

ORDINANCE NO. _____

An ordinance amending Ordinance 180,983, the Central City West Specific Plan and Section 19.18 of the Los Angeles Municipal Code referencing the Central City West Specific Plan.

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

Section. 1. Section 4 of Ordinance No.180,983 is amended by revising or adding the following definitions in the proper alphabetical order to read:

Dwelling Unit, Extremely Low Income. A dwelling unit which is rented or sold to and occupied by "Extremely Low Income Households" as defined in Section 50106 of the Health and Safety Code.

Dwelling Unit, Low or Lower Income. A dwelling unit which is rented or sold to and occupied by ~~persons or families whose annual income does not exceed 80% of the median annual income for persons or families residing in the Los Angeles Standard Metropolitan Statistical Area. Median annual income shall be as determined and published periodically by the Federal Department of Housing and Urban Development.~~ "Lower Income Households" as defined in Section 50079.5 of the Health and Safety Code.

Dwelling Unit, Very Low Income. A dwelling unit which is rented or sold to and occupied by ~~persons or families whose annual income does not exceed 50% of the median annual income for persons or families residing in the Los Angeles Standard Metropolitan Statistical Area. Median annual income shall be as determined and published periodically by the Federal Department of Housing and Urban Development.~~ "Very Low Income Households" as defined in Section 50105 of the Health and Safety Code.

Sec. 2. Subsections A, B, and C of Section 11 of Ordinance No.180,983 is amended to read:

A. **Required Housing in Mixed Use Overlay Areas.** Within the areas bounded by the heavy dashed lines shown on Map Nos. 2 and 3 of this Specific Plan, for every 1,800 square feet of non-residential floor area constructed, including a hotel use, there shall be one dwelling unit constructed. The dwelling units required to be constructed pursuant to Subsection ~~CB~~ of this Section may be included to satisfy the requirements of this Subsection.

~~B. **Housing Linkage Fee.** All commercial, industrial and the nonresidential portion of Mixed Use Project Applicants within the Specific Plan area shall pay a fee for the purpose of funding Low and Very Low Income Dwelling Units, to be known as the Central City West Housing Linkage Fee (Linkage Fee). This Linkage Fee shall be in lieu of any citywide housing linkage fee adopted by the City. The Linkage Fee shall be charged on a per square foot of floor area basis.~~

~~1. **Linkage Fee Amount.** The Linkage Fee shall be \$5.51 per square foot of non-residential floor area (adjusted to reflect the January 1, 2001 Engineering News-Record Construction Cost Index).~~

2. ~~Annual Indexing. The Linkage Fee shall be revised on January 1 of each year by the Department of City Planning according to the annual percentage change to the Engineering News-Record Construction Cost Index, published monthly by McGraw Hill, Inc. The revised Linkage Fee shall be published by the Department of City Planning in a newspaper of citywide circulation before January 31 of each year.~~
3. ~~Cash Deposit~~
 - a. ~~The Project Applicant(s) shall pay a cash deposit equivalent to 10% of the total Linkage Fee, as determined by the Department of City Planning, at the time of Project Permit Compliance Review application. The Department of City Planning shall collect and remit the deposited amount to the City Treasurer for deposit into the Central City West Housing Fund (Housing Fund), as established by Article 23, Section 5.115.6 of the Los Angeles Administrative Code.~~
 - b. ~~The cash deposit shall only be refunded to the Project Applicant(s) if Project Permit Compliance Review is denied or becomes null and void pursuant to Section 17 C of this Specific Plan.~~
4. ~~Balance of Linkage Fee. The balance of the Linkage Fee, as calculated by the Department of City Planning at the time of payment, shall be due and payable and collected by the Department of City Planning at the time of issuance of a building permit, and shall be remitted to the City Treasurer for deposit into the Housing Fund.~~
5. ~~In Lieu Credits. In lieu of the requirements of this Subsection, a commercial, industrial or Mixed Use Project Applicant may construct all or a portion of the number of dwelling units which would have been produced by the Linkage Fee, as determined by the Housing Department (formerly Housing Preservation and Production Department).~~
6. ~~Exceptions~~
 - a. ~~The floor area devoted to Neighborhood Retail or Neighborhood Service uses, as determined by the Director of Planning, up to a maximum of 40,000 square feet per Project, shall be exempt from the requirements of this Subsection.~~
 - b. ~~The floor area devoted to non-profit hospital space shall be exempt from the requirements of this Subsection.~~
 - c. ~~The floor area devoted to child care facilities shall be exempt from the requirements of this Subsection.~~

BC. Replacement Dwelling Units and Inclusionary Housing Requirements

1. Commercial and Industrial Projects

The following provisions apply when Replacement Housing is required:

- a. All commercial and industrial Project Applicant(s) shall document and replace, on a one-for-one basis in the form of new dwelling unit construction, ~~Low, and Very Low, and Extremely~~ Income Dwelling Units and/or guest rooms demolished on the Project lot or lots on or after February 24, 1984.
- b. Documentation on demolished ~~Low, and~~ Very Low, ~~and Extremely Low~~ Income Dwelling Units and/or guest rooms may consist of Department of Building and Safety demolition permit records, records from the Rent Stabilization Division of the Housing ~~and Community Investment~~ Department, or other documentation acceptable to the Housing ~~and Community Investment~~ Department, or its successor or assignee.
- c. The rehabilitation of existing dwelling units shall not be used by a Project Applicant to satisfy the requirements of this Subsection. However, dwelling units for which no certificate of occupancy has been issued may be used to satisfy these requirements, provided the dwelling units comply with all the provisions of this Specific Plan which are applicable to a residential Project.
- d. If documentation on the income category of the demolished dwelling units is not known, Ddwelling units constructed to replace units and/or guest rooms demolished between February 24, 1984 and the effective date of this Specific Plan shall be provided at a ratio of 60% Very Low Income Dwelling Units and 40% Low Income Dwelling Units.

Replacement obligations of applicable State law or City regulations, including, but not limited to State Density Bonus law and the City's Rent Stabilization Ordinance shall also apply. Conformance with the applicable State law, City ordinance or City program shall not result in less dwelling units than one-for-one replacement.

- e. Any ~~Very Low Income Dwelling Unit and affordable dwelling unit~~ or guest room demolished shall be replaced with a Very Low Income Dwelling Unit, and any Low Income Dwelling Unit and/or guest room demolished shall be replaced with a Low Income Dwelling Unit an affordable dwelling unit at the same income level.
- f. No certificate of occupancy for a commercial or industrial Project which is subject to the requirement to provide replacement dwelling units shall be issued prior to the issuance of the certificate(s) of occupancy for the ~~Low and/or Very Low Income-affordable replacement D~~dwelling ~~U~~units required pursuant to this Subsection.
- g. All net new nonresidential square footage shall be subject to the Citywide Affordable Housing Linkage Fee (LAMC 19.18).

2. Residential and Mixed Use Projects

- a. All multiple-family residential or Mixed Use Projects are subject to either the Replacement Dwelling Unit or Inclusionary Housing requirement as follows, whichever results in the greater number of affordable dwelling units:

- 1) One-for-one Replacement. Document and replace, on a one-for-one basis in the form of new dwelling unit construction, Low, ~~and~~ Very Low, or Extremely Income Dwelling Units and/or guest rooms demolished on the lot or lots on or after February 14, 1988; or
- 2) Inclusionary Housing
 - i. Low Income Dwelling Units, 15 Percent Set-aside. If no dwelling units were demolished on the lot or lots on or after February 14, 1988, a Project Applicant shall designate the reserve set-aside 15% of the dwelling unites of the Base Permitted Residential Density within the Project as Low Income Dwelling Units, or
 - ii. Very Low Income Dwelling Units, 8 Percent Set-aside. If no dwelling units were demolished on the lot or lots on or after February 14, 1988, a Project Applicant shall set-aside 8% of the Base Permitted Residential Density within the Project as Very Low Income Dwelling Units.
- b. Replacement Dwelling Units. Documentation on demolished Low, ~~and~~ Very Low, and Extremely Low Income Dwelling Units and/or guest rooms may consist of Department of Building and Safety demolition permit records, records from the Rent Stabilization Division of the Housing and Community Investment Department, or other documentation acceptable to the Housing and Community Investment Department, or its successor or assignee.
- c. No certificate of occupancy for a multiple-family residential or Mixed Use Project which is subject to applicable housing provisions of this Specific Plan shall be issued prior to the issuance of the certificate(s) of occupancy for the Low and/or Very Low and/or Extremely Low Income Dwelling Units required pursuant to this Subsection.
- d. In Lieu Credits. In lieu of the requirements of this Subdivision, a multiple-family residential Project Applicant may pay a fee.
 - 1) The in lieu fee for a required Very Low Income Dwelling Unit shall be ~~\$100,576.14~~ \$175,081.13 per unit.
 - 2) The in lieu fee for a required Low Income Dwelling Unit shall be ~~\$78,883.44~~ \$137,318.81 per unit.
 - 3) The in lieu fees shall be revised on January 1 of each year by the Department of City Planning according to the annual percentage change in the Engineering News-Record Construction Cost Index, published monthly by McGraw Hill, Inc. The revised in lieu fees shall be published by the Department of City Planning in a newspaper of citywide circulation before January 31 of each year.

- e. Exemptions. Multiple-family residential Projects consisting of 10 dwelling units or fewer shall be exempt from the requirements of this Subdivision.
- f. Density Bonus and other Affordable Housing Regulations
 - 1) A Project Applicant for a multiple-family residential or Mixed Use Project subject to the requirements of Subsection 2 a (2) of this Section shall be eligible for a density bonus. Projects that comply with the affordable housing requirements of the Specific Plan are also eligible for incentives offered by other affordable housing incentive programs.
 - 2) Low, ~~and~~ Very Low, and Extremely Low Income Dwelling Units constructed pursuant to this Subsection shall be counted as reserved units in any application for a State-mandated density bonus or other City ordinance or incentive program for the same Project.
- g. Applicability. The regulations, requirements and provisions of Specific Plan Section 11.B shall apply to all Projects.
 - 1) Phased Implementation. Projects will be subject to the Inclusionary Housing requirements in Section 11 B.2(a)(2) in the following manner:
 - a) Projects that have filed for a Project Permit Compliance Review and whose planning case applications have been deemed complete prior to 90 days from the effective date of this ordinance and which have not received any Building Permit from the Department of Building and Safety, shall not be subject to the Inclusionary Housing requirements in Section 11 B.
 - b) Projects that have filed for a Project Permit Compliance Review and whose planning case applications have been deemed complete 91 days following the effective date of this ordinance shall be required to provide one-third of the total Inclusionary Housing requirement or the applicable portion of the in lieu fee as required by Specific Plan Section 11 B.
 - c) Projects that have filed for a Project Permit Compliance Review and whose planning case applications have been deemed complete 182 days following the effective date of this ordinance shall be required to provide two-thirds of the total Inclusionary Housing requirement or the applicable portion of the in lieu fee, as required by Specific Plan Section 11 B.
 - d) Projects that have filed for a Project Permit Compliance Review and whose planning case applications have been deemed complete 273 days following the effective date of this ordinance shall be required to provide the total Inclusionary Housing requirement or the applicable in lieu fee, as required by Specific Plan Section 11 B.

Sec. 3. Subsection D of Section 11 of Ordinance No.180,983 is amended to read:

CD. Dwelling Unit Mix and Size

1. **Required Replacement Dwelling Units**
 - a. Non-Residential Projects. A minimum of 30% of the required replacement dwelling units for a commercial, industrial or Mixed Use Project shall be two bedrooms or larger.
 - b. Residential Projects. A minimum of 50% of the required replacement dwelling units for a residential Project shall be two bedrooms or larger.
2. **Linkage Fee Dwelling Units.** A minimum of 50% of the dwelling units constructed through the use of Linkage Fee funds by the Housing and Community Investment Department, or its successor or assignee, shall be two bedrooms or larger.
3. **Required Inclusionary Low and Very Low Income Dwelling Units In Residential Projects.** A minimum of 30% of the Low or Very Low Income Dwelling Units required to be reserved in residential Projects pursuant to Subsection CB 2 a (2) of this Section shall be two bedrooms or larger.

Sec. 4. Subsection E of Section 11 of Ordinance No.180,983 is amended to read:

DE. Dwelling Unit Rent Levels

1. Very Low Income Dwelling Unit. The monthly rent level for a Very Low Income Dwelling Unit required pursuant to this Section shall not exceed 30% of 50% of the median monthly income for persons or families residing in the Los Angeles Standard Metropolitan Statistical Area. The median monthly income shall be as determined and published periodically by the Federal Housing and Urban Development Department.
- ~~2.~~ Low Income Dwelling Unit. The monthly rent level for a Low Income Dwelling Unit required pursuant to this Section shall not exceed 30% of 80% of the median monthly income for persons or families residing in the Los Angeles Standard Metropolitan Statistical Area. The median monthly income shall be as determined and published periodically by the Federal Housing and Urban Development Department.

The rent schedule used for a Low, Very Low, or Extremely Low Income Dwelling Unit required pursuant to this Section, shall be determined by the Housing and Community Investment Department.

- ~~23.~~ Occupancy. Low, ~~Income Dwelling Units and~~ Very Low, and Extremely Low Income Dwelling Units shall be occupied by persons at qualifying income levels, as determined by the Housing and Community Investment Department, or its successor or assignee.
- ~~34.~~ Deed Restriction. Low, ~~and~~ Very Low, and Extremely Income Dwelling Units shall be evidenced by a deed restriction which reserves and maintains the affordability of the required dwelling units for the life of the dwelling units or for 3055 years,

whichever is greater. The deed restriction shall also state that rent levels cannot exceed those specified in this Subsection.

Sec. 5. Subsection F of Section 11 of Ordinance No.180,983 is amended to renumber the Subsection as Subsection “E”:

EF. Dwelling Unit Priority

Sec. 6. Subdivision 1 of Subsection E of Section 11 of Ordinance No.180,983 is amended to read:

1. **Priority Eligibility.** ~~Low_ and~~ Very Low_ and Extremely Low Income Dwelling Units required pursuant to this Section shall be made available to eligible persons or households in the following order of priority: first, to those who have been or will be displaced by the demolition of ~~Low_ and~~ Very Low_ and Extremely Low Income Dwelling Units or guest rooms within the Specific Plan area; second, to persons employed within the Specific Plan area who qualify as Extremely Low_ Very Low or Low Income households; third, to others who qualify as Extremely Low_ Very Low or Low Income households.

Sec. 7. Subdivision 3 of Subsection E of Section 11 of Ordinance No.180,983 is amended to read:

3. **Notice Requirements.** A notice of the availability of Low or Very Low or Extremely Low Income Dwelling Units required pursuant to this Section shall be caused to be published by the Project Applicant(s) in at least two (2) local newspapers, at least one of which shall be a Spanish language newspaper, and one newspaper of citywide circulation, for a period of no less than 30 days prior to the occupancy of any of the Project's units. The Project Applicant(s) shall also post a notice of availability, in English and Spanish, on the Project lot or lots for a period of no less than 30 days prior to the occupancy of any of the Project's units.

Sec. 8. Subsection G of Section 11 of Ordinance No.180,983 is amended to renumber the Subsection as Subsection “F”:

FG. Location of Dwelling Units

Sec. 9. Subparagraph 2 of Paragraph a of Subdivision 2 of Subsection F of Section 11 of Ordinance No.180,983 is amended to read:

- 2) Any Extremely Low Income Dwelling Unit or guest room demolished will be replaced with an Extremely Low Income Dwelling Unit, and Very Low Income Dwelling Unit or guest room demolished will be replaced with a Very Low Income Dwelling Unit, and any Low Income Dwelling Unit or guest room demolished will be replaced with a Low Income Dwelling Unit; and

Sec. 10. Subsection H of Section 11 of Ordinance No.180,983 is amended to read:

GH. Enforcement

1. Authority. The Housing and Community Investment Department, or its successor or assignee, shall be responsible for the monitoring and enforcement of the requirements of this Section.
2. Approval of Dwelling Units. Dwelling units required pursuant to this Section shall be reviewed and approved by the Housing and Community Investment Department, or its successor or assignee. The approval shall consider:
 - a. the qualifications of the developer of the dwelling units;
 - b. the ownership/management plan for the dwelling units;
 - c. the requirements of this Section; and
 - d. the Open Space requirements of this Specific Plan.
3. Annual Fee. The Housing and Community Investment Department may charge an annual fee on dwelling units required pursuant to this Section, not to exceed \$50.00 per required dwelling unit, if the City Council, after notice, hearing and recommendation of the Affordable Housing Commission, adopts such a fee.

Sec. 11. Subsection A of Section 17 of of Ordinance No.180,983 is amended to read:

- A. Director's Authority. The Director shall not approve or conditionally approve a Project Permit Compliance Review application unless ~~he/she does one fo the following, an appropriate environmental clearance has been prepared,~~ in accordance with the requirements of the California Environmental Quality Act (CEQA), ~~and the State and City CEQA Guidelines;~~ Applicants shall file a Traffic Study Initial Assessment form with the Department of Transportation and prepare a Traffic Study, in accordance with the findings of that assessment; any transportation improvements resulting from the Traffic Study shall be incorporated into a Project's conditions of approval or environmental clearance, as appropriate.

- ~~1. Approves a Negative Declaration or Mitigated Negative Declaration; or~~
- ~~2. Certifies completion of an Environmental Impact Report (EIR).~~

~~**Exception.** The requirements of this Subdivision shall not apply to Project plan review for a sign permit.~~

~~**Exception.** The requirements of this subsection shall not apply to Project permit Compliance Review applications for a sign permit.~~

Sec. 12. Paragraph (h) of Subdivision 2 of Subsection B of Section 19.18 of the Los Angeles Municipal Code is amended to read:

- h. Any residential floor area of a project located within the boundaries of the Central City West Specific Plan Area, as defined in Ordinance No. 163,094, if the Applicant agrees by covenant and agreement with the City or by development agreement to abide by the ~~linkage fee and~~ replacement and inclusionary housing obligations set forth in the Specific Plan for the Central City West Area.