not to exceed 3:1, provided the lot is in a Commercial-Mixed Use District.

d. Height

Up to a 35 percent 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 (Part 2B.)* in which the height in stories is limited, this provision shall permit a maximum height increase of one additional story of up to eleven feet. For the purposes of this height incentive, other transitional height requirements in this Zoning Code (Chapter 1A) shall not apply. In their place, the following transitional height requirements shall be applied:

- i. When adjacent to or across an alley from lots within 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 & Residential Amenity Space

Up to a 20 percent 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 percent more landscaping than otherwise required by the applied *Frontage District (Part 3B.)* per *Sec. 3C.3.1. (Frontage Planting Area)* and any applicable standards from *Div. 4C.6. (Plants)*.

f. Averaging of Floor Area Ratio, Parking

A qualified permanent supportive housing project that is located on two or more contiguous parcels 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 applied zone for 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 this Code, 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 services areas, or lot amenity space.

h. Other Development Standard

Up to 20 percent relief may be granted from one other "development standard" not described in this *Section (Permanent Supportive Housing Incentive Program)*, as that term is defined in *California Government Code, Sec. 65915*.

D. Process

1. Qualified Permanent Supportive Housing Projects Meeting All Applicability Requirements

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

a. Application Material

All applications shall be reviewed for compliance with the provisions in this *Section (Permanent Supportive Housing Incentive Program)*, eligibility requirements in *Subsection B. (Eligibility)* above, and compliance with the applicable incentive standards in *Subsection C. (Incentives)* above. The application shall be approved by the Department if the standards of this *Section (Permanent Supportive Housing Incentive Program)* 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 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 Incentives

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 incentives pursuant to the procedures described in *Sec. 9.2.1.F.3. (Projects with Requests for Waiver or Modification)*.

2. Deviations from Performance Standards

The Zoning Administrator may modify the requirements of *Sec. 9.4.1.B.5. (Performance Standards)* for qualified permanent supportive housing projects, 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 & 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 Department that reserves and maintains the total combined number of dwelling units designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.

SEC. 9.4.2. INTERIM CONVERSIONS OF LODGING UNIT PROGRAM

A. Purpose

The purpose of this Section (*Interim Conversions of Lodging Unit Program*) is to facilitate the interim use of existing lodging uses as supportive housing or transitional housing for persons experiencing homelessness or those at risk of homelessness. Under this Section (*Interim Conversions of Lodging Unit Program*), the structure may return to its previous use, or any use consistent with the zoning of the lot, upon termination of the interim supportive housing or transitional housing use.

B. Eligibility

An interim lodging unit housing project is eligible for conversion to supportive housing or transitional housing for persons experiencing homelessness or those at risk of homelessness, as determined by the local public agency, if they meet the following requirements:

1. Certificate of Occupancy

The structure has a Certificate of Occupancy as a lodging structure.

2. Use of Dwelling Units

All household dwelling units and efficiency dwelling units, or a combination of both, in the structure must be used for supportive housing or transitional housing.

3. No Additions

The interim lodging unit housing project does not increase or add floor area or expand the building footprint or height.

4. No Expansion of Use

The interim lodging unit housing project does not increase the total combined number of household dwelling units or efficiency dwelling units shall not exceed the existing number of lodging units.

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, 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 lodging unit housing projects with fewer than 20 total dwelling units. Any floor area dedicated to supportive services may be provided on-site within an existing building, but shall not exceed 10 percent of the total floor area of the building.

7. Supportive Services Contract

- a. The applicant shall provide a copy of an executed contract agreement between the local public agency, the provider of the supportive housing, or transitional housing, and the interim lodging unit housing project applicant for the provision of on-site supportive housing, or transitional housing, or a combination of both.
- b. The applicant shall provide proof that the applicant has received funding from a local public agency.
- c. The applicant shall provide 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 IV., Article 7.1. (Residential Hotel Unit Conversion and Demolition)* of this Code on the date of the interim lodging unit housing project application, they shall remain subject to all requirements and restrictions of that Article during the supportive housing, or transitional housing contract.

9. Historic Resource

An interim lodging unit housing project shall not involve alteration of a historic-character-defining feature of a designated historic resource or surveyed historic resource, 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 lodging unit housing projects shall not be subject to any otherwise applicable zoning, Specific Plan, or Supplemental District regulations, including, but not limited to, the following:

1. Minimum Area per Household Dwelling Unit or Efficiency Dwelling Unit

Interim lodging unit 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 regulations of the applied *Form District (Part 2B.)* and *Density District (Part 6B.)*, may be used for an interim lodging unit housing project.

2. Off-Street Automobile Parking

Interim lodging unit housing projects shall be exempt from the provisions of *Div. 4C.4. (Automobile Parking)* during the supportive housing or transitional housing contract, however, the interim lodging unit housing project shall maintain and not reduce the number of on-site parking spaces existing on the date of the interim lodging unit housing project application.

3. Use Permission

Despite the provisions of the applied Use District or any nonconforming use provision to the contrary, an interim lodging unit housing project shall be permitted and not considered a change of use.

4. Minor Interior Alterations for Cooking Facilities

Approved interim lodging unit 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. 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 lodging may maintain any 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 requirements in this Zoning Code (Chapter 1A) may return to the use and condition authorized by a Certificate of Occupancy existing on the date of the interim lodging unit housing project application, despite any physical alterations to the subject property. Any floor area used for supportive services may be returned to use as lodging units, or may be converted to accessory amenity spaces, so long as the total number of lodging units do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for interim lodging unit housing project.

D. Process

1. Department of Building and Safety Review

Interim lodging unit housing projects shall be approved and the incentives described above in *Subsection C. (Incentives)* shall be granted by the Department of Building and Safety if the eligibility requirements of *Subsection B. (Eligibility)* above and the applicable standards described above in *Subsection C. (Incentives)* are met.

2. Residential Hotel Ordinance

Interim lodging unit housing project applicants seeking to convert structures subject to the Residential Hotel Ordinance pursuant to *Chapter IV. (Public Welfare), Article 7.1. (Residential*

Hotel Unit Conversion and Demolition) of this Code must also submit an application using the process described in *Chapter IV. (Public Welfare), Sec. 47.78. (Application for Clearance)* of this Code.

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 lodging unit 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 lodging unit 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.
- b. The number of dwelling units, as defined in *Chapter IV. (Public Welfare), Sec. 47.73.T. (Definitions)* of this Code, at each participating structure of an interim lodging unit housing project which has been converted to structures subject to *Chapter IV. (Public Welfare), Article 7.1. (Residential Hotel Unit Conversion and Demolition)* of this Code shall be identical to the number of units originally determined by the Los Angeles Housing Department to be dwelling units pursuant to *Chapter IV. (Public Welfare), Sec. 47.76. (Residential Unit Status Determination)* of this Code or any subsequent number approved as part of an application using the process described in *Chapter IV. (Public Welfare), Sec. 47.78. (Application for Clearance)* of this Code.

4. Modifications to Interim Lodging Unit Housing Project Applicability Requirements

The Zoning Administrator may modify or exempt the applicability requirements for interim lodging unit housing projects in *Sec. 9.4.2.B.6. (Supportive Service Area)* and *Sec. 9.4.2.B.9. (Historic Resource)*, 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. SENIOR CARE FACILITIES INCENTIVE PROGRAM

A. Purpose

The purpose of this Section (*Senior Care Facilities Incentive Program*) is to provide development standards for senior care facility or supportive housing for senior citizens, including for the provisions of medical care, and create a single process for approvals and facilitate the processing

of applications for an senior care facility. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

B. Applicability

This Section applies to a senior care facility project located on a lot or lots in any Agricultural, Residential, Residential-Mixed, or Commercial-Mixed Use District.

C. Incentives

1. Zoning District Requirements

The Zoning Administrator may permit a senior care facility project under this Section (*Senior Care Facilities Incentive Program*) that does not meet the requirements of the applied Use District or Density District (Part 6B.), or height provisions of the applied Form District (Part 2B.), or the requirements of any Specific Plan, Supplemental District, or Chapter 1A regulation adopted or imposed by City action pursuant to Subsection D. (Procedures) below.

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 senior care 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 where it is found that the use does not conform to the purpose and intent of the findings required for senior care facility under this Section (*Senior Care Facilities Incentive Program*), and may specify the conditions under which the plans may be approved.

D. Procedures

1. Review

The Zoning Administrator may permit a senior care facility project under this Section (*Senior Care Facilities Incentive Program*) pursuant to Sec. 13B.2.2. (*Class 2 Conditional Use Permit*).

a. 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:

- i. The senior care facility project shall provide services to senior citizens to meet citywide demand;
- ii. The senior care facility project shall not create an adverse impact on street access or circulation in the surrounding neighborhood; and
- iii. The senior care facility project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

2. Subsequent Change of Use

Residential uses, as established in *Div. 5D.2. (Residential Uses)*, within a senior care facility project may not be changed to a different residential use unless it has been subsequently approved. The Zoning Administrator may approve changes to the number of household dwelling units, efficiency dwelling units, beds, or floor area provided that a minimum of 75 percent of the floor area, exclusive of common areas, shall consist of supportive housing: medical care or supportive housing for senior citizens.

SEC. 9.4.4. UNPERMITTED DWELLING UNITS PROGRAM

A. Purpose

The purpose of this *Section (Unpermitted Dwelling Units Program)* is to further health and safety standards in multi-unit buildings and preserve and create affordable housing units by establishing procedures to legalize certain pre-existing unpermitted dwelling units in conformance with the State Density Bonus provisions in *California Government Code, Sec. 65915*.

B. Eligibility

A structure with a unpermitted dwelling unit located in any *Density District (Part 6B.)*, except for Density District 1L, is eligible for the provisions of this *Section (Unpermitted Dwelling Units Program)* when the following criteria are met:

1. Pre-Existing Units

The units to be legalized have been occupied as a dwelling 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:

- a. Apartment lease;
- b. Utility bill;
- c. Rent Stabilization Ordinance (RSO) Rent Registration Certificate;
- d. Code enforcement case documentation (e.g., Orders to Comply); or
- e. 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. Affordable means that rents or housing expenses cannot exceed 30 percent 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 *Div. 4C.4.4.C.2. (Parking Lot Landscaping)*.

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 (Unpermitted Dwelling Units Program)*.

f. Unpermitted Building Footprint Expansion

The dwelling units to be legalized shall not result or have resulted in an unpermitted expansion of the building footprint or height, except that additions of less than 250 square feet, not resulting in any additional height, may be permitted, provided it 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.

C. Incentives

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

1. The grant of permitted status to pre-existing unpermitted units under this *Section (Unpermitted Dwelling Units Program)* shall not be considered an increase in density or other change which requires any corresponding *Zone Change (Sec. 13B.1.4.)*, *General Plan Adoption/Amendment (Sec. 13B.1.1.)*, *Project Exception (Sec. 13.B.4.5.)*, or other discretionary action pursuant to *Article 13. (Administration)*.

2. The number of allowable dwelling units can be increased up to 35 percent over the otherwise maximum allowable density of the applied *Density District (Part 6B.)* or applicable Specific Plan, depending on the percentage of restricted affordable units provided in the building, pursuant to the density bonus charts in *California Government Code, Sec. 65915(f)*. These charts can 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 dwelling units than are allowed under current maximum allowable density, an increase in current maximum allowable density beyond 35 percent may be authorized as long as the project offers sufficient restricted affordable units to achieve at least a 35 percent density bonus pursuant to the density bonus charts in *California Government Code, Sec. 65915(f)* and the increase in number of dwelling units does not exceed 35 percent of the number of permitted dwelling units on the property. Regardless of the actual number of permitted dwelling units on the property, the base number of dwelling units for calculating the percentage of restricted affordable units shall be the dwelling units allowed by the current maximum residential density.
4. A property containing one structure with two permitted dwelling units in any *Density District (Part 6B.)* except for Density District 1L may legalize a third unit as long as one of the dwelling units is a restricted affordable unit, even if the third dwelling unit increases the density by more than 35 percent.
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 *Div. 4C.3. (Bicycle Parking)*. 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.
 - 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.C.2. (Automobile Parking)*.
 - 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.C.2. (Automobile Parking)*, as long as one restricted affordable unit or dwelling unit for low income individuals who are senior citizens, or who have a physical or mental impairment that limits one or more major life activities, is provided for each legalized unit.
 - 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 dwelling units for a project located within 1/2 mile of a major transit stop.
6. The applicant shall be eligible for up to three concessions or incentives in accordance with *California Government Code, Sec. 65915(d)(2)*, depending on the percentage of restricted affordable units provided. For the purposes of this Section (*Unpermitted Dwelling Units Program*), 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.

7. 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.B. (Eligibility)* at the densities or with the concessions or incentives permitted by this *Section (Unpermitted Dwelling Units Program)*. Development standards include, but are not limited to: a site condition; a height limitation; a yard 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.
8. The street dedication provisions of *Article 10. (Streets & Parks)* shall not apply when dwelling units are legalized under this *Section (Unpermitted Dwelling Units Program)*.
9. The City's Affordable Housing Incentives Guidelines shall not apply to projects under this *Section (Unpermitted Dwelling Units Program)*.

D. Process

1. Administrative Review

The applicant shall submit an application on a form developed by the Department that contains basic information about the project, the owner or applicant, and conformance with this *Section (Unpermitted Dwelling Units Program)*. The Director shall review all applications for compliance with the eligibility criteria in *Subsection B. (Eligibility)*, above. The application shall be approved by the Director of Planning if the eligibility criteria and performance standards of this Section are met pursuant to *Sec. 13B.3.1. (Administrative Review)*.

2. Relief

The Zoning Administrator may modify or exempt the performance standards in *Paragraph 3. (Performance Standards) of Subsection B (Eligibility)*, above, 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 & Agreements

Prior to the issuance of any building permit, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that each required restricted affordable unit shall be reserved and maintained for at least 99 years from the issuance of the Certificate of Occupancy; except for:

- a. A housing development project in which 100 percent of all dwelling units, exclusive of a manager unit or units, are restricted affordable units, which are subject to a recorded affordability restriction of at least 55 years or utilize public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.
- b. A mixed-income housing development project utilizing public subsidies that are tied to a specified covenant period. At minimum, all restricted affordable units in the housing development project shall be covenanted for at least 55 years.

SEC. 9.4.5. DOWNTOWN ADAPTIVE REUSE PROGRAM

A. Purpose

The purpose of this Section (*Downtown Adaptive Reuse Program*) is to facilitate the preservation and reuse of existing buildings in 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, thus 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 motor vehicle trips and motor vehicle miles traveled by locating residents, jobs, hotels and transit services near each other.

B. Eligibility

The provisions of this Section (*Downtown Adaptive Reuse Program*) shall apply to an adaptive reuse project in the Downtown Community Plan area in all or any portion of a building or structures meeting the criteria below (as evidenced by a Certificate of Occupancy, building permit or other suitable document).

1. Buildings That Are At Least 15 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 15 years have elapsed since the date of permitted and completed construction.

2. Buildings That Are At Least 10 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 10 years have elapsed since the date of permitted and completed construction.

3. Historic Buildings

Designated historic resources and surveyed historic resources are also eligible buildings.

4. Parking Structures

Any parking structure, or parking area, within an existing building constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 10 years have elapsed since the date of permitted and completed construction.

C. Standards

1. Affordable Housing Linkage Fee

The linkage fee, as established in *Sec. 15.4.3. (Affordable Housing Linkage Fee)*, shall continue to apply, as applicable, to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in *Subsection D. (Incentives)* below.

D. Incentives

Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, adaptive reuse projects eligible under *Subsection B. (Eligibility)* above shall be entitled to the incentives set forth below. These incentives shall not apply to any new construction or additions located on the same lot as an adaptive reuse project unless otherwise stated below.

1. Floor Area

a. Existing Floor Area

Existing floor area which exceeds the maximum floor area ratio of the applied *Form District (Part 2B.)* shall be allowed.

b. New Floor Area Within Existing Building Envelope

Any additional floor area, including mezzanines, as defined by *Chapter IX. (Building Regulations)* of this Code, created within an existing building shall not be counted towards the maximum floor area limit for the lot.

c. Use Modification in Previously Exempted Floor Area

The following actions shall not be considered as adding new floor area that enlarges an existing building or structure:

- i. The use modification of any area of an existing building that is exempt from floor area limitations to any use permitted in the applied Use District, including the renovation of any interior portion of an existing building for a permitted use. However, this shall not include new construction, and must be located within the building's existing exterior walls and below the existing roof.
- ii. The use modification of any area of an existing building which is exempt from floor area to lot amenity spaces or residential amenity spaces.
- iii. The use modification of any area of an existing basement or portions of an eligible building that are below grade.

- iv. The conversion of existing parking areas or structures as long as the conversion remains within the exterior walls of the existing building.

d. **New Rooftop Structures**

The construction of new structures on the existing roof shall not be considered new floor area, as long as the new rooftop structures:

- i. Do not exceed one story; and
- ii. Comply with the height requirements of the applied *Form District (Part 2B.)*.

e. **Unified Development**

- i. For buildings listed as designated historic resources or surveyed historic resources that are incorporated as part of a unified development composed of two or more buildings, the existing floor area, up to a maximum of 50,000 square feet, shall be exempted from the maximum floor area limit for the lot. This incentive shall not be utilized if the unified development involves the demolition or facade modification of any portion of a designated historic resource or surveyed historic resource which has not been approved by the Office of Historic Resources.
- ii. The averaging of floor area ratios may be permitted even if buildings on each individual lot would exceed the permitted floor area ratio. However, the total floor area for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area by the applied *Form Districts (Part 2B.)*.

2. **Height**

a. **Existing Height**

An existing building which is a part of an adaptive reuse project shall be allowed to maintain its existing height, regardless of whether it complies with the height requirements of the applied *Form District (Part 2B.)*, including but not limited to height in stories or height in feet.

b. **New Stories Within Existing Building Envelope**

Any additional story created within an existing building which is a part of an adaptive reuse project shall not be counted as an additional story towards any height in stories limit.

3. **Yards**

Existing observed yards which do not meet the building setback requirements of the applied *Form District (Part 2B)* shall be allowed.

4. **Lot Amenity Space & Residential Amenity Space Requirements**

An adaptive reuse project shall not be required to provide any additional lot amenity space or residential amenity space as a result of a use modification.

5. Upper-Story Bulk

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper story provisions in *Div. 2C.6. (Upper-Story Bulk)*.

6. Building Mass

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions in *Div. 2C.5. (Building Mass)*.

7. Frontage District Standards

Adaptive reuse projects shall not be required to bring eligible buildings or structures into conformance with the applied *Frontage District (Part 3B.)*. Where an eligible building or structure is nonconforming as to the applied *Frontage District (Part 3B.)* an adaptive reuse project shall not further reduce compliance.

8. Project Review

Adaptive reuse projects shall be exempt from any requirements to go through the Project Review process in the applied *Development Standards District (Part 4B.)* and set forth in *Div. 4C.14. (Development Review)*.

9. Loading Space

- i. Where an existing loading space is provided, it shall be allowed to maintain its current, existing dimensions, regardless of whether it complies with the provisions of *Sec. 4C.2.2.C.2. (Freight Loading Areas)*.
- ii. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

10. Density

Dwelling units and household business: joint living & work quarters shall not be subject to the lot area per dwelling unit or dwelling units per lot requirements of the applied *Density District (Part 6B.)*.

11. Inclusionary Housing Program

Adaptive reuse projects shall not be required to provide restricted affordable units pursuant to *Sec. 5C.3.1. (Inclusionary Housing Program)*.

E. Process

1. Department of Building and Safety Review

The following types of adaptive reuse projects shall be approved (including all incentives in *Subsection D. (Incentives)* above) by the Department of Building and Safety if the requirements

of *Subsection B. (Eligibility)* above and the criteria described above in *Subsection C. (Standards)* and *Subsection D. (Incentives)* are met:

- a. Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 15 years have elapsed since the date of permitted and completed construction, and
- b. Adaptive reuse projects involving parking structures or parking areas within an existing building for which at least 10 years have elapsed since the date of permitted and completed construction.

2. Zoning Administrator Review

- a. Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 10 but less than 15 years have elapsed since the date of permitted and completed construction, may be approved by the Zoning Administrator, pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit), if the adaptive reuse project complies with the requirements of Subsection B. (Eligibility) above and any criteria and requirement described in Subsection C. (Standards) above and Subsection D. (Incentives), above are met. The incentives described in Subsection D. (Incentives) for which the project qualifies shall be granted for any approved adaptive reuse project.
- b. Furthermore, pursuant to the processes and procedures of Sec. 13B.2.1. (Class 1 Conditional Use Permit), the Zoning Administrator shall have the authority to grant any other zoning incentives or exceptions from this Zoning Code (Chapter 1A) required to permit adaptive reuse projects proposed pursuant to this Section (Downtown Adaptive Reuse Program), including but not limited to the authority to permit dwelling units and household business: joint living & work quarters in adaptive reuse projects.

SEC. 9.4.6. CITYWIDE ADAPTIVE REUSE PROGRAM

A. Purpose

The purpose of this *Section (Citywide Adaptive Reuse Program)* 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 underutilized buildings and the creation of new dwelling units.

B. Eligibility

The provisions of this *Section (Citywide Adaptive Reuse Program)* shall apply to adaptive reuse projects outside the Downtown Community Plan Area, in any Commercial-Mixed Use District, or on any lot in Density District 2 or FA, regardless of Use District, in the buildings and structures.

Meeting the following criteria (evidenced by a Certificate of Occupancy, building permit, or suitable document):

1. Buildings That Are At Least 25 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 25 years have elapsed since the date of permitted and completed construction.

2. Buildings That Are At Least 10 Years Old

Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 10 years have elapsed since the date of permitted and completed construction.

3. Historic Buildings

Designated historic resources and surveyed historic resources.

4. Parking Structures

Any parking structure, or parking area, provided in excess of the minimum parking required by this Zoning Code (Chapter 1A), within an existing building constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 10 years have elapsed since the date of permitted and completed construction.

C. Standards

1. Affordable Housing Linkage Fee

The linkage fee, as established in *Sec. 15.4.3. (Affordable Housing Linkage Fee)*, shall continue to apply, as applicable, to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in *Subsection D. (Incentives)* below.

D. Incentives

Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. These incentives shall not apply to any new construction or additions located on the same lot as an adaptive reuse project unless otherwise stated below.

1. Floor Area

a. Existing Floor Area

Existing floor area which exceeds the maximum floor area ratio of the applied *Form District (Part 2B.)* shall be considered allowed.

b. New Floor Area Within Existing Building Envelope

Any additional floor area, including mezzanines, as defined by *Chapter IX. (Building Regulations)* of this Code, created within an existing building shall not be counted towards the maximum floor area limit for the lot.

c. Use Modification in Previously Exempted Floor Area

The following actions shall not be considered as adding new floor area that enlarges an existing building or structure:

- i. The use modification of any area of an existing building that is exempt from floor area limitations, to any use permitted in the applied Use District, including the renovation of any interior portion of an existing building for a permitted use. However, this shall not include new construction, and must be located within the building's existing exterior walls and below the existing roof.
- ii. The use modification of any area of an existing building which is exempt from floor area limitations to lot amenity spaces or residential amenity spaces.
- iii. The use modification of any area of an existing basement or portions of an eligible building that are below grade.
- iv. The conversion of existing parking areas or structures as long as the conversion remains within the exterior walls of the existing building.

d. New Rooftop Structures

The construction of new structures on the existing roof shall not be considered new floor area, as long as the new rooftop structures:

- i. Do not exceed one story; and
- ii. Comply with the height requirements of the applied *Form District (Part 2B.)*.

e. Unified Development

- i. For buildings listed as designated historic resources or surveyed historic resources that are incorporated as part of a unified development composed of two or more buildings, the existing floor area, up to a maximum of 50,000 square feet, shall be exempted from the maximum floor area limit for the lot. This incentive shall not be utilized if the unified development involves the demolition or facade modification of any portion of a designated historic resource or surveyed historic resource which has not been approved by the Office of Historic Resources.
- ii. The averaging of floor area ratios may be permitted even if buildings on each individual lot would exceed the permitted floor area ratio. However, the total floor area for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area by the applied *Form Districts (Part 2B.)*.

2. Height

a. Existing Height

An existing building which is a part of an adaptive reuse project shall be allowed to maintain its existing height, regardless of whether it complies with the height requirements of the applied *Form District (Part 2B.)*, including but not limited to height in stories or height in feet.

b. New Stories Within Existing Building Envelope

Any additional story created within an existing building which is a part of an adaptive reuse project shall not be counted as an additional story towards any height in stories limit.

3. Yards

Existing observed yards which do not meet the building setback requirements of the applied *Form District (Part 2B.)* shall be allowed.

4. Lot Amenity Space & Residential Amenity Space Requirements

An adaptive reuse project shall not be required to provide any additional lot amenity space or residential amenity space as a result of a use modification.

5. Upper-Story Bulk

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper story provisions in *Div. 2C.6. (Upper-Story Bulk)*.

6. Building Mass

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions in *Div. 2C.5. (Building Mass)*.

7. Frontage District Standards

Adaptive reuse projects shall not be required to bring eligible buildings or structures into conformance with the applied *Frontage District (Part 3B.)*. Where an eligible building or structure is nonconforming as to the applied *Frontage District (Part 3B.)* an adaptive reuse project shall not further reduce compliance.

8. Off-Street Automobile Parking

The required number of parking spaces shall be the same as the number of spaces that exist on the lot, and shall be maintained and not reduced. However, if the total parking required by *Div. 4C.4. (Automobile Parking)* for the new use is less than the number of parking spaces that exist on the lot, then the number of parking spaces may be reduced to the number of required parking spaces.

9. Loading Space

- i. Where an existing loading space is provided, it shall be allowed to maintain its current, existing dimensions, regardless of whether it complies with the provisions of Sec. 4C.2.2.C.2. (*Freight Loading Areas*).
- ii. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

10. Project Review

Adaptive reuse projects shall be exempt from any requirements to go through the Project Review process in by the applied *Development Standards District (Part 4B.)* and set forth in Div. 4C.14. (*Development Review*).

11. Density

Dwelling units and household business: joint living & work quarters shall not be subject to the lot area per dwelling unit or dwelling unit per lot requirements of the applied *Density District (Part 6B.)*.

12. Inclusionary Housing Program

Adaptive reuse projects shall not be required to provide restricted affordable units pursuant to Sec. 5C.3.1. (*Inclusionary Housing Program*).

E. Process

1. Department of Building and Safety Review

The following types of adaptive reuse projects that meet the requirements of *Subsection B. (Eligibility)*, and meet the criteria described above in *Subsection C. (Standards)* and *Subsection D. (Incentives)* shall be approved by the Department of Building and Safety:

- a. Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 25 years have elapsed since the date of permitted and completed construction, and
- b. Adaptive reuse projects involving parking structures or parking areas within an existing building for which at least 10 years have elapsed since the date of permitted and completed construction.

2. Zoning Administrator Review

- a. Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 10 years have elapsed since the date of permitted and completed construction may be approved by the Zoning Administrator, pursuant to Sec. 13B.2.1. (*Class 1 Conditional Use Permit*), if the adaptive reuse project complies with the requirements of *Subsection B. (Eligibility)*, and the

criteria described in *Subsection C. (Standards)* and *Subsection D. (Incentives)*, above, are met. If the adaptive reuse project is approved, the incentives described in *Subsection D. (Incentives)* above for which the project qualifies may be granted.

- b. Furthermore, pursuant to the processes and procedures of *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator shall have the authority to grant any other zoning incentives or exceptions from this Zoning Code (Chapter 1A) required to permit adaptive reuse projects proposed pursuant to this *Section (Citywide Adaptive Reuse Program)*, including but not limited to the authority to permit dwelling units and household business: joint living & work quarters in adaptive reuse projects.

c. Supplemental Findings.

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

- i. The eligible building 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.
- ii. In approving a reduced parking incentive pursuant to *Sec. 9.4.6.D.8. (Off-Street Automobile Parking)*, the Zoning Administrator shall 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.

SEC. 9.4.7. PUBLIC NUISANCE ABATEMENT PROGRAM

A. Purpose

The purpose of this *Section (Public Nuisance Abatement Program)* is to facilitate the removal of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property in exchange for the temporary placement of signs at construction sites and vacant lots.

B. Eligibility

Construction sites and vacant lots are eligible for the placement of temporary signs, including off-site signs, on temporary construction walls, and/or solid wood fences, if the lot has an applied Residential-Mixed, Commercial-Mixed, Industrial-Mixed, or Industrial Use District and the project complies with the requirements of the public nuisance abatement program as outlined in this *Section (Public Nuisance Abatement Program)*.

C. Program Requirements

Upon issuance of a building permit for a sign and installation of any signs on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots it

shall be the sign company and property owner's responsibility to comply with the provisions of this *Subsection (Program Requirements)*, and as established in *Sec. 9.4.7.F.4. (Authorized Representative)* it shall be the responsibility of the Department of Public Works — Office of Community Beautification (Office of Community Beautification) to enforce them.

1. Notification

- a. Within 10 days after the issuance of the building permit for a sign, provide written notification to the Office of Community Beautification and the Council District Office of the council district in which the construction site or vacant lot is located.
- b. The notification shall contain the name and address of the sign company or property owner and the property address where the signs will be placed.
- c. The notification to the Office of Community Beautification shall include a copy of the sign company's contract with the property owner to post signs at the specified location.

2. Reporting

- a. Report the amount, type, and location of clean-ups within the abatement radius to the Office of Community Beautification every 30 days for the duration of the building permit for the sign.
- b. Reporting shall be thorough and include before and after photo documentation, City of Los Angeles MyLA311 App request confirmation and/or other documentation stating date and time of clean up, as well as receipts for where materials were disposed.

3. Public Nuisance Abatement

- a. Clean and maintain free from graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds from public property and public ways within the abatement radius. The removal of graffiti shall include, but not be limited to, spray paint on walls, poles, and fences on public property.
- b. Remove any posters/handbills on light poles, utility poles, bus stops, and any other illegal postings on public property.
- c. Patrol the abatement radius every 24 hours to search for and remove any graffiti within 24 hours of its discovery.
- d. Report, through the City of Los Angeles MyLA311 program, bulky items within the abatement radius around the permitted lot.
- e. Comply with the administrative policies and procedures set by the Office of Community Beautification.

4. Abatement Radius Calculation

The abatement radius will be measured as a horizontal extension of the perimeter of the entire lot at a distance determined by the Office of Community Beautification.

- a. Initially, a 750-foot radius around the permitted lot, or
- b. A radius around the permitted lot expanded in 250-foot increments, up to a maximum of 1,500 feet per *Sec. 9.4.7.E.3.d. (Review)*.

D. Incentives

Regardless of the provisions of *Sec. 4C.11.2. (Temporary Signs)*, signs placed on temporary construction walls, and/or solid wood fences surrounding vacant lots shall comply with the following:

1. Placard

Install an 18 inch x 24 inch placard in a conspicuous location on the wall or fence. The placard shall be made of a durable laminated paper, vinyl or other weather resistant material with contrasting black letters on white background at least one inch in height and display the following information:

- a. "This is an Official Notice of the City of Los Angeles and shall not be defaced."
- b. Signs have been placed on this wall or fence pursuant to Chapter 1A of the Los Angeles Municipal Code Sec. 9.4.7. (Public Nuisance Abatement Program).
- c. Building permit number:_____ and expiration date:_____
- d. Phone number of the Department of Public Works' Office of Community Beautification:_____
- e. Name and phone number of the sign operator's representative for public reporting of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds for removal within the required abatement radius:_____

2. Individual Sign Area

Individual signs shall not exceed a sign area of 250 square feet.

3. Grouped Sign Area

Signs shall not be grouped to form a maximum sign area that exceeds 250 square feet.

4. Separation of Signs

Individual signs or groups of signs having an area of 250 square feet shall be separated from any other sign on temporary construction walls and/or solid wood fences surrounding vacant lots by at least 10 feet measured horizontally.

5. Combined Area

The combined sign area of temporary signs shall not exceed eight square feet for each linear foot of street frontage.

6. Maximum Height

Signs may only be placed to a maximum height of eight feet and shall not extend above the top of the wall or fence.

7. Time Limits

A building permit for a temporary sign is time limited by the following:

a. Temporary Construction Wall

- i. A building permit for a temporary sign placed on a temporary construction wall shall remain valid for two years, or during the duration of the construction work, under a separate valid building permit, requiring a barrier, pursuant to *Chapter IX. (Building Regulations), Sec. 91.3306. (Protection of Pedestrians)* of this Code, whichever is less.
- ii. The building permit for the temporary sign permitted pursuant to *Subsection E. (Process)* below shall be expired if: the construction work authorized by the separate building permit has not commenced by the 180th day following the permit issuance date, or by the 90th day when an operating business exists on a lot; or work has been suspended, discontinued or abandoned for a continuous period of 180 days, or for a continuous period of 90 days when an operating business exists on the lot.
- iii. If the separate building permit is revoked or expired, the building permit for the temporary sign permitted pursuant to *Subsection E. (Process)* below, shall be expired.
- iv. Subsequent building permits for a temporary sign at the same lot, issued in conjunction with the original separate construction permit, shall not be authorized.

b. Fence Around a Vacant Lot

- i. A building permit for a temporary sign placed on a fence of solid wood or similar material surrounding a vacant lot shall remain valid for one year, or for as long as the lot remains vacant, whichever is less.
- ii. Any subsequent building permits for temporary signs on a fence of solid wood or similar material surrounding a vacant lot shall be issued pursuant to *Subsection E. (Process)* below, not to exceed two additional permits, for a total of three years.

8. Sign Materials

Regardless of the provisions of *Sec. 4C.11.2.C.3.c. (Construction)*, temporary signs authorized by this *Section (Public Nuisance Abatement Program)* shall be made of paper, vinyl, or other similar material.

9. Operating Business

When a business is operating on a construction site, temporary signs must also comply with the following:

a. Display Location

Temporary signs are limited to the portion of the temporary construction wall that is required pursuant to *Chapter IX (Building Regulations), Sec. 91.3306. (Protection of Pedestrians)* of this Code; and

b. Wall Minimum

A minimum 40 linear feet of required temporary construction wall, not exceeding the boundaries of the lot, may be installed and used for temporary signs; and

c. Sign Maximum

The total area of temporary signs on a lot authorized by this *Section (Public Nuisance Abatement Program)* shall not exceed a maximum of 250 square feet.

E. Process

The Department of Building and Safety shall issue a building permit for a temporary sign, pursuant to this *Section (Public Nuisance Abatement Program)*, after verifying that the plans comply with all applicable LAMC provisions, all permit clearances have been approved and the following requirements have been met.

1. Initial Permit Application — Temporary Construction Wall

a. Valid Building Permit

There is a separate valid building permit issued by the Department of Building and Safety authorizing construction work on the lot(s).

b. Required Wall

At least a portion of the temporary construction wall is required pursuant to *Chapter IX (Building Regulations), Sec. 91.3306. (Protection of Pedestrians)* of this Code.

c. Previous Permit

A previous building permit for a temporary sign was not issued in conjunction with the same building permit referenced in *Subparagraph a. (Valid Building Permit)* above.

d. Expiration and Revocation

A previous building permit for a temporary sign on the lot was not expired or revoked within the preceding 12 months pursuant to *Sec. 9.4.7.D.7.a. (Temporary Construction Wall)* or *Sec. 9.4.7.F.2. (Revocation)*.

e. Operating Business

When a business is operating on the lot, temporary signs must comply with *Sec. 9.4.7.D.9. (Operating Business)*.

2. Initial Permit Application — Fence Surrounding a Vacant Lot

a. Existing Use

There are no buildings or uses of land on the lot.

b. Expiration & Revocation

A previous building permit for a temporary sign on the lot was not expired or revoked within the preceding 12 months pursuant to *Sec. 9.4.7.D.7.a. (Temporary Construction Wall)* or *Sec. 9.4.7.F.2. (Revocation)*.

3. Subsequent Permit Application - Fence Surrounding a Vacant Lot

If Department of Building and Safety records indicate that a building permit for a temporary sign on a fence of solid wood or similar material surrounding a vacant lot was previously issued on the lot, the following must be met.

a. Use

The sign complies with *Sec. 9.4.7.E.2. (Initial Permit Application — Fence Surrounding a Vacant Lot)* as applicable.

b. Expiration & Revocation

A previous building permit for a temporary sign on the lot was not expired or revoked within the preceding 12 months pursuant to *Sec. 9.4.7.F.2. (Revocation)*.

c. Previous Permit

No more than one initial building permit for a temporary sign and one subsequent building permit for a temporary sign, for a total of two years, have been issued at the same lot.

d. Review

The Director of the Office of Community Beautification reviews and consents to the subsequent building permit in a written statement and determines an abatement radius pursuant to the following:

- i.** Response for consent shall be provided within 10 days of written request and based solely on the assessment as to whether a public nuisance exists within the abatement radius.

- ii. Investigation and determination of the existence of a public nuisance within the abatement radius may occur for the purpose of determining whether to consent to a subsequent permit or at any time after the issuance of a building permit for a sign under *Sec. 9.4.7.E. (Process)*.
- iii. Expansion of the abatement radius for the purpose of a subsequent building permit for a sign when a public nuisance cannot be found to exist within the initial abatement radius per *Sec. 9.4.7.D.7.b. (Fence Around a Vacant Lot)* and requiring the sign company or property owner to abate the public nuisance in the expanded abatement radius in accordance with *Sec. 9.4.7.C.4. (Abatement Radius Calculation)*.

F. Permit Termination

Permits that become invalid or are terminated by the Department of Building and Safety are subject to the following provisions.

1. Expiration

For all building permits for a sign which expired due to failure to meet the notification and reporting requirements pursuant to *Sec. 9.4.7.C. (Program Requirements)*, above, the Department of Building and Safety shall issue a notification to the permit holder upon expiration of the permit, including information about the appeals process.

2. Revocation

Any building permit for a sign issued pursuant to this Section may be revoked by the Department of Building and Safety for any of the following reasons. However, for all building permits for a sign revoked for the reasons stated specifically in *Subparagraphs (c), (d), (e), (f) or (g)* of this *Paragraph (Revocation)* a written and signed notification of the sign company or property owner's failure shall be sent to the Department of Building and Safety by the Director of the Office of Community Beautification prior to the revocation.

- a. Failure by the sign company or property owner to comply with the terms of the permit.
- b. Failure by the sign company or property owner to maintain the bond required in *Chapter IX. (Building Regulations), Sec. 91.6201.2.2. (General Provisions)* of this Code.
- c. Failure by the sign company or property owner to maintain the temporary construction wall and/or solid wood fences surrounding vacant lots free from graffiti.
- d. Failure by the sign company or property owner to eliminate graffiti within an abatement radius within 24 hours of receiving notification of the presence of graffiti from the Office of Community Beautification or the City Council district office of the district in which the construction site or vacant lot is located.

- e. Failure by the sign company or property owner to remove posters/handbills placed on light poles, utility poles, bus stops and any other illegal postings on public property within an abatement radius within 24 hours of receiving notification from the Office of Community Beautification or the City Council district office of the district in which the construction site or vacant lot is located.
- f. Failure by the sign company or property owner, at the time of graffiti removal, to report bulky items and/or remove trash, debris, rubbish and weeds from public property within the abatement radius established pursuant to *Sec. 9.4.7.C.4. (Abatement Radius Calculation)*.
- g. The Office of Community Beautification sends three or more notifications of failure to comply with Subparagraphs (c), (d), (e), or (f) of this Subdivision to the sign company or property owner within a three-month period.

3. Removal of Signs

- a. The sign company or property owner must remove the temporary signs authorized by this *Section (Public Nuisance Abatement Program)* by the date the sign permit becomes invalid due to its time limit or no later than the permit expiration or revocation date.
- b. Any signs remaining on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots after the building permit has expired or is revoked are deemed to be a public nuisance that can be abated by utilizing the procedure contained in *Chapter IX. (Building Regulations), Sec. 91.8904., et seq., (Special Provisions for Vacant Property Graffiti Removal)* of this Code.

4. Authorized Representative

The Office of Community Beautification is hereby designated the authorized representative of the City for the purpose of enforcing and implementing the provisions of *Chapter IX. (Building Regulations), Sec. 91.89041.2., et seq., (Special Provisions for Vacant Property Graffiti Removal)* of this Code for compelling the removal of a sign which is a public nuisance under *Sec. 9.4.7.F.3.b. (Removal of Signs)*.

DIV. 9.5. **ACCESSORY DWELLING UNIT INCENTIVE
PROGRAM**

See Chapter I. (General Provisions and Zoning), Sec. 12.22. A.33. (Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)) of this Code for applicable accessory dwelling unit regulations.