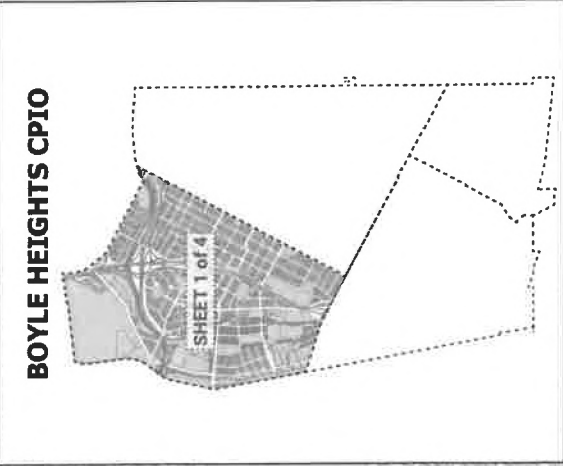


ORDINANCE NO. _____

An ordinance establishing the Boyle Heights Community Plan Implementation Overlay District for the Boyle Heights Community Plan Area.

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

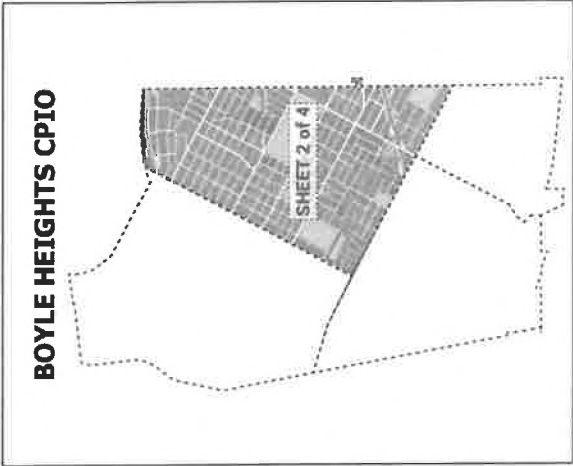
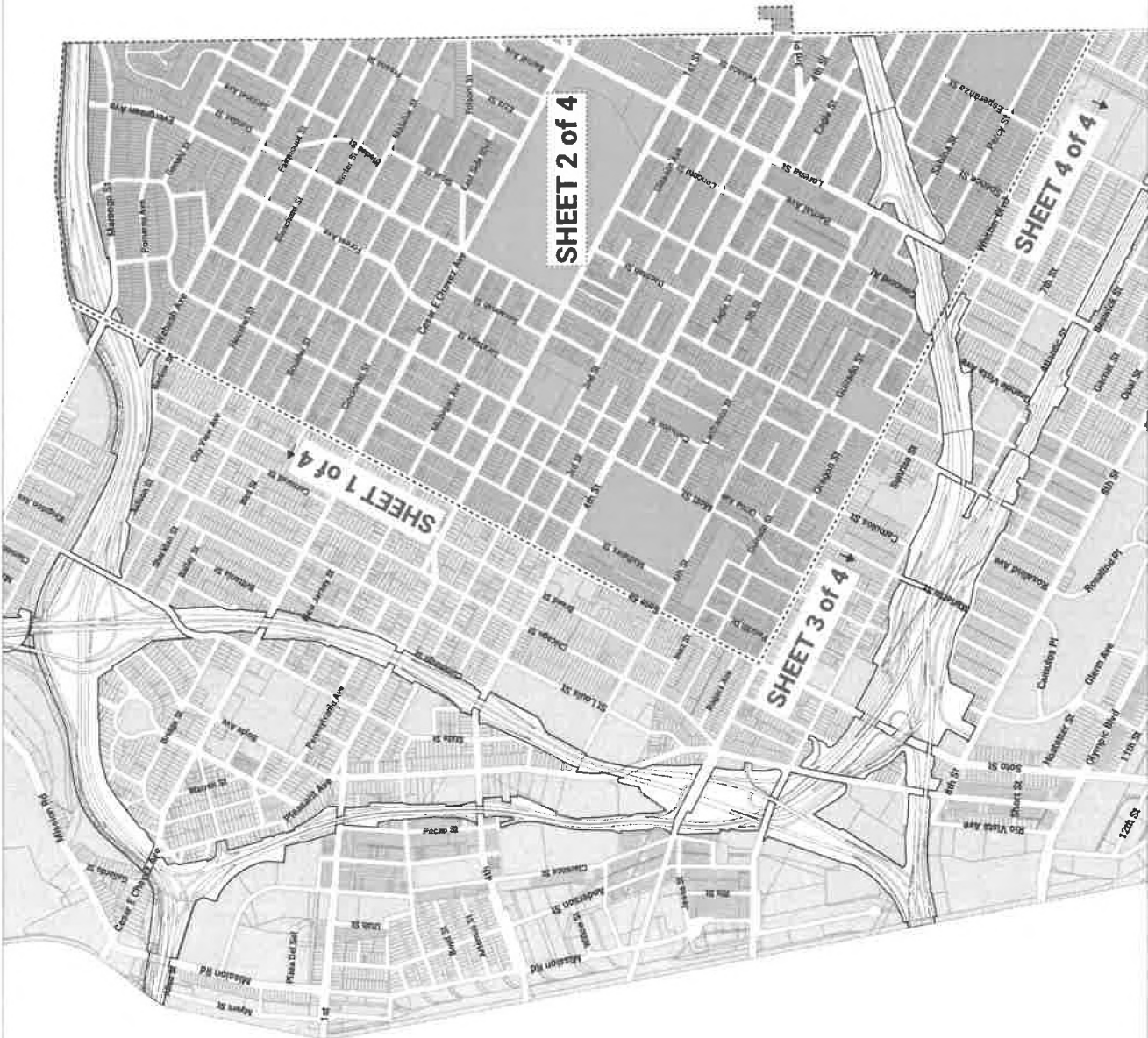
Section 1. Pursuant to Section 8.2.2 and 13.B.1.2. of Chapter 1A of the Los Angeles Municipal Code, the City Council hereby establishes and adopts the Boyle Heights Community Plan Implementation Overlay District (Boyle Heights CPIO District). The Boyle Heights CPIO District's boundaries are identical to the boundaries of the Boyle Heights Community Plan, adopted on September 25, 2024 (Council File No. 23-0861) and the Boyle Heights CPIO District adopts six subareas, the Community Benefits Program Subarea, the Tenant Protections Subarea, the Soil Sampling Subarea, the Historic Resources Subarea, the Public Lands Subarea, and the Underground Utilities Subarea as shown in the map below:



SHEET 1 of 4
 THIS MAP IS A REPRESENTATION OF THE BOYLE HEIGHTS COMMUNITY PLAN AREA. THE GIS SHAPEFILE AND GEOSPATIAL DATA INFORMATION IS LOCATED IN THE DEPARTMENT OF CITY PLANNING'S WEBSITE.

CF 23-0861: CPC-2016-2805-CPU; CPC-2016-2905-CPU-M1; ENV-2016-2906-EIR

Boyle Heights Community Plan Implementation Overlay (CPIO)
 THIS ORDINANCE ESTABLISHES THE BOUNDARIES FOR THE BOYLE HEIGHTS COMMUNITY PLAN IMPLEMENTATION OVERLAY (CPIO) DISTRICT.

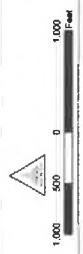


Boyle Heights Community Plan Implementation Overlay (CPIO)

CPIO

THIS ORDINANCE ESTABLISHES THE BOUNDARIES FOR THE DOWNTOWN COMMUNITY PLAN IMPLEMENTATION OVERLAY (CPIO) DISTRICT.

CF 23-0881; CPC-2016-2805-CPU; CPC-2016-2805-CPU-M1; ENV-2016-2806-EIR



SHEET 2 of 4

THIS MAP IS A REPRESENTATION OF THE BOYLE HEIGHTS COMMUNITY PLAN AREA. THE GIS SHAPEFILE AND GEOSPATIAL DATA INFORMATION IS LOCATED IN THE DEPARTMENT OF CITY PLANNING'S WEBSITE.

Sec. 2. The Boyle Heights CPIO District shall read in whole as follows:

Boyle Heights Community Plan Implementation Overlay District (Boyle Heights CPIO District)

Ordinance No.:

Effective Date:

TABLE OF CONTENTS

Chapter I	Function of the Boyle Heights CPIO District
Chapter II	Community Benefits Program Subarea A
Chapter III	Tenant Protections Subarea B
Chapter IV	Soil Sampling Subarea C
Chapter V	Historic Resources Subarea D
Chapter VI	Public Lands Subarea E
Chapter VII	Underground Utilities Subarea F
Appendix A	Environmental Standards

CHAPTER I – FUNCTION OF THE BOYLE HEIGHTS CPIO DISTRICT

Section I-1. BOYLE HEIGHTS CPIO DISTRICT AUTHORITY AND BOUNDARIES

Pursuant to Los Angeles Municipal Code (LAMC) Chapter 1A Sections 8.2.2. and 13B.1.2., the City Council establishes the Boyle Heights Community Plan Implementation Overlay District (Boyle Heights CPIO District or CPIO District). The boundaries of the Boyle Heights CPIO District are identical to the boundaries of the Boyle Heights Community Plan Area (Community Plan Area) as adopted on September 25, 2024 (Council File No. 23-0861) and shown on Figure I-1.

Figure I-1. Boyle Heights CPIO District Boundaries



Figure I-2. Subarea A - Community Benefits Program Subarea

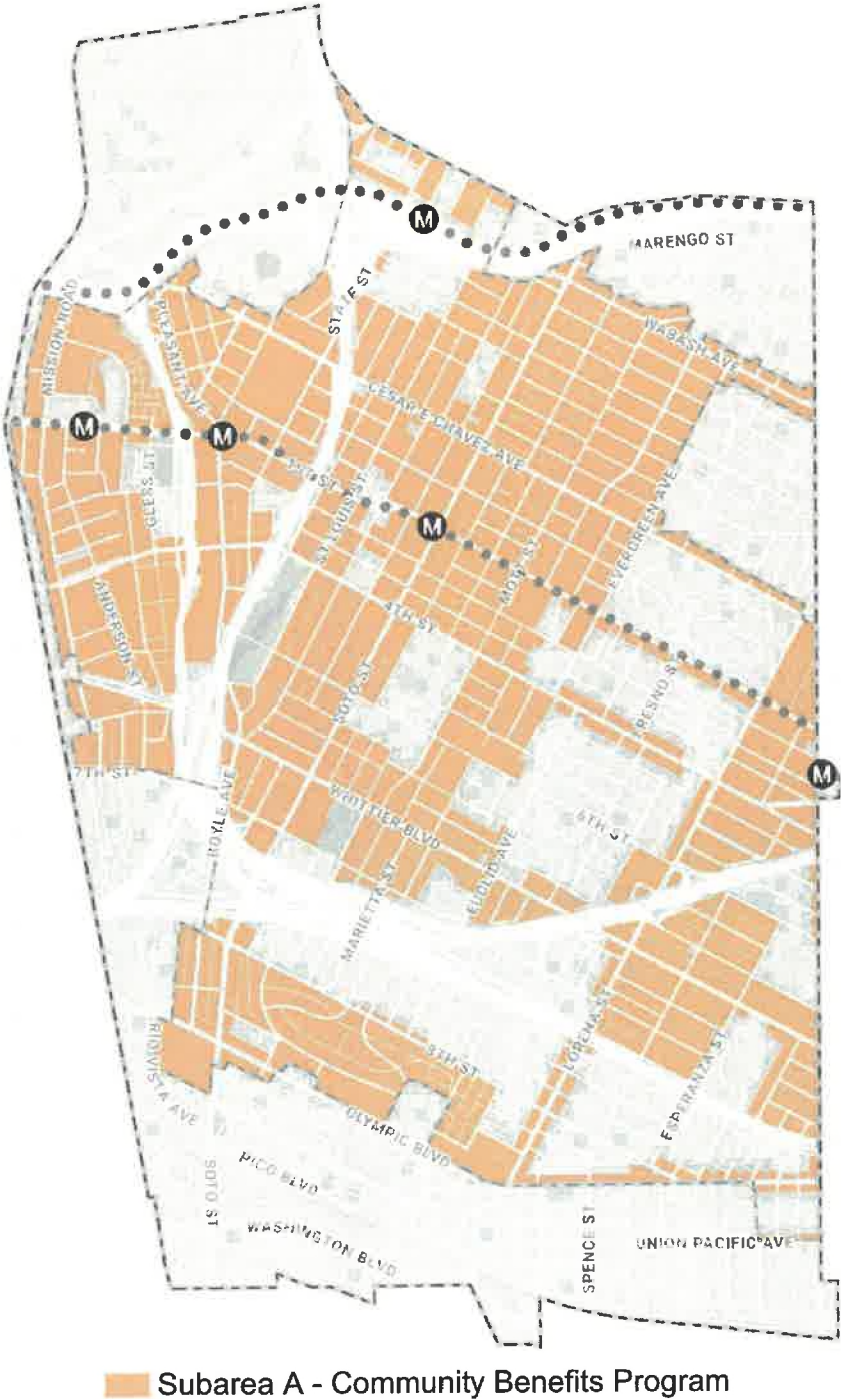


Figure I-3. Subarea A.1 - Local Affordable Housing Incentive Program Subarea

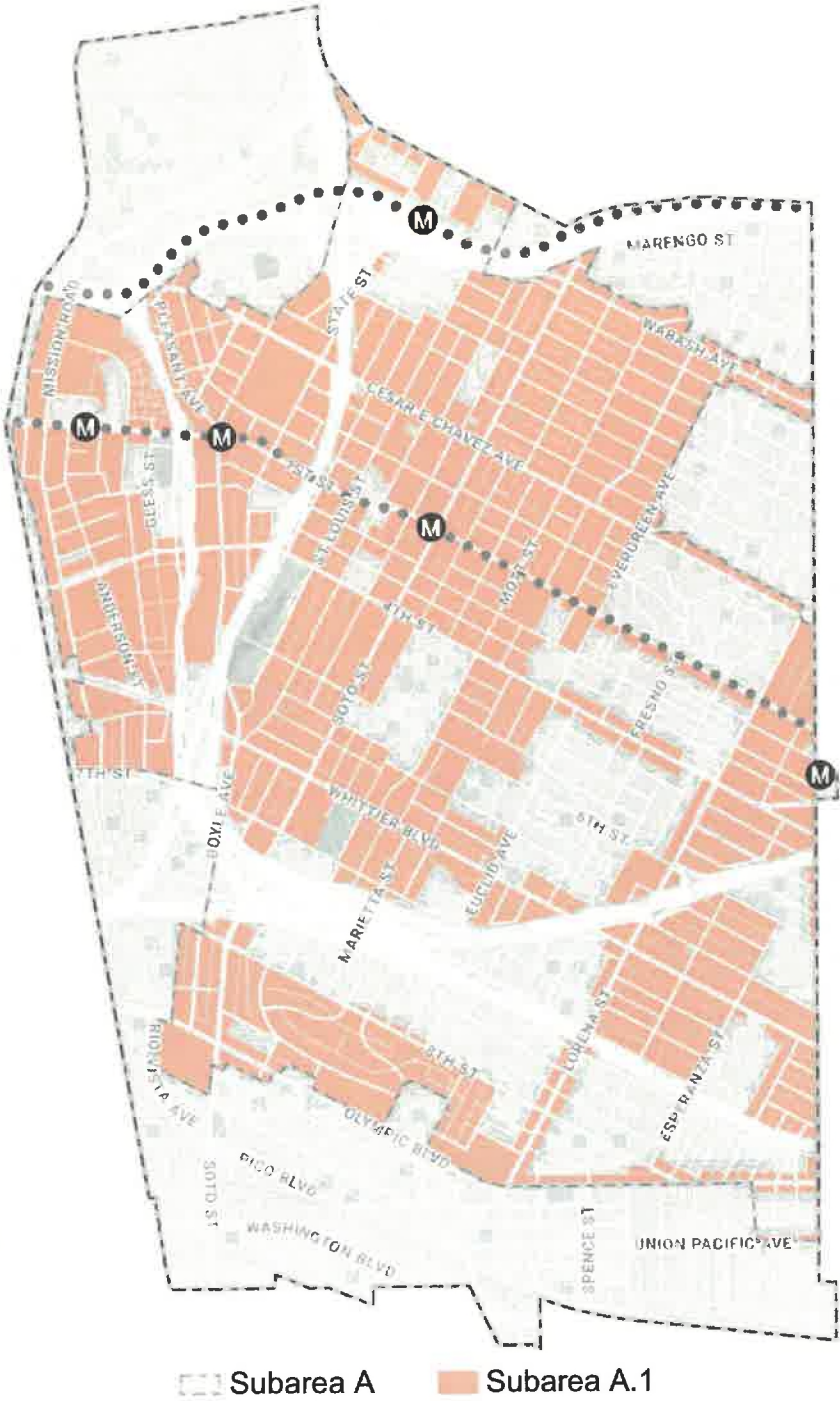


Figure I-4. Subarea A.2 - Public Benefits Incentive Program Subarea



Figure I-5. Subarea B - Tenant Protections Subarea

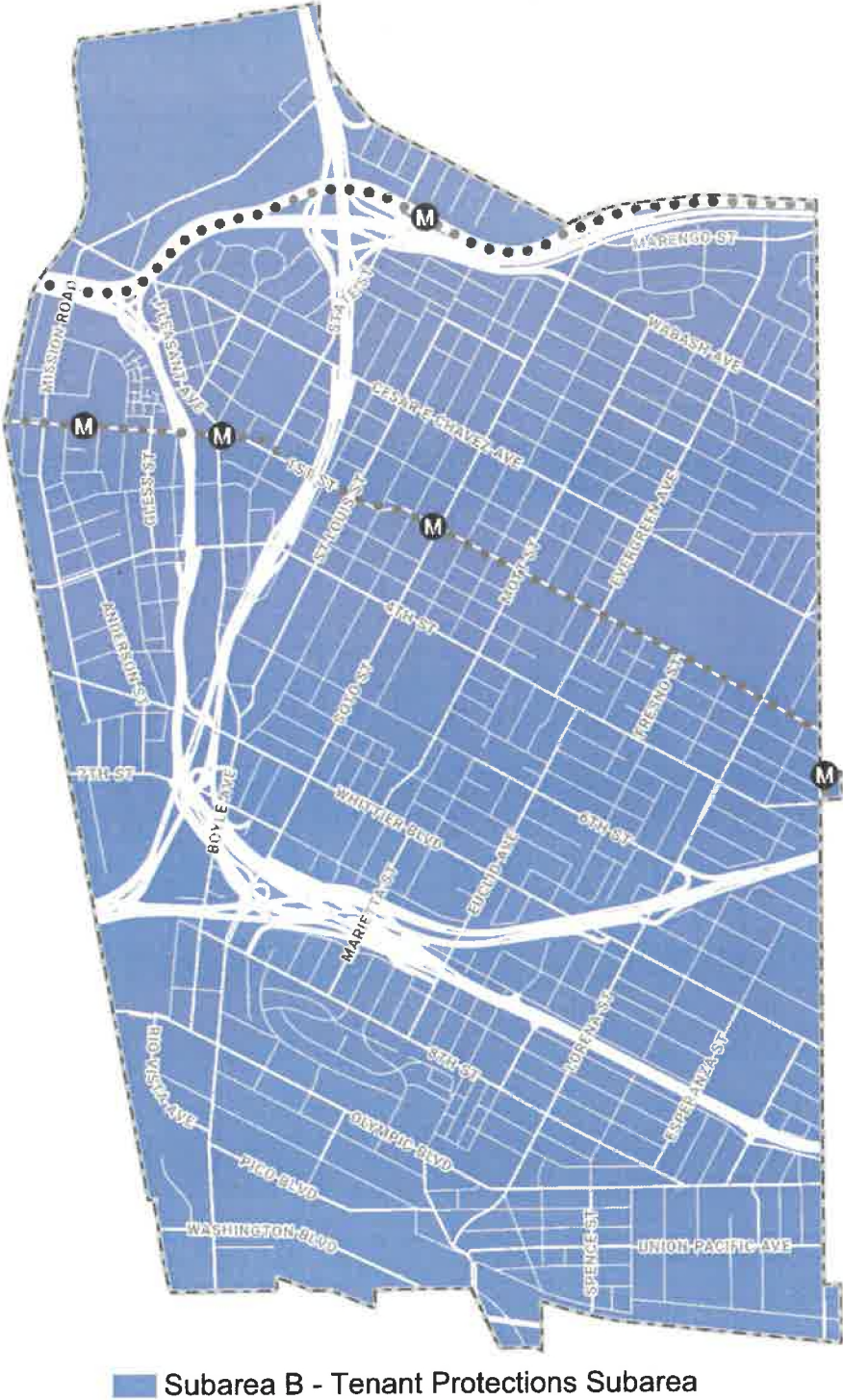


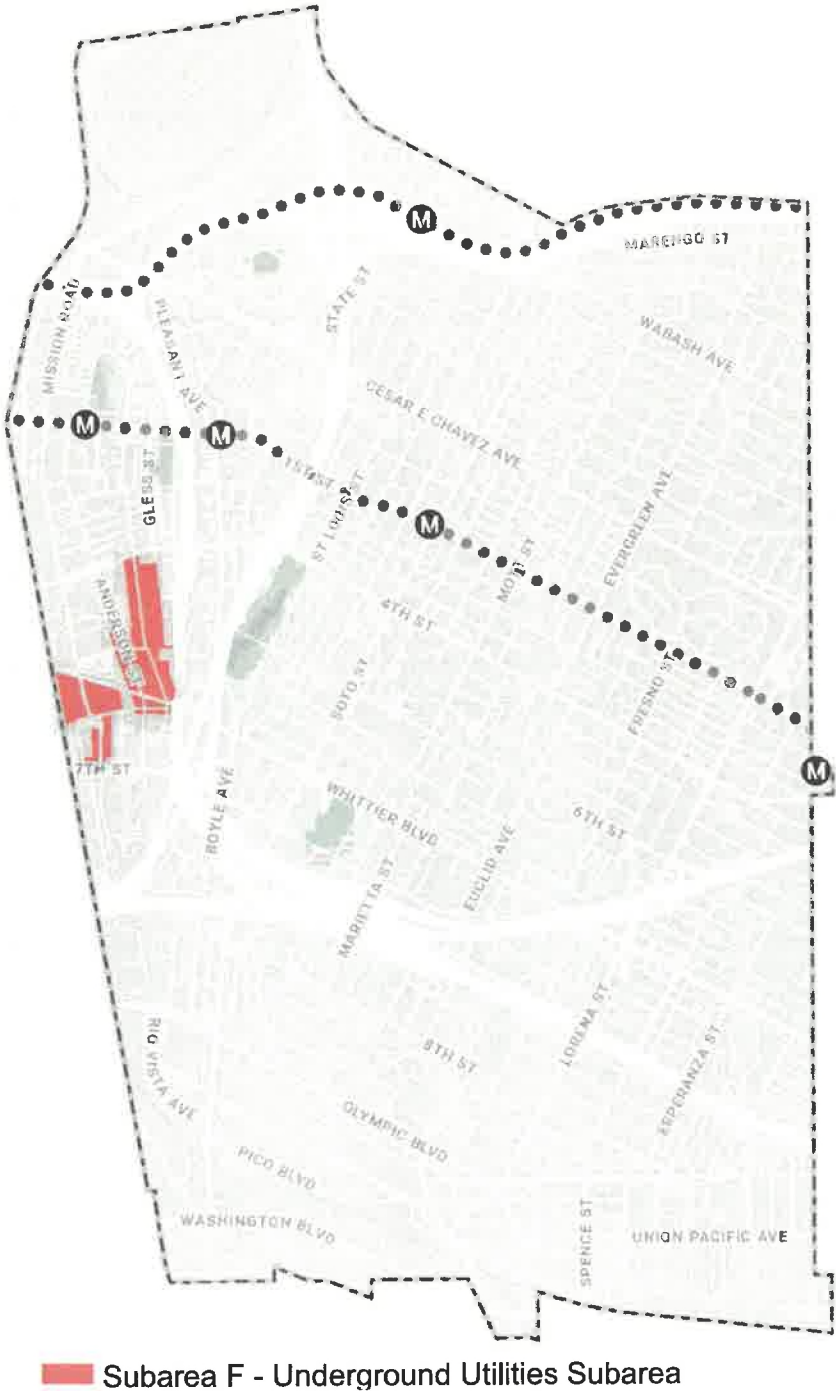
Figure I-7. Subarea D - Historic Resources Subarea



Figure I-8. Subarea E - Public Lands Subarea



Figure I-9. Subarea F - Underground Utilities Subarea



Section I-2. PURPOSE

The purposes of the Boyle Heights CPIO District are as follows:

- A. To implement the goals and policies of the Boyle Heights Community Plan.
- B. To create development incentives that facilitate the production of affordable housing and are tailored to the neighborhood context.
- C. To encourage mixed-income and affordable housing development and minimize potential residential displacement.
- D. To create approval processes, including a ministerial administrative clearance process, which enables mixed-income housing infill development that will positively impact communities in conformance with these regulations.
- E. To preserve and protect neighborhood identity, including protecting cultural and historic resources and distinctive character defining elements of existing urban form.
- F. To ensure safe ground disturbance practices in areas where soil contaminants may exist.
- G. To strengthen residential neighborhood stability by preserving existing affordable housing stock, protecting residential tenants from harassment and mitigating the impacts of displacement.

Section I-3. SUBAREAS

The Boyle Heights CPIO District contains six subareas (Subareas) as shown on Figures I-2 through I-9. The Subareas consist of contiguous or non-contiguous parcels characterized by common overarching Community Plan themes, goals, and policies, and are grouped by a common boundary. The Subareas are described below.

Community Benefits Program Subarea (Subarea A)

The Community Benefits Program Subarea A consists of Subarea A.1 and Subarea A.2. Within Subarea A, unique zones tailor the incentives to the surrounding context, offering greater intensities of height, floor area, and density around fixed rail transit stations and bus corridors.

Subarea A.1. (Local Affordable Housing Incentive Program Subarea). Subarea A.1 applies to areas within the Boyle Heights Community Plan Area that allow multi-unit residential development and strives to introduce

more affordable housing development with an incentive structure that prioritizes mixed-income and one hundred percent affordable housing.

Subarea A.2. (Public Benefits Incentive Program Subarea). Subarea A.2 applies to areas adjacent to the Los Angeles River and is intended to incentivize non-residential projects that include Public Benefits or, which, help sustain legacy small businesses.

Tenant Protections Subarea (Subarea B)

The purpose of this Subarea B, which includes the entirety of the CPIO District, is to provide additional requirements to the replacement of existing or demolished protected units in conjunction with the citywide Resident Protection Ordinance (RPO).

Soil Sampling Subarea (Subarea C)

The purpose of this Subarea C, which includes the entirety of the CPIO District, is to ensure that soil contaminants are identified and remediated prior to ground disturbance.

Historic Resources Subarea (Subarea D)

The purpose of this Subarea D, which includes neighborhoods that have an abundance of historically and architecturally significant buildings, is to guide the ongoing maintenance and rehabilitation of these structures through an additional level of review.

Public Lands Subarea (Subarea E)

The purpose of this Subarea E is to support development of community serving uses and affordable housing on publicly owned land.

Underground Utilities Subarea (Subarea F)

The purpose of this Subarea F, which includes areas around the Sixth Street Viaduct, is to require onsite connections to receive underground utility service consistent with the Arts District - Pico Gardens Underground Utility District (Council File No. 17-0724) adopted by Resolution on October 3, 2018.

Section I-4. DEFINITIONS.

Whenever the following terms are used in the CPIO District, they shall be construed as defined in this Section I-4 (Definitions). Words and phrases not defined in this Section shall be construed as defined in LAMC Chapter 1A, Article 14 (General Rules), including but not limited to project activities defined in Section 14.2.15. (Project Activities). Capitalized words in this Section and the CPIO District shall be as expressly

defined in this Section I-4. Any reference to a federal or state statute or regulation in this Section I-4 or the Boyle Heights CPIO District shall be to the statute or regulation as written and in effect on the date this Boyle Heights CPIO District is adopted. Any reference to City ordinances in this Section I-4 or this Boyle Heights CPIO District are deemed to be amended when those ordinances are amended from time to time.

Administrative Clearance – A ministerial approval for a Project in a Boyle Heights CPIO District Subarea that is obtained pursuant to Section I-6.C.2. of the CPIO District.

Affordable Rent for Lower Income Households – Affordable rents for restricted affordable units designated for acutely low, extremely low, very low, and lower income households that meet the minimum income and rent limits set at an affordable rent defined by Section 50053 of the Health and Safety Code.

City Planning – The Los Angeles Department of City Planning.

Cleanup Plan – A plan that outlines the activities required to address the removal, restoration and or containment of contaminated soils on eligible Projects pursuant to Section IV-2 of the CPIO District.

Conversion/Convert – The removal of existing poles, overhead wires and associated structures and the installation of new underground facilities to serve new or existing customers.

Eligible Historic Resources – A building, structure, object, site, landscape, or natural feature identified as an individual resource or as a contributor to a historic district under a local, state or federal designation program; or identified as a contributor to an eligible historic district through SurveyLA (The Los Angeles Historic Resources Survey), the historic resources survey completed as part of the Redevelopment Plan for the Adelante-Eastside Project, or another historical resource survey, completed subsequent to the effective date of the CPIO District, and completed by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources (OHR). This term does not include a non-contributor to an eligible historic district.

Initial Sampling Report – Documentation providing information and evidence of compliance with the sampling activities required in Chapter IV.

Letter of Completion – Documentation providing information and evidence of the cleanup required in Chapter IV.

Mixed-income Housing – A Project comprising a mix of market-rate and restricted affordable units.

Project – In Subarea A, any construction, erection, alteration of, or addition to, a structure that would exceed the base floor area and or base height allowances authorized under the subject site’s Form District, or the demolition of a housing development project.

In Subarea B, any demolition.

In Subarea C, any grading, new construction, major remodel, or demolition.

In Subarea D, any demolition, major remodel, facade modification, or maintenance & repair, or the removal of building components, unless the work consists solely of interior work.

In Subarea E, any new construction that exceeds the base floor area allowed.

In Subarea F, any new construction or major remodel, or intensification of use that requires an upgrade to an electric or telecommunication service connection.

Public Benefit – An improvement, facility, resource, or service other than affordable housing for the benefit and enjoyment of the general public, pursuant to LAMC Chapter 1A, Div. 9.3. (Community Benefits Program).

Qualified Environmental Professional (QEP) – An environmental professional who is credentialed through the Institute of Professional Environmental Practice (IPEP); holds a bachelor’s or equivalent degree in physical, earth or natural sciences, engineering, or mathematics; and has at least five years of professional experience, or eight years of professional environmental work experience with a degree in discipline other than those listed above.

Rehabilitation – The act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

Utility Company – A private or governmental entity supplying electric, communication, telecommunication, or similar or associated services by means of electrical materials or devices.

Section I-5. RELATIONSHIP TO OTHER ZONING REGULATIONS

- A. Pursuant to LAMC Chapter I, Section 12.22.A.31(d), for properties in the CPIO District, in whole or in part, the Citywide Transit Oriented Communities Guidelines (TOC), LAMC Chapter I, Section 12.22.A.31 and LAMC Chapter 1A, Sec. 9.2.7 (Transit Oriented Communities Affordable Housing Incentive Program), shall be superseded by the provisions and requirements contained in the CPIO District.

- B. Nothing in the Boyle Heights CPIO District is intended to override or conflict with any regulations in the LAMC or other ordinance establishing a park or Quimby fee or park or open space dedication requirement, including any provisions related to credits or fee and dedication calculations.
- C. Projects providing restricted affordable units to fully utilize LAMC Chapter 1A, Sec. 9.3.2. (Local Affordable Housing Incentive Program) shall be exempt from the Affordable Housing Linkage Fee in LAMC Chapter 1A, Section 15.4.3.
- D. Projects providing restricted affordable units in accordance with minimum mandatory inclusionary housing requirements in LAMC Chapter 1A Sec. 5C.3.1. (Inclusionary Housing Program) are eligible to utilize incentives provided in LAMC Chapter 1A, Sec. 9.3.2. (Local Affordable Housing Incentive Program), if all applicability requirements are met, and shall be exempt from paying the Affordable Housing Linkage Fee in LAMC Chapter 1A, Section 15.4.3 (Affordable Housing Linkage Fee).
- E. Nothing in this Boyle Heights CPIO District is intended to override or conflict with any regulations in the LAMC that would otherwise require a conditional use permit.
- F. Nothing in this Boyle Heights CPIO District is intended to override or conflict with any bicycle parking regulations.
- G. Nothing in this Boyle Heights CPIO District is intended to override or conflict with the Density Bonus regulations set forth in LAMC Chapter 1A, Sec. 9.2.1. (State Density Bonus Program) that provides bonuses, waivers, and incentives for certain affordable housing projects. Projects that utilize bonuses, waivers, and incentives under LAMC Chapter 1A Sec. 9.2.1. (Density Bonus Program) shall not be eligible for the bonuses, waivers, and incentives contained in this CPIO District.

Section I-6. REVIEW PROCEDURES

- A. **Prohibition of Issuance of LADBS Permits Prior to CPIO Approval.** The Los Angeles Department of Building and Safety (LADBS) shall not issue a building permit for any Project, within a Boyle Heights CPIO subarea (in whole, or in part), unless the Project has been reviewed and approved in accordance with this Section I-6.
- B. **Filing Requirements for Multiple Approvals.** A CPIO Adjustment or a CPIO Exception shall be a quasi-judicial approval for purposes of LAMC Chapter 1A, Subparagraph 13A.2.10.A.2.b. (Quasi-Judicial Approval), and shall be processed pursuant to the procedures in LAMC Chapter 1A, Sec.

13A.2.10. (Multiple Approvals), if the project requires multiple discretionary approvals. Pursuant to LAMC Chapter 1A, Sec. 13.A.2.10. (Multiple Approvals), an Administrative Review shall be sought after all discretionary approvals, if any, are approved.

C. **CPIO Approval.** All Projects in a CPIO District subarea are required to get a CPIO District approval consistent with LAMC Chapter 1A, Sec. 13B.3.1. (Administrative Review), any applicable provision of this CPIO District, and the following:

1. **Content of Application for a CPIO Approval.** In addition to any other information or documents required under LAMC Chapter 1A, Sec. 13B.3.1. (Administrative Review), an applicant shall provide, at a minimum, detailed permit drawings and any other exhibits deemed necessary to demonstrate compliance with all applicable provisions of the CPIO District. Each application submitted for a CPIO Adjustment, or a CPIO Exception shall clearly identify and list all adjustments and exceptions requested.

2. **Administrative Review.** In addition to the requirements in LAMC Chapter 1A, Sec. 13B.3.1. (Administrative Review), the following shall apply:

(a) **Director Approval.** The Director shall grant an administrative review after reviewing the Project and finding that it is in compliance with all applicable provisions of the CPIO District as indicated by a plan stamped by the City Planning.

(b) **Non-Appealable Ministerial Approval.** Administrative review is not subject to appeal and is not discretionary for purposes of CEQA Guidelines Sections 15060(c)(1) and 15268.

(c) **Scope of Review and Non-Conforming Uses.**

i. In reviewing a Project for an Administrative Review, the Director shall review the Project for compliance with those regulations that are applicable to the proposed scope of construction or use.

ii. Unless otherwise specifically provided in the CPIO District, Non-conforming uses shall comply with LAMC Chapter 1A, Article 12 (Nonconformities).

3. **CPIO Director Determination.**

- (a) In addition to the requirements in Subdivision 2. (Administrative Review) above, and LAMC Chapter 1A, a Project that meets the following criteria shall obtain a Director Determination pursuant to the procedures in this Subparagraph:
 - i. In Subarea A, a Project seeking bonus floor area ratio (FAR) through any of the following methods:
 - 1) Alternative social service center under Section II-3.A.3(f);
 - 2) Alternative civic facilities under Section II-3.A.3(g);
 - ii. In Subarea D, any Project involving demolition.
- (b) The Director Determination required in this Subdivision 3 (CPIO Director Determination), shall be processed pursuant to LAMC Chapter 1A, Sec. 13B.2.5. (Director Determination), subject to the following:
 - i. **Findings.** To approve a CPIO Director Determination, the Director must find all of the following in writing:
 - 1) The Project is consistent with the purpose and intent of the CPIO District and substantially complies with the CPIO District.
 - 2) Conditions incorporated into the determination will ensure the ongoing use or operation of the Public Benefit.
 - 3) If the Project utilizes a Public Benefit program under Sections II-3.A.3(f) (alternative social service center) or II-3.A.3(g) (alternative civic facilities), the Public Benefit provided serves the needs of the surrounding residents, employees, and or visitors by providing a service or amenity not adequately available to the surrounding community or that contributes to the cultural or historic identity of the surrounding community; and does not result in an over-concentration of the service or amenity.

- (c) **CEQA.** Approval of a CPIO Director Determination is a discretionary approval for purposes of CEQA Guidelines Section 15357.
- 4. **City Planning Commission.** A Project requesting waivers of the applicable zoning standards and requirements beyond the number of additional incentives permitted in Section II-2 (Local Affordable Housing Incentive Program), shall be reviewed pursuant to LAMC Chapter 1A, Section 13.B.2.3. (Class 3 Conditional Use), and waivers are subject to the findings in Section 9.2.1.D.2.b. (Required Findings for Waivers) and there is no right to an appeal of the initial decision.
- 5. **CPIO Approval Compliance.** No demolition permit shall be issued for a Project unless building permits for a new development project on the site have been issued and any necessary permits or entitlements required pursuant to LAMC Chapter 1A, or any ordinance adopted under Chapter 1A, have been obtained. This prohibition shall not apply to any structure deemed hazardous pursuant to the LAMC Chapter IX or to a structure that is, in fact, uninhabitable as determined by LADBS or as determined to be a public nuisance by City Planning. Adaptive Reuse Projects as defined in LAMC Chapter 1A, Division 14.3 (Glossary), are not subject to the above provision.

Section I-7. ENVIRONMENTAL STANDARDS PROCEDURES

The Environmental Standards in Appendix A of this CPIO are in addition to those identified in the Environment Protection Measures Handbook (LAMC Chapter 1A, Sec. 4C.13.1.). These standards are included in the Boyle Heights CPIO District to implement, in part, the Mitigation & Monitoring Program adopted as part of the Boyle Heights Community Plan Update and described in the City of Los Angeles Boyle Heights Community Plan Environmental Impact Report (Case No. ENV-2016-2906-EIR), certified by the City Council on September 25, 2024. Wherever the environmental standards and applicability thresholds in Appendix A of this CPIO District differ from those in the Environment Protection Measures Handbook, the more stringent of the two shall apply.

Any Project subject to discretionary review within the CPIO District Subarea shall comply with all applicable Environmental Standards as set forth in Appendix A, subject to the provisions below. A Project that has no discretionary review is not subject to the Environmental Standards in Appendix A.

- A. **Applicability of Environmental Standards.** A Project does not need to comply with any Environmental Standard that is not relevant to the scope of activities involved with the Project. For example, a Project that proposes only minor façade alterations and no grading shall not be subject to Environmental Standards that apply to grading activities (such as a standard regulating grading activities). The decision maker, in his or her

reasonable discretion, shall determine those Environmental Standards that apply to a particular Project and make them conditions of approval.

- B. **Plans.** Compliance with all applicable Environmental Standards listed in Appendix A shall be demonstrated on the plans as project features (that is, features that are physically built into the Project such as an air filtration system) or as operational features on a sheet within the plans (that is, features that are carried out either during the construction of the Project, or over the life of the project, such as the use of paints, sealants, and other building materials that yield low air pollutants).
- C. **Modification of Environmental Standards.** Modifications of Environmental Standards do not require the processing of a CPIO Adjustment or CPIO Exception. The Director (or appeal body on appeal) may modify or not require an Environmental Standard listed in Appendix A for any Project when: (1) the Director finds in writing, based upon substantial evidence, the Environmental Standard is not necessary to mitigate an impact, including because of the existence of a similar or more effective regulation that applies to the Project; (2) the City complies with CEQA Guidelines, Section 15162, including by preparing an addendum or subsequent environmental clearance to the Boyle Heights Community Plan EIR to analyze the impacts from the modifications to the Environmental Standards; or (3) the City prepares a new CEQA clearance for the Project. No CPIO Approval shall be issued for a Project with a modified Environmental Standard until this subsection has been complied with. The modification of an Environmental Standard is not independently appealable.
- D. **Violation.** Any violation of an Environmental Standard in Subsection C of Appendix A, or any other requirement in Appendix A by an owner or an applicant shall be a violation of the LAMC subject to any civil, criminal, or administrative remedy or penalty available for violation of the LAMC.

Section I-8. CEQA CLEARANCE

For purposes of CEQA compliance for subsequent projects approved with a CPIO Approval, including, but not limited to, consideration of a CEQA clearance pursuant to Government Code Section 65457, Public Resources Code Section 21155.4; or CEQA Guidelines, Sections 15183 or 15183.3, the Boyle Heights CPIO District shall operate and be treated as a specific plan, zoning ordinance, and a prior plan level decision for which an EIR was certified.

Section I-9. ADMINISTRATION

The Director may promulgate guidelines to interpret and implement the Boyle Heights CPIO District, in part or in whole.

Section I-10. 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.

CHAPTER II – COMMUNITY BENEFITS PROGRAM SUBAREA

COMMUNITY BENEFITS PROGRAM SUBAREA (SUBAREA A)

OVERVIEW

The Community Benefits Program Subarea (Subarea A) strives to introduce more affordable housing development Projects and Public Benefits, and preserve legacy small businesses. This Subarea includes a tiered incentive structure that prioritizes mixed-income and one hundred percent affordable housing and seeks to ensure replacement units on the Project site. Non-residential projects in specific areas within the Subarea that provide Public Benefits are also eligible for incentives. Within the Subarea, unique zones tailor the incentives to the surrounding context, offering greater height, floor area ratio (FAR), and density incentives around fixed rail transit stations and bus corridors. Subarea A is shown in Figure I-2.

Subarea A is subdivided into the following Subareas: the Local Affordable Housing Incentive Program Subarea (Subarea A.1), and the Public Benefits Incentive Program Subarea (Subarea A.2). Subarea A.1 is shown in Figure I-3. Subarea A.2 is shown in Figure I-4.

Any Project in Subarea A is subject to the requirements in this Chapter.

Section II-1. GENERAL RULES FOR COMMUNITY BENEFITS

- A. **Relief.** The requirements of this Chapter shall not be eligible for a Project Adjustment pursuant to LAMC Chapter 1A, Section 13B.4.4 (Project Adjustment) or a Project Exception pursuant to LAMC Chapter 1A, Section 13B.4.5 (Project Exception).
- B. **Relationship to LAMC.** Unless otherwise provided in this Chapter, the community benefit incentives granted in this Chapter shall meet the standards and requirements in LAMC Chapter 1A, Division 9.3. (Community Benefits Program). In the circumstance that there is a conflict between the CPIO District and Division 9.3., the CPIO District will prevail.
- C. **Procedures.** Unless expressly provided otherwise in this Section, all of the incentives in Sections II-2 and II-3 shall be approved through an administrative clearance pursuant to Section I-6.C.2.

Section II-2. LOCAL AFFORDABLE HOUSING INCENTIVE PROGRAM

The following Local Affordable Housing Incentive Program applies to housing development Projects in Subarea A.1, in whole and in part. A housing development

Project may be granted incentives for providing affordable housing pursuant to the following:

- A. **Base Incentives.** A Project that meets the requirements in Subsection B (Requirements), below, may use the base incentives for FAR and height in LAMC Chapter 1A, Sections 9.3.2.C.2. (Floor Area Ratio) and 9.3.2.C.3. (Height). The project shall also be eligible for the base density incentives for Set B in LAMC Chapter 1A, Section 9.3.2.C.1.a. In addition to the above, the Project may utilize the following incentives, as applicable:
 1. A Project in Subarea A.1 in whole or in part, shall be eligible for a 75 percent decrease in the required minimum parking for residential uses, as outlined in LAMC Chapter 1A, Section 9.3.2.C.4.a.
 2. A Project in Subarea A.2, in whole or in part, in a Form District with a Lot amenity space (min) of 20 percent that uses the residential density incentive for Set B, as outlined in LAMC Chapter 1A, Section 9.3.2.C.1.a., shall be eligible for a decrease up to 15 percent in the required minimum Lot amenity space.
- B. **Requirements.** To obtain the incentives in Subsection A (Base Incentives), a Project shall meet all of the following requirements:
 1. **Restricted Affordable Units.** The Project shall provide restricted affordable units on-site at rates for Set B in LAMC Chapter 1A, Section 9.3.2.B.1.a. (Local Incentive Program Sets). The minimum number of on-site restricted affordable units shall be calculated based upon the total number of units in the final project.
 2. **Dwelling Unit Mix and Location.** Subject to the following, a minimum of 30 percent of the dwelling units for the Project shall be two bedrooms or larger, and the Los Angeles Housing Department (LAHD) shall approve the location of the restricted affordable units within the development. A Project that provides 100 percent of the units as deed-restricted housing shall provide a minimum 60 percent of the total units as two-bedrooms or larger. A Project that provides 100 percent of the units as deed-restricted housing for veterans, seniors, or transitional age youth, or permanent supportive housing, except for a manager's unit, are exempt from this requirement.
 3. **Advertisements.** To demonstrate a good-faith advertising effort, the available deed-restricted affordable housing units proposed for the Project shall be advertised as follows:

- (a) Advertisements shall be posted in both English and Spanish, at a minimum 12-point font and minimum 8.5" x 11" size;
- (b) Advertisements shall be posted for a minimum of 60 days;
- (c) Advertisements shall include a working phone number and email address for interested applicants to contact the developer, owner, or operator;
- (d) Advertisements should include website information for the LAHD and the development project, if applicable;
- (e) Advertisements should include the number of available affordable units and the income limits for applicants to be eligible for those units;
- (f) Advertisements shall be posted in the following locations:
 - i. All public libraries located within a 1.5 mile radius of the Project site;
 - ii. At minimum two LAUSD schools or publicly operated recreation centers within a 1.5 mile radius of the Project site;
 - iii. At the exterior fence or wall of the Project site in a publicly visible and accessible location.

C. **Additional Incentives.** In addition to the FAR and height bonus base incentives provided in Subsection A, above, a Project providing the required restricted affordable units in Section II-2.B.1, above, or a one hundred percent affordable housing project shall be granted three additional incentives from the list in LAMC Chapter 1A, Section 9.3.2.D. (Additional Incentives) by following the procedures in LAMC Chapter 1A, Section 9.3.2.E. (Process). Projects shall not be eligible for an adjustment pursuant to LAMC Chapter 1A, Sec. 13.B.5.2. (Adjustment) or Sec. 13B.4.4 (Project Adjustment), for any zoning standard for which an incentive may be granted unless the Project has fully used all of its available incentives. To the extent that there is any conflict with LAMC Chapter 1A, Subsection 9.3.2.D. (Additional Incentives), this Subsection C supersedes.

D. **Waivers.** In addition to the additional incentives granted under Section II-2.A.33. (Additional Incentives), a Project may request waivers, as defined in Div. 14.3. (Glossary), under California Government Code, Chapter 4.3.

(Density Bonuses and Other Incentives) Sec. 65915(e), pursuant to the procedures in Section I-6.C.4.

Section II-3. PUBLIC BENEFITS INCENTIVE PROGRAM

The following Public Benefits incentive program applies to housing and non-housing development Projects in Subarea A.2, in whole and in part. This Public Benefits incentive program is intended to promote the production of improvements, facilities, resources, and services beyond affordable housing for the benefit and enjoyment of the general public.

- A. **Public Benefits Menu.** A Project may obtain additional incentives by providing Public Benefits pursuant to LAMC Chapter 1A, Section 9.3.4 (Public Benefits Menu), subject to the following:
1. **Minimum Requirements.** Site must dedicate a minimum of 5,000 square feet in the Project to one or more of the Public Benefits listed in Paragraphs 3 (a)-(h), below. In addition to the above requirement, 2.5 percent of every 1:1 FAR obtained as an incentive, including any increments, shall be dedicated to one or more of the Public Benefits in Paragraphs 3 (a)-(h), below.
 2. **Incentive.** A Project providing one or more Public Benefits listed in Paragraphs 3 (a)-(h), below, and meeting the requirements shall be eligible for the maximum FAR and height in the applied Form District. Projects may receive increments of the FAR incentive, provided the incentive does not exceed the maximum bonus FAR allowed by the applied Form District. A non-housing development Project may combine Public Benefit incentive options in Paragraph 3, below, to reach the maximum bonus FAR permitted by the applicable Form District, provided that the minimum requirements in Section II-3.A.1 are met.
 3. **Eligible Public Benefits.** The following Public Benefits are eligible for incentives under this Section:
 - (a) Childcare facility pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.a. (Childcare Facility).
 - (b) Full-service grocery store, pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.b. (Full-Service Grocery Stores).
 - (c) Health center pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.c. (Health Center).

- (d) Employment area pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.d. (Employment Area). In lieu of the requirements in Sec. II-3.A.1, above, for this incentive at least 50 percent of the total floor area of the Project is made up of the Employment Area and the uses in the Project may not include Eating and Drinking Establishments pursuant to Sec. 5D.6.3., Lodging pursuant to Sec. 5D.6.7., Personal Services pursuant to Sec. 5D.6.10., and Retail Sales pursuant to Sec. 5D.6.12. A housing development Project must fully utilize the Local Affordable Housing Incentive Program pursuant to Section II-2, above, before obtaining floor area through this incentive.
- (e) School and library pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.e. (School and Library).
- (f) Social service center pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.f. (Social Service Center). An alternative that provides social service facilities shall be approved through a Director Determination.
- (g) Civic facility pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.g. (Civic Facility). An alternative that provides civic service facilities shall be approved through a Director Determination.
- (h) Legacy small business pursuant to LAMC Chapter 1A, Sec. 9.3.4.C.4.m. (Legacy Small Business Incentive Area).

CHAPTER III – TENANT PROTECTIONS SUBAREA

TENANT PROTECTIONS SUBAREA (SUBAREA B)

OVERVIEW

The purpose of this Subarea is to supplement the Resident Protection Ordinance (Ordinance No. 188,482) and preserve existing affordable housing stock. Subarea B is shown in Figure I-5.

Any Project in Subarea B, in whole or in part, is subject to the requirements in this Chapter.

SECTION III-1. REPLACEMENT OF RENT OR PRICE CONTROLLED UNITS LAMC SEC. 4C.15.1.C.1.a.ii.

All Projects in Subarea B shall comply with LAMC Chapter 1A, Division 4C.15. (Resident Protections), except notwithstanding Section 4C.15.1.C.1.a.ii. (Replacement of Rent or Price Controlled Dwelling Units) dwelling units that are subject to a form of rent or price control through a local government's valid exercise of its police power shall be replaced with affordable units set at an Affordable Rent for Lower Income Households with the units being provided for extremely low income households, very low income households and low income households in the same proportion as their share of all renter households within the City, as determined by the General Manager of the Los Angeles Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database or equivalent census data disaggregated by tenure and income category, consistent with the presumption in LAMC Ch.1A, Section 4C.15.1.C.1.a.i. (Replacement When Incomes Are Not Known).

CHAPTER IV – SOIL SAMPLING SUBAREA

SOIL SAMPLING SUBAREA (SUBAREA C)

OVERVIEW

The purpose of Subarea C is to minimize the risk associated with the hazardous contamination caused by the former Exide Technologies facility in the CPIO District and to implement the HAZ-2 Mitigation Measure from the Mitigation & Monitoring Program adopted as part of the Boyle Heights Community Plan Update. The mitigation measure requires the City to facilitate the cleanup of contaminated soils and minimize public health risk by requiring soil sampling for Projects that have not been cleared by the California Department of Toxic Substance Control (DTSC). Any eligible Project within this Subarea is subject to soil sampling and analysis to detect elevated levels of lead and arsenic, and will be required, if applicable, to address the contamination through cleanup measures prior to receiving clearance for building permits to reduce health impacts on Boyle Heights residents. Subarea C is shown in Figure I-6.

Any Project in Subarea C, in whole or in part, is subject to the requirements in this Chapter.

Section IV-1. STANDARDS

- A. **Applicability for Residential Project Sites Within the Exide Preliminary Investigation Area.** DTSC is the lead agency overseeing the investigation and cleanup of the former Exide Technologies facility. As part of the cleanup, DTSC designated a 1.7-mile radius around the Exide Technologies facility as the Exide Preliminary Investigation Area (Exide PIA) for prioritized testing and cleanup of contaminated soils for all residential properties, schools, parks, daycares, and childcare centers. For informational purposes only, the DTSC, at the time of the adoption of this CPIO District provided an online interactive map, the DTSC Residential Cleanup Interactive Map (DTSC Interactive Map), for property owners to identify whether their properties were in the Exide PIA and the clean-up status. Prior to seeking any clearance or entitlement for a Project, applicants should determine if their Project site is in the Exide PIA and the clean-up status of the site, if applicable.
 1. **Projects in the Exide PIA.** Prior to the issuance of any grading, new construction, major remodel, or demolition permit by LADBS for a Project in the Exide PIA, the following requirements shall be met:
 - (a) If the Project site is identified as cleaned by DTSC, the applicant shall submit a Letter of Completion or an Initial

Sampling Report approved by DTSC to City Planning for verification. Once verified, the Project shall be approved by Administrative Review pursuant to Section I-6.C.2.

- (b) If the Project site is identified as no cleanup required by DTSC, the applicant shall submit an Initial Sampling Report to City Planning for verification. Once verified, the Project shall be approved by Administrative Review pursuant to Section I-6.C.2.
- (c) If the Project site is not identified as cleaned or no cleanup required by DTSC, the applicant shall coordinate with DTSC to determine cleanup status. No permit shall be issued until the applicant submits a Letter of Completion or an Initial Sampling Report to City Planning for verification and DTSC identifies the site as cleaned or no cleanup required. Once Planning verifies the above, the Project shall be approved by Administrative Review pursuant to Section I-6.C.2.
- (d) Notwithstanding the above, if the Exide Residential Cleanup program has expired at the time of applicant inquiry to DTSC and the applicant cannot provide evidence that DTSC has identified the site as cleaned or no cleanup required, a Project is subject to the standards in Section IV-2.

Section IV-2. SOIL SAMPLING REPORT AND CLEANUP PLAN

Any Project that disturbs soil for a site that is 15,000 square feet or more not within the Exide PIA, unless subject to this Section pursuant to Section IV-1.A.1.d, shall require the applicant to contract with a Qualified Environmental Professional (QEP) to conduct soil sampling on the Project site to determine if elevated levels of lead, arsenic, or both are present and identify remediation strategies required to address any contamination. The QEP shall prepare a report pursuant to the requirements below. The QEP shall verify that use of any DTSC guidance manual or website source references the most up to date resources made available by DTSC.

- A. **Soil Sampling and Report.** Prior to the issuance of any permit by LADBS, the QEP shall conduct soil sampling and report on soil sampling activities conducted at the Project site and describe the nature and extent of any contamination with supporting figures and tables, as well as a summary of the results as identified below.
 - 1. **Soil Sampling Requirements.** At minimum, the QEP shall conduct soil sampling on the Project site taking three (3) soil samples at a

total minimum depth of 18 inches, with samples at the 0-6, 6-12, and 12-18 inch depth horizons below ground surface at different locations on the Project site. The soil samples taken from the Project site shall be analyzed by a qualified laboratory for lead and arsenic contents.

2. **Minimum Reporting Requirements.** The QEP shall prepare a report which at minimum, shall include the following:
 - (a) The soil sampling activities undertaken.
 - (b) The results of the soil sample analysis for lead and arsenic:
 - i. Identify the type of soil sample analysis conducted by the laboratory.
 - ii. The laboratory analysis of the soil samples shall clearly indicate the presence of lead and arsenic, and whether or not the results exceed the screening standards shown in Table IV-1 below.

**Table IV-1
LEAD AND ARSENIC SAMPLING STANDARDS¹**

Toxic Substances	Non-elevated Levels and Project Site Does Not Require Remediation through a Cleanup Plan [parts per million (ppm)]	Elevated Levels and Project Site Requires Remediation through a Cleanup Plan [parts per million (ppm)]
Lead	Screening Results \leq 80 ppm	Screening Results $>$ 80 ppm
Arsenic	Screening Results \leq 12 ppm	Screening Results $>$ 12 ppm

¹ Lead and arsenic sampling standards are subject to change, as determined by the California Department of Toxic Substances Control (DTSC). Applicants should use the most up-to-date lead and arsenic screening standards per DTSC.

- (c) Executive summary
- (d) Site description
- (e) Background research
- (f) Data evaluation
- (g) Results summary

- i. Identify if the project can proceed if the soil sampling results are considered acceptable as indicated by the soil sample analysis results and Table IV-1:
 - 1) If the soil sample analysis results indicate non-elevated levels of lead or arsenic under the levels in Table IV-1, above, the report shall indicate that the Project site is considered acceptable, and an Administrative Review approval shall be issued pursuant to Section I-6.C.2.
 - 2) If the soil sample analysis results indicate elevated levels of lead or arsenic, under the levels in Table IV-1, the report shall indicate that the Project site is considered not acceptable, and remediation through a Cleanup Plan will be required prior to Administrative Review approval being issued.

B. **Cleanup Plan.** If soil sample levels exceed the levels for arsenic or lead in Table IV-1, above, the QEP shall develop a Cleanup Plan to remediate the presence of elevated levels of lead and arsenic on a Project site. If a Cleanup Plan is required, no permit from LADBS shall be applied for and/or acted upon by the applicant for the Project unless the applicable enforcement agency determines work can safely proceed under any such permit.

1. **Minimum Reporting Requirements.** The Cleanup Plan shall outline and implement the following steps to address the removal of contaminated soils, at minimum:
 - (a) Excavation location(s)
 - (b) Permitting needed and site preparation activities
 - (c) Excavation methodology and on-site soil management
 - (d) Dust, wastewater, erosion, and noise control measures
 - (e) Air monitoring during excavation activities
 - (f) Waste management

- (g) Transportation, hauling, and traffic management
- (h) Backfill and restoration and or soil containment/capping-in-place
- (i) Contingency strategies
 - i. Identify contingency strategies if environmental conditions change and deviations from the initial Cleanup Plan are required to achieve its scope and objectives.

2. **Review and Approval of Cleanup Plan.**

- (a) The QEP shall submit the Cleanup Plan to DTSC for review. DTSC will coordinate the designation of the appropriate lead regulatory agency to conduct review of the Cleanup Plan, which may include, DTSC, the Los Angeles Regional Water Quality Control Board, Los Angeles Fire Department, or the County of Los Angeles Fire Department Health Hazardous Materials Division.
- (b) Once the Cleanup Plan has been approved by the lead regulatory agency, the QEP shall submit the Cleanup Plan, along with any applicable recommendations by the appropriate lead regulatory agency, to City Planning for documentation.
- (c) Prior to the issuance of any building permits by LADBS, City Planning shall require documentation from the QEP that the Project site is safe for habitable use, including if applicable, a no further action letter by the lead regulatory agency. After the documentation has been verified, Administrative Review approval shall be issued pursuant to Section I-6.C.2. Permits that facilitate the remediation work, including but not limited to grading permits, may be issued prior to any building permit.
- (d) **Maintain documentation.** Maintain a copy of all records documenting compliance with the standards for this Subarea C for a minimum of five years after the Certificate of Occupancy is issued. Records of compliance include but are not limited to any reports, studies, certifications, or

surveys; the qualifications sheet or statement for any retained QEP; and any acknowledgment, notice, or Statement of Compliance required.

- (e) **Failure to Comply.** Failure by the applicant to comply with the Cleanup Plan submitted to the City is a violation of the LAMC subject to any and all remedies available for a violation of the LAMC.
- (f) Upon request of a City inspector or officer, produce records of compliance, referenced above, for inspection as follows:
 - i. Immediately, while construction activities are on-going at the site.
 - ii. At any other time, within 72 hours' notice.

CHAPTER V – HISTORIC RESOURCES SUBAREA

HISTORIC RESOURCES SUBAREA (SUBAREA D)

OVERVIEW

The purpose of this Subarea, which includes neighborhoods that have an abundance of historically and architecturally significant buildings, is to implement the Mitigation & Monitoring program of the Boyle Heights Community Plan Update and maintain the eligibility of individual historic resources and historic districts, and guide the ongoing maintenance and rehabilitation of these structures. Subarea D is shown on Figure I-7.

Any Project in Subarea D, in whole or in part, is subject to the requirements in this Chapter.

Section V-1. ELIGIBLE HISTORIC RESOURCE EVALUATION

Prior to any issuance of a CPIO Approval under Section I-6, a Project that involves an Eligible Historic Resource shall comply with the following review procedures:

- A. **Non-Demolitions.** For a Project that does not involve the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until one of the following occurs:
 - 1. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or,
 - 2. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Project is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or,
 - 3. A Director Determination pursuant to Section I-6.C.3 of this CPIO District, and environmental review in compliance with CEQA was completed for the Project, including if necessary, the imposition of mitigation measures to avoid impacts to historical resources, and/or the adoption of a statement of overriding considerations.
- B. **Demolitions.** For any Project that involves the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until the following occurs:

1. The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or
 2. A Director Determination pursuant to Section I-6.C.3. of this CPIO, and, environmental review in compliance with CEQA was completed for the Project, including if necessary, the adoption of a statement of overriding considerations; and
 3. The applicant has demonstrated that the owner/applicant would be deprived of all economic use of the property or a denial will result in a taking if the demolition is not approved; or the project or site has been determined to be a nuisance or hazard pursuant to Section I-6.C.5.
- C. **CEQA Review for Eligible Historic Resources.** In complying with this Section (CEQA Review for Eligible Historic Resources), if at any time the Director, in consultation with OHR, determines the Eligible Historic Resource is not a historical resource as defined by Public Resources Code Section 21084.1, approval of the Project (involving no other discretionary approvals) shall be a ministerial approval for purposes of CEQA, including CEQA Guidelines, Section 15268. If the Eligible Historic Resource is determined to be a historical resource under Section 21084.1, the Director has discretion to condition the Project with mitigation measures necessary to avoid impacts to a historical resource and/or deny the Project if a statement of overriding considerations is necessary but the Director determines the benefits of the Project do not outweigh the environmental impacts of the Project as required by CEQA Guidelines Section 15093; and the Project is a discretionary project pursuant to CEQA Guidelines Section 15357.

Section V-2. DEMOLITION OF A DESIGNATED RESOURCE

No Project shall be approved for the demolition or removal of any building or structure within a National Register Historic District within Subarea D, in whole or in part, that is designated as a contributing element, unless the owner can demonstrate to the Director that the owner would be deprived of all economically viable use of the property or would otherwise result in a taking. In making its determination, the Director shall consider any evidence presented concerning the following.

- A. An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the

Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines;

- B. An estimate of the cost of the proposed, demolition, and replacement project and an estimate of the cost that would be incurred to execute a Secretary of the Interior's Standards for Rehabilitation alternative to the project, as identified in a Project Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;
- C. An estimate of the market value of the property in its current condition; after completion of the proposed demolition and replacement project; and after any expenditure necessary to execute a Secretary of the Interior's Standards for Rehabilitation alternative to the project, as identified in a Project Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;
- D. An estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.
- E. Any other relevant evidence that the denial of the Project entitlement allowing the demolition or removal would result in a taking of property under the United States Constitution or the California Constitution.

CHAPTER VI – PUBLIC LANDS SUBAREA

PUBLIC LANDS SUBAREA (SUBAREA E)

OVERVIEW

The purpose of Subarea E is to regulate development on publicly owned lands and allow for floor area to be transferred between publicly owned properties in the CPIO District. Subarea E is shown on Figure I-8.

Any Project in Subarea E is subject to the requirements in this Chapter.

Section VI-1. TRANSFER OF FLOOR AREA

Unused permitted floor area of a legal lot of record owned by a government body or public agency located in Subarea E, in whole or in part, may be transferred to another legal lot of record owned by a government body or public agency located in Subarea E, in whole or in part, pursuant to the requirements of this section.

- A. **Floor Area.** No individual Project shall exceed 4.5:1 FAR through a transfer of floor area.
- B. **Limitation.** Any Project constructed with transferred floor area must comply with all regulations set forth in this Subarea, and any other applicable rule in the CPIO District.
- C. **Procedures.** Transfer of unused permitted floor area under this Chapter shall be approved by Administrative Review pursuant to the provisions of Section I-6.C.2.
- D. **Records and Covenants.** Prior to the issuance of building permits for a project utilizing a transfer of development rights, the applicant shall provide proof that donor site and receiver site covenants, in a form approved by the Director, and that meet and are subject to, the following requirements, are recorded with the Los Angeles County Recorder's Office and the applicant shall provide certified copies of the recorded covenants to City Planning.
 - 1. **Donor Site Covenant.** A donor site covenant shall document the reduced FAR that resulted from the transfer of unused permitted FAR to a receiver site, and the location of the receiver site(s).
 - 2. **Receiver Site Covenant.** A receiver site covenant shall document the increased FAR that resulted from the transfer of unused permitted FAR from a donor site, and the location of the donor site.

3. **Covenant Applicability.** The required covenants shall not be released by the City so long as the transferred FAR is being utilized by the receiver site. If the receiver site is no longer utilizing the transferred FAR, the City may terminate the covenant upon an application of the owner of the receiver site.
4. **City Planning Records.** City Planning shall maintain a record of any transfers of unused FAR from a donor site to the receiver site, and other records as may be necessary to provide a current and accurate account of the transferred FAR available for use on any lot.

CHAPTER VII – UNDERGROUND UTILITIES SUBAREA

UNDERGROUND UTILITIES SUBAREA (SUBAREA F)

OVERVIEW

The purpose of Subarea F, which includes areas around the Sixth Street Viaduct, is to improve public safety and accessibility to park, public space, and mobility infrastructure by requiring Projects to make on-site, and if necessary, adjacent connections in the public right-of-way, to receive already existing and future underground utility facilities from a Utility Company, consistent with the Arts District - Pico Gardens Underground Utility District (Council File No. 17-0724) adopted by Resolution on October 3, 2018 and regulations for the removal of overhead utility facilities and the installation of underground facilities established by Ordinance No. 145,148. As part of the adopted Arts District - Pico Gardens Underground Utility District, every Utility Company is required to plan, finance, and carry out the Conversion of their poles, overhead wires, and associated overhead structures in the public right-of-way. All Projects are also required to be ready to receive underground electric and telecommunication services. Subarea F is shown on Figure I-9.

Any Project in Subarea F is subject to the requirements in this Chapter.

Section VII-1. STANDARDS.

- A. **Underground Utility Equipment Connections.** Consistent with the requirements of the Arts District - Pico Gardens Underground Utility District (Council File No. 17-0724) adopted by Resolution on October 3, 2018 and Ordinance No. 145,148, a Project shall do all of the following:
 - 1. Provide all necessary equipment and make all necessary improvements to connect the Project to existing or future underground utilities provided by a Utility Company; and
 - 2. Convert existing utility equipment in the public right-of-way, as necessary to connect the Project to existing or future underground utility equipment provided by a Utility Company.

- B. **Exceptions.** Any exceptions shall be granted consistent with the Arts District - Pico Gardens Underground Utility District (Council File No. 17-0724) adopted by Resolution on October 3, 2018 and Ordinance No. 145,148.

APPENDIX A – ENVIRONMENTAL STANDARDS

- A. Overview and Requirements.** As described in Section I-7 (Environmental Standards Procedures) of the Boyle Heights CPIO District, these Environmental Standards are in addition to those identified in the Environmental Protection Measures Handbook (adopted pursuant to LAMC Chapter 1A, Sec.4C.13.1.). These standards are included in the Boyle Heights CPIO District to implement, in part, the Mitigation & Monitoring Program adopted as part of the Boyle Heights Community Plan Update and described in the Boyle Heights Environmental Impact Report (Case No. ENV-2016-2906-EIR), certified by the City Council on September 25, 2024. Wherever the environmental standards and applicability thresholds in Appendix A of this CPIO differ from those in the Environmental Protection Measures Handbook, the more stringent of the two shall apply.
- B. Definitions.** In addition to the definitions in Section I-4 (Definitions) of the CPIO District, for purposes of this Appendix, the following words and phrases used herein are defined as follows:

Paleontological Monitor – A paleontologist who has a minimum of a bachelor’s or equivalent degree in geology or paleontology and no less than one year of experience performing paleontological monitoring and salvaging fossil materials in the relevant geologic province; or an equivalent degree in biology or pursuit of a degree in geology or paleontology and no less than two years of comparable experience.

Qualified Paleontologist – A paleontologist who meets the Society of Vertebrate Paleontology standards for a Principal Investigator or Project Paleontologist; has demonstrated competence in field techniques, preparation, identification, curation, and reporting and/or a graduate degree in paleontology or geology or a publication record in peer reviewed journals; at least two years professional experience with administration and project management experience; proficiency in recognizing fossils in the field and determining their significance; expertise in local geology, stratigraphy, and biostratigraphy; and experience collecting vertebrate fossils in the field.

Sensitive Uses – Any of the uses as defined in LAMC Chapter 1A, Div. 14.3.

- C. **Environmental Standards.** A Project that meets the criteria in an “Applicability Threshold” for any Environmental Standard provided below, shall comply with the associated “Standard” requirements.

Environmental Standard 1. Distribution Facility Health Risk Assessment

1. **Applicability Threshold.** Applicants for distribution centers in the Boyle Heights Community Plan area within 1,000 feet of any Sensitive Uses that require discretionary permits and/or would accommodate more than 100 truck trips or 40 TRUs per day.
2. **Standard.** Prior to Project approval, the applicant shall prepare a health risk assessment (HRA) in accordance with SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If the HRA shows cancer risks do not exceed SCAQMD standards, no further action is necessary. If the HRA shows cancer risks exceeding SCAQMD standards, the applicant shall provide a plan to the City that identifies opportunities to reduce emissions and associated risks to the extent feasible. Methods may include, but are not limited to, limiting the number of trucks/TRUs accessing the site on a daily basis, locating distribution center entry and exit points as far as possible from Sensitive Uses, and routing truck traffic away from Sensitive Uses. Any operational measures identified to reduce emissions should be made conditions of approval on the project.

Environmental Standard 2. Paleontological Resources


1. **Applicability Threshold.** All discretionary projects that are excavating earth for two or more subterranean levels within previously undisturbed soils. For purposes of this threshold, it shall be presumed the soils are previously undisturbed absent the applicant providing evidence demonstrating otherwise.
2. **Standard.** A determination shall be made by a Qualified Paleontologist using all reasonable methods to determine the potential that paleontological resources are present on the Project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the Project site and it is possible that these resources will be impacted, a condition of approval shall be added to the project requiring monitoring to be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources include the following requirements as follows:

- a. **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the Paleontological Monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
- b. **Fossil Discovery.** In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a Qualified Paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the Qualified Paleontologist or a Paleontological Monitor shall complete the next two steps in paragraphs c. and d., below.
- c. **Fossil Salvage.** The Qualified Paleontologist or Paleontological Monitor shall recover intact fossils. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the Qualified Paleontologist or Paleontological Monitor.
- d. **Paleontological Resource Construction Monitoring.** Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a fulltime basis by a Qualified Paleontologist or Paleontological Monitor during initial ground disturbance. If the Paleontological Monitor determines that full-time monitoring is no longer warranted, the Paleontological Monitor, may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.

Sec. 3. 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 
KATHRYN PHELAN
Assistant City Attorney

Date June 3, 2026

File No. 23-0861

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


VINCENT P. BERTONI, AICP
Director of Planning

Date 6-3-26

"M:\Real Prop_Env_Land Use\Land Use\Kathryn Phelan\Ordinances\Boyle Heights CPU\Drafts\CPIO Ord, CPIO doc, Maps\kpCPIO Ordinance.docx"

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.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____