

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.24 and 14.00 of the Los Angeles Municipal Code to clarify existing regulations and align affordability requirements across the range of zoning entitlements that allow for increased density or floor area ratio beyond what is allowed by zoning. The ordinance will ensure the creation of affordable housing through certain conditional use permits and public benefit projects.

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

Section 1. Subsection F of Section 12.24 of the Los Angeles Municipal Code is amended to read:

**F. Conditions of Approval.** In approving a project, the decision-maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. The decision may state that the height and area regulations required by other provisions of this Chapter shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in LAMC 12.22 A.25, the development project must also contain the requisite number of Restricted Affordable Units as set forth in Section 12.24 U.26(a)(1) through (5) of the Los Angeles Municipal Code.

Section 2. Subdivision 26 of Subsection U of Section 12.24 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.**

(a) In addition to the findings set forth in 12.24 E., the City Planning Commission shall find:

- (1) that the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;
- (2) that the project contains the requisite number of ~~affordable units~~ Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows and/or senior citizen units as set forth in California Government Code Section 65915(b):
  - a. 11% Very Low Income Units for a 35% density increase; or

- b. 20% Low Income Units for a 35% density increase; or
- c. 40% Moderate Income Units for a 35% density increase in for-sale projects

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- d. For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or
- e. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or
- f. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase.
- g. In calculating the density increase and Restricted Affordable Units, any number resulting in a fraction shall be rounded up to the next whole number;

(3) that the project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3);

(4) that the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and

(5) that the project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

~~(b) The payment of filing fees may be deferred pursuant to the provisions of Sections 19.01 O., 19.05 A.1. and 5. of this Code.~~

Section 3. Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

**V. Conditional Use Permit – Area Planning Commission With Appeals to the City Council.** (Amended by Ord. No. 182,095, Eff. 5/7/12.) The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Area Planning Commission as the initial decision-maker or the City Council as the appellate body. In addition

to the requirements set forth below, the decision-maker shall follow the procedures set forth in Subsections B. through Q.

### Mixed Commercial/Residential Use Developments

1. **Findings.** In addition to the findings set forth in Section 12.24 E., the Area Planning Commission shall find:
  - (a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element;
  - (b) that the project will further the City's goal of achieving an improved jobs-housing relationship, which is needed to improve air quality in the City;
  - (c) that pursuant to an agreement entered into under Government Code Sections 65915-65918, the project will include the number of Restricted Affordable Units as set forth in Section 12.24 U.26(a)(1) through (5) of the Los Angeles Municipal Code, with any percentage increase in floor area treated the same as a percentage increase in density for purposes of calculating the number of Restricted Affordable Units. sufficient to qualify for a 35% Density Bonus pursuant to Section 12.22 A.25. of this Code;
  - (d) that the affordability of all reserved lower income dwelling units will continue for a minimum of ~~30~~55 years;
  - (e) that the construction and amenities provided for the reserved lower income dwelling units will be comparable to those provided for the market rate dwelling units in the development, including the average number of bedrooms and bathrooms per dwelling unit;
  - (f) that the approval of a mixed use development pursuant to this section will constitute an incentive under Government Code Section 65915 and the Transit Oriented Communities program in LAMC 12.22 A.31; and
  - (g) that the approval of a mixed use development on the site will ~~reduce the cost per unit of the~~ provide for affordable housing costs in the housing development.

Section 4. 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. (Subdivision Title Amended by Ord. No. 179,681, Eff. 4/15/08.)**

(a) Performance Standards:

- (1) The development project contains the requisite number of ~~affordable Restricted Affordable Units and/or senior citizen units~~ as set forth in Section 12.24 U.26(a)(1) through (5) of the Los Angeles Municipal Code California Government Code Section 65915(b);