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CITY CLERK

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CALIFORNIA

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When making inquiries relative to
this matter, please refer to the
Council File No.: [17-1422](#)

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

April 13, 2018

Council File No.: [17-1422](#)

Council Meeting Date: April 11, 2018

Agenda Item No.: 47

Agenda Description: MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES, MITIGATION AND MONITORING PROGRAM, 2016-2040 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY PROGRAM ENVIRONMENTAL IMPACT REPORT, ADDENDUM, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, and ORDINANCE FIRST CONSIDERATION relative the production of Permanent Supportive Housing.

Council Action: PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, ORDINANCE AND AMENDING MOTION 47-A (O'FARRELL - WESSON - HUIZAR) - ADOPTED

Council Vote:

YES	BLUMENFIELD	YES	HARRIS-DAWSON	YES	O'FARRELL
YES	BONIN	YES	HUIZAR	YES	PRICE
ABSENT	BUSCAINO	YES	KORETZ	YES	RODRIGUEZ
ABSENT	CEDILLO	YES	KREKORIAN	YES	RYU
YES	ENGLANDER	YES	MARTINEZ	YES	WESSON

HOLLY L. WOLCOTT
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 250

FILE SENT TO MAYOR:

LAST DAY FOR MAYOR TO ACT:

APPROVED

***DISAPPROVED**

***VETO**

Mayor

04/17/2018

DATE SIGNED

MITIGATED NEGATIVE DECLARATION (MND), MITIGATION MEASURES, MITIGATION AND MONITORING PROGRAM, 2016-2040 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY PROGRAM ENVIRONMENTAL IMPACT REPORT (2016 RTP/SCS PEIR), ADDENDUM TO THE 2016 RTP/SCS PEIR, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, and ORDINANCE FIRST CONSIDERATION relative the production of Permanent Supportive Housing.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND as an adequate environmental clearance, including any comments received, in its independent judgment that there is no substantial evidence supporting a fair argument that the Permanent Supportive Housing (PSH) Ordinance will have a significant effect on the environment, including through the imposition of the Mitigation Measures identified in the Mitigation and Monitoring Program prepared for the MND; and, ADOPT the MND (No. ENV-2017-3137-MND).
2. FIND based on the independent judgement, after consideration of the whole of the administrative record, including the SCAG 2016-2040 RTP/SCS PEIR (SCH No. 2015031035), certified on April 7, 2016 and the Addendum prepared for the PSH Ordinance (Addendum), the project was assessed in the PEIR and pursuant to the California Environmental Quality Act Guidelines, Sections 15162 and 15164 and the Addendum that no major revisions to the PEIR are required and no subsequent EIR, or Negative Declaration is required for approval of the project.
3. ADOPT the FINDINGS of the Los Angeles City Planning Commission dated December 19, 2017, attached to the Council file, as the Findings of Council.
4. PRESENT and ADOPT the accompanying ORDINANCE dated March 22, 2018, amending Sections 12.03, 12.04.09, 14.00 and 16.05 of the Los Angeles Municipal Code to establish regulations to facilitate the production of Supportive Housing.
5. NOT PRESENT and ORDER FILED the Ordinance dated March 2, 2018.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

For:
Greater Wilshire Neighborhood Council
Los Feliz Neighborhood Council
Mid City West Community Council
Atwater Village Neighborhood Council
Wilshire Center-Koreatown Neighborhood Council.

For if amended:

Central San Pedro Neighborhood Council

Against:
Lincoln Heights Neighborhood Council

(Homelessness and Poverty Committee waived consideration of the above matter)

Summary:

At its meeting on March 6, 2016, the PLUM Committee considered a City Attorney report and draft Ordinance relative to establishing regulations to facilitate the production of permanent supportive housing. During the discussion of this matter, Department of City Planning staff provided an overview of the matter and addressed related questions from the Committee. Housing and Community Investment Department presented an informational report regarding current geographic distribution of supportive housing and the members discussed the need to provide a range of housing in all parts of the City. Councilmember Englander recommended that the Ordinance be amended to include Neighborhood Councils among the entities notified of pending permits. In addition, it was recommended that the ordinance be amended, as requested by Council District 10, to include oil or gas well among the previous uses requiring a database search of sites containing hazardous waste identified in Section 13(iv) on page 12 of the draft Ordinance. After an opportunity for public comment, the Committee recommended that the City Attorney report and draft Ordinance be approved as amended. This matter is now submitted to Council for consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER:</u>	<u>VOTE</u>
HUIZAR	YES
HARRIS-DAWSON	YES
ENGLANDER	YES
BLUMENFIELD	YES
PRICE	YES

SD

-NOT OFFICIAL UNTIL COUNCIL ACTS-


ITEM No. 47 - A

M O T I O N

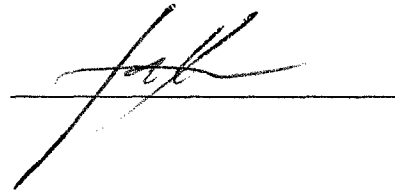
I MOVE that the matter of the Mitigated Negative Declaration, Mitigation Measures, Mitigation and Monitoring Program, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report (2016 RTP/SCS PEIR), Addendum to the 2016 RTP/SCS PEIR, Planning and Land Use Management Committee Report, and Ordinance First Consideration relative the production of Permanent Supportive Housing, Item No. 47 on today's Council Agenda (CF 17-1422), **BE AMENDED** to PRESENT AND ADOPT the attached ordinance in lieu of the ordinance attached to the File, in order to clarify the environmental assessment process in cases where a project involves soil disturbance on land zoned industrial or previously used for gas station, gas or oil well or dry cleaning facilities, and to clarify the necessary steps when tribal resources are discovered.



PRESENTED BY:


HERB J. WESSON, Jr.
Councilman, 10th District

SECONDED BY:



ORIGINAL

April 11, 2018ak

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.04.09, 14.00 and 16.05 of the Los Angeles Municipal Code to establish regulations to facilitate the production of Supportive Housing.

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

Section 1. The following definitions are added in alphabetical order to Section 12.03 of the Los Angeles Municipal Code to read as follows:

SUPPORTIVE HOUSING. Housing with no limit on length of stay for persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any Floor Area used for Supportive Services shall be considered accessory to the residential use.

SUPPORTIVE SERVICES. Services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Sec. 2. A new Subdivision 13 is added to Subsection A of Section 14.00 of the Los Angeles Municipal Code to read as follows:

13. Density Bonus for Qualified Permanent Supportive Housing.

This subdivision is intended to facilitate construction or maintenance of Supportive Housing units pursuant to a ministerial approval process in conformance with the State density bonus provisions in California Government Code Section 65915. The grant of any bonuses, incentives, or concessions under this subdivision shall not be considered an increase in density or other change which requires any corresponding zone change, general plan amendment, specific plan exception or discretionary action.

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

(1) Qualified Permanent Supportive Housing Project.

The construction of, addition to, or remodeling of a building or buildings offering Supportive Housing; located in a zone that allows multiple dwellings (RD1.5 or less restrictive); and where all of the

total combined Dwelling Units or Guest Rooms, exclusive of any manager's units, are affordable. For the purposes of this subdivision, affordable means that rents or housing costs to the occupying residents do not exceed 30 percent of the maximum gross income of Extremely Low, Very Low or Low Income households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD) or any successor agency, as verified by the Housing & Community Investment Department (HCIDLA). A minimum of 50 percent of the total combined Dwelling Units or Guest Rooms is occupied by the Target Population.

(2) **Target Population.** Persons with qualifying lower incomes who:

(i) Have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, and are homeless as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines; or

(ii) Are chronically homeless, as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines.

(3) **Local Public Agency.** A local public agency identified on a list maintained by the Department of City Planning that funds Supportive Services, keeps a prequalified list of service providers, or both.

(b) **Application and Approval.** The applicant shall submit an application on a form developed by the Department of City Planning that contains information about the project, the applicant and conformance with this section. All applications shall be reviewed for compliance with the definitions in Paragraph (a), requirements in Paragraph (c), zoning compliance in Paragraph (d), and adherence to the performance standards in Paragraph (g). The application shall be approved by the Department of City Planning if the eligibility criteria of this Subdivision are met.

(1) **Other Affordable Housing Incentive Programs.** Except as described in Paragraph (f), applicants for other affordable housing incentive programs, including, but not limited to, the Floor Area Bonus for the Greater Downtown Housing Incentive Area in Section 12.22 A.29; the Density Bonus provisions in Section 12.22 A.25; the Transit Oriented Communities Affordable

Housing Incentive Program in Section 12.22 A.31; or affordable housing incentive provisions in community plan implementation overlays (CIPOs), shall not also be eligible for a Qualified Permanent Supportive Housing Project approval at the same location.

(c) **Requirements.** A Qualified Permanent Supportive Housing Project must comply with the following requirements:

(1) **Supportive Services.** Applicants shall provide documentation describing the Supportive Services that will be provided onsite and offsite. Prior to any approval of a Qualified Permanent Supportive Housing Project, the applicant shall submit information demonstrating that Supportive Services will be provided to residents of the project. The applicant shall indicate the name of the entity or entities that will provide the Supportive Services, the Local Public Agency funding source(s) for those services, and proposed staffing levels. If a preliminary funding commitment is needed, the applicant shall also submit a signed letter of intent from the Local Public Agency verifying that it is providing a preliminary funding commitment for the Supportive Services. If no funding commitment is needed, the applicant shall demonstrate that the entity or entities that will provide the Supportive Services are service providers prequalified by a Local Public Agency.

(2) **Affordable Housing Covenant.** Projects shall record a covenant acceptable to HCIDLA that reserves and maintains the total combined number of Dwelling Units and Guest Rooms designated as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.

(3) **Housing Replacement.** Projects shall meet any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3), or as thereafter amended, as verified by HCIDLA, and all applicable covenant and monitoring fees in Section 19.14 of this Code shall be paid by the applicant prior to the issuance of any building permit.

(4) **Notification of Application.** The following requirements shall be completed at least 30 days prior to the Department of City Planning's approval of the Qualified Permanent Supportive Housing Project:

(i) The Department shall send written notices of the Qualified Permanent Supportive Housing Project application by U.S. mail to the abutting property owners,

applicable Neighborhood Council and the Council District Office of the site; and

(ii) The applicant shall post, in a conspicuous place near the entrance of the property, a public notice of the Qualified Permanent Supportive Housing Project application. The applicant shall submit proof of posting to the Department, which includes submission of a completed public notice form provided by the Department and photographs of the posted notice.

(d) **Bonuses and Incentives.** A Qualified Permanent Supportive Housing Project meeting the requirements in Paragraph (c) and the performance standards in Paragraph (g) is eligible for the following bonuses and incentives:

(1) **Minimum Lot Area per Dwelling Unit or Guest Room.** In zones where multiple dwelling uses are permitted (R3 and less restrictive), the number of allowable Dwelling Units or Guest Rooms shall not be subject to the otherwise maximum allowable residential density under any applicable zoning ordinance or specific plan. In the RD1.5 Zone, the minimum lot area per Dwelling Unit or Guest Room shall be 500 square feet. All applicable standards pertaining to height and floor area under any applicable zoning ordinance, specific plan or overlay shall apply.

(2) **Automobile Parking Requirements.** The following requirements shall apply to all Qualified Permanent Supportive Housing Projects. Up to 40% of the total required parking spaces may be provided by compact stalls.

(i) No parking spaces shall be required for Dwelling Units or Guest Rooms restricted to the Target Population.

(ii) For Qualified Permanent Supportive Housing Projects located within one-half (1/2) mile of a Transit Stop, as defined in Section 12.22 A.25(b) or of a Major Transit Stop as defined in Section 21155(b) of the Public Resources Code, no more than one-half (1/2) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population. Otherwise, no more than one (1) parking space shall be required for each income-restricted Dwelling Unit or Guest Room not occupied by the Target Population.

(iii) One (1) parking space for every 20 Dwelling Units or Guest Rooms shall be required for the purpose of accommodating guests, supportive services, and case management.

(iv) Exception for Projects Located in the Greater Downtown Housing Incentive Area. For projects located in the Greater Downtown Housing Incentive Area, no parking space shall be required for Dwelling Units or Guest Rooms dedicated or set aside for households that earn less than 50% of the Area Median Income as determined by HCIDLA.

(3) **Floor Area.** Areas designated exclusively for Supportive Services use or public areas accessible to all residents, including those for residential or Supportive Services uses, shall not be considered as floor area of the building for the purposes of calculating the total allowable Floor Area. The Floor Area shall be measured to the center line of wall partitions between public and non-public areas.

(4) **Continuing Existing Use.** Notwithstanding the use provisions of the underlying zoning, a Qualified Permanent Supportive Housing Project developed pursuant to this subdivision shall be permitted when the project is converted from or is a replacement of a Residential Hotel as defined in Section 47.70 et seq. of this Code, and is a continuation of an existing residential use. The replacement shall comply with the provisions of Section 47.70 et seq. as approved by HCIDLA. The total number of Dwelling Units or Guest Rooms may be increased as part of the conversion or replacement. This subparagraph shall not apply to a Residential Hotel located in a RD2 or more restrictive residential zone.

(5) **Guest Rooms.** For the purposes of this subdivision, a Guest Room may contain cooking facilities including a sink, refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave.

(e) **Additional Concessions or Incentives.** The project shall be eligible for any combination of up to five concessions or incentives described below, as applicable. Incentives shall not be used to exempt compliance with the performance standards described in Paragraph (g) below.

(1) **Yard/Setback.** A Qualified Permanent Supportive Housing Project may only qualify for this incentive when the

landscaping qualifies for the number of landscape points equivalent to 10% or more than otherwise required by Section 12.40 E of this Code and Landscape Ordinance Guidelines “O.” All adjustments to individual yards or setbacks may be combined to count as one concession or incentive.

(i) Up to 20% decrease in the required width or depth of any individual yard or setback, except along a property line that abuts an R1 or more restrictively zoned property, in which case no reduction is permitted.

(ii) In residential zones, however, the resulting front yard setback may not be less than the average of the front yards, as measured to the main building, of adjoining lots along the same street Frontage. If located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjacent building along the same front lot line, and may result in more or less than a 20% decrease in the required setback. If there are no adjacent buildings, no reduction is permitted.

(2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Qualified Permanent Supportive Housing Project qualifies 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) **Floor Area Ratio.**

(i) Up to 35% increase in the allowable Floor Area Ratio.

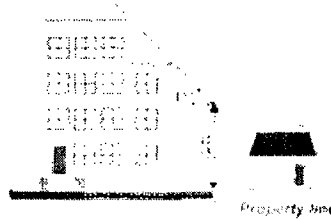
(ii) In the RD1.5 Zone, up to a 20% increase in the allowable Floor Area Ratio.

(iii) 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.

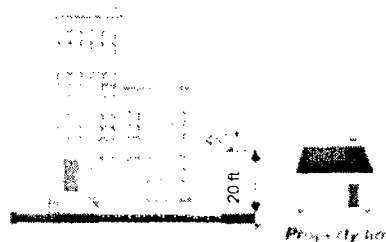
(4) **Height.** Up to 35% increase in the maximum allowable height in feet, applicable over the entire parcel regardless of any of the lower underlying height limits. For purposes of this Subparagraph, Section 12.21.1 A.10 of this Code shall not apply. In its place, the following transitional height requirements shall be applied:

(i) In any zone in which the height or number of stories is limited, this provision shall permit a maximum height increase of one additional story up to eleven feet.

(ii) When adjacent to or across an alley from an R2 or more restrictive zone, the building's transitional height shall be stepped-back within a 45 degree angle as measured from a point 25 feet above grade at the property line.



(iii) In the RD1.5 Zone, when adjacent to or across an alley from an R2 or more restrictive zone, the building's transitional height shall be stepped-back within a 45 degree angle as measured from a point 20 feet above grade at the property line.



(5) **Open Space.** Up to 20% decrease in the required open space, provided that the landscaping for the Qualified Permanent Supportive Housing Project qualifies 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."

(6) **Common Open Space.** Notwithstanding the requirements in Section 12.21 G.2(a)(4)(i) of this Code, recreation rooms at least 600 square feet in area for a development of 16 or more dwelling units or guest rooms, or at least 400 square feet in area for a development of fewer than 16 dwelling units or guest rooms, may qualify as common open space, but shall not qualify for more than 40 percent of the total required usable open space.

(7) **Averaging of Floor Area Ratio, Parking or Open Space, and Permitting Vehicular Access.** A Qualified Permanent Supportive Housing Project that is located on two or more contiguous parcels may average the Floor Area, open space and parking over the project site, and permit vehicular access through a more restrictive zone to a less restrictive zone, provided that:

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

(ii) No further lot line adjustment or any other action that may cause the Qualified Permanent Supportive Housing Project site to be subdivided subsequent to this grant shall be permitted.

5. **Ground Floor Use.** Where nonresidential floor area is required by a zoning ordinance, Specific Plan, Community Plan, Pedestrian Overlay Zone or other set of development standards, that requirement may be satisfied by any active ground floor use such as community rooms, resident amenities, supportive service areas, and common open space.

6. **Other Development Standard.** Up to a 20% relief may be provided from one other development standard not described in this section, as that term is defined in California Government Code Section 65915(o)(1), or as may be amended from time to time.

(f) **Request for Additional Waivers.** The City may not apply a development standard that will physically preclude the construction of the Qualified Permanent Supportive Housing Project. Applicants may request additional waivers pursuant to the discretionary review procedures described in Section 12.22 A.25(g)(3) of this Code. The applicant shall not be required to provide a pro forma or other documentation to show that the waiver or modification of any development standard(s) is needed in order to make the Qualified Permanent Supportive Housing Project economically feasible, but must provide reasonable documentation of its eligibility for the requested waiver. Additional waivers shall not be used to exempt compliance with the performance standards described in Paragraph (g).

(g) **Performance Standards.** All projects shall meet the following performance standards or shall comply with the alternative compliance measures pursuant to Section 14.00 B of this Code. If otherwise applicable performance standards or design standards established under any zoning code, specific plan, or other overlay

requirements conflict with this Subsection, those requirements shall supersede the standards provided in this Section.

(1) **Location Requirement.** The Qualified Permanent Supportive Housing Project shall be located within a High Quality Transit Area for the horizon year in the current Regional Transportation Plan/Sustainable Communities Strategy for the Southern California Association of Governments region.

(2) **Unit/Guest Room Requirements.** Each Dwelling Unit or Guest Room shall have a private bathroom and cooking facilities containing, at minimum, a sink, refrigerator, counter space, and a hotplate or microwave.

(3) **Onsite Supportive Services Requirement.** Nonresidential floor area shall be provided for onsite Supportive Services in the following ratios:

(i) For Qualified Permanent Supportive Housing Projects with 20 or fewer total combined Dwelling Units or Guest Rooms, no less than 90 square feet of dedicated office space shall be provided; or

(ii) For Qualified Permanent Supportive Housing Projects with greater than 20 Dwelling Units or Guest Rooms, a minimum of 3 percent of the total Residential Floor Area shall be dedicated for onsite Supportive Services provided solely to Project residents, including but not limited to community rooms, case management offices, computer rooms, and/or a community kitchen.

(4) **Façade Transparency.**

(i) For any building located in a Commercial Zone, a minimum of 25 percent of that portion of the exterior street-facing walls which are between 2 feet to 8 feet above the sidewalk grade shall be comprised of transparent (untinted, unfrosted, non-reflective) windows or openings, exclusive of areas for walkways, driveways, paseos and plazas.

(ii) A minimum of 10 percent of the upper story portions of the exterior street-facing building façade as measured from the top of the finished ground floor to the top of the building façade shall be comprised of transparent (untinted, unfrosted, non-reflective) windows or openings.

(iii) **Glass Transparency.** Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent.

(5) **Massing.** Buildings more than 200 feet in length along any exterior street-facing building facade shall include a design element that provides visual relief every 100 feet. The design element shall either setback from or step forward from the face of the building by at least a depth of 12 inches and shall be a width of no less than 5 percent of the building face (ex: 5 percent of 100' = 5') and shall extend up the face of the building to at least 50 percent of the façade height.

(6) **Mechanical Equipment – Roof Mounted.** Roof mounted mechanical equipment shall be set back a minimum of 5 feet from the edge of the roof, and shall be fully screened from the ground level view from all abutting properties and abutting public rights-of-way except alleys. New buildings must provide a parapet wall or other architectural element that fully screens roof mounted equipment from ground level view. Existing buildings with no or low parapet walls shall screen the equipment on all sides by an opaque screen. Sustainable energy systems (including solar panels, rainwater catchment devices and wind turbines) shall be exempt from roof mounted screening requirements.

(7) **Mechanical Equipment – Wall Mounted.** Wall mounted mechanical equipment that is visible from a public right-of-way must be fully screened by landscaping or an opaque screening material. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened. Sustainable energy systems (including solar panels, rainwater catchment devices and wind turbines) shall be exempt from wall mounted screening requirements.

(8) **Building Orientation.** All buildings shall be oriented to the street by providing primary entrances, windows, architectural features or balconies on the front and along any street-facing elevations. Primary entrances shall be connected to and visible from a public street such that a pedestrian entering the building need not walk through a vehicle parking area in order to arrive at the entrance.

(9) **Landscaping.** All portions of the required front yard not used for necessary driveways and walkways, including

decorative walkways, shall be landscaped and maintained, and not otherwise paved.

(10) **Lighting.** Security night lighting shall be shielded so that the light source cannot be seen from adjacent residential properties.

(11) **Surface Parking.** Any portions of surface parking areas on which automobile parking is prohibited, or which is otherwise not improved, shall be fully landscaped with lawn, trees, shrubs or suitable groundcover, and no portion except the access driveways shall be paved.

(12) **At-Grade Parking.** No at-grade parking space shall be located within the front yard. Loading areas and off-street parking facilities containing three or more spaces shall be effectively screened from abutting streets and lots. The screening shall not obstruct the view of the driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility. The screening shall consist of one or more of the following:

(i) A strip at least 5 feet in width of densely planted shrubs or trees that are at least 2 feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year round visual screen; or

(ii) A wall, barrier, or fence of uniform appearance. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open. The wall, barrier or fence shall be between 4 and 6 feet in height.

(13) **Construction Standards.** The applicant shall comply with all of the construction standards provided in Subparagraphs (i) through (vi), below. The applicant shall retain an independent construction monitor, approved by the Department of Building and Safety (DBS), who shall be responsible for monitoring implementation of the construction standards. The construction monitor shall also prepare documentation of the applicant's compliance with the construction standards during construction every 90 days in a form and manner satisfactory to the DBS. The documentation must be signed by the applicant and the construction monitor. DBS shall verify that the applicant has or will

(by having an appropriately qualified expert[s] under contract as may be necessary) comply with the construction standards prior to issuance of any permits.

(i) No pile driving shall be allowed unless required due to geological conditions. Where piles are needed, they shall be installed through quiet techniques such as vibratory piles.

(ii) If excavating below previously excavated depths, the applicant shall have appropriately qualified experts use all reasonable methods, consistent with professional standards, to determine the potential that archaeological resources, paleontological resources or unique geological feature (resources) are present on the project site, including through record searches and surveys. If a qualified expert determines there is a medium to high potential that resources are on the project site and the project has the potential to impact resources, the qualified expert(s) shall monitor and direct any excavation, grading or construction activities to identify resources and avoid potential impacts to resources.

(iii) If archaeological resources, paleontological resources, or unique geological features (resources) are discovered during excavation, grading or construction activities, applicant shall cease work in the area of discovery until a qualified expert has evaluated the find and the City has taken any necessary measures to preserve and protect the find in accordance with federal, state and local law and guidelines.

(iv) If the project involves soil disturbance on land currently or historically zoned industrial or, previously used, in whole or in part, for a gas station, gas or oil well or dry cleaning facility, the applicant shall hire a qualified Environmental Professional (as defined in Title 40 Code of Federal Regulations §312.10 Definitions) to prepare a Phase I and, as needed, a Phase II Environmental Site Assessment. The Site Assessment(s) shall be submitted to DBS and made publicly available. If recommended by the Phase I or, as applicable, Phase II Environmental Site Assessment, a remediation plan shall be prepared by an Environmental Professional including in consultation with or as legally required by any appropriate oversight agencies, (e.g., the Department of Toxic Substances Control and the

Los Angeles Regional Water Quality Control Board). If remediation is required, no demolition, grading, or building permit shall issue until either, a No Further Action letter, if required, is issued by an oversight agency, or if no such letter is required, an Environmental Professional has certified that the identified hazardous materials or hazardous waste have been remediated to an acceptable level appropriate to the intended use.

(v) If excavating below previously excavated depths, the applicant shall notify the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site if the Tribe requested in writing to be notified of projects in that area. The applicant shall provide notice to the tribes in a form and manner required by the Department. If the Department determines there is a medium to high potential for tribal resources to exist on or near the project site through credible evidence, including evidence that may be submitted by a tribe, as determined by the Director in consultation with the Office of Historic Resources, the excavation in previously undisturbed soils shall be monitored by a qualified Tribal Monitor and/or an archaeologist qualified to identify tribal resources. The applicant shall be required to retain a qualified expert if determined necessary by the Director.

(vi) If tribal resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the discovery until an authorized Tribal Representative has been provided an opportunity to evaluate the find. Construction personnel shall not collect or move any tribal resources. Applicant shall cease work in the area of discovery until a qualified expert has evaluated the find and the City has taken any necessary measures to preserve and protect the find in accordance with federal, state and local law and guidelines.

(14) **Historic Resources.** The Qualified Permanent Supportive Housing shall not involve a historical resource, as defined by Public Resources Code Section 21084.1 as determined by the Director, in consultation with the Office of Historic Resources.

(h) **Purpose.** The purpose of this subdivision is to facilitate the expedient production of Supportive Housing units meeting the definitions and regulations established herein in order to provide high-quality, well-

serviced and affordable housing units which are responsive to the needs of the Target Population. Qualified Permanent Supportive Housing Projects should be located at sites that are accessible by public transit, including paratransit. Individual Dwelling Units or Guest Rooms should be provided with basic amenities that are sufficient to support independent living. Sufficient non-residential floor area should be made available on the subject property to provide the appropriate level of Supportive Services to the resident Target Population. Architectural features should be incorporated in the building design to ensure that buildings are street-oriented, provide visual interest at the street level, and facilitate pedestrian access. Landscaping should be provided in any front yard area or on any surface parking area to provide additional visual interest at the street level. Lighting on the site should be located so as to not reflect on adjoining residential uses.

(i) **Alternative Compliance.** If compliance with Performance Standards is not met, the applicant may apply for approval of alternative compliance measures pursuant to the procedures in Subsection B of this section. The Application and Approval provisions in Paragraph (b) and the requirements in Paragraph (c) must be met in order to qualify for alternative compliance review. The Construction Performance Standards in Subparagraph (g)(13) must also be met unless the City makes the necessary findings to modify or delete one or more Standards which are also mitigation measures included in the mitigation and monitoring program adopted to approve this ordinance, through a subsequent environmental process prepared for the Alternative Compliance.

Sec. 3. A new Subdivision 11 is added to Subsection B of Section 12.04.09 of the Los Angeles Municipal Code to read as follows:

11. Any joint public and private development that is a Qualified Permanent Supportive Housing Project developed pursuant to Section 14.00 A.11 of this Code, utilizing the uses and standards permitted by the least restrictive adjoining zone. The phrase "adjoining zone" refers to the zone on properties abutting, across the street or alley from, or having a common corner with, the subject property.

Sec. 4. A new Subdivision 8 is added to Subsection D of Section 16.05 of the Los Angeles Municipal Code and reads as follows:

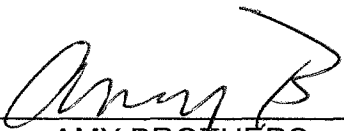
8. A Qualified Permanent Supportive Housing Project as defined in Section 14.00 A.11(a)(1) of this Code and containing no more than 120 units, or no more than 200 units if it is located either in the Greater Downtown Housing Incentive Area or on a lot with a general plan land use designation of Regional Center Commercial, Regional Commercial, or Regional Mixed Commercial.

Sec. 5. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
AMY BROTHERS
Deputy City Attorney

Date April 11, 2018

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

April 11, 2018


Vincent P. Bertoni, AICP
Director of Planning

File No. 17-1422

M:\Real Prop_Env_Land Use\Land Use\Amy Brothers\permanent supportive housing ord\Third PSH Ordinance

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____