

TRANSMITTAL

To:

THE COUNCIL

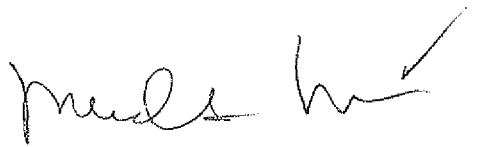
Date:

APR 09 2013

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

A handwritten signature in cursive script, appearing to read "muel h", with a long horizontal stroke extending to the right and a vertical line extending downwards from the end of the stroke.

ANTONIO R. VILLARAIGOSA
Mayor



OFFICE OF THE GENERAL MANAGER
Los Angeles Housing Department
LAHD

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Antonio R. Villaraigosa, Mayor
Mercedes M. Márquez, General Manager

April 3, 2013

Council File: New
Council District: Citywide
Contact Persons:
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Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 305, City Hall

Attn: Mandy Morales, Legislative Coordinator

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

SUMMARY

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

Due to the drastic reduction of these grants over the past two years, the funding is no longer available to subsidize this work. The proposed fees are needed to pay for the Department's costs for administering and enforcing the affordable housing covenants without impact to the General Fund. The General Manager of the LAHD respectfully requests that the Mayor and City Council approve the proposed fees by April 1, 2013 to allow sufficient time to make the fees effective May 1, 2013.

RECOMMENDATIONS

The General Manager, LAHD, respectfully requests:

- A. That your office schedule this transmittal at the next available meeting of the appropriate City Council committee(s) for review and forward it to the City Council for review and approval immediately thereafter;
- B. The City Council:
 1. Adopt the proposed ordinance amending Section 19.14 of the Los Angeles Municipal Code (Attachment 1);
 2. AUTHORIZE the City Controller to establish a new revenue source titled Affordable Housing Covenant Administration Fees within the Municipal Housing Finance Fund (MHFF), No. 815, in which to deposit fees collected pursuant to LAMC Section 19.14, as amended.
 3. AUTHORIZE the General Manager, LAHD, or designee, to prepare Controller instructions and make any necessary technical adjustments, consistent with the Mayor and Council actions on these and other approved projects, subject to the approval of the City Administrative Officer (CAO), and authorize the Controller to implement the instructions.
- C. The Mayor concur with the action of the City Council.

BACKGROUND

On February 20, 2008, City Council adopted Ordinance 179681 which implemented the City's Density Bonus Program as required by State law. The Ordinance requires LAHD to prepare and enforce land use covenants to ensure the affordable housing units required by the Ordinance will remain in place for the entire term of the 30-year covenants. Under Section 19.14 of the Ordinance, LAHD shall charge and collect fees for the preparation and enforcement of the affordable housing covenants. However, the specific fees and their amounts were omitted. During the adoption of the Ordinance, City Council also passed a Motion instructing the City Attorney to prepare and present an ordinance imposing the Housing Department fees. Working with the City Attorney, LAHD is hereby submitting an amendment to Section 19.14 with a proposed fee schedule for consideration (Attachment 1).

The proposed fees are required for LAHD to recover the costs associated with performing the work. Currently, LAHD neither assesses fees on developers nor receives any General Fund for this work; the cost is primarily subsidized by the CDBG and HOME grant administration caps of the Consolidated Plan budget. Over the past two years, the CDBG administrative cap for LAHD has been reduced by \$800K or 23%, and the HOME administrative cap by \$1.6M or 39%. At the same time, the costs of doing business have increased mainly due to the increases in obligatory labor costs. Due to other competing programs, primarily the Affordable Housing Trust Fund and the Homeownership and Preservation programs, it is no longer possible for LAHD to use the administrative cap to subsidize covenant work. If fees are not authorized through the

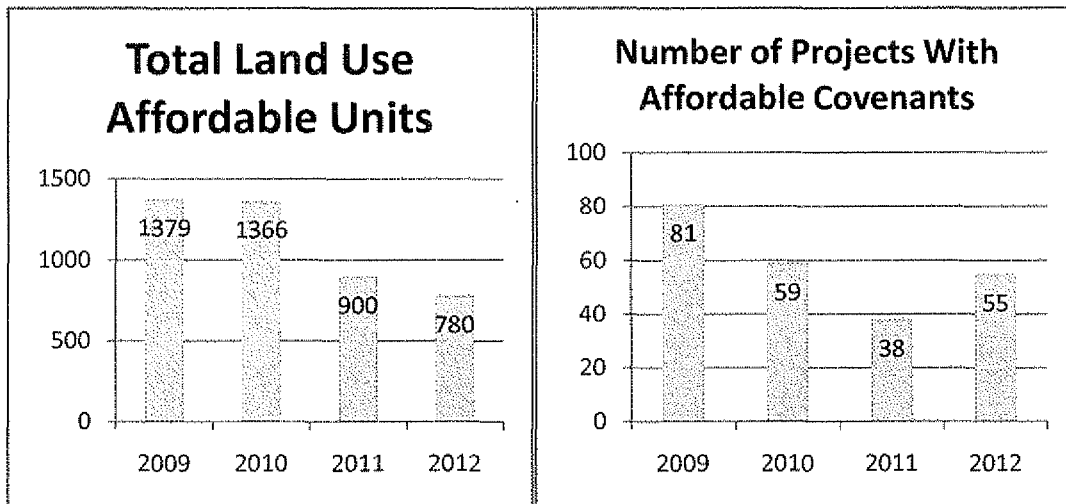
proposed ordinance, or if General Funds are not authorized, then the work will have to be severely curtailed. This would negatively impact the market-rate and affordable housing developers who are required to have a recorded covenant before the Department and Building and Safety can release their building permits.

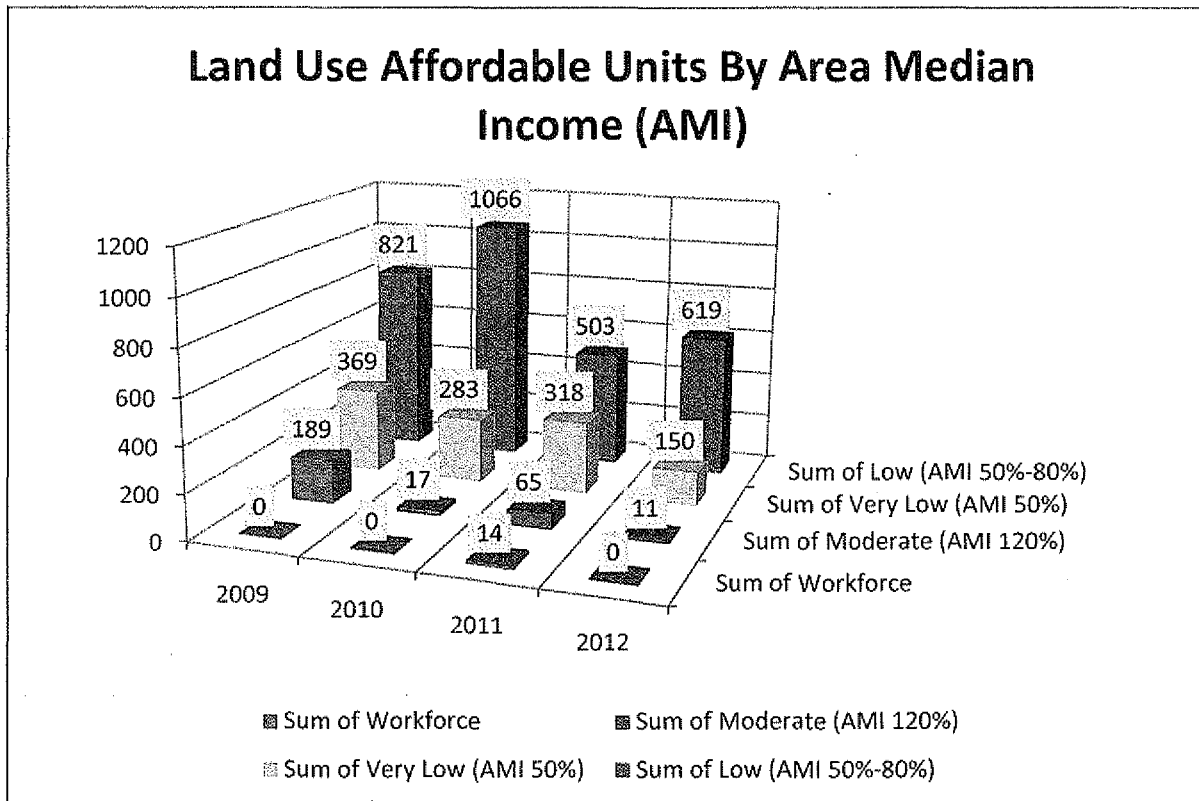
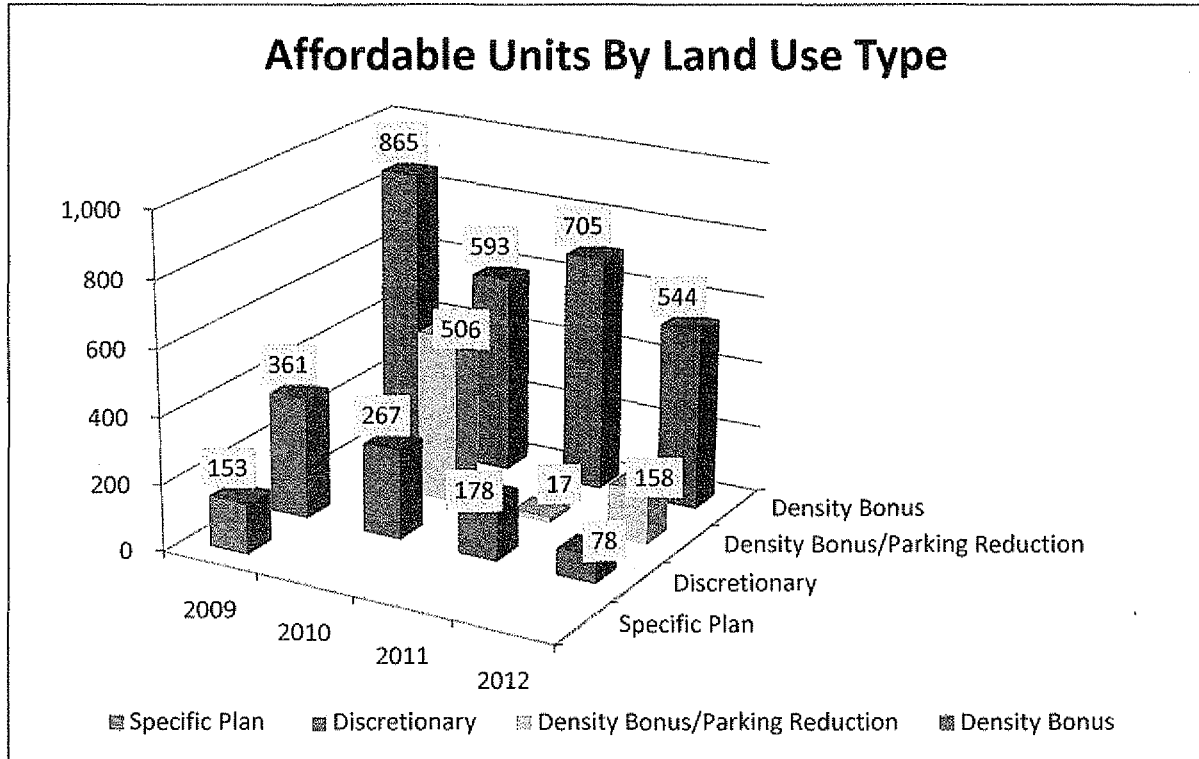
In addition to the affordable housing covenants under the Density Bonus Program, LAHD is also charged under other City ordinances, regulations, and guidelines with preparing, monitoring, and enforcing land use covenants that set-aside affordable units in market rate developments. These covenants are equally important and require the same amount of work as those that result from density bonus. LAHD recommends that the proposed fees and ordinance amendment be applied to all affordable housing covenants to ensure that the restricted units will remain affordable for the entire covenant term, which is usually 30 years.

Specifically, the proposed ordinance amendment will cover the following City regulations currently not covered:

- 1) Greater Downtown Housing Incentive Area Ordinance, LAMC Section 12.22 A.29(d)(1) and (2) – Floor Area Bonus for the Greater Downtown Housing Incentive Area
- 2) Interim Administrative Procedures for Complying with the Mello Act – Sections 4.4, 7.4 and 7.5.
- 3) Rent Stabilization Ordinance, Section 151.28.B.1
- 4) Department of City Planning determinations and City Council actions that require LAHD to prepare and enforce affordable housing covenants.
- 5) Any and all other affordable housing covenants which may come to fall under the jurisdiction of the Los Angeles Housing Department, including but not limited to those described above.

REPORT ON AFFORDABLE HOUSING COVENANTS IN THE CITY FROM 2009-2012





AFFORDABLE HOUSING COVENANT WORK DESCRIPTION

Below is a description of the work conducted by LAHD staff related to preparing, monitoring and enforcing affordable housing covenants for which fees are being proposed.

Land Use and Mello Act – Covenant and Monitoring Requirements

Under the City's Density Bonus Ordinance (LAMC 12.22, Section 25.A (h)), "Prior to issuance of a Building Permit", for any Housing Development Project qualifying for a Density Bonus . . . a covenant acceptable to the Los Angeles Housing Department LAHD) shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction . . . shall be observed for at least 30 years from the issuance of the Certificate of Occupancy. . ." (Attachment 3). The Density Bonus Ordinance also refers to and defines the Affordable Housing Incentives Guidelines (Guidelines) as "the guidelines approved by the City Planning Commission under which Housing Development Projects for which a Density Bonus has been requested are evaluated for compliance with the requirements of this subdivision." (LAMC 12.22, Section 25. A (b)). Section IX of these Guidelines is devoted to "LAHD Monitoring Requirements" and states that "All projects shall comply with the annual monitoring requirements established by LAHD by means of a Covenant and Agreement" (Attachment 4). This Section further states:

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

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

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

Under the City's Greater Downtown Housing Incentive Area Ordinance, a housing developer taking advantage of the incentives under the Ordinance must record a covenant acceptable to

LAHD guaranteeing that the affordability requirements will be observed for a minimum of 30 years. LAHD is also tasked under this ordinance with determining the mortgage and rental rates for restricted units and income limits for persons occupying the restricted units (Attachment 6).

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

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

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

Property owners/developers subject to any of the laws or conditions above are required to submit an application to the LAHD for a Land Use Covenant (Covenant). Covenants are legal documents prepared by LAHD staff in conjunction with the City Attorney that requires a specified number of units to be set-aside as affordable for a certain term, usually 30 years. Covenants are filed with the Los Angeles City Clerk and recorded with the Los Angeles County Recorder. They run with the land, meaning the set-aside requirement carries over to any new owner during the affordability term. A Covenant must be recorded and LAHD must sign-off on the Department of Building and Safety's (DBS) Plan Check and Inspection System (PCIS) before DBS will approve the building permit to go forward with construction.

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

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

From 2009 through 2012, LAHD recorded 233 Land Use Covenants. One-hundred seventy-two (172) have been for market-rate developments that have set-aside 1,474 affordable units: 361 units for very-low income households, 833 units for low-income households, and 266 units for moderate-income households. Covenants are prepared for both rental and for-sale units, with the for-sale units usually being condominiums.

Sixty-two (62) Land Use Covenants have been recorded for affordable housing developments funded through the City's Affordable Housing Trust Fund and Bond programs. These covenants

are usually triggered when the developer receives a parking reduction based on the number of affordable units to be constructed and which is allowed under the Density Bonus Ordinance. For the most part, no additional affordable units are created through these covenants since the housing developments are almost always 100% affordable pursuant to other regulatory requirements (federal funding, tax credits, etc.). These 62 projects contain 3,148 affordable units that have been created through various regulatory and Land Use programs.

Mello Determinations and Affordable Housing Provision Plans

Under the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), LAHD is responsible for preparing Mello Determinations and reviewing and approving Affordable Housing Provision Plans, in addition to preparing the Land Use Covenants.

- Mello Determinations. Under Section 4.4 of the Interim Procedures, "LAHD has the sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units". The Department of City Planning (DCP) refers property owners to LAHD to conduct a Mello Determination for each non-categorically exempt housing demolition or conversion in the designated coastal zone. Owners complete and submit to LAHD an application for a Mello Determination.

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

- Mello Affordable Housing Provision Plan (AHPP). Under Section 7.4 of the Interim Procedures (Section 7.4), property owners who are required to provide affordable replacement or inclusionary residential units must submit an Affordable Housing Provision Plan to LAHD for review and approval before the DCP may give final approval for the planning application. The AHPP must include the following:
 - Address where affordable replacement units or inclusionary residential units will be provided, if the determination permits these units to be provided off-site;
 - General description of the affordable replacement units or inclusionary residential units to be provided, including the number and type of habitable rooms; square footage; and parking;
 - Affordable housing incentives and subsidies that will be utilized;
 - Methods for complying with the performance standard set forth in Parts 7.2.4 and 7.3.3, including a dispersal plan if affordable replacement units or inclusionary residential units shall be provided on-site. Affordable replacement units or inclusionary residential units

- may not be segregated from market-rate units, but shall be reasonably dispersed throughout the building; and
- Financing; construction; and project timetable for complying with the timing requirements set forth in Part 7.2.3 for affordable replacement units and Part 7.3.2 for inclusionary residential units.

Occupancy Compliance Monitoring

Currently, LAHD conducts annual occupancy monitoring on approximately 1,000 projects/20,000 affordable units which consist of units created through both Land Use Covenants and AHTF Regulatory Agreements. To conduct the annual occupancy monitoring, LAHD contracts with Urban Futures, Inc. (UFI) to review the following compliance documents: tenant income and rent certifications, income-source documentation, owner compliance certifications, new lease agreements, and a variety of other documents required to ensure compliance with the Covenant or Regulatory Agreement.

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

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

The proposed Non-Compliance Fee will be assessed on properties that have to be referred back to LAHD for additional enforcement efforts.

LAHD'S PROPOSED FEE SCHEDULE

Based on a study of work required to prepare and enforce covenants and an analysis of the costs, LAHD developed the proposed fees set out in Table 1 below. It is important to note that the proposed fees do not overlap with other fees charged by the Department of City Planning and Department of Building and Safety.

Fee Study and Methodology (Attachment 9). The average annual recovery from the proposed fees would off-set the personnel, related, and overhead costs, and the contract costs paid to Urban Futures, Inc., the City's occupancy monitor, which are currently paid primarily from the HOME and CDBG administrative cap. A cost-based analytical approach is used in calculating the full cost of preparing and enforcing affordable housing covenants, which follows best management practices to ensure fees are fair, equitable, and represent the estimated and reasonable costs of services, as required by Government Code. The methodology employed is

a widely known and accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within the department. The times are totaled and this estimate is then used in calculating all applicable City costs, which typically include: direct salaries and benefits, operating services and supplies, department and divisional overhead, and citywide overhead costs. Attachment 9 contains the details of the fee study.

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

Fee Category	Cost	Cost Basis
Affordable Housing Covenant Preparation	\$6,250	Per Project
Affordable Housing Covenant Assumptions and Terminations	\$1,200	Per Project
Affordable Housing Covenant Amendments	\$6,250	Per Project
Mello Determinations	\$1,100	Per Unit
Affordable Housing Provision Plan Review	\$1,200	Per Project
Affordable Housing Covenant Monitoring Fee	\$135	Per Restricted Unit Per Year
Non Compliance Fees – Affordable Housing Covenants	\$2,000	Per Project

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

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

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

Mello Determinations. Fee for review and analysis of income and rent documents for the last 3 years submitted by an owner who plans to demolish or convert residential units within the coastal zone to determine if affordable units exist and need to be replaced pursuant to the Mello Interim Procedures. Fee also includes solicitation of tenants to submit income and rent documents and the review and analysis of these documents

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

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

Non-Compliance Fees. Fee for projects that are non-compliant with the rent and income provisions in the covenant, or any other covenant provision. As stated previously, UFI, LAHD's contract monitor, takes initial steps to bring a property into compliance, and if these steps are not successful, the property is returned to LAHD for additional action. The Non-Compliance fee will be assessed only when the property must be returned to LAHD.

Affordable Housing Covenant Fees Assessed by Other California Jurisdictions

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

County of Los Angeles: The County of Los Angeles currently charges an annual monitoring fee of \$152 per restricted unit for projects using a density bonus (\$1,520 per year for 10 units). The 30-year cost would be \$45,600. Fees are collected annually.

Santa Monica: Santa Monica charges \$402.49 for covenant preparation, execution, and recordation for each project. For new construction, Santa Monica charges fees of \$170 per restricted unit for the initial year (\$1,700 for 10 restricted units) and \$135 per restricted unit from year 2 to 55 (\$72,900 for 10 restricted units). Total fees for the life of the covenant are \$75,002.49. Fees are collected annually.

LAHD is proposing fees that would total \$46,754 for a property with 10 restricted units over the life of the 30-year term. While the LAHD fees are slightly higher than those for Los Angeles County it is important to note that jurisdictions may choose to charge lower fees and subsidize the work by other funds like LAHD has for many years.

Fee Collection

LAHD proposes that for new covenant applications, all fees listed in Table 1 except the Non-Compliance Fee, be collected up front before the covenant is recorded. For existing covenants, LAHD proposes that the Affordable Housing Covenant Monitoring Fee be billed annually due to existing provisions in these covenants. Collecting fees up front would guarantee that all fees are paid for the entire Covenant term and would substantially reduce LAHD's administrative costs related to billing and fee collection. Once a land use covenant is executed, there is little to compel an owner to pay annual fees. For market-rate developments, the City has no loan on the property, and failure to pay fees is not a civil or criminal matter (like non-payment of Rent Stabilization or Systematic Code Enforcement Program fees). Collection of these fees is only certain as a requirement of recording the agreement.

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

LAHD will bill the owners to collect Non-Compliance Fees when properties are referred back to LAHD from UFI for further compliance efforts.

IMPACT WITHOUT THE REQUESTED FEES

Due to the significant reduction in the CDBG and HOME grant administration budget over the last 2 years, LAHD will no longer be able to fully fund the affordable housing covenant work from these funding sources. Without the requested fees, LAHD will not have sufficient resources to perform the work required of the Department, which would result in unacceptable delays in the preparation of affordable housing covenants. These delays can result in significant additional costs for the developer, who cannot get the building permit to proceed with construction until a covenant is prepared and recorded on the property. In addition, it would be challenging for the Department to adequately enforce property owners' compliance with the affordable housing covenants. LAHD expects to monitor approximately 5,000 units with affordable housing land use covenants in 2013. Affordable units could be lost if LAHD is not able to conduct adequate monitoring and enforcement.

FISCAL IMPACT

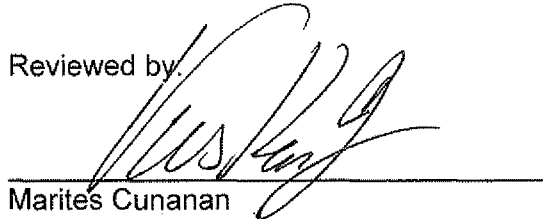
Fees collected would be deposited into a new Account titled Affordable Housing Covenants Administration Fees under the Municipal Housing Finance Fund (MHFF) fund. There would be no impact on the General Fund, since the costs discussed in this transmittal were previously paid from the federal CDBG and HOME administrative cap.

Prepared by:



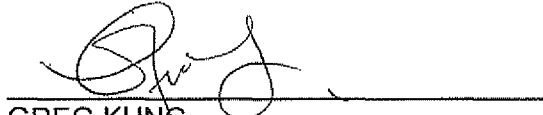
ROSALIND BARDEN
Management Analyst II

Reviewed by:



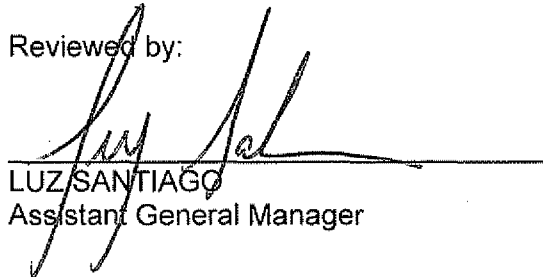
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Director, Systems Division

Reviewed by:



LUZ SANTIAGO
Assistant General Manager

Reviewed by:



RUSHMORE CERVANTES
Executive Officer

Approved by:



MERCEDES MÁRQUEZ
General Manager

Attachments:

- Attachment 1: Ordinance to amend Section 19.14 of the Los Angeles Municipal Code related to the preparation and enforcement of affordable housing covenants
- Attachment 2: Council Motion For Fees
- Attachment 3: Density Bonus Ordinance (relevant pages)
- Attachment 4: Affordable Housing Incentives Guidelines, Section IX
- Attachment 5: Interim Administrative Procedures for Complying with the Mello Act (relevant pages)
- Attachment 6: Greater Downtown Housing Incentive Area Ordinance (relevant pages)
- Attachment 7: Rent Stabilization Ordinance (relevant pages)
- Attachment 8: Sample Planning Determination Letter
- Attachment 9: Fee Study

ORDINANCE NO. _____

An ordinance amending Section 19.14 of Article 9, Chapter 14 of the Los Angeles Municipal Code relating to fees to the preparation and enforcement of affordable housing covenants.

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

Section 1. Section 19.14 of Article 9, Chapter 14 of the Los Angeles Municipal Code is amended to read:

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

- (1) Sections 12.22 A25(h)(1) through (3) of this Code;
- (2) Sections 12.22 A.29(d)(1) through (2) of this Code;
- (3) Section 151.28.B.1 of this Code;
- (4) Section 7.5.1 of the Interim Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles (Interim Procedures).

Type of Application	Fee
Affordable Housing Covenant Preparation Fee	\$6,250/project
Affordable Housing Covenant Assumptions and Terminations	\$1,200/project
Affordable Housing Covenant Amendments	\$6,250/project
Affordable Existing Residential Unit Determination per Section 4.4 of the Interim Procedures	\$1,100/unit
Affordable Housing Provision Plan Review per Section 7.4 of the Interim Procedures	\$1,200/project
Affordable Housing Covenant Monitoring Fee	\$135/unit/year
Affordable Housing Covenant Non-Compliance Fee	\$2,000/project

(b) The fees in Section 19.14(a) shall also be charged and collected for any and all affordable housing covenants which may come to fall under the jurisdiction of LAHD, including but not limited to those from the former Community Redevelopment Agency of the City of Los Angeles.

(c) As to Affordable Housing Covenant Monitoring Fees for those affordable housing covenants recorded before May 1, 2013 and as to Affordable Housing Covenant Non-Compliance Fees, a late charge equal to 25% of the total fee shall be imposed if not paid within thirty (30) calendar days of the date contained on

ATTACHMENT 1
Ordinance amending Sec 19.14 of the LAMC

the notice of imposition of the fees, which shall be sent to the property owner at the address as provided in each respective affordable housing covenant on file with the Department. It is each property owner's responsibility to make sure their respective affordable housing covenants contain a current valid mailing address. Should the property owner fail to pay the required fees, the City shall have the right to utilize any and all remedies provided by law or equity including but not limited to the imposition of liens, in order collect the amount of outstanding fees, late charges and costs.

(d) The provisions of this ordinance shall be operative as of May 1, 2013.

VERBAL MOTION

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

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

PRESENTED BY _____
ERIC GARCETTI
Councilmember, 13th District

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

February 20, 2008

CF 05-1345

Motion
ADOPTED

FEB 20 2008

LOS ANGELES CITY COUNCIL

FORTHWITH

ORDINANCE NO. 179681

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

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

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

25. Affordable Housing Incentives – Density Bonus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Percentage Low Income Units	Percentage Density Bonus
10	20

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

Percentage Very Low Income Units	Percentage Density Bonus
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5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Condominium Conversion.

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

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

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

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

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

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

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

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

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

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

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

(e) Incentives.

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

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

* Excluding Density Bonus units.

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

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

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

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

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

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

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

(4) **Floor Area Ratio.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) **Procedures.**

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

(2) Requests for Incentives on the Menu.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O. DENSITY INCREASE/AFFORDABLE HOUSING INCENTIVES.

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

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

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

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

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

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

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

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

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

FRANK T. MARTINEZ, City Clerk

By *Frank T. Martinez*
Deputy

Approved FEB 28 2008

Antonio Villaraigosa
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

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

Date February 13, 2008

File No. Council File No. 05-1345

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

February 13, 2008

See attached report.

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

DECLARATION OF POSTING ORDINANCE

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

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

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

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

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



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: April 15, 2008

Council File No. 05-1345

Proposed Guidelines for Discussion

AFFORDABLE HOUSING INCENTIVES GUIDELINES

Implementing the State Density Bonus Law
California Government Code Section 65915

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 - Sample Set-Aside and Density Bonus for 50-Unit Building With 10% Transit Incentive
 - Household Income for Set-Aside Units - Updated for 2005
 - Maximum Rents for Set-Aside Units - Updated for 2005
 - Maximum Purchase Price for Set-Aside Units - Updated for 2005

AFFORDABLE HOUSING INCENTIVES GUIDELINES

I. SCOPE AND PURPOSE

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

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

II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Senior Housing Projects

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

For-Sale Condominium Developments

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

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

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

Donation of Land in Lieu of Set Aside

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

- The developable acreage and zoning of the land being transferred are sufficient to permit construction of at least 10% of the number of residential units in the proposed development.
- The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units.
- The transferred land is within the boundary of the proposed development, or with the City's agreement, within $\frac{1}{4}$ mile of the development.
- The transferred land is fully entitled to permit the number of required affordable units.
- The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map or residential development application.

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

Density Bonus Calculation

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

Term of Affordability

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

Certified Local Coastal Plans

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

IV. BY-RIGHT INCENTIVES

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

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

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

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

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

V. OTHER AFFORDABLE HOUSING INCENTIVES

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

Very Low Income Households:

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

Low Income and Moderate Income Households:

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

Menu of Incentives/Concessions

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

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

VI. PROCEDURE FOR PROJECTS REQUESTING INCENTIVES/CONCESSIONS

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

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

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

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

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

VII. DESIGN STANDARDS FOR AFFORDABLE UNITS

Design of Affordable Units in Mixed-Income Projects

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

Location of Affordable Units within Mixed-Income Projects

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

Equal Distribution of Amenities

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

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

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

IX. LAHD MONITORING REQUIREMENTS

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

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

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

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

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

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

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

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

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

XI. CONTACT INFORMATION

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

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

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

XII. APPENDIX

PERCENTAGE OF SET-ASIDE UNITS AND CORRESPONDING DENSITY BONUS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSEHOLD INCOME TABLE UPDATED FOR 2005

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

MAXIMUM RENTS FOR SET-ASIDE UNITS - UPDATED FOR 2005



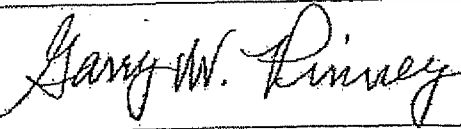
No. of Bedrooms	Very Low Income 50% AMI	Lower Income 60% AMI	Moderate Income 120% AMI (For sale units only)
0	\$555	\$631	\$1,202
1	\$634	\$720	\$1,372
2	\$714	\$811	\$1,545
3	\$855	\$972	\$1,851
4	\$983	\$1,116	\$2,126

MAXIMUM PURCHASE PRICE FOR SET-ASIDE UNITS UPDATED FOR 2005

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

Alan Bell, C P Assoc
Code Studies, Room 1540
Stop 395

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

APPROVED BY:	SIGNATURE:	DATE:
ANDREW A. ADELMAN General Manager Department of Building and Safety		5/17/00
CON HOWE Director Department of City Planning		5/16/00
GARRY W. PINNEY General Manager Department of Housing		5/16/00

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

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

1.0 INTRODUCTION

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

1.1 COUNCIL'S ACTION PROGRAM

Council's action program is summarized below:

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

1.2 INTERIM ADMINISTRATIVE PROCEDURES

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

1.2.1 EFFECTIVE DATE AND PERIOD

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

1.2.2 PENDING PERMIT AND APPROVAL APPLICATIONS

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

1.2.3 RELATIONSHIP OF PROCEDURES TO EXISTING REGULATIONS

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

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

1.2.4 CONSTITUTIONAL AND STATE LAW COMPLIANCE

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

1.3. OVERVIEW OF THE MELLO ACT

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

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

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

2.0 INITIAL SCREENING AND ROUTING

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

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

2.1. STEP ONE. IDENTIFY COMMUNITY PLAN AREA.

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

2.2 STEP TWO. DETERMINE COASTAL ZONE LOCATION.

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

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

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

2.4 STEP FOUR. IDENTIFY CATEGORICAL EXEMPTIONS.

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

2.4.1 PUBLIC NUISANCES

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

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

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

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

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

2.4.2 SMALL NEW HOUSING DEVELOPMENTS

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

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

2.4.3 OWNER-OCCUPIED SINGLE-FAMILY HOMES

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

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

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

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

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

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

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

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

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

3.0 DEMOLITIONS AND NEW HOUSING DEVELOPMENTS ON THE SAME SITE

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

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

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

4.0 DEMOLITIONS AND CONVERSIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A City telephone number to call for additional information.

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

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

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

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

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

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

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

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

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

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

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

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

Based on this review, LAHD shall:

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

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

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

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

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

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

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

One-Family Dwellings

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

Two-Family Dwellings

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

Triplexes and Other Structures that Contain Three or More Residential Units

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

Summary

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

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

- Address
- Names of occupants
- Number of bedrooms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.0 NEW HOUSING DEVELOPMENTS

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

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

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

6.0 DETERMINATIONS

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

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

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

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

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6.1 DEMOLITIONS AND CONVERSIONS

Each determination shall include the following:

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

- Information for Appellants pursuant to Part 8.0.

6.2 NEW HOUSING DEVELOPMENTS

Each determination shall include the following:

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

7.0 GENERAL PROVISIONS

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

7.1 AFFORDABLE HOUSING INCENTIVES

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

7.2 AFFORDABLE REPLACEMENT UNITS

7.2.1 INCOME TARGETING

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

7.2.2 LOCATION

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

7.2.3 TIMING REQUIREMENT

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

7.2.4 PERFORMANCE STANDARDS

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

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

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

7.3 INCLUSIONARY RESIDENTIAL UNITS

7.3.1 LOCATION

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

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

7.3.2 TIMING REQUIREMENT

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

7.3.3 PERFORMANCE STANDARDS

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

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

7.4 AFFORDABLE HOUSING PROVISION PLAN

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

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

The Affordable Housing Provision Plan shall include the following elements:

7.4.1 METHODS TO PROVIDE REQUIRED AFFORDABLE UNITS

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

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

7.4.2 OPERATIONAL DETAILS

Applicants shall supply the following operational details:

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

7.5 ENFORCEMENT AND MONITORING

7.5.1 AFFORDABILITY COVENANTS

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

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

7.5.2 FINANCIAL ASSURANCES

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

7.5.3 MONITORING REQUIREMENTS

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

8.0 APPEALS

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

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

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8.1 DISCRETIONARY APPLICATIONS

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

8.2 NON-DISCRETIONARY APPLICATIONS

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

8.3 DEPARTMENT OF BUILDING AND SAFETY ACTIONS

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

ATTACHMENT 1

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 2

MELLO ACT COMPLIANCE REVIEW WORKSHEET
FOR PROPOSED DEMOLITIONS AND CONVERSIONS

ATTACHMENT 3

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

ATTACHMENT 4

AFFORDABLE HOUSING INCENTIVES GUIDELINES

AFFORDABLE HOUSING INCENTIVES GUIDELINES

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

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AFFORDABLE HOUSING INCENTIVES GUIDELINES

I. SCOPE AND PURPOSE

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

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

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

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

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

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

OR

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

OR

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

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

II. DEFINITIONS

The following program definitions apply:

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

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

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

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

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

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

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

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

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

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

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

III. DESCRIPTION OF THE AFFORDABLE HOUSING INCENTIVES

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

A. Incentives Option 1

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

a. A 25% density bonus*

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

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

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

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

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

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

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

c. Waiver of guest parking provision for restricted dwelling units

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

d. Deferred payment of selected permits and fees

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

e. Expedited processing of building plans and permits

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

B. Incentives Option 2

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

AFFORDABLE HOUSING INCENTIVES PROGRAM
Options Summary

Under Incentives Option 1, if a project of 5 or more dwelling units provides:

10% "very low" income,

or

20% "lower" income,

or

5% affordable accessible dwelling units



the applicant shall receive the following:

- a. 25% Density Bonus
b. reduced parking for restricted dwelling units
c. waiver of guest parking provisions for restricted units
d. deferred payment of fees and permits
e. expedited processing of plans and permits

Under Incentives Option 2, if a project provides dwelling units for:

low income seniors,

or

low income disabled persons,

or

other low income households with incomes at 80% or less of County median with rents set at 60% of median



the applicant shall receive the following:

- b. reduced parking for restricted dwelling units
c. waiver of guest parking provisions for restricted dwelling units
d. deferred payment of fees and permits
e. expedited processing of plans and permits

IV. PERFORMANCE STANDARDS FOR OPTIONS 1 AND 2

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

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

A. Project Design

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

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

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

- Location of Restricted Units Within Mixed-Income Projects:

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

- Noise

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

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

- Wall

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

Lighting

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

B. Equal Distribution of Amenities

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

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

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

C. Affordability, Eligibility and Monitoring Requirements

Affordability Requirements:

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

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

MAXIMUM RENTS EFFECTIVE MAY 5, 1995

No. of Bedrooms	Affordable Accessible SSI Levels	Very Low Income up to 50% Median	Lower Income up to 60% Median
SRO	\$181	\$352	\$398
0	\$181	\$372	\$427
1	\$181	\$426	\$488
2	\$330	\$479	\$549
3	\$330	\$579	\$659
4	\$330	\$660	\$756

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

Eligibility of Seniors and Disabled Persons:

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

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

HOUSEHOLD INCOME TABLE EFFECTIVE MAY 5, 1995

Household Size	Affordable Accessible SSI Levels	Very Low Income* 50% Median	Lower Income* 80% Median
1	\$ 7,236	\$17,950	\$28,150
2	\$13,200	\$20,500	\$32,150
3	\$13,200	\$23,100	\$36,300
4	\$13,200	\$25,650	\$40,200
5	\$13,200	\$27,700	\$43,400
6	\$13,200	\$29,750	\$46,650
7	\$13,200	\$31,800	\$49,850
8	\$13,200	\$33,850	\$53,050

*Above limits are adjusted for Los Angeles and based on the 1995 HUD-determined County Median Family Income of \$25,200.

Monitoring Requirements:

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

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

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

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

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

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

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

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

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

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

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

Addresses:

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

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

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

BY-RIGHT* APPLICATION PROCESS FOR DENSITY BONUS PROJECTS

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

- I. PROJECTS CONTAINING AFFORDABLE UNITS EXCLUSIVELY:
- A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER
- Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc.
- B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT
- Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff or City Planning Counter staff who will verify if project qualifies who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable.
- C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:
1. Qualifying restricted units
 2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit.
- II. PROJECTS CONTAINING A MIX OF MARKET RATE AND AFFORDABLE UNITS
- A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER
- Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc.
- B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT
- Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff or City Planning Counter staff who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable.
- C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:
1. Qualifying restricted units
 2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit.
- D. PRIOR TO FINAL PLAN CHECK, APPLICANT HAS TO OBTAIN CLEARANCE FROM PLANNING DEPARTMENT TO VERIFY THAT PERFORMANCE STANDARDS ARE SATISFIED:

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

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

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

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

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

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

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

ORDINANCE NO. 179076

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

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

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

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

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

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

(a) Definitions.

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

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

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

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

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

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

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

(2) One of the following shall be provided:

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

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

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

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

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

(c) Incentives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

FRANK T. MARTINEZ, City Clerk

By 
Deputy

Approved AUG 13 2007


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date AUG 07 2007

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

August 7, 2007

See attached report.


S. Gail Goldberg
Director of Planning

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

DECLARATION OF POSTING ORDINANCE


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

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

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

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

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


Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: September 23, 2007

Council File No. 05-1173



Los Angeles Municipal Code

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

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

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

- A. If a rental unit that was removed from rental housing use pursuant to the provisions of Section 151.23 is offered for rent or lease during either:
 1. the five-year period after the Notice of Intent to Withdraw the accommodations is filed with the Department pursuant to Section 151.23, whether or not the Notice of Intent is rescinded or the withdrawal of the accommodations is completed pursuant to the Notice of Intent; or
 2. the five-year period after the accommodations are withdrawn;
 then the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any Notice of Intent to Withdraw the accommodations was filed with the Department, plus annual adjustments available under Section 151.06 of this article.
- B. Subsection A. of this section shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the rental unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The owner executed and recorded a covenant and agreement, in a form satisfactory to the Department, guaranteeing that the replacement affordable housing units, affordable for households with an income at or below 80% of Area Median Income as established by the U.S. Department of Housing and Urban Development for the Los Angeles-Long Beach primary metropolitan statistical area, shall remain affordable for 30 years from the date the covenant and agreement is recorded. The covenant and agreement contains provisions as required by the Department to ensure the effective administration and enforcement of this subsection.
2. The replacement affordable housing units shall be reasonably dispersed throughout the newly constructed accommodations and shall not be segregated in a portion of the accommodations dedicated to affordable housing units.
3. The replacement affordable housing units shall be comparable to the market rate units and contain, on average, the same number of bedrooms, bathrooms and square footage as the market rate units. The replacement affordable housing units shall be comparable in architectural style to the average of the market rate units.

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

C. Application for Exemption from the Rent Stabilization Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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May 4, 2012

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

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

Building and Safety

CASE NO. DIR-2011-3182-DB
DENSITY BONUS COMPLIANCE REVIEW
Related Case: TT-71761-CN
CEQA: ENV-2011-3183-MND
Address: 1411 South Barry Avenue
Plan Area: West Los Angeles
Zone: R3-1
D.M.: 129B149
C.D.: 11

Legal Description: Lots 25 and Fraction of Lot 1,
Artesian Tract and Tract 49065-C

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

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

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

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

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

Adopt the attached findings.

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

This approval is subject to the following terms and conditions:

CONDITIONS OF APPROVAL

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

Density Bonus Compliance Conditions

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

Environmental

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

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

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

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

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

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

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

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

15. Standard Urban Stormwater Mitigation Plan.

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

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

16. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
 - a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
17. **Increased Noise Levels (Parking Structure Ramps).**
 - a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
 - c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
18. **Fire.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
19. **Public Services (Schools affected by Haul Route).**
 - a. LADBS shall assign specific haul route hours of operation based upon University High School hours of operation.
 - b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
20. **Schools.** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
21. **Street Improvements.** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.
22. **Recreation.** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.

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

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

ADMINISTRATIVE

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

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

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

BACKGROUND

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

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

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

FINDINGS

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

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

The subject site is a 14,741 net square-foot (including $\frac{1}{2}$ the alley), rectangular-shaped lot. The property is sloped with approximately 100 feet of frontage along Barry Avenue and a lot depth of approximately 14 feet. The project site is located in the West Los Angeles Community Plan area.

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

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

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

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

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

Authorization - Time Limit and Transferability

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

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

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

Appeal Period - Effective Date

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

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

<p>Figueroa Plaza 201 North Figueroa Street, Fourth Floor Los Angeles, CA 90012-2601 Phone: (213) 482-7077</p>	<p>Marvin Braude San Fernando Valley Constituent Services Center 6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401 Phone: (818) 374-5050</p>
--	--

The applicant is further advised that all subsequent contact with this office regarding this Determination must be with the decision-maker who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished by appointment only, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

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

MICHAEL LOGRANDE
Director of Planning

APPROVED BY:

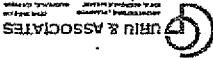

Jim Tokunaga
Senior City Planner

PREPARED BY:


Christina Foy Lee
City Planning Associate

Attachments:

Exhibit A: Site Plan and Elevations
Exhibit B: Radius Map

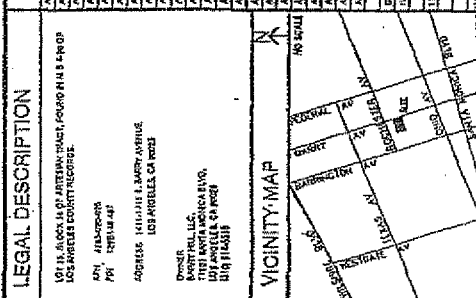


URRI & ASSOCIATES
GENERAL CONTRACTOR
1415 S. BARRY AVENUE
LOS ANGELES, CALIFORNIA 90006
A1

DATE: 10/20/01
PROJECT: 1415 S. BARRY AVENUE, LOS ANGELES, CALIFORNIA
OWNER: [REDACTED]
DESIGNER: URRI & ASSOCIATES

ABBREVIATIONS			SYMBOLS			CODE ANALYSIS			LEGAL DESCRIPTION			SHEET INDEX				
AC	ARCHITECT	ARE	AREAS	AS	ASBESTOS	▲	FOUNDATION	1.1	1.1	1.1	1415 S. BARRY AVENUE, LOS ANGELES, CALIFORNIA	1	1	1	1	1

1415 S. BARRY AVENUE



1. PROJECT LOCATION: 1415 S. BARRY AVENUE, LOS ANGELES, CALIFORNIA. THE PROJECT IS A RESIDENTIAL BUILDING WITH AN APPROXIMATE SIZE OF 1,500 SQUARE FEET. THE BUILDING IS BEING RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS.

2. GENERAL NOTES: ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

3. MATERIALS: ALL MATERIALS SHALL BE OF HIGH QUALITY AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND THE APPLICABLE AGENCIES. MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE SCHEDULE.

4. WORKMANSHIP: ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

ABBREVIATIONS			SYMBOLS			CODE ANALYSIS			LEGAL DESCRIPTION			SHEET INDEX				
AC	ARCHITECT	ARE	AREAS	AS	ASBESTOS	▲	FOUNDATION	1.1	1.1	1.1	1415 S. BARRY AVENUE, LOS ANGELES, CALIFORNIA	1	1	1	1	1

1415 S. BARRY AVENUE

ABBREVIATIONS			SYMBOLS			CODE ANALYSIS			LEGAL DESCRIPTION			SHEET INDEX				
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EXHIBIT "A"

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Case No. [REDACTED]

DIR 2011-3192

DATE	ISSUED FOR	DATE	REVISIONS

UPRU & ASSOCIATES

INCORPORATED

1000 ...

PROJECT

SITE PLAN

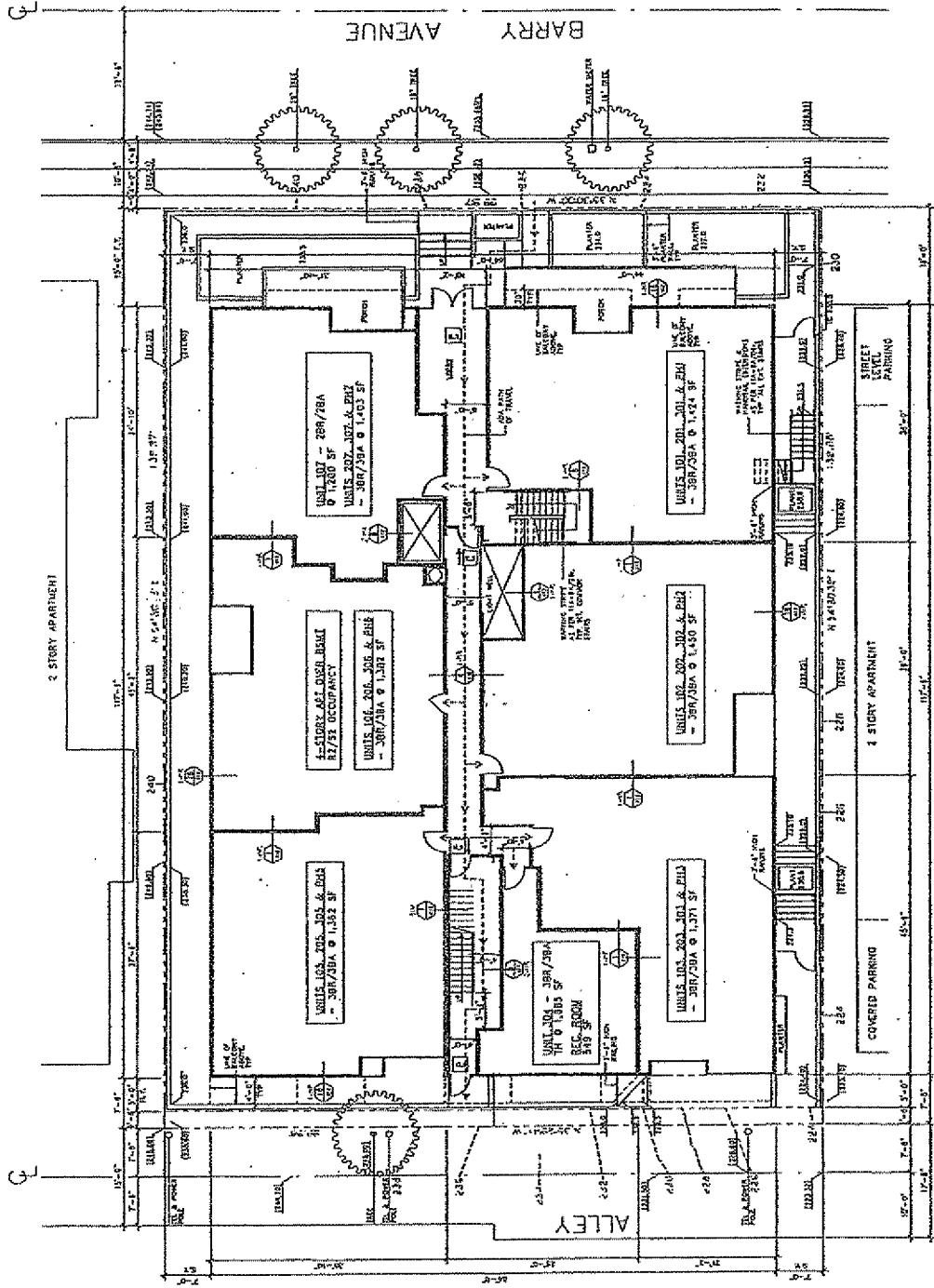
DATE

1/13

1/13

1/13

A2



LEGEND

1-HR WALL - AS NOTED

2-HR WALL - SEE B/A10

EXIT SIGN - SEE NOTES

12/14/11

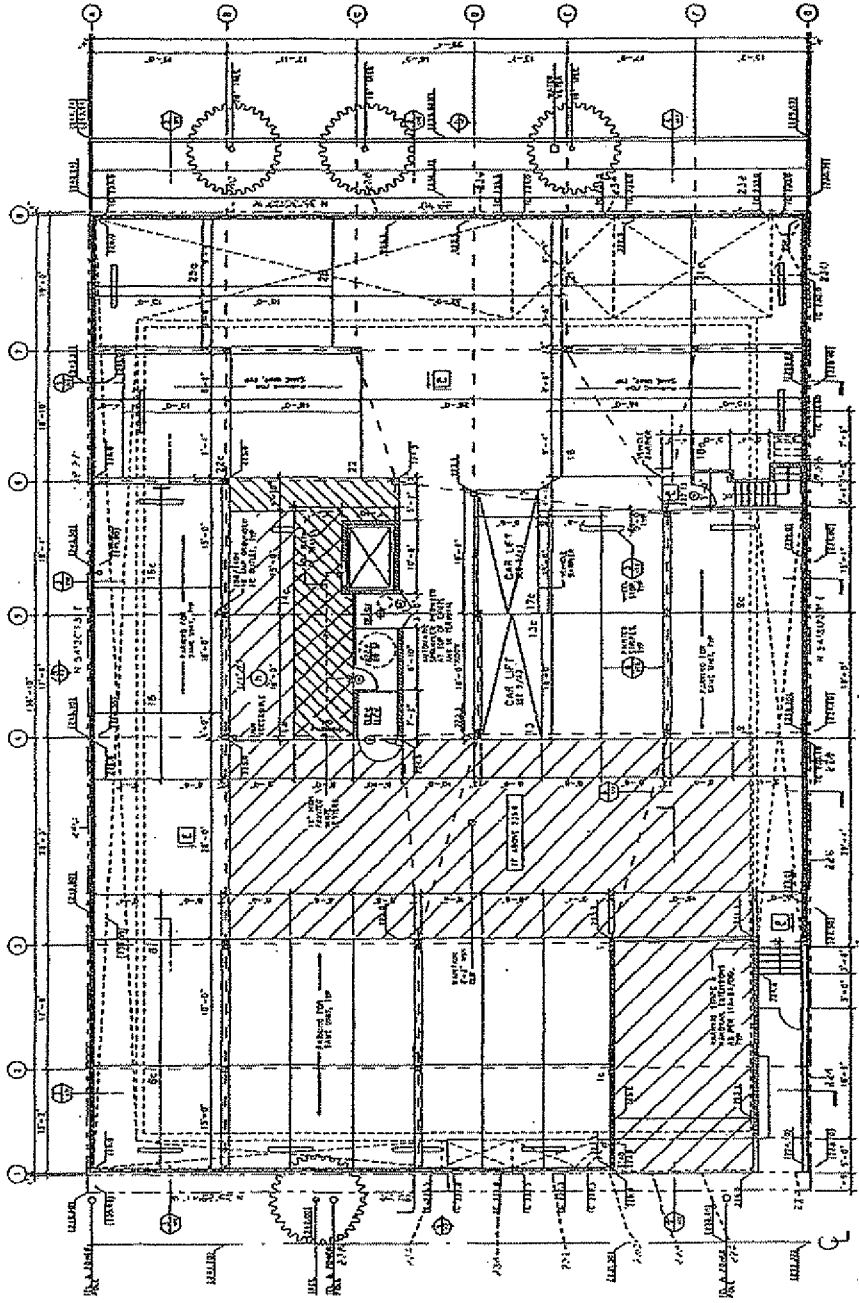
EXHIBIT A

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Case No.

DIR 2011-3182

① SITE PLAN



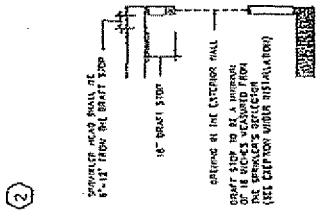
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 20000 CONCRETE BLOCK WALL - 2-1/2" RATIO
 30000 ALL STUDS @ 16" O.C. W/ 2" S.B.
 40000 TRK & BOTH SURE-TIE-1-1/2"
 50000 EST FOR - SEE NOTES
 60000 FIDAM/VI

1 GARAGE PLAN 1/16" = 1'-0"

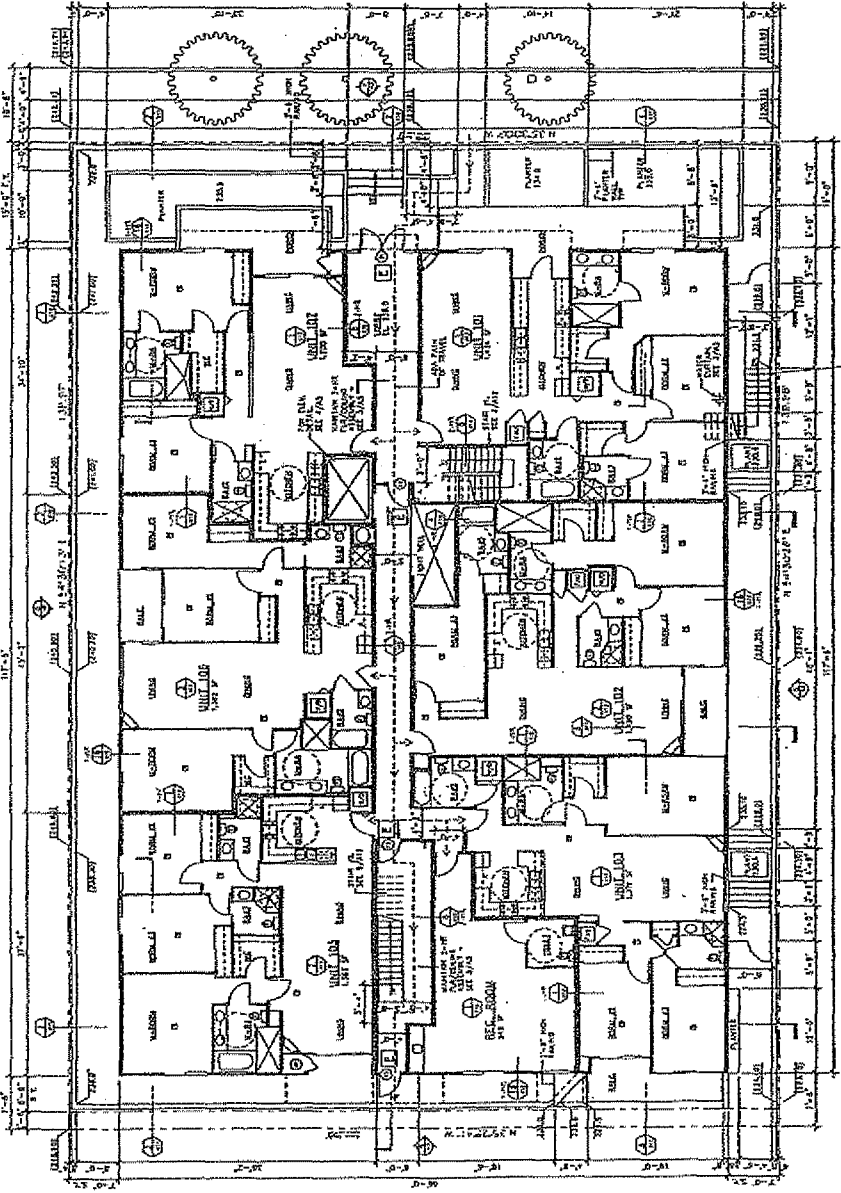
EXHIBIT 'A'
 Page No. 4 of 25
 Case No. 2011-310

DIR 2011-310

STRUCTURAL CONNECTIONS DIMENSIONS & BOLT SPECIFICATIONS



3 WATER CURTAIN



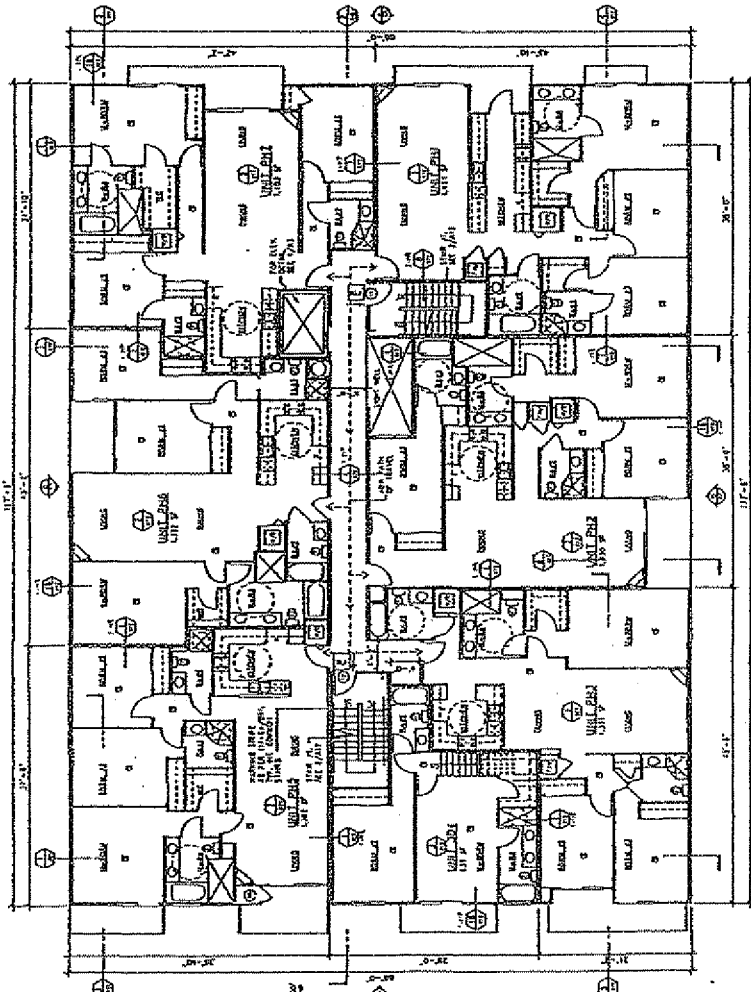
- LEGEND
- 1-HR WALL - AS NOTED
 - 2-HR WALL - SEC 8/A/B
 - ENT SIGN - SEE NOTES
 - FLOOR FINISH
- NOTE: FOR ADD. LIGHT RETAIL AND
 CLOSET & WINDOW TYPES, SEE
 A13-A17

① FIRST FLOOR PLAN 101

EXHIBIT "A"
 Page No. 15 of 25
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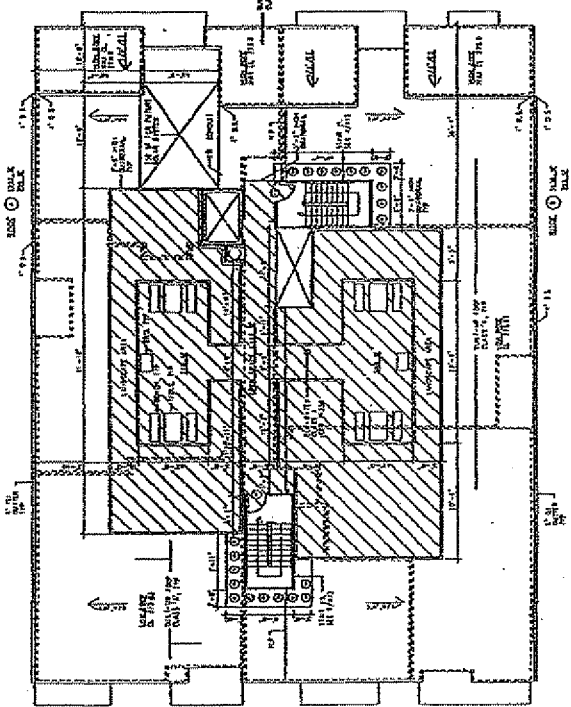
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DATE ISSUED FOR	DATE REVISIONS	REVISIONS	NO. 1111	A7
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DATE	NO. 1111	NO. 1111	NO. 1111	NO. 1111
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DATE	NO. 1111	NO. 1111	NO. 1111	NO. 1111
DATE	NO. 1111	NO. 1111	NO. 1111	NO. 1111
DATE	NO. 1111	NO. 1111	NO. 1111	NO. 1111



LEGEND
 1-HR WALL - AS NOTED
 2-HR WALL - SEE 8/A/16
 EXIT SIGN - SEE NOTES
 FIRE ALARM

1 FOURTH FLOOR PLAN

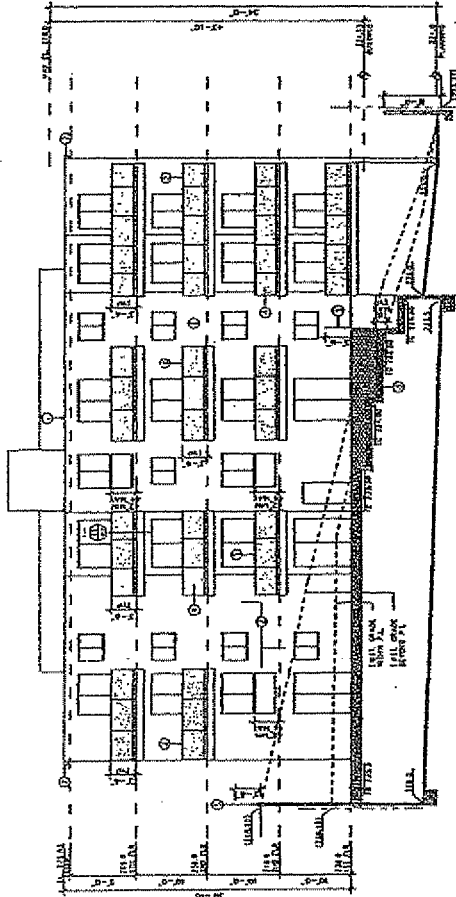


2 ROOF PLAN

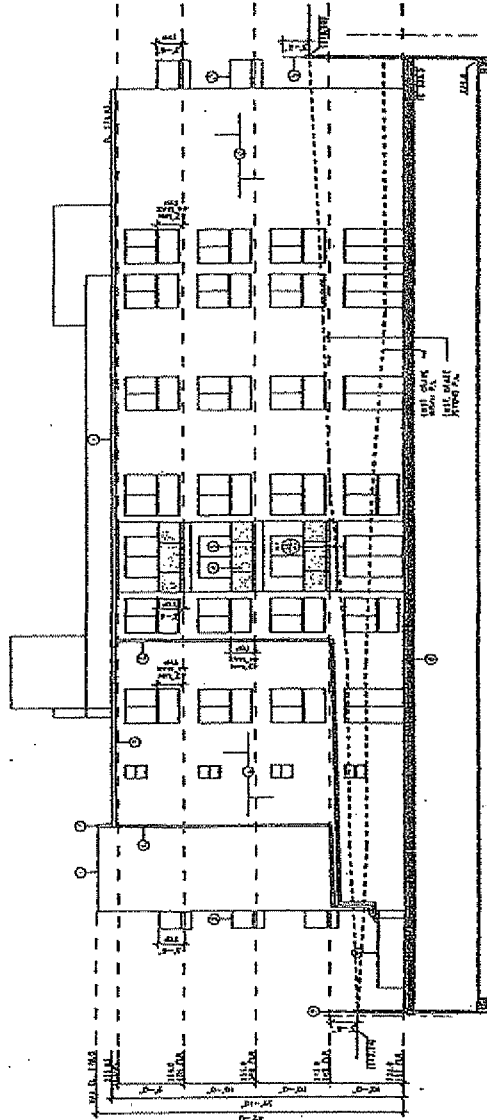
EXHIBIT A
 Page No. 8 of 25
 Case No.

DIR 2011-3130

DATE		REVISIONS	 URIU & ASSOCIATES ARCHITECTS 1000 BROADWAY, SUITE 1000 NEW YORK, NY 10018 TEL: (212) 692-1000 FAX: (212) 692-1001 WWW: www.uruia.com	PROJECT NO. ELEVATION SHEET NO.	PARTS & PARTS AVERAGE 1000 BROADWAY 10TH FLOOR	 NORTH	SHEET A9
DATE	REVISIONS						



A REAR ELEVATOR

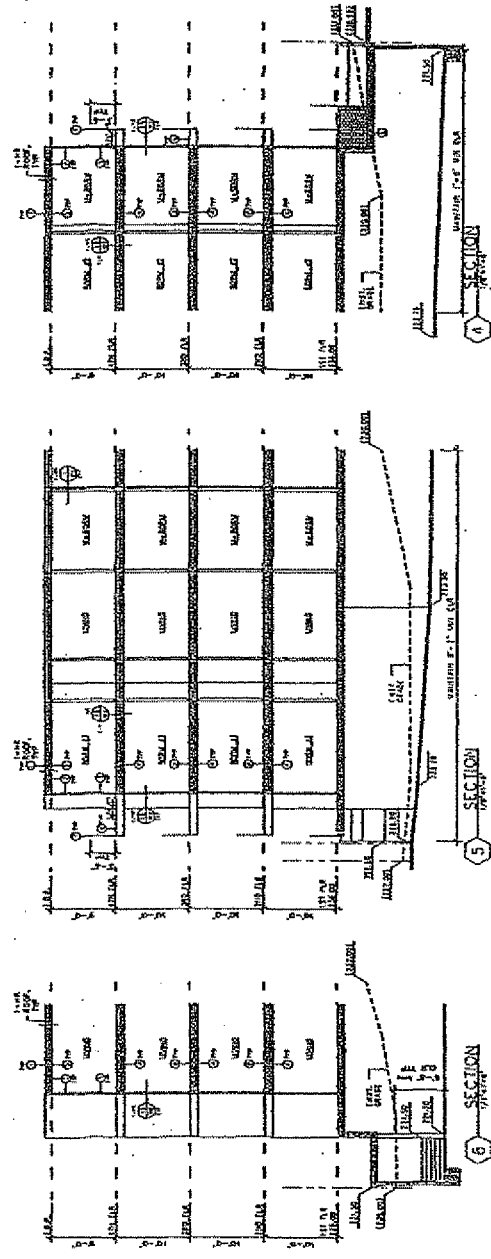
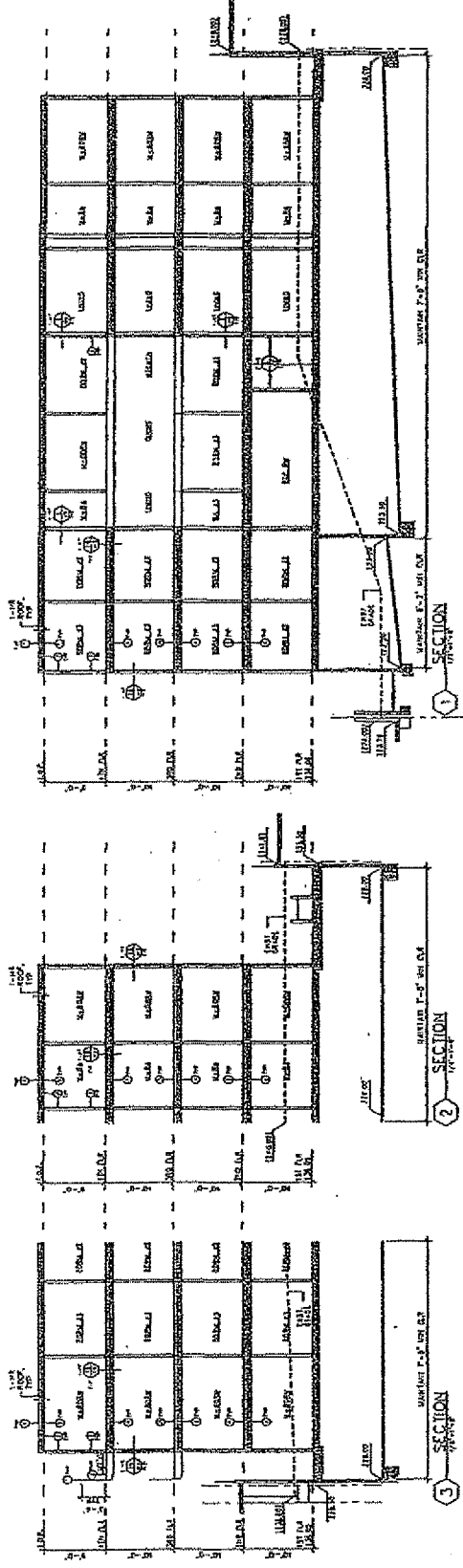


B FRONT ELEVATOR

- ELEVATION LEGEND
- 1 BUILT-UP ROOF-CLASS "A"
 - 2 STUCCO
 - 3 METAL RAILING
 - 4 HEAVY METAL PLATE
 - 5 TH RAILING
 - 6 DOWN SPOUT
 - 7 G.I. GUTTER
 - 8 STRUCTURAL FOAM
 - 9 PLASTER

DIR 2011-3139

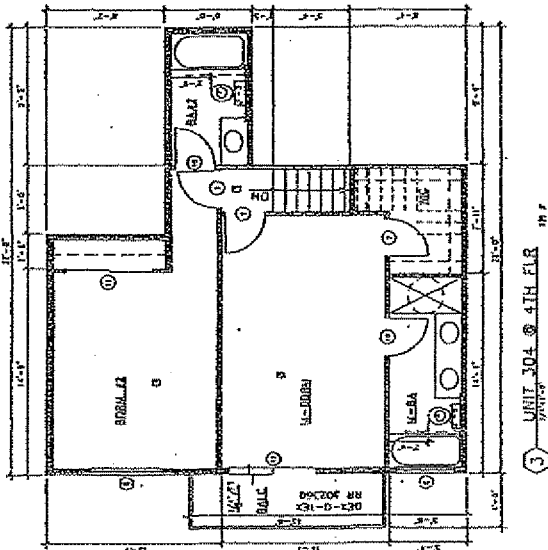
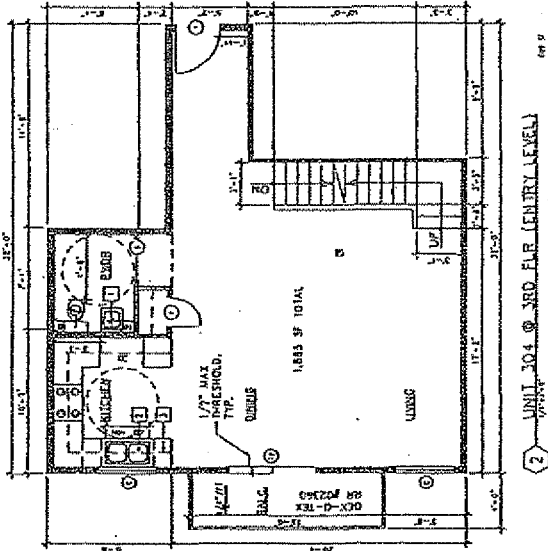
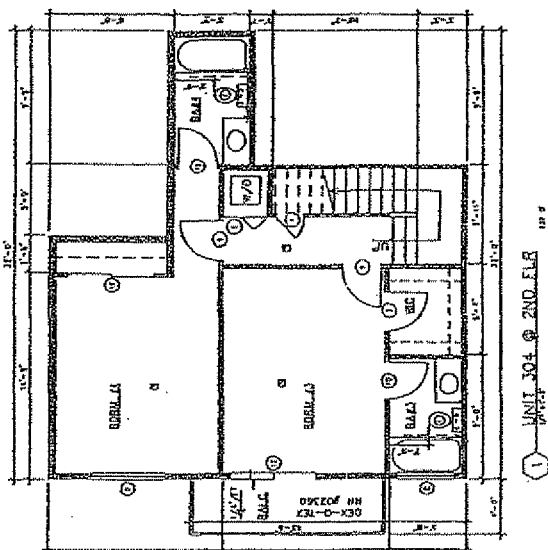
EXHIBIT "A"
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 Case No.



- SECTION LEGEND
- ① BOLT-UP ROOF - CLASS 'X'
 - ② 5/8" SYP. DIM. TYP. 'X'
 - ③ R-13 INSUL.
 - ④ R-19 INSUL.
 - ⑤ R-39 INSUL.
 - ⑥ GEX-O-TEX REFOI360
 - ⑦ 2x4 RAFTING
 - ⑧ 1 1/2" U. WT. CONC.
 - ⑨ STRUCTURAL FORM

EXHIBIT A
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 Case No.

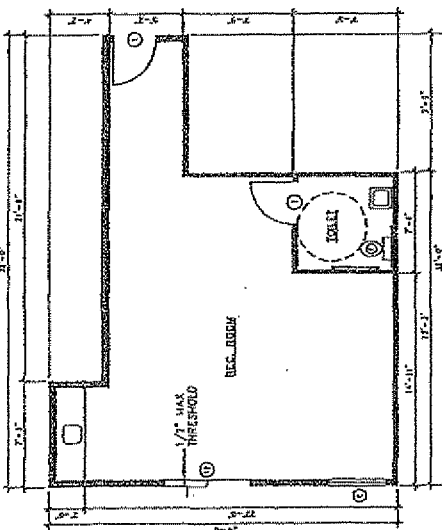
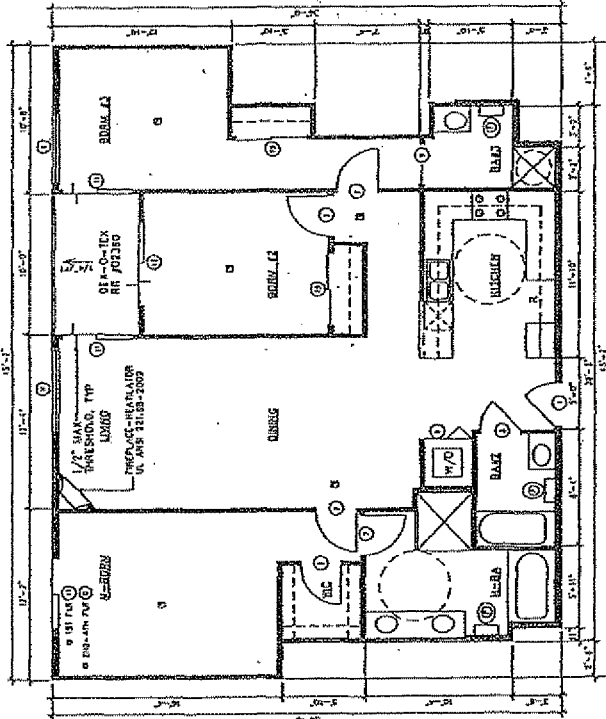
2011-310
 DIR



- LEGEND**
- 1 WALL HUNG TOILET WITH TUB/SHOWER FLOOR
 - 2 SLOPE TO TIP - SEE BR/DOOR & 1/4\"/>
 - 3 KITCHENET BRACE CABINET IN SEE ARCHITECTURAL DRAWING FOR DETAILS. SEE 1/0/1
 - 4 FINISHED 2-1/2\"/>
 - 5 GRAB BAR BACKING
 - 6 SEE DETAIL TUB/SHOWER & 6/0/2
 - 7 GRAB BAR WASHING OR LINGER
 - 8 TO EXTEND 18\"/>
 - 9 EXHAUST FAN - SEE NOTE 3/4/1

EXHIBIT A15
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 Case No. 2017-0306

DIR 2017-0306



② UNITS 106, 206, 306 & PH6

- LEGEND
- ① SINK, RANGE SINK WITH FRESH AIR HOOD - TOP, SEE 206/207 & 314-20/21
 - ② REMOVABLE BASE CABINET @ THE KITCHEN SINK & FINISH FOR REFRIG - TOP, SEE 1/204
 - ③ PROVIDE 2-1/2\"/>
 - ④ GRAB BAR BRACKETS SEE DETAILS 314-20/21 & 6/24
 - ⑤ GRAB BAR BRACKETS ON FLOOR TO EXTEND 36\"/>
 - ⑥ EXHAUST FAN - SEE NOTE 206/21

① RES. ROOM

EXHIBIT #6 A

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DIR 2011-31

Operation and Maintenance Manual

This manual is intended to provide the user with the necessary information to operate and maintain the product safely and effectively. It is the user's responsibility to read and understand this manual before using the product.

The user should always use common sense and exercise caution when operating the product. The manufacturer is not responsible for any damage or injury resulting from the use of the product.

Equipment & Future Information

Model No. _____
 Serial No. _____
 Date of Purchase _____
 Name of Dealer _____
 Name of Installer _____
 Name of User _____
 Address _____
 City _____ State _____ Zip _____

Utilize Information

Read and understand this manual before using the product. This manual contains important information regarding the safe and effective use of the product. It is the user's responsibility to read and understand this manual before using the product.

Equipment & Future Information

Model No. _____
 Serial No. _____
 Date of Purchase _____
 Name of Dealer _____
 Name of Installer _____
 Name of User _____
 Address _____
 City _____ State _____ Zip _____

DATE	ISSUED FOR	DATE	REVISIONS

UHRU & ASSOCIATES
 1000 S. BERRY AVENUE
 CHICAGO, ILL. 60607

PROJECT NO. _____
 SHEET NO. _____ OF _____
 A21

30-03201 001-1113 001-1113 001-1113

Heater
 The heater is designed to provide heat for the space it is installed in. It is the user's responsibility to read and understand this manual before using the product.

Owner's Manual
 This manual is intended to provide the user with the necessary information to operate and maintain the product safely and effectively. It is the user's responsibility to read and understand this manual before using the product.

WARNING
 The heater is a high temperature appliance. It should be used in a well-ventilated area. Do not use the heater in a confined space. Do not use the heater in a room with flammable materials. Do not use the heater in a room with a fire hazard.

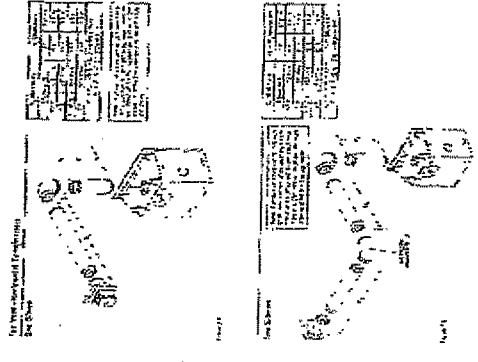
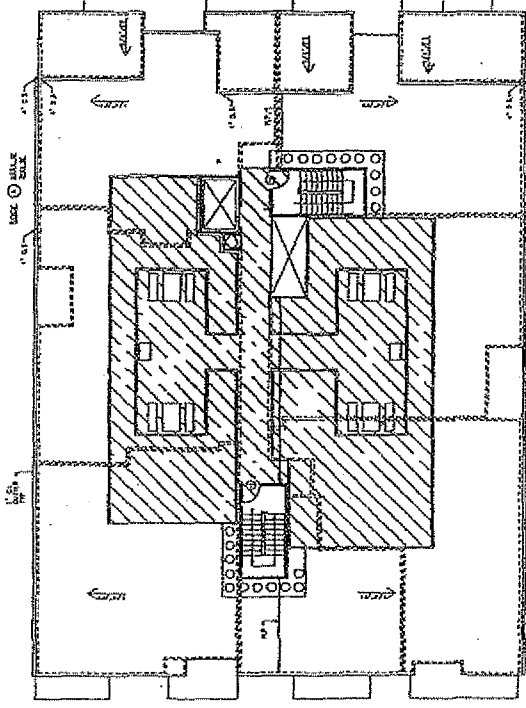


EXHIBIT "A"
 Page No. 22 of 2011-310
 Case No. 0015

2011-310

DIR

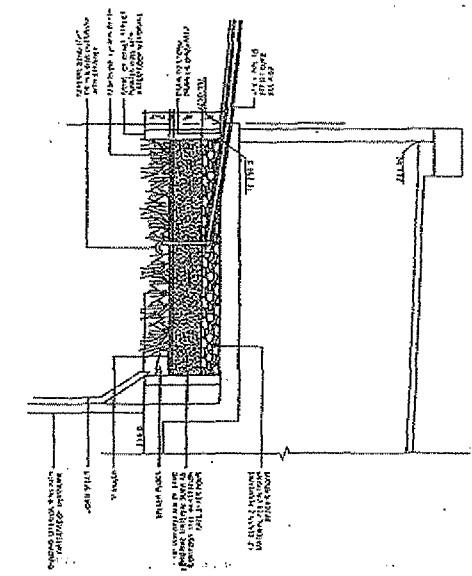
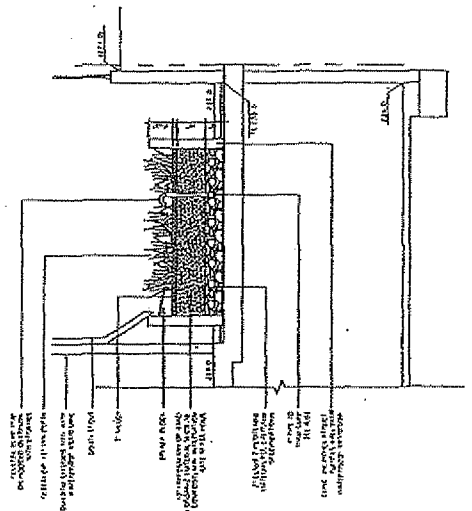
PROJECT NAME	GRAND CENTRAL STATION
OWNER	MTA
DATE	05/11/06
SCALE	AS SHOWN
DESIGNED BY	URU & ASSOCIATES
CHECKED BY	
DATE	
REVISIONS	



BLANKET DIMENSIONS AREA AREA REQUIRED

1	AREA	4,114.27 SF	200.0 SF
2	AREA	1,100.00 SF	200.0 SF
TOTAL		5,214.27 SF	400.0 SF

1 ROOF PLAN



2

3

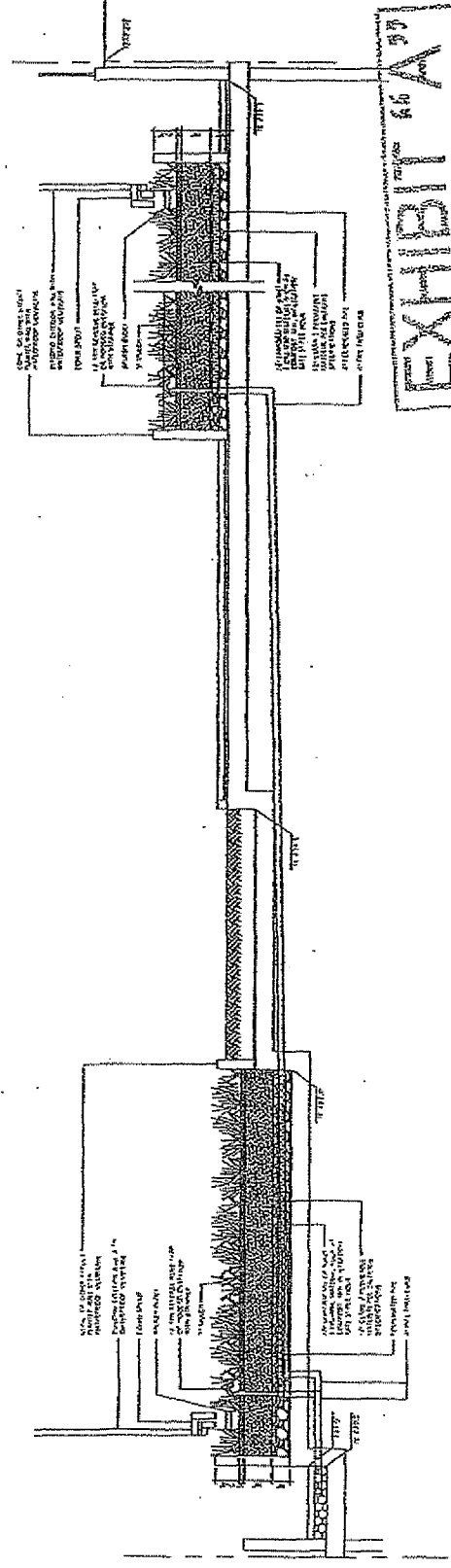
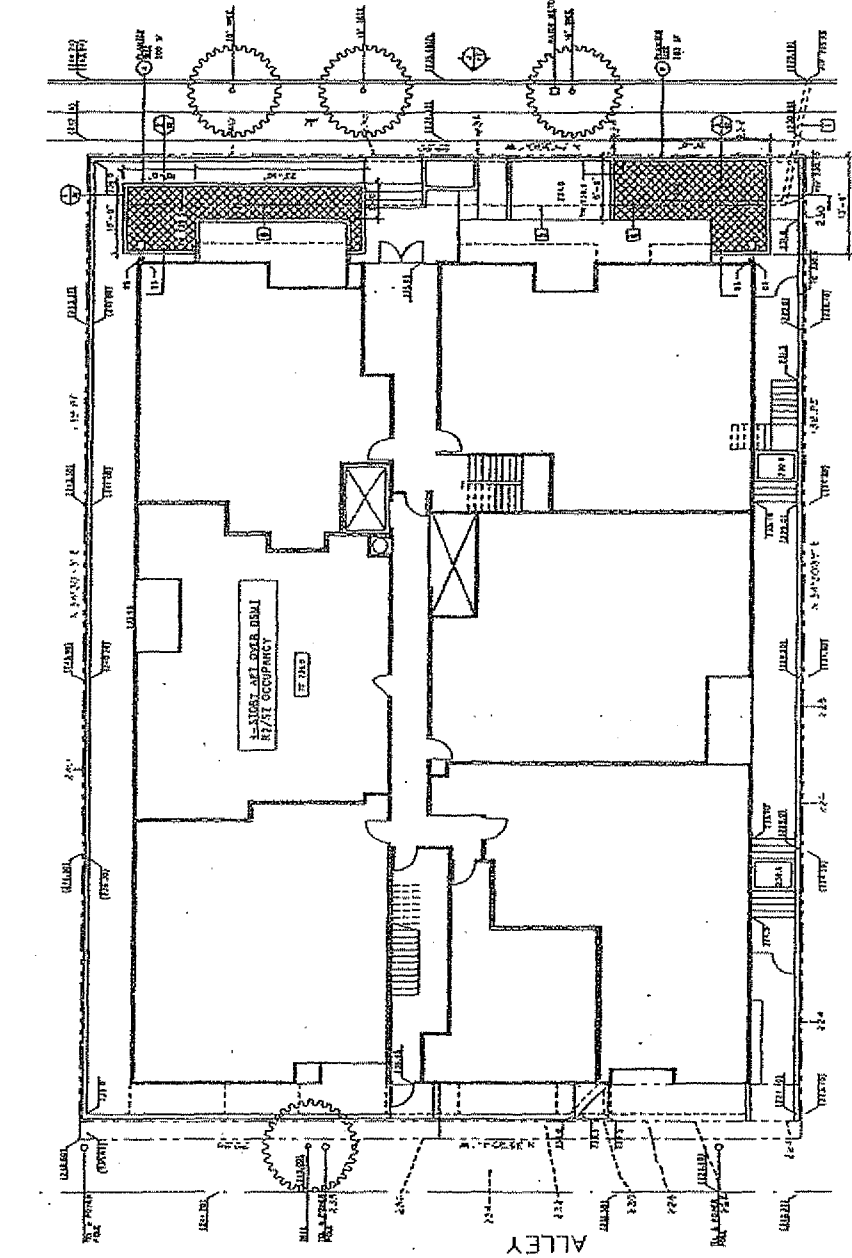


EXHIBIT 'A'
Page No. 28 of 25
Case No. 2011-3100

DTR 2011-3100



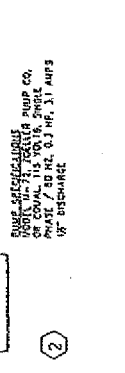
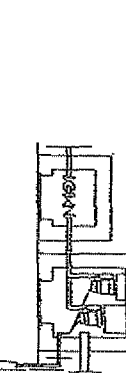
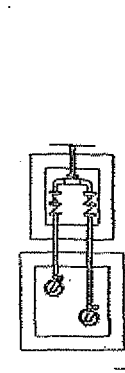
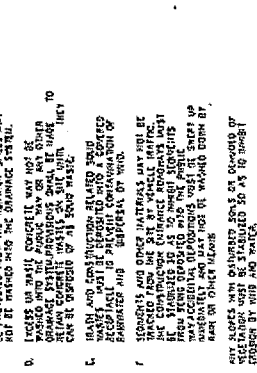
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THE FOLLOWING IS A SUMMARY OF THE INFORMATION PROVIDED TO THE CLIENT FOR THE DESIGN OF THE GRADING AND WATER MITIGATION PLAN. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PLAN OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THE PLAN.

GENERAL NOTES:

1. ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE NOTED.
2. ALL EXCAVATIONS SHALL BE TO FINISH GRADE UNLESS OTHERWISE NOTED.
3. ALL CONCRETE SHALL BE 3000 PSI COMPRESSIVE STRENGTH.
4. ALL REINFORCING SHALL BE #4 BARS.
5. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
6. ALL UTILITY LINES SHALL BE SHOWN AS NOTED.
7. ALL UTILITY LINES SHALL BE DEPTHS AS NOTED.
8. ALL UTILITY LINES SHALL BE SPACED AS NOTED.
9. ALL UTILITY LINES SHALL BE PROTECTED AS NOTED.
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99. ALL UTILITY LINES SHALL BE REPAIRED AS NOTED.
100. ALL UTILITY LINES SHALL BE REPLACED AS NOTED.

SECTION 1 - GRADING & WATER MITIGATION PLAN



SECTION 2 - DRAINAGE SYSTEM

THE DRAINAGE SYSTEM SHALL BE INSTALLED AS SHOWN ON THIS PLAN. THE SYSTEM SHALL BE MAINTAINED AND REPAIRED AS NECESSARY. THE SYSTEM SHALL BE TESTED AND ACCEPTED AS NOTED.

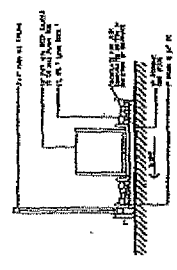
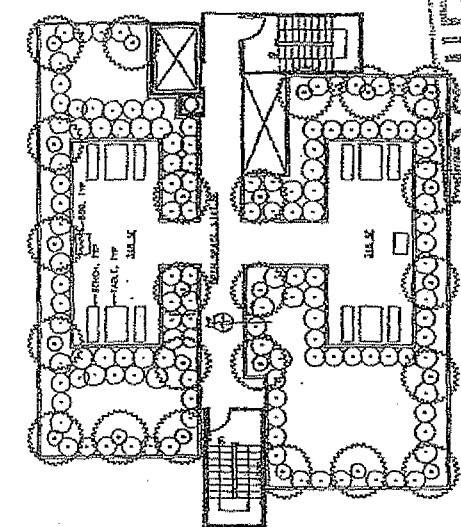
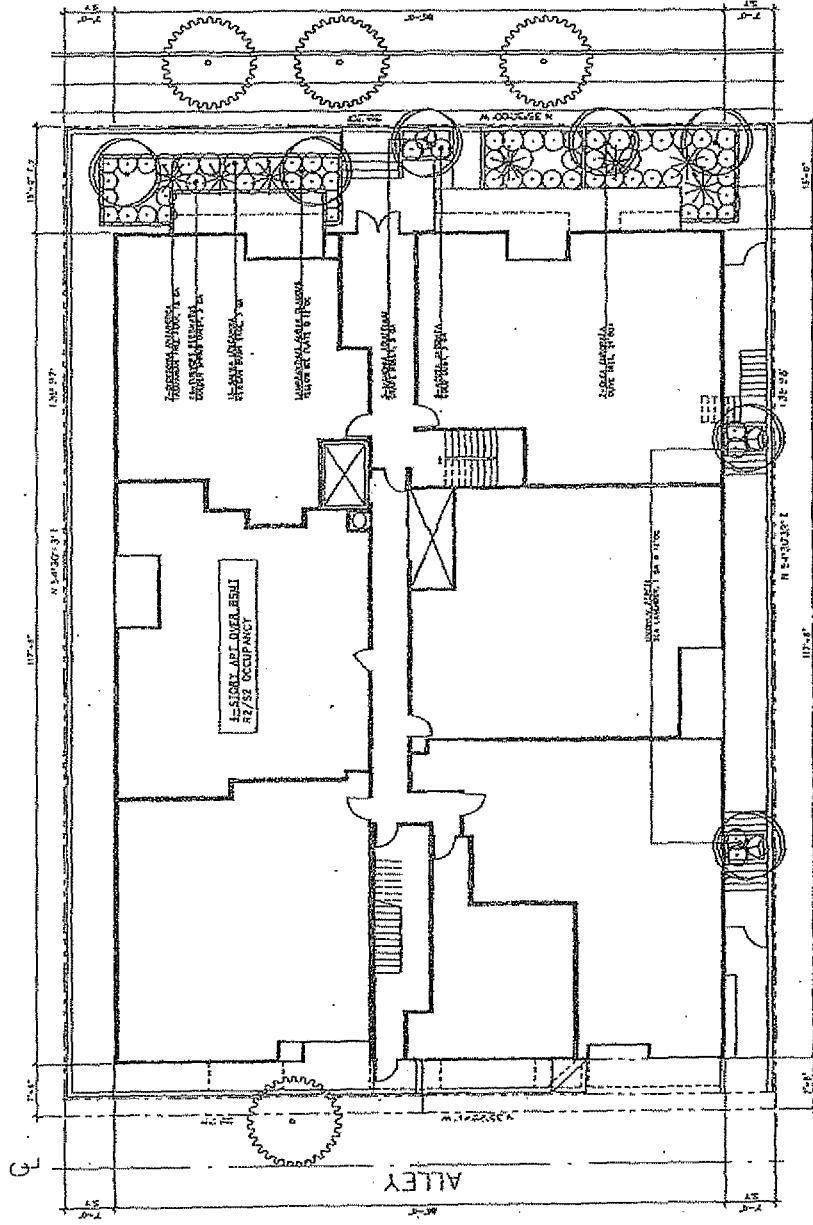


EXHIBIT "A"
 Page No. 25 of 25
 Case No. 2011-310

FOR OPEN SPACE CALCULATION SEE SHEET A-1
 LANDSCAPE AREA PROVIDED 678 S.F. @ 31T P.L.S. + 1688 S.F. ROOF = 2366
 MINIMUM OPEN SPACE SHALL INCORPORATE RECREATIONAL ACTIVITIES SUCH AS:
 FROM TABLE, BENCHES, BATHING AREA AND SITTING AREA

- NOTE:
1. THE PLANTING SHALL BE APPROVED AS PER APPROVED BY CITY OF CHICAGO.
 2. THE PLANTING SHALL BE APPROVED WITH CARES ILLUSTRATED ON SHEET A-1.
 3. THE PLANTING SHALL BE APPROVED WITH CARES ILLUSTRATED ON SHEET A-1.
 4. THE PLANTING AND IRRIGATION SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
 5. THE PLANTING AND IRRIGATION SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
 6. THE PLANTING AND IRRIGATION SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
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SYMBOL	DESCRIPTION	QTY.	UNIT	TOTAL
1	GRASS SEED MIXTURE	5 GAL.	S	5
2	GRASS SEED MIXTURE	3 GAL.	L	3
3	GRASS SEED MIXTURE	5 GAL.	L	5
4	GRASS SEED MIXTURE	5 GAL.	L	5
5	GRASS SEED MIXTURE	5 GAL.	L	5
6	GRASS SEED MIXTURE	5 GAL.	L	5
7	GRASS SEED MIXTURE	5 GAL.	L	5
8	GRASS SEED MIXTURE	5 GAL.	L	5
9	GRASS SEED MIXTURE	5 GAL.	L	5
10	GRASS SEED MIXTURE	5 GAL.	L	5

TOTAL POINTS REQUIRED FOR COUNCIL A-1: 200

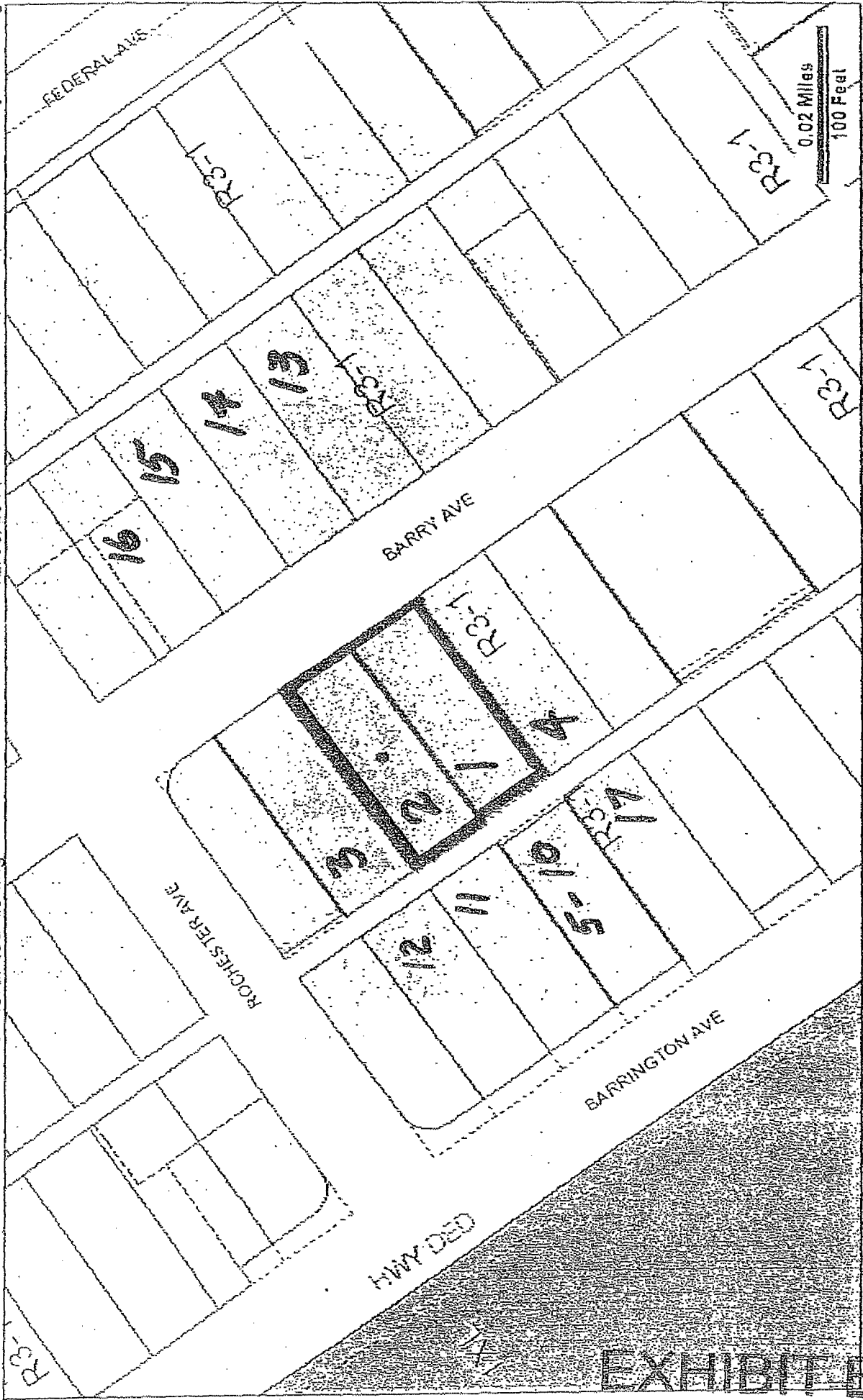
ITEM	DESCRIPTION	QTY.	POINTS
1	GRASS SEED MIXTURE	25	25
2	GRASS SEED MIXTURE	5	5
3	GRASS SEED MIXTURE	10	10
4	GRASS SEED MIXTURE	2	2
5	GRASS SEED MIXTURE	2	2
6	GRASS SEED MIXTURE	2	2
7	GRASS SEED MIXTURE	2	2
8	GRASS SEED MIXTURE	2	2
9	GRASS SEED MIXTURE	2	2
10	GRASS SEED MIXTURE	2	2
TOTAL			110

ITEM	DESCRIPTION	QTY.	POINTS
1	GRASS SEED MIXTURE	1	1
2	GRASS SEED MIXTURE	1	1
3	GRASS SEED MIXTURE	1	1
4	GRASS SEED MIXTURE	1	1
5	GRASS SEED MIXTURE	1	1
6	GRASS SEED MIXTURE	1	1
7	GRASS SEED MIXTURE	1	1
8	GRASS SEED MIXTURE	1	1
9	GRASS SEED MIXTURE	1	1
10	GRASS SEED MIXTURE	1	1
TOTAL			10

12/05/2011

Generalized Zoning

ZIMAS PUBLIC



Tract: ARTESIAN TRACT

Block: 56

Lot: 25

Arb: None

Zoning: R3-1

General Plan: Medium Residential

Address: 1411 S BARRY AVE

APN: 4263020026

PIN #: 129B149 487

CASE NO. 1

DENSITY BONUS

CONTINENTAL MAPPING SERVICE
GLOBE VAN ALDINE BLVD. SUITE 200
DALLAS, TEXAS 75244



EXHIBIT B

Attachment 9 - Fee Study

Test	Staff Time			City Attorney			City Attorney			City Attorney			Allocated Lease & Parking	Allocated Other Costs	Total Non-Salary Costs	Total Direct Costs	Total Non-Salary Costs	Total GASP Costs	Total Costs Per Year	Average Costs Per Year
	Staff Analyst	Analyst	City Attorney	Staff Analyst	Analyst	City Attorney	Staff Analyst	Analyst	City Attorney	Indirect Costs - CAP 32	Indirect Costs - CAP 32	Indirect Costs - CAP 32								
	28.00	55.00	14.50	5.00	47.37	34.16	28.51	80.60	3,887.40	1,854.63	303.93	5,846.93								
GOVERNANCE PREPARATION AMENDMENTS																				
Monitoring the Land Use Agreement per unit per year																				
Total First Year Total Costs per unit	2.00	2.00	1.50	-	47.37	34.16	28.51	80.60	3,887.40	1,854.63	303.93	5,846.93	957.8	37.46	32.02	163.26	6,009.19	8,254.00	9,214.00	
2nd Year's onward per unit	-	-	1.25	0.50	-	34.16	28.51	56.86	28.05	5.27	3.64	9.10	89.12	26.62	10.75	46.87	103.98	142.00	135.00	
NON-COMPLIANCE SITE VISIT																				
Total Non-Compliance Site Costs	-	7.00	1.00	-	-	34.16	28.51	62.67	108.34	24.09	3.84	27.92	466.88	26.92	10.75	48.37	450.76	468.00	2,090.00	
LAND USE AGREEMENT ASSASSINATION AGREEMENT																				
Total Land Use Assignment, Assumption Agreement Costs	2.00	13.00	8.00	1.00	47.37	34.16	28.51	60.60	3,811.7	69.25	11.04	80.28	1,399.86	77.49	30.95	26.45	134.88	1,493.84	1,451.00	1,200.00
LAND USE TERMINATION DOCUMENT																				
Total Land Use Termination Document Costs	2.00	9.00	8.00	1.00	-	-	60.16	285.66	57.21	11.04	69.25	1,054.97	77.49	30.95	26.45	134.88	1,188.85	1,200.00	1,200.00	
PERFORMANCE REVIEW PROVISION PLAN REVIEW																				
Total Affordable Housing Provision Plan Review	2.00	16.00	1.00	-	-	34.16	28.51	635.65	267.31	54.20	7.95	954.71	52.09	21.16	18.09	92.24	1,046.83	1,000.00	1,200.00	
REGULATORY COSTS																				
Total Incentive Determination Costs	2.00	15.00	1.00	-	-	34.16	28.51	635.65	267.31	54.20	7.95	954.71	52.09	21.16	18.09	92.24	1,046.83	1,000.00	1,200.00	

- Notes:
- * Analyst salary is average of all analyst staff, Management Analyst II and Management Assistant
 - ** Official salary is average of all clerical staff - Clerk Typist and Sr. Clerk Typist
 - 1. Column 1: CAP 32 rates for LUPD Govt Funded staff = 40.6%
 - 2. Column 1: Other Land Use expenditures + GASP projected costs for parking and lease (\$6,260 per employee x Time Spent in Activity)
 - 3. Column 2: GASP Salaries = 21,468 (based on GASP Salaries divided by Total Salaries per 2011-12 Salaries Projections for December 2011) x Estimated Salaries for Activity.
 - 4. Column 3: CAP 32 Rates for GASP 478,946.
 - 5. Column 4: Other staff expenses - GASP projected costs for parking and lease (\$6,260 per employee x Time Spent in Activity)
 - 6. Column 5: Other Land Use expenditures + GASP projected costs for parking and lease (\$6,260 per employee x Time Spent in Activity)
 - 7. Column 6: Monitoring Fee is projected to be at the 1.85% cost level. It does not count for 2% annual increase in cost. LUPD wants to be able to adjust the 2% annual costs because its efficiency due to the high volume nature of this work.
 - 8. Column 7: Monitoring Fee is higher than costs to encourage compliance. Higher compliance also allows LUPD to keep the monitoring fee low.
 - 9. Column 8: Non-compliance Fee is higher than costs to encourage compliance. Higher compliance also allows LUPD to keep the monitoring fee low.
 - 10. Column 9: Due to the low annual volume of covenant assignments, assessments, and affidavits for housing provision plan review, and affordable housing provision plan review.
 - 11. Staff 16: Includes 2% Employee Benefits such as 11 days of Holiday and 18 days of Vacation, Sick, and Personal time and 10% of Administrative and Miscellaneous Related Support work such as technical support, meetings, training and system development.