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June 6, 2024

Los Angeles City Council
c/ o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**DIRECTOR OF PLANNING TECHNICAL MEMO TO PLUM COMMITTEE FOR
CONSIDERATION OF AMENDMENTS TO THE RECOMMENDED BOYLE HEIGHTS
COMMUNITY PLAN (SPRING 2024); CF 23-0861; CASE NO. CPC-2016-2905-CPU-M1; ENV-
2016-2906-EIR**

This report includes a summary of discussion by the City Planning Commission (CPC) during its January 11, 2024 meeting to consider a modification to the recommended General Plan Amendments to the Boyle Heights Community Plan made by the City Council on December 12, 2023. Optional technical modifications to the New Zoning Code are also presented in this report for City Council consideration.

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Exhibits:

- MA.1 - General Plan Land Use Map (Reconciled Council & CPC Recommendations)
- MA.2 - General Plan Land Use Change Maps and Matrices (Reconciled Council & CPC Recommendations)

I. CPC Approved Items

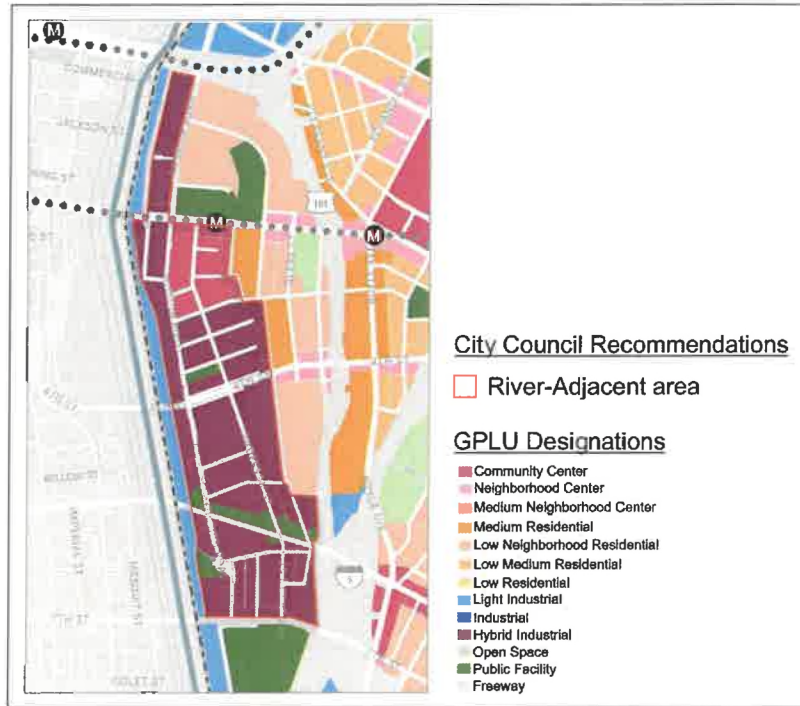
The City Planning Commission (CPC) at its meeting on January 11, 2024 voted 8-0 to recommend denial of the City Council's proposed modifications to the CPC's recommended Boyle Heights Community Plan (Proposed Plan) General Plan Land Use Map and General Plan Land Use Maps and Matrices adopted by the City Council. The CPC also recommended additional modifications to the General Plan Land Use Map and General Plan Land Use Change Maps and Matrices, as detailed in its Letter of Determination published on April 30, 2024. Other modifications approved by the City Council to the Community Plan Text, and General Plan Framework Amendments, were recommended for approval by the CPC as adopted by the City Council.

A. Modifications to General Plan Land Use Designations in the Los Angeles River-Adjacent Industrial Areas

City Council's December 12, 2023 Approved Plan

At the December 12, 2023 City Council meeting, the City Council indicated support for the CPC recommendations on the Boyle Heights Community Plan (Plan) but proposed modifications to some of the recommended General Plan Land Use designations to an existing industrial area near the Los Angeles River (River-Adjacent area). These City Council modifications (hereinafter, Hybrid Industrial Modifications) include applying a Hybrid Industrial designation to various properties within the district, which would serve to allow mixed-income housing to be constructed in qualified circumstances. The Hybrid Industrial Modifications, which were based upon a project alternative that was studied in the Plan's Draft EIR, were unanimously supported by the City Council. In addition to the Hybrid Industrial Modifications, other modifications to CPC's recommendations on the Boyle Heights Community Plan Update approved by the City Council include modifications to the Community Plan Text, modifications to the Framework Element, and modifications to implementing zoning ordinances. The modifications to the implementing zoning ordinances included establishment of a new IX6 industrial mixed-use zone, establishment of an inclusionary housing requirement, expansion of the Plan's Community Benefits Program to include land use incentives for Community Facilities and Legacy Small Businesses, and various renter/tenant protective measures. The City Council's proposed modifications to the General Plan Land Use designations are shown in Map I.A.1. below. Pursuant to Charter Section 555 and LAMC Section 11.5.6, the City Council's proposed modifications to the General Plan amendments recommended by CPC were transmitted to the CPC for its consideration and recommendation. The zoning ordinance modifications were not transmitted back for CPC recommendations.

Map I.A.1. GPLU Designations for the River-Adjacent Area as Adopted by the City Council on December 12, 2023



City Planning Commission (CPC) Recommendations on January 11, 2024

At its January 11, 2024 meeting the CPC voted to recommend denial of the Hybrid Industrial Modifications, citing concerns about the need to maintain a predominant employment focus in the subject area, as well as concerns that housing development within this industrial area may create new public health and land use inconsistencies, noting in particular the high level of truck traffic experienced within the area.

The CPC did respond to stakeholder input provided at its January 11, 2024 meeting, and recommended an additional modification to the Boyle Heights General Plan Land Use designations, specifically CPC recommended the City Council designate the five blocks located near the Metro E Line Pico/Aliso transit station from Community Center to Hybrid Industrial (hereinafter, CPC Hybrid Industrial Recommendation). The change was made to address concerns from property owners that the Community Center designation would make various existing industrial uses within the area non-conforming. Here the Hybrid Industrial designation would continue to allow for light industrial activities, while also allowing new housing uses in proximity to the transit station. The CPC's recommendation is represented on Map I.A.2. below.

Map I.A.2. GPLU Designations for the River-Adjacent Area as Recommended by the City Planning Commission on January 11, 2024

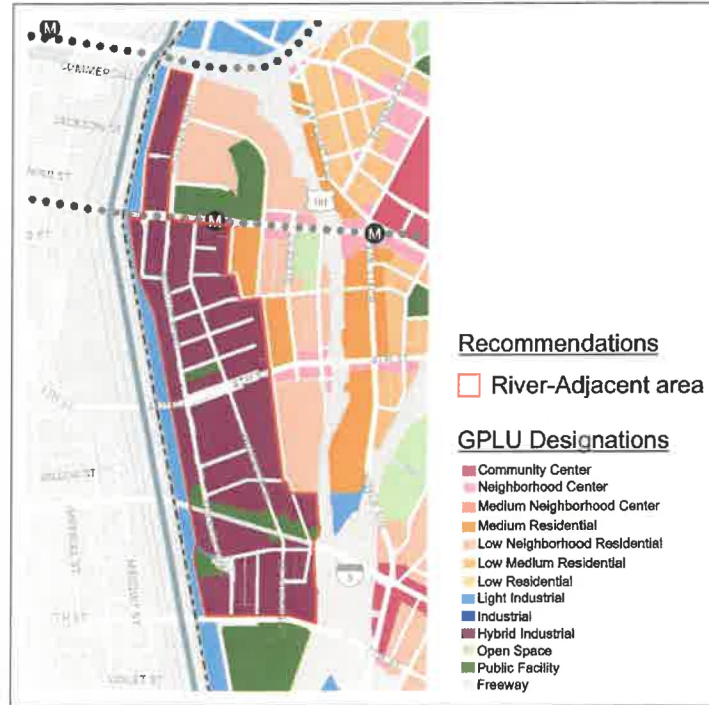


*The CPC had originally recommended the Community Center GPLU designation for this area on April 20, 2023.

Reconciliation of City Council's December 12, 2023 Approval and CPC's January 11, 2024 Recommendation

If the City Council wants to reconcile the CPC Hybrid Industrial Recommendation with City Council's Hybrid Industrial Modifications and adopt both, Map I.A.3. shows the entirety of parcels within the Boyle Heights Community Plan Area that would be subject to the Hybrid Industrial General Plan Land Use designation. The specific actions for the City Council to take in support of this approach are delineated as Option 3 in City Planning's Letter to the City Council, uploaded to the Council File, and dated April 24, 2024, and the appropriate General Plan Exhibits are attached to this Technical Letter as MA.1 – General Plan Land Use Map (Reconciled Council & CPC Recommendations), and MA.2 – General Plan Land Use Change Maps and Matrices (Reconciled Council & CPC Recommendations).

Map I.A.3. Recommended GPLU Designations for the River-Adjacent Area (City Council & CPC Reconciled Recommendations)



Recommendations

I.A.1–I.A.4 - Technical Modifications

The following technical modifications are suggested should the City Council elect to sustain the City Council Hybrid Industrial Modifications and approve the CPC Hybrid Industrial Recommendation to expand Hybrid Industrial land uses.

I.A.1 Technical Modification: General Plan Land Use Map

- Amend the General Plan Land Use Map and approve **Exhibit MA.1** attached to this memo to include the Hybrid Industrial Modifications and the CPC Hybrid Industrial Recommendation land uses in the River-Adjacent areas on the General Plan Land Use Map. Properties in the CPC Hybrid Industrial Recommendation should change from Community Center land uses to Hybrid Industrial land uses, as follows:

Properties that were initially proposed to be designated Community Center between 1st St, Utah St, 3rd St, and Mission Rd:

- General Plan Land Use: Hybrid Industrial
- Form District: LM6 (4:1 Max FAR)

- Frontage District: G2
- Development Standards District: 4
- Use District: IX6
- Density District: 4

I.A.2 Technical Modification: General Plan Land Use Change Maps and Matrices

Amend the General Plan Land Use Change Maps and Matrices and approve **Exhibit MA.2** attached to this memo to include Hybrid Industrial land uses in the River-Adjacent areas.

I.A.3 Technical Modification: Zone Change Maps and Matrices

Amend the Zone Map to include Hybrid Industrial land uses and zoning in the River-Adjacent areas. Instruct the Department of City Planning to prepare and transmit an ordinance for City Council consideration to amend the City Zoning Map to include the Hybrid Industrial Modifications and the CPC Hybrid Industrial Recommendation, as described in **Technical Modification I.A.1** above, and to correspond with **Exhibit MA.1** and **Exhibit MA.2** attached to this memo.

II. Additional Items for Consideration by the PLUM Committee

The following sections include optional technical modifications for consideration by the PLUM Committee.

A. Modifications to Legacy Small Business Incentives

In December 2023, the City Council approved several strategies in the zoning regulations for Boyle Heights to provide incentives for preserving, retaining, or accommodating legacy small businesses and referred the ordinances to the City Attorney. Since then, additional changes to these zoning regulations, have been identified so as to ensure clarity for implementation purposes. Table II.A.1. summarizes legacy small business incentives in the New Zoning Code and their applicability in Boyle Heights. It is recommended that the City Council request the City Attorney to incorporate these changes in the ordinance that were referred to the City Attorney in December 2023.

Table II.A.1. Legacy Small Business Incentives

Incentive	Strategy	Geographic Applicability in Boyle Heights
Sec. 5C.4.6. Legacy Small Business Special Use Program (Article 5 Use, Div. 5C.4. Special Use Programs)	Fulfills residential dwelling “In conjunction with” standard in Use District IX6 for mixed-use projects	Where Use District IX6 is applied in Los Angeles River-adjacent areas of the Boyle Heights Community Plan Area
Sec. 9.3.4.C.9. Legacy Small Business Incentive Area (Article 9 Public Benefits System, Div. 9.3 Community Benefits Program) <i>Note: This incentive is activated by the new FAR Incentives for Non-residential Projects section in Chapter II of the Boyle Heights CPIO</i>	Floor Area bonus for non-residential projects	
Sec. 9.4.8. Legacy Small Business Program (Article 9 Public Benefits System, Div. 9.4 General Incentive Programs)	Floor Area exemption for mixed-use projects	Boyle Heights Community Plan Area

Recommendation

II.A.1–II.A.6 - Technical Modifications

The following technical modifications are offered for the PLUM Committee’s consideration in order to provide clarity and consistency to legacy small business incentives in Chapter 1A of the LAMC. Additions are indicated by underlined text and deletions are indicated by ~~striketrough~~ text.

II.A.1 Technical Modification: LAMC Chapter 1A, Article 5 (Use), Sec. 5C.4. Special Use Programs, Sec. 5C.4.6. Legacy Small Business Special Use Program

Amend Sec. 5C.4.6. (Legacy Small Business Special Use Program) of Chapter 1A of the LAMC to read as follows:

Sec. 5C.4.6. Legacy Small Business Special Use Program

A. Intent

To create long-lasting opportunities for existing commercial tenants to remain in the communities they serve.

B. Applicability

1. Applies when a legacy small business is utilized to meet the In Conjunction With requirements of a Use District, or
2. When another provision of this Zoning Code requires compliance with this Section.

C. Standards

1. The legacy small business shall have been in continuous operation ~~within a 2-mile radius of the project site within the City~~ for at least 20 years with no break in its operations exceeding two years, and within a 2 mile radius of the project site, in the City boundaries, and meet at least two of the following four standards:
 - a. The business ~~H~~has no more than 50~~400~~ full-time equivalent employees/shareholders;
 - b. Posts a placard stating that non English languages are spoken in the establishment, written in the respective language offered. The placard shall be located within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½” by 11” in at least a 12 point font~~The business includes employees that can serve multi-lingual members of the community;~~

- c. Accepts government issued assistance such as Electronic Benefits Transfer (EBT) and posts a placard stating acceptance of government issued assistance such as Electronic Benefit Transfer (EBT) within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½" by 11" in a front size of at least a 12 point font;
 - d. Pays employees wages equivalent to or greater than those specified in Sec. 10.37.2 (Payment of Minimum Compensation to Employees) of Article 11 (Living Wage) of the Los Angeles Administrative Code.
2. The floor area required to be dedicated to the legacy small business shall be occupied by a legacy small business for at least 5540 years, or longer if stipulated in the lease agreement, after the Certificate of Occupancy is issued.
- a. For the purposes of this provision, the time in which the minimum required floor area~~FAR~~ dedicated to the legacy small business space is vacant does not count towards the required minimum.
 - b. After the 5540 year minimum requirement has been satisfied, any use allowed in the applied Use District (Part 5B) is permitted.
3. The floor area provided to accommodate the legacy small business shall meet the following design standards:
- a. Shall occupy the ground story of a building.
 - b. Shall be designed and intended for General Commercial or Light Industrial uses.
 - c. Shall provide an entrance that is connected to the public sidewalk via a linked pedestrian accessway in compliance with Sec. 4C.1.1.C.2.a.i. (Linked Pedestrian Accessway Type).
 - d. Shall have a minimum width of 15 feet.
 - e. Shall have a minimum depth of 15 feet.
 - f. Shall have a minimum floor to ceiling height of 12 feet.

D. Measurement

1. The minimum floor area ratio (FAR) required to be dedicated to a legacy small business is established under the In Conjunction With requirement of the applicable Use District per Sec. 5C.3.13. (In Conjunction With), where applicable.
2. Distance shall be measured pursuant to Sec. 14.1.3.A. (Distance).

E. Records & Agreements

1. Lease

- a. A minimum 10-year lease with a legacy small business, with a 5 year renewal option, and a limit of no more than 5% rent increase per year during the term of the lease shall be required prior to the issuance of a Certificate of Occupancy a City Planning administrative sign-off or case condition clearance pursuant to Sec. 13B.3.1. (Administrative Review).
- b. This requirement does not mean that the legacy small business is required to complete the term of the lease. If the lease is not completed for the entirety of the 10-year term, the property owner or their representative shall find a new legacy small business to complete the 10-year term. For the purposes of this provision, the time in which the legacy small business space is vacant does not count towards the required minimum.
- c. Should the legacy small business decide to terminate the lease, the owner shall have up to 1 year from the date of the lease termination to establish a lease with a new legacy small business.

2. Covenant

- a. A covenant acceptable to the Department of City Planning must be recorded with the Los Angeles County Recorder, guaranteeing that the applicant, tenant, or property owner will dedicate floor area within the development for legacy small business for the periods outlined in this Section, and will submit annual reporting to the Department of City Planning in a manner consistent with Sec. 9.3.4.E.4. (Annual Reporting).

3. Annual Reporting

Projects receiving a floor area exemption pursuant to this Section shall demonstrate compliance by submitting an annual report to the Department of City Planning.

a. Annual Legacy Small Business Report

The Annual Legacy Small Business Report shall be provided by the property owner that delineates the following:

- i. Occupancy status of the development.
- ii. Occupancy status of the Legacy Small Business.
- iii. Evidence as to compliance with any requirements of this Section.

b. **Non-Compliance**

Non-compliance with the requirements of this Section shall result in either renewal of the term of the lease or legal action taken against the owner to comply with the contract.

c. **Review**

The Department of City Planning shall review the Annual Legacy Small Business Report pursuant to Sec. 13B.3.1. (Administrative Review).

II.A.2 Technical Modification: LAMC Chapter 1A, Article 9 (Public Benefit Systems), Sec. 9.3.4. Community Facilities, Sec. 9.3.4.B. Eligibility

Amend Sec. 9.3.4.B. (Eligibility) of Chapter 1A of the LAMC to read as follows:

Sec. 9.3.4.B. (Eligibility)

If the option to provide community facilities is available in the incentive program of the applicable CPIO or Specific Plan, the project may be awarded additional floor area or height up to the maximum bonus FAR and entire bonus height or bonus stories (if any) allowed by the applied Form District by providing one or more of the community facilities established in Sec. 9.3.4.C. (Community Facility Options), or by providing an alternative community facility pursuant to Sec. 9.3.4.E.2. (Alternative Community Facilities).

II.A.3 Technical Modification: LAMC Chapter 1A, Article 9 Public Benefit Systems, Sec. 9.3.4. Community Facilities, Sec. 9.3.4.C. Community Facility Options

Amend Sec. 9.3.4.C.9. Community Facility Options of Chapter 1A of the LAMC to read as follows:

Sec. 9.3.4.C. (Community Facilities Options)

1. Daycare Facility Incentive Area

- d. A minimum 10-year lease with a licensed daycare provider, with 5 year renewal option, shall be required prior to the issuance of any Certificate of Occupancy. This requirement does not mean that the licensed daycare provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representative shall find a new ~~licensed daycare provider~~ Community Facility permitted in the applicable CPIO or Specific Plan to complete the 10-year term. For the purposes of this provision, the time in which the daycare facility space is vacant does not count towards the required minimum.

2. Full-Service Grocery Store Incentive Area

- e. A minimum 10-year lease with a full-service grocery store, with 5 year renewal option, shall be required prior to the issuance of any Certificate of Occupancy. This requirement does not mean that the full-service grocery store is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new ~~full-service grocery store~~ Community Facility permitted in the applicable CPIO or Specific Plan to complete the 10-year term. For the purposes of this provision, the time in which the full-service grocery store space is vacant does not count towards the required minimum.

3. Health Center Incentive Area

- c. A minimum 10-year lease with a health service provider, with 5 year renewal option, shall be required prior to the issuance of any Certificate of Occupancy. This requirement does not mean that the health service provider is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new ~~health service provider~~ Community Facility permitted in the applicable CPIO or Specific Plan to complete the 10-year term. For the purposes of this provision, the time in which the health center space is vacant does not count towards the required minimum.

5. School and Library Incentive Area

- c. A minimum ~~55-year~~ lease with a school run by or approved by LAUSD or the City of Los Angeles Library Department shall be required prior to the issuance of any Certificate of Occupancy. This requirement does not mean that the school run by or approved by LAUSD or the City of Los Angeles Library Department is required to complete the term of the lease. If the lease is not completed by a school run by or approved by LAUSD prior to the ~~10-year term~~ 55-year term, the property owner or their representatives shall find a new school run by or approved by LAUSD to complete the 10-year term. For the purposes of this provision, the time in which

the public school or public library space is vacant does not count towards the required minimum.

6. Social Service Incentive Area

- e. A minimum 10-year lease(s) with a social service center, with 5 year renewal option, shall be required prior to the issuance of ~~any~~ Certificate of Occupancy. This requirement does not mean that the social service center is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new ~~social service center~~ Community Facility permitted in the applicable CPIO or Specific Plan to complete the 10-year term. For the purposes of this provision, the time in which the floor area for social service center is vacant does not count towards the required minimum.

7. Civic Facility Incentive Area

- c. A minimum 10-year lease(s) with a civic facility, with 5 year renewal option, shall be required prior to the issuance of any Certificate of Occupancy. This requirement does not mean that the civic facility is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new civic facility to complete the 10-year term. For the purposes of this provision, the time in which the floor area for a civic facility is vacant does not count towards the required minimum.

~~A minimum 55-year lease with the City of Los Angeles, or an organization approved by the City of Los Angeles, shall be required prior to the issuance of a Certificate of Occupancy. This requirement does not mean that the City of Los Angeles, or the organization designated by the City of Los Angeles, is required to complete the term of the lease. If the lease is not completed by the City of Los Angeles, or an organization approved by the City of Los Angeles, prior to the 10-year term, the property owner or their representatives shall find a new organization approved by the City of Los Angeles to complete the 10-year term. For the purposes of this provision, the time in which the civic facility is vacant does not count towards the required minimum.~~

II.A.4 Technical Modification: LAMC Chapter 1A, Article 9 Public Benefit Systems, Sec. 9.3.4. Community Facilities, Sec. 9.3.4.C.9. Legacy Small Business Incentive Area

Amend Sec. 9.3.4.C.9. Legacy Small Business Incentive Area of Chapter 1A of the LAMC to read as follows:

Sec. 9.3.4.C. (Community Facilities Options)

9. Legacy Small Business Incentive Area

~~A project within a Legacy Small Business Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area, subject to the following standards:~~

a. A project within a Legacy Small Business Incentive Area in an applicable CPIO or Specific Plan may obtain additional floor area and height, provided ~~T~~the legacy small business shall have been in continuous operation for at least 20 years with no break in its operations exceeding two years, and within a 2 mile radius of the project site, in the City boundaries, and meet at least ~~two~~three of the following ~~four~~five standards:

- i. ~~Has been in continuous operation within a 2 mile radius of the project site within the City for at least 10 years with no break in its operations exceeding two years;~~
- ii. The business ~~H~~has no more than ~~50~~400 full-time equivalent employees/shareholders;
- iii. Posts a placard stating that non English languages are spoken in the establishment, written in the respective language offered. The placard shall be located within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½" by 11" in at least a 12 point font~~The business includes employees that can serve multi-lingual members of the community;~~
- iiiv. Accepts government issued assistance such as Electronic Benefits Transfer (EBT) and posts a placard stating acceptance of government issued assistance such as Electronic Benefit Transfer (EBT) within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½" by 11" in a front size of at least a 12 point font;
- iv. Pays employees wages equivalent to or greater than those specified in Sec. 10.37.2 (Payment of Minimum Compensation to Employees) of Article 11 (Living Wage) of the Los Angeles Administrative Code.

b. ~~The f~~Floor area used as a legacy small business shall be used for such purposes for a minimum of 55 years after the Certificate of Occupancy is issued. For the purposes of this provision, the time in which the legacy small business space is vacant does not count towards the required minimum ~~at least 10 years, or longer if stipulated in the lease agreement.~~

- ~~i. For the purposes of this provision, the time in which the minimum required FAR dedicated to the legacy small business space is vacant does not count towards the required minimum.~~
- ~~ii. After the 10-year minimum requirement has been satisfied, any use allowed in the applied Use District (Part 5B) is permitted.~~
- c. A minimum 10-year lease with a legacy small business, with a 5 year renewal option, and a limit of no more than 5% rent increase per year shall be required prior to the issuance of any Certificate of Occupancy on the project site. This requirement does not mean that the legacy small business is required to complete the term of the lease. If the lease is not completed prior to the 10-year term, the property owner or their representatives shall find a new Community Facility permitted in the applicable CPIO or Specific Plan to complete the 10-year term. For the purposes of this provision, the time in which the legacy small business space is vacant does not count towards the required minimum.
- de.** The floor area devoted to a legacy small business shall be located on-site.
- d. Lease**
 - ~~i. A minimum 10-year lease with a legacy small business, with a 5-year renewal option shall be required prior to a City Planning administrative sign-off or case condition clearance pursuant to Sec. 13B.3.1. (Administrative Review).~~
 - ~~ii. This requirement does not mean that the legacy small business is required to complete the term of the lease. If the lease is not completed for the entirety of the 10-year term, the property owner or their representative shall find a new legacy small business to complete the 10-year term.~~
 - ~~iii. Should the legacy small business decide to terminate the lease, the owner shall have up to 1 year from the date of the lease termination to establish a lease with a new legacy small business.~~
- e. Projects receiving a floor area incentive for a legacy small business in accordance with this section shall not be eligible for the floor area exemption for preserving or accommodating a legacy small business granted pursuant to Sec. 9.4.8. (Legacy Small Business Program).

II.A.5 Technical Modification: LAMC Chapter 1A, Article 9 (Public Benefit Systems), Sec. 9.3.4. Community Facilities, Sec. 9.3.4.D. Incentives

Amend Sec. 9.3.4.D. (Incentives) of Chapter 1A of the LAMC to read as follows:

Sec. 9.3.4.D. (Incentives)

3. Bonus Height

A project may be awarded additional height up to the maximum bonus height allowed by the applied Form District by providing one or more of the community facilities established in Sec. 9.3.4.C. (Community Facilities Options). The amount of height shall be awarded as established in the applicable CPIO or Specific Plan.

II.A.6 Technical Modification: LAMC Chapter 1A, Article 9 (Public Benefit Systems), Sec. 9.4. General Incentive Programs, Sec. 9.4.8. Legacy Small Business Program

Amend Sec. 9.4.8. (Legacy Small Business Program) of Chapter 1A of the LAMC to read as follows:

Sec. 9.4.8. Legacy Small Business Program

A. Purpose

To create long-lasting opportunities for existing commercial tenants to remain in the communities they serve.

B. Eligibility

1. When an existing on-site building possesses one or more legacy small businesses and involves new construction, or when a new development is proposing to incorporate a legacy small business from an off-site location as a part of its development, such a development may qualify for this incentive program, as long as it abides by the eligibility requirements and standards of this section.
2. In order for a legacy small business to be eligible for this incentive program, it shall have been in continuous operation for at least 20 years with no break in its operations exceeding two years, and within a 2 mile radius of the project site, in the City boundaries, and meet at least two~~three~~ of the following four~~five~~ standards:
 - ~~a. Has been in continuous operation within a 2 mile radius of the project site within the City for at least 10 years with no break in its operations exceeding two years;~~
 - ab. The business Hhas no more than 50400 full-time equivalent employees/shareholders;

- be. Employs non English language speakers and posts a placard stating that non English languages are spoken in the establishment, written in the respective language offered. The placard shall be located within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½” by 11” in at least a 12 point font~~The business includes employees that can serve multi-lingual members of the community;~~
- cd. Accepts government issued assistance such as Electronics Benefits Transfer (EBT) and posts a placard stating acceptance of government issued assistance such as Electronic Benefit Transfer (EBT) within 5 feet of the entrance along the primary street lot line, and shall be a minimum of 8 ½” by 11” in a front size of at least a 12 point font;
- de. Pays employees wages equivalent to or greater than those specified in Sec. 10.37.2 (Payment of Minimum Compensation to Employees) of Article 11 (Living Wage) of the Los Angeles Administrative Code.
3. Projects receiving a floor area exemption for preserving or accommodating a legacy small business in accordance with this section shall not be eligible for the floor area bonus incentive granted pursuant to Sec. 9.3.4.C.9. (Legacy Small Business Incentive Area).

C. Legacy Small Business Options

1. Preserving or Retaining a Legacy Small Business On-Site
 - a. When new construction retains a legacy small business or multiple legacy small businesses on the ground floor of a development, either by preservation of the tenant spaces or by the leasing of new tenant spaces to legacy small businesses, the floor area of those legacy small businesses may be exempted from the total floor area calculation of the new construction. Proof of retention may be provided by way of lease agreement, recorded covenant, and written confirmation and consent of the legacy small business owner.
2. Accommodating a Legacy Small Business On-Site From Another Location
 - a. When a new development can accommodate a legacy small business from another location, a developer may show proof of the accommodation of that legacy small business as a part of the new development by way of lease agreement, recorded covenant, and written confirmation and consent of the legacy small business owner. If such proof is provided, an exemption of floor area from the total floor area allowed may be granted to the development.

D. Incentives

1. Floor Area Exemption

a. Preserving

When preserving a legacy small business or businesses on-site, two times (2x) the existing total floor area of those tenant spaces may be exempted from the new construction's floor area calculation.

- i. A legacy small business is considered preserved when its tenant space is not physically diminished nor demolished as a part of new construction.
- ii. If an addition to a legacy small business' tenant space is proposed, only the existing floor area of the tenant space shall be used for the purpose of calculating this incentive.

b. Retaining

When leasing new tenant space to an existing legacy small business or businesses, two times (2x) the total floor area of those proposed tenant spaces may be exempted from the new construction's floor area calculation.

- i. A legacy small business is considered retained when its tenant space existed at the address or site of the new construction, and proof of its continued existence at the site has been provided.

c. Accommodating

When accommodating a legacy small business or businesses on-site from an off-site location, two times (2x) the total floor area of the new, accommodated legacy small business may be exempted from the new construction's floor area calculation.

E. Measurement

1. Floor Area Exemption

For purposes of determining the total exempted floor area granted when preserving, retaining, or accommodating a legacy small business(s), the total floor area dedicated to the legacy small business(s), either on-site within the development, or off-site, shall be multiplied by two. This amount shall then be added to the total allowed floor area, based on the applied Form District floor area ratio (FAR). This amount then becomes the total allowable floor area the project is entitled to.

F. Process

1. Administrative Review

Floor area exemption for legacy small businesses pursuant to this Section may be requested in accordance with Sec. 13B.3.1. (Administrative Review)

2. Annual Reporting

Projects receiving a floor area exemption pursuant to this Section shall demonstrate compliance by submitting an annual report to the Department of City Planning.

a. Annual Legacy Small Business Report

The Annual Legacy Small Business Report shall be provided by the property owner that delineates the following:

- i. Occupancy status of the development.
- ii. Occupancy status of the legacy small business.
- iii. Evidence as to compliance with any requirements of this Section.

b. Non-Compliance

Non-compliance with the requirements of this Section shall result in either renewal of the term of the lease or legal action taken against the owner to comply with the contract.

c. Review

The Department of City Planning shall review the Annual Legacy Small Business Report pursuant to Sec. 13B.3.1. (Administrative Review).

G. Records and Agreements

1. Lease

- a. A minimum 10-year lease with a small legacy business, with a 5 year renewal option, and a limit of no more than 5% rent increase per year during the term of the lease shall be required prior to the issuance of a Certificate of Occupancy ~~a City Planning administrative sign-off or case condition clearance pursuant to Sec. 13B.3.1. (Administrative Review).~~
- b. This requirement does not mean that the legacy small business is required to complete the term of the lease. If the lease is not completed for the entirety of the 10-year term, the property owner or their representative shall find a new

legacy small business to complete the 10-year term. For the purposes of this provision, the time in which the legacy small business space is vacant does not count towards the required minimum.

- c. Should the legacy small business decide to terminate the lease, the owner shall have up to 1 year from the date of the lease termination to establish a lease with a new legacy small business.

2. Covenant

A covenant acceptable to the Department of City Planning must be recorded with the Los Angeles County Recorder, guaranteeing that the applicant, tenant, or property owner will dedicate floor area within the development for a legacy small business for the periods outlined in this Section, and will submit annual reporting to the Department of City Planning in a manner consistent with Sec. 9.4.8.F.2. (Annual Reporting).

B. Modifications to Transitional Height Standards

In an effort to streamline Chapter 1A of the LAMC, the transitional height standard as it displays within Form District tables in Article 2 and Form Standards in Article 7 has been restructured. The change involves a simplification to where the transitional height standard itself folds in the specific details of the standards that were previously displayed in the Form District tables and Form Standards.

Recommendation

II.B.1–II.B.6 - Technical Modifications

The following technical modifications are offered for the PLUM Committee’s consideration in order to provide clarity and consistency as to how the transitional height standard is referenced in Form District tables for LN1, LM4, LM6, and LM7 of Article 2, and Form Standards for Small Lot 1 in Article 7, in Chapter 1A of the LAMC. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text.

II.B.1 Technical Modification: LAMC Chapter 1A, Article 2 (Form), Sec. 2B.8.1. Low-Rise Narrow 1 (LN1)

Amend the upper story bulk provisions of the Form District table for Sec. 2B.8.1. Low-Rise Narrow 1 (LN1) of Chapter 1A of the LAMC to read as follows:

UPPER-STORY BULK	DIV. 2C.6.
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Street step-back	
D) Stories without step-back (max)	4
E) Primary street step-back depth (min)	10'
Side street step-back depth (min)	10'
<u>Height Transition</u>	<u>Required</u>
District boundary height transition	
F) Abutting district allowed height (max)	45'
G) Stories without height transition (max)	4'
H) Transition depth (min)	10'

II.B.2 Technical Modification: LAMC Chapter 1A, Article 2 (Form), Sec. 2B.9.4. Low-Rise Medium 4 (LM4)

Amend the upper story bulk provisions of the Form District table for Sec. 2B.9.4. Low-Rise Medium 4 (LM4) of Chapter 1A of the LAMC to read as follows:

UPPER-STORY BULK	<u>DIV. 2C.5.6.</u>
Transitional height <u>Height Transition</u>	<u>Required</u>
Applicability: max allowed height of adjoining district	36' / 3 stories
Street setback (min)	10'
Rear/side setback (min)	10'
3rd story setback (min)	20'

II.B.3 Technical Modification: LAMC Chapter 1A, Article 2 (Form), Sec. 2B.9.6. Low-Rise Medium 6 (LM6)

Amend the upper story bulk provisions of the Form District table for Sec. 2B.9.6. Low-Rise Medium 6 (LM6) of Chapter 1A of the LAMC to read as follows:

UPPER-STORY BULK	<u>DIV. 2C.5.6.</u>
Transitional height <u>Height Transition</u>	<u>Required</u>

Applicability: max allowed height of adjoining district	36' / 3 stories
Street setback (min)	40'
Rear/side setback (min)	40'
3rd story setback (min)	20'
6th story setback (min)	30'

II.B.4 Technical Modification: LAMC Chapter 1A, Article 2 (Form), Sec. 2B.9.7. Low-Rise Medium 7 (LM7)

Amend the upper story bulk provisions of the Form District table for Sec. 2B.9.7. Low-Rise Medium 7 (LM7) of Chapter 1A of the LAMC to read as follows:

UPPER-STORY BULK	<u>DIV. 2C.5.6.</u>
<u>Transitional height Height Transition</u>	<u>Required</u>
Applicability: max allowed height of adjoining district	36' / 3 stories
Street setback (min)	40'
Rear/side setback (min)	40'
3rd story setback (min)	20'
6th story setback (min)	30'

II.B.5 Technical Modification: LAMC Chapter 1A, Article 2 (Form)

Section 2C.6.3. (District Boundary Height Transition) of Chapter 1A of the LAMC shall be replaced in its entirety to read as follows:

Sec. 2C.6.3. HEIGHT TRANSITION

A reduction in the maximum height of a building for a limited depth where abutting districts have substantially lower height allowances.

A. Intent

To prevent looming impacts and reduce the perceived bulk and mass of buildings along zoning district boundaries where maximum height standards change significantly.

B. Applicability

1. Height transition standards apply to all buildings on a lot where the applied Form District (Part 2B) specifies a height transition is 'required', and meets at least one of the additional applicability criteria below:
 - a. The subject lot abuts a lot with a different applied zone specifying a maximum height of less than or equal to 45 feet or 4 stories.
 - b. The subject lot is located across an alley from a lot with a different applied zone specifying a maximum height of less than or equal to 45 feet or 4 stories.
 - c. The subject lot is a through lot that adjoins a lot with a different applied zone specifying a maximum height of less than or equal to 45 feet or 4 stories, located across a collector or local street.
2. Height transition standards shall not apply when the subject property abuts, adjoins, or is located across an alley from a lot with a different applied form district that specifies a bonus height that exceeds 45 feet or 4 stories.

C. Standards

1. All portions of a building or structure located on an applicable lot shall comply with height transition standards unless listed as an exception in Sec. 2C.5.3.E (Exceptions).
2. Where a height transition is required, no portion of a building or structure shall be located within a distance of 10 feet of the applicable abutting lot line. Buildings located on lots separated from an applicable lot by an alley are not required to adhere to this standard.
3. Where a height transition is required, and the abutting, adjoining, or alley adjacent zone has a maximum height of less than or equal to 36 feet or 3 stories, no portion of a building or structure shall exceed 3 stories within a distance of 30 feet, and 5 stories within a distance of 50 feet of the applicable abutting, adjoining, or alley adjacent lot line.
4. Where a height transition is required, and the abutting, adjoining, or alley adjacent zone has a maximum height of less than or equal to 45 feet or 4 stories, no portion of a building or structure shall exceed 4 stories within a distance of 30 feet, and 6 stories within a distance of 50 feet of the applicable abutting, adjoining, or alley adjacent lot line.

D. Measurement

1. The distance from an abutting lot line shall be measured as the horizontal distance from any applicable lot line having a common boundary with the subject property, to the edge of any at-grade portion of a building to which a transitional height limitation applies.

2. The distance from an alley adjacent lot line shall be measured as the horizontal distance from any applicable lot line located across an alley that separates the subject property from a different applied zone, to the edge of any at-grade portion of a building to which a transitional height limitation applies.
3. The distance from any lot line on a through lot that adjoins a lot with a different applied zone shall be measured as the horizontal distance from the applicable lot line adjoining a lot with a different applied zone, to the edge of any at-grade portion of a building to which a transitional height limitation applies.
4. Story height is measured according to Sec. 2C.4.3. (Height in Stories).

E. Exceptions

The following are allowed to encroach into the height transition as listed below:

ALLOWED HORIZONTAL ENCROACHMENTS	
Architectural Details (Sec. 14.1.5.A.1.a.)	
Encroachment (max)	2'
Roof Projections (Sec. 14.1.5.A.1.b.)	
Encroachment (max)	2.5'
Unenclosed Structures (Sec. 14.1.5.A.1.c. - Sec. 14.1.5.A.1.d.)	
Encroachment (max)	5'
Enclosed Structures: Projecting (Sec. 14.1.5.A.1.e.)	
Encroachment (max)	2.5'
Mechanical/Electrical Equipment (Sec. 14.1.5.A.1.f. - Sec. 14.1.5.A.1.g.)	
Encroachment (max)	1.5'

ALLOWED VERTICAL ENCROACHMENTS	
Mechanical/Electrical Equipment (See Sec. 14.1.5.B.1.b.)	
Encroachment (max)	5'
Setback from roof edge (min)	3'
Architectural Elements (See Sec. 14.1.5.B.1.c.)	
Encroachment (max)	5'
Setback from roof edge (min)	2'

Safety Barriers (See Sec. 14.1.5.B.1.e.)	
Encroachment (max)	4'
Setback from roof edge (min)	0'
Unenclosed Structures (See Sec. 14.1.5.B.1.f.)	
Encroachment (max)	8'
Setback from roof edge (min)	2'
Flatwork (See Sec. 14.1.5.B.1.g.)	
Encroachment (max)	2.5'
Setback from roof edge (min)	1'
Vegetation (See Sec. 14.1.5.B.1.h.)	
Encroachment (max)	unlimited
Setback from roof edge (min)	1'

F. Relief

1. A reduced height transition distance of 20% or less may be requested in accordance with Sec. 13B.5.2. (Adjustments).
2. A reduced height transition in distance and an increase in the number of stories before height transition begins may be requested only as a variance in accordance with Sec. 13B.5.3. (Variance).

II.B.6 Technical Modification: LAMC Chapter 1A, Article 7 (Alternate Typologies), Sec. 7B.3.1. (Small Lot 1)

Amend the upper story bulk provisions of the Form Standards of the Small Lot 1 Alternate Typology as follows:

UPPER-STORY BULK	Sec. 7C.1.1.
<u>Height Transition</u>	<u>Required</u>
District boundary height transition	
Abutting-district allowed height (max)	35'
Stories without height transition (max)	2

Transition depth (min)	40'
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C. Modifications to Wall Plate Height Standards

Changes to the Wall Plate Height standards in the Form Rules (Part 2C) of Article 2 in Chapter 1A of the LAMC would provide clarity and consistency in their implementation.

Recommendation

The following technical modification is offered for the PLUM Committee's consideration. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text.

II.C.1 Technical Modification: LAMC Chapter 1A, Article 2 (Form), Div. 2C.5. Upper-Story Bulk

Amend the standards for Sec. 2C.5.2. Wall Plate Height of Chapter 1A of the LAMC to read as follows:

Sec. 2C.5.2. **WALL PLATE HEIGHT**

The vertical dimension of the wall of a building that supports the roof structure.

A. Intent

To help reduce the impact of taller building walls along the public realm and from abutting properties, in addition to maintaining the upper-story profile of a district.

B. Applicability

The maximum wall plate height requirement applies to all buildings on a lot where the applied Form District (Part 2B) specifies a maximum upper wall plate height standard.

C. Standards

- ~~1. No upper wall plate shall exceed the maximum upper wall plate height standard.~~
1. The height of any exterior wall of a building shall not exceed the maximum wall plate height specified by the applied form district.
- ~~2. The roof may continue in height up to the maximum height in feet specified by the zoning district.~~
2. Buildings may continue in height up to the maximum height in feet specified by the applied form district when set within a pitched roof having a maximum slope of 12/12 or approximately 45 degrees.

D. Measurement

4. ~~Upper wall plate height is measured along each exterior wall of a building from grade plane to the top of the uppermost wall plate of the building.~~

1. Wall plate height is measured vertically along each exterior wall of a building from the finished grade to the top of the uppermost wall plate of the building. Such measurement shall be taken from every elevation of the proposed building.

[DIAGRAM]

2. Roof pitch shall be measured from the top of the uppermost wall plate to the uppermost ridge along the same sloping roof plane.

[DIAGRAM]

E. Exceptions

ALLOWED VERTICAL ENCROACHMENTS	
Mechanical/Electrical Equipment (See Sec. 14.1.5.B.1.b.)	
Encroachment (max)	<u>3'</u>
Setback from roof edge (min)	<u>3'</u>
Architectural Elements (See Sec. 14.1.4.B.1.c)	
Encroachment (max)	<u>5'</u>
Setback from roof edge (min)	<u>3'</u>
Safety Barriers (See Sec. 14.1.5.B.1.e.)	
Encroachment (max)	<u>6'</u>
Setback from roof edge (min)	<u>0'</u>
Unenclosed Structures (See Sec. 14.1.5.B.1.f.)	
Encroachment (max)	<u>8'</u>
Setback from roof edge (min)	<u>5'</u>
Flatwork (See Sec. 14.1.5.B.1.g.)	
Encroachment (max)	<u>2.5'</u>
Setback from roof edge (min)	<u>1'</u>
Plants (See Sec. 14.1.5.B.1.h.)	
Encroachment (max)	<u>unlimited</u>
Setback from roof edge (min)	<u>1'</u>

E.F. Relief

1. An increase in the maximum upper wall plate height of 20% or less may be requested in accordance with Sec. 13B.5.2. (Adjustments).
2. An increase in the maximum upper wall plate height of more than 20% has to be requested as a variance in accordance with Sec. 13B.5.3. (Variance).

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning

VPB:SMMB:cw:ug:ap