

TRANSMITTAL

To:

THE COUNCIL

Date: 07/25/2016

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.



(Ana Guerrero)

ERIC GARCETTI
Mayor



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

Housing Development Bureau

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Council District: Citywide

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Honorable Eric Garcetti
Mayor, City of Los Angeles
Room 303, City Hall
200 Spring Street
Los Angeles, CA 90012

Attn: Mandy Morales, Legislative Coordinator

COUNCIL TRANSMITTAL: REQUEST AUTHORITY FOR THE LOS ANGELES HOUSING + COMMUNITY INVESTMENT DEPARTMENT TO ASSESS FEES FOR WORK RELATED TO AFFORDABLE HOUSING LAND USE COVENANTS AND REGULATORY AGREEMENTS

SUMMARY

The General Manager of the Los Angeles Housing + Community Investment Department (HCIDLA) submits for Mayoral and Council consideration the attached draft ordinance (Attachment 1) amending Section 19.14 of the Los Angeles Municipal Code (LAMC) to establish fees for the preparation and enforcement of the affordable housing covenants that result from the Density Bonus Ordinance (No.179684). A motion adopted by the City Council instructed the City Attorney to prepare and present an ordinance imposing the fees related to preparing and enforcing affordable housing covenants covered by the Ordinance (Attachment 2). In addition to covenants that result from density bonus, the proposed ordinance amendment will cover all affordable housing covenants and enforcement efforts required by other City ordinances, regulations, and City Planning Department determinations. The proposed fees will offset the administrative costs of performing this work, which is subsidized by the administrative caps of the diminishing Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) Grants and Municipal Housing Finance Fund (MHFF).

Due to the drastic reduction of these grants cumulatively over the past several years, funding is no longer available to subsidize this work. The proposed fees are needed to pay for HCIDLA's costs for administering and enforcing the affordable housing covenants without impact to the General Fund. The

General Manager of the HCIDLA respectfully requests that the Mayor and City Council approve the proposed fees as soon as possible to ensure funding is available to complete this work.

RECOMMENDATIONS

The General Manager, HCIDLA, respectfully requests:

- A. That your office schedule this transmittal at the next available meeting of the appropriate City Council committee(s) for review and forward it to the City Council for review and approval immediately thereafter;
- B. The City Council:
 1. ADOPT the proposed ordinance amending Section 19.14 of the Los Angeles Municipal Code (Attachment 1) to reflect full cost recovery; or
 2. DIRECT the City Attorney to amend the proposed ordinance to allow for partial fee exemptions in specified circumstances to ensure that these fees do not discourage the continued development of affordable housing units;
 3. AUTHORIZE personnel position authority for four (4) Management Analyst I (9184-1) positions to adequately staff HCIDLA's Land Use unit to implement the work associated with the amended ordinance; and
 4. AUTHORIZE the General Manager, HCIDLA, or designee, to prepare Controller instructions and make any necessary technical adjustments, consistent with the Mayor and Council actions on these and other approved projects, subject to the approval of the City Administrative Officer (CAO), and authorize the Controller to implement the instructions.
- C. The Mayor concurs with the action of the City Council.

BACKGROUND

On February 20, 2008, City Council adopted Ordinance 179681 which implemented the City's Density Bonus Program as required by State law. The Ordinance requires HCIDLA to prepare and enforce land use covenants to ensure the affordable housing units required by the Ordinance will remain in place for the entire term of the covenants. Under Section 19.14 of the Ordinance, HCIDLA shall charge and collect fees for the preparation and enforcement of the affordable housing covenants. However, the specific fees and their amounts were omitted. During the adoption of the Ordinance, City Council also passed a Motion instructing the City Attorney to prepare and present an ordinance imposing the Housing Department fees. During FY 2015-16 budget discussions (CF 15- 0600) the Budget and Finance Committee requested a report on the resources needed to monitor all SB 1818 affordable units and anticipated loss in revenue associated with not implementing the fee ordinance in a timely manner. The General Manager, HCIDLA provided a response to this request on May 19, 2015 (Memo 72). Pursuant to Ordinance 179681 and subsequent council committee requests, HCIDLA is hereby submitting an amendment to Section 19.14 with a proposed fee schedule for consideration (Attachment 1).

The proposed fees are required for HCIDLA to recover the costs associated with performing the work. Currently, HCIDLA neither assesses fees on developers nor receives any General Fund support for this work; the cost is subsidized by the CDBG, MHFF and HOME grant administration caps of the

Consolidated Plan budget. These sources of federal funds have been dwindling over the past years. For example, over the past several years, the HOME administrative cap has been reduced by \$1.6 million or 39%. At the same time, the costs of doing business have increased mainly due to the increases in obligatory labor costs. If fees are not authorized through the proposed ordinance, or if General Funds are not authorized, no funding will be available to perform this work. This would negatively impact the market-rate and affordable housing developers who are required to have a recorded covenant before HCIDLA and the Department of Building and Safety (DBS) can release their building permits.

In addition to the affordable housing covenants under the Density Bonus Program, HCIDLA is charged under other City ordinances, regulations, and guidelines with preparing, monitoring, and enforcing land use covenants that set-aside affordable units in market rate developments. These covenants are equally important and require the same amount of work as those that result from density bonus. HCIDLA recommends that the proposed fees and ordinance amendment be applied to all affordable housing covenants to ensure that the restricted units will remain affordable for the entire covenant term.

Specifically, the proposed ordinance amendment will address the work efforts associated with the following City regulations currently not covered:

- 1) Greater Downtown Housing Incentive Area Ordinance, LAMC Section 12.22 A.29(d)(1) and (2) – Floor Area Bonus for the Greater Downtown Housing Incentive Area.
- 2) Interim Administrative Procedures for Complying with the Mello Act – Sections 4.4, 7.4 and 7.5.
- 3) Rent Stabilization Ordinance, Section 151.28.B.1.
- 4) Department of City Planning determinations and City Council actions that require HCIDLA to prepare and enforce affordable housing covenants.
- 5) Any and all other affordable housing covenants, which may come to fall under the jurisdiction of the Los Angeles Housing + Community Investment Department, including but not limited to those described above.
- 6) Assembly Bill No. 2222 (AB 2222), Chapter 682, which amends Sections 65915 and 65915.5 of the Government Code relating to housing and the State Density Bonus Law.
- 7) Unapproved Dwelling Unit Ordinance and other relevant anticipated ordinances

AFFORDABLE HOUSING COVENANT AND HOUSING-RELATED LAND USE WORK DESCRIPTION

Below is a description of the work conducted by HCIDLA staff in preparing, monitoring and enforcing affordable housing covenants, and conducting housing-related land use work, for which the subject fees are being proposed.

Land Use and Mello Act – Covenant and Monitoring Requirements

Under the City's Density Bonus Ordinance (LAMC 12.22, Section 25.A (h)), "Prior to issuance of a Building Permit, for any Housing Development Project qualifying for a Density Bonus . . . a covenant acceptable to the Los Angeles Housing Department (LAHD) shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction . . . shall be observed for at least 30 years from the issuance of the Certificate of Occupancy. . ." (Attachment 3). The Density Bonus Ordinance also refers to and defines the Affordable Housing Incentives Guidelines (Guidelines) as "the guidelines approved by the City Planning Commission under which Housing Development Projects for which a Density Bonus has been requested are evaluated for compliance with the requirements of this subdivision." (LAMC 12.22, Section 25. A (b)). Section IX of these Guidelines is devoted to "LAHD

Monitoring Requirements” and states that “All projects shall comply with the annual monitoring requirements established by LAHD by means of a Covenant and Agreement” (Attachment 4). This Section further states:

“The following are HCIDLA requirements (a complete list is found in the HCIDLA Covenant):

- HCIDLA reviews all initial tenants’ eligibility for affordable, set-aside dwelling units prior to occupancy
- HCIDLA annually reviews tenants’ eligibility for affordable dwelling units
- Building owners must provide HCIDLA with an annual review letter identifying the number of restricted dwelling units, household income and size, rent levels, dwelling unit size, and verification of vacancies. HCIDLA may at any time audit a building containing restricted units to monitor the occupancy of these units.
- HCIDLA may make annual site visits to ensure that the restricted dwelling units are maintained in decent, safe, and sanitary condition and that they are provided with the same level of services, including security and maintenance, as are applied to other dwelling units in the development.
- If violations are found, fees and/or fines may be levied against the owner including the cost of legal action.”

Similarly, the City’s Interim Administrative Procedures for Complying with the [State] Mello Act (Interim Procedures), approved May 17, 2000, requires under Section 7.5.1 that applicants for discretionary or non-discretionary conditions and permits who are required to provide Affordable Replacement Units or Inclusionary Residential Units must “record a covenant with the Los Angeles County Recorder guaranteeing that applicable affordability criteria shall be observed for at least 30 years from the issuance of the Certificate of Occupancy.” (Attachment 5) Section 7.5.3, Monitoring Requirements, of the Interim Procedures states that “All Applicants shall comply with the monitoring requirements set forth in Section IV.C of the Affordable Housing Incentives Guidelines”. The Guidelines were revised by the Planning Commission in 2005, and monitoring requirements are now under Section IX, LAHD Monitoring Requirements, which are cited above.

Under the City’s Greater Downtown Housing Incentive Area Ordinance, a housing developer taking advantage of the incentives under the Ordinance must record a covenant acceptable to HCIDLA guaranteeing that the affordability requirements will be observed for a minimum of 30 years. HCIDLA is also tasked under this ordinance with determining the mortgage and rental rates for restricted units and income limits for persons occupying the restricted units (Attachment 6).

Under the City’s Rent Stabilization Ordinance (RSO), Section 151.28, B. 1., (Ellis Act Provisions – Rental of Replacement Units) an owner may be exempt from the specified provisions of the RSO when they have “. . . executed and recorded a covenant and agreement, in a form satisfactory to the Department, guaranteeing that the replacement units, . . . shall remain affordable for 30 years from the date the covenant and agreement is recorded. The covenant and agreement contains provisions as required by the Department to ensure the effective administration and enforcement of this sub section” (Attachment 7).

The Los Angeles Planning Commission also issues determinations and decisions that can require affordable housing set-asides. Planning determination letters include a section titled “Housing Requirements” that require housing projects to comply with “any monitoring requirements established by HCIDLA” (Attachment 8, sample planning determination letter).

Finally, through Mayor and City Council action, housing developments can be required to set aside affordable units. An example of this is the Playa Vista development in West Los Angeles (Council File No. 93-1621). In these instances, HCIDLA prepares, monitors, and enforces the covenants required by the City Council action.

Property owners/developers subject to any of the laws or conditions above are required to submit an application to the HCIDLA for a Land Use Covenant (Covenant). Covenants are legal documents prepared by HCIDLA staff in conjunction with the City Attorney that requires a specified number of units to be set-aside as affordable for a certain term. Covenants are filed with the Los Angeles City Clerk and recorded with the Los Angeles County Recorder. They run with the land, meaning the set-aside requirement carries over to any new owner during the affordability term. A Covenant must be recorded and HCIDLA must sign-off on the DBS' Plan Check and Inspection System (PCIS) before DBS will approve the building permit to go forward with construction.

In addition to preparing new Covenants, HCIDLA is responsible for the following: preparing assumption agreements when a covenanted property is sold so that the new owner assumes responsibility for the Covenant; preparing terminations for the property owner when the term of a covenant has ended; and preparing amendments to Covenants.

Pursuant to the Affordable Housing Incentives Guidelines discussed above, HCIDLA is required to certify, prior to occupancy or sale, the income eligibility of tenants or prospective buyers for each affordable unit set aside in a Covenant. After the property is initially occupied, HCIDLA must income certify the new tenants in affordable units that are re-rented or re-sold, and also determine the maximum sales price for affordable units to be re-sold.

From 2009 through 2015, HCIDLA has recorded a total of approximately 468 covenants. Out of this total, 384 or 82 % have been for market-rate developments that have set-aside a total of 2,831 affordable units. This includes 935 units for very-low income households, 1,537 units for low-income households, 335 units for moderate-income households, and 24 units for workforce income households. Covenants are prepared for both rental and for-sale units, with the for-sale units usually being condominiums.

Eight-four (84) out of the 468 covenants or 18 % have been recorded for affordable housing developments funded through the City's Affordable Housing Trust Fund and Bond programs. Covenants of this nature are usually required when the developer receives a parking reduction based on the number of affordable units to be constructed and which is allowed under the Density Bonus Ordinance. For the most part, no additional affordable units are created through these covenants since the housing developments are almost always 100% affordable pursuant to other regulatory requirements, including federal funding and State tax credit allocation (TCAC). A total of approximately 4,227 affordable housing units have been created through this type of covenant.

Mello Determinations and Affordable Housing Provision Plans

Under the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), HCIDLA is responsible for preparing Mello Determinations (i.e., determination of affordability in buildings) and reviewing and approving Affordable Housing Provision Plans, in addition to preparing the Land Use Covenants for buildings within coastal areas.

- Mello Determinations Under Section 4.4 of the Interim Procedures, "LAHD has the sole responsibility for determining whether any existing Residential Units are Affordable Existing

Residential Units”. The Department of City Planning (DCP) refers property owners to HCIDLA to conduct a Mello Determination for each non-categorically exempt housing demolition or conversion in the designated coastal zone. Owners complete and submit to HCIDLA an application for a Mello Determination.

To determine whether the property to be converted or demolished has any existing affordable units, HCIDLA works with the owner to collect documentation of rental prices for the previous three (3) years, contacts all tenants to collect rent and income documentation, reviews related documents on record with HCIDLA’s Rent Stabilization and Code Enforcement Divisions and other City Departments, and collects and reviews any other documents that will allow HCIDLA to make the most accurate determination. HCIDLA prepares a written Mello Determination with the number of affordable units on the property and sends it to the property owner/developer, Department of City Planning (DCP), and, pursuant to the Interim Procedures, the Western Center on Law and Poverty. (Note: The Interim Procedures were developed as part of the settlement agreement between the City of Los Angeles (Defendant) and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman (Plaintiffs) concerning implementation of the Mello Act in the coastal zone, December 5, 2000. Western Center on Law and Poverty represented the plaintiffs).

- Mello Affordable Housing Provision Plan (AHPP) Under Section 7.4 of the Interim Procedures (Section 7.4), property owners who are required to provide affordable replacement or inclusionary residential units must submit an Affordable Housing Provision Plan to HCIDLA for review and approval before the DCP may give final approval for the planning application. The AHPP must include the following:
 - Address where affordable replacement units or inclusionary residential units will be provided, if the determination permits these units to be provided off-site;
 - General description of the affordable replacement units or inclusionary residential units to be provided, including the number and type of habitable rooms, square footage, and parking;
 - Affordable housing incentives and subsidies that will be utilized;
 - Methods for complying with the performance standard set forth in Parts 7.2.4 and 7.3.3, including a dispersal plan if affordable replacement units or inclusionary residential units shall be provided on-site. Affordable replacement units or inclusionary residential units may not be segregated from market-rate units, but shall be reasonably dispersed throughout the building; and
 - Financing; construction; and project timetable for complying with the timing requirements set forth in Part 7.2.3 for affordable replacement units and Part 7.3.2 for inclusionary residential units.

Occupancy Compliance Monitoring

Currently, HCIDLA conducts annual occupancy monitoring on approximately 936 projects, including 22,099 affordable units which consist of units created through both Land Use Covenants and AHTF Regulatory Agreements. To conduct the annual occupancy monitoring, HCIDLA contracts with Urban Futures Bond Administration, Inc. (UFBA) to review the following compliance documents: tenant income and rent certifications, income-source documentation, owner compliance certifications, new lease agreements, and a variety of other documents required to ensure compliance with the Covenant or Regulatory Agreement.

A finding of non-compliance is made if the developer fails to submit annual monitoring documents, if the documents submitted are incomplete or inconsistent, if the developer fails to collect necessary income-source documentation from tenants in the affordable units, if an over-income tenant occupies an affordable unit and/or rent charged for an affordable unit is too high, and various other reasons. UFBA's annual monitoring efforts include taking initial compliance action when a property is non-compliant and conducting site visits to non-compliant AHTF properties.

When UFBA's efforts to bring a property into compliance are unsuccessful, the property is referred back to HCIDLA's Occupancy Monitoring/Compliance Unit for additional enforcement action. HCIDLA staff then works directly with the property owner and manager to bring the project back into compliance. This may include written notifications, meetings with the owner and owner's agents, site visits, collection and analysis of compliance documentation, consultations and meetings with the City Attorney, and so forth. If the owner is resistant or continues to submit documentation that is non-compliant, the process can take several weeks or months. Ultimately, non-compliant Covenants are referred to the City Attorney for potential legal action to bring the properties into compliance.

AB 2222 Determinations

On September 27, 2014, Governor Brown signed AB 2222, which amended sections of the State Density Bonus Law (Gov. Code §§ 65915). The law's major provision requires that density bonus projects resulting in a loss in existing affordable, and otherwise locally-regulated (i.e., rent-stabilized) housing units, replace those units one-for-one. It also extends the affordability period from 30 to 55 years and expands the use of equity sharing in for-sale units.

In order to receive a permit for a density bonus project involving development, demolition or conversion of residential units, a project will need to demonstrate compliance with the housing replacement provisions of AB 2222.

According to AB 2222, an applicant shall replace any rental dwelling units that either exist, or have been vacated or demolished in the preceding five-year period which are or have been:

1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
2. Subject to any other form of rent or price control (including the Rent Stabilization Ordinance); or
3. Occupied by lower or very low income households (i.e., income levels less than 80% of the area median income (AMI))

To determine the number of affordable replacement units required, HCIDLA works with the owner to collect documentation of rental prices for the previous five (5) years, contacts all tenants to collect rent and income documentation, reviews related documents on record with HCIDLA's Rent Stabilization and Code Enforcement Divisions and other City Departments, and collects and reviews any other documents that will allow HCIDLA to make the most accurate determination. HCIDLA prepares a written AB 2222 Determination with the number of affordable replacement units required on the property and sends it to the property owner/developer and the Department of City Planning (DCP).

Unapproved Dwelling Unit Ordinance

The Department of City Planning has been working on an ordinance pursuant to City Planning Case Number CPC-2015-4474-CA that will allow the legalization of unpermitted dwelling units if certain affordable housing requirements are met. On May 10, 2016, the City Council approved this case (Council File Number 14-1150-S1). As part of the implementation of the ordinance, it is anticipated that a substantial number of Covenants will need to be prepared to ensure compliance with the affordable housing requirements. Although the exact number of covenants that would be prepared under this ordinance is not known, HCIDLA's Systematic Code Enforcement Program (SCEP) uncovers an estimate of approximately 600 illegal/unapproved units each year. Implementation of the ordinance will undoubtedly increase HCIDLA Land Use Section's workload, and would require additional staff to address the increased volume of work.

CURRENT WORKLOAD AND STAFFING REQUIREMENTS

Currently, HCIDLA's Land Use unit has a total of 6 full time staff members conducting the work description outlined above. This includes: One (1) Management Analyst II; Three (3) Management Analyst I; One (1) Management Assistant; and One (1) Senior Management Analyst I. Given the current and anticipated workload, the unit is understaffed. At present, there is a backlog of work that can only be completed with additional staff.

Specifically, there are approximately 959 land use covenants and 500 Mello Determination applications that need to be reviewed and verified on Housing Information Management System (HIMS), the database that HCIDLA uses to register, process, track, monitor and report on Affordable Housing provision for the City. The required process includes reviewing documents and researching the Los Angeles Department of Building and Safety database to determine if a project has received the Certificate of Occupancy (CofO) or Notice of Completion (NOC). Projects that received the CofO will be forwarded to Urban Futures, HCIDLA's contractor, for occupancy monitoring and compliance. The work backlog is a result of inadequate staffing, and it has to be completed while at the same time addressing current and incoming applications that keep increasing in volume.

In addition, with the passage of the California Assembly Bill 2222 (AB 2222), which is described above, HCIDLA's Land Use unit received approximately 91 AB 2222 review applications in 2015. With the continuously increasing number of AB 2222 applications and density bonus applications, the additional staff is needed to adequately address the volume of work and processing of these applications. HCIDLA's Land Use staff receives an average of approximately 200 inquiries via phone calls or in-person via the HCID Public Counters every month. Further, implementation of City Planning Department's proposed Unapproved Dwelling Unit Ordinance is expected to significantly increase HCIDLA's workload for the processing of covenants.

Benefits of Additional Staffing

With the addition of the requested staff (i.e. four Management Analysts), more staff time will be available to work on data clean-up to produce accurate, reliable and timely reports, and assist HCIDLA Systems Division staff to develop a Land Use Module in the Housing Information Management System (HIMS). The Land Use Module will capture critical data for more meaningful reports relating to land use covenants, Mello and AB 2222 determinations.

The Land Use unit will be adequately staffed to efficiently work on existing and anticipated workload while improving customer service. Staff would be able to respond promptly to calls, data requests from members of the public, Mayor’s office, Councilmembers/Committees and other City Departments that utilize affordable housing data, and provide technical support to owners/developers. Currently, it takes approximately 8 to 12 weeks to process AB 2222 and Mello determinations, and to execute a single covenant. With the proposed additional staff resources, the processing time can be reduced to a period of approximately 4 to 6 weeks. This represents a reduction of approximately 50 % in processing and delivery time, which in turn will be beneficial to developers in terms of budget and schedule for affordable housing development. The Land Use unit would also be better equipped to handle special projects, research requests and changes in State and local laws with additional staff. Further, HCIDLA will be able to effectively and efficiently implement the Mayor’s Executive Directive 13, with regards to provision and preservation of affordable housing and eradication of homelessness in Los Angeles.

HCIDLA’S PROPOSED FEE SCHEDULE

Based on a study of work required to prepare and enforce covenants and an analysis of the costs, HCIDLA developed the proposed fees, together with the Office of the City Administrative Officer (CAO), set out in Table 1 below. It is important to note that the proposed fees do not overlap with other fees charged by the DCP and DBS.

Fee Study and Methodology (Attachment 9) The average annual recovery from the proposed fees would off-set the personnel, related, and overhead costs, as well as the contract costs paid to Urban Futures, Inc., the City’s occupancy monitor, which are currently paid primarily from the HOME, CDBG administrative cap and MHFF. A cost-based analytical approach is used in calculating the full cost of preparing and enforcing affordable housing covenants, which follows best management practices to ensure fees are fair, equitable, and represent the estimated and reasonable costs of services, as required by Government Code. The methodology employed is a widely known and accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within the department. The times are totaled and this estimate is then used in calculating all applicable City costs, which typically include: direct salaries and benefits, operating services and supplies, department and divisional overhead, and citywide overhead costs. Attachment 9 contains the details of the fee study.

Table 1: Proposed Fees for Preparation and Enforcement of Affordable Housing Covenants

Fee Category	Cost	Cost Basis
Affordable Housing Covenant Preparation	\$5,770	Per Project
Affordable Housing Covenant Assumptions and Terminations	\$1,214	Per Project
Affordable Housing Covenant Amendments	\$5,770	Per Project
Mello Determinations	\$972	Per Unit
Affordable Housing Provision Plan Review	\$1,231	Per Project
Affordable Housing Covenant Monitoring	\$ 173	Per Restricted Unit Per Year
Filing Fee	\$43	Per Project
AB 2222 Determinations	\$1,027	Per Unit

The fees above may be increased on or before May 30 of each year based on the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers, averaged for the first 12-month period ending September 30, as determined and published by the HCIDLA.

Affordable Housing Covenant Preparation Fee for processing the covenant application, preparing the covenant, performing the income certifications for all restricted units in the project, determining the maximum sales prices, executing and recording the covenant with the County Recorder.

Affordable Housing Covenant Assumptions and Terminations Assumptions Fee for processing the application for assumption to reflect change of ownership, preparing the assumption, executing and recording the assumption with the County Recorder. Terminations: Fee for processing the application to terminate the covenant, reviewing the existing covenant, preparing the termination, executing and returning the termination to the owner for recordation with the County Recorder. Terminations are requested for various reasons and agreed to by the owner and HCIDLA.

Affordable Housing Covenant Amendments Fee for processing the application for amendments, reviewing the existing covenant, preparing the amendment, and executing and recording the amendment with the County Recorder.

Mello Determinations Fee for review and analysis of income and rent documents for the last three years submitted by an owner who plans to demolish or convert residential units within the coastal zone to determine if affordable units exist and need to be replaced pursuant to the Mello Interim Procedures. Fee also includes solicitation of tenants to submit income and rent documents and the review and analysis of these documents.

Affordable Housing Provision Plan (AHPP) Review Fee for review, analysis, and approval of the AHPP pursuant to Section 7.4 of the Mello Interim Procedures to ensure compliance with all AHPP provisions, review and analysis of financing and construction documents, and verification of compliance with the conditions listed in the Planning Determination Letter.

Affordable Housing Covenant Monitoring Fee charged to monitor each affordable unit per year to enforce the terms of the covenant, including an annual review of owner and tenant rent and income compliance documents and certifications, and all associated costs.

Filing Fee Fee charged to set-up the project and prepare introductory letters to owners.

Penalty Fee An owner who fails to pay the original monitoring fee (Option#2) per Table 1, shall be subject to the Penalty fee. The Penalty fee is equal to two times the monitoring fee per unit. The Penalty fee is added on the first day after the due date of the original invoice. The City shall have the right to file a legal action against the owner for non-payment of the outstanding penalty fees. An Administrative Appeal form must be submitted by the owner in order to contest the penalties imposed on outstanding fees.

AB 2222 Determinations Fee for review and analysis of income and rent documents for the last five years submitted by an owner who plans to develop a density bonus project, to determine if any rental dwelling units either exist or have been vacated or demolished in the preceding five-year period that must be replaced pursuant to State Law AB 2222. The fee also includes solicitation of tenants to submit income and rent documents, the review and analysis of these documents, the review of related

documents on record with HCIDLA's Rent Stabilization and Code Enforcement Divisions, and review and analysis of any other documents and information needed to make the most accurate determination.

Affordable Housing Covenant Fees Assessed by Other California Jurisdictions

Santa Monica, San Diego and the County of Los Angeles impose fees to compensate for the cost of administrative and monitoring costs related to affordable housing covenants. Covenant terms are 30-55 years for the County of Los Angeles and 55 years for Santa Monica and San Diego. Below are estimated fees for these jurisdictions based on a hypothetical rental property with 10 restricted units.

Santa Monica: Santa Monica charges \$698 for covenant preparation, execution, and recordation for each market-rate project. For new construction, Santa Monica charges fees of \$177.33 per restricted unit for the initial year (\$1,773.30 for 10 restricted units) and \$140.82 per restricted unit from year 2 to 55 (\$76,042.80 for 10 restricted units). Total fees for the life of the covenant are \$78,514.10. Fees are collected annually. Santa Monica has no penalty fee for non-payment of the annual fees.

San Diego: San Diego charges \$500 for covenant preparation, execution, and recordation for each project, plus a \$2,000 deposit to cover staff time. San Diego charges an annual monitoring fee of \$150 per restricted unit (\$82,500 for 10 restricted units). Total fees for the life of the covenant are \$85,000. Fees are collected annually. Penalty language varies by covenant, and either allows a \$10 per day penalty, or does not specify the penalty amount. However, San Diego has never needed to impose a penalty for non-payment of the annual fees.

County of Los Angeles: In 2013, the County of Los Angeles charged an annual monitoring fee of \$152 per restricted unit for projects using density bonus (\$1,520 per year for 10 units). Covenant terms were 30 to 55 years in 2013. The 55-year cost would be \$83,600. Fees were collected annually. The County is currently reviewing these fees and processes and therefore unable to give updated information at this time. The County of Los Angeles is also in the process of updating its fees to account for recent legislative and other changes.

HCIDLA is proposing fees that would total \$95,150 for a property with 10 restricted units over the life of the 55-year term. This amount is expected to enable HCIDLA to offset the administrative costs of performing all the work described in this transmittal and allow for full cost recovery, including the hiring of adequate staff.

Consideration of Partial Fee Exemptions in Specified Circumstances

Based on review of the fee schedules from other California jurisdictions as presented above, and consideration of other factors germane to the City of Los Angeles including but not limited to market conditions, the Mayor and City Council may choose to include specific circumstances where an exemption from full cost recovery is determined to be reasonable and necessary.

Fee Collection

HCIDLA proposes two options to collect the fees:

1. Up-front Payment – For new covenant applications, this option will allow the developers to pay up-front all the fees listed in Table 1 before the covenant is recorded. This option is only available to new covenant applications. For existing covenants, the Affordable Housing

Monitoring Fee will be billed annually per the existing provisions in these covenants. Collecting fees up front would guarantee that all fees are paid for the entire Covenant term and would substantially reduce HCIDLA's administrative costs related to billing and fee collection. Once a land use covenant is executed, there is little to compel an owner to pay annual fees. For market-rate developments, the City has no loan on the property, and failure to pay fees is not a civil or criminal matter (like non-payment of Rent Stabilization or Systematic Code Enforcement Program fees). Collection of these fees is only certain as a requirement of recording the agreement. This is HCIDLA's proposed option.

If a project's restricted unit count increases or decreases after fees are paid, HCIDLA will refund or bill the owner accordingly. At their option, owners who sell properties encumbered with Affordable Housing Covenants can pass on the cost of the pre-paid monitoring fees to the new owners as part of the sales transaction.

2. Annual Billing - For new covenants, HCIDLA will collect the covenant application fee at the time application is submitted. The monitoring fee will be billed annually upon issuance of the Certificate of Occupancy on the property. The Penalty fee will be imposed for non-payment of monitoring fee.

IMPACT WITHOUT THE REQUESTED FEES

Due to the significant reduction in the CDBG, HOME grant administration and MHFF budget over the last several years, HCIDLA will no longer be able to fully fund the affordable housing covenant work from these funding sources. Without the requested fees, HCIDLA will not have sufficient resources to perform the work required, which would result in unacceptable delays in the preparation of affordable housing covenants, and the related work described above. These delays can result in significant additional costs for the developer, who cannot get the building permit to proceed with construction until a covenant is prepared and recorded on the property. In addition, it would be challenging for HCIDLA to adequately enforce property owners' compliance with the affordable housing covenants. HCIDLA expects to monitor approximately 5,570 units with affordable housing land use covenants in 2016. Affordable units could be lost if HCIDLA is not able to conduct adequate and efficient review, processing, monitoring and enforcement of affordable housing requirements.


In addition, without the proposed fees, HCIDLA will not be able to adequately staff its Land Use unit to improve customer service and effectively address backlog, current, and reasonably foreseeable future workload.

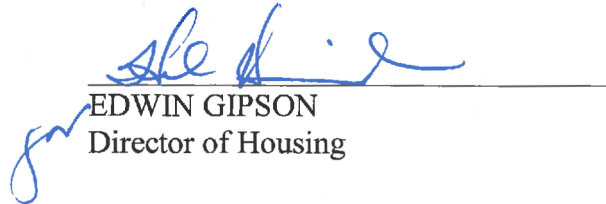
FISCAL IMPACT

Fees collected would be deposited into a new Account titled Affordable Housing Covenants Administration Fees under the Municipal Housing Finance Fund (MHFF). If recommendation 1 is adopted, there would be no impact on the General Fund, since the costs discussed in this transmittal were previously paid from the federal CDBG, HOME administrative cap and MHFF. If recommendation 2 is adopted instead, the General Fund would need to partially subsidize the cost of administering the program.

Prepared by:

Reviewed by:

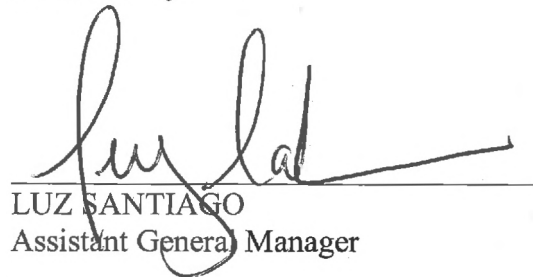

ROBERT MANFORD
Environmental Affairs Officer


EDWIN GIPSON
Director of Housing

Reviewed by:

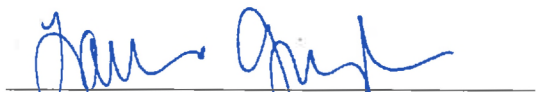
Reviewed by:


HELMI A. HISSERICH
Assistant General Manager


LUZ SANTIAGO
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Reviewed by:

Approved by:


LAURA K. GUGLIELMO
Executive Officer


RUSHMORE D. CERVANTES
General Manager

RDC:LG:LS:HH:EG:RM:MC

Attachments:

- Attachment 1: Ordinance to amend Section 19.14 of the Los Angeles Municipal Code related to the preparation and enforcement of affordable housing covenants
- Attachment 2: Council Motion For Fees
- Attachment 3: Density Bonus Ordinance (relevant pages)
- Attachment 4: Affordable Housing Incentives Guidelines, Section IX
- Attachment 5: Interim Administrative Procedures for Complying with the Mello Act (relevant pages)
- Attachment 6: Greater Downtown Housing Incentive Area Ordinance (relevant pages)
- Attachment 7: Rent Stabilization Ordinance (relevant pages)
- Attachment 8: Sample Planning Determination Letter
- Attachment 9: Fee Study
- Attachment 10: Assembly Bill No. 2222, Chapter 682

ORDINANCE NO. _____

An ordinance amending Section 19.14 of the Los Angeles Municipal Code relating to fees and penalties for the preparation, enforcement and monitoring of affordable housing covenants.

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

Section 1. Section 19.14 of the Los Angeles Municipal Code is amended to read:

(a) The following fees shall be charged and collected by the Los Angeles Housing and Community Investment Department (Department) for the preparation, including but not limited to any and all requested amendments, enforcement, and for the work closely related to the potential preparation and enforcement of the affordable housing covenants described in:

- (1) Sections 12.22 A25(h)(1) through (3) of this Code;
- (2) Sections 12.22 A.29(d)(1) through (2) of this Code.

Type of Service:	Fee:
Housing Replacement Determinations pursuant to AB 2222	\$1,027.00 per unit
Affordable Housing Covenant Preparation	\$5,770.00 per project
Affordable Housing Covenant Amendments	\$5,770.00 per amendment
Affordable Housing Covenant Assumptions and Terminations	\$1,214.00 per assumption or termination
Affordable Housing Covenant Monitoring	\$173.00 per restricted unit, per year
Filing Fee	\$43.00 per project

The fees above may be increased on or before May 30th of each year based on the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index-All Urban Consumers, averaged from the first 12-month period ending September 30th, as determined and published by the Department.

(b) The fees in Section 19.14(a) shall also be charged and collected for any and all affordable housing covenants which may come to fall under the jurisdiction of the Department, including but not limited to those from the former Community Redevelopment Agency of the City of Los Angeles and shall be fully due and payable at the time of the request for service, except for the Affordable Housing Monitoring fees, which may be paid pursuant to the options set forth in Section 19.14(c).

(c) The Affordable Housing Covenant Monitoring fees may be pre-paid in full at or before the time of the recording of an underlying affordable housing covenant or billed annually to an owner or landlord upon the issuance of the initial Certificate of Occupancy for the project subject to an underlying affordable housing covenant.

(d) Any owner or landlord who opts for its Affordable Housing Covenant Monitoring fees be billed annually and then fails to pay within 30 calendar days from the due date on the billing notification shall (in addition to the original fees due), pay a penalty to the Department equal to two times the amount of the original fees due. Two times the amount of the original fees due is the maximum penalty amount for any delinquent payment per billing year.

(e) Any owner or landlord subject to a penalty pursuant to subsection (d) may appeal the penalty to the Department. Each appeal shall be made in writing, upon appropriate forms provided by the Department, shall specify the grounds for the appeal. Each appeal shall be filed within fifteen (15) calendar days of the date on the notice of applicable penalty being appealed. The Department shall issue a decision within fifteen (15) calendar days of the date on which an appeal was filed. A copy of the decision shall be served on the owner or landlord subject to the penalty by first class United States mail, postage prepaid, or in person.

(f) The Department shall have the right to bring legal action in any court to collect the amount of any outstanding fees and penalties. The Department may waive any penalties imposed if it determines that good cause exists for the owner or landlord's failure to pay its fees in a timely manner. The Department may make such rules and regulations as may be necessary to carry out the provisions of this Section.

(g) The provisions of this ordinance shall be operative as of _____, 2016.

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations in connection with amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law:

1. **INSTRUCT the City Planning Department and Los Angeles Housing Department to report in 90 days to the Housing, Community and Economic Development and Planning and Land Use Management Committees with a revision of affordable housing guidelines, including the requirements, and a discussion of how to meet them, and procedures that each department plans to use.**
2. **REQUEST the City Attorney to prepare and present an ordinance imposing the Housing Department fees, as soon as possible.**

PRESENTED BY _____
ERIC GARCETTI
Councilmember, 13th District

SECONDED BY _____
ED P. REYES
Councilmember, 1st District

February 20, 2008

CF 05-1345

Motion
ADOPTED

FEB 20 2008

LOS ANGELES CITY COUNCIL

FORTHWITH

ORDINANCE NO. 179681

An ordinance amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law.

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

Section 1. Subdivision 25 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

25. Affordable Housing Incentives – Density Bonus

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

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

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

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

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

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

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

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

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

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

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

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

Residential Unit – a dwelling unit or joint living and work quarters; a mobilehome, as defined in California Health and Safety Code Section 18008; a mobile home lot in a mobilehome park, as defined in California Health and Safety Code Section 18214; or a Guest Room or Efficiency Dwelling Unit in a Residential Hotel.

Restricted Affordable Unit – a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low, Low or Moderate Income households, as determined by the Los Angeles Housing Department.

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

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

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

Transit Stop/Major Employment Center – Any one of the following:

(1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or

(2) A Metro Rapid Bus stop located along a Metro Rapid Bus route or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or

(3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or

(4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students.

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

(1) **For Sale or Rental Housing with Low or Very Low Income Restricted Affordable Units.** A Housing Development Project that includes 10% of the total units of the project for Low Income households or 5% of the total units of the project for Very Low Income households, either in rental units or for sale units, shall be granted a minimum Density Bonus of 20%, which may be applied to any part of the Housing Development Project. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Low Income Units	Percentage Density Bonus
10	20

11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

Percentage Very Low Income Units	Percentage Density Bonus
----------------------------------	--------------------------

5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

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

(3) For Sale or Rental Senior Citizen Housing with Low or Very Low Income Restricted Affordable Units. A Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 and includes at least 10% of the total units for Low Income households or 5% of the total units for Very Low Income households shall be granted an additional Density Bonus of 15% more than that permitted in Subparagraph (2) of this paragraph, to a maximum of 35%.

(4) For Sale Housing with Moderate Income Restricted Affordable Units. A for sale Housing Development Project that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 15%. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Moderate Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(5) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(h)(2), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15%.

(6) **Child Care.** A Housing Development Project that conforms to the requirements of Subparagraphs (1), (2), (3), (4) or (5) of this paragraph and includes a child care facility located on the premises of, as part of, or adjacent to, the project, shall be granted either of the following:

(i) an additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the child care facility included in the project.

(ii) An additional Incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(7) **Fractional Units.** In calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number.

(8) **Other Discretionary Approval.** Approval of Density Bonus units shall not, in and of itself, trigger other discretionary approvals required by the Code.

(9) **Other Affordable Housing Subsidies.** Approval of Density Bonus units does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.

(10) **Additional Option for Restricted Affordable Units located near Transit Stop/Major Employment Center.**

In lieu of providing the requisite number of Restricted Affordable Units in a Housing Development Project located in or within 1,500 feet of a Transit Stop/Major Employment Center that would otherwise be required under this subdivision, an applicant may opt to provide a greater number of smaller units, provided that:

(i) the total number of units in the Housing Development Project including Density Bonus units does not exceed the maximum permitted by this subdivision;

(ii) the square footage of the aggregate smaller Restricted Affordable units is equal to or greater than the square footage of the aggregate Restricted Affordable Units that would otherwise be required under this subdivision;

(iii) the smaller Restricted Affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and

(iv) the smaller Restricted Affordable Units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC).

(11) **Common Interest Development with Low or Very Low Income restricted Affordable Units for Rent.**

In a common interest development as defined in California Government Code Section 1351, such as a condominium, Restricted Affordable Units may be for sale or for rent.

(12) **Condominium Conversion.**

A Housing Development Project that involves the conversion of apartments into condominiums and that includes 33 percent of its units restricted to households of Low or Moderate income or 15 percent of its units restricted to households of Very Low Income shall be granted a Density Bonus of 25 percent or up to three incentives as provided in Paragraph (e) of this subdivision.

(d) **Parking in a Housing Development Project.** Required parking spaces for a Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: applicable parking provisions of Section 12.21 A 4 of this Code, or Parking Option 1 or Parking Option 2, below. Required parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space. The separate sale or rental of a dwelling unit and a parking space shall not cause the rent or purchase price of a Restricted Affordable Unit (or the parking space) to be greater than it would otherwise have been.

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

(i) For each Residential Unit of 0-1 bedroom: 1 on-site parking space.

(ii) For each Residential Unit of 2-3 bedrooms: 2 on-site parking spaces.

(iii) For each Residential Unit of 4 or more bedrooms: 2½ on-site parking spaces.

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

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

a. 0.5 parking space for each dwelling unit restricted to Low or Very Low Income Senior Citizens or Disabled Persons; and/or

b. 0.25 parking space for each Restricted Affordable Unit in a Residential Hotel.

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

(e) Incentives.

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

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

* Excluding Density Bonus units.

(2) To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:

(i) The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.

- (ii) All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations.
- (iii) The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.
- (iv) The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of this Code.

(f) **Menu of Incentives.** Housing Development Projects that meet the qualifications of Paragraph (e) of this subdivision may request one or more of the following Incentives, as applicable:

(1) **Yard/Setback.** Up to 20% decrease in the required width or depth of any individual yard or setback except along any property line that abuts an R1 or more restrictively zoned property provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(3) **Lot Width.** Up to 20% decrease from a lot width requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(4) **Floor Area Ratio.**

(i) A percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%; or

(ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a

commercial zone in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City's General Plan, and

a. the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and

b. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.

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

(5) Height. A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A 10 of this Code shall not apply.

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

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

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

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

(iii) No additional height shall be permitted for any portion of a building in a Housing Development Project located on a lot sharing a common lot line with or across an alley from a lot classified in an R1 or more restrictive zone. This prohibition shall not apply if the lot on which the Housing Development Project is

located is within 1,500 feet of a Transit Stop but no additional height shall be permitted for that portion of a building in the Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.

(6) **Open Space.** Up to 20% decrease from an open space requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

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

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

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

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

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

(g) **Procedures.**

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

(2) Requests for Incentives on the Menu.

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

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

b. **Director's Authority.** The Director shall have the initial decision-making authority to determine whether an application for Density Bonus is consistent with this subdivision and the Affordable Housing Incentives Guidelines.

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

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

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

d. **Transmittal of Written Decision.** Within three business days of making a decision, the Director shall transmit a copy by First Class Mail to the applicant and to all owners of properties abutting, across the street or alley from,

or having a common corner with the subject property, and to the local Certified Neighborhood Council.

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

f. **Appeals.** An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section 11.5.7 C6 of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section 19.01 B of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination. The appellate decision of the City Planning Commission shall be final and effective as provided in Charter Section 245.

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

a. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination."

b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker,

based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.

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

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. Notice and Hearing. The application shall follow the procedures for conditional uses set forth in Section 12.24 D of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.

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

(ii) For Housing Development Projects requesting the waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Section 12.36 of this Code shall apply.

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

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon

substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)(c), above.

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

(1) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Senior Citizens, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to Senior Citizens shall be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(2) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Low or Very Low Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(3) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Moderate Income households for sale, a covenant acceptable to the Los Angeles Housing Department and consistent with the for sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least ten years from the issuance of the Certificate of Occupancy.

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

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

(i) **Fee Deferral.** At the option of the applicant, payment of fees may be deferred pursuant to Sections 19.01 O and 19.05 A 1 of this Code.

(j) **Applicability.** To the extent permitted under applicable State law, if a conflict arises between the terms of this subdivision and the terms of the City's Mello Act Settlement Agreement, Interim Administrative Procedures for

Complying with the Mello Act or any subsequent permanent Mello Ordinance, Procedures or Regulations (collectively "Mello Terms"), the Mello Terms preempt this subdivision.

Sec. 2. The title of Section 12.24 U 26 of the Los Angeles Municipal Code is amended to read:

26. Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A 25.

Sec. 3. Subparagraph (4) of Paragraph (a) of Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(4) that the developer has agreed, pursuant to Government Code Sections 65915-65918, to construct the development with the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, pursuant to Section 12.22 A 25 of this Code.

Sec. 4. The title of Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

2. Density increase for a Housing Development Project to provide for additional density in excess of that permitted in Section 12.22 A 25.

Sec. 5. Subsection O of Section 19.01 of the Los Angeles Municipal Code is amended to read:

O. DENSITY INCREASE/AFFORDABLE HOUSING INCENTIVES.

Type of Application	Filing Fee
Application for a Density Bonus including a request for one or more Incentives included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	\$1,065.00*
Application for a Density Bonus pursuant to Section 12.22 A 25 including a request for an Incentive not included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	\$3,742.00*
Application for a density increase in excess of that permitted by Section 12.22 A 25 pursuant to Section 12.24 U 25 and Section 14.00 A 2.	\$3,742.00*

Payment of the filing fee may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the City's final decision granting or denying the application, whichever comes first. Moreover, the payment may be deferred only if a covenant and agreement is recorded with

the County Recorder, to the satisfaction of the Housing Department, which covenant and agreement preserves the affordability of the restricted units in the event that the application is granted. No Building Permit for the development project may be issued unless the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.

Sec. 6. Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 19.14 to read:

SEC. 19.14. FEES FOR ENFORCEMENT OF HOUSING COVENANTS. The following fees shall be charged and collected by the Los Angeles Housing Department for the preparation and enforcement of the affordable housing covenants described in Section 12.22 A 25(h)(1) through (3) of this Code.

Sec. 7. Statement of Intent. It is the intent of the City Council that the provisions of this ordinance shall apply to applications filed on or after the effective date of this ordinance, except that for sale Housing Development Projects with tract or parcel maps that have not been recorded as of the effective date of this ordinance are subject to the provisions of this ordinance regardless of language in tract or parcel map conditions or previously recorded covenants.

M:\Real Prop_Env_Land Use\Land Use\Kenneth Fong\SB 1818 Ordinance\City Attorney amended db ord post Jan. 7, 2008, version E2.doc

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles FEB 13 2008 and was passed by a vote of not less than two-thirds of all of its members, at its meeting of FEB 20 2008.

FRANK T. MARTINEZ, City Clerk

By *Main K. ...*
Deputy

Approved FEB 28 2008

[Signature]
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By *Kenneth T. Fong*
KENNETH T. FONG
Deputy City Attorney

Date February 13, 2008

File No. Council File No. 05-1345

Pursuant to Charter Section 559, I disapprove this ordinance on behalf of the City Planning Commission and recommend that it not be adopted

February 13, 2008

See attached report.

S. Gail Goldberg For 66
S. Gail Goldberg
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 179681 - Amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on February 20, 2008, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on March 6, 2008 I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on March 6, 2008 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6th day of March 2008 at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: April 15, 2008

Council File No. 05-1345

Proposed Guidelines for Discussion

AFFORDABLE HOUSING INCENTIVES GUIDELINES

**Implementing the State Density Bonus Law
California Government Code Section 65915**

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AFFORDABLE HOUSING INCENTIVES GUIDELINES

I. SCOPE AND PURPOSE

As required by State law, the Municipal Code implements the State's density bonus provisions by setting forth the density bonus program requirements, incentives and procedures. These Guidelines more fully describe the density bonus provisions and qualifying criteria; the incentives available to qualifying projects; and the procedures whereby projects may apply for a bonus and incentives.

The Guidelines may be modified by resolution of the Planning Commission.

II. DEFINITIONS

Area Median Income (AMI) – The estimate of median income in the Los Angeles – Long Beach Primary Metropolitan Statistical Area that is determined periodically by the US Department of Housing and Urban Development (HUD), adjusted for household size and which is published periodically.

Density Bonus – A density increase over the otherwise maximum allowable residential density pursuant to California Government Code Section 65915. The density bonus shall apply to housing developments consisting of three or more dwelling units.

Incentive or Concession – A reduction in a development standard or a modification of the Zoning Code.

Moderate Income, Lower Income and Very Low Income – Annual income of a household that does not exceed the Area Median Income for the income category as specified in the California Health and Safety Code Sections 50079.5 and 50105. (See Appendix for Annual Household Income Levels)

Mass Transit Station – A transit stop for a fixed rail system or Major Bus Center. A station is one that is currently in use, whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transit Authority.

Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m.

Senior Citizens – Individuals who are at least 62 years of age, except that for density bonus projects of at least 35 dwelling units, a threshold of 55 years of age may be used, provided all applicable City, State and federal regulations are met.

III. DENSITY BONUS AND SET-ASIDES (SEE APPENDIX FOR EXAMPLES)

Density bonus provisions apply to projects of 3 or more units. Projects qualify for a **20% density bonus**, if they provide the following tenant set-asides for a period of at least 30 years, as established by State Law:

- **5% of the dwelling units for Very Low Income households**, earning no more than 50% of the AMI and paying no more in rent than the amount established by LAHD for households earning up to 50% of the median income, OR
- **10% of the dwelling units for Lower Income households**, earning no more than 80% of the AMI and paying no more in rent than the amount established by the Los Angeles Housing Department (LAHD) for households earning up to 60% of the median income.

Projects may qualify for an **additional density bonus to a maximum of 35%** provided the number of set-aside units are increased as follows:

- For each 1% increase in the percentage of Very Low Income affordable units, projects will receive an additional 2.5% density bonus up to a maximum of 35%.
- For each 1% increase in the percentage of Lower Income affordable units, projects will receive an additional 1.5% density bonus up to a maximum of 35%.

Projects qualify for an **additional 10% density bonus up to a maximum of 35%** if they are located on or near a transit corridor or major employment center (see By-Right Incentives, below).

Senior Housing Projects

State law provides an automatic 20% density bonus for housing projects that set-aside 100% of the housing for senior citizens. There are no income or rent restrictions for this bonus. As an incentive to provide affordable housing for seniors, senior housing projects that set aside at least 10% of the units for Lower Income seniors or 5% of the units for Very Low Income seniors will qualify for an additional 15% density bonus, for a total density bonus of 35%. All senior housing projects are required to sign a Covenant with the Los Angeles Housing Department assuring that the units are restricted to seniors for a period of 30 years.

For-Sale Condominium Developments

Condominium developments that set-aside 10% of the dwelling units for buyers who meet the criteria of Moderate Income households (earning no more than 120% of AMI) will qualify for a density bonus of 20%. For each additional 1% set-aside, the developer may receive an additional 1% density bonus up to a maximum of 35%. It is the intent of this program that these units will be owner-occupied.

The owner of the set-aside unit can sell that unit any time at an unrestricted price. At the time of sale, the owner can recoup his/her down payment, and the value of any improvements, but any profit must be shared with the City. The City's share is equal to the percentage by which the initial sale price to the Moderate-Income Household was less than the fair market value of the home at the time of the initial sale. These funds are to be used within three years for the construction,

rehabilitation, or preservation of affordable housing for Extremely Low, Very Low, Lower, and Moderate-Income persons or families. The Los Angeles Housing Department (LAHD) will develop additional guidelines to implement this provision of State law.

Donation of Land in Lieu of Set Aside

State law permits an applicant for a subdivision, parcel map or other residential development approval to obtain a 15% density bonus, if the applicant donates land to the City that meets, at a minimum, the following criteria:

- The developable acreage and zoning of the land being transferred are sufficient to permit construction of at least 10% of the number of residential units in the proposed development.
- The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units.
- The transferred land is within the boundary of the proposed development, or with the City's agreement, within ¼ mile of the development.
- The transferred land is fully entitled to permit the number of required affordable units.
- The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map or residential development application.

For each additional 1% land donated, the applicant may obtain an additional 1% density bonus up to a maximum of 35%. Also, an applicant may receive a density bonus for setting aside affordable units within the development project with the total bonus not to exceed 35%.

Density Bonus Calculation

The number of set-aside and density bonus units is based upon the maximum density allowed in the zone. State law requires that all density and set-aside calculations resulting in a fractional number be rounded up to the next whole number. For example, a 5,000 square foot lot in the R3 zone would permit 6 units (not 7 since the maximum density allowed is not "rounded up"). A 20% bonus would allow 2 extra units (1.2 is rounded up to 2 extra units). The required set-aside for Very Low Income households would be 1 unit (5% of 6 is .03, which is rounded up to 1.)

Term of Affordability

All Lower and Very Low Income rental density bonus units must remain affordable for 30 years (or longer, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.) LAHD has determined that equity sharing is the preferred method of ensuring ongoing availability of affordable housing upon re-sale of affordable restricted units. LAHD will be preparing implementing guidelines for the re-sale of Moderate, Lower and Very Low Income restricted units.

Certified Local Coastal Plans

The density bonus proscribes does not apply to any property located within the boundaries of a Certified Local Coastal Plan.

IV. BY-RIGHT INCENTIVES

Parking. State law provides parking standards that may be requested by a developer of a density bonus project and that the City must grant if requested. These standards apply not only to the restricted affordable units (the set-aside units) but also to the entire project. These standards are inclusive of handicapped and guest parking and are as follows:

- 0 – 1 bedrooms: one onsite parking space
- 2 – 3 bedrooms: two onsite parking spaces
- 4 or more bedrooms: 2½ parking spaces

If the total number of spaces required in the development results in a fractional number, it is rounded up to the next whole number. Tandem parking and uncovered parking are also permitted to meet these parking requirements.

Transit Corridor / Major Employment Centers. Projects that meet the following criteria will be granted an additional 10% density bonus, up to a maximum of 35%:

- At or within a 1,500 foot radius of an existing or fully funded major bus center, bus stop along a major bus route (defined as a bus route with peak-hour headways of 15 minutes or less in two directions in at least two of the three hours between 4:00 p.m. and 7:00 p.m.), or mass transit station; or
- At or within a 1,500 foot radius of an intersection of transit priority arterials; or
- In or within a 1,500 foot radius of the boundaries of a regional center; or
- In or within a 1,500 foot radius of boundaries of a major economic activity area (LAX, the Port of Los Angeles and Downtown);
- Within 1,500 feet of the boundaries of a college or university with an enrollment exceeding 10,000 students.

V. OTHER AFFORDABLE HOUSING INCENTIVES

In conformance with State law, at least one incentive or concession, in addition to the density bonus, must be provided to projects that set aside affordable units. The number of incentives increases as the percentage of set-aside units increases, as follows:

Very Low Income Households:

- One Incentive/Concession – 5% set-aside
- Two Incentives/Concessions – 10% set-aside
- Three Incentives/Concessions – 15% set-aside

Low Income and Moderate Income Households:

- One Incentive/Concession – 10% set-aside
- Two Incentives/Concessions – 20% set-aside
- Three Incentives/Concessions – 30% set-aside

Menu of Incentives/Concessions

Projects may request one or more of the following incentives or concessions, depending upon the income level of the targeted households and the percentage of set-aside units, in order to provide the affordable units:

- Up to 20% deviation from yard/setback requirements
- Up to 20% deviation from lot coverage requirements
- Up to 20% deviation from lot width requirements
- Up to 20% deviation from floor area requirements
- Up to 20% deviation from open space requirements
- Up to 20% additional building height, with the exception of properties within a Specific Plan for which 10% additional building height will be permitted
- Include area of street and alley dedication for purposes of calculating density
- A reduction or waiver in parking to include:
 - A reduction in parking requirements to not less than 1 parking space per restricted dwelling unit irrespective of the number of habitable rooms.
 - A reduction in parking requirements to not less than ½ parking space per dwelling unit for dwelling units restricted to Very Low or Low Income senior citizens.

VI. PROCEDURE FOR PROJECTS REQUESTING INCENTIVES/CONCESSIONS

For projects requesting a density bonus and one or more incentives included in the Menu of Incentives/Concessions above, the following procedures shall apply:

- The applicant shall pay the required fee, complete the appropriate environmental clearance and the required form(s) and submit the following to the Department of City Planning: (Note: density bonus projects are eligible for processing by the Expediting Unit, with payment of the appropriate fees.)
 - A summary of the project including location, number and type of housing units, including affordable units and bonus units
 - A parcel profile printout from the Zoning Information Map Access System (ZIMAS) confirming eligibility for the transit corridor incentive (if requested.)
 - The rationale and accurate supporting information, sufficient to demonstrate that the specific request is necessary to make the affordable units feasible.
 - A site plan including floor plans and elevations of the project. The drawings must clearly and completely illustrate the intent of the project and the necessity of the incentive requested.
 - Photographs of the entire site and surrounding properties.

- Information that the proposed project has no adverse impact on an Historic-Cultural Monument as declared by City, State or Federal government.
- The Director of Planning or his/her designee will review the information provided and issue a determination based on State law and these Guidelines.
- In conformance with State law, denial of a request must include documentation that either the concession or incentive is not required to provide for affordable housing, or the concession or incentive will have a specific adverse impact upon public health and safety, on the physical environment or on a property that includes an Historic-Cultural Monument as declared by the City, State or Federal government, and there is no way to reasonably mitigate or avoid the adverse impact without making the project unaffordable to Moderate, Lower or Very Low Income Households.
- Notice and Appeal. Notice of the determination will be provided to the applicant and all owners of properties abutting, across the street or alley from, or having a common corner with the subject property. The determination by the Director of Planning is final unless appealed to the Area Planning Commission within 15 calendar days of the date of mailing. Only the aggrieved applicant and abutting owners who received notice of the determination have the right to appeal. The decision of the Area Planning Commission is final.

For projects requesting an incentive/concession not on the Menu of Incentives/Concessions or a waiver of a development standard, the following procedures shall apply:

- The applicant shall pay the required fee, complete the appropriate environmental clearance, complete the required form(s) and submit the information listed above for projects requesting an incentive on the Menu.
- Hearing and Notice. The Director of Planning or designee will set the matter for public hearing at which evidence will be taken. Written notices shall be mailed, at least 24 days prior to the date of the hearing, to the Certified Neighborhood Council, applicant, property owners and occupants of property within 500' of the property that is the subject of the request.
- The Director of Planning or his/her designee will prepare a report for the City Planning Commission with conclusions and recommendations. The City Planning Commission decision may be appealed to the City Council.
- In conformance with State law, denial of a request must include documentation that either the concession or incentive is not required to provide for affordable housing, or the concession or incentive will have a specific adverse impact upon public health and safety, on the physical environment or on a property that includes an Historic-Cultural Monument as declared by the City, State or Federal government, and there is no way to reasonably mitigate or avoid the adverse impact without making the project unaffordable to Moderate, Lower or Very Low Income Households.

VII. DESIGN STANDARDS FOR AFFORDABLE UNITS

Design of Affordable Units in Mixed-Income Projects

Affordable dwelling units shall be generally comparable to market rate dwelling units, including total square footage, bedroom size, closet space amenities, number of bathrooms, etc., except in the quality of interior "finish" materials (e.g., floor and wall coverings). Affordable units should be no less than 90% of the average square footage of the market rate units with the same number of bedrooms. The design of restricted dwelling units should generally reflect the average number of bedrooms per dwelling unit in the development.

Location of Affordable Units within Mixed-Income Projects

Affordable dwelling units must be reasonably interspersed among market-rate dwelling units within the same building.

Equal Distribution of Amenities

Residents of affordable dwelling units may not be charged for amenities that are provided at no cost to other residents including, but not limited to, access to recreational facilities, parking, cable TV, and interior amenities such as dishwashers and microwave ovens. Optional services provided must be optional for all residents, and available to all under the same terms and conditions. Tenants of restricted units cannot be required to purchase additional services.

VIII. AFFORDABILITY REQUIREMENTS (SEE APPENDIX FOR HOUSEHOLD INCOME, MAXIMUM RENTS AND PURCHASE PRICES)

The Los Angeles Housing Department (LAHD) establishes the affordability restrictions on household income, based upon State law. These restrictions are subject to annual review and an owner can contact LAHD directly to receive the current restrictions. The examples provided in the Appendix (Section XII of these Guidelines) are for calendar year 2005 and represent the maximum that may be charged to Moderate, Lower and Very Low Income residents. For all questions about affordability requirements, contact LAHD at (213) 806-8806.

IX. LAHD MONITORING REQUIREMENTS

All projects shall comply with the annual monitoring requirements established by LAHD by means of a Covenant and Agreement. It is the responsibility of the owner to notify LAHD of any changes in the building that may affect compliance, such as change of ownership, management agent or on-site manager, vacancies in restricted units, or changes in compliance with the Los Angeles Department of Building and Safety (LADBS) requirements.

The following are LAHD requirements (a complete list is found in the LAHD Covenant):

- LAHD reviews all initial tenants' eligibility for affordable, set-aside dwelling units prior to occupancy
- LAHD annually reviews tenants' eligibility for affordable dwelling units.

- Building owners must provide LAHD with an annual review letter identifying the number of restricted dwelling units, household income and size, rent levels, dwelling unit size and verification of vacancies. LAHD may at any time audit a building containing restricted units to monitor the occupancy of these units.
- LAHD may make annual site visits to ensure that the restricted dwelling units are maintained in decent, safe and sanitary condition and that they are provided with the same level of services, including security and maintenance, as are applied to the other dwelling units in the development.
- If violations are found, fees and/or fines may be levied against the owner including the cost of legal action.

X. PROCEDURE FOR OBTAINING HOUSING DEPARTMENT SIGN-OFF FOR BUILDING PERMIT APPLICATION

- In the plan check process, LADBS determines the allowable density.
- LADBS requires a building permit applicant to get a "sign-off" from various City departments, including LAHD, and provides the applicant a "Clearance Summary Worksheet" for this purpose.
- If the project has obtained additional incentive(s) or relief from a development standard, documentation provided by the Department of City Planning should be presented to Building and Safety in the plan check process.
- Owner or his/her representative provides the following information to LAHD, in order for an Agreement Containing Covenants Affecting Real Property (Covenant) to be prepared:
 - Copy of the LADBS Clearance Summary Worksheet
 - Copy of the LADBS "Application for Building Permit and Certificate of Occupancy"
 - Address of site
 - Full legal description of property as specified in the grant deed
 - Property owner's name, address and telephone number
 - Name and title of individual signing the Agreement on behalf of the owner
 - Name, address and phone number of owner's representative
 - The incentives being requested and those that require a Covenant
 - The original number of units permitted by the zoning, before bonus
 - Number of units and bedroom mix of units
 - Number of restricted, set-aside units and number of bedrooms contained in each
- LAHD confirms the required number of the restricted affordable units, as specified in the Zoning Code based upon the LADBS Clearance Summary Worksheet, or as required by the Planning Department, and assures that the set-aside units meet all requirements established by these Guidelines
- LAHD determines the rent level or purchase price of the restricted affordable units and prepares a Covenant that establishes the number of such units, the affordability level and the term of affordability.

- The owner signs the Covenant and has it notarized. LAHD then completes the electronic sign-off of the building permit application and has the Covenant recorded by the County of Los Angeles.
- LAHD refers the applicant to LADBS to complete the permitting process.

Prior to the issuance of any Certificate of Occupancy, the following clearance must be obtained:

- Final clearance from LAHD that all conditions of the Agreement Containing Covenants Affecting Real Property have been met.

XI. CONTACT INFORMATION

Los Angeles Housing Department
Occupancy Monitoring Section
1200 W. 7th Street, 9th Floor
Los Angeles, CA 90017
(213) 808-8806

Department of City Planning
City Hall, 200 N. Spring Street, Room 721
Los Angeles, CA 90012
(213) 978-1372

Los Angeles Department of Building & Safety
201/221 N. Figueroa Street
Los Angeles, CA 90012
(888) 524-2845

XII. APPENDIX

PERCENTAGE OF SET-ASIDE UNITS AND CORRESPONDING DENSITY BONUS

VERY LOW INCOME HOUSEHOLDS EARNING <50% AMI		LOWER INCOME HOUSEHOLDS EARNING 50%-80% AMI	
Set-Aside Units	Density Bonus	Set-Aside Units	Density Bonus
5%	20.00%	10%	20.00%
6%	22.50%	11%	21.50%
7%	25.00%	12%	23.00%
8%	27.50%	13%	24.50%
9%	30.00%	14%	26.00%
10%	32.50%	15%	27.50%
11%	35.00%	16%	29.00%
		17%	30.50%
		18%	32.00%
		19%	33.50%
		20%	35.00%

SAMPLE SET-ASIDE UNITS AND DENSITY BONUS FOR 10-UNIT BUILDING

VERY LOW INCOME HOUSEHOLDS EARNING <50% AMI 10 UNITS ALLOWED BY THE ZONING				
Set-Aside Units		Bonus Units		Total Project Units
Calculation	Units	Calculation	Units	
5% x 10 = .50	1	20% x 10 = 2.00	2	12
6% x 10 = .60	1	22.5% x 10 = 2.25	3	13
7% x 10 = .70	1	25% x 10 = 2.50	3	13
8% x 10 = .80	1	27.5% x 10 = 2.75	3	13
9% x 10 = .90	1	30% x 10 = 3.00	3	13
10% x 10 = 1.0	1	32.5% x 10 = 3.25	4	14
11% x 10 = 1.1	2	35% x 10 = 3.50	4	14

LOWER INCOME HOUSEHOLDS EARNING 50%-80% AMI 10 UNITS ALLOWED BY THE ZONING				
Set-Aside Units		Bonus Units		Total Project Units
Calculation	Units	Calculation	Units	
10% x 10 = 1.0	1	20% x 10 = 2.00	2	12
11% x 10 = 1.1	2	21.5% x 10 = 2.15	3	13
12% x 10 = 1.2	2	23% x 10 = 2.30	3	13
13% x 10 = 1.3	2	24.5% x 10 = 2.45	3	13
14% x 10 = 1.4	2	26% x 10 = 2.60	3	13
15% x 10 = 1.5	2	27.5% x 10 = 2.75	3	13
16% x 10 = 1.6	2	29% x 10 = 2.90	3	13
17% x 10 = 1.7	2	30.5% x 10 = 3.05	4	14
18% x 10 = 1.8	2	32% x 10 = 3.20	4	14
19% x 10 = 1.9	2	33.5% x 10 = 3.35	4	14
20% x 10 = 2.0	2	35% x 10 = 3.50	4	14

SAMPLE SET-ASIDE UNITS AND DENSITY BONUS FOR 50-UNIT BUILDING

VERY LOW INCOME HOUSEHOLDS EARNING <50% AMI 50 UNITS ALLOWED BY THE ZONING				
Set-Aside Units		Bonus Units		Total Project Units
Calculation	Units	Calculation	Units	
5% x 50 = 2.50	3	20% x 50 = 10.00	10	60
6% x 50 = 3.00	3	22.5% x 50 = 11.25	12	62
7% x 50 = 3.50	4	25% x 50 = 12.50	13	63
8% x 50 = 4.00	4	27.5% x 50 = 13.75	14	64
9% x 50 = 4.50	5	30% x 50 = 15.00	15	65
10% x 50 = 5.00	5	32.5% x 50 = 16.25	17	67
11% x 50 = 5.50	6	35% x 50 = 17.50	18	68

LOWER INCOME HOUSEHOLDS EARNING 50%-80% AMI 50 UNITS ALLOWED BY THE ZONING				
Set-Aside Units		Bonus Units		Total Project Units
Calculation	Units	Calculation	Units	
10% x 50 = 5.00	5	20% x 50 = 10.00	10	60
11% x 50 = 5.50	6	21.5% x 50 = 10.75	11	61
12% x 50 = 6.00	6	23% x 50 = 11.50	12	62
13% x 50 = 6.50	7	24.5% x 50 = 12.50	13	63
14% x 50 = 7.00	7	26% x 50 = 13.00	13	63
15% x 50 = 7.50	8	27.5% x 50 = 13.75	14	64
16% x 50 = 8.00	8	29% x 50 = 14.50	15	65
17% x 50 = 8.50	9	30.5% x 50 = 15.25	16	66
18% x 50 = 9.00	9	32% x 50 = 16.00	16	66
19% x 50 = 9.50	10	33.5% x 50 = 16.75	17	67
20% x 50 = 10.0	10	35% x 50 = 17.50	18	68

SAMPLE SET-ASIDE UNITS AND DENSITY BONUS FOR 10-UNIT BUILDING WITH TRANSIT INCENTIVE (EXTRA 10% DENSITY BONUS)

VERY LOW INCOME HOUSEHOLDS EARNING <50% AMI WITH TRANSIT INCENTIVE 10 UNITS ALLOWED BY THE ZONING						
Set-Aside Units		Bonus Units without Transit Incentive		Bonus Units with Transit Incentive		Total Units
Calculation	Units	Calculation	Units		Units	
5% x 10 = .50	1	20% x 10 = 2.00	2	30% x 10 = 3.00	3	13
6% x 10 = .60	1	22.5% x 10 = 2.25	3	32.5% x 10 = 3.25	4	14
7% x 10 = .70	1	25% x 10 = 2.50	3	35% x 10 = 3.5	4	14
8% x 10 = .80	1	27.5% x 10 = 2.75	3	EXCEEDS 35%	4	14
9% x 10 = .90	1	30% x 10 = 3.00	3	"	4	14
10% x 10 = 1.0	1	32.5% x 10 = 3.25	4	"	4	14
11% x 10 = 1.1	2	35% x 10 = 3.50	4	"	4	14

LOWER INCOME HOUSEHOLDS EARNING <50% AMI WITH TRANSIT INCENTIVE 10 UNITS ALLOWED BY THE ZONING						
Set-Aside Units		Bonus Units without Transit Incentive		Bonus Units with Transit Incentive		Total Units
Calculation	Units	Calculation	Units		Units	
10% x 10 = 1.0	1	20% x 10 = 2.00	2	30% x 10 = 3.00	3	13
11% x 10 = 1.1	2	21.5% x 10 = 2.15	3	31.5% x 10 = 3.15	4	14
12% x 10 = 1.2	2	23% x 10 = 2.30	3	33% x 10 = 3.30	4	14
13% x 10 = 1.3	2	24.5% x 10 = 2.45	3	34.5% x 10 = 3.45	4	14
14% x 10 = 1.4	2	26% x 10 = 2.60	3	EXCEEDS 35%	4	14
15% x 10 = 1.5	2	27.5% x 10 = 2.75	3	'	4	14
16% x 10 = 1.6	2	29% x 10 = 2.90	3	'	4	14
17% x 10 = 1.7	2	30.5% x 10 = 3.05	4	'	4	14
18% x 10 = 1.8	2	32% x 10 = 3.20	4	'	4	14
19% x 10 = 1.9	2	33.5% x 10 = 3.35	4	'	4	14
20% x 10 = 2.0	2	35% x 10 = 3.50	4	'	4	14

SAMPLE SET-ASIDE UNITS AND DENSITY BONUS FOR 50-UNIT BUILDING WITH TRANSIT INCENTIVE (EXTRA 10% BONUS)

VERY LOW INCOME HOUSEHOLDS EARNING <50% AMI WITH TRANSIT INCENTIVE 50 UNITS ALLOWED BY THE ZONING						
Set-Aside Units		Bonus Units without Transit Incentive		Bonus Units with Transit Incentive		Total Units
Calculation	Units	Calculation	Units		Units	
5% x 50 = 2.50	3	20% x 50 = 10.00	10	30% x 50 = 15.00	15	65
6% x 50 = 3.00	3	22.5% x 50 = 11.25	12	32.5% x 50 = 16.25	17	67
7% x 50 = 3.50	4	25% x 50 = 12.50	13	35% x 50 = 17.5	18	68
8% x 50 = 4.00	4	27.5% x 50 = 13.75	14	EXCEEDS 35%		68
9% x 50 = 4.50	5	30% x 50 = 15.00	15	'		68
10% x 50 = 5.00	5	32.5% x 50 = 16.25	17	'		68
11% x 50 = 5.50	6	35% x 50 = 17.50	18	'		68

LOWER INCOME HOUSEHOLDS EARNING <50% AMI WITH TRANSIT INCENTIVE 50 UNITS ALLOWED BY THE ZONING						
Set-Aside Units		Bonus Units without Transit Incentive		Bonus Units with Transit Incentive		Total Units
Calculation	Units	Calculation	Units		Units	
10% x 50 = 5.00	5	20% x 50 = 10.00	10	30% x 50 = 15.00	15	65
11% x 50 = 5.50	6	21.5% x 50 = 10.75	11	31.5% x 50 = 15.75	16	66
12% x 50 = 6.00	6	23% x 50 = 11.50	12	33% x 50 = 16.50	17	67
13% x 50 = 6.50	7	24.5% x 50 = 12.50	13	34.5% x 50 = 17.25	18	68
14% x 50 = 7.00	7	26% x 50 = 13.00	13	EXCEEDS 35%		68
15% x 50 = 7.50	8	27.5% x 50 = 13.75	14	'		68
16% x 50 = 8.00	8	29% x 50 = 14.50	15	'		68
17% x 50 = 8.50	9	30.5% x 50 = 15.25	16	'		68
18% x 50 = 9.00	9	32% x 50 = 16.00	16	'		68
19% x 50 = 9.50	10	33.5% x 50 = 16.75	17	'		68
20% x 50 = 10.0	10	35% x 50 = 17.50	18	'		68

(Please contact Los Angeles City Housing Department at
(213) 806-8806 for the most recent Maximum Rents and Income Levels.)

HOUSEHOLD INCOME TABLE UPDATED FOR 2005

Household Size	Very Low Income 50% AMI	Lower Income 80% AMI	Moderate Income 120% AMI
1	\$22,950	\$36,700	\$55,100
2	\$26,200	\$41,900	\$62,900
3	\$29,500	\$47,150	\$70,800
4	\$32,750	\$52,400	\$78,600
5	\$35,350	\$56,600	\$84,850
6	\$38,000	\$60,800	\$91,200
7	\$40,600	\$65,000	\$97,450
8	\$43,250	\$69,150	\$103,800

MAXIMUM RENTS FOR SET-ASIDE UNITS - UPDATED FOR 2005

No. of Bedrooms	Very Low Income 50% AMI	Lower Income 60% AMI	Moderate Income 120% AMI (For sale units only)
0	\$555	\$631	\$1,202
1	\$634	\$720	\$1,372
2	\$714	\$811	\$1,545
3	\$855	\$972	\$1,851
4	\$983	\$1,116	\$2,126

MAXIMUM PURCHASE PRICE FOR SET-ASIDE UNITS UPDATED FOR 2005

Number of Bedrooms	Very Low Income 50% AMI	Lower Income 60% AMI	Moderate Income 120% AMI
0	\$57,375	\$91,773	\$137,882
1	\$65,500	\$104,695	\$163,737
2	\$77,812	\$147,576	\$202,939
3	\$91,687	\$156,815	\$239,836
4	\$104,812	\$159,748	\$267,153

**INTERIM ADMINISTRATIVE PROCEDURES
FOR COMPLYING WITH THE MELLO ACT
IN THE COASTAL ZONE PORTIONS
OF THE CITY OF LOS ANGELES**

APPROVED BY:	SIGNATURE:	DATE:
ANDREW A. ADELMAN General Manager Department of Building and Safety	<i>Andrew A. Adelman</i>	5/17/00
CON HOWE Director Department of City Planning	<i>Con Howe</i>	5/16/00
GARRY W. PINNEY General Manager Department of Housing	<i>Garry W. Pinney</i>	5/16/00

ALL CITY STAFF AND EMPLOYEES
SHALL FOLLOW THESE PROCEDURES PURSUANT TO CITY COUNCIL
RESOLUTION AND DEPARTMENTAL ORDERS

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1. DEFINITIONS
2. MELLO ACT COMPLIANCE REVIEW WORKSHEET FOR PROPOSED DEMOLITIONS AND CONVERSIONS (Please refer to the Mello Procedures Memo dated October 28, 2003)
3. LOS ANGELES CITY PLANNING DEPARTMENT MODERATE-INCOME HOUSING PURCHASE FEASIBILITY ANALYSIS (~~FORM CP-6304~~)
(Contact the Mello Coordinator for information.)
4. AFFORDABLE HOUSING INCENTIVES GUIDELINES

1.0 INTRODUCTION

On January 19, 2000, the City Council adopted an action program with respect to implementation of California Government Code Sections 65590 and 65590.1, commonly called the Mello Act, within the City of Los Angeles. The Mello Act is a statewide law which seeks to preserve housing for persons and families with low or moderate incomes in California's Coastal Zone. The Mello Act also requires developers of New Housing Developments, if feasible, to provide Residential Units affordable to low or moderate income persons or families.

1.1 COUNCIL'S ACTION PROGRAM

Council's action program is summarized below:

- Part One. The Council re-adopted its existing policy (as previously contained in C.F. No. 81-6299), and directed the Departments of Building and Safety, City Planning and Housing to develop consistent and more effective Interim Administrative Procedures to implement this policy. Council was particularly concerned that every Discretionary and Non-Discretionary Application in the Coastal Zone that requires Mello Act compliance review receive the proper review. Council's policy generally requires the one-for-one replacement of demolished or converted housing units occupied by persons or families of low or moderate income within three years. In addition, Council's policy concerning New Housing Developments is based on the Coastal Commission Guidelines.
- Part Two. Council directed the Department of City Planning to develop a Mello Act Interim Ordinance, which will include an in-lieu fee payment option. Council also authorized the Department to execute a consultant contract with Hamilton, Rabinovitz and Alschuler (HR&A) to produce the studies and factual analysis necessary to support development of the Interim Ordinance and in-lieu fee payment program. The Interim Administrative Procedures developed in Part One will be tested and updated, and submitted to Council, along with the Interim Ordinance, in a timely manner.
- Part Three. Council directed the Department of City Planning to develop a permanent Mello Act implementation ordinance. The Council also committed to hiring a qualified consultant to prepare the studies and factual analysis necessary to support development of the permanent ordinance. The Interim Administrative Procedures will again be updated, and resubmitted to Council along with the permanent Mello Act ordinance.

1.2 INTERIM ADMINISTRATIVE PROCEDURES

It is the policy of the Council of the City of Los Angeles that the Departments of Building and Safety, City Planning (including the Zoning Administration Division) and Housing shall administer, enforce and monitor the provisions of the Mello Act in accordance with these Interim Administrative Procedures.

1.2.1 EFFECTIVE DATE AND PERIOD

These Interim Administrative Procedures are effective immediately, and shall remain in effect until modified in accordance with the Interim Ordinance.

1.2.2 PENDING PERMIT AND APPROVAL APPLICATIONS

Pending Discretionary and Non-Discretionary Applications are subject to the requirements of the Mello Act.

1.2.3 RELATIONSHIP OF PROCEDURES TO EXISTING REGULATIONS

Every Discretionary and Non-Discretionary Application for a Demolition, Conversion or New Housing Development in the Coastal Zone shall be reviewed pursuant to these Interim Administrative Procedures, regardless if the Application is regulated by any geographically specific plan or Local Coastal Program. This requirement also applies to any Discretionary or Non-Discretionary Application exempted from the requirement to obtain a coastal development permit.

In the case of conflict between these Interim Administrative Procedures, any geographically specific plan, Local Coastal Program, or any other regulation, the requirement which results in the provision of the largest number of Affordable Replacement Units or Inclusionary Residential Units shall apply. These Interim Administrative Procedures shall not, however, abrogate any existing development agreement executed between a property owner and the City of Los Angeles prior to May 17, 2000.

1.2.4 CONSTITUTIONAL AND STATE LAW COMPLIANCE

Nothing in these Interim Administrative Procedures shall require the City to violate any state law or to violate the rights of any person under the federal or state constitution or state law.

1.3. OVERVIEW OF THE MELLO ACT

The Mello Act was adopted by the State Legislature in 1982. The Act sets forth requirements concerning the demolition, conversion and construction of housing within California's Coastal Zone. Each local jurisdiction shall enforce three basic rules:

- Rule 1. Existing residential structures shall be maintained, unless the local jurisdiction finds that residential uses are no longer feasible.** A local jurisdiction may not approve the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use, unless it first finds that a residential use is no longer feasible at that location.
- Rule 2. Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced.** Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced on a one-for-one basis.
- Rule 3. New Housing Developments shall provide Inclusionary Residential Units.** If feasible, New Housing Developments shall provide Inclusionary Residential Units affordable to Very Low, Low or Moderate Income persons or families.

These rules are subject to numerous exceptions and additional required feasibility determinations which complicate the administration of the Mello Act.

2.0 INITIAL SCREENING AND ROUTING

The Department of Building and Safety is responsible for the initial screening and routing of Non-Discretionary Applications. The Department of City Planning is responsible for the initial screening and routing of Discretionary Applications.

Public Counter staff at these Departments are hereby directed to develop the appropriate forms and procedures necessary to screen, route and track all Discretionary and Non-Discretionary Applications pursuant to steps one through six below.

2.1. STEP ONE. IDENTIFY COMMUNITY PLAN AREA.

Staff shall determine if a filed and deemed complete Discretionary or Non-Discretionary Application is located in the following Community Plan Areas: Brentwood-Pacific Palisades, Venice, Del Rey, Westchester-Playa Del Rey, San Pedro or Wilmington-Harbor City. If the Application is in one of these Community Plan Areas, go to step two.

2.2 STEP TWO. DETERMINE COASTAL ZONE LOCATION.

Staff shall consult the appropriate City of Los Angeles Coastal Zone Subarea Map to determine if the Application is located in the Coastal Zone. If the Application is in the Coastal Zone, go to step three.

2.3 STEP THREE. IDENTIFY CONVERSIONS, DEMOLITIONS AND NEW HOUSING DEVELOPMENTS.

Staff shall identify Discretionary or Non-Discretionary Applications that involve one or more Residential Units. Staff shall then determine if any of these Applications conform to the definition of a Demolition, Conversion or New Housing Development as contained in Attachment 1. If Demolitions, Conversions or New Housing Developments are identified, go to step four.

2.4 STEP FOUR. IDENTIFY CATEGORICAL EXEMPTIONS.

Staff shall identify which Demolitions, Conversions or New Housing Developments are Categorically Exempt from further Mello Act compliance review pursuant to Parts 2.4.1, 2.4.2, and 2.4.3 below. If Applications are identified as Categorically Exempt, go to step five. If Applications are identified as non-Categorically Exempt, go to step six.

2.4.1 PUBLIC NUISANCES

Residential structures declared a public nuisance pursuant to the following state and local codes are not subject to the Mello Act's replacement requirements:

- Division 13 (commencing with Section 17000) of the California Health and Safety Code; or
- Chapter IX, Article 1, Division 89 of the Los Angeles Municipal Code.

In order to claim a Categorical Exemption from the Mello Act's replacement requirements, an Applicant shall submit a certified title report indicating that a public nuisance declaration has been recorded against the residential structure and has not been terminated. In reviewing certified title reports, staff shall take the following Mello Act provision into account:

"For purposes of this subdivision, no building, which conforms to the standards which were applicable at the time the building was constructed and which does not constitute a substandard building, as provided in Section 17920.3 of the Health and Safety Code, shall be deemed to be a public nuisance solely because the building

does not conform to one or more of the current provisions of the Uniform Building Code as adopted within the jurisdiction for new construction."

2.4.2 SMALL NEW HOUSING DEVELOPMENTS

Based on the Coastal Commission Guidelines, Council has found that it is generally infeasible for small New Housing Developments (developments which consist of nine or fewer Residential Units) to provide Inclusionary Residential Units. Such New Housing Developments are Categorically Exempt from further Mello Act compliance review.

Council has instructed the Department of City Planning to direct HR&A to analyze the feasibility of requiring these New Housing Developments to provide Inclusionary Residential Units, or to pay an in-lieu fee. Based on HR&A's study, Council may adopt a different feasibility presumption concerning these New Housing Developments for the Interim Ordinance.

2.4.3 OWNER-OCCUPIED SINGLE-FAMILY HOMES

Applicants who propose to demolish the existing one-family dwelling in which they currently reside, and replace it with another one-family dwelling in which they plan to reside, are Categorically Exempt from further Mello Act compliance review.

2.5. STEP FIVE. SEND NOTICE OF CATEGORICALLY EXEMPT APPLICATIONS.

Notice of determinations that an Application is Categorically Exempt pursuant to Part 2.4 above shall be sent, within five working days of the date the determination is made, to the Applicant and to:

Richard A. Rothschild
Western Center on Law and Poverty, Inc.
3701 Wilshire Boulevard, Suite 208
Los Angeles, CA 90010-2809

Notice of determinations that an Application is Categorically Exempt pursuant to Part 2.4.1, Public Nuisances, shall also be sent to all building occupants.

Determinations that a proposed Demolition, Conversion or New Housing Development is Categorically Exempt pursuant to Part 2.4 are appealable pursuant to the procedures set forth in Part 8.0.

2.6 STEP SIX. ROUTE NON-CATEGORICALLY EXEMPT APPLICATIONS TO THE DEPARTMENT OF CITY PLANNING, ZONING ADMINISTRATION DIVISION (DCP/ZAD) FOR FURTHER MELLO ACT COMPLIANCE REVIEW AND PROCESSING.

Public Counter staff at the Departments of Building and Safety and City Planning shall route non-Categorically Exempt Conversions, Demolitions and New Housing Developments to the Department of City Planning, Zoning Administration Division (DCP/ZAD) for follow-up Mello Act compliance review, coordination and processing.

The Department of Building and Safety shall not issue any permits or other approvals until it has received clearance from the DCP/ZAD that the Applicant has satisfied all conditions set forth in the Mello Act and these Interim Administrative Procedures.

3.0 DEMOLITIONS AND NEW HOUSING DEVELOPMENTS ON THE SAME SITE

If an Applicant proposes to demolish Affordable Existing Residential Units, and build a New Housing Development on the same site, the Mello Act's replacement and inclusionary requirements are both triggered.

While with few exceptions all demolished Affordable Existing Residential Units must be replaced (as further discussed in Part 4.0 below), the inclusionary requirements only apply to the number of new Residential Units that exceeds the number of Affordable Replacement Units. For example, if an Applicant is required to provide 20 Affordable Replacement Units, and plans to build a total of 50 new Residential Units, the inclusionary requirements only apply to the 30 excess Residential Units.

DCP/ZAD staff shall determine the total number of required Affordable Replacement Units pursuant to Part 4.0, and the number of required Inclusionary Residential Units pursuant to Part 5.0. If the number of excess Residential Units is nine or fewer, no Inclusionary Residential Units are required pursuant to Part 2.4.2.

4.0 DEMOLITIONS AND CONVERSIONS

Assigned DCP/ZAD staff shall complete a Mello Act compliance review for each proposed Demolition and Conversion using the attached Mello Act Compliance Review Worksheet

(Attachment 2). This requirement applies to both Discretionary and Non-Discretionary Applications. Applicants are not permitted to complete this Worksheet.

The purpose of completing a Mello Act compliance review is to:

- Identify Applications to demolish or convert residential structures for purposes of a non-Coastal-Dependent, non-residential use. These Applications shall be denied unless the Applicant proves with substantial evidence that a residential use is not feasible at that location; and
- Identify the total number of Affordable Existing Residential Units that are proposed for Demolition or Conversion; and
- Determine the total number of required Affordable Replacement Units.

Each question on the Mello Act Compliance Review Worksheet is reproduced and further discussed below. Staff shall provide a written explanation for each answer recorded on the Worksheet, and attach all supporting documentation to the file. The results of each Mello Act compliance review shall be issued as a determination pursuant to Part 6.0.

4.1 QUESTION #1. WILL RESIDENTIAL STRUCTURES BE DEMOLISHED OR CONVERTED FOR PURPOSES OF A NON-RESIDENTIAL USE ?

The Mello Act states that the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location. This prohibition applies to all residential structures, regardless of the following factors:

- The income of current or past occupants;
- The form of ownership (whether the Residential Units are for-sale units or rentals); and
- Rents charged, for-sale prices, or appraised value.

If the answer to question #1 is "yes," and existing residential structures are proposed for Demolition or Conversion for purposes of a non-residential use, then staff shall go to question #2 to determine if the proposed use is Coastal-Dependent.

If the answer to question #1 is "no," staff shall skip to question #4 to determine if any of the Residential Units proposed for Demolition or Conversion are occupied by Very Low,

Low or Moderate Income Households. These Residential Units are termed, "Affordable Existing Residential Units."

4.2 QUESTION #2. IS THE PROPOSED NON-RESIDENTIAL USE COASTAL-DEPENDENT?

Coastal-Dependent uses are uses which requires a site on, or adjacent to, the sea in order to function at all. Examples of Coastal-Dependent uses include fisheries and boating and harbor facilities.

If the answer to question #2 is "yes," and the proposed non-residential uses are Coastal-Dependent, staff shall skip to question#4. The Demolition or Conversion may be approved, but only upon the condition the Applicant provides all required Affordable Replacement Units identified through the Mello Act compliance review process.

If the answer to question #2 is "no," and the proposed non-residential uses are not Coastal-Dependent, staff shall go to question #3.

4.3 QUESTION #3. IS A RESIDENTIAL USE FEASIBLE AT THIS LOCATION?

Because the site contains a residential structure, the City presumes that a residential use is feasible. The Applicant may challenge the City's presumption by presenting substantial evidence to the contrary directly to DCP/ZAD staff (for Non-Discretionary Applications); and to the decision-maker (for Discretionary Applications).

The following shall be considered in reviewing an Applicant's challenge of the City's presumption:

- The Applicant has the burden of proof. Proximity to other existing, viable residential uses is strong evidence that a residential use is feasible.
- An Applicant may not claim infeasibility merely because the site is zoned commercial. Commercial zones in the City of Los Angeles generally permit residential uses. However, in some cases a "Q" or "D" limitation may be imposed on a particular property which prohibits residential uses.
- If the existing, underlying zoning or any other applicable regulation prohibits all residential uses, then the Applicant may cite those facts if the Applicant is challenging the City's presumption. If an Applicant has non-conforming or other rights which permit a continued residential use, then the Applicant may not contend that the existing zoning renders a residential use infeasible.

- An Applicant may not initiate and obtain approval for a zone change which prohibits residential uses and subsequently claim infeasibility based on that zone change.
- An Applicant may not claim infeasibility merely because the site is zoned industrial if a Zoning Administrator had previously approved joint living and work quarters for that site. A Zoning Administrator's grant runs with the land.
- An Applicant may not claim financial infeasibility unless it can clearly document an inability to rent or sell the current premises based on the site's unique characteristics or circumstances. Unique characteristics or circumstances include proximity to noxious and incompatible existing uses that are likely to remain, and that render a continued residential use infeasible. If challenging the City's presumption, an Applicant may not cite mere proximity to commercial or industrial uses.
- An Applicant may claim infeasibility due to the site's unique geologic or other topographical features which render it unsafe for human habitation. Applicants must provide supporting documentation.
- An Applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption.

If the Applicant has proved with substantial evidence that a residential use is infeasible, staff shall record a "no" answer to question #3, and go to question #4.

If the Applicant has not proved with substantial evidence that a residential use is infeasible, staff shall record a "yes" answer to question #3. This stops the Mello Act Compliance Review process. The Discretionary or Non-Discretionary Application shall be denied. A determination shall be issued pursuant to Part 6.0.

4.4 QUESTION #4. ARE ANY AFFORDABLE EXISTING RESIDENTIAL UNITS PROPOSED FOR DEMOLITION OR CONVERSION?

To answer question #4, staff shall refer the Applicant to the Los Angeles Housing Department (LAHD). LAHD has sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units. If LAHD identifies Affordable Existing Residential Units, DCP/ZAD staff shall record the total number of identified units in the "yes" box, and go to question #5.

If LAHD does not identify any Affordable Existing Residential Units, DCP/ZAD staff shall record a "zero" in the "no" box. This stops the Mello Act Compliance Review process. The Applicant is not required to provide any Affordable Replacement Units. A determination pursuant to Part 6.0 shall be issued.

LAHD shall identify Affordable Existing Residential Units by completing steps one through six below for each referred Residential Unit. The Applicant is liable and responsible for all postage and other costs necessary to complete the occupant income determination process. LAHD has the authority to specify the processes Applicants must follow in order for the occupant income determination process to be successfully completed.

4.4.1 STEP ONE. SEND GENERAL NOTICE TO ALL BUILDING OCCUPANTS.

When LAHD receives a referral from DCP/ZAD of a proposed Demolition or Conversion, LAHD shall send a general notice to all current building occupants which contains the following:

- A description of the proposed Demolition or Conversion;
- An explanation of the purpose of the Mello Act and the City's Mello Act compliance review process;
- A description of the rights that building occupants determined to have a Very Low, Low or Moderate Income shall have, including a right of first refusal on an Affordable Replacement Unit;
- A referral to a specified source of further assistance, to be selected by Western Center on Law and Poverty, Inc. Until further notice from Western Center on Law and Poverty, Inc., the general notice shall contain the following referral:

Richard A. Rothschild
Western Center on Law and Poverty, Inc.
3701 Wilshire Boulevard, Suite 208
Los Angeles, CA 90010-2809

- A City telephone number to call for additional information.

4.4.2 STEP TWO. IDENTIFY LONG-TERM VACANT RESIDENTIAL UNITS.

A Residential Unit shall not be classified as an Affordable Existing Residential Unit if it has been unoccupied for more than 365 consecutive days prior to the Application's filing.

The Applicant has the burden of proving long-term vacancy. If the Applicant has established long-term vacancy, then LAHD shall not classify the Residential Unit as an Affordable Existing Residential Unit.

4.4.3 STEP THREE. DETERMINE OCCUPANT INCOME BASED ON MONTHLY HOUSING COST OR ACTUAL INCOME DATA.

LAHD may determine occupant income using Monthly Housing Cost as a substitute for actual income, or by collecting and verifying actual income. Pursuant to the definition set forth in Attachment 1, an existing Residential Unit is classified as an Affordable Existing Residential Unit if at least one person or family occupying the unit (excluding dependents) is of Very Low, Low or Moderate Income.

If current Monthly Housing Cost data indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If not, LAHD shall collect prior Monthly Housing Cost data for at least the previous three years. If the average Monthly Housing Cost over this period indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If three years of Monthly Housing Cost data is not available or readily obtainable, then LAHD shall determine occupant income through the direct collection and verification of actual income data.

If occupant income is based on Monthly Housing Cost, LAHD shall go to step four. If occupant income is based on actual income, LAHD shall:

- Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

4.4.4. STEP FOUR. VERIFY ACCURACY OF OCCUPANT INCOME BASED ON MONTHLY HOUSING COST DATA.

LAHD shall provide occupants and Applicants with the opportunity to verify the accuracy of occupant income determinations based on Monthly Housing Cost.

LAHD shall provide persons and families presumed not to have a Very Low, Low or Moderate income with the opportunity to submit data verifying actual income. Likewise, LAHD shall provide Applicants with a roster of occupants presumed to have a Very Low, Low or Moderate Income, who may then submit data verifying actual income. LAHD is

responsible for verifying the accuracy of any submitted income data. LAHD shall use actual income data to correct any incorrect occupant income determinations based on Monthly Housing Cost.

Based on this review, LAHD shall:

- Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

4.4.5 STEP FIVE. IDENTIFY AND DETERMINE IF ANY EVICTIONS WERE FOR THE PURPOSE OF EVADING THE MELLO ACT.

LAHD shall conduct an investigation to carry out the following Mello Act provisions concerning evictions:

"For purposes of this subdivision, a residential dwelling unit shall be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subdivision. If a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of this subdivision and the applicant for the conversion or demolition shall bear the burden of proving that the evictions were not for the purpose of avoiding the requirements of this subdivision."

LAHD shall identify those Residential Units presumed to have a Very Low, Low or Moderate Income based on its investigation. After completing step five, LAHD shall go to step six.

4.4.6 STEP SIX. LAHD SHALL INFORM THE DEPARTMENT OF CITY PLANNING, ZONING ADMINISTRATION DIVISION (DCP/ZAD) OF THE RESULTS OF ITS OCCUPANT INCOME DETERMINATION PROCESS.

LAHD shall prepare a report for DCP/ZAD staff which contains the following information for each referred Demolition and Conversion:

One-Family Dwellings

- Total number of Residential Units
- Total number of Affordable Existing Residential Units

Two-Family Dwellings

- Total number of Residential Units
- Total number of Affordable Existing Residential Units

Triplexes and Other Structures that Contain Three or More Residential Units

- Total number of Residential Units
- Total number of Affordable Existing Residential Units

Summary

- Total number of Residential Units
- Total number of Affordable Existing Residential Units

LAHD shall also provide the following information for each identified Affordable Existing Residential Unit:

- Address
- Names of occupants
- Number of bedrooms

The Mello Act generally requires the one-for-one replacement of demolished or converted Affordable Existing Residential Units within three years of the date that work commenced on the Demolition or Conversion. There are two limited exceptions to this general rule. The purpose of answering Worksheet questions #5 through #8 is to determine whether the Applicant is exempt from replacing any of the Affordable Existing Residential Units identified by LAHD.

4.5 QUESTION #5. IS THE APPLICATION FOR COASTAL-DEPENDENT OR COASTAL-RELATED NON-RESIDENTIAL USES? ARE THESE NON-RESIDENTIAL USES CONSISTENT WITH THE LAND USE PLAN OF A CERTIFIED LOCAL COASTAL PROGRAM?

If the answer to both questions is "yes," the Application fits into the first exception category. Staff shall skip to question #8. If the answer to either question is "no," the Application does not fit into the first exception category. Staff shall go to question #6.

As of the effective date of these Interim Administrative Procedures, the California Coastal Commission has not certified any LCPs in the City of Los Angeles. Consequently, no Applications currently fit into the first exception category. Until this situation changes, staff shall automatically record a "no" answer to question #5, and go to question #6.

4.6 QUESTION #6. ARE 11 OR MORE RESIDENTIAL UNITS PROPOSED FOR DEMOLITION OR CONVERSION?

If the total number of Residential Units proposed for Demolition or Conversion is ten or fewer, staff shall record a "no" answer to question #6. Staff shall go to question #7.

If the Applicant is proposing to demolish or convert 11 or more Residential Units, staff shall record a "yes" answer to question #6. All of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced. The second exception category applies to a maximum of ten Residential Units.

4.7 QUESTION #7. ARE ANY AFFORDABLE EXISTING RESIDENTIAL UNITS IN ONE-FAMILY OR TWO-FAMILY DWELLINGS?

If the answer to question #7 is "yes," staff shall go to question #8. If the answer to question #7 is "no," and all of the Affordable Existing Residential Units are in triplexes and other structures that contain three or more Residential Units, then all of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced. The second exception category does not apply to triplexes or other structures that contain three or more Residential Units.

4.8 QUESTION #8. IS IT INFEASIBLE FOR THE APPLICANT TO REPLACE ANY OF THE AFFORDABLE EXISTING RESIDENTIAL UNITS IDENTIFIED BY ANSWERS TO QUESTIONS #5 AND #7?

The purpose of answering question #8 is to determine if it is feasible for the Applicant to provide Affordable Replacement Units if the proposed Demolition or Conversion fits into the first exception category (consistency with a certified LCP, question #5); or the second exception category (ten or fewer Residential Units consisting of one-family and/or two-

family dwellings, question #7). If the proposed Demolition or Conversion does not fit into an exception category, then all of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced.

To answer question #8, DCP/ZAD staff shall instruct the Applicant to complete Form CP-6391, Los Angeles City Planning Department Moderate-Income Housing Purchase Feasibility Analysis (Attachment 3). DCP/ZAD staff shall review the submitted data, taking into consideration the typical public subsidies and other affordable housing incentives available by-right, to determine whether it's feasible for the Applicant to replace some or all of the Affordable Existing Residential Units identified by answers to questions #5 and #7.

If the answer to question #8 is "yes," how many Affordable Replacement Units is it infeasible for the Applicant to provide? Record this number in the "yes" box for question #8. Then subtract this number from the number recorded in the answer to question #4. Record the result on the line following question #8. This is the total number of required Affordable Replacement Units.

If the answer to question #8 is "no," then it's feasible for the Applicant to replace all of the Affordable Existing Residential Units recorded in the answer to question #4. Record a "zero" in the "no" box for question #8. Then record the number recorded in the "yes" box for question #4 on the line following question #8. This is the total number of required Affordable Replacement Units.

This concludes the Mello Act Compliance Review process for proposed Demolitions and Conversions in the Coastal Zone. A determination shall be issued pursuant to Part 6.0.

5.0 NEW HOUSING DEVELOPMENTS

Based on the Coastal Commission Guidelines, the Council has found that it is generally feasible for New Housing Developments consisting of ten or more Residential Units to provide Inclusionary Residential Units. Applicants shall implement one of the following two required inclusionary options:

- Inclusionary Requirement Option #1. Reserve at least 20 percent of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households; or
- Inclusionary Requirement Option #2. Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households.

The provision of Inclusionary Residential Units for seniors or disabled persons who do not have a Very Low or Low Income does not fulfill the inclusionary requirements for New Housing Developments.

6.0 DETERMINATIONS

A determination shall be issued for each non-Categorically Exempt Demolition, Conversion, and New Housing Development.

For Discretionary Applications, the decision-maker shall issue the determination as written conditions attached to the determination made with respect to the underlying case. All completed forms, correspondence received and sent, and other supporting documentation shall be attached to the file created for the underlying case.

For Non-Discretionary Applications, DCP/ZAD staff shall issue the determination as a Director's Determination. Staff shall also prepare a file, and attach all completed forms, correspondence received and sent, and other supporting documentation.

A copy of each determination shall be simultaneously transmitted to the Applicant, the Department of Building and Safety, LAHD, all building occupants, and:

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6.1 DEMOLITIONS AND CONVERSIONS

Each determination shall include the following:

- Results of the Mello Act compliance review process completed in Part 4.0;
- Total number of Affordable Existing Residential Units identified by LAHD;
- Total number of required Affordable Replacement Units recorded on the Mello Act Compliance Review Worksheet;
- A requirement that the Applicant comply with the requirements set forth in Parts 7.2, 7.4, and 7.5;
- A statement that the Application is not approved until LAHD has approved the Affordable Housing Provision Plan prepared pursuant to Part 7.4; and

- Information for Appellants pursuant to Part 8.0.

6.2 NEW HOUSING DEVELOPMENTS

Each determination shall include the following:

- A requirement that the Applicant comply with one of the Inclusionary Requirement Options set forth in Part 5.0;
- Total number of Inclusionary Residential Units required under both Options #1 and #2;
- A requirement that the Applicant comply with the requirements set forth in Parts 7.3, 7.4, and 7.5; and
- A statement that the Application is not approved until LAHD has approved the Affordable Housing Provision Plan pursuant to Part 7.4; and
- Information for Appellants pursuant to Part 8.0.

7.0 GENERAL PROVISIONS

The following general provisions apply to Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units as set forth in a determination issued pursuant to Part 6.0.

7.1 AFFORDABLE HOUSING INCENTIVES

Applicants may be entitled to some or all of the incentives set forth in Section 12.22 A 25 of the Los Angeles Municipal Code, including a Density Bonus.

7.2 AFFORDABLE REPLACEMENT UNITS

7.2.1 INCOME TARGETING

Affordable Replacement Units may be provided at any level of affordability. For example, an Affordable Existing Residential Unit occupied by a Very Low Income Household may be replaced with an Affordable Replacement Unit affordable to a Moderate Income Household. The Council may change this policy when the Interim Ordinance is adopted and require "like for like" replacement (e.g., an Affordable Existing Residential Unit occupied by a Very Low Income Household shall be replaced with an Affordable Replacement Unit affordable to a Very Low Income Household.)

7.2.2 LOCATION

Affordable Replacement Units shall be located on-site, or elsewhere within the Coastal Zone. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units within three miles of the Coastal Zone by submitting an appeal pursuant to Part 8.0. Applicants should consult the Department of City Planning's three mile radius Coastal Zone maps to identify potential sites located outside the Coastal Zone.

7.2.3 TIMING REQUIREMENT

Required Affordable Replacement Units shall be provided within three years of the date that work commenced on the Demolition or Conversion. The Department of Building and Safety shall determine the date that "work commenced" on the Demolition or Conversion.

7.2.4 PERFORMANCE STANDARDS

If Affordable Replacement Units are included as part of mixed-income New Housing Developments, then Applicants shall comply with the following portions of the Performance Standards set forth in the Affordable Housing Incentives Guidelines (Attachment 4):

- Project design (Section 4A, page 7); and
- Equal distribution of amenities (Section 4B, page 8).

All other Applicants shall comply with the project design and amenities requirements promulgated by LAHD.

7.3 INCLUSIONARY RESIDENTIAL UNITS

7.3.1 LOCATION

Inclusionary Residential Units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0. Applicants should consult the Department of City Planning's three mile radius Coastal Zone maps to identify potential sites located outside the Coastal Zone.

Based on the Coastal Commission Guidelines, the Council has found that it is generally more feasible for New Housing Developments that consist of 21 or more Residential Units to provide units on-site than it is for New Housing Developments that consist of 10-20 units to provide units on-site.

7.3.2 TIMING REQUIREMENT

If Inclusionary Residential Units are approved for off-site provision, they shall be provided within three years of the date that LAHD approved the Affordable Housing Provision Plan pursuant to Part 7.4 below. A New Housing Development's Inclusionary Residential Units and market-rate Residential Units shall be made available at the same time.

7.3.3 PERFORMANCE STANDARDS

Applicants shall comply with the following portions of the Performance Standards set forth in the Affordable Housing Incentives Guidelines (Attachment 4):

- Project design (Section 4A, page 7); and
- Equal distribution of amenities (Section 4B, page 8).

7.4 AFFORDABLE HOUSING PROVISION PLAN

Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units shall prepare an Affordable Housing Provision Plan that specifies how the Applicant shall carry out the conditions contained in the determinations issued pursuant to Part 6.0, and the requirements set forth in Parts 7.2 and 7.3 above, and Part 7.5 below.

Applicants shall submit their Affordable Housing Provision Plan to LAHD for review and approval. Applications only receive final approval after LAHD has approved the Affordable Housing Provision Plan.

The Affordable Housing Provision Plan shall include the following elements:

7.4.1 METHODS TO PROVIDE REQUIRED AFFORDABLE UNITS

Applicants may propose to provide required Affordable Replacement Units or Inclusionary Residential Units through one or any combination of the following methods:

- New construction; or
- Adaptive reuse (conversion of existing non-residential structures).

7.4.2 OPERATIONAL DETAILS

Applicants shall supply the following operational details:

- Address where Affordable Replacement Units or Inclusionary Residential Units will be provided, if the determination permits these Units to be provided off-site;
- General description of the Affordable Replacement Units or Inclusionary Residential Units to be provided, including the number and type of habitable rooms; square footage; and parking.
- Affordable housing incentives and subsidies that will be utilized;
- Methods for complying with the Performance Standards set forth in Parts 7.2.4 and 7.3.3, including a dispersal plan if Affordable Replacement Units or Inclusionary Residential Units shall be provided on-site. Affordable Replacement Units or Inclusionary Residential Units may not be segregated from market-rate units, but shall be reasonably dispersed throughout the building; and
- Financing; construction plan; and project timetable for complying with the timing requirements set forth in Part 7.2.3 for Affordable Replacement Units, and Part 7.3.2 for Inclusionary Residential Units.

7.5 ENFORCEMENT AND MONITORING

7.5.1 AFFORDABILITY COVENANTS

Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units shall record a covenant with the Los Angeles County Recorder guaranteeing that applicable affordability criteria shall be observed for at least 30 years from the issuance of the Certificate of Occupancy. The Council may include a requirement for 55-year affordability covenants in the Interim Ordinance.

Tenants, rental applicants, purchasers and prospective purchasers of the Affordable Replacement Units or the Inclusionary Residential Units shall have the right to seek an injunction to enforce the affordability criteria, or to raise the affordability criteria as a defense or counterclaim to a claim for rent or possession directly against the owner, manager, and/or their successors in interest, of those units.

7.5.2 FINANCIAL ASSURANCES

The LAHD may require the Applicant to post a bond or make other financial assurances to assure compliance with the final approved Affordable Housing Provision Plan.

7.5.3 MONITORING REQUIREMENTS

All Applicants shall comply with the monitoring requirements set forth in Section IVC of the Affordable Housing Incentives Guidelines (page 10 of Attachment 4).

8.0 APPEALS

Determinations may be appealed. The determination shall identify deadlines, filing fees, the appellate body, and other necessary procedures and requirements for considering the appeal.

Appellants have the burden of proof and shall present substantial evidence to support their appeal. A copy of the results of each appeal shall be simultaneously transmitted to the Applicant; the Department of Building and Safety, LAHD, all building occupants, and:

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8.1 DISCRETIONARY APPLICATIONS

The appeals procedures and appellate body shall be those connected to the underlying case.

8.2 NON-DISCRETIONARY APPLICATIONS

Appellants may appeal a Director's Determination using the forms and following the procedures promulgated by the DCP/ZAD. Until July 1, 2000, the appellate body shall be the Board of Zoning Appeals. After July 1, 2000, the appellate body shall be the Area Planning Commission.

8.3 DEPARTMENT OF BUILDING AND SAFETY ACTIONS

Appellants may appeal Department of Building and Safety decisions and determinations to the Board of Building and Safety Commissioners pursuant to Los Angeles Municipal Code Section 98.0403.1.

ATTACHMENT 1

DEFINITIONS

The following words, whenever used in these Interim Administrative Procedures, shall be construed as defined in this Attachment. Words and phrases not defined shall be construed as defined in Sections 12.03 and 91.0200, *et sec*, of the Los Angeles Municipal Code as defined therein.

"Affordable Housing Incentives Guidelines" means the guidelines adopted by the City Planning Commission on December 14, 1995, as amended, pursuant to Ordinance No. 170,764, which implement California Government Code Section 65915 in the City of Los Angeles.

"Affordable Replacement Unit" means a Residential Unit built or provided that has the same number of bedrooms as the Affordable Existing Residential Unit that has been demolished or converted, with an Affordable Monthly Housing Cost.

"Affordable Monthly Housing Cost" refers, for ownership units, to the current definition contained in Health and Safety Code Section 50052.5, as further defined in 25 California Code of Regulations Section 6920. For rental units, "Affordable Monthly Housing Cost" refers to the current definition contained in Health and Safety Code Section 50053, as further defined in 25 California Code of Regulations Section 6918.

"Affordable Existing Residential Unit" means an existing Residential Unit proposed for Demolition or Conversion that is occupied by a Very Low, Low or Moderate Income Household, as determined by the Housing Department General Manager, following the occupant income determination process set forth in the Interim Administrative Procedures.

In the event that an existing Residential Unit is occupied by more than one person or family, and if at least one such person or family (excluding any dependents) is of Very Low, Low or Moderate Income, then the existing Residential Unit is defined as an Affordable Existing Residential Unit.

"Appellant" means the Applicant, current occupant, former occupant evicted within the last year, or other aggrieved person who files an appeal pursuant to the Interim Administrative Procedures.

"Applicant" means the person, partnership, corporation, governmental organization, or other entity submitting a Discretionary Application and/or a Non-Discretionary Application to the City of Los Angeles.

"Application, Discretionary" means the original application for, or submission of a subsequent non-minor modification to, one or more of the following entitlements:

approval-in-concept, coastal development permit, conditional use permit, condominium conversion, development agreement, plan approval, specific plan exception, subdivision or tract map, variance, zone change or any other action that first requires the discretionary approval of the Director of Planning, the City Planning Commission, the Zoning Administrator, the Advisory Agency, or an Area Planning Commission.

"Application, Non-Discretionary" means an application for a building permit, demolition permit, or change of use permit that requires the ministerial approval of the Department of Building and Safety.

"Categorical Exemption" means an Application that the City has determined is categorically exempt from providing either Affordable Replacement Units or Inclusionary Residential Units, consistent with the Mello Act and these Interim Administrative Procedures.

"Coastal Commission Guidelines" means the California Coastal Commission Interpretive Guidelines on Construction of New Housing adopted by the California Coastal Commission on May 5, 1981.

"Coastal-Dependent Non-Residential Use" means any non-residential development or use which requires a site on, or adjacent to, the sea to be able to function at all.

"Coastal Development Permit" means a permit for any development within the Coastal Zone that is required pursuant to Subdivision (a) of Section 30600 of the California Coastal Act.

"Coastal-Related Nonresidential Use" means any nonresidential development or use that is dependent on a Coastal-Dependent Non-Residential Use.

"Coastal Zone" means the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), including, but not limited to, the Coastal Zone portions of Venice, San Pedro, Pacific Palisades, Playa Vista, Wilmington, Fort MacArthur/White Point, Palms/Marina Freeway Area, and Del Ray Lagoon, as depicted on the City of Los Angeles Coastal Zone Maps, as prepared and maintained by the Department of City Planning. In the case of any discrepancy, the Public Resources Code shall control.

"Conversion" means a change of one or more existing Residential Units to a condominium, cooperative, or similar form of ownership; a change of one or more existing Residential Units to a non-residential use; or a reduction in the existing number of Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Demolition" means the demolition of one or more existing Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Density Bonus" means a minimum density increase of 25 percent over the otherwise maximum allowable residential density granted pursuant to California Government Code Section 65915.

"Director's Determination" means a determination of the Director of Planning of the Department of City Planning, or his or her designee.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

"Household, Low Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50079.5, as further defined in 25 California Code of Regulations 6928 and 6932.

"Household, Moderate Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50093 (b), as further defined in 25 California Code of Regulations 6930 and 6932.

"Household, Very Low Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50105, as further defined in 25 California Code of Regulations 6926 and 6932.

"Housing Department General Manager" means the General Manager or his or her designee, of the Los Angeles Department of Housing or successor agency.

"Inclusionary Residential Unit" means a Residential Unit with an Affordable Monthly Housing Cost.

"Interim Administrative Procedures" means the interim administrative procedures developed by the Departments of Building and Safety, City Planning and Housing pursuant to instruction of the City Council on January 19, 2000.

"Interim Ordinance" means the Interim Ordinance that on January 19, 2000, the City Council directed the Department of City Planning to prepare and submit to the City Planning Commission for approval, and that shall be based on the results of the Interim Study

"Interim Study" means the study that consultants shall complete to assist the City in implementing the Mello Act; updating the Interim Administrative Procedures; and preparing the Interim Ordinance.

"Local Coastal Program" means the Land Use Plan and Local Implementation Plan that a local government has adopted to implement the provisions and policies of the California Coastal Act, and that has been certified by the California Coastal Commission pursuant to Public Resources Code Section 30512.

"Monthly Housing Cost" means the monthly rent or mortgage for a Residential Unit, as determined by the Housing Department General Manager.

"New Housing Development" means the development of one or more Residential Units for rent or for sale, through either construction of new structures, additions to existing structures, or the adaptive reuse of existing, non-residential structures. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Public Nuisance" means a residential structure that has been declared a public nuisance pursuant to Division 13 (commencing with Section 17000) of the California Health and Safety Code; or Chapter IX, Article 1, Division 89 of the Los Angeles Municipal Code.

"Residential Unit" means a dwelling unit, efficiency dwelling unit, or joint living and work quarters as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC); a mobilehome, as defined in Section 18008 of the California Health and Safety Code; a mobilehome lot in a mobilehome park as defined in Section 18214 of the California Health and Safety Code; or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code.

"Unified Development" means a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley.

ATTACHMENT 2

MELLO ACT COMPLIANCE REVIEW WORKSHEET
FOR PROPOSED DEMOLITIONS AND CONVERSIONS

ATTACHMENT 3

LOS ANGELES CITY PLANNING DEPARTMENT MODERATE-INCOME
HOUSING PURCHASE FEASIBILITY ANALYSIS (FORM CP-6391)

ATTACHMENT 4

AFFORDABLE HOUSING INCENTIVES GUIDELINES

AFFORDABLE HOUSING INCENTIVES GUIDELINES

Implementing the Affordable Housing
Incentives Program Ordinance No. 170,764

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AFFORDABLE HOUSING INCENTIVES GUIDELINES

I. SCOPE AND PURPOSE

The City of Los Angeles has established an Affordable Housing Incentives Program to encourage the production of housing for qualified lower income residents, including elderly and disabled persons. The program is based on a series of amendments to the Municipal Code. The Affordable Housing Incentives Guidelines, established by resolution of the City Planning Commission, facilitate the use of incentives established by law.

The Municipal Code now encourages broader application for the density bonus provisions of State law by creating incentives that eliminate discretionary review for qualifying developments, relax land use controls, defer payment of fees, and expedite application processing. These incentives, as explained in this document, are grouped into two main options.

The eligibility of a development to benefit from the incentives is determined on a case-by-case basis through application of performance standards. These guidelines set forth in detail the incentives for which developments may qualify and the standards by which they will be evaluated. The guidelines may be modified by resolution of the Planning Commission if needed.

The options permit a developer to receive incentives on the basis of public benefit offered. For example, a limited number of incentives such as reduced parking, deferred fees, and expedited processing are available if restricted affordable dwelling units are provided adjacent to public mass transit.

A development might, however, qualify for a density increase of up to 25%, in addition to the aforementioned incentives, if it meets criteria for tenant "set-asides" established by State law as follows:

- * 10% of dwelling units for "very low" income households (earning no more than 50% of the County median income and paying no more in rent than the amount established by the Los Angeles Housing Department (LAHD) for households earning up to 50% of the median income).

OR

- * 20% of dwelling units for "lower" income households (earning no more than 80% of the County median income and paying no more in rent than the amount established by LAHD for households earning up to 60% of the median income).

OR

- * 5% of dwelling units for disabled persons whose household income does not exceed Supplemental Security Income (SSI) levels.

Affordable Housing Incentives Program Applications are available at the Public Counter of the City Planning, Building and Safety Departments and at the Department of Housing. Completed applications must be submitted to the Department of Building and Safety for review and approval. Full compliance with each component is required to receive a density bonus or parking reduction without a density bonus.

II. DEFINITIONS

The following program definitions apply:

Affordable Accessible Unit - a dwelling unit or guest room that is adapted to be used by persons who are physically disabled, based on the criteria of Title 24 of the California Code of Regulations or any amendment thereto, where the household income of the residents does not exceed Social Security Supplementary Income (SSI) levels, and where the rent is restricted to no more than approximately 30% of the resident's SSI level according to a rent schedule prepared by the City's Housing Department.

Affordable Housing Incentives Guidelines - the guidelines approved by the City Planning Commission by which applications for affordable housing projects are evaluated for compliance with the goals and policies of the City's Affordable Housing Program.

Affordable Housing Units - dwelling units or guest rooms for which rental or mortgage payments do not exceed the limits stated in Section 65915 of the California Government Code. Dwelling Units or guest rooms designated for lower income households, as defined in Section 50079.5 of the California Health and Safety Code, shall have rents not exceeding 30 percent or 60 percent of the area median income as set forth on the rent schedule prepared by the City's Housing Department or its successor agency. In order for a development project to qualify as a project containing affordable housing units, the owner shall record a document with the Los Angeles County Recorder guaranteeing that these affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy.

Area Median Income - the estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area that is determined periodically by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size and which is published periodically.

Density Bonus - a density increase of at least 25% over the otherwise maximum allowable residential density pursuant to California Government Code Section 65915. The density bonus shall apply to housing developments consisting of five or more dwelling units.

Income, Lower and Very Low - annual income of a household that does not exceed the area median for either income category as specified in California Health and Safety Code Sections 50079.5 and 50105, as determined by the City's Housing Department.

Mass Transit Station - a transit stop for a fixed rail system, or a major bus center. A station is one that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Authority or its successor agency.

Major Bus Route - a bus route with peak-hour headways of 15 minutes or less.

Restricted Affordable Unit - an affordable housing unit in a development rented to a household with very low or lower income residents, and/or very low income senior citizens. In order for a development to qualify as a development containing affordable housing units, the owner shall record a document with the Los Angeles County Recorder guaranteeing that the relevant affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy.

Senior Citizens - individuals who are at least 62 years of age, except that for density bonus projects of at least 150 dwelling units, a threshold of 55 years of age may be used, provided all applicable city, state, and federal regulations are met.

Single Room Occupancy Hotel - an apartment building, hotel, or other structure containing six or more guest rooms, and which may also contain dwelling units, in which 30% or more of the dwelling units or guest rooms do not contain a private bath and toilet facilities within the dwelling unit or guest room.

III. DESCRIPTION OF THE AFFORDABLE HOUSING INCENTIVES

The following options provide alternatives and incentives by which affordable housing dwelling units may be constructed.

A. Incentives Option 1

This is a minimum "by right" density bonus option provided by State law (Government Code, Section 65915) granted to a residential project which provides the set-aside dwelling units listed on Page 2, Section I of these guidelines, or in which at least 50% of the dwelling units are reserved for senior citizen tenancy. In exchange, the project shall receive the following:

a. A 25% density bonus*

A maximum density increase of 25% over the otherwise allowable residential density pursuant to California Government Code Section 65915. The density bonus applies to new or existing housing developments consisting of five or more dwelling units.

When calculating the number of dwelling units allowed in a project, the density figure will be rounded upwards from fractions of one-half ($\frac{1}{2}$) and more from that permitted by the applicable zone, to allow one additional dwelling unit.

*In cases where dwelling units will be targeted for senior citizens at market rate, the applicant may receive the 25% density bonus, but only through a conditional use permit. Any density bonus of 26% and above requires a conditional use permit.

b. Reduced parking requirements for the restricted dwelling units**

Parking requirements for each restricted affordable dwelling unit is as follows:

- 1.00 parking space per dwelling unit irrespective of the number of habitable rooms
for a project located within 1,500 feet of a mass transit station or major bus routes
- 1.00 parking space per dwelling unit
for restricted affordable dwelling units with 1 and 2 habitable rooms
- 1.50 parking space per dwelling unit
for restricted affordable dwelling units with 3 or more habitable rooms
- 0.50 parking space per dwelling unit or guest room
for dwelling units restricted to senior citizens and/or disabled
- 0.25 parking space per dwelling unit
for single-room occupancy hotels, with a minimum of 5 parking stalls per facility.

--The parking reduction is "by right", subject to conformance with the applicable conditions stipulated in the Affordable Housing Incentives Program Application. Any request for a parking reduction in excess of that permitted in the Affordable Housing Incentives Application shall be processed separately for discretionary action through the Department of City Planning.

c. Waiver of guest parking provision for restricted dwelling units

The requirement to provide guest parking is waived for only restricted dwelling units. Market rate dwelling units shall comply with the parking requirements as specified in the Zoning Code.

d. Deferred payment of selected permits and fees

The application and environmental fees (Department of City Planning) may be deferred up to the time of the issuance of any Certificate of Occupancy. However, fees must be paid for services performed regardless of project outcome.

e. Expedited processing of building plans and permits

Projects providing affordable housing will receive expedited processing as currently available.

B. Incentives Option 2

All the incentives listed above under Option 1, except the density bonus (incentive (a)) are also available to developers for projects that offer fewer affordable dwelling units than the amount listed on Page 1, Section I of these guidelines. Those projects are not entitled to the 25% density bonus available in Option 1.

IV. PERFORMANCE STANDARDS FOR OPTIONS 1 AND 2

The Performance Standards listed and described below are requirements of all projects with restricted dwelling units for which OPTION 1 or 2 is sought. The Performance Standards are included into three main categories:

- A. Project Design (Location of Restricted Units, Noise, Wall, Lighting)
- B. Equal Distribution of Amenities
- C. Eligibility, Affordability and Monitoring Requirements

A. Project Design

- Design of Restricted Affordable Units in Mixed-Income Projects:

Restricted dwelling units shall be comparable in every manner, except in the quality of interior "finish" materials (e.g., floor and wall coverings), to market-rate dwelling units, including total square footage, bedrooms size, closet space, amenities, number of bathrooms, etc. The design of restricted dwelling units should generally reflect the average number of bedrooms per dwelling unit in the development.

Restricted dwelling units shall not be confined to one type of dwelling unit within a development.

- Location of Restricted Units Within Mixed-Income Projects:

Restricted dwelling units must be interspersed among market-rate dwelling units within the same building. They may not be grouped together on one level or in one or more "less desirable" corners or areas of the building. In multiple building developments, restricted dwelling units must be reasonably dispersed among the buildings.

- Noise

Common recreational uses, such as swimming pools and barbecue areas, shall not be located immediately adjacent to neighboring residential uses.

Any building within 500 feet of a railroad, major highway or freeway, airport or aircraft pathway shall be constructed so as to provide a Sound Transmission Class of 50 or greater as defined in the Uniform Building Code.

- Wall

A decorative masonry wall 6 feet in height shall be constructed along any common property line between the subject property and any adjoining property containing a single-family use.

• Lighting

Lighting shall be located so as not to shine onto any adjacent residential property.

B. Equal Distribution of Amenities

Residents of restricted dwelling units may not be charged for amenities that are provided at no cost to other residents including, but not limited to, access to recreational facilities, parking, cable TV, and interior amenities such as dishwashers and microwave ovens.

Optional services provided must be optional for all residents, and available to all under the same terms and conditions.

All incentives (e.g. one month free rent specials) must be offered to all new residents, not only residents of market rate dwelling units.

C. Affordability, Eligibility and Monitoring Requirements

Affordability Requirements:

1. All restricted dwelling units shall comply with the affordability restrictions on household income as established by the Los Angeles Housing Department ("LAHD") in conformance with the U.S. Department of Housing and Urban Development.
2. The affordability restrictions for income and rent are subject to change periodically. The owner can contact LAHD to receive the periodic changes in the affordability restrictions.
3. For the purpose of a density bonus incentive, State law requires that households with incomes between 60% and 80% of the median income be assigned rents that do not exceed 60% of the median rent.
4. For developers seeking a parking reduction without a density bonus, dwelling units must be restricted to low income households (80% of median) with rent levels set at the rates for households with incomes at 60% of median.
5. The project shall reserve and maintain the number of dwelling units designated as restricted dwelling units for a period of not less than 30 years from the issuance of any Certificate of Occupancy.

Below is the Affordable Housing Incentives Program maximum rent schedule by bedroom size.

MAXIMUM RENTS EFFECTIVE MAY 5, 1995

No. of Bedrooms	Affordable Accessible SSI Levels	Very Low Income up to 50% Median	Lower Income up to 60% Median
SRO	\$181	\$332	\$398
0	\$181	\$372	\$427
1	\$181	\$426	\$488
2	\$330	\$479	\$549
3	\$330	\$579	\$659
4	\$330	\$660	\$756

These rents are the ~~upper~~ limits that may be charged to "lower", "very low" income and Disabled households. The actual rents charged to households of restricted dwelling units may be lower to reflect actual market conditions.

Eligibility of Seniors and Disabled Persons:

Each dwelling unit so designated shall be occupied by at least one person who is disabled or 62 years of age or older. Disabled persons are those persons having a physical or mental impairment which seriously restricts that person from operating a motor vehicle, is expected to be of long-term and indefinite duration, which substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

Below are the Affordable Housing Incentives Program Household Income eligibility criteria.

HOUSEHOLD INCOME TABLE EFFECTIVE MAY 5, 1995

Household Size	Affordable Accessible SSI Levels	Very Low Income* 50% Median	Lower Income* 80% Median
1	\$ 7,236	\$17,950	\$28,150
2	\$13,200	\$20,500	\$32,150
3	\$13,200	\$23,100	\$36,200
4	\$13,200	\$25,650	\$40,200
5	\$13,200	\$27,700	\$43,400
6	\$13,200	\$29,750	\$46,650
7	\$15,200	\$31,800	\$49,850
8	\$13,200	\$33,850	\$53,050

*Above limits are adjusted for Los Angeles and based on the 1995 HUD-determined County Median Family Income of \$-5,200.

Monitoring Requirements:

All projects shall comply with the annual monitoring requirements established by the Los Angeles Housing Department (LAHD) by means of a covenant and agreement.

It is the responsibility of the owner to notify LAHD of any changes in the building that may affect compliance, such as change of ownership, management agent or on-site manager, vacancies in restricted dwelling units, or changes in compliance with the performance standards approved by the Department of Building and Safety.

The following are LAHD requirements (a complete list is found in the LAHD covenant):

1. LAHD must complete initial reviews of new tenants eligibility for restricted dwelling units prior to occupancy.
2. LAHD must annually review tenants eligibility for restricted dwelling units.
3. LAHD must receive an annual review letter from the owner about the number of restricted dwelling units, household income and size, rent levels, dwelling unit size and verification of vacancies. LAHD may at any time audit the building occupancy to monitor restricted dwelling units.
4. LAHD may make annual site visits to ensure that the restricted dwelling units are maintained in decent, safe and sanitary condition and that they are provided with the same level of services, including security and maintenance, as are applied to the other dwelling units in the development.

Violations of the regulatory agreement will be levied against the building owner for non-compliance including legal proceedings. It is the responsibility of the owner to adhere to all program requirements.

VI. PROCEDURE FOR OBTAINING A BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

In addition to the standard requirements of the Building and Safety Department, the following clearances must be obtained to ensure compliance with the Affordable Housing Program Ordinance:

Prior to the issuance of a building permit, the following clearances must be obtained:

- Housing Department pre-qualification of application for conformity to Options 1 or 2 of the Affordable Housing Incentives Program Ordinance. Applications must include location and floor plans of the restricted affordable units. (Applications may be obtained at the public counters of the Building and Safety and Planning Departments as well as at the Housing Department.)
- Planning Department approval of complete development plans, including landscaping and irrigation plans.
- Proof of recordation of Agreement Containing Covenants Affecting Real Property for the project satisfactory to Housing Department. This Agreement shall reflect the information provided in the Affordable Housing Incentives Program Application, including the Performance Standards.

Prior to the issuance of any Certificate of Occupancy, the following clearances must be obtained:

- Final clearance from the Housing Department that all conditions of Agreement Containing Covenants Affecting Real Property have been met.
- Planning Department clearance for payment of deferred fees.

Addresses:

Building & Safety Department
201 N. Figueroa Street, 4th Fl.
Los Angeles, CA 90012
Telephone (213) 888 LA-4-BUILD

Los Angeles Housing Dept.
111 N. Hope Street
Los Angeles, CA 90012
Telephone (800) 994-4444

City Planning Department
201 N. Figueroa Street, 3rd Floor
Los Angeles, CA 90012
Telephone (213) 977-6083

BY-RIGHT* APPLICATION PROCESS FOR DENSITY BONUS PROJECTS

*Projects (applying for) a maximum of 25% density bonus. Projects applying for greater density bonus shall file a Conditional Use permit application. Applicants may obtain an Instructions for Filing a Conditional Use Permit application form at the Planning Counter RM-460-S.

I. PROJECTS CONTAINING AFFORDABLE UNITS EXCLUSIVELY:

A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER

Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc.

B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT

Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable.

C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:

1. Qualifying restricted units
2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit.

II. PROJECTS CONTAINING A MIX OF MARKET RATE AND AFFORDABLE UNITS

A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER

Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc.

B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT

Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff or City Planning Counter staff who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable.

C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:

1. Qualifying restricted units
2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit.

D. PRIOR TO FINAL PLAN CHECK, APPLICANT HAS TO OBTAIN CLEARANCE FROM PLANNING DEPARTMENT TO VERIFY THAT PERFORMANCE STANDARDS ARE SATISFIED:

Applicant shall submit final set of floor plans to Plan Approval Unit staff who will evaluate the project for compliance with development standards spelled out in the Guidelines especially design and allocation of amenities.

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
1	Hollywood Bl-Fairfax Av	7	10
2	Sunset Bl-Beverly Dr	5	12
3	Sunset Bl-Beverly Dr Branch of Line 2	5	10
4	Santa Monica Bl	7	9
10	Metrose Av-Virgil Av-Temple St	14	24
11	Metrose-Vermont-Temple Branch of 10	14	24
14	Beverly Bl-West Adams Bl	8	12
16	West Third St	3	10
18	West Sixth St-Whittier Bl	4	10
20	Wilshire Bl-Santa Monica	12	27
21	Wilshire Bl-UCLA Branch of Line 20	12	27
22	Wilshire Bl-Century City-Brentwood Br of Line 20	12	27
26	Seventh St-Virgil Av-Franklin Av	8	24
27	W. Olympic Bl-Burton Way Br. of Line 28	12	24
28	W. Olympic Bl	12	24
30	W. Pico Bl-E. First St-Floral Dr	5	10
31	W. Pico Bl-E. First St Branch of Line 30	4	8
33	Venice Bl	8	10
37	W. Adams Bl-Branch of Line 14	7	12
38	W. Jefferson Bl-City Terrace	12	20
40	Hawthorne-Downtown Los Angeles	6	10
42	LA-Westchester-LAX-Branch of Line 40	6	10
45	Broadway-Mercury Av	6	10
46	Broadway-Griffin Av-Branch of Line 45	6	10
48	Maple Av-S. Main St-Branch of Line 10	9	24
51	San Pedro St-Avalon Bl-Branch of Line 51	4	12
53	Central Av	8	15
55	LA-Compton Av-Imperial Sta.	4	16
60	Long Beach Bl-Santa Fe Av	3	8
65	Washington Bl-Indiana St-Gage Av	15	45
66	East Olympic Bl-West 8th St	3	10
67	East Olympic Bl-Branch of Line 66	3	0
68	West Washington Bl-Chiavez Av	9	12
70	LA-El Monte via Garvey Av	8	14
71	City Terrace-Sybil Brand-Branch of Line 38	15	21
76	LA-El Monte via Valley Bl	12	15
78	LA-Alhambra-South Arcadia	14	34
79	LA-Arcadia-Branch of Line 78	14	34
81	Figueroa St	7	15
83	Pasadena Av-York Bl-Branch of Line 28	8	15
84	Cypress Av-Eagle Rock Bl-Branch of Line 28	15	32
85	Verdugo Rd-Glendale Col-Branch of Line 28	15	32
92	LA-Glendale-Burbank-San Fernando via Glendale Bl	11	20
93	LA-Glendale-Burbank-San Fernando via Alessandro-Branch of Line 92	11	20
94	Los Angeles-San Fernando	8	17
96	LA-Riverside Dr	15	30

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
105	Vernon Av-La Cienega Bl	9	15
108	Slauson Av	10	20
110	Gage Av-Centinela Av-Fox Hills Mall	12	30
111	LAX-Florence Av-Leffingwell Rd	10	15
112	Florence Av-Otis St-Branch of Line 111	10	15
115	Manchester Av-Firestone Bl	7	15
117	Century Bl	15	20
120	Imperial Hwy	12	20
121	Imperial Hwy	12	20
125	Rosecrans Av	15	30
152	Fallbrook Av-Roscoe Bl-Vineland Av-Burbank	12	30
161	Westlake-Canoga Park	15	60
163	Sherman Wy-Hollywood	15	20
164	Victory Bl-Branch of Line 165	15	30
165	Vanowen St	15	30
175	Fountain Av-Talmadge St-Hyperion Av	15	60
180	Hollywood-Glendale-Pasadena via N. Lake	8	12
181	Hollywood-Glendale-Pasadena-PCC	8	12
200	Alvarado St-Echo Park Av	9	10
204	Vermont Av	4	5
206	Normandie Av	10	17
207	Western Av	5	17
210	Vine St-Crenshaw Bl	10	16
212	La Brea Av	8	20
217	Fairfax Av-Hollywood-Branch of Line 1	7	10
230	Laurel Canyon Bl	15	30
232	Long Beach-LAX	12	30
233	Van Nuys Bl-Branch of Line 561	10	12
234	Sepulveda Bl-Brand Bl-Sayre St	15	20
243	Desota Av-Ventura Bl-Winnetka Av	15	50
251	Soto St-Daly St-Seville Av-103rd Station	12	24
252	Soto St-California Av-Huntington Dr-Branch of Line 251	12	24
260	Artesia Sta-Pasadena-Altadena via Atlantic Bl	10	20
304	Santa Monica Bl Limited-Branch of Line 4	4	7
320	Wilshire Bl Limited-Branch of Line 20	5	9
322	Wilshire Bl-Century City-Brentwood Limited Br of Line 20	15	43
328	W. Olympic Bl Limited-Branch of Line 28	8	0
333	Venice Bl Limited-Branch of Line 33	9	0
345	Broadway Limited-Branch of Line 45	8	12
354	Vermont Av Limited-Branch of Line 204	7	15
357	Western Av Limited-Branch of Line 207	10	0
378	LA-Alhambra-So Arcadia Ltd-Branch of Line 78	13	0
379	LA-Arcadia Limited-Branch of Line 79	13	0
401	LA-Pasadena-No. Allen Express	12	30
402	LA-Pasadena Park-n-Ride-Branch of Line 401	15	0
420	LA-Van Nuys-Panorama City Express	6	10

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
424	LA-Ventura BI Express	9	10
425	LA-Ventura BI Exp. Limited-Branch of Line 424	6	0
426	San Fernando Valley-Wilshire Express	15	0
434	LA-Santa Monica-Malibu Express	10	30
442	LA-Hawthorne Exp.-Branch of Line 40	14	0
470	LA-Whittier-La Habra-Brea Mall Express	12	30
471	LA-Whittier-Puente Hills Mall Exp-Branch of Line 470	12	30
483	LA-Altadena via Fair Oaks Express	11	20
484	LA-El Monte-La Puente-Pomona Express	12	30
485	LA-Altadena via Lake Ave Exp-Branch of Line 483	11	20
487	LA-San Gabriel-Sierra Madre Express	8	20
489	LA-Hastings Ranch Express	8	0
490	LA-El Monte-Covina-Brea Express	15	30
497	LA-Pomona Park-n-Ride Express	9	0
522	LACC-Ventura BI-Reseda BI	12	20
561	Green Line-LAX-Van Nuys BI Ltd. Exp.	15	30
620	Boyle Heights Shuttle	0	12
801	Metro Blue Line	6	12
802	Metro Red Line	5	8
803	Metro Green Line	7	12

ORDINANCE NO. 179076

An ordinance amending Sections 12.03, 12.22, 12.24, 16.05, 17.05, and 17.52 of the Los Angeles Municipal Code.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding a new definition for the term "Greater Downtown Housing Incentive Area" in proper alphabetical order to read:

GREATER DOWNTOWN HOUSING INCENTIVE AREA. Those portions of the Central City and Southeast Community Plan Areas generally bounded by the 101 Freeway on the north, the 110 freeway and Figueroa Street (south of Adams Blvd) on the west, Alameda and Grand Avenue (south of 21st Street) on the east, and Washington Boulevard and Martin Luther King Jr. Blvd (west of Broadway) on the south as shown in the shaded portion of Map A, dated January 23, 2007, attached to Council File No. 05-1173.

Sec. 2. Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 29 to read:

29. Floor Area Bonus for the Greater Downtown Housing Incentive Area.

(a) Definitions.

Area Median Income (AMI) - the median income in the Los Angeles County as determined annually by the United States Department of Housing and Urban Development (HUD), or any successor agency, adjusted for household size.

Floor Area Bonus - an increase in floor area greater than the otherwise maximum allowable floor area, as set forth in Section 12.21.1 of the Code.

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

Income, Workforce - the annual income of a household that does not exceed 150% of the Area Median Income as determined by HUD, or any successor agency.

Restricted Affordable Unit - a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low, Low, Moderate or Workforce Income households, as determined by the Los Angeles Housing Department.

(b) Eligibility for Floor Area Bonus. A residential (including Apartment Hotel and mixed-use) building in the Greater Downtown Housing Incentive Area containing the requisite number of Restricted Affordable Units as determined by the Department of City Planning and as set forth in Subparagraphs (1), (2) and (3) below shall be granted the following incentives in accordance with Paragraph (c) below:

(1) 5% of the total number of dwelling units shall be provided for Very Low Income households; and

(2) One of the following shall be provided:

(i) 10% of the total number of dwelling units for Low Income households; or

(ii) 15% of the total number of dwelling units for Moderate Income households; or

(iii) 20% of the total number of dwelling units for Workforce Income households.

(3) Any dwelling unit or guest room occupied by a household earning less than 50% of the Area Median Income that is demolished or otherwise eliminated shall be replaced on a one-for-one basis within the Community Plan Area in which it is located.

(4) Fractional Units. In calculating Restricted Affordable Units, any number resulting in a fraction shall be rounded up to the next whole number.

(c) Incentives.

(1) A 35% increase in total floor area. In computing the total floor area of a residential building or residential portion of a building, any public area accessible to all residents, including public common areas that serve both residential and commercial uses, and any unenclosed architectural features and areas of a building shall not be considered part of the total floor area of a residential or residential portion of a building. The floor area shall be measured to the center line of partitions separating public and non-public common areas.

(2) The open space required pursuant to Section 12.21 G of this chapter for all dwelling units shall be reduced by one-half, provided that a fee equivalent to the amount of the relevant Quimby park and recreation fee shall be paid for all dwelling units in a project regardless of whether a park and recreation fee is otherwise required. This in-lieu fee shall be placed in a trust fund with the Department of Recreation and Parks for the purpose of acquisition, development and maintenance of open space and/or streetscape amenities within the Greater Downtown Housing Incentive Area, and within the Community Plan Area in which the project is located.

(3) No parking space shall be required for dwelling units or guest rooms dedicated to or set-aside for households that earn less than 50% of the Area Median Income as determined by the Los Angeles Housing Department.

(4) No more than one parking space (including spaces allocated for guest parking) shall be required for each dwelling unit.

(d) **Covenant.** Prior to issuance of a building permit to create a residential or mixed-use building or an Apartment Hotel, the following shall apply:

(1) For any project qualifying for a Floor Area Bonus that contains rental housing for Low, Very Low, Moderate or Workforce Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(2) For any project qualifying for a Floor Area Bonus that contains for-sale housing for Moderate or Workforce Income households, a covenant acceptable to the Los Angeles Housing Department and consistent with the for-sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder.

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

Sec. 3. Subdivision 3 of Subsection C of Section 12.22 of the Los Angeles Municipal Code is amended to read:

3. Incentives to Produce Housing in the Greater Downtown Housing Incentive Area. Notwithstanding any other provision of this chapter to the contrary, for lots in the R4, RAS4, R5, CR, C2, C4, and C5 zones in the Greater Downtown Housing Incentive Area, the following shall apply:

(a) No yard requirements shall apply except as required by the Urban Design Standards and Guidelines, prepared by the Community Redevelopment Agency and approved by the City Planning Commission. The Director of Planning or his/her designee shall stamp and sign the plans showing the required yards. The applicant shall submit the stamped and signed plans to the Department of Building and Safety along with the plans submitted for a building permit.

(b) For the purpose of calculating the buildable area for residential (including Apartment Hotel or mixed-use) buildings, the buildable area shall be the same as the lot area.

(c) The maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions of this chapter so long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by dwelling units.

(d) Notwithstanding the provisions of Section 12.21 G 2 of this Code to the contrary, there shall be no prescribed percentage of the required open space that must be provided as either common open space or private open space.

Sec. 4. Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended by adding a new Subdivision 27 to read:

27. Floor area bonus for a residential (including Apartment Hotel and mixed-use) building in the Greater Downtown Housing Incentive Area where the floor area bonus exceeds that permitted pursuant to Section 12.22 A 29 of this Code.

(a) In addition to the other findings required by this section, the City Planning Commission shall make the following findings:

(1) That the residential (including Apartment Hotel and mixed-use) building is consistent with and implements the Housing Element of the General Plan, which includes objectives to encourage the availability of affordable dwelling units;

(2) That the residential (including Apartment Hotel and mixed-use) building is consistent with the applicable community plan; and

(3) That a residential (including Apartment Hotel and mixed-use) building in the Central City Community Plan area conforms with Urban Design Standards and Guidelines for the Central City Community Plan Area once those guidelines have been approved by the City Planning Commission.

Sec. 5. Subdivision 1 of Subsection C of Section 16.05 of the Los Angeles Municipal Code is amended by adding a new Paragraph (e) to read:

(e) Any residential (including Apartment Hotel or mixed-use) building located within the Greater Downtown Housing Incentive Area.

Sec. 6. Subdivision 3 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is amended by adding Paragraph (c) to read:

(c) the residential (including Apartment Hotel or mixed-use) building is within the Greater Downtown Housing Incentive Area and has been determined by the Community Redevelopment Agency (CRA) to

comply with the Urban Design Standards and Guidelines, prepared by the CRA and approved by the City Planning Commission when the City Planning Commission finds that the guidelines are consistent with the applicable community plans.

Sec. 7. The third unnumbered paragraph of Subsection C of Section 17.05 of the Los Angeles Municipal Code is amended to read:

Each Tentative Map shall substantially conform to all other elements of the General Plan. In computing the number of dwelling units, only the area being designated for residential use and land that is being dedicated for public uses shall be considered, excepting, however, land set aside for street purposes, or land required to be dedicated for park and recreation purposes pursuant to Ordinance 141,422. However, in the Greater Downtown Housing Incentive Area, the area used for computing the allowable floor area of a residential (including Apartment Hotel or mixed-use) building shall be the lot area including any land to be set aside for street purposes.

Sec. 8. Subsection H of Section 17.05 of the Los Angeles Municipal Code is amended by adding a new Subdivision 10 to read:

10. In calculating the allowable floor area of a subdivision proposed to be developed as a residential (including Apartment Hotel or mixed use) building in the Greater Downtown Housing Incentive Area, any land required to be dedicated for street purposes shall be included as part of the lot area of the subdivision.

Sec. 9. Section 17.52 of the Los Angeles Municipal Code is amended by adding a new Subsection J to read:

J. Greater Downtown Housing Incentive Area. In calculating the allowable floor area of a parcel map proposed to be developed as a residential (including Apartment Hotel or mixed use) building in the Greater Downtown Housing Incentive Area, any land required to be dedicated for street purposes shall be included as part of the lot area of the parcel map.

Sec. 10. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG 07 2007.

FRANK T. MARTINEZ, City Clerk

By Deputy

Approved AUG 13 2007

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By
SHARON SIEDORF CARDENAS
Assistant City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

August 7, 2007

See attached report.

Date AUG 07 2007

S. Gail Goldberg
Director of Planning

File No(s). CF 05-1173; CPC-2005-1122,
CPC-2005-1124, CPC-2005-0361

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 179076 - Amending Sections 12.03, 12.22, 12.24, 16.05, 17.05 and 17.52 of the Los Angeles Municipal Code - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on August 1, 2007, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on August 14, 2007 I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on August 14, 2007 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14th day of August 2007 at Los Angeles, California.


Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: September 23, 2007

Council File No. 05-1173

[Print](#)

Los Angeles Municipal Code

SEC. 151.26. ELLIS ACT PROVISIONS - REGULATION OF PROPERTY ON RE-OFFER FOR RENT OR LEASE AFTER WITHDRAWAL.

(Added by Ord. No. 177,901, Eff. 9/29/06.)

If a landlord desires to offer for rent or lease a rental unit which was the subject of a Notice of Intent to Withdraw pursuant to the provisions of Subsection A. of Section 151.23, the following regulations apply:

A. If a rental unit that was removed from rental housing use pursuant to the provisions of Section 151.23 is offered for rent or lease during either:

1. the five-year period after the Notice of Intent to Withdraw the accommodations is filed with the Department pursuant to Section 151.23, whether or not the Notice of Intent is rescinded or the withdrawal of the accommodations is completed pursuant to the Notice of Intent; or
2. the five-year period after the accommodations are withdrawn;

then the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any Notice of Intent to Withdraw the accommodations was filed with the Department, plus annual adjustments available under Section 151.06 of this article.

B. Subsection A. of this section shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the rental unit.

SEC. 151.27. ELLIS ACT PROVISIONS - RE-RENTAL RIGHTS OF DISPLACED TENANTS.

(Added by Ord. No. 177,901, Eff. 9/29/06.)

If a landlord desires to offer for rent or lease a rental unit that was the subject of a Notice of Intent to Withdraw pursuant to the provisions of Subsection A. of Section 151.23, the following regulations apply:

A. A landlord who offers accommodations for rent or lease within two years from the date of withdrawal shall first offer to rent or lease each unit to the tenant or tenants displaced from that unit by the withdrawal, provided that the tenant or tenants advised the landlord in writing within 30 days of displacement of his or her desire to consider an offer to renew the tenancy, and provided the landlord with an address to which that offer is to be directed. That tenant or tenants may advise the landlord at any time during the period of eligibility of a change of address to which an offer is to be directed.

If a landlord again offers accommodations for rent or lease pursuant to the provisions of this subsection, and the tenant or lessee has advised the landlord pursuant to this subsection of a desire to consider an offer to renew the tenancy, then the landlord shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant or lessee.

A landlord who re-offers rental or lease accommodations to a previously displaced tenant pursuant to the provisions of this subsection shall deposit the offer in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or tenants at the address furnished to the landlord as provided in this subsection, and shall describe the terms of the offer. The displaced tenant or tenants shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

B. A landlord who offers accommodations for rent or lease not exceeding five years from the date of withdrawal shall first offer to rent or lease each unit to the tenant or tenants displaced from that accommodation by the withdrawal, provided that the tenant or tenants requests the offer in writing within 30 days after the landlord has notified the Department of an intention to offer the accommodations again for residential rent or lease pursuant to the requirements of Section 151.24. The landlord shall be liable to any tenant or tenants who were displaced by that action for failure to comply with this subsection, for punitive damages in an amount that does not exceed the contract rent for six months.

SEC. 151.28. ELLIS ACT PROVISIONS - RENTAL OF REPLACEMENT UNITS.

(Added by Ord. No. 178,848, Eff. 7/16/07.)

A. **Replacement Units Subject to the Rent Stabilization Ordinance.** If a building containing a rental unit that was the subject of a Notice of Intent to Withdraw pursuant to the provisions of Subsection A. of Section 151.23 is demolished and rental units are constructed on the same property and offered for rent or lease within five years of the date the rental unit that was the subject of the Notice of Intent to Withdraw was withdrawn from rent or lease, the owner may establish the initial rental rate for the newly constructed rental units. The provisions of the Rent Stabilization Ordinance, Section 151.00, et seq., and other provisions of this chapter shall apply to the newly constructed rental units.

This section shall not apply to demolished buildings containing four or fewer rental units, if the owner of the building, whose name appears on legal

title to the property, is a natural person and resided in the building for three consecutive years prior to demolition, or if the building is not yet demolished, for three consecutive years prior to filing an application for exemption. To obtain this exemption, an owner must apply to the Department for exemption pursuant to the provisions of Subdivision 3. of Subsection C. of this section.

B. Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units. An owner who replaces the number of demolished rental units with an equal number of affordable housing units, not to exceed 20% of the total number of newly constructed rental units, may apply to the Department for an exemption of the newly constructed rental units from the provisions of the Rent Stabilization Ordinance. The affordable housing units must be located in the newly constructed accommodations. The Department shall issue an exemption where it finds all of the following to exist:

1. The owner executed and recorded a covenant and agreement, in a form satisfactory to the Department, guaranteeing that the replacement affordable housing units, affordable for households with an income at or below 80% of Area Median Income as established by the U.S. Department of Housing and Urban Development for the Los Angeles-Long Beach primary metropolitan statistical area, shall remain affordable for 30 years from the date the covenant and agreement is recorded. The covenant and agreement contains provisions as required by the Department to ensure the effective administration and enforcement of this subsection.

2. The replacement affordable housing units shall be reasonably dispersed throughout the newly constructed accommodations and shall not be segregated in a portion of the accommodations dedicated to affordable housing units.

3. The replacement affordable housing units shall be comparable to the market rate units and contain, on average, the same number of bedrooms, bathrooms and square footage as the market rate units. The replacement affordable housing units shall be comparable in architectural style to the average of the market rate units.

Units that are used to qualify for a density bonus pursuant to the provisions of either California Government Code Section 65915 or Los Angeles Municipal Code Section 12.22 A.25., or are used to satisfy any inclusionary zoning or replacement affordable housing requirement, or are used to qualify for any other public benefit or incentive, may be used to qualify as replacement affordable housing units pursuant to the provisions of this subsection.

C. Application for Exemption from the Rent Stabilization Ordinance.

1. **Hardship Exemption.** The Department shall have the authority to grant an exemption from the provisions of this section in cases of undue financial hardship arising from detrimental reliance on the provisions of this article prior to the enactment of this section as duly established to the satisfaction of the Department. An owner claiming hardship must file a written application for exemption with the Department on forms provided by the Department within 90 days of the effective date of this section, and the owner must demonstrate that the hardship existed as of the date that the ordinance enacting this section was adopted by Council.

An owner who files an application for exemption from the provisions of this section pursuant to the provisions of this subdivision shall pay to the Department an administrative fee in the amount of \$160.00 for each application. The administrative fee shall be used to finance the costs of processing and investigating applications for exemption.

2. **Replacement Affordable Housing Unit Exemption.** An owner may, at any time, apply for exemption pursuant to the provisions of Subsection B. of this section, but must do so by written application on a form provided by the Department. If the Department issues an exemption while there are tenants residing in rental units that are subject to the provisions of the Rent Stabilization Ordinance, each of the units shall continue to be subject to the provisions of the Rent Stabilization Ordinance until all tenants in a unit voluntarily vacate the unit, or have their tenancies terminated pursuant to the provisions of Subdivisions 1., 2., 3., 4., 5., 6., 7., 9., 11., or 12. of Subsection A. of Section 151.09 of this article.

An owner who files an application for exemption from the Rent Stabilization Ordinance pursuant to the provisions of this subdivision shall pay to the Department an administrative fee in the amount of \$705.00 for each application, plus \$75.00 for each replacement affordable housing unit. The administrative fee shall be used to finance the costs of processing and investigating applications for exemption, and continued monitoring.

3. **Owner Occupancy Exemption.** An owner, whose name appears on legal title to the property, may file an application for exemption from the Rent Stabilization Ordinance on the grounds that the owner is a natural person who occupied the demolished building, which consisted of four or fewer rental units, for three years prior to the demolition of the building. If the building has not yet been demolished, an owner may file an application for exemption from Subsection A. of Section 151.28 on the grounds that the building to be demolished consists of four or fewer rental units, and that the owner occupied the building for three consecutive years prior to filing an application for exemption. An owner may, at any time, apply for exemption, but must do so by written application on a form provided by the Department. If the Department issues an exemption while there are tenants residing in units that are subject to the provisions of the Rent Stabilization Ordinance, each of the units shall continue to be subject to the provisions of the Rent Stabilization Ordinance until all tenants in a unit voluntarily vacate the unit, or have their tenancies terminated pursuant to the provisions of Subdivisions 1., 2., 3., 4., 5., 6., 7., 9., 11., or 12. of Subsection A. of Section 151.09 of this article.

An owner who files an application for exemption from the Rent Stabilization Ordinance pursuant to the provisions of this subdivision shall pay to the Department an administrative fee in an amount to be determined by ordinance. The administrative fee shall be used to finance the costs of processing and investigating applications for exemption.

4. **Verification of Information.** Information submitted in any written application to the Department for any of the exemptions outlined in this section, will be subject to verification and approval by the Department.

D. **Appeals.** An owner who is denied an exemption from the Rent Stabilization Ordinance for an application filed pursuant to the provisions of

Subsection C. of this section may appeal the denial by requesting a hearing before the General Manager. The appeal must be filed in writing and received by the Department within 15 calendar days of the date of mailing the denial decision. The appeal must be on a form provided by the Department and identify the grounds for appeal. If an appeal from a decision to deny an exemption is not received by the Department within the 15 day appeal period, the decision will be final.

An owner who files an appeal from an application for exemption filed pursuant to the provisions of Subdivisions 1. or 2. of Subsection C. of this section shall pay to the Department an administrative fee in the amount of \$290.00 for each appeal. An owner who files an appeal from an application for exemption filed pursuant to the provisions of Subdivision 3. of Subsection C. of this section shall pay to the Department an administrative fee in an amount to be determined by ordinance. The fee shall be used to finance the cost of the appeal process.

The General Manager's hearing shall be held within 30 days of receiving the appeal and will follow the procedures set forth in Division 8 of Article 1 of Chapter XVI of this Code. The owner may present proof at the hearing of entitlement to an exemption, and a Department representative shall explain the reason for the denial of the exemption application.

The General Manager shall issue a written decision of the appeal and may affirm, modify, or reverse the determination of the Department. The General Manager may grant a continuance of the hearing upon a showing of good cause or where further Department investigation is warranted.

E. Authority of Department. The Department shall be responsible for carrying out the provisions of this section and shall have the authority to promulgate and administer policies, rules, and regulations to effectuate the purposes of this section.

Disclaimer:

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May 4, 2012

Isaac Cohanzad (A)(O)
Barry Hill, LLC
11601 Santa Monica Boulevard
Los Angeles, CA 90025

Jack Little Co. (E)
17621 Sherman Way
Van Nuys, CA 90025

Building and Safety

CASE NO. DIR-2011-3182-DB
DENSITY BONUS COMPLIANCE REVIEW
Related Case: TT-71761-CN
CEQA: ENV-2011-3183-MND
Address: 1411 South Barry Avenue
Plan Area: West Los Angeles
Zone: R3-1
D.M.: 129B149
C.D. : 11
Legal Description: Lots 25 and Fraction of Lot 1,
Artesian Tract and Tract 49065-C

Pursuant to Los Angeles Municipal Code Section 16.05, as the designee of the Director of Planning, I hereby:

Approve a Density Bonus Compliance Review pursuant to Section LAMC 12.22-A.25 for a 35% density bonus to provide seven additional units, of which two units (11%) will be set aside for very low income purposes.

Approve the following two incentive/concessions for a project that reserves at least two units (11%) will be set aside for very low income purposes.

- a. A 35% Floor Area Ratio increase resulting in a maximum of 42,829 square feet;
- b. A 20% increase in building height resulting in a maximum 54 feet in lieu of the maximum 45-foot allowed;

Adopt Mitigated Negative Declaration ENV-2011-3183-MND as the environmental clearance.

Adopt the attached findings.

Advise the applicant that pursuant to the California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that environmental mitigation measures are implemented and maintained through the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

This approval is subject to the following terms and conditions:

CONDITIONS OF APPROVAL

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program) and the Density Bonus Ordinance No. 179,681, and the promotion of development compatible with existing and future development of neighboring properties.

Density Bonus Compliance Conditions

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, and elevations labeled Exhibit "A" attached to the subject case file. The location, type, and size of signage is not a part of this approval. Minor deviations may be allowed in order to comply with provisions of the Municipal code and the conditions of approval.
2. **Permitted Uses.** The use of the subject site shall be limited to 25 residential units and associated 50 on-site parking spaces.
3. **Floor Area.** The maximum floor area of the proposed buildings shall not exceed 42,829 square feet.
4. **Height.** The maximum height of the proposed buildings shall not exceed 54 feet.
5. **Parking.** A total of 50 parking spaces, at 2 spaces for each unit with two-three bedrooms.
6. **Housing Requirements.** Prior to the issuance of a building permit for any dwelling unit on the subject property, the applicant shall execute and record a purchase or lease covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the applicant and/or any subsequent property owner to reserve two of the proposed 25 units for occupancy by Very Low Income households. The 35% density bonus, grants the applicant an additional 7 units in excess of the 18 otherwise permitted by the R3-1 Zone. These units will be restricted as affordable for-sale or rental dwelling units, pursuant to California Government Code Section 65915 and Los Angeles Municipal Code Section 12.22 A.25. All density bonus calculations resulting in fractional units shall be rounded up to the nearest whole number (Gov. Code Section 65915 (g)(5)). Applicant must provide an affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market rate units.

Environmental

7. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
8. **Air Pollution (Demolition, Grading, and Construction Activities).**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - g. Trucks having no current hauling activity shall not idle but be turned off.
9. **Air Pollution (Stationary).** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
10. **Tree Removal (Non-Protected Trees).**
- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
 - b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
 - c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.
11. **Seismic.** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
12. **Erosion/Grading/Short-Term Construction Impacts.**
- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
 - b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading

activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

13. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater).

a. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- Movement and removal of approved fencing shall not occur without prior approval by LADBS.

14. Green House Gas Emissions. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

15. Standard Urban Stormwater Mitigation Plan.

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Promote natural vegetation by using parking lot islands and other landscaped areas.

- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- f. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- g. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- h. Legibility of stencils and signs must be maintained.
- i. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- j. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- k. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- l. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- m. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- n. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- o. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- p. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

16. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

17. Increased Noise Levels (Parking Structure Ramps).

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

- 18. Fire.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

19. Public Services (Schools affected by Haul Route).

- a. LADBS shall assign specific haul route hours of operation based upon University High School hours of operation.
- b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

- 20. Schools.** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

- 21. Street Improvements.** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.

- 22. Recreation.** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.

- 23. Transportation (Haul Route).** Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- 24. Local Water Supplies – Landscaping.**
- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
 - b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- 25. Local Water Supplies.**
- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
 - b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
 - c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
 - e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
 - f. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.

- g. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
 - h. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
26. **Solid Waste Recycling (Construction/Demolition).** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

ADMINISTRATIVE

27. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
28. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices legislation or their successors, designees, or amendment to any legislation.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
32. **Building Plans.** Page 1 of this grant and all conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
33. **Utilization of Concurrent Entitlement.** Site Plan Review requires completion of all applicable conditions of approval to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of three years from the effective date of the subject grant for the Site Plan Review to effectuate the terms of this entitlement by securing a building permit. Thereafter, the entitlements shall be deemed terminated and

the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

34. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
35. **Fees.** Prior to the clearance of any Density Bonus conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
36. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of a claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

BACKGROUND

The adopted West Los Angeles Plan designates the subject property for Medium Residential land use and is currently zoned R3-1. The subject site is a 0.33 net acre site (14,741 net square feet after required dedication and including ½ of the alley), consisting of two rectangular-shaped lots. One lot is currently vacant. The applicant is requesting a Director's Determination approval pursuant to Section LAMC 12.22-A.25, to utilize a 35% density bonus to provide seven additional units, of which two dwelling units will be set aside for Very Low income households. The applicant is using two on-menu incentives: a 35% increase of Floor Area Ratio resulting in a maximum of 42,829 square feet and a 20% increase in height resulting in a maximum of 54 feet.

On May 4, 2012, the Deputy Advisory Agency approved a concurrent request for Tentative Tract Map No. 71761-CN to permit the construction of a 25-unit condominium project with 50 parking spaces.

Several phone calls were received and had general questions of the project and the construction timeline. Two e-mails and two phone calls were received from nearby residents. The e-mails and phone calls expressed opposition of the project and had concerns with not enough parking, the seven additional units will crowd the neighborhood infrastructure, spillover parking due to the overcrowded parking situation, project was too big, has no open space, violates the LAPD Design Out crime guidelines, should be re-designed, request for a density bonus and incentives should meet several thresholds and provide documentation to support their request, and that the building height would cause shadowing effects on neighboring properties. An e-mail was also received from a representative from the council office and had four questions to the applicant. The applicant submitted a letter responding to the questions and submitted a feasibility study.

FINDINGS

After thorough consideration of the information, statements, and plans contained in the application, the reports received from other city departments and governmental agencies, the project's Mitigated Negative Declaration, and the State Density Bonus Program, I hereby find that the requirements for issuing a Density Bonus Compliance Review approval pursuant to the State Density Bonus Program and LAMC Section 12.22-A.25 have been established by the following:

1. The project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.

The subject site is a 14,741 net square-foot (including ½ the alley), rectangular-shaped lot. The property is sloped with approximately 100 feet of frontage along Barry Avenue and a lot depth of approximately 14 feet. The project site is located in the West Los Angeles Community Plan area.

As conditioned by this approval, the subject project complies with all applicable provisions of the State Density Bonus Program and LAMC Section 12.22-A.25. The project qualifies for a 35% density bonus for the following reason: (1) a minimum of 11% of its units are set aside for Very Low Income households for a period of 30 years. The set aside unit automatically allow the applicant to qualify for an increase in density and reduced parking requirements. Per LAMC Section 12.22-A.25, projects that set aside 11% of its units for Very Low Income households, qualify for two additional incentives from a specified menu of concessions, or can make a request for an incentive not specifically listed in the menu. In this instance, the applicant has chosen to set aside 11% of its units, and is utilizing two on-menu incentives:

- a. Density. The 14,741 net square-foot (including ½ the alley) site allows a maximum of 18 units in the R3-1 Zone. Through LAMC Section 12.22-A.25, the applicant is setting aside 11% of its units (two units) for Very Low Income households and requesting a density bonus of 35%, allowing for an additional seven units for a total of 25 units.
- b. Parking. The project will utilize Parking Option One, which permits parking to be provided at a ratio of one parking space for each 0-1 bedroom unit, two parking spaces for each 2-3 bedroom unit, and 2.5 parking spaces for each unit with 4 or more bedrooms. In this case, the applicant proposes 25 two-three bedroom units. As such, 50 parking spaces are required.
- c. Incentives/Concessions:
 - (i.) Floor Area Ratio. Pursuant to LAMC Section 12.22-A.25, the project may request a percentage increase in the allowable Floor Area Ratio (FAR) equal to the percentage of density bonus for which the housing development is eligible, not to exceed 35%. The project is utilizing a 35% density bonus and is providing two units (11%) set-aside for very low income purposes. The applicant is proposing a 35% Floor Area Ratio increase resulting in a maximum of 42,829 square feet.
 - (ii.) Height. The R3-1 Zone has maximum height limit of 45 feet. The Density Bonus provisions allow projects that qualify for a 35% Density Bonus to also qualify for a 35% increase in height, not to exceed 11 additional feet or one additional story, whichever is lower. As such, in lieu of a 45-foot height limit, the applicant is

permitted a height not to exceed 56 feet. The applicant is proposing a height limit of 54 feet.

2. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project to the extent physically feasible.**

In compliance with requirements of the California Environmental Quality Act (CEQA), the Department of City Planning issued Mitigated Negative Declaration No. ENV-2011-3183-MND on April 9, 2012. The MND identified potential adverse impacts as far as earth, air, water, and risk of upset are concerned. Conditions are imposed as mitigation measures for said environmental impacts pursuant to this grant. All of the project's impacts have been mitigated to a less than significant level.

Authorization - Time Limit and Transferability

The authorization granted herein shall be for a three year period from the effective date. If building permits are not issued and construction work is not begun within such time and carried on diligently so that building permits do not lapse, this approval shall become null and void. There are no time extensions available beyond this three year period.

Furthermore, this grant is not a permit or license and that permits and licenses required by all applicable laws must be obtained from the proper agency.

In the event the property is sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise such person or corporation regarding the conditions of this authorization. If any portion of the authorization is utilized, the conditions and requirement of the grant will become operative and must be strictly observed.

Appeal Period - Effective Date

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code.

The Determination in this matter will become effective after May 21, 2012, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lactiy.org. Planning Department public offices are located at:

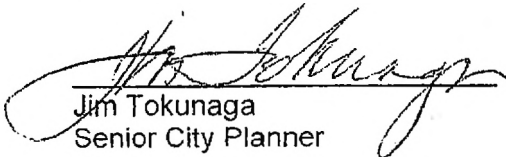
<p>Figueroa Plaza 201 North Figueroa Street, Fourth Floor Los Angeles, CA 90012-2601 Phone: (213) 482-7077</p>	<p>Marvin Braude San Fernando Valley Constituent Services Center 6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401 Phone: (818) 374-5050</p>
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The applicant is further advised that all subsequent contact with this office regarding this Determination must be with the decision-maker who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished by appointment only, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

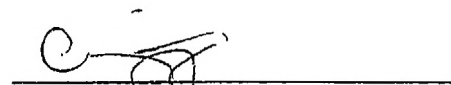
MICHAEL LOGRANDE
Director of Planning

APPROVED BY:



Jim Tokunaga
Senior City Planner

PREPARED BY:

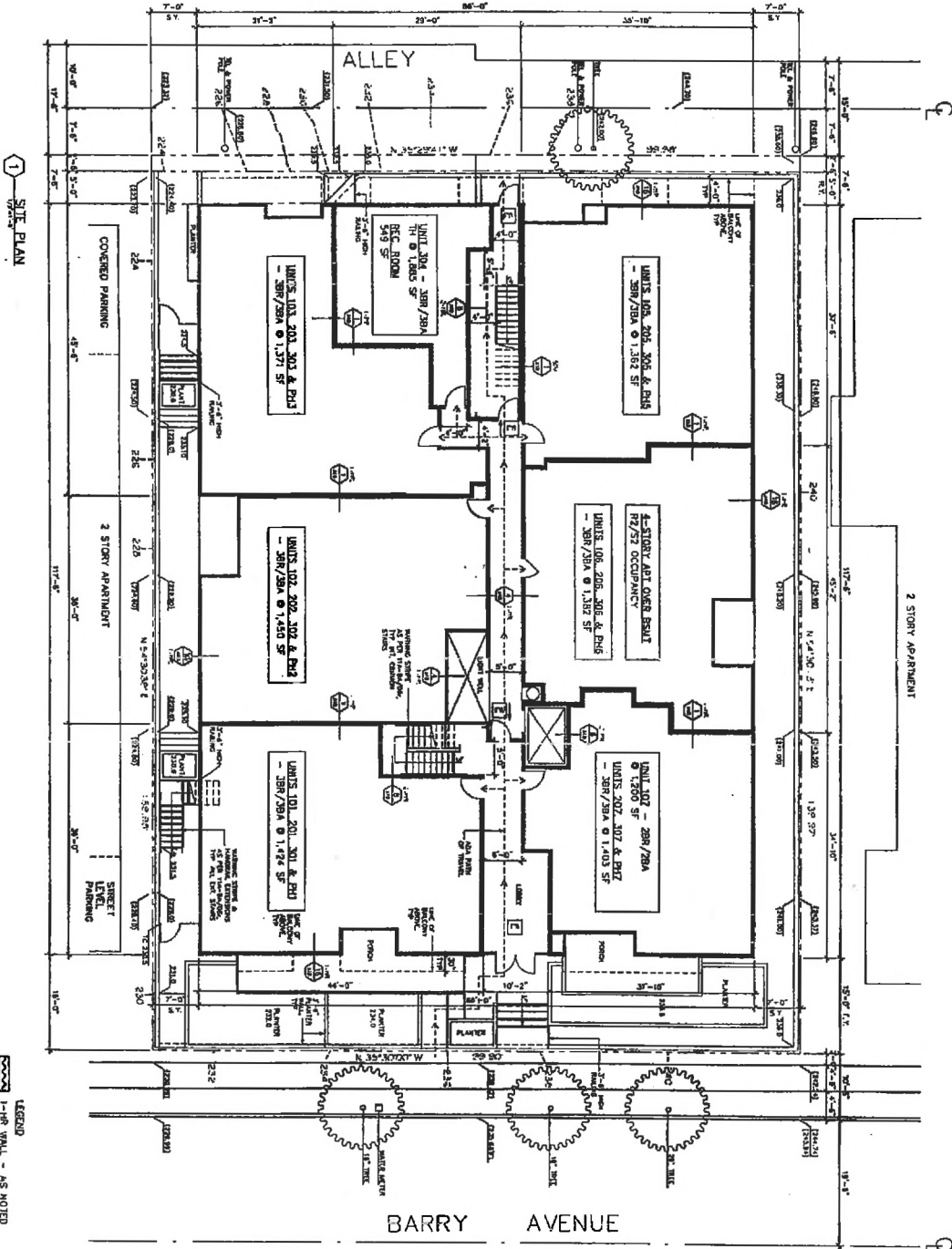


Christina Toy Lee
City Planning Associate

Attachments:

Exhibit A: Site Plan and Elevations

Exhibit B: Radius Map



1 SITE PLAN

- LEGEND
- 1-1/2" WALL - AS NOTED
 - 2-1/2" WALL - SEE B/A/B
 - EXIT SIGN - SEE NOTES
 - FRANKLIN

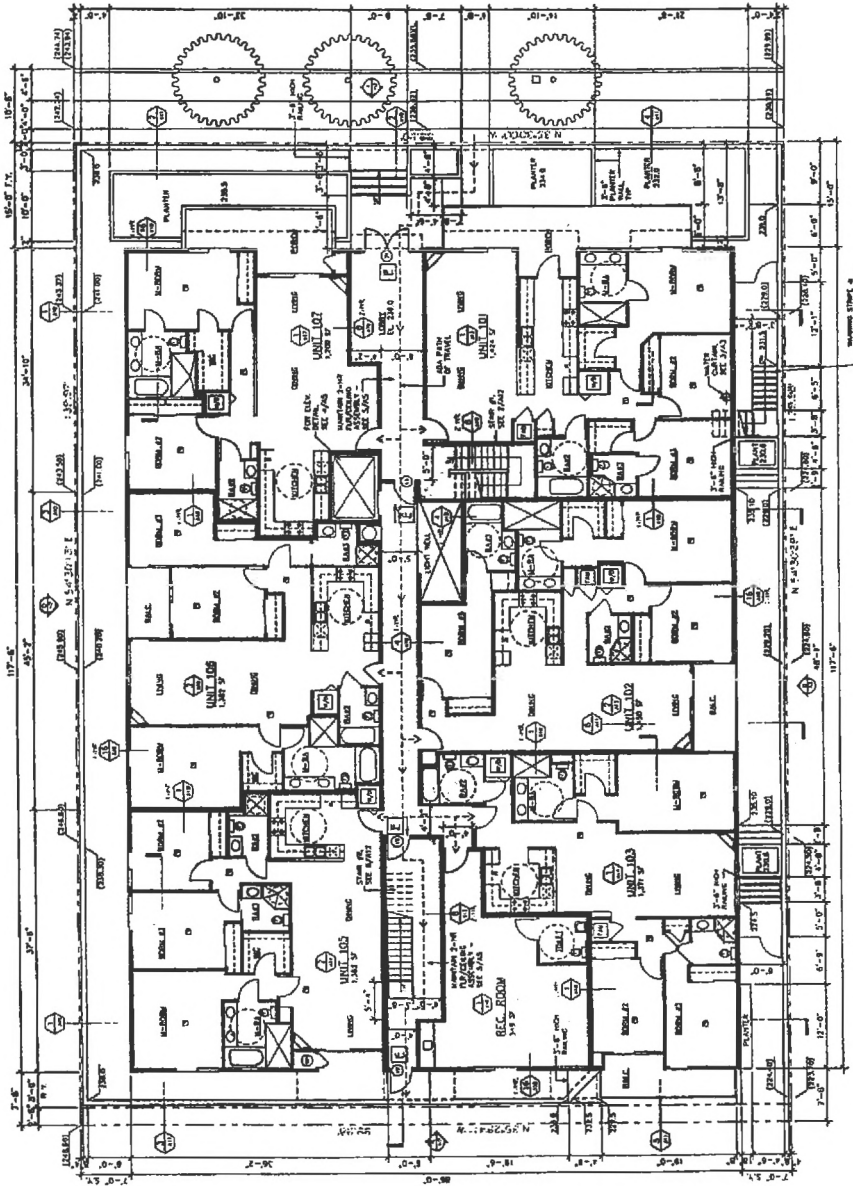
EXHIBIT A

Page No. 3 of 25

Case No.

DIR 2011-3182

<p>URIU & ASSOCIATES ARCHITECTURE PLANNING 1415 S. BARRY AVENUE DENVER, CO 80202</p>	<p>SHEET TITLE SITE PLAN</p>	<p>DATE ISSUED FOR 10/14/11</p> <p>DATE 10/14/11</p>	<p>REVISIONS</p>
	<p>JOB TITLE 1415 S. BARRY AVENUE</p>		



1 FIRST FLOOR PLAN

- LEGEND**
- 1-HR WALL - AS NOTED
 - 2-HR WALL - SEE S/A/B
 - EXIT SIGN - SEE NOTES
 - FLUSH/AI
- NOTE**
 FOR ADD. UNIT DETAIL AND
 CORNER WINDOW TYPES, SEE
 A13-A17

EXHIBIT "A"
 Page No. 5 of 25
 Case No.

DIR 2011-3102

DIR

2011-3-10

EXHIBIT "A"
Page No. 6 of 85
Base No. 1010

AS

DATE ISSUED FOR: _____ DATE REVISIONS: _____

PROJECT: SECOND FLOOR PLAN
1415 S. BERRY AVENUE

UNIU & ASSOCIATES
1415 S. BERRY AVENUE, SUITE 200
DENVER, CO 80202

COMPONENTS:
C 100
C 100

REVISIONS:

NO.	DATE	REVISIONS

CHECKED: _____
DRAWN: _____

NO. 1128
SHEET

LEGEND

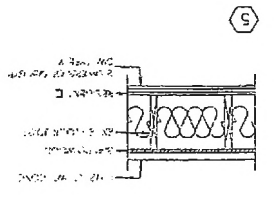
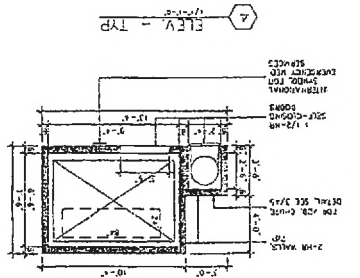
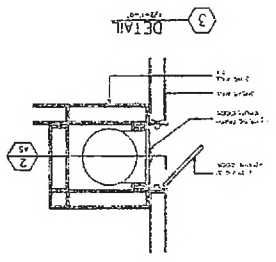
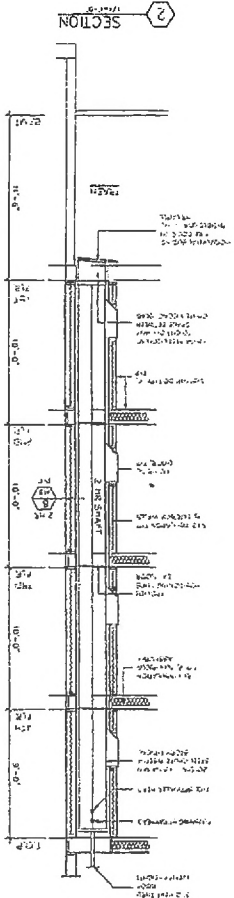
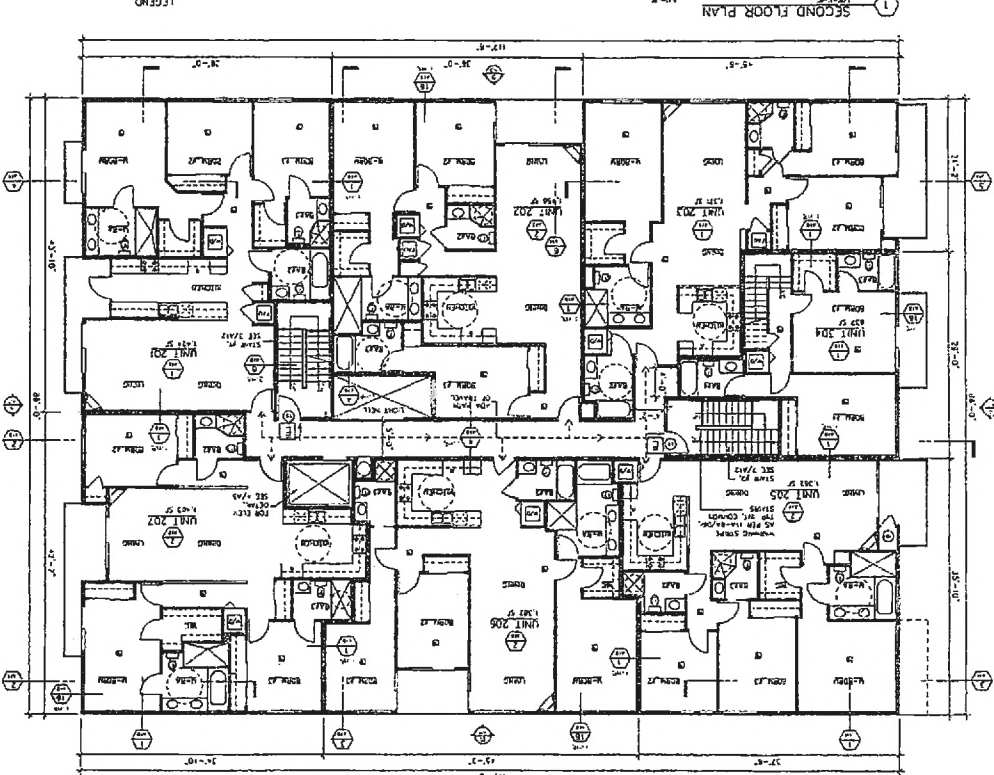
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2-HR WALL - SEE B/W/18

EXIT SIGN - SEE NOTES

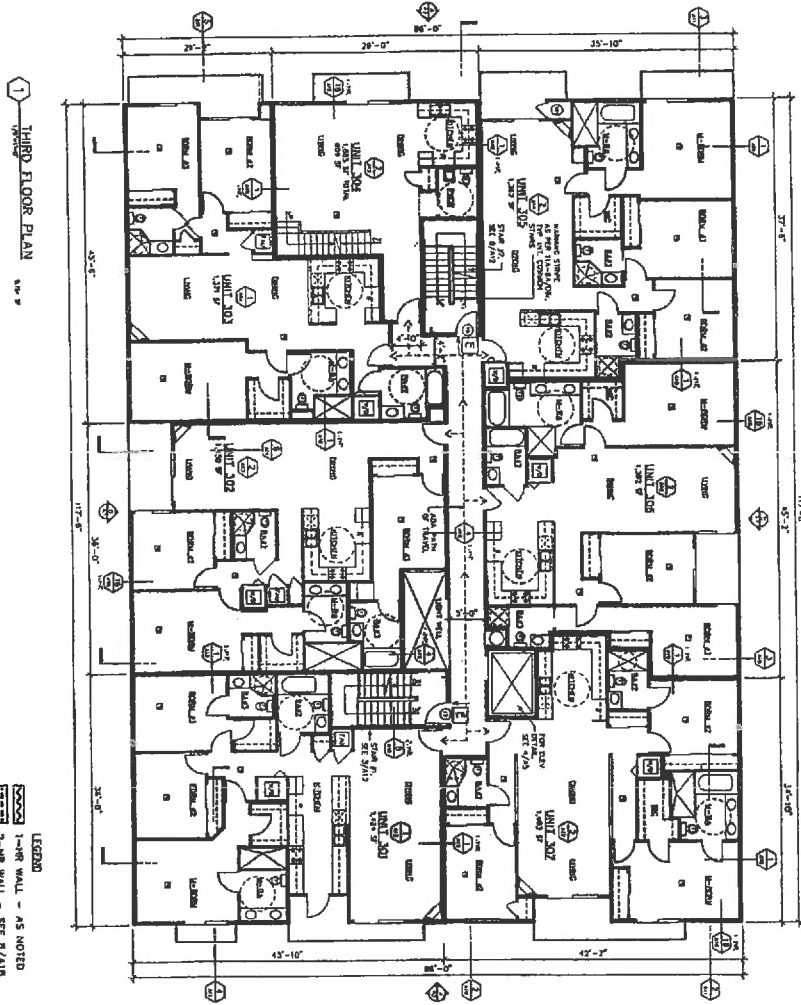
FIXTURES

NOTE
FOR MOD. UNIT DETAIL AND
DOOR & WINDOW TYPES, SEE
A13-A17



DIR 2011-8102

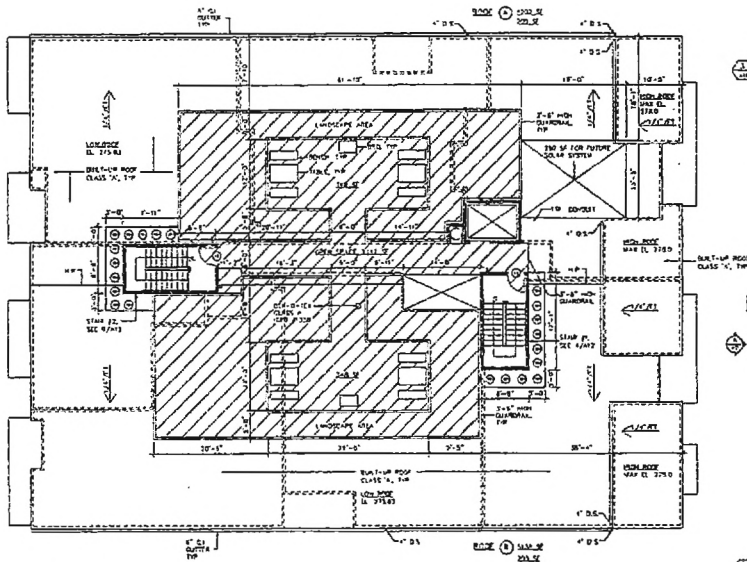
EXHIBIT "A"
 Page No. 4 of 25
 Case No.



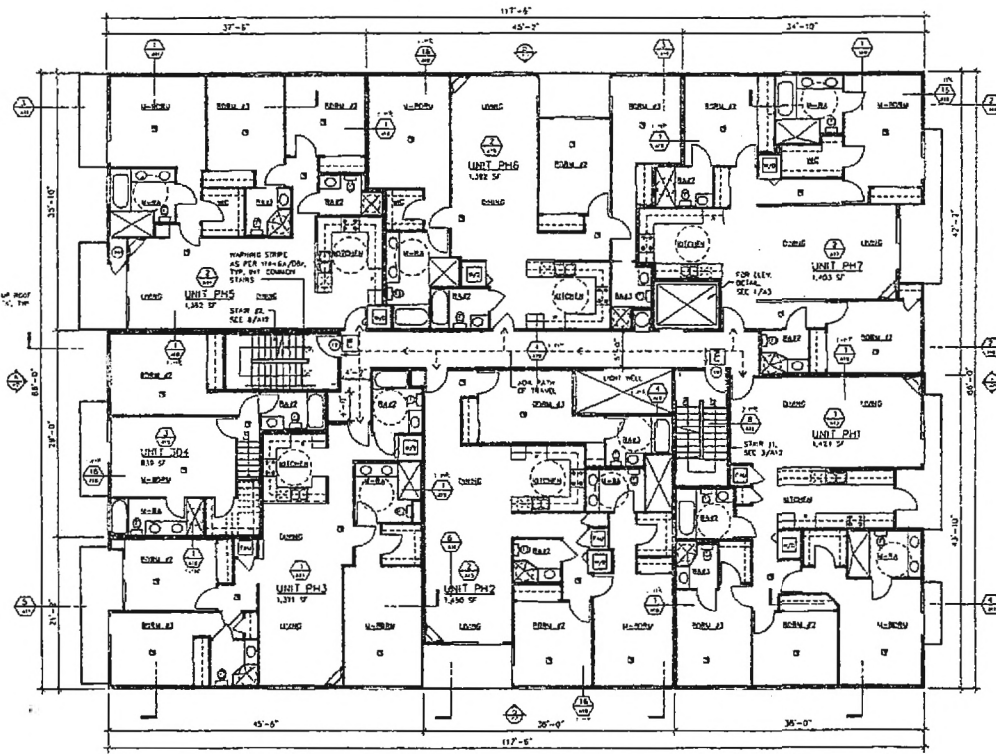
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 [Symbol] 2-INR WALL - SEE R/118
 [Symbol] EXIT SIGN - SEE NOTES
 [Symbol] FIREMAN/IN
NOTE
 FOR 400 UNIT DETAIL AND
 FOR 400 WINDOW TYPES SEE
 A12-A17

 URIU & ASSOCIATES ARCHITECTURE PLANNING 1415 S. BARRY AVENUE PHILADELPHIA, PA 19104	DATE 11/27/11	ISSUED FOR SECURITY BORER	DATE / /	REVISIONS / /
	PROJECT TITLE THIRD FLOOR PLAN	PROJECT NO. 1139	DATE / /	ISSUED FOR SECURITY BORER

A6



2 ROOF PLAN



1 FOURTH FLOOR PLAN

LEGEND
 1-HR WALL - AS NOTED
 2-HR WALL - SEE 8/A18
 EXIT SIGN - SEE NOTES 713&14/A1
 NOTE
 FOR ADD. UNIT DETAIL AND DOOR & WINDOW TYPES, SEE A13-A17

DATE	ISSUED FOR	REVISIONS
11/11/11	QUANTITY TAKE OFF	

DRAWN BY: [Signature]
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 JOB NO: 1129
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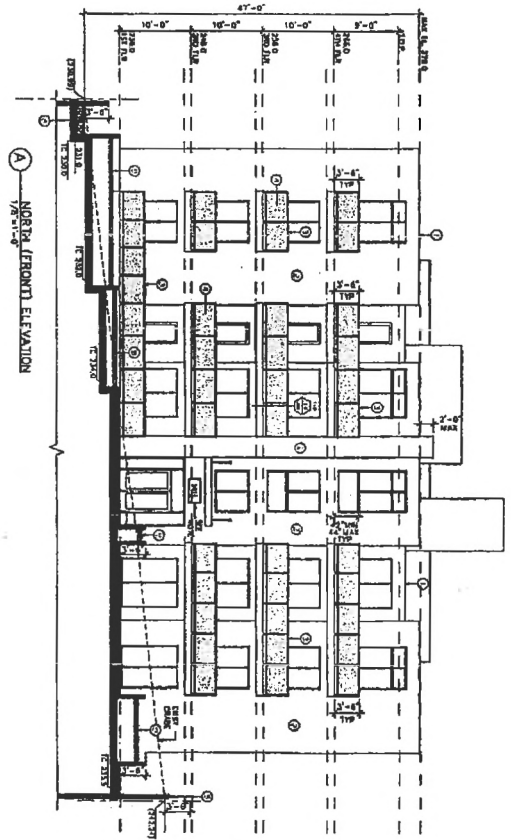
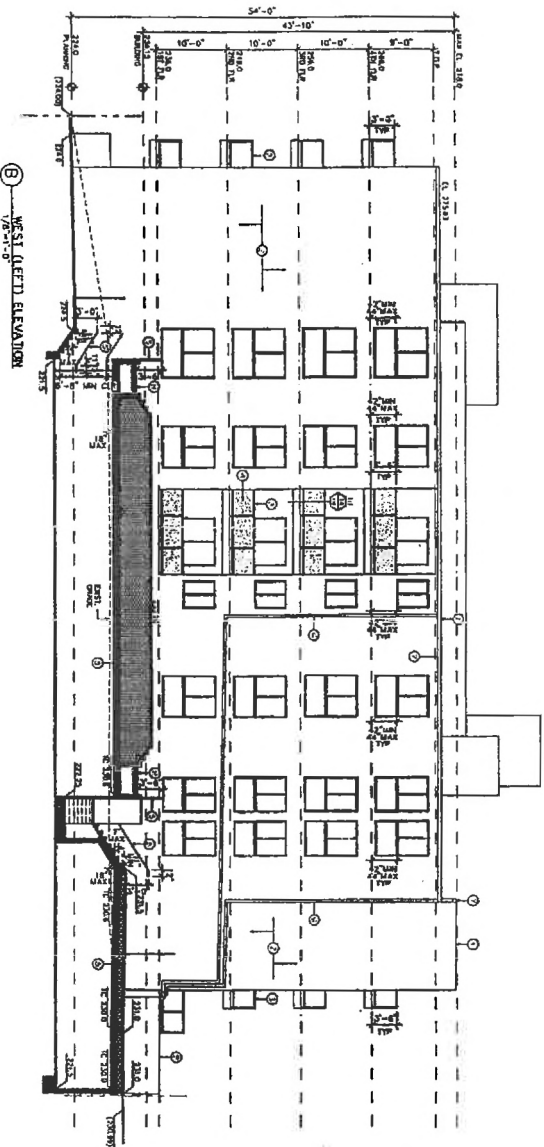
URIU & ASSOCIATES
 ARCHITECTS
 1415 S. BARRY AVENUE
 PHOENIX, ARIZONA

EXHIBIT "A"
 Page No. 8 of 25
 Case No.

DIR 2011-2102

DIR 2011-3182

EXHIBIT "A"
 Page No. 9 of 25
 Case No.



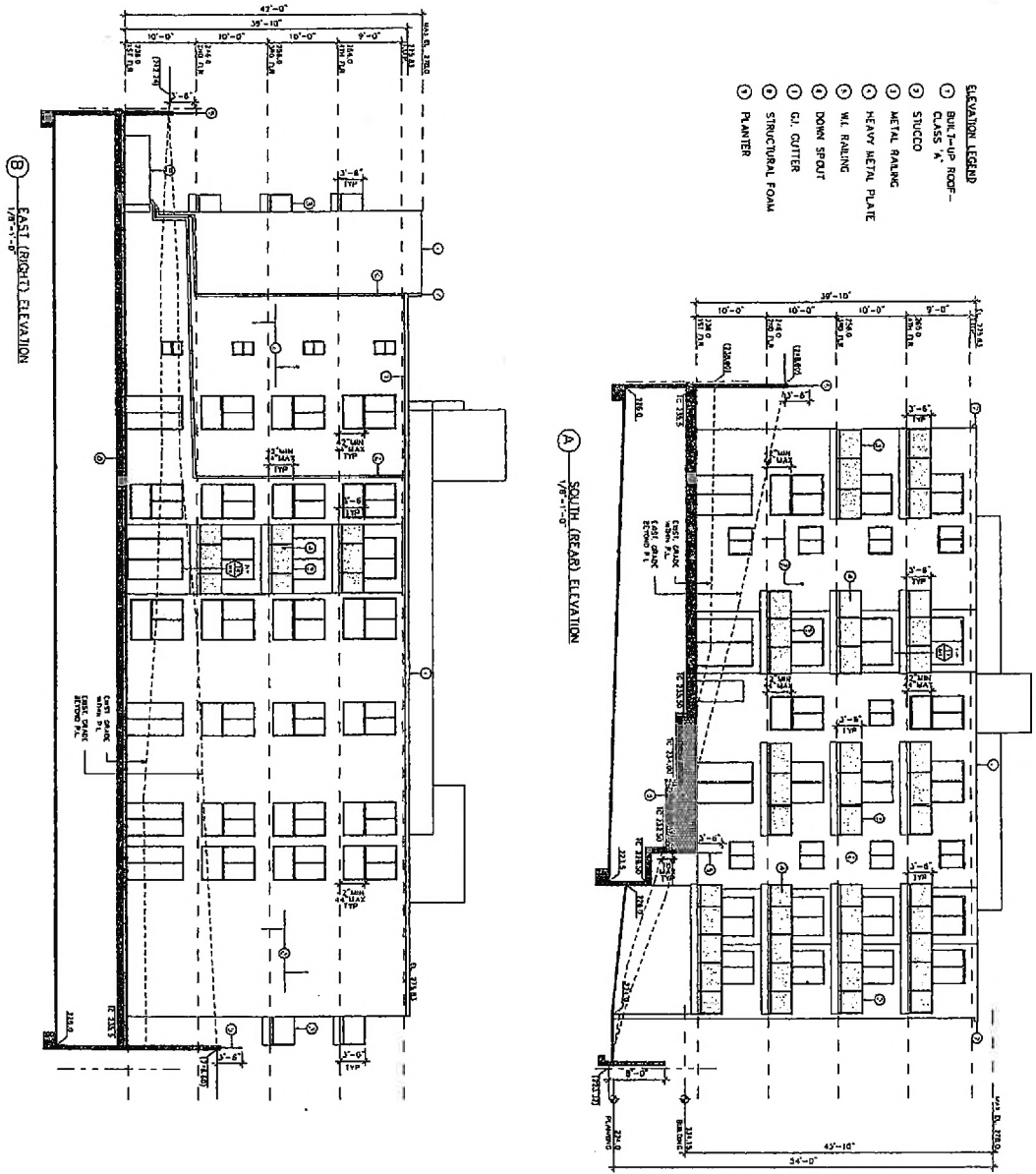
- ELEVATION LEGEND**
- 1 BUILT-UP ROOF-CLASS 'X'
 - 2 STUCCO
 - 3 METAL PANELS
 - 4 HEAVY METAL PLATE
 - 5 W/L RAISING
 - 6 DOWN SPOUT
 - 7 CL. CUTTER
 - 8 STRUCTURAL FOAM
 - 9 PLANTER
- NOTE**
 1) BUILDING ADDRESS PROVIDED AT ENTRANCE OF BUILDING IN ACCORDANCE TO UMG 57.0911
- GRADE PLANE**
 PLANNING EL. 224.0
 BUILDING 230.39 + 242.24 + 238.80 + 224.0 / 4 = 234.15

	SHEET TITLE ELEVATIONS JOB TITLE 1415 S. BARRY AVENUE		DATE 11/11/11	ISSUED FOR DENNIS BOWER	DATE / /	REVISIONS / /
	DRAWN CHECKED 11/23		DATE 11/23	DATE 11/11/11	ISSUED FOR DENNIS BOWER	DATE / /

A8

DIR 2011-3136

EXHIBIT A
 Page No. 10 of 25
 Case No.



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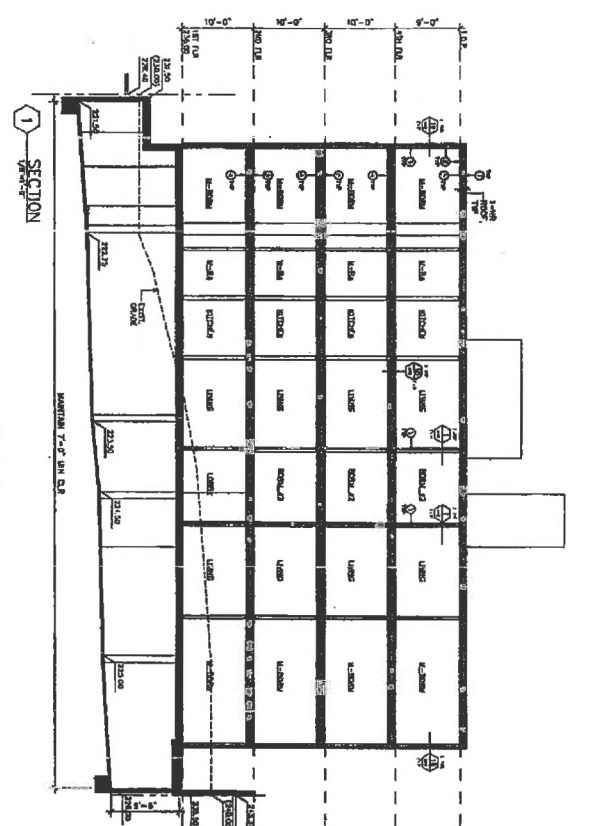
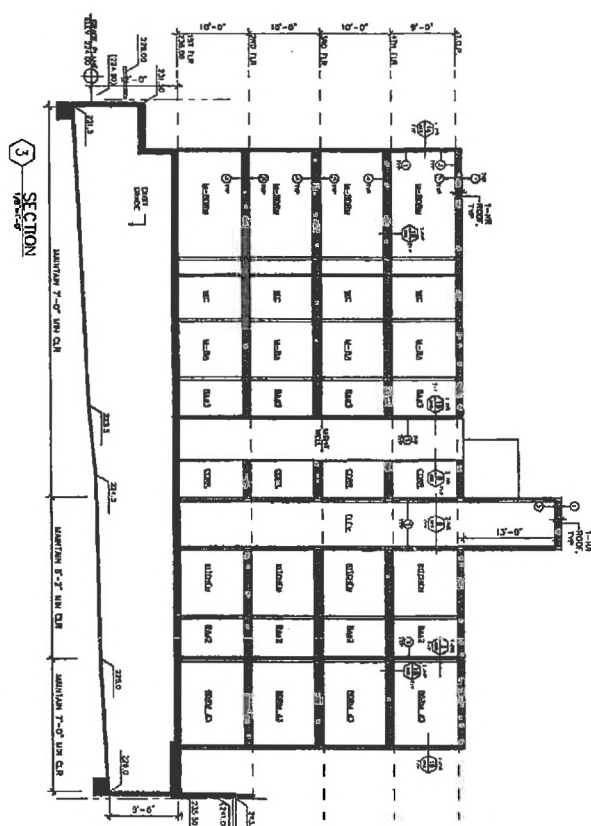
SHEET TITLE
 ELEVATIONS
JOB TITLE
 1415 S. BARRY AVENUE

URIU & ASSOCIATES
 ARCHITECTURAL FIRM
 1415 S. BARRY AVENUE
 CHICAGO, IL 60607

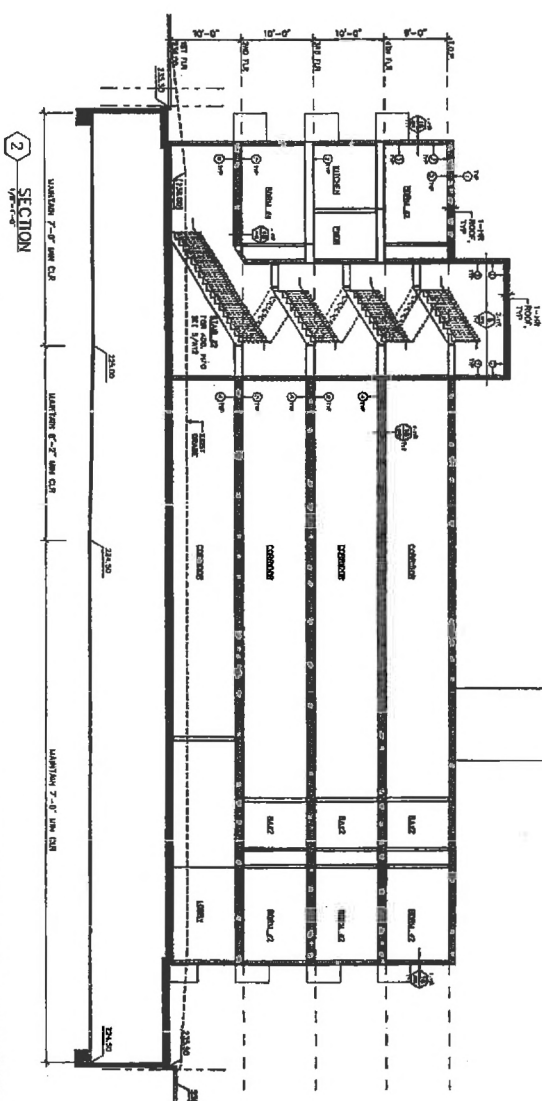


PROJECT
 1415 S. BARRY AVENUE
DATE
 11/29/11
SCALE
 AS SHOWN
PROJECT NO.
 1129
DATE
 11/29/11
SCALE
 AS SHOWN
PROJECT NO.
 1129

A9



- SECTION LEGEND**
- 1 BUILT-UP ROOF - CLASS 'A'
 - 2 5/8" GYP. D.K. TRF. 'X'
 - 3 R-13 INSUL.
 - 4 R-18 INSUL.
 - 5 R-30 INSUL.
 - 6 DEK-O-TEX BRP2380
 - 7 W.L. RAILING
 - 8 1 1/2" LI. VTL. CONC.
 - 9 STRUCTURAL FOAM



DATE	ISSUED FOR	DATE	REVISIONS
1/17/11	DENNY BOMM		1
			2

DIR 2011-313

EXHIBIT "A"
 Page No. 11 of 25
 Case No.

URIU & ASSOCIATES
 MANUFACTURER, PLUMBER
 1416 S. BARRY AVENUE
 MEMPHIS, TN 38119

SECTION 1
 SHEET TITLE
 1416 S. BARRY AVENUE

SECTION 2
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 1416 S. BARRY AVENUE

SECTION 3
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 1416 S. BARRY AVENUE

SECTION 4
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SECTION 27
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 1416 S. BARRY AVENUE

SECTION 28
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SECTION 95
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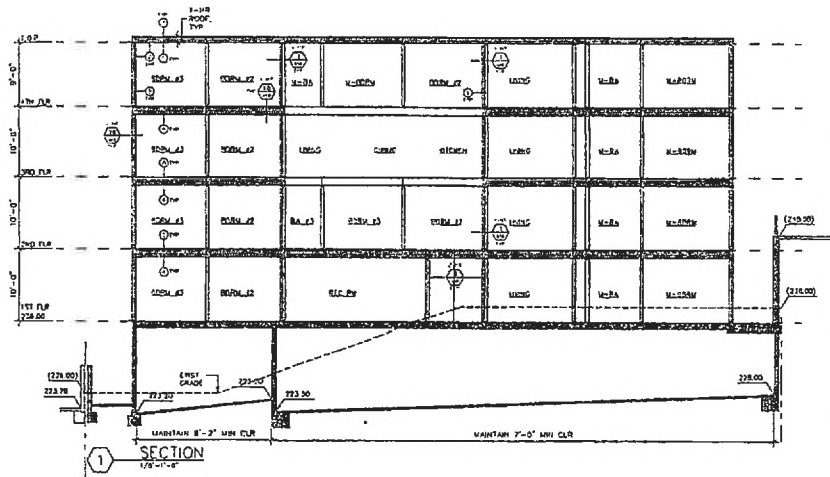
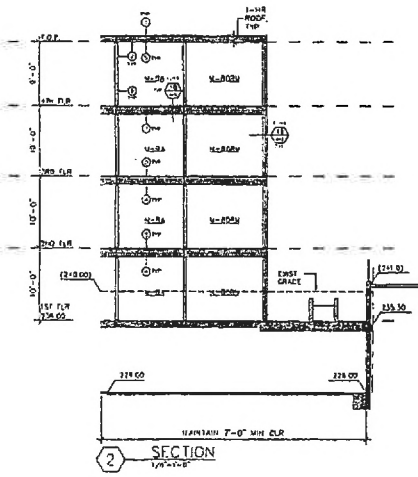
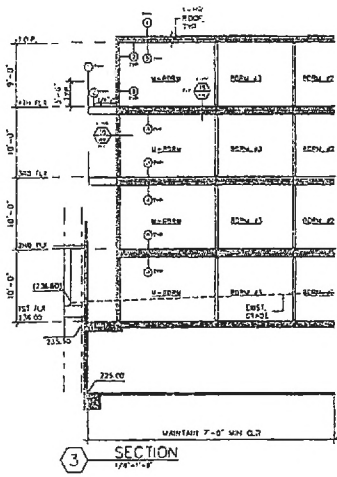
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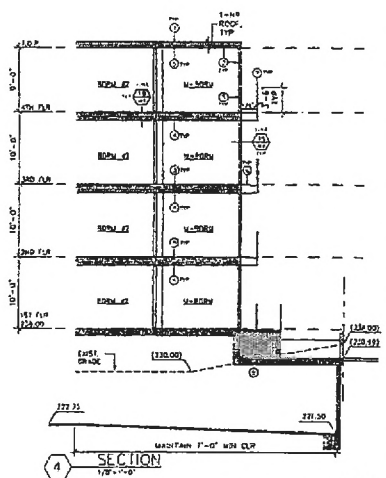
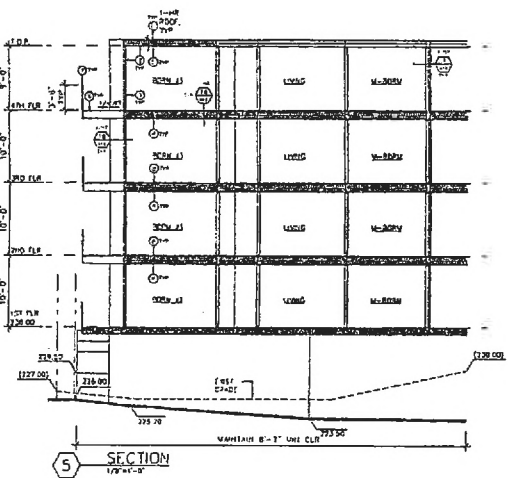
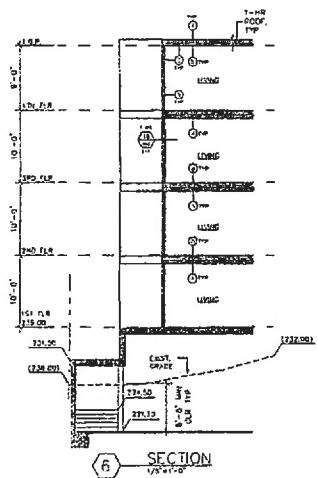
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SECTION 99
 SHEET TITLE
 1416 S. BARRY AVENUE

SECTION 100
 SHEET TITLE
 1416 S. BARRY AVENUE



- SECTION LEGEND
- ① BUILT-UP ROOF - CLASS 'A'
 - ② 5/8" GYP. D.W. TYP 'X'
 - ③ R-13 INSUL.
 - ④ R-19 INSUL.
 - ⑤ R-30 INSUL.
 - ⑥ DEX-D-DEX RR#02360
 - ⑦ W/L RAILING
 - ⑧ 1/2" LT WF COMC
 - ⑨ STRUCTURAL FOAM



DIR

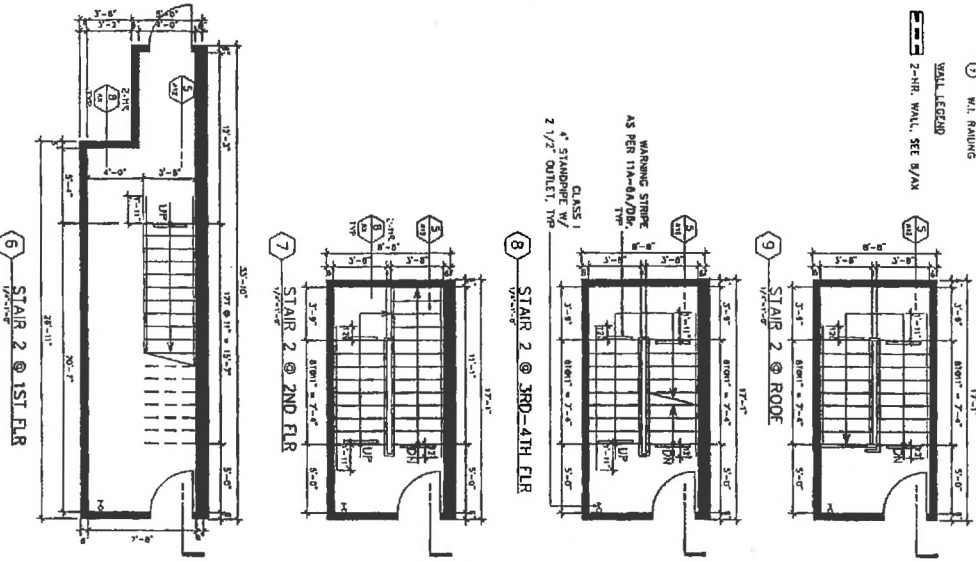
2011-3102

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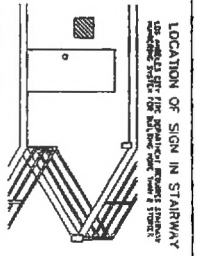
SHEET TITLE SECTIONS JOB TITLE 1415 S. GARRY AVENUE		DRAWN CHECKED JOB 1120 SHEET	A11	URU & ASSOCIATES ARCHITECTURAL PARTNERS 1415 S. GARRY AVENUE CHICAGO, IL 60607	DATE ISSUED FOR 1/11/11	DATE REVISIONS 1/11/11
					PROJECT NO. C-117	SHEET NO. 12
					DRAWN BY C.P.	CHECKED BY C.P.

- SECTION LEGEND
- 1 BUILT-UP ROOF
 - 2 CLASS 'X'
 - 3 5/8" GYP. DW. TYP. 1/2"
 - 4 R-13 INSUL.
 - 5 R-13 INSUL.
 - 6 R-30 INSUL.
 - 7 DEK-O-TEX FRM02360
 - 8 W.L. RAILING

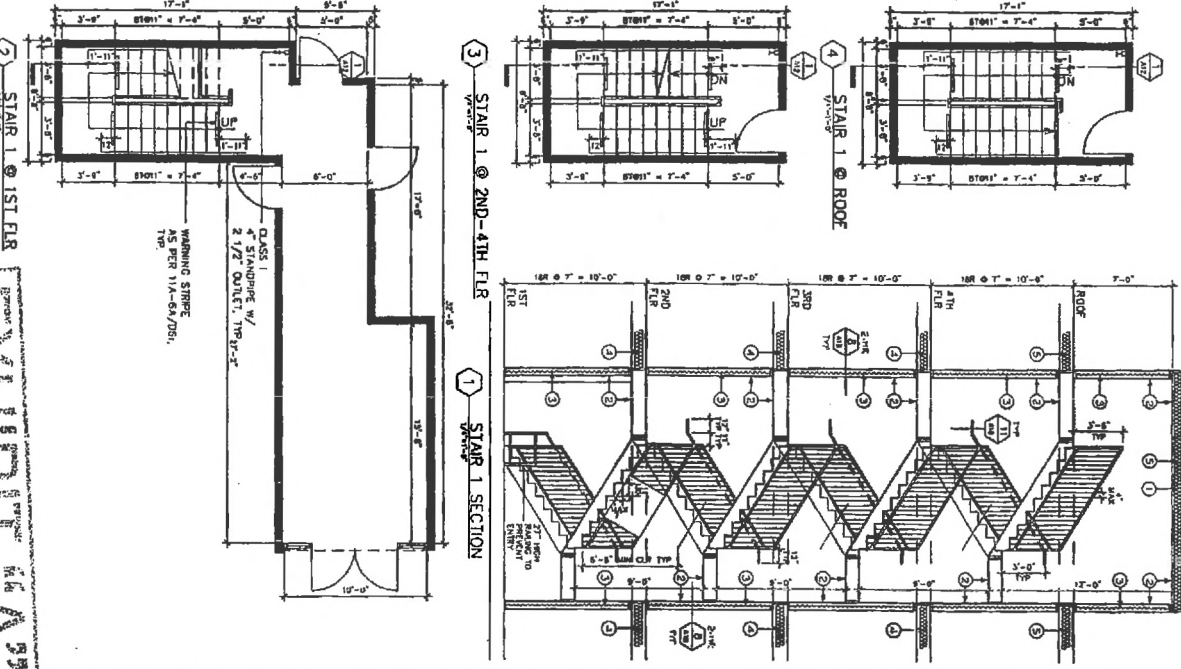
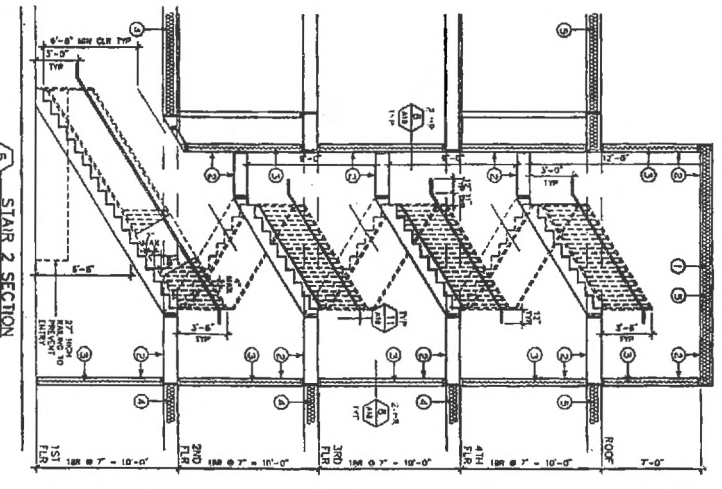
WALL LEGEND
 9 2-HR. WALL, SEE B/WX



NOTE: 1. Staircase to have finished stairway side located on 1st floor. The railing system shall be installed on the 1st floor. The railing system shall be installed on the 1st floor.



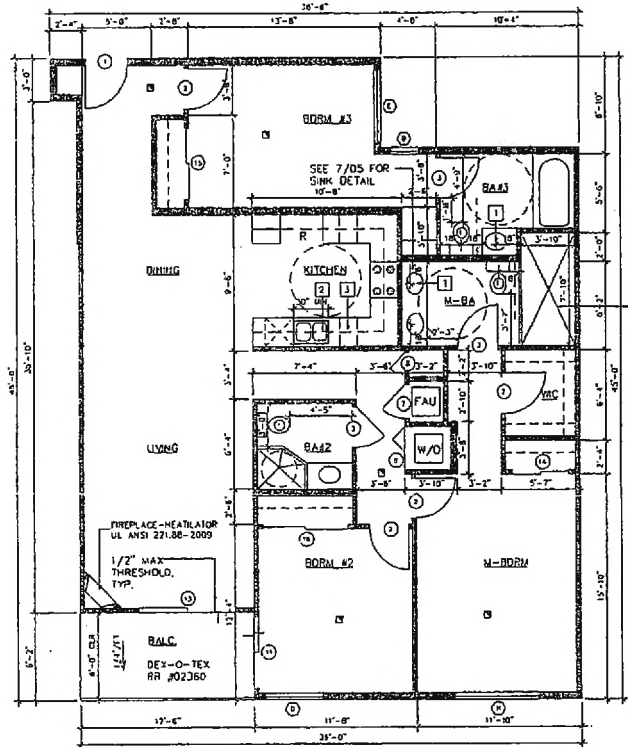
- 1 SIGN IN STAIRWAY
- 2 SIGN IN STAIRWAY
- 3 SIGN IN STAIRWAY
- 4 SIGN IN STAIRWAY
- 5 SIGN IN STAIRWAY
- 6 SIGN IN STAIRWAY



DIR 2011-3100

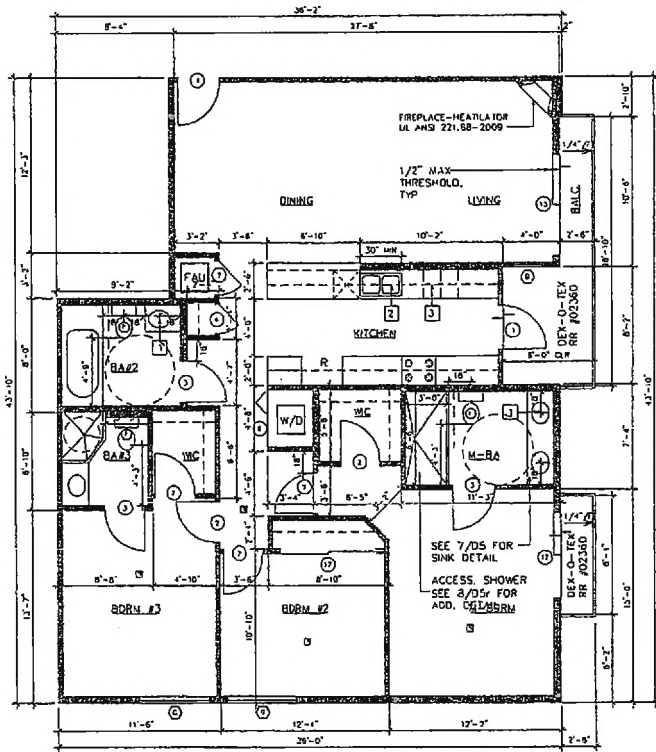
EXHIBIT A
 Page No. 13 of 25
 Case No.

<p>URIU & ASSOCIATES ARCHITECTURE PLANNING 1416 S. BARRY AVENUE PHOENIX, ARIZONA</p>	SHEET TITLE STAIR SECTIONS JOB TITLE 1416 S. BARRY AVENUE	DATE 11/7/11	ISSUED FOR DEWITT BOMBS	DATE 	REVISIONS
	DRAWN CHECKED DATE 11/9	PROJECT NO. 119	PROJECT NAME 1416 S. BARRY AVENUE	PROJECT LOCATION PHOENIX, ARIZONA	PROJECT OWNER DEWITT BOMBS



② UNITS 102, 202, 302 & PH2
1/4" = 1'-0" 1,450 SF

ACCESS SHOWER
SEE 8/05 FOR
ADD. DETAIL



① UNITS 101, 201, 301 & PH1
1/4" = 1'-0" 1,411 SF

- LEGEND**
- ① WALL HUNG SINK WITH FINISHED FLOOR BELOW-TYP. SEE 5/07/05 & 11A-10/07
 - ② REMOVABLE BASE CABINET @ TILE KITCHEN SINK & FINISH FLR BELOW-TYP. SEE 1/05/
 - ③ PROVIDE 2-15" BREAD-BOARDS- TYP.
 - GRAB BAR BACKING SEE DETAILS 11A-05/07 & 5/05/
 - - GRAB BAR BACKING ON FLOOR TO EXTEND 26" PAST TOILET
 - ⊙ EXHAUST FAN - SEE NOTE 5A/A1

DATE	ISSUED FOR	DATE	REVISIONS

COMPANION SHEET TO UNIT PLAN

URIU & ASSOCIATES
ARCHITECTS
1415 S. BERRY AVENUE
MILWAUKEE, WI 53206
TEL: 414.224.1100
WWW.URIU-ASSOCIATES.COM

SHORT TITLE: UNIT PLANS
JOB TITLE: 1415 S. BERRY AVENUE

DRAWN: [Signature]

CHECKED:

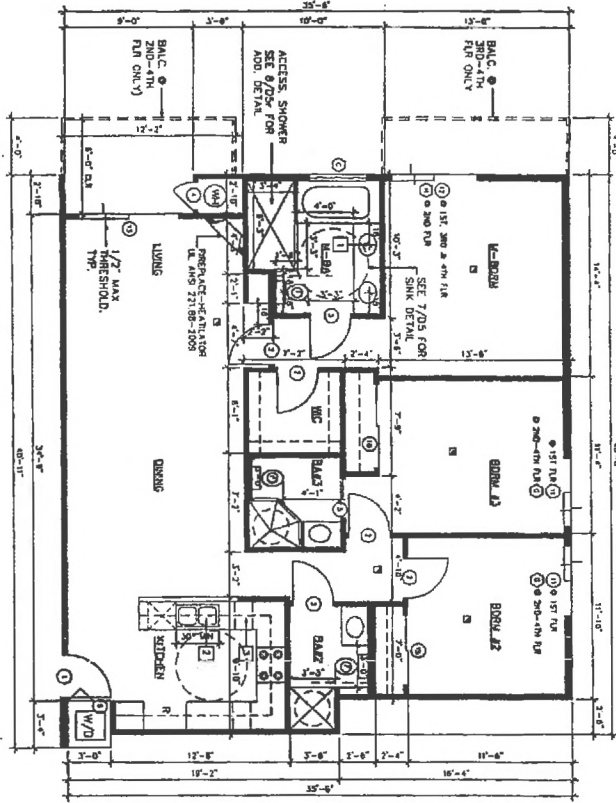
JOB: 1129

SHEET: A13

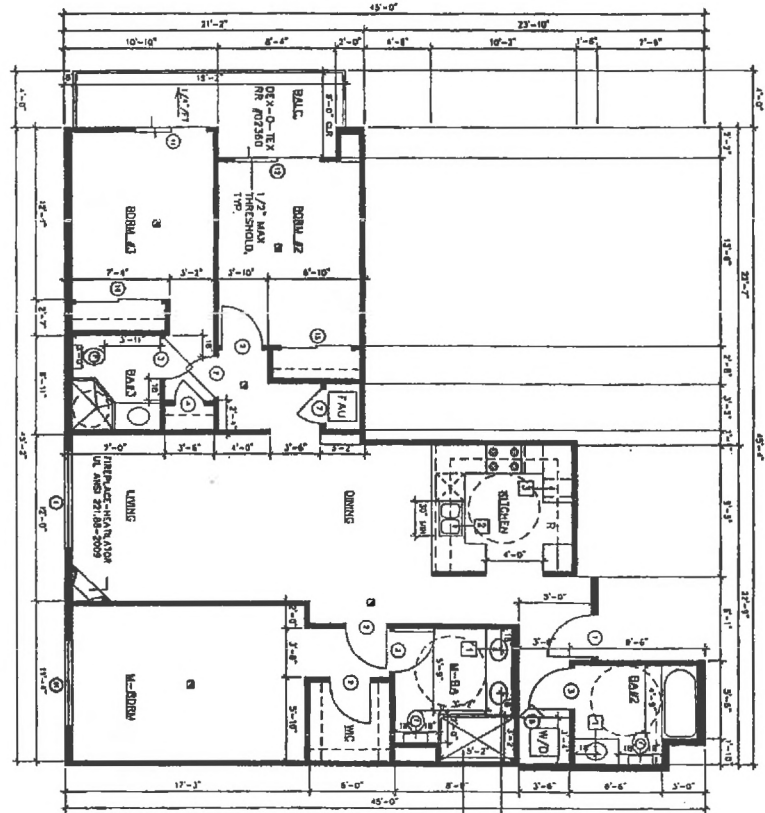
DIR

2011-3100

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Case No.



2 UNITS 105, 205, 305 & PH5



1 UNITS 103, 203, 303 & PH3

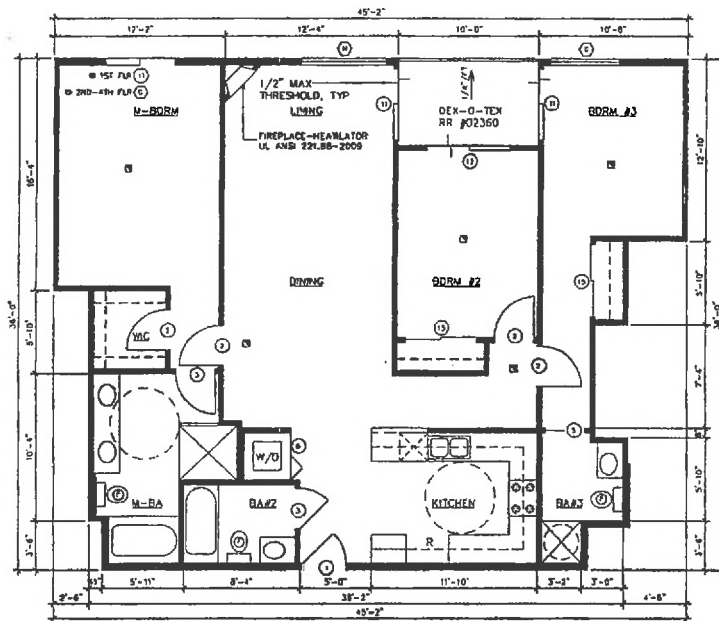
- LEGEND**
- 1 WALL, FINISH SINK WITH FINISHED FLOOR BELOW-TYP, SEE S47/705 & 714-80/07
 - 2 REMOVABLE BATH CABINET @ TYP
 - 3 KITCHEN SINK & RANGE FIA BILCO-TYP, SEE 1/041
 - 4 GRAB BAR BANDING SEE DETAILS 714-90/071 & 7/05
 - 5 GRAB BAR BANDING ON FLOOR TO EXTEND 20" PAST TOILET
 - 6 EXHAUST FAN - SEE NOTE S4/74

<p>URUI & ASSOCIATES ARCHITECTURAL, PLANNING FOR MULTIFAMILY HOUSING</p>	<p>DATE: 11/07/11</p> <p>ISSUED FOR: DENNY BONGA</p>	<p>DATE: []</p> <p>REVISIONS: []</p>
	<p>PROJECT: UNIT PLANS</p> <p>NO: 1742</p> <p>SHEET: A14</p>	<p>DATE: 11/07/11</p> <p>ISSUED FOR: DENNY BONGA</p> <p>DATE: []</p> <p>REVISIONS: []</p>

DTP

2011-27

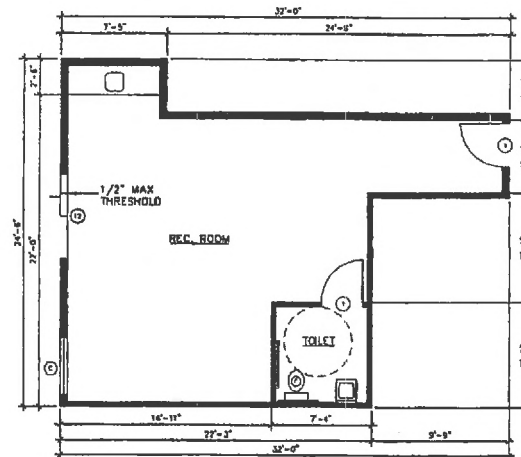
EXHIBIT "A"
Page No. 15 of 35
Case No.



② UNITS 108, 206, 306 & PH6
1/2" = 1'-0"

LEGEND

- ① WALL HUNG SINK WITH FINISHED FLOOR BELOW-TYP. SEE 5/27/D5 & 11A-90/D7
- ② REMOVABLE BASE CABINET @ TILE KITCHEN SINK & FINISH FLOOR BELOW-TYP. SEE 1/05
- ③ PROVIDE 2-15" BREAD-BOARDS-TYP
- GRAB BAR BACKING SEE DETAILS 11A-90/D7 & 6/05
- - GRAB BAR BACKING ON FLOOR TO EXTEND 26" PAST TOILET
- ⊙ EXHAUST FAN - SEE NOTE 3A/A1



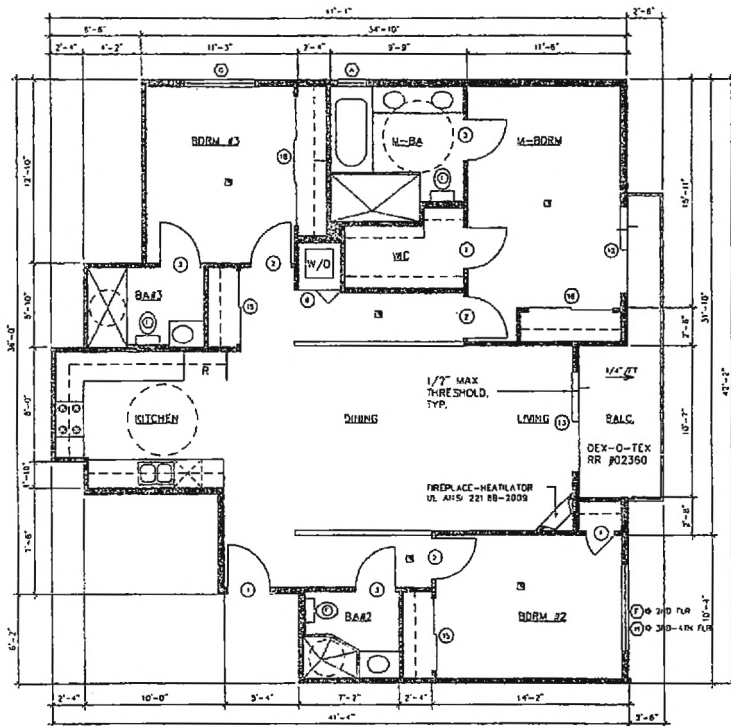
① REC. ROOM
1/4" = 1'-0"

DATE ISSUED FOR	DATE REVISIONS
11/01	
DESIGNER	REVISIONS
URIU & ASSOCIATES	
1415 S. SAURTY AVENUE	
PHOTOGRAPHY	
UNIT PLANS	
DATE	
11/29	
SHEET	
A16	

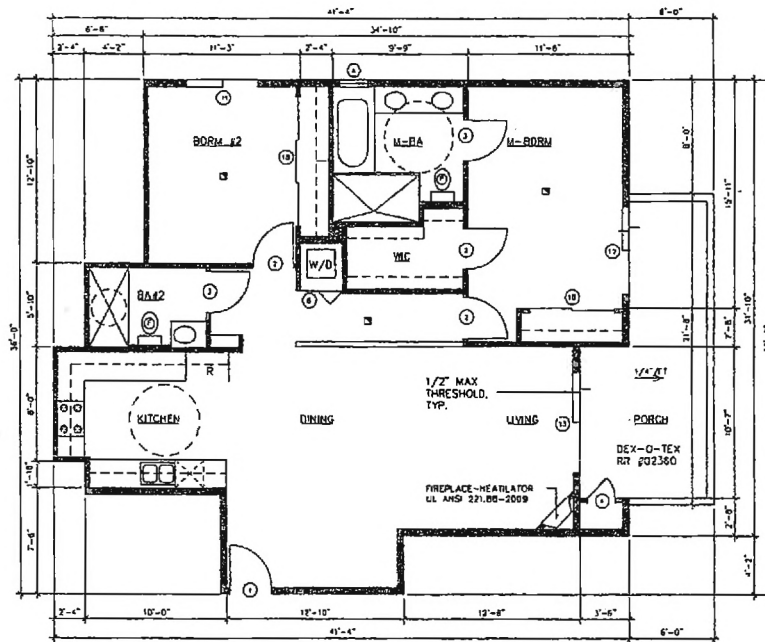
DIR

2011-31

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Case No.



2 UNITS 207, 307 & PH7



1 UNIT 107

LEGEND

- 1 WALL HUNG SINK WITH FINISHED FLOOR BELOW-TYP. SEE 5A7/05 & 11A-50/07
- 2 REMOVABLE BASE CABINET @ FLE KITCHEN SINK & FINISH FLR BELOW-TYP. SEE 1/05
- 3 PROVIDE 2-15" BREAD-BOARDS- TYP
- GRAB BAR BACKING SEE DETAILS 11A-50/07 & 6/05
- - - GRAB BAR BACKING ON FLOOR TO EXTEND 26" PAST TOILET
- ⊙ EXHAUST FAN - SEE NOTE 5A/41

DATE ISSUED FOR	DATE REVISIONS
UNIT	REVISION
DATE	BY
11/11/11	1
11/11/11	2
11/11/11	3
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11/11/11	100

URIU & ASSOCIATES
ARCHITECTS
1418 S. BARRY AVENUE
NATIONAL CENTER

PROJECT TITLE
UNIT PLANS
JOB TITLE
1418 S. BARRY AVENUE



DRAWN
CHECKED
JOB 1129
SHEET

A17

EXHIBIT "A"
Page No. 15 of 25
Case No.

DIR

2011-3102

14 DETAIL

9 DETAIL

5 WHEEL STOP

15 DETAIL

10 DETAIL

6 STALL STRIPING

1 DETAIL (1-HR)50 STC.

FINISH SCHEDULE

	FLOOR		BASE		WALLS		CEILING	
	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH
BUILDING								
LIVING								
DINING								
KITCHEN								
HALL								
BEDROOMS								
CLOSETS								
BATHS								
STAIRS								
BALCONY								
LAUNDRY								

16 TYP EXTERIOR WALL

11 DETAIL

7 DETAIL

3 DETAIL (1-HR)50 STC.

DOOR SCHEDULE (TYPICAL DOOR TYPES SEE PLAN FOR TYPES USED)

NO.	SIZE	FRAME	DOOR	HARDWARE	REMARKS
1	4' x 6'	ALUM.	WOOD	STD.	
2	4' x 8'	ALUM.	WOOD	STD.	
3	4' x 10'	ALUM.	WOOD	STD.	
4	4' x 12'	ALUM.	WOOD	STD.	
5	4' x 14'	ALUM.	WOOD	STD.	
6	4' x 16'	ALUM.	WOOD	STD.	
7	4' x 18'	ALUM.	WOOD	STD.	
8	4' x 20'	ALUM.	WOOD	STD.	
9	4' x 22'	ALUM.	WOOD	STD.	
10	4' x 24'	ALUM.	WOOD	STD.	
11	4' x 26'	ALUM.	WOOD	STD.	
12	4' x 28'	ALUM.	WOOD	STD.	
13	4' x 30'	ALUM.	WOOD	STD.	
14	4' x 32'	ALUM.	WOOD	STD.	
15	4' x 34'	ALUM.	WOOD	STD.	
16	4' x 36'	ALUM.	WOOD	STD.	
17	4' x 38'	ALUM.	WOOD	STD.	
18	4' x 40'	ALUM.	WOOD	STD.	
19	4' x 42'	ALUM.	WOOD	STD.	
20	4' x 44'	ALUM.	WOOD	STD.	
21	4' x 46'	ALUM.	WOOD	STD.	

TYPES

WINDOW SCHEDULE (TYPICAL WINDOW TYPES SEE PLAN FOR TYPES USED)

NO.	SIZE	MATERIAL	GLASS	SCREEN	REMARKS
1	4' x 6'	ALUM.	GLASS	SCREEN	
2	4' x 8'	ALUM.	GLASS	SCREEN	
3	4' x 10'	ALUM.	GLASS	SCREEN	
4	4' x 12'	ALUM.	GLASS	SCREEN	
5	4' x 14'	ALUM.	GLASS	SCREEN	
6	4' x 16'	ALUM.	GLASS	SCREEN	
7	4' x 18'	ALUM.	GLASS	SCREEN	
8	4' x 20'	ALUM.	GLASS	SCREEN	
9	4' x 22'	ALUM.	GLASS	SCREEN	
10	4' x 24'	ALUM.	GLASS	SCREEN	
11	4' x 26'	ALUM.	GLASS	SCREEN	
12	4' x 28'	ALUM.	GLASS	SCREEN	
13	4' x 30'	ALUM.	GLASS	SCREEN	
14	4' x 32'	ALUM.	GLASS	SCREEN	
15	4' x 34'	ALUM.	GLASS	SCREEN	
16	4' x 36'	ALUM.	GLASS	SCREEN	
17	4' x 38'	ALUM.	GLASS	SCREEN	
18	4' x 40'	ALUM.	GLASS	SCREEN	
19	4' x 42'	ALUM.	GLASS	SCREEN	
20	4' x 44'	ALUM.	GLASS	SCREEN	
21	4' x 46'	ALUM.	GLASS	SCREEN	

TYPES

EXHIBIT "A"

Page No. 19 of 25

DIR 2011-310

Case No. _____

URIU & ASSOCIATES

1418 S. BARRY AVENUE

PHOENIX, ARIZONA

ARCHITECTS

DATE ISSUED FOR PERMIT: _____

DATE ISSUED FOR CONSTRUCTION: _____

DRAWN: _____

CHECKED: _____

JOB NO: 1129

SHEET: A18

Storm Water Pollution Control Requirements for Concrete Admixtures
The following table lists the minimum requirements for concrete admixtures used in concrete structures that are subject to storm water runoff. The table is based on the requirements of the California Building Code (CBC) and the Los Angeles Green Building Code (LAGBC).

Admixture	Minimum Requirements
Water-reducing admixtures	Must meet the requirements of Section 19.02.02.01 of the CBC and Section 19.02.02.01 of the LAGBC.
Retarders	Must meet the requirements of Section 19.02.02.02 of the CBC and Section 19.02.02.02 of the LAGBC.
Accelerators	Must meet the requirements of Section 19.02.02.03 of the CBC and Section 19.02.02.03 of the LAGBC.
Other admixtures	Must meet the requirements of Section 19.02.02.04 of the CBC and Section 19.02.02.04 of the LAGBC.

Material	Product Name	Manufacturer	Product Data Sheet (PDS)	Compliance

LA GDBS Formaldehyde Emission Control Checklist
FORM GRN 3
2011 Los Angeles Green Building Code

Material	Product Name	Manufacturer	Formaldehyde Emission Data	Compliance

LA GDBS Plumbing Fixture Flow Rates
FORM GRN 1B
2011 Los Angeles Green Building Code

Fixture	Flow Rate (GPM)	Flow Rate (LPM)

Requirement	Compliance

Requirement	Compliance

LA GDBS 2011 Los Angeles Green Building Code
FORM GRN 4

Item	Code	Requirement	Reference	Comments

DPR

2011-318

EXHIBIT "A"
Page No. 01 of 25
Case No. _____

1. The project shall comply with all applicable codes and regulations, including but not limited to the California Building Code (CBC), the Los Angeles Green Building Code (LAGBC), and the International Building Code (IBC).

2. The project shall be designed to minimize energy consumption and maximize energy efficiency.

3. The project shall be designed to minimize water consumption and maximize water efficiency.

4. The project shall be designed to minimize indoor air pollution and maximize indoor air quality.

5. The project shall be designed to minimize noise and maximize acoustic comfort.

6. The project shall be designed to minimize light pollution and maximize light quality.

7. The project shall be designed to minimize heat island effect and maximize cooling efficiency.

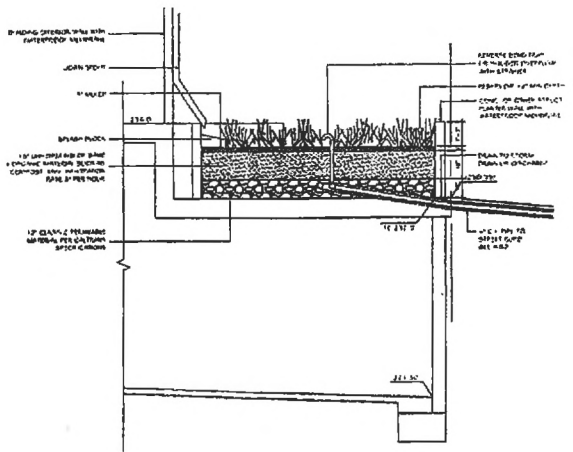
8. The project shall be designed to minimize carbon footprint and maximize sustainability.

9. The project shall be designed to minimize waste and maximize recycling.

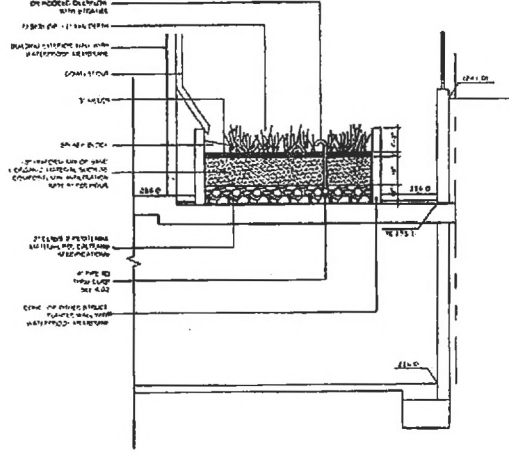
10. The project shall be designed to minimize environmental impact and maximize environmental stewardship.

	URIU & ASSOCIATES ARCHITECTS 1415 S. BARRY AVENUE LOS ANGELES, CA 90005
GREEN BUILDING REQUIREMENT SUMMARY	PROJECT TITLE: _____ 1415 S. BARRY AVENUE
DATE: 11/11/11	ISSUED FOR: QUALITY REVIEW
DATE: 11/11/11	ISSUED FOR: PLAN CHECK
DATE: 11/11/11	ISSUED FOR: _____

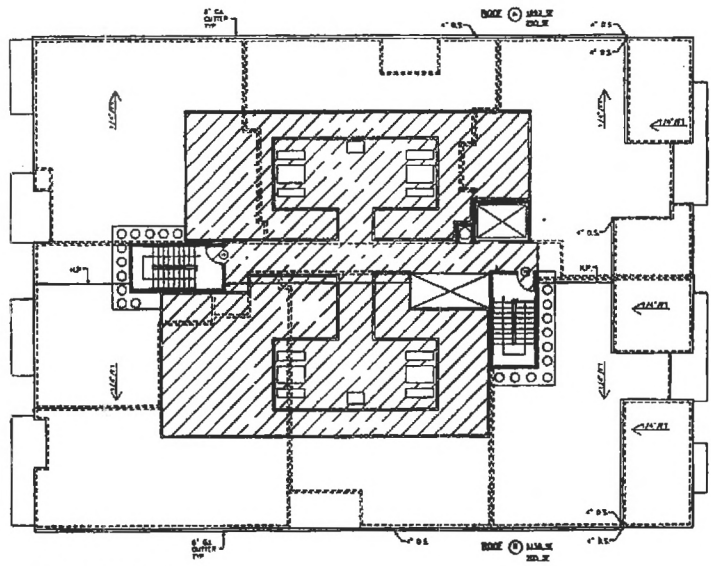
A20



3

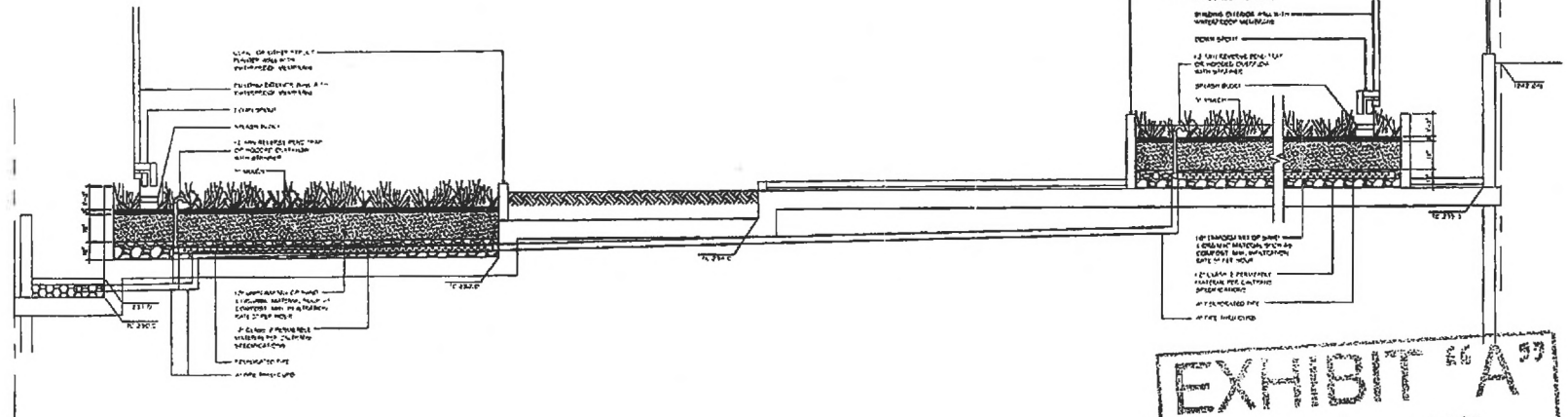


2



1 ROOF PLAN

PLANER	INSULATED AREA	AREA NOT'D	AREA PROMISED
A. ROOF	4,982.0 SF	700.0 SF	700.0 SF
B. ROOF	1,150.0 SF	775.0 SF	265.0 SF
TOTAL	10,130.0 SF	405.0 SF	405.0 SF



4

EXHIBIT 'A'
 Page No. 20 of 25
 Case No.

DIR 2011-3192

DATE	ISSUED FOR	DATE	REVISIONS
1/17/11	Quantity Estimate		

1418 S. BARRY AVENUE

UPRU & ASSOCIATES

1129

G2




EXHIBIT B

Address: 1411 S BARRY AVE
APN: 4263020026
PIN #: 129B149 487

Tract: ARTESIAN TRACT
Block: 56
Lot: 25
Arb: None

Zoning: R3-1
General Plan: Medium Residential



DENSITY BONUS		CASE NO.:
 CONTINENTAL MAPPING SERVICE 6315 VAN NUYS BLVD. VAN NUYS, 91401 (818) 787-1663		

Task	Staff Time					Salaries					Costs for Land Use Staff Activities					Department Overhead (GASP)		Total Costs Per Year	Proposed Fees ¹⁴
	Sr Analyst	Analyst	Clerical	Accountant	City Attorney	Sr Analyst**	Analyst*	Clerical**	Accountant	City Attorney	Direct Salaries	Indirect Costs - CAP 37 (Fringe+Ctrl Svcs)	Allocated Lease & Parking	Allocated Other Costs	Total Costs	Total GASP Costs			
COVENANT PREPARATION/AMENDMENTS																			
Pre-application conferencing	1.00						36.58				36.58	18.39	3.56	0.52	59.05	5.84	64.89		
Initial data entry/scanning			1.00					31.46			31.46	15.82	3.06	0.45	50.79	5.02	55.81		
Review of application, planning & B&S documents	2.00						73.16				73.16	36.78	7.12	1.04	118.10	11.68	129.79		
Communication with Owner, City Attorney, Planning & LADBS	10.00	0.50					365.80	15.73			381.53	191.83	37.12	5.42	615.90	60.93	676.83		
Review of signatory documents	6.00						219.48				219.48	110.35	21.36	3.12	354.31	35.05	389.36		
Covenant development		12.00					438.96				438.96	220.71	42.71	6.23	708.61	70.10	778.72		
Supervisor's Review	3.00						157.65				157.65	79.27	15.34	2.24	254.49	25.18	279.67		
Covenant to City Attorney and City Clerk			2.00					82.92			82.92	31.64	6.12	0.89	101.57	10.05	111.62		
Recordation			4.00					125.84			125.84	63.27	12.24	1.79	203.14	20.10	223.24		
Covenant Administration	15.00	11.00	5.00				788.25	402.38	157.30		1,347.93	677.74	131.15	19.14	2,175.66	215.26	2,390.93		
Accounting & Finance Services				0.25						8.61	8.61	4.33	0.84	0.12					
Final data entry/ filing /scanning/ OMDB			2.00					62.92			62.92	31.64	6.12	0.89	101.57	10.05	111.62		
Total HCID Costs	18.00	42.00	14.50								2,947.04	1,481.77	286.75	41.85	4,743.51	490.27	5,212.77		
City Attorney's Review					5.00					350.00	350.00	207.06		557.06		557.06			
Total City Attorney Costs					5.00						350.00	207.06		557.06		557.06			
Total Covenant Preparation /Amendments Total Costs	18.00	42.00	14.50		5.00	945.90	1,536.58	456.17	8.61	350.00	3,297.04	1,688.83	286.75	41.85	5,300.57	489.27	5,769.83		

MONITORING THE LAND USE COVENANT/PER UNIT PER YEAR																		
2 Annual Monitoring Costs																		
Data entry of contractor's annual report	0.50	0.25					18.29	7.87			26.16	13.15	2.54	0.37	42.22	4.18	46.40	
Research, info requests, inc. compliance, and admin	1.50	0.25					54.87	7.87			62.74	31.54	6.10	0.89	101.27	10.02	111.29	
Accounting & Finance Services			0.25						8.61		8.61	4.33	0.84	0.12	13.90	1.38	15.28	
MONITORING FEE/UNIT		2.00	0.50				73.16	15.73			97.50	49.02	9.49	1.38	157.40	15.57	172.97	173.00

Task	Staff Time					Salaries					Costs of Land Use/SEA Activity					Department Overhead (GASP)		Total Costs Per Year	Proposed Fees ¹⁴
	Sr Analyst	Analyst	Clerical	Accountant	City Attorney	Sr Analyst**	Analyst*	Clerical**	Accountant	City Attorney	Direct Salaries	Indirect Costs - CAP 37 (Fringe+Ctrl Svcs)	Allocated Lease & Parking	Allocated Other Costs	Total Costs	Total GASP Costs			
LAND USE ASSIGNMENT - ASSUMPTION AGREEMENT																			
Pre-application conferencing		0.50						18.29			18.29	9.20	1.78	0.26	29.53	2.92	32.45		
Initial data entry			0.50					15.73			15.73	7.91	1.53	0.22	25.39	2.51	27.91		
Review of covenant		1.00						36.58			36.58	18.39	3.56	0.52	59.05	5.84	64.89		
Communication with Owner, City Attorney, Planning & LADBS		2.00	0.50					73.16	15.73		88.89	44.69	8.65	1.26	143.50	14.20	157.69		
Accounting & Finance Services				0.25						8.61	8.61	4.33	0.84	0.12	13.90	1.38	15.28		
Review of signatory documents		1.50						54.87			54.87	27.59	5.34	0.78	88.58	8.76	97.34		
Development of Assignment		2.00						73.16			73.16	36.78	7.12	1.04	118.10	11.68	129.79		
Supervisor's Review		2.00				105.10					105.10	52.84	10.23	1.49	169.66	16.78	186.45		
Covenant to City Attorney and City Clerk			2.00					62.92			62.92	31.64	6.12	0.89	101.57	10.05	111.62		
Recordation			4.00					125.84			125.84	63.27	12.24	1.79	203.14	20.10	223.24		
Final data entry/ filing /scanning/ OMDB			1.00					31.46			31.46	15.82	3.06	0.45	50.79	5.02	55.81		
Total HCID Costs						105.10		256.06	251.68	8.61	621.45	312.47	60.47	8.82	1,003.21	99.25	1,102.46		
City Attorney's Review					1.00					70.00	70.00	41.41			111.41		111.41		
Total City Attorney Costs					1.00					70.00	70.00	41.41			111.41		111.41		
Total Land Use Assignment, Assumption Agreement Costs	2.00	6.50	7.50			105.10		256.06	251.68	8.61	691.45	353.88	60.47	8.82	1,114.62	99.25	1,213.87	1,214.00	
LAND USE TERMINATION DOCUMENT																			
Pre-application conferencing		1.00						36.58			36.58	18.39	3.56	0.52	59.05	5.84	64.89		
Initial data entry			0.50					15.73			15.73	7.91	1.53	0.22	25.39	2.51	27.91		
Review of covenant		2.00						73.16			73.16	36.78	7.12	1.04	118.10	11.68	129.79		
Communication with Owner, City Attorney		2.00	0.50					73.16	15.73		88.89	44.69	8.65	1.26	143.50	14.20	157.69		
Accounting & Finance Services				0.25						8.61	8.61	4.33	0.84	0.12	13.90	1.38	15.28		
Development of termination document		2.00						73.16			73.16	36.78	7.12	1.04	118.10	11.68	129.79		
Supervisor's review		2.00				105.10					105.10	52.84	10.23	1.49	169.66	16.78	186.45		
Covenant to City Attorney and City Clerk			2.00					62.92			62.92	31.64	6.12	0.89	101.57	10.05	111.62		
Recordation			4.00					125.84			125.84	63.27	12.24	1.79	203.14	20.10	223.24		
Final data entry/ filing /scanning/ OMDB			1.00					31.46			31.46	15.82	3.06	0.45	50.79	5.02	55.81		
Total HCID Costs	2.00	7.00	8.00	0.25		105.10		256.06	251.68	8.61	621.45	312.47	60.47	8.82	1,003.21	99.25	1,102.46		
City Attorney's Review					1.00					70.00	70.00	41.41			111.41		111.41		
Total City Attorney Costs					1.00					70.00	70.00	41.41			111.41		111.41		
Total Land Use Termination Document Costs	2.00	7.00	8.00		1.00	105.10		256.06	251.68	8.61	691.45	353.88	60.47	8.82	1,114.62	99.25	1,213.87	1,214.00	

Task	Staff Time					Salaries					Costs for Land Use Staff Activities					Department Overhead (GASP)		Total Costs Per Year	Proposed Fees ¹⁴
	Sr Analyst	Analyst	Clerical	Accountant	City Attorney	Sr Analyst***	Analyst*	Clerical**	Accountant	City Attorney	Direct Salaries	Indirect Costs - CAP 37 (Fringe+Ctrl Svcs)	Allocated Lease & Parking	Allocated Other Costs	Total Costs	Total GASP Costs			
AFFORDABLE HOUSING PROVISION PLAN REVIEW																			
Review and analysis of AHHP/supporting documents, communications with Owners		8.00					292.64				292.64	147.14	28.47	4.16	472.41	48.73	519.14		
Reviewing of financing and construction documents		4.00					146.32				146.32	73.57	14.24	2.08	236.20	23.37	259.57		
Review and verification of compliance of conditions as listed in the Planning letter		3.00					109.74				109.74	55.18	10.68	1.56	177.15	17.53	194.68		
Supervisors Review and approval of AHPP and related documents	2.00					105.10					105.10	52.84	10.23	1.49	169.66	16.78	186.45		
Accounting & Finance Services				0.25					8.61		8.61	4.33	0.84	0.12	13.90	1.38	15.28		
Data entry and set-up file folder/ communication with owners			1.00					31.46			31.46	15.82	3.06	0.45	50.79	5.02	55.81		
Total Affordable Housing Provision Plan Review	2.00	15.00	1.00	0.25		105.10	548.70	31.46	8.61		693.87	348.88	67.51	9.85	1,120.12	110.81	1,230.93	1,231.00	
MELLO DETERMINATION / UNIT																			
Review of application		2.00					73.16				73.16	36.78	7.12	1.04	118.10	11.66	129.79		
Tenant Income Verification		2.00					73.16				73.16	36.78	7.12	1.04	118.10	11.66	129.79		
Rental Income Analysis (data entry/research/analysis) for 3 years		6.00					219.48				219.48	110.35	21.36	3.12	354.31	35.05	389.36		
Letter of Determination		1.00					36.58				36.58	18.39	3.56	0.52	59.05	5.84	64.89		
Supervisors Review	2.00					105.10					105.10	52.84	10.23	1.49	169.66	16.78	186.45		
Accounting & Finance Services				0.25					8.61		8.61	4.33	0.84	0.12	13.90	1.38	15.28		
Distribution of the letters			1.00					31.46			31.46	15.82	3.06	0.45	50.79	5.02	55.81		
Total Mello Determination Costs	2.00	11.00	1.00			105.10	402.38	31.46	8.61		547.55	276.31	53.28	7.78	683.91	67.44	971.36	972.00	

Notes:
 *Analyst salary = Average of 1-MA II (44.50), 3-MA I (37.28*3=111.76) and 1-Management Asst (26.63) hourly rate per CAO Wage & Count for 2015-2016 = \$36.58 / hour
 **Clerical cost = Sr Clerk Typist hourly rate per CAO Wage & Count for 2015-2016 = \$31.46/hour
 ***Sr MA I = Sr MA I per CAO Wage & Count for 2015-2016 = \$52.55/ hour
 Accountant II = \$34.45/hour per Wages and Count for 2015-16

- Column 10: CAP 37 (Fringe Benefits & Central Services) rates for HCIDLA Grant Funded staff = 50.28%
- Column 11: Allocated Lease & Parking = Direct Salaries (column 9) * 9.73% (Lease% for 2015-2016)
- Column 12: Finance & Development Other Costs = 1.42% (Based on 2015-18 Budget) x Estimated Salaries for Activity.

Salaries, As-Needed	
Salaries, Overtime	
Printing & Binding	2,820
Travel	1,721
Contractual Services	253
Transportation	9,728
Office & Administration	<u>56,514</u>
Total Other Costs	71,036
Total Housing Services Salaries	<u>4,997,832</u>
% of Other Costs / Total Housing Salaries	1.42%

- Column 13: GASP Salaries = 15.97% (based on GASP Division Salaries and Other Costs divided by Total Salaries per 2015-16 Adopted Budget x Estimated Salaries for Activity).

GASP Division Salaries	10,465,966
Total Salaries	<u>65,521,741</u>
GASP/Total	15.97%

- Column 14: Totals per row.
- Column 15: Proposed fee. Does not account for annual increase of expenses.
- Column 15: Non-compliance Fee is higher than costs to encourage compliance. Higher compliance also allows HCID to keep the monitoring fee low. This is not part of the fee study. The Department is working with the City Attorney to address this fee as penalty fee.
- Column 15: Due to the low annual volume of covenant assignments, assumptions and terminations, and affordable housing provision plan reviews, and their relative similarity in per unit costs, to reduce the administration costs of these fees.

Assembly Bill No. 2222

CHAPTER 682

An act to amend Sections 65915 and 65915.5 of the Government Code, relating to housing.

[Approved by Governor September 27, 2014. Filed with Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2222, Nazarian. Housing density bonus.

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

Existing law requires continued affordability for 30 years or longer, as specified, of all very low and low-income units that qualified an applicant for a density bonus.

This bill instead would require continued affordability for 55 years or longer, as specified, of all very low and low-income rental units that qualified an applicant for a density bonus. This bill would also include very low and low-income persons among the initial occupants of for-sale units. This bill also would prohibit an applicant from receiving a density bonus unless the proposed housing development would, for units subject to certain affordability requirements that were occupied by qualifying persons on the date of application, provide at least the same number of units of equivalent size or type, or both, to be made available for rent at affordable housing costs to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For those subject types of units that have been vacated or demolished at the time of application, this bill would condition a density bonus upon at least the same number of units of equivalent size or type, or both, as existed at the highpoint in the preceding 5 years being made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.

Existing law also requires a city, county, or city and county to grant a density bonus or other incentives, as specified, when an applicant for approval to convert apartments to a condominium project agrees, among other things, to provide a specified percentage of units for low- or

moderate-income persons and families or for lower income households, as defined.

This bill also would prohibit an applicant from receiving a density bonus unless the proposed condominium project would replace the existing affordable units with at least the same number of affordable units of equivalent size or type, or both, and the proposed development, inclusive of the units replaced pursuant to the requirements described above, contains affordable units according to specified percentages or consists entirely of affordable units.

The people of the State of California do enact as follows:

SECTION 1. Section 65915 of the Government Code is amended to read:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to

this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government’s proportionate share of appreciation shall be equal to the ratio of the local government’s initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity’s valid exercise of its police power; or occupied by lower or very low income households, unless

the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Paragraph (3) of subdivision (c) does not apply to an applicant seeking a density bonus for a proposed housing development if their application

was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an

incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5

12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

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

27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent

to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) “Child care facility,” as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) “Housing development,” as used in this section, means a development project for five or more residential units. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not be interpreted to require the waiver of a local

ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-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.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is

inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

SEC. 2. Section 65915.5 of the Government Code is amended to read:

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, “density bonus” means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, “other incentives of equivalent financial value” shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall,

within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, and either of the following applies:

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, contains affordable units at the percentages set forth in subdivision (a).

(2) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.