

ORDINANCE NO. 188477

An ordinance amending Sections 12.03, 12.21, 12.22, and 12.24 of Article 2, Sections 13.09 and 13.15 of Article 3, Section 14.00 of Article 4, Section 14.5.4 of Article 4.5, Section 16.05 of Article 6, and Sections 19.01, 19.14, and 19.18 of Article 9 of Chapter 1; adding Section 11.5.15 to Article 1 of Chapter 1; and amending Section 151.28 of Article 1 of Chapter 15 of the Los Angeles Municipal Code for the purpose of implementing the Citywide Housing Incentive Program.

NOW THEREFORE,

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

Section 1. A new Section 11.5.15 is added to Article 1.5, Chapter I of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.15. ENVIRONMENTAL PROTECTION MEASURES.

A. **Intent.** This section is intended to:

1. Ensure that development in the City does not result in detrimental impacts to those residing or working in and around construction activities, and to abutting properties, and the public right-of-way, including the habitat, cultural resources, and historic or fragile buildings.
2. Provide a mechanism for mitigation measures adopted pursuant to the California Environmental Quality Act (CEQA) for City plans, policies, or regulations to be made enforceable on future development projects consistent with CEQA Guidelines, Section 15162.4.
3. Provide a flexible mechanism to adopt and amend uniformly applicable development standards to allow streamlined environmental review, including pursuant to CEQA Guidelines Section 15183.3.

B. **Applicability.** No building permit shall be issued by the Department of Building and Safety without the applicant demonstrating compliance with any regulations adopted by the Director of Planning under this section to implement environmental protection measures.

C. **Adoption and Maintenance of the Environmental Protection Measures Handbook.** The Director of Planning, as deemed necessary and appropriate, is authorized to prepare, maintain, amend, and adopt environmental protection measures to meet the intent of this Division, and to prepare, maintain, amend and adopt regulations to implement the environmental protection measures. The Director of Planning may, as deemed appropriate, use technical consultants or a

consultant advisory panel to make recommendations on new environmental protection measures or updates to existing environmental protection measures.

D. Noncompliance. Failure to comply with the environmental protection measures, regulations adopted pursuant to this section, any condition or commitments made in compliance with the environmental protection measures or their implementing regulations, or any provision of this section, is a violation of the code, subject to all available administrative, criminal and civil remedies for a violation of this Code. Additionally, upon verification of non-compliance, the City may require as deemed necessary and appropriate the applicant or property owner to retain at its own expense an independent consultant, subject to the City's approval, to ensure compliance with the environmental protection measures or regulations, and any conditions or commitments made in compliance with the environmental protection measures or regulations.

Sec. 2. The following new definitions are added in alphabetical order to Section 12.03, Article 2, Chapter 1 of the Los Angeles Municipal Code to read as follows:

Acutely Low Income. The income level defined in Section 50063.5 of the California Health and Safety Code.

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.

Coastal Zone. The Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000).

Density Bonus. A density increase over the otherwise Maximum Allowable Residential Density, as of the date of application by the applicant to the City.

Designated Historic Resource. A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually, or as a contributor to a district, at the local, state, or national level. Including but not limited to a listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or Historic Preservation Overlay Zone.

Development Standard. A site or construction condition applicable to a development pursuant to any ordinance, land use plan, law, policy, resolution, regulation or other local condition that is adopted or imposed by the City through its various powers, as defined in California Government Code Section 65915(o)(2).

Extremely Low Income. The income level defined in Section 50106 of the California Health and Safety Code.

High Quality Transit Service. A transit route with service frequency of 15 minutes or less during peak commute hours in one direction. For the purpose of determining service interval frequency, a bus route may include a combination of overlapping bus lines when part of a “colinear” or “family” line as determined in coordination with the Southern California Association of Governments (SCAG) and local transit agencies, may be considered as one service route for the purpose of calculating service interval frequency.

Higher Opportunity Areas. High and Highest Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC).

Incentive. A reduction in a site Development Standard or a modification to zoning code requirements or architectural design requirements that results in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Government Code Section 65915(k).

Lower Income. The income level defined in California Health and Safety Code Section 50079.5.

Major Transit Stop. In addition to California Public Resources Code Section 21064.3, a site containing a rail or bus rapid transit station or the intersection of two or more bus routes with a service interval of 20 minutes or less during the morning and afternoon peak commute periods in either direction. The stations or bus routes may be existing, under construction, or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). A bus route may include a combination of overlapping bus lines and may be considered as one service route for the purpose of calculating service interval frequency, when part of a “colinear,” or “family” line, as determined in coordination with SCAG and transit agencies.

Maximum Allowable Residential Density. The greatest number of units allowed on a project site as defined in California Government Code Section 65915(o)(6).

Moderate and Lower Opportunity Areas. Moderate Resource, Low Resource, and High-Poverty & Segregation Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC).

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

Neighborhood Retail and Service Uses. Uses that involve business activity serving the general public, pursuant to Section 13.07 C of this Code. Neighborhood Retail and Neighborhood Services, include, but are not limited to, retail, professional and personal services, hospitality, restaurants, and entertainment.

Non-Contributor. Any building, structure, natural feature, lot, or landscaping that is identified in a Historic Resources Survey or an official nomination form accepted by the relevant agency for a designated federal, state, or local historic district as a Non-Contributing Element, or not listed in the Historic Resources Survey or nomination form.

One Hundred Percent Affordable Housing Project. A Housing Development Project, as defined in California Government Code Section 65589.5, that involves the construction of, addition to, or remodeling of any building or buildings which results in the creation of five or more additional residential units; and exclusive of any manager's units, units are subject to a recorded affordability restriction for a term of at least 55 years (or 99 years) for projects in which the units are for rent, or at least 45 years (or 99 years) for projects in which the units are for sale, as set forth in Section 16.61 of this Code. With the exception of a manager's unit or units, or staff units for Projects utilizing California Government Code Section 65913.16, all units (including bonus units) shall be Restricted Affordable Units for Lower Income households, except that up to 20 percent may be for Moderate Income households.

Privately Owned Public Spaces (POPS). An open space located on private property physically accessible to the public, such as but not limited to, plazas, arcades, paseos, through-block pedestrian connections, or open-air concourses located in or around buildings. To ensure that such open spaces are available to the public, each space must meet the following criteria:

1. Be physically open to the general public for use free of charge between sunrise and sunset, or during regular business hours, whichever is longer.
2. Be equal to, or greater than the common open space required by Section 12.21 G.2(a) of this Code and shall have at least one clear minimum dimension of 15 feet in any direction. Planters used for trees and landscaping may be located within the required 15-foot dimension provided that planters do not exceed a height of 42 inches.
3. Provide at least one tree (non-palm species) for every 1,000 square feet of POPS space.
4. Be identified by a Privately Owned Public Space (POPS) way-finding sign posted at every public entrance to the amenity space in accordance with the Public Amenity Space Sign Standards as established by the Director of Planning, and in accordance with Div. 4C.11. (Signs) of Chapter 1A of this Code.

5. Provide at least three ground floor pedestrian amenities as listed below:

- a. Movable seating/furniture
- b. At grade planting area
- c. Hydration station inclusive of a water fountain or bottle refill station
- d. Urban garden for community use
- e. Play and/or exercise equipment
- f. Running water elements
- g. Shade structures

Restricted Affordable Unit. A residential unit for which rental or mortgage amounts are subject to a recorded affordability restriction so as to be affordable to and occupied by Acutely Low Income, Extremely Low, Very Low, Lower or Moderate-Income households, as defined by the California Department of Housing and Community Development (HCD) or any successor agency. Affordable means that rents or housing costs should not exceed requirements set forth in California Health and Safety Code Section 50052.5 for for-sale residential units, California Health and Safety Code Section 50053 for rental residential units, United States Department of Housing and Urban Development (HUD), or by the California Tax Credit Allocation Committee.

Sea Level Rise Area. An area of the coast that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, and as accepted for use by the Director of Planning, or as determined by a local coastal hazards vulnerability assessment.

Specific Adverse Impact. Per California Government Code Section 65589.5(d)(2), a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Surveyed Historic Resource. Any building, structure, object, site, landscape, or natural feature identified through a Historic Resources Survey as eligible for listing as either an individual resource or as a contributor to a historic district under a local, state or federal designation program, including but not limited to listing in the National Register of Historic Places or California Register

of Historical Resources, or designation as a Historic-Cultural Monument or as a Historic Preservation Overlay Zone. This term does not include a non-contributor to an eligible historic district.

Very High Fire Hazard Severity Zones. Refer to Section 57.4911.1.1 of this Code.

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

Sec. 3. The definition of “Housing Development” in Section 12.03, Article 2, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

Housing Development. As defined in California Government Code Section 65915(i), which is a development project with five or more residential units including mixed-use developments; and subdivisions or common interest developments as defined in California Civil Code Section 4100.

Sec. 4. The third paragraph of Subdivision 4 of Subsection A of Section 12.21, Article 2, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

Residential buildings, including hotels, motels and apartment hotels, may replace 10 percent of the required automobile parking with bicycle parking. Automobile parking spaces for residential projects or buildings located within 1,500 feet of a major transit stop, as defined in Subdivision (b) of Section 21155 of the California Public Resources Code, may replace up to 15 percent of the required automobile parking spaces with bicycle parking. If a residential building includes at least the minimum number of restricted affordable units to receive a density bonus, pursuant to California Government Code Section 65915(b), then up to 30 percent of the required automobile parking may be replaced. In such cases, the replacement of automobile parking with bicycle parking shall be implemented in lieu of the parking options in California Government Code Section 65915(p).

Sec. 5. Subdivision 25 of Subsection A of Section 12.22, Article 2, Chapter I of the Los Angeles Municipal Code is amended in its entirety to read as follows:

25. Affordable Housing Incentives - Density Bonus. (INTERIM)

See Section 12.22 A.37 (State Density Bonus Program) of this Code.

An existing program described outside of former Section 12.22. A.25 of this Code, that follows the procedures of former Section 12.22 A.25(g) as of February 11, 2025, the operative date of this amendment, shall follow the review procedures outlined in:

(a) Section 12.22 A.37(d)(1) (Building and Safety Review) of Chapter 1 of this Code, where the existing program references the procedures of former Section 12.22 A.25(g)(1) of this Code.

(b) Section 13B.2.5 (Director Determination) of Chapter 1A of this Code, where the existing program references the procedures of former Section 12.22 A.25(g)(2) of this Code.

(c) Section 12.22 A.37(d)(3) (City Planning Commission Review) of Chapter 1 of this Code, where the existing program references the procedures of former Section 12.22 A.25(g)(3) of this Code.

Sec. 6. [OMITTED].

Sec. 7. [OMITTED].

Sec. 8. A new Subdivision 37 is added to Subsection A of Section 12.22, Article 2, Chapter I of the Los Angeles Municipal Code to read as follows:

37. State Density Bonus Program

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

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

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

Homeless Person. Homeless Person as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

Incentive. As defined in Section 12.03 of this Code.

Lower Income Student. A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in California Education Code Section 69432.7(k)(1). The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in

which the student is enrolled or by the California Student Aid Commission affirming that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

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

Senior Citizen Housing Development. A Housing Development that has at least 35 dwelling units or guest rooms, as defined in California Civil Code Sections 51.3 and 51.12, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5. It also includes a residential care facility for the elderly, as defined in California Health and Safety Code Section 1569.2.

Shared Housing Building. A residential or mixed-use structure, with five or more Shared Housing Units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants as defined in California Government Code Section 65915(o)(7)(A).

Shared Housing Unit. One or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, and is used for permanent residence in a Shared Housing Building, and is as further defined in Government Code Section 65915(o)(7)(B). A Shared Housing Unit shall comply with the definition of "Guest Room" for purposes of zoning and allowable density.

Student Housing Development. Student Housing Development shall be as defined in California Government Code Section 65915(b)(1)(F).

Transitional Foster Youth. Transitional Foster Youth shall be as defined in California Education Code Section 66025.9.

Very Low Vehicle Travel Area. It shall be as defined in California Government Code Section 65915(o)(9).

Waiver. Waivers are reductions in Development Standards that will have the effect of physically precluding the construction of a Housing Development meeting the eligibility criteria of Paragraph (c), at the densities or with the Incentives permitted under this Subdivision 37, as

also discussed in California Government Code Section 65915(e). Waivers neither reduce nor increase the number of Incentives to which a project is entitled.

(c) **Eligibility.** To qualify for the provisions of this subdivision, a project must satisfy all of the following:

(1) Meet the definition of a Housing Development or Shared Housing Building, with five or more Dwelling Units or Shared Housing Units (collectively referred to in this Subdivision 37 as “residential units” or “units”), including mixed-use developments. For the purpose of establishing the minimum number of five residential units, Density Bonus units shall be excluded.

(2) Reserve a percentage of the residential units (excluding units added by a Density Bonus) provided in a project as:

(i) Restricted Affordable Units for at least one of the following income levels in Table 12.22 A.37(c)(2)(iii) below, or

(ii) Restricted residential units, as specified, for one of the Target Populations listed in Table 12.22 A.37(c)(2)(iii) below.

TABLE 12.22 A.37(c)(2)(iii) Required Percentage of Restricted Units	
Income Level	Minimum % of Units Provided (Excluding Units Added by a Density Bonus)
Very Low Income (For Rental or For Sale)	5
Lower Income (For Rental or For Sale)	10
Moderate Income (For Sale)	10
Target Population	Minimum % of Units Provided (Excluding Units Added by a Density Bonus)
Senior Citizen	100 ¹
Transitional Foster Youth, Disabled Veteran, or Homeless Persons ²	10
Lower Income Students ³	20

Footnotes

1. Units must be in a Senior Citizen Housing Development that must comply with Sections 51.2 and 51.3 of the California Civil Code and all units provided in the resulting Senior Citizen Housing Development should be reserved for Senior Citizens regardless of the specifications stated in Table 12.22 A.37(c)(2)(iii).
2. Units provided for Transitional Foster Youth, Disabled Veterans, or Homeless Persons in Table 12.22 A.37(c)(2)(iii) shall be provided as Very Low Income Restricted Affordable Units.
3. Units provided for Lower Income Students shall be provided at an affordability level as specified in California Government Code Section 65915(b)(1)(F).

(3) The Housing Development does not require the demolition of a Designated Historic Resource, as demolition is defined in Section 13B.8.1.C of Chapter 1A of this Code, and any proposed alteration to a Designated Historic Resource shall not be approved until any required review pursuant to the Los Angeles Municipal Code, or other state or federal law, is completed.

(d) **Procedures.** A Housing Development that meets the provisions of this subdivision shall be reviewed pursuant to Procedures described in this paragraph. Though an approval of a Density Bonus or Incentive pursuant to this subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review or other discretionary review actions required by this Code, the applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply for Housing Developments seeking other discretionary approvals in conjunction with an application pursuant to these procedures in Paragraph (d).

(1) **Los Angeles Department of Building and Safety Review.** A Housing Development seeking Base Incentives described in Paragraph (e) and/or Incentives listed on the Menu of Incentives described in Section 12.22 A.37(f)(2) of this Code shall be considered ministerial and processed by the Department of Building and Safety.

(i) **Exception.** A Housing Development requesting Incentives from the Menu of Incentives that cannot comply with the criteria established in Section 12.22 A.37(f)(1)(iii) of this Code shall comply with procedures set forth in Section 12.22 A.37(d)(2) of this Code.

(2) **Expanded Administrative Review.** The following Housing Developments shall be ministerially reviewed by the Department of City Planning pursuant to Expanded Administrative Review, as set forth by the provisions of Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. As defined in this section, ministerial approval means an administrative process to approve a “use by right” as this term is defined in California Government Code Section 65583.2(i). Housing Developments requesting a Waiver in addition to any Incentives shall be subject to the Procedures described in Section 12.22 A.37(d)(3) of this Code.

(i) **Housing Developments that request the Public Benefit Options.** Housing Developments that request only Public Benefit Options described in Paragraph (g) in addition to an Incentive listed on the Menu of Incentives shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D of this Code.

(ii) **Housing Developments Requesting Incentives Not On The Menu of Incentives.** Housing Developments that request an Incentive not listed on the Menu of Incentives described in Section 12.22 A.37(f)(2) of this Code may be subject to a public hearing as described in Section 13B.3.2.D of this Code.

(3) **City Planning Commission Review.** The following Housing Developments must file an application pursuant to the procedures set forth in Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Notwithstanding the provisions set forth in Section 13B.2.3 of Chapter 1A, the decision of the City Planning Commission shall be final and not further appealable.

(i) **Housing Developments Requesting A Waiver.** A Waiver shall be approved by the applicable decision-making authority unless that decision-making authority makes one of the following findings:

a. The Development Standard associated with a request for a Waiver will not have the effect of physically precluding the construction of a development meeting the eligibility criteria described in Paragraph (c) at the densities or with the Base Incentives and Additional Incentives permitted under this subdivision.

b. The Waiver would have a Specific Adverse Impact as defined in California Government Code Section 65589.5(d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact. Inconsistency with the zoning ordinance or General Plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety.

c. The Waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

d. The Waiver would be contrary to state or federal law.

(ii) **Housing Developments Seeking Density Bonuses Exceeding This Subdivision.** In addition to the procedures set forth in Section 13B.2.3 of Chapter 1A of this Code, a Housing Development requesting a Density Bonus that exceeds the Density Bonuses authorized by Section 12.22 A.37(e) of this Code shall be subject to the requirements and findings set forth in Section 12.24 U.26 of this Code.

(4) **One Hundred Percent Affordable Housing Projects.** One Hundred Percent Affordable Housing Projects shall be reviewed pursuant to Section 12.22 A.39 of this Code.

(5) **Other Discretionary Approvals.** Applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply to a Housing Development seeking another discretionary approval in conjunction with an application pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision maker must approve the requested Base Incentives and Additional Incentives, either on or not on the Menu of Incentives described in Section 12.22 A.37(f)(2) of this Code, requested under this subdivision unless the decision maker, based upon substantial evidence, makes one or more of the disapproval findings described in Section 12.22 A.37(f)(1)(ii) of this Code.

(6) **Applicability of Procedures, Program Standards And Incentives.**

(i) If a public hearing, when required, has been held for a project, and prior to the operative date of this subdivision the project's entitlement application was filed and associated fees paid, the project shall be subject to all applicable provisions of Chapter 1 of this Code, including any Incentive menus or options, that were in effect on the date the application was filed and fees were paid.

(ii) If a public hearing, when required, has not yet been held for a project, and prior to the operative date of this subdivision the project's entitlement application was filed and associated fees paid, the applicant may elect to apply the Procedures and comply with the Program Standards of this subdivision. Any such project shall be subject to all other applicable provisions in Chapter 1 of this Code, including any Incentive menus or options, that were in effect on the date the application was filed and fees were paid.

(iii) If on or after the operative date of this subdivision a new project entitlement application is filed and associated fees are paid, the project shall be subject to all applicable provisions of this subdivision. A project shall only be able to apply the Incentives of this subdivision, including any Incentive menus or options, if on or after the operative date of this subdivision both a new entitlement application is filed and associated fees are paid.

(e) **Base Incentives.** A Housing Development shall be granted any of the Base Incentives established in this paragraph in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this subdivision. A project that qualifies for Base Incentives established in this paragraph shall also be eligible for Additional Incentives pursuant to paragraph (f) and Public Benefit Options pursuant to Paragraph (g) of this subdivision unless otherwise stated.

(1) **Density.**

(i) **For Sale or Rental Housing with Very Low or Lower Income Restricted Affordable Units and For Sale Housing with Moderate Income Units.** For sale or rental housing with Very Low Income or Lower Income Restricted Affordable Units and For Sale Housing with Moderate Income units shall receive a Density Bonus as follows in Table 12.22 A.37(e)(1)(i)a, but shall not exceed 50% unless seeking an Additional Density Bonus pursuant to Table 12.22 A.37(e)(1)(ii)a. Residential units constructed as a result of a Density Bonus may be permitted in geographic areas of the Housing Development other than the areas where Restricted Affordable Units or residential units for a Target Population are located.

TABLE 12.22 A.37(e)(1)(i)a Required Percentage of Restricted Affordable Unit Set Asides - Density Bonuses			
Percentage of Density Bonus	Percentage of Very Low Income	Percentage of Lower Income	Percentage of Moderate Income (For-Sale)
5	-	-	10
6	-	-	11
7	-	-	12
8	-	-	13
9	-	-	14
10	-	-	15
11	-	-	16
12	-	-	17
13	-	-	18
14	-	-	19
15	-	-	20
16	-	-	21
17	-	-	22
18	-	-	23
19	-	-	24
20	5	10	25
20.5	-	-	-
21	-	-	26
21.5	-	11	-
22	-	-	27
22.5	6	-	-
23	-	12	28
23.5	-	-	-
24	-	-	29
24.5	-	13	-
25	7	-	30
25.5	-	-	-
26	-	14	31
26.5	-	-	-
27	-	-	32
27.5	8	15	-
28	-	-	33

28.5	-	-	-
29	-	16	34
29.5	-	-	-
30	9	-	35
30.5	-	17	
31	-	-	36
31.5	-	-	-
32	-	18	37
32.5	10	-	-
33	-	-	38
33.5	-	19	-
34	-	-	39
34.5	-	-	-
35	11	20	40
38.75	12	21	41
42.5	13	22	42
46.25	14	23	43
50	15	24	44

(ii) **Additional Density Bonus.** A Housing Development that provides Restricted Affordable Units sufficient to qualify for a 50% Density Bonus may seek an Additional Density Bonus pursuant to Table 12.22 A.37(e)(1)(ii)a provided that the resulting Housing Development does not restrict more than 50 percent of a Housing Development's residential units, excluding bonus units, to Restricted Affordable Units. The Additional Density Bonus shall be calculated by excluding any Density Bonus units allowed by Table 12.22 A.37(e)(1)(i). The Additional Density Bonus shall also be calculated separately from the Density Bonus allowed by Table 12.22 A.37(e)(1)(i)a to account for the rounding of fractional numbers for both the Density Bonus and Additional Density Bonus pursuant to Section 12.22 A.37(h)(5) of this Code. This Additional Density Bonus provision may be used in lieu of Section 12.24 U.26 of this Code to the extent the bonus is available as specified herein.

TABLE 12.22 A.37(e)(1)(ii)a Required Percentage of Restricted Affordable Unit Set Asides - Additional Density Bonuses		
Percentage Bonus	of Density	Percentage of Very Low Income
20		5
22.5		-
23.75		6
25		-
27.5		7
30		-
31.25		8
32.5		-
35		9
38.75		10
42.5		-
46.25		11
50		12

(iii) **Housing for Target Populations.** A Housing Development that provides residential units for a Target Population as described in Table 12.22 A.37(c)(2)(iii), shall receive a Density Bonus as follows in Table 12.22 A.37(e)(1)(iii)a. The Density Bonus may be granted in lieu of a Density Bonus for residential units set aside as Restricted Affordable Units based on Table 12.22 A.37(e)(1)(i)a.

TABLE 12.22 A.37(e)(1)(iii)a Housing for Target Populations - Density Bonuses		
Target Population	Percentage of Density Bonus	
Senior Citizen	20% of the number of Senior Citizen units	
Transitional Foster Youth/Disabled Veterans/Homeless Persons	20% of the number of Target Population units giving rise to a Density Bonus	
Lower Income Student Development	Percent Bonus	Percent of Units (excluding bonus units) that are Restricted Affordable Units
	35%	20%
	38.75%	21%
	42.5%	22%
	46.25%	23%
	50%	24%

Footnotes

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

(iv) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City satisfying the criteria of California Government Code Section 65915(g), as verified by the Department of City Planning, shall be granted a Density Bonus of 15% as specified in California Government Code Section 65915(g), in addition to the Density Bonus sought pursuant to Section 12.22 A.37(e)(1) of this Code, up to a combined maximum density increase of 35%.

(2) **Parking.** Upon the request of an applicant a Housing Developments may reduce the number of required parking spaces set forth in this Code or other applicable City land use regulation as follows, pursuant to California Government Code Section 65915 (p):

(i) Parking shall not be required for Housing Developments located within one-half mile of a Major Transit Stop pursuant to California Government Code Section 65863.2.

(ii) If a Housing Development is not eligible for parking reductions pursuant to California Government Code Section 65863.2, a Housing Development may utilize the vehicular parking ratio described in Table 12.22 A.37(e)(2)(ii)a.

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

(iii) Provided parking shall be sold or rented separately from the residential units in Housing Developments with 16 or more units consistent with California Civil Code Section 1947.1, as verified by the Los Angeles Housing Department.

(iv) Required automobile parking ratios apply to all residential units in a Housing Development (not just the Restricted Affordable Units), inclusive of disabled and required guest parking where applicable. All parking spaces provided shall comply with Section 12.21 A.5 of this Code. Except that any combination of standard, compact, tandem or uncovered parking spaces may be provided consistent with California Government Code Section 65915(p)(4). Tandem parking spaces that do not comply with Section 12.21 A.5(h)(2) of this Code may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.

(v) Required parking spaces provided may be uncovered consistent with California Government Code Section 65915(p)(4).

(f) **Additional Incentives.** A Housing Development shall be granted a number of Additional Incentives pursuant to the provisions of this paragraph in addition to the Base Incentives established in Section 12.22 A.37(e) of this Code.

(1) A Housing Development shall be eligible for a specified number of Additional Incentives based on providing the applicable percentage of residential units (excluding units added by a Density Bonus) listed in Table 12.22 A.37(f)(1)(i) below as Restricted Affordable Units. A Housing Development may request Incentives listed on the Paragraph (f)(2) Menu of Incentives or request an Incentive not on the Menu of Incentives in order to seek a deviation from a Development Standard elsewhere in the Los Angeles Municipal Code or a Housing Development site's applicable zoning ordinance, Community Plan, Specific Plan, or

overlay. Refer to Paragraph (d) for the approval Procedure that is applicable to the Housing Development's Incentive request.

TABLE 12.22 A.37(f)(1)(i) Allowed Number of Additional Incentives				
Level of Affordability	Required Percentage of Residential Units Provided as Restricted Affordable Units (Excluding Units Added by a Density Bonus)			
	1 Incentive	2 Incentives	3 Incentives	4 Incentives¹
Very Low Income (for rental or for sale)	5%	10%	15%	16%
Lower Income (for rental or for sale)	10%	17%	24%	N/A
Moderate Income (for sale)	10%	20%	30%	45%
Lower Income Student Housing	20%	23%	N/A	N/A

Footnotes

1. One Hundred Percent Affordable Housing Projects shall be processed pursuant to Section 12.22 A.39 of this Code.

(ii) An Incentive allowed per Table 12.22 A.37(f)(1)(i) and requested pursuant to the applicable procedure in Paragraph (d) of this subdivision shall be granted unless any one of the following written findings are made based upon substantial evidence:

a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).

b. The Incentive will have a Specific Adverse Impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or General Plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety.

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

(iii) To be eligible for the Menu of Incentives described in Section 12.22 A.37(f)(2) of this Code, a Housing Development shall comply with the following:

a. The Housing Development shall not be located in a Very High Fire Hazard Severity Zone, a Sea Level Rise Area, or the Coastal Zone.

(iv) **Commercial Off-Site.** Pursuant to California Government Code Section 65915.7, a commercial development may request one Incentive set forth in California Government Code Section 65915.7 (b) if the commercial developer directly contributes affordable housing, or enters into a contract for partnered housing described in 65915.7 with a housing developer to construct affordable housing. If Section 65915.7 sunsets, this provision shall be of no further force or effect. If a commercial developer partners with a housing developer, an agreement, subject to approval by the Department of City Planning, shall identify exactly how the commercial developer will contribute affordable housing. Housing constructed pursuant to this Commercial Off-Site provision shall be constructed on the site of the commercial development or on a site that meets all of the following requirements:

a. Located within the boundaries of the City of Los Angeles; and

b. In close proximity to public amenities including schools and employment centers; and

c. Located within one-half mile of a Major Transit Stop.

(2) **Menu of Incentives.** A Housing Development may request one or more of the following Incentives not to exceed the number of Incentives allowed by Table 12.22 A.37(f)(1)(i). Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

(i) **Yards.** Housing Developments may request a reduction of otherwise required yards as follows in Table 12.22 A.37(f)(2)(i)a. In C zones, yard reductions from the Table may be requested as one Incentive. Separately in R zones, yard reductions from the Table may also be requested as one Incentive.

TABLE 12.22 A.37(f)(2)(i)a Allowed Yard Incentives	
Zone	Yard Incentive
C Zones	Side, Rear and Front Yards. A Housing Development may utilize any or all of the yard requirements for the RAS3 zone per Section 12.10.5 of this Code. A Housing Development on a commercially zoned site adjacent to a property zoned RD or more restrictive may provide a rear yard of not less than five feet.
R Zones	Front Yards. Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line of adjacent buildings along the same street frontage. Or, if a site is a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjacent building along the same front lot line. If there are no adjacent buildings, no reduction is permitted.
	Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.

(ii) **Floor Area Ratio.** A Housing Development may request an increase in the otherwise allowed Floor Area Ratio (FAR) equal to the percentage of Density Bonus for which the Housing Development is eligible, not to exceed 35% or a maximum FAR of 3.0:1, whichever is greater, if located within a one-half mile radius (2,640 feet) of a Major Transit Stop. In a mixed-use development, the FAR bonus will apply only to the new residential units and required amenity areas for the residential units; and the nonresidential portion shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.

a. **Exception.** A project on a lot zoned "RD" Restricted Density or more restrictive, or on a lot with a Designated Historic Resource, or Non-Contributor, shall not be eligible for an on-menu FAR incentive.

(iii) **Height.** A Housing Development may request a height increase to permit a maximum of eleven additional feet or one additional story, whichever is lower. This increase in height shall be applicable over the entire development site regardless of the number of underlying height limits, including Transitional Height or stepback requirements, except when the Transitional Height Incentive below is also requested. The height increase may be

applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Housing Developments.

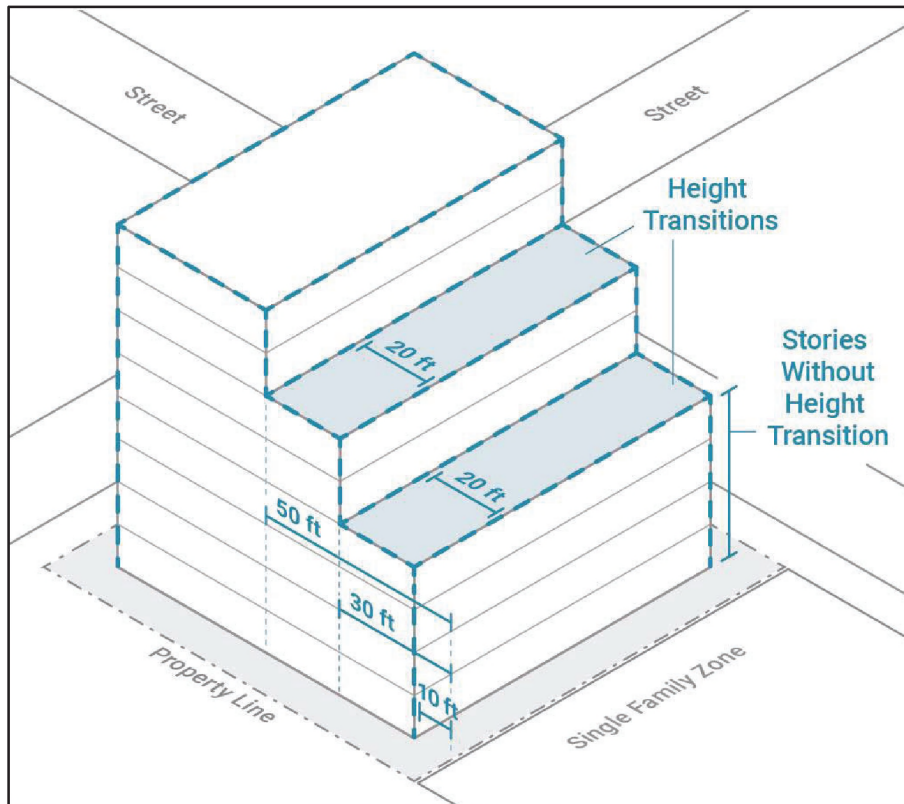
a. Notwithstanding Section 12.21.1 of this Code, for Housing Developments where a rooftop deck is provided, roof structures for the housing of an elevator or stairway may exceed the building height limit by up to 17 feet on sites where the applicable Height District limits height to 30 feet or 45 feet provided the proposed roof structure(s) is set back from the roof perimeter by 5 feet.

(iv) **Transitional Height.** A Housing Development may select the following transitional height requirements in Table 12.22 A.37(f)(2)(iv)a below, as illustrated by Figure 12.22 A.37(f)(2)(iv)b, in lieu of those found in: Section 12.21.1.A.10 of this Code; any applicable transitional height limits in a Housing Development site's applicable zoning, Community Plan, Specific Plan, or overlay; any requirements for reduced building heights or step-backs when a development site is adjoining a RW1 or more restrictive zone; and the transitional height requirements found in Section 12.21.1.A.10 of this Code or any applicable Specific Plan or overlay for the portion of a Housing Development site abutting the OS zone.

TABLE 12.22 A.37(f)(2)(iv)a Allowed Transitional Height Incentives	
	Step Back Distance*
Side or Rear Step-back	10-feet
4 Story Step-Back	30-feet
6 Story Step-Back	50-feet

*Setback and Step-back is measured from the property line.

FIGURE 12.22 A.37(f)(2)(iv)b



(v) **Building Spacing and Passageways.** A Housing Development subject to the provisions set forth in Section 12.21 C.2 of this Code may request a reduction in building spacing and passageway requirements as follows:

- a. Up to a 30% reduction in the space between buildings required pursuant to Section 12.21 C.2(a) of this Code; and
- b. Up to a 50% reduction in the width of the passageway required pursuant to Section 12.21 C.2(b) of this Code or the space provided to meet a site's side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the Housing Development's site.

(vi) **Lot Coverage.** A Housing Development may request up to a 20% increase in lot coverage limits, provided that the landscaping for the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance at Section 12.40 of this Code, and the Landscape and Site Design Point System.

(vii) **Lot Width.** A Housing Development may request up to a 25% decrease from a lot width requirement, provided that the landscaping for the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance at Section 12.40 of this Code, and the Landscape and Site Design Point System.

(viii) **Open Space.** In lieu of the open space calculations set forth in Section 12.21 G.2 of this Code, a Housing Development requesting an open space Incentive may calculate the usable open space requirement as 15% of the total lot area or 10% of the total floor area confined within the perimeter walls of the provided residential units, whichever is greater, provided that the overall design of the Housing Development meets a minimum of 30 points under the Landscape and Site Design Ordinance at Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a) of this Code. Usable open space provided as Private Open Space shall comply with Section 12.21 G.2(b) of this Code.

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

(x) **Averaging of Floor Area Ratio, Density, Parking, or Open Space, and permitting Vehicular Access.** A Housing Development that is located on one or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space and residential and commercial parking over the project site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:

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

b. No further lot line adjustment, or any other action that may cause the Housing Development site to be subdivided, shall be permitted subsequent to this grant during the life of the proposed development pursuant to a covenant running with the land that is recorded with the Los

Angeles County Recorder prior to the issuance of any building permit; and

c. The proposed uses in the Housing Development are located on areas of the development site where the proposed uses are permitted by the underlying zone(s) of each area; and

d. The proposed Housing Development is located on one or more contiguous lots that are not separated by a street or alley.

(xi) **Supplementary Parking Reductions.** An applicant may request the following reductions as a single Incentive:

a. **Commercial Parking.** A Housing Development may request the elimination of any requirement to provide new, or maintain existing, automobile parking spaces required by Chapter 1 of this Code associated with a commercial use that is proposed in conjunction with the Housing Developments.

b. **General Parking Reduction.** A Housing Development located within one-half mile radius of a High-Quality Transit Service may receive up to a 50% reduction in required parking spaces pursuant to California Government Code Section 65915 (p)(5).

(xii) **P Zone.** In lieu of the limitations described in Section 12.12.1 and Section 12.12.1.5 of this Code, in a P or PB zone a Housing Development may include the uses and area standards permitted in the least restrictive adjoining zone. For purposes of this P Zone Incentive the phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.

(xiii) **Relief from a Development Standard.** A Housing Development may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, a Community Plan, an overlay, a Specific Plan, a Q Condition, or a D Condition. A Housing Development requesting this Incentive must provide landscaping for the Housing Development that meets a minimum of 30 points under the Landscape and Site Design Ordinance in Section 12.40 of this Code, and the Landscape and Site Design Point System. This Incentive may be requested more than once, but shall require the use of an Incentive for each request.

a. **Exception.** This Incentive shall not apply to Development Standards that regulate FAR, height, yards/setbacks, ground story requirements, signs, parking in front of buildings, required trees, pedestrian access, or usable open space. This Incentive also shall not apply to a Designated Historic Resource, or a Non-Contributor.

(xiv) **Senior Independent Housing.** In lieu of otherwise applicable limitations, a Housing Development or Senior Citizen Housing Development that also meets the definition of Senior Independent Housing may be permitted in any zone that would otherwise allow a Housing Development. In addition, a Senior Independent Housing development that qualifies as a Shared Housing Building shall be treated the same as a Shared Housing Building.

(g) **Public Benefit Options.** A Housing Development shall be granted any number of Public Benefit Options pursuant to the provisions described below in addition to the Base Incentives established in Section 12.22 A.37(e) of this Code and the Additional Incentives described in Section 12.22 A.37(f) of this Code. A Housing Development located in Sea Level Rise Areas, Very High Fire Hazard Severity Zones, or the Coastal Zone, and a project that provides fewer restricted units than required for the maximum number of Incentives available to an income category or Target Population, shall not be eligible for the Public Benefit Options described in Section 12.22 A.37(g)(2) or Section 12.22 A.37(g)(3) of this Code.

(1) **Child Care Facility.** A Housing Development that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the Housing Development; that records a covenant in the project site's chain of title to the benefit of the City using language to the satisfaction of the City, that requires the Child Care Facility be maintained for at least 55 years; and that complies with the requirements set forth in California Government Code Section 65915(h)(2), shall be granted either of the following:

(i) An increase in the floor area of the Housing Development's residential unit space equal to the floor area of the Child Care Facility included in the Housing Development; or

(ii) An additional Incentive listed on the Menu of Incentives or not listed on the Menu of Incentives, using the procedures of Section 12.22 A.37 (d)(2) of this Code, that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

(iii) Notwithstanding the Public Benefit Options available under this Subparagraph (1), pursuant to California Government Code Section 65915(h)(3), a Density Bonus or Incentive for a Child Care Facility shall not be provided if the applicable decision-maker finds, based on substantial evidence, that the community has adequate Child Care Facilities.

(2) **Multi-Bedroom Units.** A Housing Development that includes units with three bedrooms or more, and executes a covenant in favor of the City that is recorded in the development site's chain of title in order to guarantee the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional residential units in the future, shall be granted one of the following options to requested Floor Area and Height Incentives:

(i) A Housing Development that includes units with three bedrooms or more in a minimum of 10% of its overall residential units (including units added by a Density Bonus), shall be granted additional Floor Area and/or Height in addition to what is available on the Menu of Incentives in Section 12.22 A.37(f)(2) of this Code as follows in Table 12.22 A.37(g)(2)(i)a; or

TABLE 12.22 A.37(g)(2)(i)a Additional FAR and Height for Multi-Bedroom Units		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2
75+	2.0:1	2

(ii) Any Housing Development that includes a residential unit with three bedrooms or more shall be granted the following Floor Area and Height Incentive options, as described in (a) and (b) below:

a. An exemption of the square footage of all residential units with three or more bedrooms from the Floor Area calculations so that the specified residential units do not count against the maximum Floor Area allowed on the development site; and/or

b. An additional story of height beyond what is available in the applicable height Incentive as listed in the Menu of Incentives at Section 12.22.A.37(f)(2) of this Code, provided, the square footage of this additional story is limited to the square footage exempted as a result of applying Section 12.22 A.37(g)(2)(ii)(a) of this Code above.

(3) **Surveyed Historic Resource Facade Rehabilitation.** A project incorporating a Surveyed Historic Resource into the project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available and requested as an Incentive from on the Menu of Incentives in Section 12.22 A.37(f)(2) of this Code, provided all of the following standards are met:

(i) The project retains all street Frontage facades to a depth of 10-feet,

(ii) New Floor Area shall be setback behind the 10-foot retention area, except that outdoor open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In instances where a lot contains dual-frontages, the setback shall be applied from both Frontages, and

(iii) Rehabilitation of the facades is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation as supported by an expert study that has been accepted by the Office of Historic Resources, or demonstrated by the project plans and accepted by the Office of Historic Resources, if consistent with the applicable adopted Implementation Memorandum, Guidelines or Technical Bulletins of the Director of City Planning. This option does not apply if the Office of Historic Resources has determined that the Surveyed Historic Resource is not eligible for listing individually or as a contributor as described in the definition in Section 12.03 of this Code.

(h) **Program Standards.** The following Program Standards shall be applicable to any Housing Development that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) **Eligibility For Other Density Bonus Programs.** A Housing Development seeking a Density Bonus or other development incentives

pursuant to this subdivision is not eligible for a Density Bonus or other development incentives pursuant to the procedures of any other housing incentive program contained in this Code, a Community Plan, an overlay, Specific Plan, or any other City regulation or guideline. However, a project may utilize the streamlining procedures and Incentives for Adaptive Reuse Projects (Sec. 12.22 A.26 of this Code) and in the Housing Element Sites Streamlining Program (Sec. 16.70 of this Code), provided that the project meets the requirements for all utilized programs.

(2) Calculating Maximum Allowable Residential Density.

Per California Government Code Section 65915 (o)(6), a Housing Development shall calculate its Maximum Allowable Residential Density, before the application of a Density Bonus, using the maximum number of units allowed under a Housing Development site's applicable zoning ordinance, Specific Plan, overlay, or General Plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, Specific Plan, or General Plan land use designation shall be applicable when determining a Housing Development's density prior to the application of a Density Bonus. Residential units added using an incentive program contained in a Specific Plan, overlay, or other City program granting development bonuses, shall not count toward a Housing Development's Maximum Allowable Residential Density.

(3) Calculating Restricted Affordable Units or Target Population Units. The required number of Restricted Affordable Units or Target Population units shall be calculated based on the number of residential units (excluding units added by a Density Bonus) provided in a Housing Development.

(4) Calculating a Density Bonus. In addition to the provisions set forth in Section 12.22 A.37(h)(2) of this Code, for the purpose of calculating a Density Bonus, the following shall apply:

(i) Residential units that comprise a Housing Development shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on individual subdivision maps or lots.

(ii) A Shared Housing Unit and its proportional share of associated common area facilities shall comply with the definition of a Guest Room pursuant to California Government Code Section 65915(o)(7)(B).

(iii) An applicant for a Housing Development may have the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.

(5) **Fractional Numbers.**

(i) **Units.** For the purposes of this subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:

- a. Maximum Allowable Residential Density;
- b. Density Bonus units;
- c. Number of Restricted Affordable Units or Target Population units;
- d. Number of Replacement Housing Units;
- e. Vehicular Parking; and
- f. Number of Multi-Bedroom Units provided pursuant to Section 12.22 A.37(g)(2) of this Code.

(6) **Replacement Housing Units and Demolition Protections.**

A Housing Development must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and Section 16.60 of this Code, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this subdivision may count towards any Restricted Affordable Unit requirements.

(7) **Standards for Restricted Affordable Units.** A Housing Development must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in Sections 16.61 B and 16.61 C of this Code, and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning. Restricted Affordable Units are subject to a recorded affordability restriction of 55 years, or 99 years pursuant to Section 16.61 A of this Code as applicable, running from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of this Code.

(8) **Rent Schedules.** Restricted Affordable Units required as part of a Housing Development shall be rented at rates that do not exceed

those specified in California Health and Safety Code 50052.5 for for-sale units or California Health and Safety Code Section 50053 for rental units.

(9) **Implementation Memorandums, FAQs, Forms/Applications and User Guides.** The Director may prepare Implementation Memorandums, Technical Bulletins and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this subdivision and maintaining consistency with State Density Bonus Law.

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

(11) **Story.** A story for purposes of granting an Incentive or Waiver for additional height through this subsection shall be defined as 11 feet.

(i) **Relationship to Other Laws, Plans, Requirements and Codes.** The following provisions shall govern the relationship of this Subdivision 37 to other laws, plans, requirements and codes for any Housing Development that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) A Housing Development that meets the eligibility criteria established in Paragraph (c) of this subdivision, and complies with the Procedures established in Paragraph (d) of this subdivision may utilize a multiple family residential dwelling use with a minimum of two-thirds residential floor area even though use limitations may apply to a project site.

(2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraph (e), Additional Incentives described in Paragraph (f), Public Benefit Options described in Paragraph (g), or Waivers requested pursuant to Section 12.22 A.37(d)(3)(i) of this Code, differ from any otherwise applicable Community Plan, Specific Plan, overlay, supplemental use district, "Q" condition, "D" limitation, or citywide regulation established through Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this subdivision shall prevail where the Housing Development applicant elects to seek approval under this subdivision.

- (i) Alameda District Specific Plan (171,139)
- (ii) Avenue 57 Transit Oriented District (174,663)
- (iii) Bunker Hill Specific Plan (182,576)
- (iv) Century City North Specific Plan (156,122)
- (v) Century City West Specific Plan (186,370)
- (vi) Century City South Specific Plan (168,862)
- (vii) Coastal Bluffs Specific Plan (170,046)
- (viii) Coliseum District Specific Plan (185,042)
- (ix) Colorado Boulevard Specific Plan (178,098)
- (x) Convention Center and Arena Specific Plan (188,077)
- (xi) Cornfield Arroyo Seco Specific Plan (182,617)
- (xii) Crenshaw Corridor Specific Plan (184,795)
- (xiii) Devonshire/Topanga Corridor Specific Plan (168,937)
- (xiv) District No Ho Specific Plan (188,144)
- (xv) Exposition Corridor Transit Neighborhood Plan
(186,402)
- (xvi) Foothill Boulevard Corridor Specific Plan (170,694)
- (xvii) Girard Tract Specific Plan (170,774)
- (xviii) Glencoe/Maxella Specific Plan (171,946)
- (xix) Granada Hills Specific Plan (184,296)
- (xx) Hollywoodland Specific Plan (168,121)
- (xxi) Jordan Downs Urban Village Specific Plan (184,346)
- (xxii) Los Angeles Airport/El Segundo Dunes Specific Plan
(167,940)

(xxiii) Los Angeles International (LAX) Specific Plan (185,164)

(xxiv) Los Angeles Sports and Entertainment District Specific Plan (181,334)

(xxv) Loyola Marymount University Specific Plan (181,605)

(xxvi) Mt. Washington/Glassell Park Specific Plan (168,707)

(xxvii) Mulholland Scenic Parkway Specific Plan (167,943)

(xxviii) North Westwood Village Specific Plan (163,202)

(xxix) Oxford Triangle Specific Plan (170,155)

(xxx) Pacific Palisades Commercial Village and Neighborhood Specific Plan (184,371)

(xxxi) Paramount Pictures Specific Plan (184,539)

(xxxii) Park Mile Specific Plan (162,530)

(xxxiii) Playa Vista Area B Specific Plan (165,638)

(xxxiv) Playa Vista Area C Specific Plan (165,639)

(xxxv) Playa Vista Area D Specific Plan (176,235)

(xxxvi) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)

(xxxvii) Porter Ranch Land Use/Transportation Specific Plan (180,083)

(xxxviii) Redevelopment Plans (186,325)

(xxxix) San Gabriel / Verdugo Mountains Scenic Preservation Specific Plan (175,736)

(xl) San Vicente Scenic Corridor Specific Plan (173,381)

(xli) University of Southern California University Park Campus Specific Plan (182,343)

(xlii) Valley Village Specific Plan (168,613)

- (xlili) Venice Coastal Zone Specific Plan (175,693)
- (xliv) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)
- (xlv) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)
- (xlvi) Warner Center 2035 Plan (182,766)
- (xlvii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)
- (xlviii) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)
- (xlix) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

(3) Despite Section 11.05 of this Code (Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which are Referenced to in the Los Angeles Municipal Code), any references to State or Federal statutes or regulations in this subdivision shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted. This general rule is intended to control over a specific rule to the contrary and shall not be subject to the rule of statutory construction that where there is a conflict, a specific statute controls over a general statute. References within this subdivision to requirements of other City or government agencies or Chapters of the Los Angeles Municipal Code, as well as other local, state, and federal codes are provided for informational purposes and are not intended to be comprehensive or to provide exemption from any additional applicable regulations from other City or government agencies or sections of the Los Angeles Municipal Code not explicitly referenced in this subdivision.

(j) **Interpretation Consistent with State Density Bonus Law.** This subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this subdivision becomes inconsistent with California Government Code Sections 65915-65918, as Determined by the Director of Planning, the provisions of State Density Bonus Law shall apply.

Sec. 9. A new Subdivision 38 is added to Subsection A of Section 12.22, Article 2, Chapter 1 of the Los Angeles Municipal Code to read as follows:

38. Mixed Income Incentive Program

(a) **Purpose.** The purpose of this subdivision is to establish specific Incentives and procedures for the implementation of State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing near transit, in Higher Opportunity Areas as defined in Section 12.03 of this Code, and on major corridors. In conjunction with the Incentives granted by state law, this subdivision shall offer Incentives through the paragraphs of this subdivision, and Waivers as defined in Section 12.22 A.37 of this Code, for the purposes of increasing the feasibility of housing construction.

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

Consolidated Development. A residential development, or mixed-use development with two-thirds of the square footage designated for residential units, that consists of multiple lots with the same owner or developer.

Corridor. A major street with Street Designations as designated in the Mobility Element of the General Plan, including a Local, Collector, Avenue, and Boulevard.

Direct Pedestrian Access. A means of approaching or entering a lot from the public right-of-way as a pedestrian.

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

Frequent Bus Service. An existing or planned bus route, as identified in coordination by a local or regional transit agency, with a service frequency of 30 minutes or less during Peak Commute Hours in at least one direction.

Ground Floor Frontage. The lowest story within a building which is accessible to the street, the floor level of which is within three feet above or below curb level, is parallel to or primarily facing any public street, and which is at least 15 feet in depth of the total depth of the structure.

Higher Opportunity Areas. See definition in Section 12.03 of this Code.

Incentive. As defined in Section 12.03 of this Code.

Market Tier. Categories of residential market areas adopted by City Council resolution, as described in the Affordable Housing Linkage Fee Ordinance in Section 19.18 C.1 of this Code, for the purposes of informing the amount of the Linkage Fee to be assessed for a given project.

Moderate and Lower Opportunity Areas. See definition in Section 12.03 of this Code.

Opportunity Corridor. A Corridor in Higher Opportunity Areas as defined in Section 12.03 of this Code.

Opportunity Corridor Transition Area Incentive Project. A project on a site located in whole or in part within 750 feet of an Opportunity Corridor Incentive Area, that involves the construction of, addition to, or remodeling of any building or buildings which result in the creation of four or more residential units.

Peak Commute Hour. Peak periods are considered to be between 6:00 to 9:00 AM and 3:00 to 7:00 PM.

Rapid Bus. A higher quality bus service that may include several key attributes, including full-time dedicated bus lanes, branded vehicles and defined stations, high frequency, limited stops at major intersections, intelligent transportation systems, and possible off-board fare collection and/or all door boarding. Rapid Bus includes, but is not limited to, Metro Bus Rapid Transit lines, Metro Rapid 700 lines, Metro NextGen Tier 1 lines that replaced Metro Rapid 700 lines, Metro G (Orange) and J (Silver Lines), Big Blue Rapid lines and the Rapid 6 Culver City bus. Rapid Bus lines do not need to meet the 15-minute average Peak Commute Hour headways if intersecting at a qualified Major Transit Stop.

Total Units. The complete number of residential units in a project after a Density Bonus is awarded pursuant to this subdivision.

Waiver. See definition in Section 12.22 A.37(b) of this Code.

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

(1) Meet the definition of one of the following Project Types; consist of Dwelling Units, referred to in this Subdivision 38 as “residential

units” or “units;” contain no Shared Housing Units; and include the minimum Total Units required as described in Table 12.22 A.38(c)(1)(i):

TABLE 12.22 A.38(c)(1)(i) Eligible Project Types and Total Units Required	
Project Type	Minimum Total Units Required
Transit Oriented Incentive Area Project	Five or more
Opportunity Corridor Incentive Area Project	Five or more
Opportunity Corridor Transition Area Incentive Project	Four or more
Type I Unified Adaptive Reuse Project ¹	Five or more

Footnote

¹ See Section 12.22 A.26(h)(1) of this Code for additional requirements associated with a Type I Unified Adaptive Reuse Project.

(2) Be located in and meet the requirements of a Transit Oriented Incentive Area, Opportunity Corridor Incentive Area, or an Opportunity Corridor Transition Incentive Area as described in Paragraphs (e), (f), and (g) below, except that a property abutting, across the street or alley, or having a common corner with a site eligible for Opportunity Corridor Incentives shall also be eligible for the Opportunity Corridor Incentives as described in Paragraph (f) below.

(3) Reserve a percentage of the project’s Total Units for:

(i) Restricted Affordable Units in at least one of the following income levels as defined on Table 12.22 A.38(c)(3)(iii), or by providing the combination of income levels as defined on Table 12.22 A.38(c)(3)(iv); or

(ii) Restricted Affordable Units in an Opportunity Corridor Transition Area Incentive Project in at least one of the following income levels, as defined on Table 12.22 A.38(c)(3)(v); or

(iii) Twenty percent Restricted Affordable Units for Lower Income Households, consistent with California Government Code Section 65583.2, if a project is proposed on a Lower Income Rezoning Housing Element Site as defined in Section 16.70 of this Code.

TABLE 12.22 A.38(c)(3)(iii)¹ Single Affordability Options for Meeting Restricted Affordable Units					
Market Tier	Incentive Program		Minimum Percent of Total Units Provided as Restricted Affordable Units		
	Transit Oriented Incentive Area	Opportunity Corridor Incentive Area	Income Level		
			Extremely Low Income (For Rental or For Sale)	Very Low Income (For Rental or For Sale)	Lower Income (For Rental or For Sale)
Low and Medium Market Tiers	T1	OC-1	9%	12%	21%
	T2	OC-2	10%	14%	23%
	T3	OC-3	11%	15%	25%
High Medium and High Market Tiers	T1	OC-1	11%	14%	23%
	T2	OC-2	12%	16%	25%
	T3	OC-3	13%	17%	27%

Footnote

1. A Type I Unified Adaptive Reuse Project shall provide Restricted Affordable Units in accordance with the project site's Market Tier location and Base Incentives used. Type I Unified Adaptive Reuse Projects that utilize Base Incentives contingent on a site's location in a Transit Oriented Incentive Area shall provide Restricted Affordable Units in conjunction with a site's applicable Transit Oriented Incentive Area Tier. Type I Unified Adaptive Reuse Projects that utilize Base Incentives contingent on a site's location in an Opportunity Corridor Incentive Area shall provide Restricted Affordable Units in conjunction with a site's applicable Opportunity Corridor. Restricted Affordable Units shall be provided and distributed throughout the entire Type I Unified Adaptive Reuse Project in compliance with Section 16.61 B of this Code.

TABLE 12.22 A.38(c)(3)(iv) Mixed Affordability Options for Meeting Restricted Affordable Units				
Opportunity Area	Minimum Percent of Total Units Provided as Restricted Affordable Units ¹			
	Income Level			
	Acutely Low Income (For Rental or For Sale)	Extremely Low Income (For Rental or For Sale)	Very Low Income (For Rental or For Sale)	Moderate Income (For Rental or For Sale)
Moderate and Lower Opportunity Areas	-	4% ²	8%	-
Higher Opportunity Areas	4% ²	4%	-	12%

Footnote:

1 Provided at least one affordability income category is consistent with the minimum affordability requirements pursuant to California Government Code Sections 65915.

2 Projects utilizing the combinations of mixed affordability described in Table 12.22 A.38(c)(3)(iv) to meet the required Restricted Affordable Units must provide one 3-bedroom covenanted unit per project.

TABLE 12.22 A.38(c)(3)(v) Opportunity Corridor Transition Incentive Area Restricted Affordable Unit Requirements			
Incentive Program	Minimum Number of Total Units Provided as Restricted Affordable Units ^{1,2}		
Opportunity Corridor Transition Incentive Area	Income Level		
	Very Low Income (For Rental or For Sale)	Lower Income (For Rental or For Sale)	Moderate Income (For Rental or For Sale)
CT-1A	—	—	1 unit
CT-1B, and CT-2	1 unit	1 unit	2 unit
CT-3	2 units	2 units	3 units

Footnote:

1. For consolidated lots, the project shall provide the same affordability as required per individual lot. For example, if a project consolidated two lots into one project using CT-2 incentives, the project would be required to provide either 2 Very Low Income or Lower Income units, or 4 Moderate Income units.
2. Provided at least one affordability income category is consistent with the minimum affordability requirements pursuant to California Government Code Sections 65915.

(4) The project site does not include any lots located in: a single family or more restrictive zone (RW and more restrictive zone); a manufacturing zone that does not allow multiple family residential uses (M1, M2, and M3); or the CM, MR1, and MR2 zones where no residential uses are permitted from an applicable planning overlay, "Q" condition or "D" limitation.

(5) The project site does not include any lots located within a Very High Fire Hazard Severity Zone (VHFHSZ), the Coastal Zone, or a Sea Level Rise Area. Except that a project site that is located within a VHFHSZ or Coastal Zone shall be eligible for Opportunity Corridor Incentives as defined in Paragraph (f), if properties that are abutting, are across the street or alley, or have a common corner with the subject property, are not in a VHFHSZ or Coastal Zone, and are eligible for the Opportunity Corridor Incentives as described in Paragraph (f) below.

(6) The project would not require the demolition of any of the following, as demolition is defined in Section 13B.8.1.C of Chapter 1A of this Code.

(i) A Designated Historic Resource, or

(ii) Any Surveyed Historic Resource, eligible or architectural historic resource identified for any historic protection or special consideration or review by an applicable overlay or Specific Plan including sites located in: the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b; the Southeast Los Angeles CPIO Section 1-6.C.5.b; the West Adams CPIO Ch.1, Section 6.C.5.b; the San Pedro CPIO Ch.1, Section 7.C.5.b; Westwood Village Specific Plan; Echo Park Community Design Overlay (CDO) District; or the North University Park Specific Plan.

(7) A project involving a Designated Historic Resource shall be consistent with the Secretary of the Interior's Standards for Rehabilitation as supported by an expert study that has been accepted by the Office of Historic Resources, or demonstrated by the project plans and accepted by the Office of Historic Resources, if consistent with the applicable adopted Implementation Memorandum, Guidelines or Technical Bulletins of the Director of City Planning.

(8) A project shall not be located in the Boyle Heights Community Plan, the Harbor Gateway Community Plan, the Wilmington-Harbor City Community Plan, the Downtown Community Plan (previously Central City North Community Plan and the Central City Community Plan Areas), and the Cornfield Arroyo Seco Specific Plan.

(d) **Procedures.** A project that meets the provisions of this subdivision shall be reviewed pursuant to the Procedures, as set forth below. An approval of a Density Bonus or Incentive pursuant to this subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review, the applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply to projects seeking other discretionary approvals in conjunction with an application pursuant to the Procedures in Paragraph (d).

(1) **Los Angeles Department of Building and Safety Review.** A project seeking Base Incentives described in Paragraphs (e)(2), (f)(2) or (g)(3), and/or Additional Incentives listed on the Menu of Incentives in Paragraph (h) shall be considered ministerial and processed by the Department of Building and Safety.

(2) **Expanded Administrative Review.** The following projects shall be ministerially approved pursuant to Expanded Administrative Review, as set forth by the provisions of Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. As defined in this subdivision, ministerial approval means an administrative process to approve a “use by right” as this term is defined in California Government Code Section 65583.2 (i). The following explains how Expanded Administrative Review procedures are applicable:

(i) **A Project that requests the Public Benefit Options.** A project that requests Public Benefit Options described in Paragraph (i) and Additional Incentives listed on the Menu of Incentives in Paragraph (h), shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D in Chapter 1A of this Code.

(ii) **A Project Requesting Incentives Not Listed On The Menu of Incentives.** A project that requests Incentives not listed on the Menu of Incentives described in Section 12.22 A.38(h)(2) of this Code may be subject to a public hearing as described in Section 13B.3.2.D in Chapter 1A of this Code. A project also shall satisfy the below criteria in order to remain eligible for approval through this subdivision:

a. A project requesting Incentives not listed in on the Menu of Incentives in Paragraph (h) shall be required to meet a minimum of 35 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.

b. A project shall refrain from requesting an Incentive not on, or in excess of, the Menu of Incentives in the following Development Standard areas: Floor Area Ratio (FAR), Height, Open Space requirements, tree planting requirements, ground story requirements, and/or yards/setback requirements. A project that seeks any of these types of Incentives not on the menu are not eligible for approval through this Subdivision 38, and instead shall seek approval pursuant to the Procedures, Incentive menu and other requirements described in Section 12.22 A.37 of this Code.

c. A project utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(3)(i) is only eligible for Incentives contained in Paragraph(g) and is not eligible to combine requests for Incentives on or off any other Incentive menu.

(3) **Director's Determination.** The Director of Planning shall review the following projects pursuant to Section 13B.2.5 of Chapter 1A of this Code.

(i) **Projects Requesting Up to One Waiver.** Waivers shall be reviewed pursuant to the Findings described in Section 12.22 A.38(d)(5) of this Code.

Exception. A project utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(3)(i) is not eligible to request a Waiver.

(4) **City Planning Commission Review.** The following projects must file an application pursuant to Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Notwithstanding the provisions set forth in Section 13B.2.3. of Chapter 1A, the decision of the City Planning Commission shall be final and not further appealable.

(i) **Projects Requesting More Than One Waiver.** Waivers shall be reviewed pursuant to the Findings described in Section 12.22 A.38(d)(5) of this Code.

Exception. A project utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(3)(i) is not eligible to request a Waiver.

(5) **Findings for Waivers.** A Waiver requested pursuant to the procedures described in this paragraph shall be approved by the applicable decision-making authority unless that decision-making authority makes one of the following findings:

(i) The Development Standard associated with a request for Waiver or will not have the effect of physically precluding the construction of a development meeting the eligibility criteria described in Paragraph (c) at the densities or with the Base Incentives or Additional Incentives permitted under this subdivision.

(ii) The Waiver would have a Specific Adverse Impact, as defined in California Government Code Section 65589.5(d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact. Inconsistency with the zoning ordinance or General Plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety.

(iii) The Waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(iv) The Waiver would be contrary to state or federal law.

(6) **Other Discretionary Approvals.** Applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply to a project seeking another discretionary approval in conjunction with an application pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision maker must approve the requested Base Incentives and Additional Incentives, either on or not on the Menu of Incentives described in Paragraph (h), requested under this subdivision unless the decision maker, based upon substantial evidence, makes one or more of the disapproval findings described in Section 12.22 A.38(h)(1) of this Code.

(7) **One Hundred Percent Affordable Housing Projects.** One Hundred Percent Affordable Housing Projects shall be reviewed pursuant to Section 12.22 A.39 of this Code.

(8) **Density Bonuses, Incentives or Waivers Exceeding this Subdivision.** A project that seeks additional Density Bonuses, Incentives

or Waivers beyond what is expressly allowed by this subdivision, shall be reviewed pursuant to Section 12.22 A.37 of this Code, along with the requirements and findings in Section 12.24 U.26 of this Code for additional density if applicable.

(9) **Applicability of Procedures, Program Standards and Incentives.** A project shall only be eligible for review through this Subdivision 38, including any Incentive menus or options, if on or after the operative date of this subdivision both a new entitlement application is filed and associated fees are paid.

(e) **Transit Oriented Incentive Area.**

(1) **Eligibility.** A project may seek Base Incentives by satisfying the eligibility criteria for this project type as described in Paragraph (c), and according to the eligibility criteria for Transit Oriented Incentive Areas described below.

(i) Each one-half mile radius (2,640 feet) around a Major Transit Stop, shall constitute a unique Transit Oriented Incentive Area.

(ii) Each lot within a Transit Oriented Incentive Area shall be determined to be in a specific subarea based on the shortest distance between any point on the lot and a qualified Major Transit Stop as delineated in Table 12.22 A.38(e)(1)(iv) below.

(iii) Each lot in a Transit Oriented Incentive Area shall be determined to be in a specific Transit Oriented Incentive Area (T-1, T-2, T-3) based on the shortest distance between any point on the lot and a qualified Major Transit Stop.

Table 12.22 A.38(e)(1)(iv) Transit Oriented Incentive Area Subareas¹			
Type of Major Transit Stop	Eligibility Subarea Based on Distance to Major Transit Stop		
Description	T-1	T-2	T-3
Two Regular Buses (intersection of two non-Rapid Bus Lines each with at least 20-minute average peak headways)	<2640 feet	-	-
Regular plus Rapid Bus (intersection of a regular bus and a Rapid Bus line)	750 - 2640 feet	<750 feet	-
Two Rapid Buses (intersection of two Rapid Bus lines)	1500 - 2640 feet	<1500 feet	-
Metrolink Rail Stations	750 - 2640 feet	<750 feet	-
Metro Rail Stations and Bus Rapid Transit Stations	-	≤ 2640 feet	<750 feet from intersection with another rail line or a Rapid Bus

Footnote:

1. Major Transit Stop (MTS), MTS type, and Subarea verification (T-1,2,3) are analyzed separately. MTS types and Subareas reliant on the presence of a Rapid Bus, do not need to use the Rapid Bus as the basis for first identifying the MTS. For example, the Regular Plus Rapid Bus MTS type could be based on two regular buses that constitute the MTS, plus a Rapid Bus that stops at the MTS.

(2) **Base Incentives.** A project shall be granted Base Incentives established in Table 12.22 A.38(e)(2)(i), in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this subdivision. A project that qualifies for Base Incentives established in the table below shall also be eligible for Public Benefit Options listed in Paragraph (i) of this subdivision. For Type I Unified Adaptive Reuse Projects that meet the eligibility criteria established in Section 12.22 A.38(c) of this Code, notwithstanding the Density Bonuses described in Table 12.22 A.38(e)(2)(i), the density shall be limited by floor area and Base Incentives for Parking, FAR, and Height shall only apply to the project's new construction.

**Table 12.22 A.38(e)(2)(i)
Transit Oriented Incentive Area Base Incentives**

Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each subarea, the required parking ratio shall be as follows: ^{1 2 6}	In each subarea, the maximum allowable FAR shall be as follows: ^{3 4}	In each subarea, the maximum allowable height permitted shall be equal to the following: ⁵
T-1	Moderate and Lower Opportunity Areas: 100%	No parking minimum required. If parking is provided, up to 40% of spaces may be provided as compact vehicular spaces. Tandem parking may also be permitted so long as a 24-hour attendant is present on-site.	R - zones: 40% increase.	One additional story, up to 11 additional feet.
			C - zones: 3.25:1 max. total, or 40% increase, whichever is greater.	
	Higher Opportunity Areas: 120%		R - zones: 40% increase.	
			C - zones: 4.2:1 max. total, or 45% increase, whichever is greater.	
T-2	Moderate and Lower Opportunity Areas: 110%		R - zones: 40% increase.	Two additional stories, up to 22 additional feet.
			C - zones: 4.2:1 max. total, or 50% increase, whichever is greater.	
	Higher Opportunity Areas: Limited by Floor Area		R - zones: 45% increase.	
			C - zones: 4.5:1 max. total, or 50% increase, whichever is greater.	
T-3	Moderate and Lower Opportunity Areas: 120%		R - zones: 45% increase.	Three additional stories up to 33 additional feet.
			C - zones: 4.5:1 max. total, or 50% increase, whichever is greater.	
	Higher Opportunity Areas:		R - zones: 50% increase.	

	Limited by Floor Area		C - zones: 4.65:1 max. total, or 55% increase, whichever is greater.	
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Footnotes:

1. Required automobile parking applies for all residential units in a project (not just the Restricted Affordable Units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with Section 12.21 A.5 of this Code. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with Section 12.21 A.5(h)(2) of this Code may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.
2. Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.
3. The maximum increase in the allowable Floor Area Ratio (FAR) permitted shall be equal to the table above, provided that any additional floor area provided through this paragraph is utilized only by the new residential units and required amenity areas for the residential units. Any non-residential uses shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.
4. For the purpose of applying this Incentive, commercial zones include Hybrid Industrial zones, Commercial Manufacturing zones and any defined area in a Specific Plan or overlay district that allows for both commercial uses and residential uses.
5. The increase in height shall be applicable to a project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use Projects.
6. Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

(ii) Exceptions to Base Incentives.

a. A site with a Maximum Allowable Residential Density of less than 5 units shall be eligible for the following Density Bonuses:

- i. T-1: 60%
- ii. T-2: 70%
- iii. T-3: 80%

b. A site with a Maximum Allowable Residential Density of less than 5 units that has a Designated Historic Resource or Non-Contributor, shall not be eligible for Incentives to increase allowable FAR or height above one additional story, up to 11 additional feet.

c. In a Specific Plan or overlay district that has a FAR available through its own development bonus or incentive program to provide affordable housing, a project may utilize the bonus FAR of the Specific Plan or overlay district in lieu of the FAR maximum described above in Table 12.22 A.38(e)(2)(i).

(iii) **Roadway Widening.** A project shall be exempt from any applicable roadway widening requirements, which for the purposes of this Base Incentive shall mean the relocation of an established curb or curb and gutter, pursuant to Section 12.37 of this Code. A project shall further be eligible for relief from some required dedication, where specified by Section 12.37 of this Code. Required dedications and improvements shall conform to the Street Dedication and Improvement Investigation Criteria adopted or amended pursuant to Council File 22-1476. Granting of this Base Incentive for roadway widening relief shall not require a project to seek approval pursuant to the procedures described in Section 12.37 I (Waiver and Appeals) of this Code. A project utilizing this Incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including but not limited to sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to Section 12.37 I (Waivers and Appeals) of this Code shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

a. **Exceptions.** A project in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or a project subject to procedures in Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

(f) **Opportunity Corridor Incentive Area.**

(1) **Eligibility.** A project may seek Base Incentives by satisfying the eligibility criteria for this project type in Paragraph (c), and the below requirements that include the Opportunity Corridor Incentive Area subareas, described in Table 12.22 A.38(f)(1)(i), below.

Table 12.22 A.38(f)(1)(i) Opportunity Corridor Incentive Area Subareas		
Eligibility Subarea	Corridor Requirements	Geographic Criteria
OC-1	Corridors with Frequent Bus Service	Lots in whole or in part in Higher Opportunity Areas
OC-2	Corridors with High Quality Transit Service	
OC-3	Corridors within one - half mile from Metro Rail Station or Portal and Bus Rapid Transit Stop	

(ii) **Corridor Access.** A project must provide Direct Pedestrian Access to the eligible Opportunity Corridor.

(iii) **Frontage.** Each eligible lot must provide a minimum 25-foot frontage along the eligible Corridor, or be part of a Consolidated Development with a 25-foot frontage along the eligible Corridor.

(iv) **Street Designations.** A Corridor in and OC-1 and OC-2 eligibility subareas includes Local and Collector street designations as identified in the Mobility Element of the General Plan. A Corridor in the OC-3 eligibility subarea shall be limited to Avenue and Boulevard street designations as identified in the Mobility Element of the General Plan.

(2) **Base Incentives.** A project shall be granted Base Incentives established in this paragraph as defined in Table 12.22 A.38(f)(2)(i) below, in exchange for the required minimum percentage of Restricted Affordable Units established in Section 12.22 A.38(c)(3) of this Code. A project that qualifies for Base Incentives established in Table 12.22 A.38(f)(2)(i) below shall also be eligible for Public Benefit Options listed in Paragraph (i) of this subdivision. For a Type I Unified Adaptive Reuse Project that meet the eligibility criteria established in Section 12.22 A.38(c) of this Code, the Base Incentives shall only apply to the project's new residential units and required amenity areas for the residential units.

Table 12.22 A.38(f)(2)(i) Opportunity Corridor Incentive Area Base Incentives				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio	Height
Description	In each subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each subarea, the required parking ratio shall be as follows: ^{1 2 5}	In each subarea, the maximum allowable FAR permitted shall be as follows: ³	In each subarea, the maximum allowable height permitted shall be equal to the following: ⁴
OC-1	Limited by Floor Area	No Parking required.	R - zones: 45% increase. C - zones: 4.5:1, or 50% increase, whichever is greater.	One additional story, up to 11 additional feet; or a maximum allowable height of 5 total stories, whichever is greater.
OC-2			R - zones: 50% increase. C - zones: 4.65:1, or 55% increase, whichever is greater.	Two additional stories, up to 22 additional feet; or a maximum allowable height of 6 total stories, whichever is greater.
OC-3			4.8:1, or 60% increase, whichever is greater.	Three additional stories, up to 33 additional feet; or a maximum allowable height of 7 total stories, whichever is greater.

Footnotes:

1. Required automobile parking applies for all residential units in an eligible project (not just the Restricted Affordable Units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with LAMC Section 12.21 A.5. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with LAMC Section 12.21 A.5(h)(2) may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times.
2. Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.
3. The maximum increase in the allowable FAR permitted shall be equal to the table above, provided that any additional floor area provided through this subdivision is utilized only by the new residential units and required amenity areas for the residential units. Any non-residential uses shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.
4. The increase in height shall be applicable to a project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use projects.
5. Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

(ii) **Exceptions.**

a. A site with a Designated Historic Resource or Non-Contributor shall not be eligible for an Incentive to increase allowable FAR or height above one additional story, up to 11 additional feet.

b. In a Specific Plan or overlay district that has a FAR available through a development bonus or incentive program to provide affordable housing, a project may choose to utilize the Bonus FAR and affordability requirement of the Specific Plan or overlay district in lieu of the FAR maximum described above in Table 12.22 A.38(e)(2)(i).

(iii) **Roadway Widening.** A project shall be exempt from any applicable roadway widening requirements pursuant to Section 12.37 of this Code which for the purposes of this Base Incentive shall mean the relocation of an established curb or curb and gutter, pursuant to Section 12.37 of this Code. A project shall further be eligible for relief from some required dedication, where specified by Section 12.37 of this Code. Required dedications and improvements shall conform to the Street Dedication and Improvement Investigation Criteria adopted or amended pursuant to Council File 22-1476. Granting of this Base Incentive for roadway widening shall not require a project to seek approval pursuant to the procedures described in Section 12.37 I (Waiver and Appeals) of this Code. A project utilizing this Incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including but not limited to sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to Section 12.37 I (Waivers and Appeals) of this Code shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

a. **Exceptions.** A project in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or Projects subject to procedures in Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

(g) **Opportunity Corridor Transition Incentive Area.**

(1) **Eligibility.** A project may seek Base Incentives by satisfying the eligibility criteria for this project type in Paragraph (c), and the below criteria for Opportunity Corridor Transition Incentive Area subareas, described in Table 12.22 A.38(g)(1)(i), below.

Table 12.22 A.38(g)(1)(i) Opportunity Corridor Transition Incentive Area Subareas			
Eligibility Subarea	Site Requirements	Eligible Underlying Project Zones	Geographic Criteria
CT-1	Lots in whole or in part within 750 feet of the rear property line of a lot located within an Opportunity Corridor Incentive Area.	RD zones and R2 zones	Higher Opportunity Areas
CT-2	Lots in whole or in part within 500 feet of the rear property line of a lot located within an Opportunity Corridor Incentive Area.		
CT-3	Lots in whole or in part within 250 feet of the rear property line of a lot located within an Opportunity Corridor Incentive Area.		

(ii) **Property Line Measurement.** Opportunity Corridor Transition Incentive Area subareas are defined by measuring the distance from the rear property line of the lots located within an Opportunity Corridor Incentive Area. Where a lot is a Reverse Corner Lot in an Opportunity Corridor Incentive Area, distance shall be measured from the lot's property line parallel to the Opportunity Corridor. In the case that lots within the Opportunity Corridor Incentive Area are abutting or are consolidated, the buffer measurement will not be adjusted to accommodate the new rear property line of the consolidated site.

(iii) **Exceptions.**

a. A site with a Designated Historic Resource, or Non-Contributor shall not be eligible for CT-3 Incentives, but is eligible for CT-2 Incentives if the lot meets all other criteria.

(2) A project utilizing the Opportunity Corridor Transition Incentive Area Base Incentives as defined in Paragraph (g)(3)(i) is not eligible to request a Waiver. An Opportunity Corridor Transition Incentive Area Project is also not eligible to combine requests for Incentives on or off any other Incentive menu. However, a project may request to use the Incentives from a lower eligibility subarea.

(3) **Base Incentives.** A project shall be granted Base Incentives established in this paragraph as defined in Table 12.22 A.38(g)(3)(i) below, in exchange for the required minimum number of Restricted Affordable Units established in Paragraph (c)(3) of this subdivision for the Opportunity Corridor Transition Incentive Area. The Base Incentives in Table 12.22 A.38(g)(3)(i) are expressed as project site maximums, and are not in addition to a site's underlying Development Standards. The maximum density corresponds to a maximum Floor Area Ratio (FAR) and height in the table cell to the immediate right, and may not be mixed with greater FAR and height maximums. However, nothing in Table 12.22 A.38(g)(3)(i) is intended to prevent a project from voluntarily providing parking or using a lower maximum density, height or FAR.

Table 12.22 A.38(g)(3)(i) Opportunity Corridor Transition Area Base Incentives					
Eligibility Subarea	Density Bonus	Floor Ratio (maximum permitted)	Area	Parking	Height (maximum permitted)
Description	In each subarea, the maximum Density including bonus shall be as follows:	For each subarea, the maximum FAR shall be equal to the following:		Required automobile parking for all residential units in a project (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows: ^{1 3}	In each subarea, the maximum allowable height permitted shall be as follows:
CT-1A ²	4 units	1.15:1		No parking required.	2 stories
CT-1B ²	5 units	1.30:1			
	6 units	1.45:1			
CT-2	7 units	1.60:1			3 stories
	8 units	1.75:1			
	9 units	1.90:1			
	10 units	2.0:1			
CT-3	11 units	2.15:1			
	12 units	2.30:1			
	13 units	2.45:1			
	14 units	2.60:1			
	15 units	2.75:1			
	16 units	2.90:1			

Footnotes:

1. Pursuant to California Civil Code Section 1947.1, provided parking shall be sold or rented separately from the units in properties with 16 or more units, as verified by the Los Angeles Housing Department.

2. Sites are eligible for CT-1 site requirements from Table 12.22 A.38(g)(1)(i).
3. Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.

(ii) **Lot Requirements.** A project is eligible for a reduction of an otherwise required Lot standard as part of a subdivision as follows:

- a. Minimum Lot Area: 600 square feet
- b. Minimum Lot Width: 15 feet
- c. Minimum Lot Access: A 3-foot pedestrian access easement may be provided in lieu of vehicular access requirements.

(iii) **Yards.** A project is eligible for a reduction of an otherwise required Yard standard to the following minimums:

- a. Front yard setback of 10 feet.
- b. Side yard setback of 4 feet for a three-story structure, or 3 feet for a two-story structure.
- c. No interior side yard setback shall be required for buildings that are part of the same development.
- d. Rear yard setback of 4 feet, provided structures maintain a height of less than 26 feet within 15 feet of the rear property line.
- e. Alley setback of zero feet for structures that maintain a height of less than 26 feet for at least the first 15 feet from the alley.

(iv) **Multi-Bedroom Units.** A project that includes a minimum of 40% of Total Units as 3-bedrooms or larger, shall be granted either additional Floor Area up to 0.5 FAR or an additional 11 feet in height. This is provided the project provides the City with a covenant in favor of the City that is recorded in the development site's chain of title in order to guarantee that the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional residential units in the future.

(v) **Building Spacing and Passageways.** A project does not need to meet zoning requirements related to spaces between buildings or passageways pursuant to Section 12.21 C.2 of this Code.

(vi) **Consolidated Development.** In the case that an Opportunity Corridor Transition Area Incentive Project consolidates multiple lots, the Density Bonuses established in Table 12.22 A.38(g)(3)(i) shall be available to each lot. However, FAR and height bonuses shall not exceed the maximum permitted in Table 12.22 A.38(g)(3)(i).

a. For example, if two CT-1B lots are consolidated into one project, the project is eligible for up to 12 units, with 1.45:1 FAR maximum and a height maximum of 2 stories; or if two CT-2 lots are consolidated in one project, the project is eligible for up to 20 units, with a 2.0:1 FAR maximum and a height maximum of 3 stories.

b. If a project consolidates two lots of differing incentive areas, for example CT-2 and CT-3, the incentives of the more intense incentive area shall be permitted on both lots.

(vii) **Calculating Floor Area Ratio.** In lieu of the calculation of Buildable Area as defined in Section 12.03 of this Code, Floor Area Ratio or FAR shall be defined as the measurement of the total floor area of all buildings on a lot in relation to the size of the lot, inclusive of yards and setbacks.

(viii) **Roadway Widening.** A project shall be exempt from any applicable roadway widening requirements, which for the purposes of this Base Incentive shall mean the relocation of an established curb or curb and gutter, pursuant to Section 12.37 of this Code. A project shall further be eligible for relief from some required dedication, where specified by Section 12.37 of this Code. Required dedications and improvements shall conform to the Street Dedication and Improvement Investigation Criteria adopted or amended pursuant to Council File 22-1476. Granting of this Base Incentive for roadway widening shall not require a project to seek approval pursuant to the procedures described in Section 12.37 I (Waiver and Appeals) of this Code. A project utilizing this Incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including but not limited to sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to Section 12.37 I (Waivers and Appeals) of

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this Code shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

a. **Exceptions.** A project in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or a project subject to procedures in Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

(4) **Performance Standards.** A project approved pursuant to this subdivision shall meet the following Performance Standards, and no deviations from these standards shall be granted, except that any project resulting from the conversion of, or an addition up to a maximum of 1,200 square feet to, an existing structure need not comply with these standards.

(i) **Common Outdoor Open Space Standards.** A project shall provide at-grade Common Outdoor Open Space per Table 12.22 A.38(g)(4)(ii) that is accessible to all the residential tenants of a project. The Common Outdoor Open Space shall be open to the sky and have no structures that project into the area, except for Outdoor Amenity areas as described in Section 12.03 of this Code, and except for Projections into Yards as provided in Section 12.22 C.20(b) of this Code. This common open space requirement shall supersede the per residential unit calculation of common open space in Section 12.21 G.2 of this Code. In lieu of the provisions of Section 12.21 G.2 of this Code, a project must meet at least one Common Outdoor Open Space typology from the menu listed in Table 12.22 A.38(g)(4)(ii), below.

a. **Minimum Planting Area.** The Common Outdoor Open Space provided shall comply with the provisions of Section 12.21 G.2.(a)(3) of this Code regarding minimum planting area.

Table 12.22 A.38(g)(4)(ii) Common Outdoor Open Space Types Menu		
Common Outdoor Open Space Typologies:	Dimension Requirements (minimum)	Standards
Courtyard	<p>Courtyard width (minimum): 30% of lot width or 15 feet, whichever is greater</p> <p>Courtyard depth (minimum): 40% of lot depth (minimum)</p>	<p>Placement of courtyard shall comply with at least one of the following standards:</p> <ol style="list-style-type: none"> 1. The courtyard shall be oriented so that it and an existing open space courtyard on an adjoining lot (unseparated by a street or alley) work together to create the effect of one large open space. 2. The courtyard shall be contiguous with the minimum front yard setback creating a single deep combined courtyard that unites the minimum courtyard and front yard spaces. 3. The courtyard shall be an internal courtyard, entirely contained onsite.
Paseo	<p>Paseo width (minimum): 10% of lot width or 10 feet wide, whichever is greater</p> <p>Paseo depth (minimum): 60% of the lot depth</p>	<p>A Paseo shall be located between residential structures, perpendicular to the front lot line. A Paseo shall have a minimum 4 foot wide unobstructed pedestrian pathway accessible from the Ground Floor Frontage. A Paseo may be covered by architectural projections, but no structures or habitable space shall encroach on the Paseo, and it shall be for pedestrian use only.</p>
Rear Yard	<p>Rear Yard width (minimum): 50% of lot width</p> <p>Rear Yard depth (minimum): 10% of lot depth, or 15 feet, whichever is greater</p>	<p>Located adjacent to the rear property lot line and open to the sky.</p>

(iii) **Entrances.**

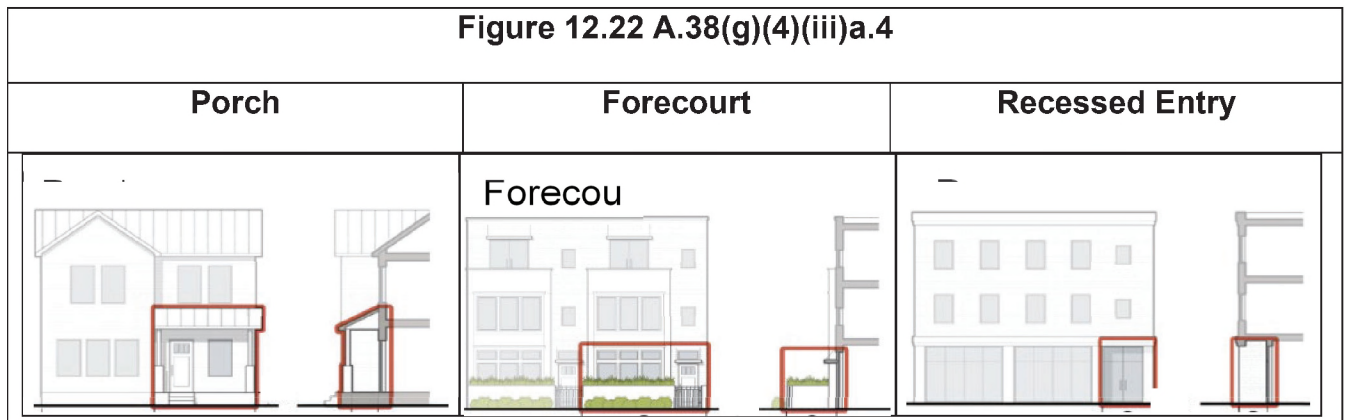
a. **Street-Facing Entrance.** Each unit fronting a public street (provided there is no structure located between the lot line and unit) shall have an entrance facing the public street and one of the following entry features:

1. **Porch.** A wide, raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed. A porch shall have a minimum depth of 4-1/2 feet, a minimum of 30% of the building width, and a finished floor elevation between 2 to 5 feet.

2. **Forecourt.** A yard screened with a short wall, fence or hedge that provides significant privacy for tenants located on the ground story, near sidewalk grade. A forecourt shall have a minimum depth of 8 feet, a minimum width of 10 feet, required covered entrance, and a fence or wall height between 2 feet and 6 inches, to 3 feet and 6 inches.

3. **Recessed Entry.** A space set behind the building face plane providing sheltered access to a street-facing entrance. A recessed entry shall have a depth between 3 to 15 feet minimum, and a maximum width of 5 feet, and a required covered entrance.

Figure 12.22 A.38(g)(4)(iii)a.4



(iv) **Ground Floor External Entrances.** A ground floor external entrance to units not located on a street-fronting lot line, shall have an entrance oriented towards the open space when adjacent to the open space.

(v) **Parking Areas, Garages, and Carports**

a. **Location.**

1. No above-ground parking areas including parking structures and parking stalls, shall be allowed between a Ground Floor Frontage and public right-of-way.

2. A new detached garages or carport shall be located behind the main building(s) facade, furthest from the Ground Floor Frontage Line.

3. An attached parking area shall be located either underground (subterranean or semi-subterranean) or behind any main building.

4. An access driveway shall be provided from an alley when present and determined feasible by the City's Department of Transportation.

(h) **Additional Incentives.** In addition to the Base Incentives established in Paragraphs (e) and (f), a project that satisfies eligibility criteria set forth in Section 12.22 A.38(c) of this Code shall have the ability to select up to four Incentives from the Menu of Incentives provided in Section 12.22 A.38(h)(2) of this Code below or use an Incentive to seek a deviation from a Development Standard elsewhere in the Los Angeles Municipal Code. Such a project may receive up to four Incentives provided a project includes the applicable percentage of Restricted Affordable Units (excluding units added by a Density Bonus) that is necessary to obtain the maximum number of Incentives available to an income category under California Government Code Section 65915, as listed in Table 12.22 A.37(f)(1)(i). Refer to Section 12.22 A.38(d) of this Code for the approval Procedure that is consistent with the project's Incentive request. A project utilizing the Opportunity Corridor Transition Incentive Area Base Incentives are not eligible for Additional Incentives on or off the Menu of Incentives in Section 12.22 A.38(h)(2) of this Code. For Type I Unified Adaptive Reuse Projects, Additional Incentives shall only apply to the project's new residential units and required amenity areas for the residential units.

(1) A project shall be eligible for up to four Additional Incentives. A project may request Incentives listed in Paragraph (f)(2) or use an

Incentive to seek a deviation from a Development Standard elsewhere in this Code or a project site's applicable zoning ordinance, Community Plan, Specific Plan, or overlay. Refer to Paragraph (d) for the approval Procedure that is consistent with the project's Incentive request.

(i) Incentives requested pursuant to the applicable procedure in Paragraph (d) of this subdivision shall be granted unless any one of the following written findings are made, based upon substantial evidence:

a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).

b. The Incentive will have a Specific Adverse Impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or General Plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety.

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

(2) **Menu of Incentives.** A project may elect to request one of the following Incentives not to exceed the allowed number of Incentives pursuant to Paragraph (h)(1) above. Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

(i) **Yards.** A project may request a reduction of otherwise required yards as follows in Table 12.22 A.38(h)(2)(i)a. In C zones, yard reductions from the Table may be requested as one Incentive. Separately in R zones, yard reductions from the Table may also be requested as one Incentive.

TABLE 12.22 A.38(h)(2)(i)a Allowed Yard Incentives	
Zone	Yard Incentive
C Zones	Side, Rear and Front Yards. A project may utilize any or all of the yard requirements for the RAS3 zone per Section 12.10.5 of this Code. A project on a commercially zoned site adjacent to a property zoned RD or more restrictive may provide a rear yard of not less than five feet.
R Zones	Front Yards. Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line of adjacent buildings along the same street frontage. Or, if a site is a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjacent building along the same front lot line. If there are no adjacent buildings, no reduction is permitted. If a project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.
	Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.

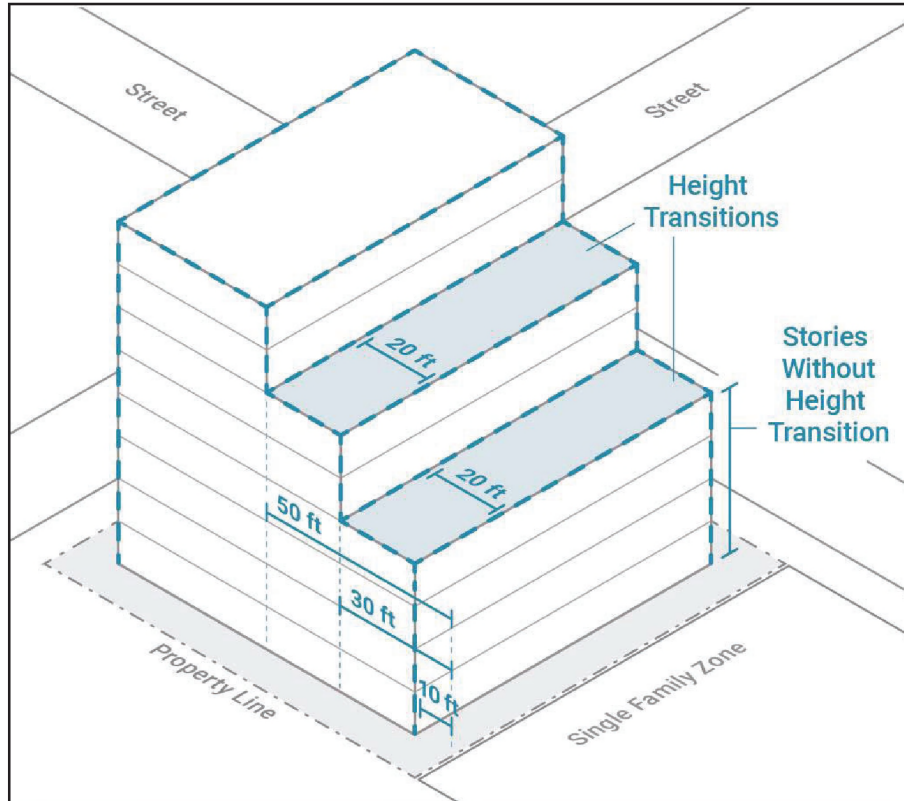
(ii) **Ground Floor Height.** A project involving the construction of a new building or addition may receive up to a 20% reduction in any Ground Floor Height restrictions contained in an overlay, Specific Plan, Q condition or D condition.

(iii) **Transitional Height.** A project may select the following transitional height requirements in Table 12.22 A.38(h)(2)(iii)a below, as illustrated by Figure 12.22 A.38(h)(2)(iii)b, in lieu of those found in: Section 12.21.1.A.10 of this Code; any applicable transitional height limits in a project site's applicable zoning, Community Plan, Specific Plan, or overlay; any requirements for reduced building heights or setbacks when a project site is adjoining a RW1 or more restrictive zone; the transitional height requirements found in Section 12.21.1.A.10 of this Code or any applicable Specific Plan or overlay for the portion of a project site abutting the OS zone

TABLE 12.22 A.38(h)(2)(iii)a Allowed Transitional Height Incentives	
	Step Back Distance*
Side or Rear Setback	10-feet
4 Story Step-Back	30-feet
6 Story Step-Back	50-feet

*Setback and Step-back is measured from the property line.

FIGURE 12.22 A.38(h)(2)(iii)b



(iv) **Building Spacing and Passageways.** A project subject to the provisions set forth in Section 12.21 C.2 of this Code may request a reduction in building spacing and passageway requirements as follows:

- a. Up to a 30% reduction in the space between buildings required pursuant to Section 12.21 C.2(a) of this Code; and
- b. Up to a 50% reduction in the width of the passageway required pursuant to Section 12.21C.2(b) of this Code or the space provided to meet a site's side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the project site.

(v) **Lot Coverage.** A project may request up to a 20% increase in lot coverage limits, provided that the landscaping for the project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.

(vi) **Lot Width.** A project may request up to a 25% decrease from a lot width requirement, provided that the landscaping for the project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.

(vii) **Open Space.** In lieu of the open space calculations set forth in Section 12.21 G.2 of this Code, a project may calculate their usable open space requirement as 15% of the total lot area or 10% of the total floor area confined within the perimeter walls of the provided Residential Units, whichever is greater, provided that the overall design of the project meets a minimum of 30 points under the Landscape and Site Design Ordinance pursuant to Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a) of this Code. Usable open space provided as Private Open Space shall comply with Section 12.21 G.2(b) of this Code.

(viii) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as a

part of the lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located.

(ix) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A project that is located on one or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space and residential and commercial parking over the project site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:

a. No further lot line adjustment or any other action that may cause the project site to be subdivided, shall be permitted subsequent to this grant during the life of the proposed project pursuant to a covenant running with the land that is recorded with the Los Angeles County Recorder prior to the issuance of any building permit; and

b. The proposed uses in the project are located on areas of the development site where the proposed uses are permitted by the underlying zone(s) of each lot; and

c. The proposed project is located on one or more contiguous lots that are not separated by a street or alley.

(x) **P Zone.** In lieu of the limitations described in Sections 12.12.1 and 12.12.1.5 of this Code, in a P or PB zone, a project may include the uses and area standards permitted in the least restrictive adjoining zone. For purposes of this P Zone Incentive the phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.

(xi) **Relief from a Development Standard.** A project may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, an overlay, a Specific Plan, a Community Plan, a Q Condition, or a D Condition. A project requesting this Incentive must provide landscaping for the project that meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System. This Incentive may be requested more than once but shall require the use of an Incentive for each request.

a. **Exception.** This Incentive shall not apply to Development Standards that regulate FAR, height, yards/setbacks, ground story requirements, signs, parking in front of buildings, required trees, pedestrian access, or usable open space. This Incentive shall not apply to a Designated Historic Resource, or Non-Contributor.

(i) **Public Benefit Options.** Per Paragraphs (e)(2) or (f)(2), all Projects that qualify for the Base Incentives contained in this subdivision shall be eligible for one or more of the following Public Benefit Options. A project utilizing the Opportunity Corridor Transition Incentive Area program is not eligible for Public Benefit Options. A project may utilize more than one Public Benefit Option if eligible, and development Incentives granted in exchange for Public Benefits may be stacked. These Public Benefit Options may be combined with the Additional Incentives in Paragraph (h). If a project includes five of the following Public Benefit Options, it shall receive an additional 11 feet in height.

(1) **Child Care Facility.** A project that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the project; and that records a covenant in the project site's chain of title to the benefit of the City using language to the satisfaction of the City, that requires the Child Care Facility be maintained for at least 55 years; shall be granted either of the following:

(i) An increase in the floor area of the project's residential unit space equal to the floor area of the Child Care Facility included in the project; or

(ii) An additional Incentive listed on the Menu of Incentives or not listed on the Menu of Incentives, using the procedures of Section 12.22 A.38(d)(2) of this Code as applicable, that contributes significantly to the economic feasibility of the construction of the Child Care Facility. A project that utilizes this Incentive may request an additional 11 feet in height.

(iii) Notwithstanding the Public Benefit Options available under this Subparagraph (1), pursuant to California Government Code Section 65915(h)(3), a Density Bonus or Incentive for a Child Care Facility shall not be provided if the applicable decision-maker finds, based on substantial evidence, that the community has adequate Child Care Facilities.

(2) **Multi-Bedroom Units.** A project that includes units with three bedrooms or more, and executes a covenant in favor of the City that is recorded in the development site's chain of title in order to guarantee that the qualifying multi-bedroom units will maintain the same bedroom

count and will not be converted to additional residential units in the future, shall be granted one of the following options to requested Floor Area and Height Incentives:

- (i) A Housing Development that includes three bedrooms or more in a minimum of 10% of its overall residential units (including units added by a Density Bonus) shall be granted additional Floor Area and/or Height as follows in Table 12.22 A.38(i)(2)(i)a in addition to what is available in the applicable FAR and Height incentive as listed for Base Incentives in Table 12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i); or

TABLE 12.22 A.38(i)(2)(i)a Additional FAR and Height for Multi-Bedroom Units		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2
75+	2.0:1	2

- (ii) Any Housing Development that includes residential units with three bedrooms or more shall be granted the following:

- a. An exemption of the square footage of all residential units with three or more bedrooms from the floor area calculations so that the specified residential units do not count against the maximum Floor Area allowed on the development site; and/or

- b. An additional story of height beyond what is available in the applicable height incentive as listed for Base Incentives in Table 12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i). The square footage of this additional story shall be limited to the square footage exempted as a result of applying Section 12.22 A.38(g)(3)(ii)a of this Code.

(3) **Preservation of Trees.** An additional 11 feet of height may be awarded for a project that maintains existing mature, Significant Trees (any tree that measures 12 inches or more in diameter at 4-1/2 feet above the average natural grade at the base of the tree and/or is more than 35 feet in height), as verified by a focused Tree Report prepared by a certified arborist. A covenant shall be filed in the project site's chain of title to the benefit of the City using language to the satisfaction of the Planning Department that requires the tree to be maintained for at least 15 years unless a certified arborist certifies that the tree is dead, dying, or dangerous to public health.

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

(5) **Active Ground Floor Exemption from Calculation of Floor Area.** An active use, up to 1,500 square feet, located on the ground story shall be exempt from the calculation of floor area.

(i) For the purpose of exempting an active use on the ground story from calculating floor area, active space shall be designed and intended for Neighborhood Retail and Service Uses. Areas for circulation, storage, mechanical equipment, parking, lobbies, mailrooms, laundry rooms, utilities, and waste collection shall not account for more than 15% of an area designated as an active use.

(ii) A project utilizing this option shall provide a ground story transparency of a minimum of 60% along the building Frontage.

(iii) A project utilizing this option shall provide a ground floor entrance at minimum every 50 feet along the front property line that provides both ingress and egress pedestrian access to the ground story of the building.

(6) **Privately Owned Public Space.** A project that provides 4% of buildable lot area that is dedicated as Privately Owned Public Space above the project site's required Common Outdoor Open Space, shall be eligible for a zero rear yard setback and shall be eligible to utilize the Additional Incentive titled Relief From a Development Standard, as described in Section 12.22 A.38(h)(2)(xi) of this Code, in order to deviate from site landscaping requirements.

(7) **Surveyed Historic Resource Facade Rehabilitation.** A project incorporating a Surveyed Historic Resource into the project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available and requested as an Incentive from the Base Incentives in Table 12.22 A.38(e)(2)(i) or Table 12.22 A.38(f)(2)(i), provided all of the following standards are met:

(i) The project retains all street Frontage facades to a depth of 10 feet, and

(ii) New Floor Area shall be setback behind the 10-foot retention area, except that outdoor open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In any instance where a lot contains dual-frontages, the setback shall be applied from both Frontages, and

(iii) Rehabilitation of the facade is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation, as supported by an expert study that has been accepted by the Office of Historic Resources, or demonstrated by the project plans and accepted by the Office of Historic Resources, if consistent with the applicable adopted Implementation Memorandum, Guidelines or Technical Bulletins of the Director of City Planning. This option does not apply if the Office of Historic Resources has determined that the Surveyed Historic Resource is not eligible for listing individually or as a contributor as described in the definition in Section 12.03 of this Code.

(j) **Program Standards.** The following Program Standards shall be applicable to any project that meets the eligibility criteria established in Paragraphs (e), (f), and (g) of this subdivision.

(1) **Eligibility For Other Density Bonus Programs.** A project seeking a Density Bonus or other development incentives pursuant to this subdivision is not eligible for a Density Bonus or other development incentives pursuant to the procedures of any other housing incentive program contained in the Los Angeles Municipal Code, a Community Plan, an overlay, Specific Plan, or any other City regulation or guideline. However, a project may utilize the streamlining procedures and Incentives for Adaptive Reuse Projects (Sec. 12.22 A.26 of this Code) and in the Housing Element Sites Streamlining Program (Sec. 16.70 of this Code), provided that the project meets the requirements for all utilized programs.

(2) **Calculating Maximum Allowable Residential Density.** The Maximum Allowable Residential Density of a project site shall be calculated pursuant to Government Code Section 65915(o)(6), before the

application of a Density Bonus, using the maximum number of units allowed under a project site's applicable zoning ordinance, Specific Plan, overlay, or General Plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, Specific Plan, or General Plan land use designation shall be applicable when determining a project site's density prior to the application of a Density Bonus. Residential units added using an incentive program contained in a Specific Plan, overlay, or other City program granting development bonuses, shall not count toward a project's Maximum Allowable Residential Density.

(3) **Calculating Restricted Affordable Units.** The required number of Restricted Affordable Units shall be calculated based on a project's Total Units and shall include any unit added by a Density Bonus awarded pursuant to this subdivision.

(4) **Calculating a Density Bonus.** For the purposes of calculating a Density Bonus, the following shall apply:

(i) Residential units that comprise a project shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on individual subdivision maps or lots.

(ii) An applicant for a project may have the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.

(5) **Fractional Numbers.**

(i) **Units.** For the purposes of this subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:

- a. Maximum Allowable Residential Density;
- b. Density Bonus units;
- c. Number of Restricted Affordable Units;
- d. Number of Replacement Housing Units;
- e. Vehicular Parking; and
- f. Number of Multi-Bedroom Units provided pursuant to Section 12.22 A.38(i)(2) of this Code.

(6) **Multiple Lots.** A building that crosses one or more lots is eligible for the Transit Oriented Incentive Area or Opportunity Corridor Incentive Area that corresponds to the lot with the highest incentive area benefits permitted in Table 12.22 A.38(e)(1)(iv) or Table 12.22 A.38(f)(1)(i).

(7) **Update Frequency.** The Director shall have the authority to issue and update eligibility maps on an annual basis in order to align the programs of this Subdivision 38 with updated zoning, transit and geographic data, including updates to Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC), and updates to the locations of Major Transit Stops.

(8) **Updates to Community Plans, Specific Plans, Transit Neighborhood Plans and Overlays.** Community Plans, Specific Plans, Transit Neighborhood Plans and overlays with sites eligible for project approval through the Mixed Income Incentive Program in this subdivision 38, shall meet at minimum the Base Incentives and required percentage of Restricted Affordable Units for every lot eligible. If a Community Plan Update, Specific Plan, Transit Neighborhood Plan, or overlay subsequently proposes to exceed the development Incentives or percentages of Restricted Affordable Units set forth in this subdivision, the Community Plan, Specific Plan, Transit Neighborhood Plan, or overlay may supersede the Transit Oriented Incentive Area program. If these provisions are met, these subsequently adopted land use plans shall not be subject to the Update Frequency provisions of Subparagraph (7) of Paragraph (j) above.

(i) **Exception.** If a Community Plan, Specific Plan, Transit Neighborhood Plan, or overlay subsequently assigns a site a zone that does not match the minimum Base Incentives for every lot eligible for the Transit Oriented Incentive Area program, the land use plan shall be required to demonstrate that the zoning action does not result in the net loss of residential capacity.

(9) **Request for a Lower Eligibility Subarea.** Even though a project site may be eligible for a certain Transit Oriented Incentive Area or Opportunity Corridor Incentive Area, an applicant may choose to select a lower Transit Oriented Incentive Area, Opportunity Corridor Incentive Area, or Opportunity Corridor Transition Incentive Area within the applicable Market Tier by providing the percentage of Restricted Affordable Units required for any lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area and be limited to the Incentives available for the lower Transit Oriented Incentive Area or Opportunity Corridor Incentive Area.

(10) **Replacement Housing Units.** A project approved under this subdivision must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and Section 16.60 of this Code, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this subparagraph may count towards any Restricted Affordable Unit requirements.

(11) **Standards for Restricted Affordable Units.** A project must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in Sections 16.61 B and C of this Code, and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning. Restricted Affordable Units are subject to a recorded affordability restriction of 55 years, or 99 years pursuant to Section 16.61 A of this Code as applicable, running from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of this Code.

(12) **Rent Schedules.** Restricted Affordable Units required as part of a project shall be rented at rates that do not exceed those specified in California Health and Safety Code 50052.5 for for-sale units or California Health and Safety Code Section 50053 for rental units. Restricted Affordable Units associated with One Hundred Percent Affordable Housing Projects shall comply with the Restricted Affordable Unit requirements set forth in Section 12.22 A.39(c) of this Code.

(13) **Implementation Memorandums, FAQs, Forms/Applications and User Guides.** The Director may prepare Implementation Memorandums, FAQs, Forms/Applications and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this subdivision and maintaining consistency with State Density Bonus Law.

(14) **Covenants.** Prior to the issuance of a building permit for any project qualifying for a Density Bonus pursuant to the provisions of this Subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this subdivision and set forth in Section 16.61 of this Code shall be recorded with the Los Angeles County Recorder.

(15) **Story.** A story for purposes of granting an Incentive or Waiver for additional height through this subsection shall be defined as 11 feet.

(k) Relationship to Other Laws, Plans, Requirements and Codes.

The following provisions shall govern the relationship of this Subdivision 38 to other laws, plans, requirements and codes for any project that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) A project that meets the eligibility criteria established in Paragraph (c) of this subdivision, and complies with the Procedures established in Paragraph (d) of this subdivision, may utilize a multiple family residential dwelling use with a minimum of two-thirds residential floor area even though use limitations may apply to a project site.

(2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraphs (e), (f), and (g), Additional Incentives described in Paragraph (h), Public Benefit Options described in Paragraph (i), or Waivers requested pursuant to Section 12.22 A.38(d)(4) of this Code differ from any otherwise applicable Community Plan, Specific Plan, overlay, supplemental use district, "Q" condition, "D" limitation, or citywide regulation established through Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this subdivision shall prevail where the project applicant seeks approval through this subdivision.

- (i) Alameda District Specific Plan (171,139)
- (ii) Avenue 57 Transit Oriented District (174,663)
- (iii) Bunker Hill Specific Plan (182,576)
- (iv) Century City North Specific Plan (156,122)
- (v) Century City West Specific Plan (186,370)
- (vi) Century City South Specific Plan (168,862)
- (vii) Coastal Bluffs Specific Plan (170,046)
- (viii) Coliseum District Specific Plan (185,042)
- (ix) Colorado Boulevard Specific Plan (178,098)
- (x) Convention Center and Arena Specific Plan (188,077)
- (xi) Cornfield Arroyo Seco Specific Plan (182,617)
- (xii) Crenshaw Corridor Specific Plan (184,795)
- (xiii) Devonshire/Topanga Corridor Specific Plan (168,937)

- (xiv) District No Ho Specific Plan (188,144)
- (xv) Exposition Corridor Transit Neighborhood Plan
(186,402)
- (xvi) Foothill Boulevard Corridor Specific Plan (170,694)
- (xvii) Girard Tract Specific Plan (170,774)
- (xviii) Glencoe/Maxella Specific Plan (171,946)
- (xix) Granada Hills Specific Plan (184,296)
- (xx) Hollywoodland Specific Plan (168,121)
- (xxi) Jordan Downs Urban Village Specific Plan (184,346)
- (xxii) Los Angeles Airport/El Segundo Dunes Specific Plan
(167,940)
- (xxiii) Los Angeles International (LAX) Specific Plan
(185,164)
- (xxiv) Los Angeles Sports and Entertainment District
Specific Plan (181,334)
- (xxv) Loyola Marymount University Specific Plan (181,605)
- (xxvi) Mt. Washington/Glassell Park Specific Plan (168,707)
- (xxvii) Mulholland Scenic Parkway Specific Plan (167,943)
- (xxviii) North Westwood Village Specific Plan (163,202)
- (xxix) Oxford Triangle Specific Plan (170,155)
- (xxx) Pacific Palisades Commercial Village and
Neighborhood Specific Plan (184,371)
- (xxxi) Paramount Pictures Specific Plan (184,539)
- (xxxii) Park Mile Specific Plan (162,530)
- (xxxiii) Playa Vista Area B Specific Plan (165,638)
- (xxxiv) Playa Vista Area C Specific Plan (165,639)

- (xxxv) Playa Vista Area D Specific Plan (176,235)
- (xxxvi) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)
- (xxxvii) Porter Ranch Land Use/Transportation Specific Plan (180,083)
- (xxxviii) Redevelopment Plans (186,325)
- (xxxix) San Gabriel / Verdugo Mountains Scenic Preservation Specific Plan (175,736)
- (xl) San Vicente Scenic Corridor Specific Plan (173,381)
- (xli) University of Southern California University Park Campus Specific Plan (182,343)
- (xlii) Valley Village Specific Plan (168,613)
- (xliii) Venice Coastal Zone Specific Plan (175,693)
- (xliv) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)
- (xlv) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)
- (xlvi) Warner Center 2035 Plan (182,766)
- (xlvii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)
- (xlviii) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)
- (xlix) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

(3) Despite Section 11.05 (Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which are Referenced to in the Los Angeles Municipal Code) of this Code, any references to State or Federal statutes or regulations in this subdivision shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted. This general rule is intended to control over a specific rule to the contrary and

shall not be subject to the rule of statutory construction that where there is a conflict, a specific statute controls over a general statute. References within this subdivision to requirements of other City or government agencies or chapters of the Los Angeles Municipal Code, as well as other local, state, and federal codes are provided for informational purposes and are not intended to be comprehensive or to provide exemption from any additional applicable regulations from other City or government agencies or sections of the Los Angeles Municipal Code not explicitly referenced in this subdivision.

(l) **Interpretations Consistent with State Density Bonus Law.** This subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this subdivision becomes inconsistent with California Government Code Sections 65915-65918, as Determined by the Director of Planning the provisions of State Density Bonus Law shall apply.

Sec. 10. A new Subdivision 39 is added to Subsection A of Section 12.22, Article 2, Chapter I of the Los Angeles Municipal Code to read as follows:

39. Affordable Housing Incentive Program

(a) **Purpose.** The purpose of this subdivision is to establish procedures for implementing State Density Bonus requirements as set forth in California Government Code Sections 65915-65918 for affordable housing projects, including Priority Housing Projects, and to increase the production of affordable housing citywide with tailored application for sites on parking (P) zones, public facility (PF) zones, and sites owned by Public Agencies, Faith-Based Organizations and nonprofit Community Land Trusts and Cooperatives. In conjunction with the Incentives granted by state law, this subdivision shall offer Incentives and Waivers for the purposes of increasing the feasibility of affordable housing construction.

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

Faith-Based Organization Project. A housing project located on land owned entirely, whether directly or through a wholly owned company or corporation, by a Religious Institution at the time of project filing, developed by or in partnership with a Qualified Developer. This includes ownership through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Public Benefit Corporation Law at California Corporations Code, Title 1, Division 2, Part 2, Section 5110 et seq.

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

Incentive. As defined in Section 12.03 of this Code.

Moderate Opportunity Areas. Moderate Resource Areas and areas experiencing moderate rates of rapid change as defined and identified by the California Tax Credit Allocation Committee (TCAC).

Public Agency. Refer to California Government Code Section 20056.

Public Land Project. A housing project located in a Public Facility (PF) Zone and/or located on lots owned by a Public Agency.

Qualified Developer. The same meaning as California Government Code Section 65913.16.(b)(9)(A-C), exclusive of (D). For purposes of this subdivision, a Qualified Developer shall also include a Community Development Financial Institution (CDFI) identified on the United States Department of the Treasury's CDFI Fund list of Certified CDFIs at the time of project filing, provided the CDFI maintains a non-profit status pursuant to Section 501(c)(3) of the United States Internal Revenue Code.

Religious Institution. Refer to California Government Code Section 65913.16.(b)(10).

Sea Level Rise Area. As defined in Section 12.03 of this Code.

Shared Equity Project. A housing project located on land owned by a Public Agency, a Community Land Trust as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust as defined in California Civil Code Section 817, except that residential units, in addition to being sold or rented to income qualified persons, may also be held by the non-profit corporation for the purpose of making Lower Income units (as defined in Sec. 12.03 of this Code) financially stable. The land must be owned by the Public Agency, Community Land Trust, Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust at the time of project filing through the issuance of a Certificate of Occupancy.

Shared Housing Building. As defined in Section 12.22 A.37(b) of this Code.

Shared Housing Unit. As defined in Section 12.22 A.37(b) of this Code.

Total Units. The complete number of residential units in a project after a Density Bonus is awarded pursuant to this subdivision.

Very Low Vehicle Travel Area. Refer to California Government Code Section 65915 (o)(9).

Waiver. As defined in Section 12.22 A.37(b) of this Code.

(c) **Eligibility Criteria.** To qualify for the provisions of this subdivision, a project must satisfy the following eligibility requirements:

(1) Satisfy the definition of a One Hundred Percent Affordable Housing Project, Public Land Project, Shared Equity Project, or a Faith Based Organization Project and have five or more Total Units. A project shall consist of Dwelling Units, except that a One Hundred Percent Affordable Housing Project may also consist of Shared Housing Units in a Shared Housing Building. A One Hundred Percent Affordable Housing Project that contains Shared Housing Units may seek approval through this Subdivision 39, however other projects that contain Shared Housing Units shall seek approval through Section 12.22 A.37 of this Code. For purposes of this Subdivision 39, the terms “residential units” or “units” shall refer to Dwelling Units, but for One Hundred Percent Affordable Housing Projects these terms shall also refer to Shared Housing Units due to the project type.

(2) Reserve a percentage of the project’s Total Units as Restricted Affordable Units as specified in Table 12.22 A.39(c)(2)(i).

TABLE 12.22 A.39(c)(2)(i) Required Percentage of Restricted Affordable Units	
Project Type	Minimum % of Total Units that are Restricted Affordable Units ¹
One Hundred Percent Affordable Housing Project	100% ¹
Public Land Project	80% ²
Faith-Based Organization Project	80% ³
Shared Equity Project	80% ⁴

Footnotes:

1. In a One Hundred Percent Affordable Housing Project per California Government Code Section 65915(b)(1)(G), all units including shared housing units in a shared housing building (including Density Bonus units but excluding a manager’s unit or staff units pursuant to California Government Code Section 65193.16), shall be Restricted Affordable Units for Lower Income households (California Health and Safety Code Section 50079.5), except that up to 20 percent of all units may be for Moderate Income households (California Health and Safety Code Section 50053 and 50093). The affordable rents for at least 20 percent of all units shall be set per California

Health and Safety Code Section 50053, and affordable rents for the remaining units shall be set for Lower Income households as determined by the California Tax Credit Allocation Committee. For for-sale units, the affordable housing costs are defined by California Health and Safety Code Section 50052.5.

2. A Public Land Project shall a percentage of residential units (excluding units added by a Density Bonus) as Restricted Affordable Units meeting one of the following income and affordability levels for one of the unit types specified in parentheses: 16 percent Very Low Income (for rent or sale), 25 percent Lower Income (for rent or sale), or 45 percent Moderate Income (for-sale only), as those referenced incomes, rents and housing costs are specified in California Government Code Section 65915. The remaining required Restricted Affordable Units may be set up to the maximum income, affordable rent, and affordable for-sale housing cost, for households earning up to 120 percent of the area median income as determined by the California Tax Credit Allocation Committee, or per California Health and Safety Code Sections 50052.5 and 50053. A project may elect to set these remaining Restricted Affordable Units at a lower income and affordability level. In addition, 20 percent of Total Units (inclusive of Density Bonus units) may be unrestricted.

3. A Faith Based Organization Project shall provide a percentage of residential units (excluding units added by a Density Bonus) as Restricted Affordable Units meeting one of the following income and affordability levels for one of the unit types specified in parentheses: 16 percent Very Low Income (for rent or sale), 25 percent Lower Income (for rent or sale), or 45 percent Moderate Income (for sale only) as those referenced incomes, rents and housing costs are specified in California Government Code Section 65915. The remaining required Restricted Affordable Units may be set up to the maximum income, affordable rent, and affordable for-sale housing cost for Lower Income households, as determined by the California Tax Credit Allocation Committee or per California Health and Safety Code Sections 50052.5 and 50053; but the exception is that up to 20 percent of the remaining Restricted Affordable Units may be set at an affordable rent or for-sale housing cost to households earning up to 120 percent of the area median income, as determined by the California Tax Credit Allocation Committee or per California Health and Safety Code Sections 50052.5 and 50053. A project may elect to set these remaining required Restricted Affordable Units at a lower income and affordability level. In addition, 20 percent of Total Units may be unrestricted.

4. A Shared Equity Project shall provide a percentage of residential units (excluding units added by a Density Bonus) as Restricted Affordable Units meeting one of the following income and affordability levels for one of the unit types specified in parentheses: 16 percent Very Low Income (for rent or sale), 25 percent Lower Income (for rent or sale), or 45 percent Moderate Income (for-sale only), as those referenced incomes, rents and housing costs are specified in California Government Code Section 65915. The remaining required Restricted Affordable Units may be set up to the maximum income, affordable rent, and affordable for-sale housing cost, for households earning up to 120 percent of the area median income as determined by the California Tax Credit Allocation Committee, or per California Health and Safety Code Sections 50052.5 and 50053. A project may elect to set these remaining Restricted Affordable Units at a lower income and affordability level. In addition, 20 percent of Total Units may be unrestricted.

(3) A One Hundred Percent Affordable Housing Project site shall not include any lots located in a single family or more restrictive residential zone (RW and more restrictive zone) if a project site's Maximum Allowable Residential Density is less than five units. A Shared Equity Project site shall not include lots located in a single family or more restrictive residential zone (RW and more restrictive).

(4) A Faith-Based Organization Project utilizing land purchased by a Religious Institution after January 1st, 2024, shall not include any lots located in a single family or more restrictive residential zone (RW and

more restrictive) unless the filing Religious Institution owns a lot with an existing Church or House of Worship use located within 528 feet of the project site.

(5) A One Hundred Percent Affordable Project with a Maximum Allowable Residential Density of less than five units, a Faith-Based Organization Project, or a Shared Equity Project, shall not include any lots located in a manufacturing zone that does not allow multiple family residential uses (M1, M2, M3), including sites zoned CM, MR1, and MR2 with no residential uses permitted from an applicable planning overlay.

(6) A One Hundred Percent Affordable Project that has a Maximum Allowable Residential Density of less than five units, a Faith-Based Organization Project, or a Shared Equity Project, shall not include any lots located in a Very High Fire Hazard Severity Zone (VHFHSZ), the Coastal Zone, or a Sea Level Rise Area.

(7) A Faith-Based Organization Project or Shared Equity Project, satisfies both the following where the project is located on a lot with a Surveyed Historic Resource that is classified as a historical resource, as defined by California Public Resources Code Section 21084.1 and determined by the Office of Historic Resources.

(i) If proposed alterations to a Surveyed Historic Resource do not meet the Secretary of the Interior's Standards for Rehabilitation, as supported by an expert study that has been accepted by the Office of Historic Resources, or demonstrated by the project plans and accepted by the Office of Historic Resources, if consistent with the applicable adopted Implementation Memorandum, Guidelines or Technical Bulletins of the Director of the City of Planning, the Discretionary Procedure pursuant to Section 12.22.A.39(d)(3) of this Code shall be followed; and

(ii) The Faith-Based Organization Project or Shared Equity Project does not require Demolition, as defined in Section 13B.8.1.C of Chapter 1A of this Code, of a Surveyed Historic Resource.

(8) The project does not require the demolition of a Designated Historic Resource, as demolition is defined in Section 13B.8.1.C of Chapter 1A of this Code, and any proposed alteration to a Designated Historic Resource shall not be approved until any required review pursuant to the Los Angeles Municipal Code, or any other state or federal law, is completed.

(9) A Type I Unified Adaptive Reuse Project, as defined in Section 12.22 A.26(h)(1) of this Code, that meets the definition of a One Hundred Percent Affordable Housing Project, Public Land Project, Faith-Based Organization Project, or a Shared Equity Project, and that complies with the eligibility criteria associated with the corresponding project type, applies both the following:

(i) The portion of the Type I Unified Adaptive Reuse Project consisting of new construction may be eligible for Base Incentives, Additional Incentives, and Public Benefits Options in Section 12.22 A.39 of this Code for the respective project type definition unless otherwise stated; and

(ii) The Type I Unified Adaptive Reuse Project shall comply with the Procedures set forth in Section 12.22 A.39(d) of this Code based on the corresponding project type definition and associated project request.

(d) **Procedures.** A project that meets the eligibility and other criteria of this subdivision shall be reviewed pursuant to the Procedures set forth below. Though an approval of a Density Bonus or Incentive pursuant to this subdivision shall not, in and of itself, trigger a General Plan Amendment, Zone Change, Project Review or other discretionary review actions required by this Code, the applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply to projects seeking other discretionary approvals in conjunction with an application pursuant to these procedures in Paragraph (d).

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

(i) **Exceptions.**

a. Faith-Based Organization Projects and Shared Equity Projects with a Surveyed Historic Resource shall seek approval pursuant to Subparagraph (2) of Paragraph (d).

(2) **Expanded Administrative Review.** The following projects shall be ministerially approved pursuant to Expanded Administrative Review, as set forth by the provisions of Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code. As defined in this subdivision, ministerial approval means an administrative process to

approve a “use by right” as this term is defined in California Government Code Section 65583.2 (i). The following projects use Expanded Administrative Review:

(i) A project that requests the Public Benefit Options. A project that requests only Public Benefit Options in Paragraph (g) and Additional Incentives listed on the Menu of Incentives shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D of Chapter 1A of this Code.

(ii) A project seeking Additional Incentives not listed on the Menu of Incentives described in Paragraph (f) pursuant to California Government Code Section 65915(d).

(iii) A project that requests only up to one Waiver. The Waiver shall be reviewed pursuant to the Findings described in Section 12.22 A.39(d)(5) of this Code.

(iv) A Faith Based Organization Project or Shared Equity Project with a Surveyed Historic Resource.

(v) A project requesting Additional Incentives from the Menu of Incentives that cannot comply with the criteria established in Section 12.22 A.39(f)(1)(ii) of this Code shall be subject to the Public Hearing procedures described in Section 13B.3.2.D of Chapter 1A of this Code in addition to the general procedures described in Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code.

(vi) A Public Land Project that received a preceding resolution of support from City Council, and request more than one Waiver. The Waiver shall be reviewed pursuant to the Findings described in Section 12.22 A.39(d)(5) of this Code.

(3) **Director’s Determination.** The Director of Planning shall review the following projects pursuant to Section 13B.2.5 of Chapter 1A of this Code:

(i) A project requesting up to three Waivers. Waivers shall be reviewed pursuant to the Findings described in Section 12.22 A.39(d)(5) of this Code.

(4) **City Planning Commission Review.** The following projects must file an application pursuant to Section 13B.2.3 of Chapter 1A of this Code. Notwithstanding the provisions set forth in Section 13B.2.3 (Class 3

Conditional Use Permit) of this Code, the decision of the City Planning Commission shall be final and not further appealable.

(i) A project that requests more than three Waivers. Waivers shall be reviewed pursuant to the Findings described in Section 12.22 A.39(d)(5) of this Code.

(5) **Findings for Waivers.** Any Waivers requested pursuant to the Procedures described in this paragraph shall be approved by the applicable decision-making authority unless that decision-making authority makes one of the following findings:

(i) The Development Standard associated with a request for Waiver will not have the effect of physically precluding the construction of a development meeting the eligibility criteria described in Paragraph (c) at the densities or with the Base Incentives and Additional Incentives permitted under this subdivision.

(ii) The Waiver would have a Specific Adverse Impact, as defined in California Government Code Section 65589.5(d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact. Inconsistency with the zoning ordinance or General Plan land use designation shall not constitute a Specific Adverse Impact upon the public health or safety.

(iii) The Waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(iv) The Waiver would be contrary to state or federal law.

(6) **Other Discretionary Approvals.** Applicable procedures set forth in Section 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code apply for a project seeking other discretionary approvals in conjunction with an application pursuant to the Procedures in Paragraph (d). Regardless of any other findings that may be applicable, the decision-maker must approve the requested Base Incentives and Additional Incentives, either on or not on the Menu of Incentives described in Section 12.22 A.39(f)(2) of this Code, requested under this subdivision unless the decision-maker, based upon substantial evidence, makes one or more of the disapproval findings described in Section 12.22 A.39(f)(1)(i) of this Code.

(7) **Density Bonuses, Incentives or Waivers Exceeding this Subdivision.** A project that seeks additional Density Bonuses, Incentives or Waivers beyond what is expressly allowed by the subdivision, shall be reviewed pursuant to Section 12.22 A.37 of this Code, along with the requirements and findings in Section 12.24 U.26 of this Code, for additional density if applicable.

(8) **Applicability of Procedures, Program Standards and Incentives.** If a public hearing, when required, has not yet been held for a project, and prior to the operative date of this subdivision a project's entitlement application was filed and associated fees paid, the applicant may elect to apply the Procedures and comply with the Program Standards of this subdivision. Any such project shall be subject to all other applicable provisions in Chapter 1 of this Code, including any Incentive menus or options, that were in effect on the date the application was filed and fees were paid. A project shall only be eligible for the Incentives of this subdivision, including any Incentive menus or options, if on or after the operative date of this subdivision both a new entitlement application is filed and associated fees are paid.

(e) **Base Incentives.** A project that meets the eligibility criteria established in Paragraph (c) may utilize Base Incentives described in this paragraph, in exchange for the required minimum percentage of Restricted Affordable Units established in Paragraph (c) of this subdivision. A project that qualifies for Base Incentives established in Table 12.22 A.39(e)(1) below shall also be eligible for Public Benefit Options listed in Paragraph (g).

TABLE 12.22 A.39(e)(1) Affordable Housing Incentive Program - Base Incentives				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
Description	In each Subarea, the maximum increase in the otherwise Maximum Allowable Residential Density shall be as follows:	In each Subarea, the required parking shall be as follows: ^{1,2}	In each Subarea, the maximum allowable FAR permitted shall be as follows ³ :	In each Subarea, the maximum increase in the allowable height permitted shall be equal to the following: ⁴
Citywide	Any Density Bonus provided by California Government Code Section	0.5 Parking Spaces per Unit. ⁵	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 1.5:1.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story,

TABLE 12.22 A.39(e)(1) Affordable Housing Incentive Program - Base Incentives				
Eligibility Subarea	Density Bonus	Parking	Floor Area Ratio (FAR)	Height
	65915. ⁵		Otherwise, the maximum FAR shall be: 3.0:1, or a 35% increase, whichever is greater.	whichever is greater. Otherwise, a maximum bonus of 22' or 2 stories, whichever is greater.
Lots located within a half mile of a Major Transit Stop or Very Low Vehicle Travel Area ⁶	Limited by Floor Area	No minimum parking required. ⁷	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 2.0:1. Otherwise, the maximum FAR shall be: 4.5:1, or a 50% increase, whichever is greater.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater. Otherwise, a maximum bonus of 33' or 3 stories, whichever is greater.
Higher Opportunity Areas or Moderate Opportunity Areas	Limited by Floor Area	No minimum parking required. Required parking for current or proposed non-residential uses may be reduced by 25%	Sites with a Maximum Allowable Residential Density of less than 5 units: The maximum FAR shall be equal to 2.5:1 Otherwise, the maximum FAR shall be: 4.65:1, or a 55% increase, whichever is greater.	Sites with a Maximum Allowable Residential Density of less than 5 units: Bonus of up to 11' or 1 story, whichever is greater. Otherwise, a maximum bonus of 33' or 3 stories, whichever is greater.

Footnotes:

1. Required automobile parking applies for all residential units in a project (not just the Restricted Affordable Units), inclusive of disabled and required guest parking, where applicable. All parking spaces provided shall comply with LAMC Section 12.21 A.5. Except that any combination of standard, compact or tandem spaces may be provided. Tandem parking spaces that do not comply with LAMC Section 12.21 A.5(h)(2) may be provided in any configuration as long as a parking attendant or an automated parking system is provided at all times. Consistent with California Government Code Section 65915(p)(4), required parking spaces provided may be uncovered.
2. For consistency with California Government Code Section 65913.6, parking that was previously required under a Conditional Use Permit pursuant to LAMC Section 12.24 for an existing "church" or "house of worship" use, or that would be required as part of a Conditional Use Permit for a proposed "church" or "house of worship" use, shall be reduced by 50%.
3. Provided that any additional floor area provided through this subdivision is utilized only by the new residential units and required amenity areas for the residential units. Any non-residential uses shall be limited to the FAR associated with a site's underlying zoning prior to the application of any Incentive.
4. The increase in height shall be applicable to a project over the entire project site regardless of the number of underlying height limits. The height increase may be applied to the maximum allowable height in feet or stories permitted by the zone, including for mixed-use projects.

5. No parking shall be required for a project meeting the criteria of California Government Code Section 65915(p)(3). No minimum parking is required for a Faith-Based Organization Project if there is a car share vehicle within one block of the lot.

(2) **Automobile Parking Zone.** In lieu of the limitations described in Sections 12.12.1 and 12.12.1.5 of this Code, in a P or PB zone, a project may utilize the Maximum Allowable Residential Density, uses, and applicable Development Standards permitted in the least restrictive adjoining zone.

(i) **Lots with Dual Zoning.** In cases where a lot contains split zoning with a P or PB Zone, the entire lot may utilize the Maximum Allowable Residential Density, uses, and applicable Development Standards of the least restrictive adjoining zone.

(3) **Public Land Project.** In lieu of the requirements in Sections 12.24 U.21 and 12.04.09 B.9 of this Code, a Public Land Project shall be permitted to utilize a multiple family residential dwelling use; the applicable Incentives identified for projects with a Maximum Allowable Residential Density of five in Table 12.22 A.39(e)(1); and either:

(i) Utilize Maximum Allowable Residential Density, uses, and applicable Development Standards as permitted in the least restrictive adjoining zone. Regardless of adjacent zoning, all Public Land Projects shall be granted a base Floor Area Ratio of 3.0:1, a base height of three stories or 33 feet whichever is greater; or

(ii) Seek more than one Waiver through an Expanded Administrative Review, as set forth by the provisions of Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code, where a project has received a preceding resolution of support from City Council.

(4) **Roadway Widening.** A project shall be exempt from any applicable roadway widening requirements, which for the purposes of this Base Incentive shall mean the relocation of an established curb or curb and gutter, pursuant to Section 12.37 of this Code. A project shall further be eligible for relief from some required dedication, where specified by Section 12.37 of this Code. Required dedications and improvements shall conform to the Street Dedication and Improvement Investigation Criteria adopted or amended pursuant to Council File 22-1476. Granting of this Base Incentive for roadway widening shall not require a project to seek approval pursuant to the procedures described in Section 12.37 I (Waiver and Appeals) of this Code. A project utilizing this Incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including, but not limited to, sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to

Section 12.37 I (Waivers and Appeals) of this Code shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

(i) **Exceptions.** A project in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or projects subject to procedures in Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

(5) **Exceptions.**

(i) A One Hundred Percent Affordable Housing Project with five or more units (excluding bonus units) pursuant to section (i) of California Government Code Sections 65915 shall not be eligible for the FAR and Parking Incentives indicated in Table 12.22.A.39(e)(1) and shall be limited to the Density Bonus, Parking, and Height Incentives for projects meeting the eligibility criteria of California Government Code Section 65915(b)(1)(G), as set forth in California Government Code Section 65915(d), (f) and (p) if any of the following is applicable:

a. The project is located in a Very High Fire Hazard Severity Zone, the Coastal Zone, or a Sea Level Rise Area; or

b. The project is located in a manufacturing zone that does not allow multiple family residential uses (M1, M2, M3) or is located in a hybrid industrial zone (CM, MR1, MR2) with residential use restrictions from an applicable planning overlay.

c. The project is located in a single-family or more restrictive residential zone (RW or more restrictive).

(ii) In a Specific Plan or overlay district that has FAR available through a development bonus or incentive program to provide affordable housing, a project may utilize the bonus FAR of the Specific Plan or overlay district in lieu of the FAR maximum described in Table 12.22 A.39(e)(1).

(iii) A Faith-Based Organization Project or Shared Equity Project shall be limited to the low density Base Incentives indicated in Table 22.A.39(e)(1) for a site with a Maximum Allowable Residential Density of less than five units, regardless of the underlying Maximum Allowable Residential Density or zoning of the project site.

a. **Measure ULA Exception.** A Shared Equity Project receiving funding from a program established under Ordinance 187692 (Measure ULA) shall be eligible for Incentives as determined by the project site's Maximum Allowable Residential Density.

(f) **Additional Incentives.** A project that satisfies the applicable eligibility criteria of this Subdivision 39 shall be granted a number of Additional Incentives pursuant to the provisions described below in addition to the Base Incentives established in Paragraph (e).

(1) A project shall be eligible for up to five Additional Incentives. A project that satisfies the applicable eligibility criteria of this Subdivision 39 may receive up to five Incentives provided a project includes the applicable percentage of Restricted Affordable Units (excluding units added by a Density Bonus) that is necessary to obtain the maximum number of Incentives available to an income category under California Government Code Section 65915, as listed in Table 12.22 A.37(f)(1)(i). A project may request Incentives listed in the Menu of Incentives in Paragraph (f)(2) or use an Incentive to seek a deviation from a Development Standard elsewhere in the Los Angeles Municipal Code or a project site's applicable zoning ordinance, Community Plan, Specific Plan, or overlay. Refer to Paragraph (d) for the approval Procedure that is consistent with the project's Incentive request.

(i) Incentives requested pursuant to the applicable procedure in Paragraph (d) of this subdivision shall be granted unless any one of the following written findings are made, based upon substantial evidence:

a. The Incentive does not result in identifiable and actual cost reductions, consistent with California Government Code Section 65915(k), to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).

b. The Incentive will have a Specific Adverse Impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or General Plan land use

designation shall not constitute a Specific Adverse Impact upon the public health or safety.

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

(ii) To be eligible for the Menu of Incentives described in Section 12.22 A.39(f)(2) of this Code a project shall comply with all of the following:

a. The project shall not be located in a Very High Fire Hazard Severity Zone, Sea Level Rise Area or the Coastal Zone.

b. The project would not require the Demolition, as Demolition is defined in Section 13B.8.1.C of Chapter 1A of this Code, of a Designated Historic Resource, or any Surveyed Historic Resource, eligible or architectural historic resource identified for any historic protection or special consideration or review by an applicable overlay or Specific Plan including sites located in the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b; the Southeast Los Angeles CPIO Section 1-6.C.5.b; the West Adams CPIO Ch.1, Section 6.C.5.b; the San Pedro CPIO Ch.1, Section 7.C.5.b; Westwood Village Specific Plan; Echo Park Community Design Overlay (CDO) District; or the North University Park Specific Plan.

c. The project shall not include any lots located in a manufacturing zone that does not allow multiple family residential uses (M1, M2, M3) or lots located in a hybrid industrial zone (CM, MR1, MR2) with residential use restrictions from an applicable planning overlay, except for Public Land Projects.

(2) **Menu of Incentives.** A project may elect to request any of the following Incentives not to exceed the allowed number of Incentives pursuant to Paragraph (f)(1) above. Each request from the Menu of Incentives shall constitute one Incentive request unless otherwise stated.

(i) **Yards.** A project contained in this subdivision may request a reduction of otherwise required yards as follows in Table 12.22 A.39(f)(2)(i)a. In C zones, yard reductions from the Table may be requested as one Incentive. Separately in R zones, yard reductions from the Table may also be requested as one Incentive.

TABLE 12.22 A.39(f)(2)(i)a Affordable Housing Incentive Program - Allowed Yard Incentives	
Zone	Yard Incentive
C Zones	Side, Rear and Front Yards. A project may utilize any or all of the yard requirements for the RAS3 zone per Section 12.10.5 of this Code. A project on a commercially zoned site adjacent to a property zoned RD or more restrictive may provide a rear yard of not less than five feet.
R Zones	Front Yards. Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line of adjacent buildings along the same street frontage. Or, if a site is a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjacent building along the same front lot line. If there are no adjacent buildings, no reduction is permitted. If a project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.
	Side and Rear Yards. Up to 30% decrease in the required width or depth of any individual yard or setback.

(ii) **Transitional Height.** No otherwise applicable requirement for transitional height including Section 12.21.1 A.10. of this Code, or any applicable transitional height limits in a project site's applicable zoning, Community Plan, Specific Plan, or overlay, including any requirements for reduced building heights when a project site is adjoining a more restrictive zone, shall need to be met.

(iii) **Ground Floor Activation.** Where nonresidential Floor Area is required by a zoning ordinance, Specific Plan, Community Plan Implementation Overlay, Pedestrian Overlay Zone, or other set of Development Standards, including to meet the definition of a Mixed Use Project in Section 13.09 B.3 of this Code, that requirement may be reduced by 50 percent and be satisfied by residential lobbies, community rooms, resident amenities spaces, child care centers, supportive services areas, or common open space or use whose primary purpose is to provide services and assistance to residents of the building or the general public.

(iv) **Ground Floor Height.** A project may request a 30% reduction in any ground floor height requirement.

(v) **Commercial Parking.** A project may request the elimination of any requirement to provide new or maintain existing automobile parking spaces associated with a commercial use that is proposed in conjunction with the project.

(vi) **Building Spacing and Passageways.** A project subject to the provisions set forth in Section 12.21 C.2 of this Code may request a reduction in building spacing and passageway requirements as follows:

a. Up to a 30% reduction in the space between buildings required pursuant to Section 12.21 C.2(a) of this Code.

b. Up to a 50% reduction in the width of the passageway required pursuant to Section 12.21 C.2(b) of this Code or the space provided to meet a site's side yard requirement, whichever provides a greater reduction. Passageways provided may extend from any public street adjacent to the project site.

(vii) **Lot Coverage.** Up to a 20% increase in lot coverage limits, provided that the landscaping for the project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.

(viii) **Lot Width.** Up to a 25% decrease from a lot width requirement, provided that the landscaping for the project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System.

(ix) **Open Space.** In lieu of the open space calculations set forth in Section 12.21 G.2 of this Code, a project requesting this Incentive may calculate its usable open space requirement as 15% of the total lot area or 10% of the total floor area confined within the perimeter walls of the provided residential units, whichever is greater, provided that the overall design of the project meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System. Common Open Space shall constitute at least 50% of the usable open space calculated under this incentive and shall be provided as outdoor space and comply with applicable provisions of Section 12.21 G.2(a) of this Code. Usable

open space provided as Private Open Space shall comply with Section 12.21 G.2(b) of this Code.

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

(xi) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A project that is located on two or more contiguous lots, not separated by a street or alley, may average and permit the floor area, density, open space, and residential and commercial parking over the project site, and permit vehicular use and access between a less restrictive zone and a more restrictive zone, provided that:

a. No further lot line adjustment or any other action that may cause the project to be subdivided, shall be permitted subsequent to this grant during the life of the proposed project pursuant to a covenant running with the land that is recorded with the Los Angeles County Recorder prior to the issuance of any building permit; and

b. The proposed uses in the project are located on areas of the development site where the proposed uses are is permitted by the underlying zone(s) of each lot; and

c. The proposed project is located on one or more contiguous lots that are not separated by a street or alley.

(xii) **Relief from a Development Standard.** A project may request up to 20% relief from a Development Standard contained in Chapter 1 of this Code, an overlay, a Specific Plan, a Community Plan, a Q Condition, or a D Condition. A project requesting this Incentive must provide landscaping for the projects that meets a minimum of 30 points under the Landscape and Site Design Ordinance of Section 12.40 of this Code, and the Landscape and Site Design Point System. This Incentive may be requested more than once, but shall require the use of an Incentive for each request.

a. **Exception.** This Incentive shall not apply to Development Standards that regulate FAR, height, yards/setbacks, signs, parking in front of buildings, required trees, pedestrian access, or usable open space. This

Incentive shall not apply to a Designated Historic Resource, or a Non-Contributor.

(xiii) **Lot Requirements.** A Faith Based Organization Project or a Shared Equity Project on a site with a Maximum Allowable Residential Density of less than five units is eligible for a reduction of otherwise required Lot standards, as part of a subdivision as follows:

- a. Minimum Lot Area: 600 square feet
- b. Minimum Lot Width: 15 feet
- c. Minimum Lot Access: A 3-foot pedestrian access easement may be provided in lieu of vehicular access requirements.

(xiv) **Yards.** A Faith Based Project or a Shared Equity Project on a site with a Maximum Allowable Residential Density of less than 5 units is eligible for the reduction of otherwise required Yard standards as follows:

- a. Front yard reductions are limited to no more than the average of the front yards, regardless of a required Building Line, of adjacent buildings along the same street frontage. Or, if a site is located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjacent building along the same front lot line. If there are no adjacent buildings, no reduction is permitted. If a project occupies all the lots on an entire street frontage, a reduction to the front yard is permitted so long as it is to the same dimension as a corresponding increase to the rear yard.
- b. A side yard setback of 4 feet for a three-story structure, or side yard setback of 3 feet for a two-story structure.
- c. No interior side yard setback shall be required for buildings that are part of the same development.
- d. Rear yard setbacks of 4 feet, provided structures maintain a height of less than 26 feet within 15 feet of the rear property line.

e. Alley setbacks of zero feet for structures that maintain a height of less than 26 feet in height for at least the first 15 feet from the alley.

(xv) **Building Spacing and Passageways.** A Faith Based Organization Project or Shared Equity Project on a site with a Maximum Allowable Residential Density of less than five units does not need to meet zoning requirements related to building spacing or passageways pursuant to Section 12.21 C.2 of this Code.

(g) **Public Benefits Options.** A project that qualifies for the Base Incentives contained in this Subdivision 39 shall be eligible for one or more of the following Public Benefit Options. A project may utilize more than one Public Benefit Option if eligible, and bonuses granted in exchange for Public Benefits may be stacked. These Public Benefit Options may be combined with the Additional Incentives granted pursuant to Paragraph (f). If a project includes 5 of the following Public Benefit Options, they shall receive an additional 11 feet in height. A Faith Based Organization Project, or a project located in Very High Fire Hazard Severity Zones, Coastal Zones or Sea Level Rise Areas, shall only be eligible for Public Benefit Options listed in Sections 12.22 A.39(g)(1) and 12.22 A.39(g)(4) of this Code.

(1) **Child Care Facility.** A project that includes a Child Care Facility located on the premises of, as part of, or adjacent to, the project; and that records a covenant in the project site's chain of title to the benefit of the City using language to the satisfaction of the City, that requires the Child Care Facility be maintained for at least 55 years, shall be granted either of the following:

(i) An increase in the Floor Area of the project's residential unit space equal to the Floor Area of the Child Care Facility included in the project; or

(ii) An additional Incentive listed on the Menu of Incentives or not listed on the Menu of Incentives, using the procedures of Section 12.22 A.39(d)(1) or (d)(2) of this Code as applicable, that contributes significantly to the economic feasibility of the construction of the Child Care Facility. A project that utilizes this Incentive may request an additional 11 feet in height.

(iii) Notwithstanding the Public Benefit Options available under this Subparagraph (1), pursuant to California Government Code Section 65915(h)(3), a Density Bonus or Incentive for a Child Care Facility shall not be provided if the applicable decision-maker

finds, based on substantial evidence, that the community has adequate Child Care Facilities.

(2) **Multi-Bedroom Units.** A Housing Development that includes units with three bedrooms or more, and executes a covenant in favor of the City that is recorded in the development site's chain of title in order to guarantee the qualifying multi-bedroom units will maintain the same bedroom count and will not be converted to additional residential units in the future, shall be granted one of the following options to requested Floor Area and Height incentives:

(i) A Housing Development that includes three bedrooms or more in a minimum of 10% of its overall residential units (including units added by a Density Bonus), shall be granted additional Floor Area and Height in addition to what is available through the Base Incentives in Section 12.22 A.39(e) of this Code as follows in Table 12.22 A.39(g)(2)(i)a; or

TABLE 12.22 A.39(g)(2)(i)a Additional FAR and Height for Multi-Bedroom Units		
Overall Residential Units (including Density Bonus Units)	Additional FAR	Additional Height (Stories)
0-30	0.5:1	1
31-50	1.0:1	1
51-75	1.5:1	2
75+	2.0:1	2

(ii) Any Housing Development that includes residential units with three bedrooms or more shall be granted the following:

a. An exemption of the square footage of all residential units with three or more bedrooms from the floor area calculations, so that the specified bedrooms do not count against the allowed floor area of the site; and/or

b. An additional story of height beyond what is available in the applicable height Incentive as listed for Base

Incentives in Paragraph (e). The square footage of this additional story shall be limited to the square footage exempted as a result of applying Section 12.22 A.39(g)(2)(ii)(a) of this Code.

(3) **Preservation of Trees.** Additional 11 feet of height may be awarded for projects that maintain existing mature, Significant Trees (any tree that measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height), as verified by a focused Tree Report prepared by a certified arborist. A covenant shall be filed in the project site's chain of title to the benefit of the City using language to the satisfaction of the City that requires the tree to be maintained for at least 15 years unless a certified arborist certifies that the tree is dead, dying or dangerous to public health.

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

(5) **Active Ground Floor Exemption from Calculation of Floor Area.** Active uses, up to 1,500 square feet, located on the ground story shall be exempt from the calculation of floor area.

(i) For the purposes of exempting active uses on the ground story from calculating floor area, active space shall be designed and intended for Neighborhood Retail and Service Uses. Areas for circulation, storage, mechanical equipment, parking, lobbies, mailrooms, laundry rooms, utilities, and waste collection shall not account for more than 15% of an area designated as an active use.

(ii) Projects utilizing this option shall provide a ground story transparency of a minimum of 60% along the building Frontage.

(iii) Projects utilizing this option shall provide a ground floor entrance at minimum every 50 feet along the front property line that provides both ingress and egress pedestrian access to the ground story of the building.

(6) **Privately Owned Public Space.** A project that provides 4% of buildable lot area that is dedicated as Privately Owned Public Space above the project site's required Common Outdoor Open Space, shall be

eligible for a zero rear yard setback and shall be eligible to utilize the Additional Incentive titled Relief From a Development Standard as described in Section 12.22 A.39(f)(2)(xii) of this Code in order to deviate from site landscaping requirements.

(7) **Surveyed Historic Resource Facade Rehabilitation.** A project incorporating a Surveyed Historic Resource into the project design shall be granted additional Floor Area up to 1.0 FAR and 22 feet in height beyond what is available and requested as an Incentive from the Base Incentives in Table 12.22 A.39(e)(2)(i), provided all of the following standards are met:

(i) The project retains all street Frontage facades to a depth of 10-feet,

(ii) New Floor Area shall be setback behind the 10-foot retention area, except that outdoor open space, balconies, and non-habitable architectural projections may encroach on the 10-foot retention area. In instances where a lot contains dual-frontages, the setback shall be applied from both Frontages, and

(iii) Rehabilitation of the facades is completed pursuant to the Secretary of the Interior's Standards for Rehabilitation, as supported by an expert study that has been accepted by the Office of Historic Resources, or demonstrated by the project plans and accepted by the Office of Historic Resources, if consistent with the applicable adopted Implementation Memorandum, Guidelines or Technical Bulletins of the Director of City Planning. This option does not apply if the Office of Historic Resources has determined that the Surveyed Historic Resource is not eligible for listing individually or as a contributor as described in the definition in Section 12.03 of this Code.

(h) **Program Standards.** The following program standards shall be applicable to any project that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) **Eligibility For Other Density Bonus Programs.** A project seeking a Density Bonus or other development incentives pursuant to this subdivision are not eligible for a Density Bonus or other development incentives pursuant to the procedures of any other housing incentive program contained in the Los Angeles Municipal Code, a Community Plan, an overlay, Specific Plan, or any other City regulation or guideline. However, a project may utilize the streamlining procedures and Incentives for Adaptive Reuse Projects (Sec. 12.22 A.26 of this Code) and in the

Housing Element Sites Streamlining Program (Section 16.70 of this Code), provided that the project meets the requirements for all utilized programs.

(2) **Calculating Maximum Allowable Residential Density.**

The Maximum Allowable Residential Density of a project site shall be calculated pursuant to California Government Code Section 65915(o)(6), before the application of a Density Bonus, using the maximum number of units allowed under a project site's applicable zoning ordinance, Specific Plan, or General Plan land use designation, whichever is greater. If a range is permitted, the maximum number of units allowed by the specific zoning range, Specific Plan, or General Plan land use designation shall be applicable when determining a project site's density prior to the application of a Density Bonus. Residential units added using an incentive program contained in a Specific Plan, overlay, or other City program granting development bonuses, shall not count toward a project's Maximum Allowable Residential Density. A project in a P or PB zone shall calculate Maximum Allowable Residential Density using additional provisions pursuant to Section 12.22.A.39(e)(2) of this Code, and a Public Land Project shall calculate Maximum Allowable Residential Density using additional provisions pursuant to Section 12.22.A.39(e)(3) of this Code.

(3) **Calculating Restricted Affordable Units.** The required number of Restricted Affordable Units shall be calculated based on the Total Units of a project (including bonus units), or provided residential units excluding bonus units, as specified in this subdivision.

(4) **Calculating a Density Bonus.** For the purposes of calculating a Density Bonus, the following shall apply:

(i) Residential units that comprise a project shall be on contiguous lots, not separated by a street or alley, that are the subject of a single development application, but do not need to be based on individual subdivision maps or lots.

(ii) An applicant for a project has the ability to apply a lesser percentage of Density Bonus, including but not limited to, no Density Bonus.

(5) **Fractional Numbers.**

(i) **Units.** For the purposes of this subdivision, calculations for the following resulting in fractional numbers shall be rounded up to the next whole number:

a. Maximum Allowable Residential Density;

- b. Density Bonus Units;
- c. Number of Restricted Affordable Units;
- d. Number of Replacement Housing Units;
- e. Vehicular Parking; and
- f. Number of Multi-Bedroom Units provided pursuant to Section 12.22 A.39(g)(2) of this Code.

(6) Replacement Housing Units and Demolition Protections.

A project approved under this subdivision must meet any applicable housing replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and Section 16.60 of this Code, as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of a building permit. Replacement Housing Units required pursuant to this subdivision may count towards any Restricted Affordable Unit requirements.

(7) Standards for Restricted Affordable Units. A Project must meet the applicable requirements regarding the size, location, amenities and allocation of Restricted Affordable Units in Section 16.61 B and C of this Code, and in any Implementation Memorandum, Technical Bulletin or User Guide prepared and adopted by the Los Angeles Housing Department or Department of City Planning. Restricted Affordable Units are subject to a recorded affordability restriction of 55 years, or 99 years pursuant to Section 16.61 A of this Code as applicable, running from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.

(8) Implementation Memorandums, FAQs, Forms/Applications and User Guides. The Director may prepare Implementation Memorandums, FAQs, Forms/Applications and/or User Guides for State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, for the purpose of providing additional information pertaining to this subdivision and maintaining consistency with State Density Bonus Law.

(9) Covenants. Prior to the issuance of a building permit for any project qualifying for a Density Bonus pursuant to the provisions of this subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this subdivision and set forth in Section 16.61 of this Code shall be recorded with the Los Angeles County Recorder. For Shared Equity Projects covenants shall

restrict the resale of the property to a Public Agency, Community Land Trusts as defined in the California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), Limited Equity Housing Cooperatives, or Workforce Housing Cooperative Trusts as defined in California Civil Code Section 817, or nonprofit affordable housing corporations pursuant to United States Internal Revenue Code Section 501(c)(3).

(10) Interpretation Consistent with State Density Bonus Law.

This subdivision is intended to be interpreted as consistent with State Density Bonus Law contained in California Government Code Sections 65915-65918. If at any time, this subdivision becomes inconsistent with California Government Code Sections 65915-65918, as determined by the Director of Planning, the provisions of State Density Bonus Law shall apply.

(11) Update Frequency. The Director shall have the authority to issue and update eligibility maps on an annual basis in order to align the programs of this Subdivision 39 with updated zoning, transit, and geographic data updates, including updates to Resource Areas as defined and identified by the California Tax Credit Allocation Committee (TCAC), and updates to the locations of Very Low Vehicle Travel Areas and Major Transit Stops.

(12) Adjoining Zone. Refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject project site for purposes of this Subdivision 39.

(13) Income Limits, For-sale Costs, and Rent Schedules.

Restricted Affordable Units required as part of a One Hundred Percent Affordable Housing Project, Public Land Project, Faith-Based Organization Project, or Shared Equity Project shall meet the income limit, for-sale cost and rent schedule requirements specified for these projects in footnotes (1) (2) (3) and (4) of Table 12.22 A.39(c)(2)(i).

(14) Story. A story for purposes of granting an Incentive or Waiver for additional height through this subsection shall be defined as 11 feet.

(i) Relationship to Other Laws, Plans, Requirements and Codes.

The following provisions shall govern the relationship of this Subdivision 39 to other laws, plans, requirements and codes for any project that meets the eligibility criteria established in Paragraph (c) of this subdivision.

(1) A project that meets the eligibility criteria established in Paragraph (c) of this subdivision, and complies with the Procedures established in Paragraph (d) of this subdivision, may utilize a multiple

family residential dwelling use with a minimum of two-thirds residential floor area even though use limitations may apply to a project site.

(2) If any of the Procedures described in Paragraph (d), Base Incentives described in Paragraph (e), Additional Incentives described in Paragraph (f), Public Benefit Options described in Paragraph (g), or Waivers requested pursuant to Sections 12.22 A.39(d)(2) or 12.22 A.39(d)(4) of this Code, differ from any otherwise applicable Community Plan, Specific Plan, overlay, supplemental use district, “Q” condition, “D” limitation, or citywide regulation established through Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this subdivision shall prevail where the project applicant seeks approval through this subdivision.

- (i) Alameda District Specific Plan (171,139)
- (ii) Avenue 57 Transit Oriented District (174,663)
- (iii) Bunker Hill Specific Plan (182,576)
- (iv) Century City North Specific Plan (156,122)
- (v) Century City West Specific Plan (186,370)
- (vi) Century City South Specific Plan (168,862)
- (vii) Coastal Bluffs Specific Plan (170,046)
- (viii) Coliseum District Specific Plan (185,042)
- (ix) Colorado Boulevard Specific Plan (178,098)
- (x) Convention Center and Arena Specific Plan (188,077)
- (xi) Cornfield Arroyo Seco Specific Plan (182,617)
- (xii) Crenshaw Corridor Specific Plan (184,795)
- (xiii) Devonshire/Topanga Corridor Specific Plan (168,937)
- (xiv) District No Ho Specific Plan (188,144)
- (xv) Exposition Corridor Transit Neighborhood Plan (186,402)
- (xvi) Foothill Boulevard Corridor Specific Plan (170,694)

- (xvii) Girard Tract Specific Plan (170,774)
- (xviii) Glencoe/Maxella Specific Plan (171,946)
- (xix) Granada Hills Specific Plan (184,296)
- (xx) Hollywoodland Specific Plan (168,121)
- (xxi) Jordan Downs Urban Village Specific Plan (184,346)
- (xxii) Los Angeles Airport/El Segundo Dunes Specific Plan (167,940)
- (xxiii) Los Angeles International (LAX) Specific Plan (185,164)
- (xxiv) Los Angeles Sports and Entertainment District Specific Plan (181,334)
- (xxv) Loyola Marymount University Specific Plan (181,605)
- (xxvi) Mt. Washington/Glassell Park Specific Plan (168,707)
- (xxvii) Mulholland Scenic Parkway Specific Plan (167,943)
- (xxviii) North Westwood Village Specific Plan (163,202)
- (xxix) Oxford Triangle Specific Plan (170,155)
- (xxx) Pacific Palisades Commercial Village and Neighborhood Specific Plan (184,371)
- (xxxi) Paramount Pictures Specific Plan (184,539)
- (xxxii) Park Mile Specific Plan (162,530)
- (xxxiii) Playa Vista Area B Specific Plan (165,638)
- (xxxiv) Playa Vista Area C Specific Plan (165,639)
- (xxxv) Playa Vista Area D Specific Plan (176,235)
- (xxxvi) Ponte Vista at San Pedro Specific Plan (182,937 and 182,939)

(xxxvii) Porter Ranch Land Use/Transportation Specific Plan (180,083)

(xxxviii) Redevelopment Plans (186,325)

(xxxix) San Gabriel / Verdugo Mountains Scenic Preservation Specific Plan (175,736)

(xl) San Vicente Scenic Corridor Specific Plan (173,381)

(xli) University of Southern California University Park Campus Specific Plan (182,343)

(xlii) Valley Village Specific Plan (168,613)

(xliii) Venice Coastal Zone Specific Plan (175,693)

(xliv) Ventura-Cahuenga Boulevard Corridor Specific Plan (174,052)

(xlv) Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (173,749)

(xlvi) Warner Center 2035 Plan (182,766)

(xlvii) Westwood Community Multi-Family Specific Plan (163,203 and 163,186)

(xlviii) Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan (187,644)

(xlix) Wilshire - Westwood Scenic Corridor Specific Plan (155,044)

(3) Despite Section 11.05 (Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which are Referenced to in the Los Angeles Municipal Code) of this Code, any references to State or Federal statutes or regulations in this subdivision shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted. This general rule is intended to control over a specific rule to the contrary and shall not be subject to the rule of statutory construction that where there is a conflict, a specific statute controls over a general statute. References within this subdivision to requirements of other City or government agencies or Chapters of the Los Angeles Municipal Code, as well as other local, state, and federal codes are provided for informational purposes and

are not intended to be comprehensive or to provide exemption from any additional applicable regulations from other City or government agencies or sections of the Los Angeles Municipal Code not explicitly referenced in this subdivision.

Sec. 11. Subdivision 26 of Subsection U of Section 12.24, Article 2, Chapter I of the Los Angeles Municipal Code is amended as follows:

26. Density Bonus for a Housing Development in Which the Density Increase Is Greater than the Maximum Permitted in Section 12.22 A.37.

(a) In addition to the findings set forth in Section 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find that:

(1) The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan, and does not seek approval through the Housing Element Sites Program (Sec. 16.70 of this Code).

(2) The project contains the requisite number of Restricted Affordable Units, calculated from the number of residential units provided but excluding the residential units added by a Density Bonus, in order to obtain the following initial Density Bonuses under State Law based on a selected single Restricted Affordable Unit income category:

(i) 25% Very Low Income Units for an 88.75% density increase (15% + 10% per California Government Code Section 65915(f) and (v)); or

(ii) 24% Lower Income Units for a 50% density increase (California Government Code Section 65915(f)); or

(iii) 44% Moderate Income Units for a 50% density increase in for-sale projects (per California Government Code Section 65915(f)).

The project also provides the following additional Restricted Affordable Units so that the project may then be granted an additional Density Bonus under the single Restricted Affordable Unit category that is beyond the above State Law Density Bonuses based on the single income category:

(iv) For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or

(v) For every additional 1% set aside of Lower Income Units, the project is granted an additional 1.5% density increase; or

(vi) For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase.

(vii) In calculating the density increase, number of Restricted Affordable Units, and number of residential units provided exclusive of Density Bonus units, each component of any density calculation resulting in fractional units shall be separately rounded up to the next whole number.

(3) The project meets any applicable dwelling unit replacement requirements and demolition protections of California Government Code Section 65915(c)(3) and Section 16.60 of this Code as verified by the Los Angeles Housing Department (LAHD). Replacement housing units required pursuant to these sections may count towards any on-site Restricted Affordable Unit requirement above.

(4) The project meets the requirements for projects that include affordable housing referenced in Section 16.61 B and C of this Code, including the Fair Housing Requirements For Affordable Housing.

(5) The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years, or 99 years pursuant to Section 16.61 A of this Code as applicable, running from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of this Code.

Sec. 12. Paragraph (e) of Subdivision 3 of Subsection E of Section 13.09, Article 3, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(e) **Affordable Housing.** The transit facility and Central Parking Structure incentives set forth above shall not be combined with the parking reduction provided for affordable housing as set forth in Section 12.22 A.37, 12.22 A.38, or 12.22 A.39 of this Code.

Sec. 13. Subdivision 1 of Subsection E of Section 13.15, Article 3, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

1. An MPR District shall not authorize any of the strategies listed above, except for the strategies described in Subsections D.5. and D.6., for any lot that contained a residential use subject to the Rent Stabilization Ordinance, or that contained any Restricted Affordable units within the five years preceding the adoption of the MPR District. Required parking on such properties, however,

may be reduced pursuant to Sections 12.22 A.37, 12.22 A.38, or 12.22 A.39 of this Code, or pursuant to any other applicable affordable housing incentive program.

Sec. 14. Subdivision 2 of Subsection E of Section 13.15, Article 3, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

2. Minimum parking requirements for multi-residential uses in an MPR district shall be less restrictive for projects that qualify for a density bonus under Sections 12.22 A.37, 12.22 A.38, or 12.22 A.39 of this Code.

Sec. 15. The title of Subdivision 2 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

2. **Density increase for a Housing Development to provide for additional density in excess of that permitted in Sections 12.22 A.37, 12.22 A.38, or 12.22 A.39.**

Sec. 16. Subparagraph (1) of Paragraph (a) of Subdivision 2 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(1) The development project contains the requisite number of Restricted Affordable Units and requirements set forth in Section 12.24 U.26.(a)(1) through (5) of this Code;

Sec. 17. Sub-subparagraph (i) of Subparagraph (4) of Paragraph (d) of Subdivision 10 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is modified to read as follows:

(i) Parking may be recalculated for all units in the project (not just the restricted units) using Table 12.22 A.37(e)(2)(ii)a in Section 12.22 A.37 of this Code.

Sec. 18. Sub-subparagraph (ii) of Subparagraph (4) of Paragraph (d) of Subdivision 10 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(ii) Parking may be calculated by maintaining all existing parking and providing additional parking just for the newly legalized unit(s) in accordance with Table 12.22 A.37(e)(2)(ii) in Section 12.22 A.37 of this Code as long as one Restricted Affordable Unit or dwelling unit for Lower Income individuals who are 62 years of age or more, or who has a physical or mental impairment that limits one or more major life activities is provided for each legalized unit;
or

Sec. 19. Subparagraph (1) of Paragraph (b) of Subdivision 13 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(1) **Other Affordable Housing Incentive Programs.** Except as described in Paragraph (f), applicants for other affordable housing incentive programs, including, but not limited to, the Floor Area Bonus for the Greater Downtown Housing Incentive Area in Section 12.22 A.29 of this Code; the Density Bonus provisions in Sections 12.22 A.37, 12.22 A.38, 12.22 A.39 of this Code; the Transit Oriented Communities Affordable Housing Incentive Program in Section 12.22 A.31 of this Code; or affordable housing incentive provisions in Community Plan Implementation Overlays (CPIOs), shall not also be eligible for a Qualified Permanent Supportive Housing Project approval at the same location.

Sec. 20. Sub-subparagraph (ii) of Subparagraph (2) of Paragraph (d) of Subdivision 13 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(ii) For a Qualified Permanent Supportive Housing Project located within one-half (1/2) mile of a Rapid Bus as defined in Section 12.22 A.38(b), a High Quality Transit Service, or a Major Transit Stop as defined in Section 21155(b) of the Public Resources Code, no more than one-half (1/2) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population. Otherwise, no more than one (1) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population.

Sec. 21. Paragraph (f) of Subdivision 13 of Subsection A of Section 14.00, Article 4, Chapter I of the Los Angeles Municipal Code amended to read as follows:

(f) **Request for Additional Waivers.** The City may not apply a development standard that will physically preclude the construction of the Qualified Permanent Supportive Housing Project. Applicants may request additional waivers pursuant to the discretionary review procedures described in Section 12.22 A.37(d)(3) of this Code. The applicant shall not be required to provide a pro forma or other documentation to show that the waiver or modification of any development standard(s) is needed in order to make the Qualified Permanent Supportive Housing Project economically feasible, but must provide reasonable documentation of its eligibility for the requested waiver. Additional waivers shall not be used to exempt compliance with the performance standards described in Paragraph (g).

Sec. 22. Subdivision 5 of Subsection A of Section 14.5.4, Article 4, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

5. A Residential Project that exceeds the number of dwelling units or Floor Area permitted by the zoning or the Community Plan as a result of a density or Floor Area bonus received pursuant to Sections 12.22 A.37, 12.22 A.38, 12.22 A.39, 12.22 A.29, 12.24 U.26 or 12.24 U.27 of this Code.

Sec. 23. Subdivision 4 of Subsection B of Section 14.5.4, Article 4.5, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

4. A Residential Project that exceeds the number of dwelling units or Floor Area permitted by the zoning or the Community Plan as a result of a density or Floor Area bonus received pursuant to Sections 12.22 A.37, 12.22 A.38, 12.22 A.39, 12.22 A.29, 12.24 U.26 or 12.24 U.27 of this Code.

Sec. 24. A new Subdivision 11 is added to Subsection D of Section 16.05, Article 6.1, Chapter I of the Los Angeles Municipal Code to read as follows:

11. A Housing Development that provides Restricted Affordable Units consistent with the affordability requirements set forth in Section 19.18 B.2(b) of this Code, in lieu of the Linkage Fee that may otherwise be required pursuant to Section 19.18 of this Code.

Sec. 25. Subsection M of Section 19.01, Article 9, Chapter 1 of the Los Angeles Municipal code is amended to read as follows:

Type of Application	Base Fee*
Application for a Density Bonus in conjunction with: Up to one waiver of a development standard under the Mixed Income Incentive Program; or Up to three waivers of a development standard under the Affordable Housing Incentive Program. (Section 12.22 A.38(d)(3); Section 12.22 A.39(d)(3); Section 13B.2.5.)	\$9,459
Application for a Density Bonus in conjunction with: Waivers under the State Density Bonus Program; More than one waiver under the Mixed Income Incentive Program; or More than three waivers under the Affordable Housing Incentive Program. (Section 12.22 A.37(d)(3); Section 12.22 A.38(d)(4); Section 12.22 A.39(d)(4); Section 13B.2.3.)	\$24,349
Application for a Density Bonus in excess of that permitted by Section 12.22 A.37. (Section 12.24 U.26.; Section 13B.2.3)	\$24,359

Sec. 26. Subsection (a) of Section 19.14, Article 9, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

(a) Unless a fee Exemption pursuant to Section 19.14(b) applies, the following fees shall be charged and collected by the Los Angeles Housing Department (Department) for the preparation, enforcement, monitoring, and associated work relating to the affordable housing covenants required by Sections 12.22 A.37, 12.22 A.38, 12.22 A.39, 12.22 A.29.(d)(1) through (2), and 14.00 A.10.(c)(2) of this Code.

Sec. 27. Paragraph b of Subdivision 2 of Subsection B of Section 19.18 of the Los Angeles Municipal Code is amended to read as follows:

b. Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for lower income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid, or any project approved pursuant to Section 12.22 A.38 of this Code. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units include any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time.

Sec. 28. Paragraph b of Subdivision 4 of Subsection C of Section 19.18, Article 19, Chapter I of the Los Angeles Municipal Code is amended to read as follows:

b. **Affordable Housing Units.** Any Restricted Affordable Units may be subtracted from the total number of dwelling units or guest rooms in a building in determining the required Linkage Fee.

Sec. 29. The last unnumbered paragraph of Subsection B of Section 151.28, Article 1, Chapter 15 of the Los Angeles Municipal Code is amended to read as follows:

Units that are used to qualify for a density bonus pursuant to the provisions of either California Government Code Section 65915 or Sections 12.22 A.37, 12.22 A.38, or 12.22 A.39 of this Code, 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.

Sec. 30. Notwithstanding Los Angeles Municipal Code Section 11.05 (Effect of Renumbering or Redesignation of Provisions or Sections in Statutes or Codes of the State of California Which are Referenced to in the Los Angeles Municipal Code), any references to State or Federal statutes or regulations in this ordinance shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted. This general rule is intended to control over a specific rule to the contrary and shall not be subject to the rule of statutory construction that where there is a conflict, a specific statute controls over a general statute. References within this ordinance to requirements of other City or government agencies or chapters of the Los Angeles Municipal Code, as well as other local, state, and federal codes are provided for informational purposes and are not intended to be comprehensive or to provide exemption from any additional applicable regulations from other City or government agencies or sections of the Los Angeles Municipal Code not explicitly referenced in this ordinance.

Sec. 31. **TECHNICAL CORRECTIONS.** As deemed necessary by the Director, City Planning may prepare technical corrections to this ordinance that would fix citations and typographical errors that do not result in substantive changes to the policies adopted by the City Council through Council File Nos. 22-0617, 21-1230-S5, 21-1230-S6, or 21-1230-S8, in their approval of this final ordinance, in consultation with the City Attorney.

A. Such technical corrections may include:

1. Corrections to typographical errors and citations.
2. Stylistic and formatting consistency edits
3. Corrections to ensure consistency between provisions.
4. Corrections to clarify the implementation of a provision.
5. Corrections to illustrations or graphics to align with the text of

Chapter 1 of the Los Angeles Municipal Code.

B. City Planning will bring those corrections to the City Council for final approval by resolution.

C. This section shall be effective for one year from the effective date of this ordinance.

Sec. 32. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

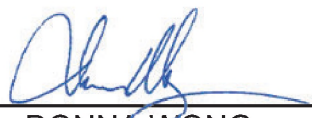
Sec. 33. **OPERATIVE DATE.** This ordinance shall be operative on February 11, 2025, in compliance with the rezoning program deadline of February 12, 2025; but if the rezoning program deadline is suspended or extended by the State of California, such as by an emergency order of the Governor, the operative date of this ordinance shall be the day before the new rezoning program deadline set by the State.

Sec. 34. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety because the ordinance is necessary for urgently needed housing. As recognized in the Housing Element, the City has a need for the development of approximately 450,000 housing units by the year 2029, including an immediate need of tens of thousands of units to serve an existing shortfall. In order to address this shortfall, the City must complete a rezoning program by February 12, per California Government Code 65583(c)(1)(A), at which time a determination of non-compliance could trigger a significant loss of funding for housing and infrastructure, loss of local zoning control, and court-imposed fines. This potential loss of funding for housing could result in less affordable housing being developed citywide, posing a severe threat to the stability of lower income households and further contributing to the City's ongoing homelessness and affordable housing crisis. This ordinance implements a rezoning program that would make the City compliant with state-mandated requirements. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 35. 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.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
DONNA WONG
Deputy City Attorney

Date January 31, 2025

File No. 21-1230-S5

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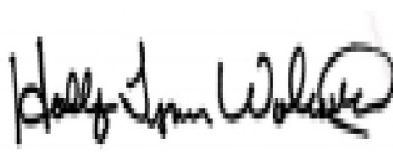
Pursuant to Charter Section 559, I
disapprove this ordinance on behalf
of the City Planning Commission and
recommend that it **not** be adopted.


VINCENT P. BERTONI, AICP
Director of Planning

Date January 31, 2025

The Clerk of the City of Los Angeles
hereby certifies that the foregoing
ordinance was passed by the Council
of the City of Los Angeles, **by a vote of
not less than three-fourths** of all its
members.

CITY CLERK



MAYOR



Ordinance Passed February 7, 2025

Approved 02/07/2025

Ordinance Published: 02/11/2025
Ordinance Effective Date: 02/11/2025
Ordinance Operative Date: 02/11/2025