

OFFICIAL
CITY OF LOS ANGELES
MUNICIPAL CODE TM

Sixth Edition

VOLUME 1



Official Revision Number 76

(September 30, 2021)

This package contains the changes that have been made to the Official City of Los Angeles Municipal CodeTM Volume 1 by ordinances that became effective during the period of **July 1, 2021**, through **September 30, 2021**. Please insert these pages into your loose-leaf copy of the Code in accordance with the included instructions. If you require any additional information regarding the revision procedure, please contact American Legal Publishing at 1-800-445-5588.

AMENDING ORDINANCES

The following table lists all Ordinances that amend the Los Angeles Municipal Code Volume 1 with this Revision. Affected section numbers are also listed. Refer to this Code's Parallel Reference Table for a cumulative list of Amending Ordinances.

<i>Ord. No.</i>	<i>Eff. Date</i>	<i>Oper. Date</i>	<i>Section(s) Affected</i>
187.096	7/1/21		Ch. I Art. 6 (title), 16.02.1, 16.04.2
187,122	8/8/21		11.5.11, 12.03, 12.20.3, 12.22, 12.24, 12.27.1, 12.33, 12.95.2, 13.12, 14.00, 16.11, 17.04, 19.14, 19.18
187,145	9/30/21		14.4.2, 14.4.3, 14.4.4, 14.4.17

PAGE CHANGES

Enclosed with these instruction sheets are new and replacement pages for your loose-leaf copy of the Code. In order to keep your copy of the Code up to date, you must remove the following indicated pages from your Code and replace them with the indicated revised pages from this Revision 76 package. The current revision number and year appearing on the lower outer corner of each page revised in this package is "**Rev. 76 (2021)**".

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Sixth Edition



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CHAPTER I
GENERAL PROVISIONS AND ZONING

Article

General Planning Department Information

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has been mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice and no further notice of the appeal hearing is required.

If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward, then the withdrawal of the appeal shall be permanent and the decision from which the appeal was taken shall automatically become final at the end of the appeal or reopened appeal period.

C. Application to Specific Appeal Provisions. This section applies to appeals filed pursuant to Sections 11.5.6, 11.5.7, 11.5.14, 12.20.2, 12.20.3, 12.21, 12.22, 12.23, 12.24, 12.25, 12.26, 12.28, 12.30, 12.32, 12.36, 12.50, 13.01 H., 14.00, 14.5.6, 16.01, 16.02, 16.04, 16.05, 16.50, and Articles 7 and 8 of Chapter 1 of this Code. (Amended by Ord. No. 186,325, Eff. 11/11/19.)

SEC. 11.5.11. AFFORDABLE HOUSING.

(Added by Ord. No. 184,745, Eff. 12/13/16.)

(a) Affordable Housing. To be eligible for a discretionary General Plan amendment pursuant to Subdivision B. of Section 11.5.6 of the Los Angeles Municipal Code or otherwise, or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units shall meet one of the following on-site affordability provisions, or satisfy one of the alternative options in subdivision (b) and shall comply with the job standards in subdivision (i).

1. Rental Projects shall provide the following:

(i) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or

(ii) If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or

(iii) If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units.

2. For-sale Projects shall provide the following:

(i) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or

(ii) If the general plan amendment, zone change or height district change results in a residential density increase greater than 35% or allows a residential use where not previously allowed, then the Project shall provide no less than 11% of the total units at rents affordable to Very Low Income households, or 20% of the total units at rents affordable to Lower Income households, or 40% of the total units at rents affordable to Moderate Income households, inclusive of any Replacement Units.

3. 100% affordable. Each residential unit in the Project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household.

4. Projects with both for-sale and rental units. When a Project includes both for-sale and rental dwelling units, the provisions of this Section that apply to for-sale residential development shall apply to that portion of the Project that consists of for-sale dwelling units, while the provisions of this Section that apply to rental dwelling units shall apply to that portion of the development that consists of rental dwelling units.

All Projects qualifying for development bonuses pursuant to this Section shall be required to meet any applicable replacement requirements of California Government Code Section 65915(c)(3).

A Developer seeking and receiving a density or development bonus under the provisions of California

Government Code Section 65915 or any other State or local program that provides development bonuses shall not be eligible for the development bonuses pursuant to this Section. For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes.

(b) Alternative compliance options. A Project may satisfy the affordability provisions of this section through the following off-site options in lieu of providing affordable units on site:

1. **Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:

(i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within one-half mile of the outer edge of the Project;

(ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 2 miles of the outer edge of the Project;

(iii) No less than 1.5 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 3 miles of the outer edge of the Project.

The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Los Angeles Housing Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first Certificate of Occupancy for the original Project. In no event shall the Certificate of Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the

affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same offsite project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Los Angeles Housing Department, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

2. **Off-site Acquisition.** The affordability provisions of this Section may be satisfied by the acquisition of property containing At-Risk Affordable Units and converting the units to non-profit, Community Land Trust, and/or tenant ownership prior to issuance of the Certificate of Occupancy for the original Project. Prior to transferring ownership to a qualified entity, the At-Risk Affordable Units shall achieve a minimum of a C2 rating based on the Fannie Mae Uniform Appraisal Dataset Property Condition Ratings, as assessed and certified by the Los Angeles Housing Department (LAHD), or as required by LAHD to be completed by the Developer and subsequently certified by LAHD. Any entity taking ownership of At-Risk Affordable Units pursuant to this Section shall record an affordability covenant, consistent with the provisions of subsection (d), guaranteeing affordability to Lower or Very Low Income Households. The number of At Risk Affordable Units that must be acquired and converted to non-profit or tenant ownership under this subdivision shall be as follows: **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within one-half mile of the outer edge of the Project;

(ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within 1 mile of the outer edge of the Project;

(iii) No less than 1.5 times the number of on-site affordable units, and affordability levels as provided in paragraph at the same or greater

mix of unit type if acquired within 2 miles of the outer edge of the Project.

3. **In-Lieu Fee.** The affordability provisions of this Section may be satisfied by the payment of a fee to the City in lieu of constructing the affordable units within the Project. The in lieu fee shall be determined by the City based on the following:

(i) The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to paragraph (a), in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined herein.

(ii) No later than 90 days from the enactment of this ordinance, the City shall produce a study identifying the Affordability Gap for rental and ownership units of each bedroom size (studio, 1 bedroom, 2 bedroom and 3 bedroom) for each required affordability level. For rental housing, the study shall collect and determine, by unit type and affordability level, the following information from recently completed affordable housing projects funded by the City's Affordable Housing Trust Fund: total development costs and operating expenses. The study shall also determine the amounts of permanent financing available based on restricted rents and prevailing interest rates. The difference between the total development cost and permanent financing amount shall be the Affordability Gaps per unit by unit type and affordability level. For ownership housing, the study shall identify the market median sales prices by unit type in the 37 Community Plan areas. It shall determine the restricted sales prices of for-sale units by unit type and affordability level. The difference between the market median sales price and the restricted sales price shall be the Affordability Gaps per unit by unit type and affordability level.

(iii) The City shall adjust the fee every two years, based on the results of a new Affordability Gaps study (as defined Section 5(b)(3)(ii)). An Affordability Gaps study, the proposed adjusted Affordability Gaps, and the adjusted fees shall be published within 2 years of the date that the original Affordability Gaps study is released, and consecutively thereafter by the date that is 2 years after the release of the previous Gaps study.

The fee is due and payable to the Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Affordable Housing Trust Fund and accounted for and used as provided in Section (c).

(c) **Use of Funds.** All monies contributed pursuant to this Section shall be deposited in the City's Affordable Housing Trust Fund. All funds collected under this Section shall be used in the following manner:

1. Except as provided in Subdivision (2) below, the funds collected under this Section shall be used to create and/or preserve housing affordable to Extremely Low-, Very Low-, and Lower-Income households.

2. The City shall designate and separately account for all Deferral Surcharge payments that it receives under this Section to support the creation and/or preservation of affordable housing within one-half mile of a Major Transit Stop ("TOC area"), with priority to TOC Areas where there is a demonstrated decline in units affordable to and/or occupied by Extremely Low, Very Low and/or Lower Income households. Use of the Deferral Surcharge funds shall include but not be limited to the following:

(i) Acquisition and/or remediation of land, and/or acquisition, construction, rehabilitation, and/or financing of housing units by a Community Land Trust or non-profit entity which guarantees perpetual affordability of these units for Extremely Low, Very Low and/or Lower-Income Households or a term of affordability of these units that has a duration of a minimum of 55 years.

(ii) Funding for proactive enforcement of the City's Rent Stabilization Ordinance.

(d) Continuing Affordability / Standards for Affordable Units.

1. All affordable rental housing units created or acquired pursuant to this Section shall be subject to an affordability covenant acceptable to the Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, guaranteeing continuing affordability to the targeted income group for no less than 55 years. In addition, when units are acquired and conveyed pursuant to the Off-Site Acquisition option, the Developer and/or entity taking ownership of the units shall create and implement a plan to prevent involuntary displacement of current tenants. Affordable units provided under this Section shall be comparable to the market rate units in the Project (or off-site location in the case of off-site affordable units) in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction.

2. All for-sale housing units created pursuant to this Section shall be subject to an affordability covenant acceptable to the Los Angeles Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, consistent with the for-sale requirements of California Government Code Section 65915(c)(2).

3. A longer term of affordability may be required if the Project receives a subsidy which requires a longer term of affordability. If the duration of affordability covenants provided for in this subsection conflicts with any other government requirement, the longest duration shall control.

(e) Developer Incentives. In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program.

(f) Processing. A Project that provides affordable housing consistent with this Section shall be entitled to review and processing by the Expedited Processing Section of the Planning Department dedicated solely to processing entitlements for such Projects with the goal of expediting such Projects.

(g) City Council Approved Adjustments to Affordable Housing Set-asides Contained Herein. The City may, by majority vote of City Council, adjust the affordable housing percentages set forth in this Section upon a showing of substantial evidence that such adjustments are necessary to maximize affordable housing while ensuring a reasonable return on investment for Developers.

(h) Waiver/Adjustment. Notwithstanding any other provision of this Section, the requirements of this Section maybe waived or adjusted only if a Project applicant shows, based on substantial evidence, that compliance with its requirements would result in a deprivation of the applicant's constitutional rights. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

In determining whether an applicant has presented substantial evidence to support the request for waiver/adjustment, if upon legal advice provided by or at the behest of the City Attorney, it is determined that applying the requirements of this Section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the requirements of this Section shall be adjusted or waived only to the extent necessary to avoid an unconstitutional result. If an adjustment or waiver is granted, any change in the use within the project shall invalidate the adjustment or waiver. If it is determined that no violation of the United States or California Constitutions would occur through application of this Section, the requirements of this Section remain fully applicable.

(i) All building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the area standard wages in the project area; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of

defined by the California Health and Safety Code Sections 18211 and 18219. Such residential vehicle shall contain cooking, eating, sleeping, toilet and bathing facilities and shall display a California Department of Housing and Community Development insignia issued within one year prior to the date of application for the use of land permit herein required and a valid current California vehicle license. **(Added by Ord. No. 153,144, Eff. 12/28/79.)**

RETIREMENT HOTEL. A building with guest rooms and/or dwelling units in which 90 percent or more of the occupants are age 62 or older and for which a covenant running with the land is recorded limiting the use as such for as long as the building contains any guest rooms. **(Added by Ord. No. 159,714, Eff. 4/8/85.)**

REVERSE VENDING MACHINE. An automated mechanical device which accepts one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and which issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State of California. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. **(Added by Ord. No. 168,662, Eff. 4/29/93.)**

REVERSE VENDING MACHINE COMMODITY STORAGE BIN. A non-automated container which is covered and made of durable, incombustible, rustproof and waterproof construction, which is used to store the processed aluminum cans, glass and plastic bottles that are removed from a reverse vending machine. **(Added by Ord. No. 168,662, Eff. 4/29/93.)**

ROOF, LATTICE. A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition, beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches. **(Added by Ord. No. 181,624, Eff. 5/9/11.)**

ROOM, HABITABLE. **(Amended by Ord. No. 146,421, Eff. 9/14/74.)** An enclosed subdivision in a residential building commonly used for living purposes, but not including any lobby, hall, closet, storage space, water closet, bath, toilet, slop sink, general utility room or service porch. A recess from a room or an alcove (other than a dining area) having 50 square feet or more of floor area and so located that it could be partitioned off to form a habitable room, shall be considered a habitable room.

For the purpose of applying the automobile parking space requirements of this article, any kitchen as defined herein shall be considered a habitable room and, if it is a part of a room designed for other than food preparation or eating purposes, such remaining portion shall also be considered a habitable room.

For the purpose of applying the lot area requirements of this article, a kitchen less than 100 square feet of room area from wall to wall shall not be considered a habitable room.

For the purpose of applying the open space requirements of Section 12.21 G., a kitchen as defined herein shall not be considered a habitable room. **(Fourth Para. Added by Ord. No. 171,753, Eff. 11/17/97.)**

SCHOOLS, ELEMENTARY AND HIGH. An institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include Junior and Senior.

SCRAP METAL PROCESSING YARD. Any establishment or place of business which is maintained, used or operated solely for the processing and preparing of scrap metal for remelting by steel mills and foundries. **(Added by Ord. No. 145,040, Eff. 10/15/73.)**

SENIOR INDEPENDENT HOUSING. Residential housing that consists of dwelling units for persons 62 years of age and older and may include common dining areas or other community rooms. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility. **(Added by Ord. No. 178,063, Eff. 12/30/06.)**

SERVANTS QUARTERS. An accessory building located on the same premises with the main building, used solely as the dwelling of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. (Added by Ord. No. 107,884, Eff. 9/23/56.)

SHELTER FOR THE HOMELESS. A facility operated by a “provider”, other than a “community care facility” as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term “temporary accommodations” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “provider” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

SHOWCASE THEATER. (Added by Ord. No. 148,910, Eff. 11/17/76.) A theater which meets all of the following criteria:

- (1) seats 90 persons or less;
- (2) is nonprofit and tax-exempt;
- (3) provides live entertainment; and
- (4) employs fewer than five persons (exclusive of performers).

SKILLED NURSING CARE HOUSING. Residential housing that is licensed by the California Department of Health and provides acute, intermediate, or long-term skilled nursing care and consists only of guest rooms for its residents. Full time medical services may be provided on the premises. It may be a component of an Eldercare Facility. (Added by Ord. No. 178,063, Eff. 12/30/06.)

SLOPE. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%). (Added by Ord. No. 181,624, Eff. 5/9/11.)

SLOPE BAND. The area of a property contained within a defined Slope interval as identified in Section 12.21 C.10. of this Code and shown on a Slope Analysis Map prepared by a licensed surveyor based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property. (Added by Ord. No. 181,624, Eff. 5/9/11.)

SOLID WASTE ALTERNATIVE TECHNOLOGY PROCESSING FACILITY. A facility that has one or more technological systems which extracts, recovers or generates usable materials and/or energy from solid waste, as defined in Section 40191 of California Public Resources Code. (Added by Ord. No. 181,272, Eff. 9/28/10.)

SPECIFIC PLAN. A specific plan is a definite statement adopted by ordinance of policies, standards and regulations, together with a map or description defining the locations where such policies, standards and regulations are applicable. (Added by Ord. No. 138,800, Eff. 6/13/69.)

STABLE, PRIVATE. A detached accessory building which has a roof and may have one or more sides and is used in whole or in part for the housing or shelter of an equine or equines owned by the occupants of the premises and not kept for remuneration, hire or sale. (Amended by Ord. No. 157,144, Eff. 11/22/82; Clarified by Ord. No. 157,219, Eff. 12/3/82.)

STABLE, PUBLIC. A stable other than a private stable.

STANDARD HILLSIDE LIMITED STREET – a street (public or private) with a minimum width of 36 feet and paved to a minimum roadway width of 28 feet, as determined by the Bureau of Engineering. (Amended by Ord. No. 169,961, Eff. 8/29/94.)

STOCK COOPERATIVE. The same as defined by Section 11003.2 of the California Business and Professions Code. (Added by Ord. No. 153,024, Eff. 1/10/79.)

until a Preservation Plan for the Preservation Zone is first approved by the City Planning Commission.

G. Review of Projects in Historic Preservation Overlay Zones. All Projects within Preservation Zones, except as exempted in Subsection H., shall be submitted in conjunction with an application, if necessary, to the Department of City Planning upon a form provided for that purpose. Upon receipt of an application, the Director shall review a request and find whether the Project requires a Certificate of Appropriateness, pursuant to Subsection K.; a Certificate of Compatibility, pursuant to Subsection L.; or is eligible for review under Conforming Work on Contributing Elements, pursuant to Subsection I.; or Conforming Work on Non-Contributing Elements, pursuant to Subsection J. All questions of Street Visible Area are to be determined by Department of City Planning Staff. In instances where multiple applications are received, which collectively involve an impact to a Structure or feature in the Street-Visible-Area, a Certificate of Appropriateness or Certificate of Compatibility may be required for additional work.

H. Exemptions. The provisions of Section 12.20.3 shall not apply to the following:

1. The correction of Emergency or Hazardous Conditions where the Department of Building and Safety, Los Angeles Housing Department, or other enforcement agency has determined that emergency or hazardous conditions currently exist and the emergency or hazardous conditions must be corrected in the interest of the public health, safety and welfare. When feasible, the Department of Building and Safety, Los Angeles Housing Department, or other enforcement agency should consult with the Director on how to correct the hazardous condition, consistent with the goals of the Preservation Zone. However, any other work shall comply with the provisions of this section. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

2. Department of Public Works improvements located, in whole or in part, within a Preservation Zone, where the Director finds:

- (a) That the certified Historic Resources Survey for the Preservation Zone does not identify any Contributing Elements located within the Right-of-Way and/or where the Right-of-Way is not specifically addressed in the approved Preservation Plan for the Preservation Zone; and

- (b) Where the Department of Public Works has completed the CEQA review of the proposed improvement, and the review has determined that the improvement is exempt from CEQA, or will have no potentially significant environmental impacts.

The relevant Board shall be notified of the Project, given a description of the Project, and an opportunity to comment.

3. Work authorized by an approved Historical Property Contract by the City Council.

4. Where a building, structure, Landscaping, Natural Feature or lot has been designated as a City Historic-Cultural Monument by the City Council, unless proposed for demolition. However, those properties with Federal or State historic designation which are not designated as City Historic-Cultural Monuments or do not have a City Historical Property Contract are not exempt from review under Section 12.20.3.

5. Where work consists of Repair to existing structural elements and foundations with no physical change to the exterior of a building.

6. Where work consists of interior Alterations that do not result in a change to an exterior feature.

7. Where the type of work has been specifically deemed exempt from review as set forth in the approved Preservation Plan for a specific Preservation Zone.

I. Conforming Work on Contributing Elements. Conforming Work may fall into two categories, Major Conforming Work and Minor Conforming Work. It is the further intent of this section to require Conforming Work on Contributing Elements for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, window and door replacement, changes to public spaces, and similar Projects. Conforming Work meeting the criteria and thresholds set forth in this subsection shall not require Certificates of Appropriateness set forth in Subsection K.

1. **Procedure.** Pursuant to Subsection G., the Director shall forward applications for Conforming Work on Contributing Elements to the Board for conformance review and sign off. The Board may

delegate its review authority to the Director of Planning as specified in the Preservation Plan approved for the Preservation Zone.

(a) **Application, Form and Contents.** To apply for Conforming Work on a Contributing Element, an owner shall file an application with the Department of City Planning and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.

(b) **Application Fees.** The application fees for Major Conforming Work on a Contributing Element shall be as set forth in Section 19.01 F. Minor Conforming Work shall not require an application fee.

2. **Review Criteria.** A request for Conforming Work on Contributing Elements shall be reviewed for conformity with the Preservation Plan for the Preservation Zone or, if none exists, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and at least one of following conditions:

Review Criteria for Contributing Elements		
Project Scope		
(a) Minor Conforming Work	(1)	Restoration work, Rehabilitation, Maintenance, and/or Repair of architectural features on any Contributing Building, structure, Landscaping, Natural Feature or lot.
	(2)	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Section 91.106.2 of this Code.

(b) Major Conforming Work	(1)	Addition(s) to any and all structures on a lot or new Building(s) that satisfy all of the following: (a) The Addition(s) or new Building(s) result(s) in an increase of less than twenty (20) percent of the Building Coverage legally existing on the effective date of the Historic Preservation Overlay Zone; (b) The Addition(s) or new Building(s) is/are located outside of a Street Visible Area; (c) No increase in height is proposed; and (d) The Addition(s) and/or new Building does/do not involve two or more structures.
	(2)	Construction of detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure in a Street Visible Area in which the proposed square footage is equal to less than ten (10) percent of the lot area.
	(3)	Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure pursuant to the criteria set forth in Subsection I.2(c).
	(4)	Demolition and Reconstruction taken in response to natural disaster or to correct a hazardous condition (subject to the provisions of Public Resources Code Section 5028, where applicable).
	(5)	Correction of Code Enforcement Conditions.

(c) Where the Project consists of the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure, the Director of Planning shall review a request and determine

- (2) height, bulk, and massing of buildings and structures;
- (3) lot coverage and orientation of buildings;
- (4) color and texture of surface materials;
- (5) grading and lot development;
- (6) Landscaping;
- (7) changes to Natural Features;
- (8) steps, walls, fencing, doors, windows, screens, and security grills;
- (9) yards and setbacks;
- (10) off street parking;
- (11) light fixtures and street furniture;
- (12) antennas, satellite dishes and solar collectors; or
- (13) signs.

New construction shall not destroy Historic features or materials that characterize the property. The design of new construction shall subtly differentiate the new construction from the surrounding Historic built fabric, and shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the Preservation Zone; or

(b) Whether the Project complies with the Preservation Plan approved by the City Planning Commission for the Preservation Zone.

5. Certificates of Compatibility for the Demolition of Non-Contributing Elements. After notice and hearing pursuant to Subsection M. below, the Board shall submit its comments on a request for Demolition of a Non-Contributing Element, considering the impact(s) of the Demolition of the Non-Contributing Element to the essential form and integrity of the Historic character of its surrounding built environment within 30 days of the postmarked date of mailing of the application from the City Planning Department. In the event the Board does not submit its comment within 30 days, the Board shall

forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to comment.

(a) In a case where Demolition of any Non-Contributing Element, without a Certificate of Compatibility for the Demolition of Non-Contributing Elements or permit has occurred, Section 12.20.3 L.5. shall not apply. Procedures in Sections 12.20.3 L.1. - 4. and/or Section 12.20.3 Q. shall apply.

M. Notice and Public Hearing. Before making its recommendation to approve, conditionally approve or disapprove an application pursuant to this section for a Certificate of Appropriateness or Certificate of Compatibility, the Board shall hold a public hearing on the matter. The applicant shall notify the Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least ten days prior to the date of the hearing. Notice of the public hearing shall be posted by the applicant in a conspicuous place on the subject property at least ten days prior to the date of the public hearing.

(1) A copy of the Board's recommendation pursuant to Subsection K.3.(b) regarding a Certificate of Appropriateness or Subsection L.3.(b) regarding a Certificate of Compatibility shall be sent to the Director.

(2) A copy of the final determination by the Director, or Area Planning Commission shall be mailed to the Board, to the Cultural Heritage Commission, to the applicant, and to other interested parties.

N. Appeals. For any application for a Certificate of Appropriateness pursuant to Subsection K. or a Certificate of Compatibility pursuant to Subsection L., the action of the Director or the Area Planning Commission shall be deemed to be final unless appealed. No Certificate of Appropriateness or Certificate of Compatibility, shall be deemed approved or issued until the time period for appeal has expired.

(1) An initial decision of the Director is appealable to the Area Planning Commission

(2) An initial decision by the Area Planning Commission is appealable to the City Council.

An appeal may be filed by the applicant or any aggrieved party. An appeal may also be filed by the Mayor

or a member of the City Council. Unless a Board member is an applicant, he or she may not appeal any initial decision of the Director or Area Planning Commission as it pertains to this section. An appeal shall be filed at the public counter of the Planning Department within 15 days of the date of the decision to approve, conditionally approve, or disapprove the application for Certificate of Appropriateness or Certificate of Compatibility. The appeal shall set forth specifically how the petitioner believes the findings and decision are in error. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal. Before acting on any appeal, the appellate body shall set the matter for hearing, giving a minimum of 15 days' notice to the applicant, the appellant, the Cultural Heritage Commission, the relevant Board and any other interested parties of record. The failure of the appellate body to act upon an appeal within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body shall be deemed a denial of the appeal and the original action on the matter shall become final.

O. Authority of Cultural Heritage Commission not Affected. Notwithstanding any provisions of this section, nothing here shall be construed as superseding or overriding the Cultural Heritage Commission's authority as provided in Los Angeles Administrative Code Section 22.171, et seq.

P. Publicly Owned Property. The provisions of this section shall apply to any building, structure, Landscaping, Natural Feature or lot within a Preservation Zone which is owned or leased by a public entity to the extent permitted by law.

Q. Enforcement. The Department of Building and Safety, the Los Angeles Housing Department, or any successor agencies, whichever has jurisdiction, shall make all inspections of properties which are in violation of this section when apprised that work has been done or is required to be done pursuant to a building permit. Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department, the Department of Building and Safety, the Los Angeles Housing Department, or any successor agencies, whichever has jurisdiction, and if a violation is found, the Planning Department may then request the Department of Building and Safety, the Los Angeles Housing Department or any successor agencies to issue appropriate orders for compliance. Any person who has failed to comply with the provisions of this section shall be subject to the provisions of Section 11.00 (m) of this Code. The Owner of the property in violation shall be

assessed a minimum inspection fee, as specified in Section 98.0412 of this Code for each site inspection. No building permit shall be cleared by the Planning Department while an outstanding violation exists, regardless of whether a building permit is required or not for the violation. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

R. Demolition of Buildings without a Permit. Any Demolition or relocation of a Contributing or Non-Contributing Element, or a portion thereof, done without a building permit and Certificate of Appropriateness or Certificate of Compatibility approvals pursuant to Sections 12.20.3 K.5. and 12.20.3 L.5., shall be reviewed by the Director of Planning in accordance with the provisions of Section 12.20.3 S.

S. Preliminary Evaluation of Demolition or Relocation without Permit.

1. **Purpose.** The purpose of this subsection is to require the documentation of the loss of historic features as a result of unpermitted construction or Demolition activities, relocation, neglectful ownership, or man-made disaster.

2. **Prohibition.** Where Demolition or relocation to all or portions of a Contributing or Non-Contributing Element has occurred without the necessary approvals, the provisions of Section 12.20.3 K.5. (COA-DEM) or 12.20.3 L.5. (CCMP) shall not apply. Upon completion of a Preliminary Evaluation of Demolition or Relocation without Permit, and Section 91.106.4.1(10) proceedings by the Department of Building and Safety, an application for Certificate of Appropriateness or Certificate of Compatibility shall be reviewed in accordance with the provisions of Sections 12.20.3 K. and 12.20.3 L., whichever is applicable.

3. **Procedures.**

(a) **Evaluation.** The Director of Planning or his or her designee can initiate review on the Demolition or relocation of a structure, in whole or in part, commenced prior to the issuance of a building permit. During the investigation, all work on the site shall cease and an order to comply shall be issued per Section 12.20.3 Q. Review by the Director shall include, but is not limited to, documentation of the structure(s) as it (they) existed at the time of the Historic Resources Survey, permit history research, site visits, documentation of the loss of building features, identification of salvageable features,

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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

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**

10
11
12
13
14
15
16
17
18
19
20

**Percentage
Density Bonus**

20
21.5
23
24.5
26
27.5
29
30.5
32
33.5
35

**Percentage
Very Low Income Units**

5
6
7
8
9
10
11

**Percentage
Density Bonus**

20
22.5
25
27.5
30
32.5
35

(2) **For Sale or Rental Senior Citizen Housing (Market Rate).** A Senior Citizen Housing Development or a mobile-home 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) **(Deleted by Ord. No. 181,142, Eff. 6/1/10.)**

(4) **A Common Interest Development That Includes Moderate Income Restricted Affordable Units.** (Amended by Ord. No. 181,142, Eff. 6/1/10.) A

common interest development as defined in Section 1351 of the Civil Code that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 5%. 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**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

**Percentage
Density Bonus**

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
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(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

Bonus and for which the applicant request 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 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(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.

(14) Any automotive sound shop or automotive alarm shop shall be wholly conducted within a fully enclosed building. No portion of the building or its associated parking area shall be within 50 feet of any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, A or R zoned lot.

(15) All operational conditions imposed by the Department of Building and Safety in its annual inspections of automotive repair and used vehicle sales area pursuant to Section 12.26 I. of this Code shall be followed.

(16) On-site pennants, banners, ribbons, streamers, spinners, balloons and supergraphic signs are prohibited.

(17) All windows and glass doors shall be maintained free of any signs.

(18) **Covenant.** Prior to the issuance of a building permit or land use permit, the owner of the lot or lots shall execute and record a covenant and agreement in a form satisfactory to the Director of Planning, acknowledging that the owner shall implement each of the conditions set forth in this paragraph, and shall not permit the establishment of any uses enumerated in Section 12.24 W.4. of this Code without first obtaining a conditional use approval. The covenant and agreement shall run with the land and be binding upon the owners, and any assignees, lessees, heirs, and successors of the owners. The City's right to enforce the covenant and agreement is in addition to any other remedy provided by law.

(c) Existing Building Changed to Automotive Use and/or an Existing Automotive Use Being Expanded or Remodeled. An existing building or buildings may be converted or an existing automotive use may be expanded without first obtaining a conditional use approval if all of the following requirements are met:

(1) All alterations result in no more than a 20 percent increase in the existing

floor area of all of the buildings on a lot or lots cumulatively over the previous five years.

(2) The proposed automotive use complies with all the conditions of operation of Paragraph (b) above.

(3) Any reuse of an existing structure that is required to go through a CUP process shall have all standards established by the Zoning Administrator.

(d) Specific Plan Compliance. Notwithstanding any other provision of this Code to the contrary, if the Director determines that the provisions of this subdivision conflict with those of an adopted Specific Plan, pedestrian oriented, commercial and artwork, community design overlay, historic preservation overlay or transit-oriented district, area or zone, then the provisions of that Specific Plan, district, area or zone shall prevail.

29. Floor Area Bonus for the Greater Downtown Housing Incentive Area. (Added by Ord. No. 179,076, Eff. 9/23/07.)

(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. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(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 by Section 12.21 G. of this chapter shall be reduced by one-half, provided that a fee equivalent to the amount of the relevant park fee, pursuant to Section 19.17, shall be paid for all dwelling units, with the following exception: units qualifying under Section 12.33 C.3.(d) shall be allowed to reduce the open space requirement by one-half without payment of such fee. The 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. The in-lieu fee is independent of any required park and recreation impact fee. **(Amended by Ord. No. 184,505, Eff. 1/11/17.)**

(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. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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.

30. Downtown Design Guide. (Added by Ord. No. 181,557, Eff. 3/15/11.)

(a) **Purpose.** The purpose of this Subdivision is to implement the standards and guidelines in the Downtown Design Guide (the "Design Guide"), adopted by the City Planning Commission and incorporated as part of the Central City Community Plan, an element of the General Plan of the City of Los Angeles. Given the importance of Downtown Los Angeles as the civic, cultural, institutional, governmental, social and economic center of the region, the urban form is critical to its continued vitality and economic viability and the preservation and enhancement of its historic fabric. The

Downtown Design Guide regulates projects that have the potential to affect the urban form, pedestrian orientation and street-level activity, and its implementation will ensure a quality built environment.

(b) **Definition of Project. (Amended by Ord. No. 186,325, Eff. 11/11/19.)** For the purposes of this Subdivision, a Project is the construction, erection, addition to or alteration, of any building or structure, or a use of land or change of use on a lot located in whole or in part within the Downtown Design Guide Project Area, as defined in Section 12.03 and shown on the adopted ordinance map, which requires the issuance of a grading permit, foundation permit, building permit, sign permit or use of land permit.

A Project does not include any of the following: (1) demolition; (2) adaptive reuse of an existing building which conforms to Section 12.22 A.26. of this Code; (3) remodeling of designated historic resources; (4) alterations of or additions to any existing building or structure in which the aggregate value of the work, in any one 24-month period, is less than 50% of the Building or Structure's replacement value before the alterations or additions, as determined by the Department of Building and Safety; and (5) interior remodeling of any other existing Building, unless the interior alterations are to the ground floor and will result in the alteration of windows, display windows, entrances, storefronts or otherwise minimize ground floor transparency.

(c) **Downtown Design Guide.** Every project within the Project Area must comply with the Downtown Design Guide standards and guidelines. The Director shall have the authority to review projects for compliance with the Downtown Design Guide prior to the issuance of a building permit in the Project Area.

(1) **Exception.** Projects conforming to the Downtown Design Guide shall be exempt from the mini-shopping center and commercial corner development regulations set forth in Section 12.22 A.23. of this Code.

(d) **Administrative Clearance - Authority of the Director for Sign Off.**

(1) **Application, Form and Contents.** To apply for an Administrative Clearance, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and any additional submission requirements. The Director shall determine if the application qualifies for Administrative Clearance and whether the Project complies with all applicable District regulations.

(2) **Application Fees.** The application fee for an Administrative Clearance shall be as set forth in Section 19.01 E. or 19.01 I. of this Code. The fee in Section 19.01 E. shall be charged for administrative clearance of new construction permits only. The fee in Section 19.01 I. shall be charged for all other building permit sign-offs.

(3) **Procedures.** Applicants for Projects that comply with the provisions of the Downtown Design Guide shall submit plans to the Director for conformance review and administrative sign off. The Director or his/her designee shall review the Project for compliance with the standards and guidelines in the Downtown Design Guide. Projects that fail to demonstrate compliance with the Downtown Design Guide shall follow relief procedures set forth below.

(e) **Adjustment - Authority of the Director with Appeals to the Area Planning Commission.** If an application fails to conform to the provisions of the Downtown Design Guide, the Director or the Director's designee shall have initial decision-making authority to grant an Adjustment in accordance with Section 11.5.7 E.1.(a) and with the procedures set forth in Section 11.5.7 C.4. - 6. of this Code.

(1) **Limitations.** An Adjustment shall be limited to deviations from regulations which do not substantially alter the execution or intent of those regulations as applicable to a proposed Project.

(2) **Findings.** The determination by the Director shall include written findings in

support of the determination. In order to approve a proposed project pursuant to this subsection, the Director must find that:

(a) There are special circumstances applicable to the project or project site which make the strict application of the Design Guide regulations impractical;

(b) In granting the adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with the purpose and intent of all Design Guide regulations;

(c) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way;

(d) The project incorporates mitigation measures, monitoring of 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; and

(e) The project is compatible with the neighborhood character of the surrounding district.

31. Transit Oriented Communities Affordable Housing Incentive Program. (Added by Ord. No. 184,745, Eff. 12/13/16.)

(a) **Application of TOC Affordable Housing Incentive Program.** This Transit Oriented Communities Affordable Housing Incentive Program, and the provisions contained in the TOC Affordable Housing Incentive Program Guidelines, shall apply to all Housing Developments that are located within a one-half mile radius of a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code. Each one-half mile radius around a Major Transit Stop shall constitute a unique Transit Oriented Communities Affordable Housing Incentive Area.

(b) **Preparation and Content of TOC Incentive Guidelines.** Within 90 days of enactment of this Ordinance, the Director of Planning shall prepare TOC Affordable Housing Incentive Program Guidelines (“TOC Guidelines”) that provide the eligibility standards, incentives, and other necessary components of this TOC Incentive Program described herein. Nothing in the TOC Guidelines shall restrict any right authorized in the underlying zone or height district. The TOC Guidelines shall be drafted consistent with the purposes of this Subdivision and shall include the following:

(1) **Eligibility for TOC Incentives.**

A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it provides minimum required percentages of On-Site Restricted Affordable Units, meets any applicable replacement requirements of California Government Code Section 65915(c)(3), and is not seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses. Minimum required percentages of On-Site Restricted Affordable Units shall be determined by the Department of City Planning and set forth in the TOC Guidelines at rates that meet or exceed 11 % of the total number of dwelling units affordable to Very Low income households; or 20% of the total number of dwelling units affordable to Lower Income households. The Department of City Planning shall also establish an option for a Developer to qualify for the TOC Incentives by providing a minimum percentage of units for Extremely Low Income Households, which shall be set at no less than 7%. In calculating the required Restricted Affordable Units, the percentage shall be based on the total final project unit count, and any number resulting in a fraction shall be rounded up to the next whole number. In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in Section 5 of this Ordinance provided, that no such incentives will be created that have the effect of

undermining the affordable housing incentives contained herein or in Government Code Section 65915.

(2) **TOC Incentives.** An Eligible Housing Development shall be granted TOC Incentives, as determined by the Department of City Planning consistent with the following:

(i) **Residential Density increase.** An Eligible Housing Development shall be granted increased residential density at rates that shall meet or exceed a 35 % increase. In establishing the density allowances, the Department of City Planning may allow adjustments to minimum square feet per dwelling unit, floor area ratio, or both, and may allow different levels of density increase depending on the Project’s base zone and density.

(ii) **Parking.** An Eligible Housing Development shall be granted parking reductions consistent with California Government Code Section 65915(p).

(iii) **Incentives and Concessions.** An Eligible Housing Development may be granted up to either two or three incentives or concessions based upon the requirements set forth in California Government Code Section 65915(d)(2).

(c) **Approval of TOC Guidelines and Incentives.** The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to adopt or reject the TOC Guidelines.

(d) **Process for Changing TOC Incentives and Eligibility.** The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).

(e) **Procedures.** Application for the TOC Incentives shall be made on a form provided by the Department of City Planning, and shall follow the procedures outlined in Los Angeles Municipal Code Section 12.22 A.25.(g).

(f) **Covenant.** Prior to issuance of a building permit to create a Housing Development, the following shall apply:

(1) For any Housing Development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower 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 55 years or longer. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(2) For any Housing Development qualifying for a TOC Incentive that contains for-sale housing, 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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.

(g) **Definitions.**

“Eligible Housing Development” shall mean a Housing Development that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum requirements to satisfy the TOC Incentives, as determined by the Department of City Planning and as set forth in paragraph (b)(1) above.

“Extremely Low-Income Households” is defined in Section 50106 of the Health and Safety Code.

“Housing Development” shall mean the construction of five or more new residential dwellings 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 containing residential dwelling units.

“Lower Income Households” is defined in Section 50079.5 of the Health and Safety Code.

“On-Site Restricted Unit” shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Extremely Low, Very Low, or Lower income households, as determined by the Los Angeles Housing Department. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

“Very Low-Income Households” is defined in Section 50105 of the Health and Safety Code.

32. **Home-Sharing.** (Added by Ord. No. 185,931, Eff. 7/1/19.) In all zones wherein residential uses are permitted by right, the following shall apply:

(a) **Purpose.** The purpose of this subdivision is to allow for the efficient use and sharing of a residential structure which is a Host's Primary Residence, without detracting from the surrounding residential character or the City's available housing stock.

(b) **Definitions.** The following definitions shall apply to this subdivision:

(1) **Administrative Guidelines.** The Department of City Planning or Office of Finance may promulgate regulations, which may include, but are not limited to, application requirements, interpretations, conditions, reporting requirements, enforcement procedures, and disclosure requirements, to implement the provisions, and consistent with the intent, of this subdivision.

(2) **Booking Service.** Any reservation and/or payment service provided by a Person that facilitates a

Short-Term Rental transaction between a Person and a prospective guest or Transient user, and for which the Person collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment of services provided for the transaction.

(3) **Citation.** Includes any enforcement citation, order, ticket or similar notice of violation, relating to the condition of or activities at a Person's Primary Residence or property, issued by the Los Angeles Department of Building and Safety, Los Angeles Housing Department, Los Angeles Police Department or Los Angeles Fire Department, including an Administrative Citation issued pursuant to Article 1.2 of the Los Angeles Municipal Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(4) **Extended Home-Sharing.** Home-Sharing that is permitted for an unlimited number of days in a calendar year.

(5) **Hosting Platform.** A Person that participates in Short-Term Rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a Booking Service transaction using any medium of facilitation.

(6) **Host.** An individual who is registered for Home-Sharing as the term is defined in Section 12.03 of this Code.

(7) **Person.** Shall have the same meaning as that term is defined in Section 21.7.2 of this Code.

(8) **Platform Agreement.** A signed agreement between a Home-Sharing Hosting Platform (Platform) and the City, which, among other things, provides that the Platform will collect and submit the Transient Occupancy Tax to the City on behalf of Hosts and Persons listed for Short Term Rentals.

(9) **Primary Residence.** The sole residence from which the Host conducts Home-Sharing and in which the Host resides for more than 6 months of the calendar year.

(10) **Rental Unit.** A Dwelling Unit, Guest Room, Accessory Living Quarters, other residential structure, or portion thereof.

(11) **Short-Term Rental.** A Rental Unit, rented in whole or in part, to any Person(s) for transient use of 30 consecutive days or less. Rental Units within City-approved Hotels, motels, Transient Occupancy Residential Structures and Bed and Breakfasts shall not be considered a Short-Term Rental.

(12) **Transient.** Shall have the same meaning as that term is defined in Section 21.7.2 of this Code.

(c) **Home-Sharing Registration.**

(1) **Application.** To register for Home-Sharing, an applicant shall file an application with the Department of City Planning in a manner provided by the Department, and shall include: information needed to verify the Host's identification and Primary Residence; identification of a local responsible contact person; a list of all Hosting Platforms to be used; whether Home-Sharing is for an entire Rental Unit or a portion thereof; and any other information required by the instructions on the application and/or by the guidelines promulgated by the Director of Planning. Payment of any filing fee required under Section 19.01 E. shall be included with the application. If the required information for registration, including any filing fee, is not received within 45 days of submittal of the application, the Home-Sharing registration will be considered withdrawn.

(2) **Eligibility Requirements.** The following requirements must be met at the time of submitting an application for Home-Sharing registration:

- (i) The applicant has obtained a Transient Occupancy Registration

Certificate from the Office of Finance pursuant to Section 21.7.6 of this Code, unless the applicant exclusively lists his or her Primary Residence on Hosting Platforms that have a Platform Agreement with the City of Los Angeles.

(ii) The proposed Home-Sharing is consistent with the provisions of this subdivision and is limited to the Host's Primary Residence.

a. A renter or lessee shall not engage in Home-Sharing without prior written approval of the landlord. A renter or lessee shall provide copies of the landlord's written approval to the City at the time of filing the application for registration. A landlord may proactively prohibit Home-Sharing by tenants at any or all of the owner's properties by submitting a notification in writing to the Department of City Planning.

b. A Primary Residence that is subject to affordable housing covenants, and/or Chapter 15 of the Los Angeles Municipal Code ("Rent Stabilization Ordinance"), and/or are income-restricted under City, state or federal law, is not eligible for Home-Sharing.

c. No Primary Residence which is the subject of any pending Citation may be registered for Home-Sharing.

d. No Person may apply for or obtain more than one Home-Sharing registration or otherwise operate more than one Home-Sharing Rental Unit at a time in the City of Los Angeles.

(3) **Expiration and Renewal.** A Home-Sharing registration is valid for one

year from the date of issuance. It may not be transferred or assigned and is valid only at the Host's Primary Residence. A Home-Sharing registration may be renewed annually if the Host: (1) pays the renewal fee; (2) has complied with the provisions of this subdivision for the past year; (3) provides information concerning any changes to the previous application for, or renewal of, the Home-Sharing registration; and (4) submits Home-Sharing records described in Subparagraph (e)(2) for the last year to demonstrate compliance with this subdivision, unless the Host lists exclusively on a Hosting Platform with a Platform Agreement that includes a provision for pass-through registration for applicants for a Home-Sharing registration. The records described in Subparagraph (e)(2) shall be made public to the extent required by law.

(4) **Suspensions and Revocations.** Notwithstanding any other provision of this Code to the contrary, the Director may require the suspension, modification, discontinuance or revocation of any Home-Sharing registration if it is found that the Host has violated this subdivision or any other city, state, or federal regulation, ordinance or statute.

(i) **Suspension.** If a Host receives two Citations, the Host's Home-Sharing registration shall be suspended for 30 days or as long as at least one Citation is open, whichever is longer. The suspension shall become effective 15 days after the mailing of a Notice of Intent to Suspend the Host. If a Host initiates an appeal of either Citation, the suspension will take effect only if the appeal is not resolved entirely in the Host's favor.

a. A Host may challenge a Citation by submitting an appeal to the City department that issued the Citation and providing notice to the Department of Planning as described in the Administrative Guidelines.

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; or

g. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

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

(4) 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 Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

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

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. **(Amended by Ord. No. 182,095, Eff. 5/7/12.)**

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

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element; and

(b) that any residential building (including Apartment Hotels and mixed-use buildings) in the Central City Community Plan Area conforms with the Urban Design Standards and Guidelines for the Central City Community Plan Area.

28. Solid Waste Alternative Technology Processing Facilities in the M2, M3, and PF Zones. (Added by Ord. No. 181,272, Eff. 9/28/10.) In addition to the other findings required by this section, the City Planning Commission shall make all of the following findings:

(a) that the proposed location of the facility will not result in an undue concentration of solid waste alternative technology processing facilities in the immediate area, will not create a cumulative impact with special consideration given to the location of solid waste facilities already permitted and will support the equitable distribution of these facilities citywide;

(b) that an effort was made to locate the facility in close proximity to existing solid waste facilities, transfer stations, solid waste resource collection vehicle yards, material recovery facilities and green waste processing facilities;

(c) that the facility will not detrimentally affect nearby residential uses and other sensitive land uses, taking into consideration the number and proximity of residential buildings, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses within a 1,500 foot radius of the proposed site;

(d) that the facility operator will provide a language appropriate quarterly newsletter and other benefits to businesses and residents likely to be impacted by this facility, taking into consideration the location of the proposed site and nearby uses;

(e) that the facility and the vehicles serving the facility are designed, constructed and operated to ensure that they will not create noise, odor, or visual blight that is detrimental to nearby uses;

(f) that access to the facility, on-site parking and vehicle storage will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(g) that hazardous waste and household hazardous waste as defined in the California Code of Regulations, Title 22, Section 66260.10, universal waste as defined in the California Code of Regulations, Title 22, Section 66261.9, radioactive waste as defined in Section 114985 of the California Health and Safety Code and medical waste as defined in Section 117690 of the California Health and Safety Code, will not be received at the facility.

29. Petroleum-Based Oil Refineries (production of petroleum-based fuels, asphalt, coke or similar products) in an M3 Zone: (Added by Ord. No. 184,246, Eff. 6/4/16.)

(a) Project Types.

(1) New refineries;

(2) Existing refineries expanding operations beyond the current property lines.

(b) Requirements.

(1) Current compliance with all of the required Unified Programs (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program). California Environmental Reporting System (CERS) database submittals may serve as proof of compliance.

(2) Submittal of a health impact assessment of the project for the surrounding vicinity identifying pollution and population indicators, such as, but not limited to, those analyzed in the California Communities Environmental Health Screening Tool; the number of people affected by the project; short term or permanent impacts caused by the project; likelihood that impacts will occur; and recommended mitigation measures.

(3) Submittal of a truck routing plan that minimizes the incidence of a commercial truck traveling past residences, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses.

V. Conditional Use Permit – Area Planning Commission with Appeals to the City Council. (Amended by Ord. No. 185,373, Eff. 2/26/18.) 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 that:

(a) the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element;

(b) 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) 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;

1. **Notice.** A written notice shall be mailed not less than 24 calendar days prior to the date of hearing to the owner and lessee(s) of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification the last known name and address of the owners, as shown in the City Clerk's records or in the records of the County Assessor. If all property within the 500-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins that ownership shall be included in this notification. Written notice shall also be mailed to residential, commercial and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "occupant". If this notice provision will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area.

Notwithstanding the above 24-calendar day notification period and the 500-foot notification radius, only 15 calendar days and a 500-foot radius shall be required for any hearing conducted on the same site for a land use or discretionary zoning approval for which a previous final decision pursuant to this section has been made by the City.

2. **Hearing and Decision.** The matter may be set for public hearing before the Director. After the conclusion of a public hearing, the Director may require the modification, discontinuance or revocation of the land use or discretionary zoning approval, as the case may be. As part of the action, the Director may impose conditions of operation as he or she deems appropriate, including those necessary to protect the best interests of the surrounding property or neighborhood; to eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or to assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval. Conditions imposed may include the establishment of amortization schedules, the closure or removal of buildings or structures, and affect the establishment, maintenance, or operation of

the subject use, and related land uses, buildings, or structures.

Whenever the Director initiates an action pursuant to this section he or she shall impose a condition requiring payment of the fee set forth in Section 19.01 P. of this Code (fee condition) to cover the City's costs in processing the matter. A fee is not required if the Director finds that the operation of the land use does not create a nuisance or that the property owner, business operator or person in control, is in substantial compliance with the conditions of operation. The fee condition shall further provide that if the decision is not appealed, then the fee shall be paid in full to the City with confirmation of the payment being provided to the Director within 30 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in Section 19.01 P. shall be required.

Any determination shall be supported by written findings, including a finding that the Director's determination does not impair the constitutional rights of any person. The written determination shall also state that failure to comply with any or all conditions imposed may result in the issuance of an order to discontinue or revoke the land use or discretionary zoning approval. The Director may require the discontinuance or revocation of a land use or discretionary zoning approval only upon finding that:

(a) prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Director, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and

(b) the owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

If the Director discontinues or revokes any land use or discretionary zoning approval pursuant to this section, the full cost of the abatement, including the cost of inspection, shall become the personal obligation of the business operator, property owner, or person in control. If confirmed by the Council, a lien may be placed against the property in accordance with the procedures described in Administrative Code Sec. 7.35.3.

3. **Compliance Review.** Upon any finding of nuisance or non-compliance with existing conditions imposed on the land use or discretionary zoning approval, the Director's determination shall impose a condition requiring the business operator or property owner to file a Plan Approval application for Review of Compliance with Conditions within two years of the effective date. At the discretion of the Director, the due date for the Plan Approval application can be set for 90 days, 180 days, one year, 18 months or two years from the effective date of the Director's determination or the Council action on appeal.

4. **Appeals.** An appeal from the decision of the Director may be taken to the Council in the same manner as prescribed in Section 12.24 I.

An appeal fee shall be charged pursuant to Section 19.01 P. The Council's decision on appeal shall be processed in the manner prescribed in Section 12.24 I.6.

Further, if it is determined by the Council that the decision of the Director impairs the constitutional rights of any person, then it shall modify the action accordingly, or refer the matter back to the Director for further action.

5. **Violations.** It shall be unlawful to violate or fail to comply with any requirement or condition imposed by the Director or the Council pursuant to this section. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter. In the event of a violation of an order to discontinue or revoke a land use or discretionary zoning approval pursuant to this section, the Department of Building and Safety shall order the owner to vacate and secure the property, premises, buildings or portion of any property, premises or building pursuant to Section 91.9003 of this Code. The Department of Building and Safety shall institute enforcement as provided in

Section 91.9003.3 of this Code. The Director shall cause the determination or revocation to be recorded.

D. Residential Uses. This subsection shall apply to all single-family and multi-family residential uses, including residential hotels as defined in Section 47.73 T. of this Code. This subsection shall not apply to hotels or motels that are not residential hotels. Nothing in this section or Section 91.9001 et seq. of this Code is intended to supersede or abrogate the rights of tenants provided by State statute or by the Los Angeles Housing Code and Rent Stabilization Ordinance, or by any other provision of this Code.

1. The Director, as the initial decision maker, or the Council on appeal, shall ask the City Attorney to initiate the process of having the residential use placed in receivership pursuant to California Civil Code Section 3479 and Code of Civil Procedure Section 564(b)(9), upon finding that:

(a) prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Director, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and

(b) that the owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

2. If the residential use is not placed in receivership and the Director, as the initial decision maker, or the Council on appeal, discontinues or revokes the land use or discretionary zoning approval, resulting in the displacement of tenants then the following provisions shall apply: **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

(a) The Los Angeles Housing Department shall identify each tenant who was displaced and is eligible for relocation assistance, and shall issue an order requiring the owner to pay relocation benefits in the amounts specified in Section 151.09 G. of this Code. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(b) If the owner fails to pay relocation benefits to an eligible tenant as required by this subsection, the Los Angeles Housing Department may advance relocation benefits to the tenant in the amount set forth in Section 151.09 G. of this Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(c) If the owner fails to comply with an order of the Los Angeles Housing Department to pay relocation benefits, the owner shall be liable to the City for any relocation payments advanced, and the Los Angeles Housing Department may obtain a lien upon the property pursuant to Los Angeles Administrative Code Section 7.35.3 to recover the amount advanced and associated costs. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(d) Relocation benefits shall not be payable to any tenant who has caused or substantially contributed to the condition giving rise to an order to vacate issued pursuant to Section 91.9003.1 of this Code. The Director shall determine whether a tenant has caused or substantially contributed to the condition giving rise to the order to vacate.

(e) The Los Angeles Housing Department shall inform each eligible tenant of his/her right to re-rental of the same unit, or comparable unit, if the owner, or subsequent owner, re-establishes the residential use. The Los Angeles Housing Department shall inform the eligible tenant that he/she must advise the owner in writing of his/her interest in re-renting and must provide the owner with an address to which the owner can direct an offer. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(f) When the residential use is re-established, the accommodations shall be offered, and rented or leased at the lawful rent in effect at the time the residential use was discontinued or revoked, plus annual adjustments available under Section 151.06 of this Code.

(g) The Director's determination or the Council's action shall include the provisions of this subsection and shall be recorded by the Director as a covenant with the Office of the County Recorder.

E. Modification of Administrative Decisions. Any administrative nuisance abatement decision made pursuant to this chapter, any conditions imposed by that decision, or any decisions on a discretionary zoning approval pursuant to this section may be modified pursuant to the provisions of this subsection. Upon application by the business operator, property owner or lessee(s), the Director may modify or eliminate the conditions of a prior decision. An application shall be made on official forms provided by the Department of Planning and shall be accompanied by a filing fee as specified in Section 19.01 P.

An application may be considered if a time period of at least one year has passed from the date the conditions were originally imposed; or if there have been substantial changes in the nature and operation of the land use or discretionary zoning approval; or if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary. All applications shall include a radius map, a list of property owners and occupants within 500 feet, and plot plan drawn to scale.

An application shall be set for public hearing. The Director may grant or deny the requested application, or modify the prior decision, including imposing new or different substitute conditions as the Director deems appropriate. No modification shall be approved pursuant to this subsection unless the Director finds each of the following:

1. That the requirements for consideration of the application under this subsection have been met; and
2. That due consideration has been given to the effects of the modification on surrounding properties.

An appeal from the decision of the Director may be taken to the Council in the same manner as prescribed in Subsection C. of this section.

When the Director orders the discontinuance or revocation of a land use or discretionary zoning approval and the applicant files for re-instatement of the land use pursuant to this subsection, the Director may re-instate the land use if all findings of this subsection are met. The applicant will not be issued a new certificate of occupancy.

Subsequent applications for reconsideration may be filed in accordance with this subsection. If the application is denied with prejudice, a subsequent application for reconsideration shall not be filed within one year from the

reconsideration decision date, and then only if a property owner, business operator or lessee(s) shows that the circumstances involving the land use or discretionary zoning approval have substantially and materially changed since the last reconsideration.

F. Continuation of Prior Decisions. Prior administrative nuisance abatement decisions regarding land uses and discontinuances, revocations, rescissions or modifications of discretionary zoning approvals made by the Zoning Administrator, City Planning Commission or the Council shall remain in full force and effect. Further, it shall continue to be unlawful to violate or fail to comply with any prior requirement or condition imposed by the Zoning Administrator, the former Board of Zoning Appeals, the City Planning Commission, or the Council. Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter. In the event of a violation of an order of discontinuance or revocation, the Department of Building and Safety shall order the business operator, property owner or lessee(s) to vacate and secure the property, premises, buildings or portion thereof pursuant to Section 91.9003 of this Code. The Department of Building and Safety shall institute enforcement as provided in LAMC Sec. 91.9003.4 of this Code.

projects, the park fee shall be calculated and collected prior to the issuance of the Certificate of Occupancy.

F. Park Fee as Additional Requirement. The park fee enacted by this Section is a fee imposed on residential development projects reflecting each project's proportionate share of the cost of providing park land and improvements necessary to meet the needs created by each respective development. As such, the park fee is additional and supplemental to, and not in substitution of, on-site open space requirements required by the City's Municipal Code, specific plan(s), or any other planning document, such as those included in Section 12.21.

G. Affordable Housing Exemption.

1. Notwithstanding any other provision contained in this section, new residential dwelling units which are rented or sold to persons or households of very-low, low or moderate income shall receive an affordable housing exemption from the park fee and land dedication requirement.

(a) An affordable housing unit shall receive an exemption from the requirement for dedication of land for park and recreational purposes and/or payment of the park fee if the affordable housing unit is affordable to a household at or below 120% of AMI.

(b) In projects with a mix of market-rate and affordable housing units, only the affordable housing units shall receive this exemption.

2. For any affordable housing unit qualifying for an exemption, 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 55 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

3. The Los Angeles Housing Department shall evaluate the project application to ensure it meets the above requirements and shall advise the Department of Recreation and Parks and the Department of City Planning about whether the project meets those requirements. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

4. Should any qualifying affordable housing unit cease to operate as a qualifying affordable housing unit before the 55-year period has expired, then the parks fee for each said unit shall be paid to the City at the then current rate.

H. Credits.

1. Public Land Dedication or Improvement to Dedicated Land.

(a) **Public Land Dedication.** In lieu of paying the park fee, land may be dedicated to the City of Los Angeles for public park and recreational purposes, at the City's option. This may be with or without recreational facility improvements. The amount of land to be dedicated shall be determined pursuant to one of the following formulas, and credit shall be granted, square foot for square foot, for any land dedicated to the City:

Subdivision Projects:

$$LD = (DU \times P) \times F1$$

LD: Land to be dedicated in acres.

DU: Total number of net new, non-exempt (per Section 12.33 C.3.) dwelling units.

P: Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.

F1: Park service factor for subdivision projects, as indicated by the Department of Recreation and Parks rate and fee schedule.

Non-Subdivision Projects:

$$LD = (DU \times P) \times F2$$

LD: Land to be dedicated in acres.

DU: Total number of net new, non-exempt (per Section 12.33 C.3.) dwelling units.

P: Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.

F2: Park service factor for non-subdivision projects, as indicated by the Department of Recreation and Parks rate and fee schedule.

(b) **Improvement to Dedicated Land.** In lieu of paying the park fee or dedicating land, the City may permit improvements to be made to land being dedicated as a City park or recreational facility.

(c) The total amount of credits shall not exceed 100 percent of the calculated requirement for the park fee or land dedication.

(d) Credit shall be granted for the property dedicated pursuant to this Section, dollar for dollar, in satisfaction of any park fee required to be paid. The cost and subsequent credit should bear a reasonable relationship to an independent assessment of the construction cost for the facility, such as the estimates provided by RSMeans Building Construction Cost Data or similar measure. Credits may be awarded for on-site or off-site land dedication and/or park improvements.

(e) The Department of Recreation and Parks shall determine whether the proposal complies with the department's park and recreational standards and requirements. If the department determines the proposal meets the department's standards and requirements, the General Manager of the Department of Recreation and Parks shall prepare a report to the Board of Recreation and Parks Commissioners regarding the proposed dedication or improvement. The Board of Recreation and Parks Commissioners may accept or decline the land dedication, new park and recreational facility, or improvement to existing park and facilities.

(f) If the dedication and/or improvement is accepted by the Board of Recreation and Parks Commissioners in lieu of the park fee or land dedication, or any portion thereof, the City shall reduce or waive the fee, or land dedication, or any portion thereof, upon dedication of the property and/or guarantee of the improvement. The guarantee of the improvement shall be to the satisfaction of the Department of Recreation and Parks and shall be by a deposit with the Department of Recreation and Parks of an irrevocable deposit instrument issued by a bank, savings and loan association or other depository whose deposits are insured by an instrumentality of the federal government. The deposit must be fully insured by such instrumentality. The deposit instrument must be in a form that permits

collection by the City of Los Angeles at maturity without further consent of any other party.

2. Privately Owned Park and Recreational Facilities. Where facilities for park and recreational purposes are provided in a proposed residential development and such facilities will be privately owned and maintained by the future owners of the development, the areas occupied by such facilities shall be partially credited against the requirement of dedication of land for park and recreational purposes of the payment of a park fee thereof, provided that the following standards are met to the satisfaction of the Department of Recreation and Parks: (1) that each facility is available for use by all the residents of the residential development; and (2) that the area and the facilities satisfy the recreation and park needs of the residential development so as to reduce the need for public recreation and park facilities to serve the project residents.

(a) The amount of credits for non-publicly accessible park and recreational facilities shall not exceed 35 percent of the calculated requirement for the park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities.

(b) The amount of credits for publicly accessible, privately maintained park and recreational facilities shall not exceed 100 percent of the calculated requirement for the park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities.

(c) Private park and recreational facilities shall include a variety of active and passive amenities, as determined by the Department of Recreation and Parks.

(d) Credit shall be granted, dollar for dollar, for any recreational and park impact fees required to be paid for the property pursuant to this Section, as determined by the Department of Recreation and Parks. The cost and subsequent credit should bear a reasonable relationship to an independent assessment of the construction cost for the facility, such as the estimates provided by RSMeans Building Construction Cost Data or similar.

(e) Credits shall not be given for the following:

b. The minimum number of guest parking spaces shall be one quarter space per dwelling unit for projects containing 50 or fewer units and one-half space per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including one-half space per unit where it finds such modification consistent with the purposes of this section.

c. The Advisory Agency may require up to one of the required resident parking spaces per dwelling unit to be provided in a private garage or carport where it finds that such is reasonable and feasible and consistent with the purposes of this section.

d. Where the number of parking spaces required by other provisions of this code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

e. In the Central City Area as described in Section 12.21 A.4.(p) of the Municipal Code, the required parking ratio shall be no less than therein provided.

f. Where the total number of required spaces includes a fraction, the provision of Section 12.21 A.4.(k) of the Municipal Code shall govern.

g. The design and improvement of parking facilities and areas shall substantially conform to the provisions of Section 21.21 A.5. and 6. of the Municipal Code.

2. Residential to Commercial/Industrial Conversion Projects.

a. The required minimum number of parking spaces to be provided in a residential to commercial/industrial conversion project shall be one parking space for each 200 square feet of that portion of the total floor area of a building to be used as a medical office, clinic or other medical service facility and one parking space for each 500 square feet of that portion of the total floor area in a building to be used for other commercial or for industrial purposes. "Total floor area", as used herein, shall exclude floor area used for automobile parking or driveways,

for basement storage or for rooms housing mechanical equipment incidental to the operation of buildings.

b. The Advisory Agency may increase the required minimum number of parking spaces by not more than seventy five percent (75%), including any allowance for guest parking, where it finds that such modification is consistent with the purposes of this section.

c. Where the number of parking spaces required by other provisions of this Code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

d. In the Central City Area as described in Section 12.21 A.4.(p) of the Municipal Code, the required parking ratio shall be no less than therein provided.

e. Where the total number of required parking spaces includes a fraction, the provisions of Section 12.21 A.4.(k) of the Municipal Code shall govern.

f. The design and improvement of parking facilities and areas shall substantially conform to the provisions of Section 12.21 A.5. and 6. of the Municipal Code.

I. Building Reports – Residential Conversion Projects. The Advisory Agency may require, as a condition of approval, that the applicant notify such person who communicates an interest in purchasing a unit or share that the following reports are available for inspection during normal business hours, and shall take all reasonable steps to assure that such reports fully, fairly and accurately describe the conditions reported:

1. Any report submitted pursuant to Subsection D of this section.

2. A report concerning compliance with the sound transmission control standards established by Section 91.4903(h) of the Municipal Code.

3. Report concerning compliance with the residential energy conservation standards established by Article 1, Part 6, Title 24 of the California Administrative Code.

4. A report concerning compliance with the elevator safety standards established by Title 8 of the California Administrative Code.

5. A report concerning compliance with any provision of Chapter IX of the Municipal Code which the Advisory Agency and the Superintendent of Building find appropriate for such reporting purpose.

J. Low And Moderate Income Housing – Residential Conversion Projects: Each residential conversion project shall comply with Section 12.39* of the Municipal Code relating to low and moderate income housing.

* Section 12.39 was repealed by Ord. No. 180,308 Eff. 12/7/08.

K. Rental Housing Production:

1. As a condition of tentative map or preliminary parcel map approval, the Advisory Agency shall require that the applicant or his successor-in-interest pay to the City a fee of \$1,492 for each unit in a residential or residential to commercial/industrial conversion project, based on the number of units in the project prior to conversion. For the year beginning July 1, 2008, and all subsequent years, the fee amount shall be adjusted on an annual basis pursuant to the formula set forth in Section 151.06 D. of this Code. The adjusted amount shall be rounded to the nearest \$50 increment. This fee shall be paid prior to approval of the final map by the City Engineer. **(Amended by Ord. No. 178,632, Eff. 5/26/07.)**

2. All fees collected pursuant to this Subsection K shall be deposited and held in the Rental Housing Production Account of the Los Angeles Housing Department, which account is hereby established to be administered by the Los Angeles Housing Department separately from all other money expended by the Department. Money in this account shall be used exclusively for the development of low and moderate income rental housing in the City, pursuant to guidelines carrying out this purpose prepared by the Department and approved by resolution of the City Council. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

SEC. 12.95.3. CONVERSION PROJECTS:

COMMERCIAL/INDUSTRIAL;

COMMERCIAL/INDUSTRIAL TO RESIDENTIAL;

(Added by Ord. No. 154,960, Eff. 4/3/81.) (Section Renumbered by Ord. No. 162,832, Eff. 10/26/87.)

A. Purpose. The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to promote the safety of conversion projects and correction of Building Code violations; to provide adequate

This inspection shall be conducted by the Lighting Enforcement Division of the Department of Building and Safety and a fee paid for the inspection by the applicant.

9. Any driveway gate(s) shall be of open wrought iron, and if provided, shall be no more than six feet in height and shall either be sliding or be designed to open inward to the property. If an electric driveway gate of open wrought iron is provided, it shall have a gate operator approved by an approved testing laboratory and shall incorporate a safety device to interrupt gate operation in case the gate becomes blocked.

10. A 10-foot by 10-foot visibility triangle pursuant to Section 12.21C7(a) shall be provided on corner lots and the fence shall be clear of any obstruction above three feet six inches.

11. If any pilaster is within five feet of a driveway, a convex mirror at least 12 inches in diameter shall be placed so as to provide visibility in the direction blocked by the pilaster for the drivers of vehicles exiting the driveway.

SEC. 13.11. “SN” SIGN DISTRICT.

(Added by Ord. No. 174,552, Eff. 6/16/02.)

A. Purpose. This section sets forth procedures, guidelines and standards for the establishment of “SN” Sign Districts in areas of the City, the unique characteristics of which can be enhanced by the imposition of special sign regulations designed to enhance the theme or unique qualities of that district, or which eliminate blight through a sign reduction program.

B. Establishment of Districts. The procedures set forth in Section 12.32S shall be followed, however each “SN” Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a “SN” Sign District provided that the R5 zoned lot is located within an area designated on an adopted community plan as a “Regional Center,” “Regional Commercial,” or “High Intensity Commercial,” or within any redevelopment project area. No “SN” Sign District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

C. Development Regulations. The Department of Building and Safety shall not issue a building permit for a sign within a “SN” Sign District unless the sign conforms to the regulations set forth in a specific “SN” Sign District ordinance. The development regulations for each “SN” Sign District shall be determined at the time the district is established, except that definitions shall conform with those found in Section 91.6203 of this Code, if defined in that section. The sign regulations shall enhance the character of the district by addressing the location, number, square footage, height, light illumination, hours of illumination, sign reduction program, duration of signs, design and types of signs permitted, as well as other characteristics, and can include murals, supergraphics, and other on-site and off-site signs. However, the regulations for a “SN” Sign District cannot supersede the regulations of an Historic Preservation Overlay District, a legally-adopted specific plan, supplemental use district or zoning regulation needed to implement the provisions of an approved development agreement.

SEC. 13.12. “NSO” NEIGHBORHOOD

STABILIZATION OVERLAY DISTRICT.

(Added by Ord. No. 180,219, Eff. 11/16/08.)

A. Purpose. This section sets forth procedures, guidelines and standards for the establishment of “NSO” Neighborhood Stabilization Overlay Districts in areas of the City that are proximate to colleges and universities. The purpose of the NSO District is to protect and preserve the existing low density housing stock; to maintain and enhance the quality of life of area residents; to promote well-planned student housing; to establish regulations that address the negative impacts multi-habitable room projects cause; to address inadequate parking; to prevent irreversible damage associated with oversized multi-habitable room projects and to help stabilize neighborhoods. The purpose of the NSO District is also to ensure that future Projects are designed to be compatible with buildings that are adjacent or across the street.

B. Establishment of the District.

1. **Requirements.** Each application for the establishment of a “NSO” Neighborhood Stabilization Overlay District shall follow the procedures set forth in Section 12.32 S. of this Code, except that each “NSO” Neighborhood Stabilization Overlay District shall include only properties in the R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4, C5 or CM zones.

2. **Radius.** The radius of a “NSO” Neighborhood Stabilization Overlay District shall be at

least one-quarter mile and no more than one mile from the physical boundaries of a college or university. The District shall not generally be less than one-quarter mile radius wide.

3. **Boundaries.** The boundaries shall be along street frontages and shall not split parcels. The precise boundary of a District may be adjusted for urban features such as topography, freeways or streets / highways. Precise boundaries are required at the time of application for or initiation of an individual District. The “NSO” Neighborhood Stabilization Overlay District shall include contiguous parcels of residentially and commercially zoned parcels, which may only be separated by public streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. A “NSO” Neighborhood Stabilization Overlay District may encompass an area that is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan area.

4. **Definitions.** Notwithstanding any other provision of this article to the contrary, the following definitions shall apply to this section:

Affordable Housing Units. Dwelling units or guest rooms for which rental payments do not exceed the limits established by the Los Angeles Housing Department for persons and families whose income does not exceed 30% - 120% of Area Median Income (AMI), adjusted for family size by the United States Department of Housing and Urban Development in accordance with adjustment factors established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The income limits are defined as lower, low, moderate, very low, or extremely low income households in Sections 50079.5, 50093, 50105 and 50106 of the California Health and Safety Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

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.

Project. The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling or multiple-family dwelling units or portions of dwelling units in the

R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4, C5 or CM zones that create at least one dwelling unit with five or more habitable rooms.

A project shall not include any of the following uses:

(1) Dormitories on an official college or university campus; or

(2) Any qualifying Affordable Housing Units.

5. **Findings.** In order to establish a “NSO” Neighborhood Stabilization Overlay District, the City Council shall find that Neighborhood Stabilization Overlay regulations will protect and enhance the character of the District by regulating building bulk caused by buildings with five or more habitable rooms per unit; and that the District is negatively impacted by excessive on-street parking resulting from residential units designed for student housing, which do not provide adequate off-street parking.

C. Development Regulations. All property within a District shall be subject to the following conditions:

1. **Building Permit.** The Department of Building and Safety shall not issue a building permit for a Project within a “NSO” Neighborhood Stabilization Overlay District unless a conditional use approval has been granted pursuant to Section 12.24 W.52. of this Code.

2. **Parking Requirements.** Any Project shall, in addition to complying with the parking requirements of Section 12.21 A.4.(a) of this Code, also provide one additional parking space for each habitable room at or above five habitable rooms.

SEC. 13.13. “RFA” RESIDENTIAL FLOOR AREA DISTRICT.

(Added by Ord. No. 179,883, Eff. 6/29/08.)

A. Purpose. This section sets forth procedures and guidelines for the establishment of “RFA” Residential Floor Area Districts in residential areas of the City. The purpose of the “RFA” Residential Floor Area District is to permit residential floor area maximums in residential zones to be higher or lower than normally permitted by this Code in areas where the proposed district will further enhance the existing scale of homes and help to preserve the existing character of the neighborhood as effectively as the

9. The installation and maintenance of **trailers for use as temporary accommodations for homeless persons**. The term “**temporary accommodations**” shall have the same meaning that it has in the definition of “**shelter for the homeless**” in Section 12.03. The height and area regulations contained in other provisions of this chapter shall not apply to trailers permitted pursuant to this subdivision. Parking spaces otherwise required by this Code for the trailers permitted pursuant to this subdivision shall not be required.

(a) **Performance Standards:**

(1) The installation and maintenance of no more than six trailers for use as temporary accommodations for homeless persons is carried out and maintained by a religious or philanthropic institution on the site of the institution; or by a government unit, agency or authority on each individual property owned by the government unit, agency or authority;

(2) There are no shelters for the homeless within 300 feet of the public property;

(3) (Amended by Ord. No. 173,374, Eff. 8/3/00.) There is a solid, decorative, masonry or wrought iron wall or fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback;

(4) The use is conducted in conformance with the City’s noise regulations pursuant to Chapter 11 of this Code;

(5) No signs are present on the property relating to its use as a shelter for the homeless;

(6) No outdoor toilets are present on the site;

(7) (Amended by Ord. No. 173,492, Eff. 10/10/00.) All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;

(8) (Amended by Ord. No. 173,492, Eff. 10/10/00.) All streets, alleys or sidewalks adjoining the property meet standard street dimensions; and

(9) (Added by Ord. No. 173,492, Eff. 10/10/00.) The use shall not be within 500 ft. of a residential zone or use.

(b) **Purposes:** (Amended by Ord. No. 173,492, Eff. 10/10/00.) Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to maintain appropriate quality of the neighborhood and safety to occupants, the site should be designed to remain anonymous. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the level of service. Public telephones should be located so as to avoid loitering. Graffiti should be prevented and eliminated when it is found on the site. The proposed use should protect the integrity of the surrounding neighborhood.

10. **Existing non-permitted dwelling units where affordable housing is provided.** (Added by Ord. No. 184,907, Eff. 5/17/17.)

(a) **Purpose.** The purpose of this subdivision is to further health and safety standards in multifamily buildings and preserve and create affordable housing units by establishing procedures to legalize certain pre-existing unpermitted dwelling units in conformance with the State Density Bonus provisions in California Government Code Section 65915. The grant of permitted status to pre-existing unpermitted units 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.

(b) **Application and Approval.** The applicant shall submit an application on a form developed by the Department of City Planning

that contains basic information about the project, the owner and/or applicant and conformance with this section. The Director of Planning shall review all applications for compliance with the eligibility criteria in Paragraph (c), zoning compliance in Paragraph (d) and adherence to the performance standards in Paragraph (f). The application shall be approved by the Director of Planning if the eligibility criteria and performance standards of this subsection are met.

(c) **Eligibility Criteria.** A structure with an unpermitted dwelling unit or guest room located in a zone that allows multiple-family uses (R2 or less restrictive) is eligible for the provisions of this section when the following criteria are met:

(1) **Pre-Existing Unit.** The unit(s) to be legalized have been occupied as a residential unit at any time between December 11, 2010, and December 10, 2015. Examples of the types of evidence to establish occupancy include, but are not limited to: an apartment lease; utility bill; Rent Stabilization Ordinance (RSO) Rent Registration Certificate; code enforcement case documentation (e.g., Orders to Comply); or other evidence identified on the application form and made available for public inspection in the case file.

(2) **Restricted Affordable Units.** At least one additional Restricted Affordable Unit is being provided on the project site. A Restricted Affordable Unit is defined for this section as 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 those income ranges are defined by the California Department of Housing and Community Development (HCD) or any successor agency. Affordable means that rents or housing expenses cannot exceed 30 percent of the maximum gross income of each respective household income group. Moderate Income units may be utilized, provided the project is not located in a Low-Moderate Census Tract pursuant to the Community Reinvestment Act. A covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles

County Recorder, guaranteeing that each required Restricted Affordable Unit shall be reserved and maintained for at least 55 years from the issuance of the Certificate of Occupancy. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(d) **Zoning Compliance.** A property meeting the eligibility criteria above must comply with all applicable zoning codes, except:

(1) The number of allowable dwelling units or guest rooms can be increased up to 35 percent over the otherwise maximum allowable residential density under any applicable zoning ordinance and/or specific plan, depending on the percentage of Restricted Affordable Units provided in the building, pursuant to the density bonus charts in California Government Code Section 65915(f). These charts can be extended proportionally to permit both a density increase and an affordable set-aside less than what is shown on the charts.

(2) For properties which have more permitted units than are allowed under current maximum allowable residential density, an increase in current maximum allowable density beyond 35 percent may be authorized as long as the project offers sufficient Restricted Affordable Units to achieve at least a 35 percent density bonus pursuant to the density bonus charts in California Government Code Section 65915(f) and the increase in number of units does not exceed 35 percent of the number of permitted units on the property. Notwithstanding the actual number of permitted units on the property, the base number of units for calculating the percentage of Restricted Affordable Units shall be the units allowed by the current maximum residential density.

(3) A property containing one structure with two permitted dwelling units in a zone that allows multiple-family uses may legalize a third unit as long as one of the units is a Restricted Affordable Unit, even if the third unit increases the density by more than 35 percent.

(8) Certification of the Certified Farmers' Market and contact information for the operator shall be posted at the main entry, and provided as part of the application. The contact person shall be available during the hours of operation and shall respond to any complaints. The operator shall keep a log of complaints received, the date and time received, and their disposition;

(9) When located on a parking lot, the Certified Farmers' Market shall not use more than 80 percent of the provided parking spaces. Safety barricades that protect vendors and their customers from vehicles shall be used to separate the market and the remaining parking area; and

(10) Electronic Benefit Transfer (EBT) Card payments shall be accepted at the Certified Farmers' Market. A Food and Nutrition Service (FNS) Number issued by the United States Department of Agriculture shall be provided on the application as proof of EBT card acceptance.

(b) **Purpose.** Farmers' markets increase communities' access to fresh and healthy produce. The purpose of these Performance Standards is to minimize any impacts on the surrounding neighborhood that may result from the operation of a farmers' market, such as noise, light, trash or parking. Additional permits may be required by other City departments.

12. Interim Use of Motels for Supportive Housing or Transitional Housing. (Added by Ord. No. 185,489, Eff. 4/20/18.) The purpose of this subdivision is to facilitate the interim use of existing transient residential structures, such as motels, Hotels, Apartment Hotels, Transient Occupancy Residential Structures and Hostels as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness. Under this subdivision, the structure may return to its previous use, or any use consistent with the underlying zoning, upon termination of the interim Supportive Housing or Transitional Housing use.

(a) **Interim Motel Housing Project.** An Interim Motel Housing Project is the physical repurposing or adaptation of an existing transient residential structure, such as a motel, Hotel,

Apartment Hotel, Transient Occupancy Residential Structure, or Hostel, for use as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness. The Local Public Agency determines who qualifies as experiencing homelessness or is at risk of homelessness. For purposes of this subdivision only, Local Public Agency is defined as an agency, identified on a list maintained by the Department of City Planning, that funds Supportive Housing and Transitional Housing for persons experiencing homelessness or at risk of homelessness. All Dwelling Units and Guest Rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both. The Interim Motel Housing Project must not increase or add Floor Area or expand the building footprint or height, nor shall it increase the total combined number of Dwelling Units or Guests Rooms. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.

(b) Application and Approval.

(1) The Department of Building and Safety shall review all Interim Motel Housing Projects for zoning compliance described in Paragraph (d) and adherence to the performance standards in Paragraph (e). The Interim Motel Housing Project shall be approved if the application requirements, zoning compliance and performance standards of this subsection are met through the approval process, including but not limited to payment of fees, set forth in Chapter IX of the LAMC. Interim Motel Housing Projects shall not be considered an increase in density or other change which requires any corresponding discretionary action.

(2) Prior to issuance of a building permit, the applicant shall provide a copy of an executed contract agreement between the Local Public Agency, the provider of the Supportive or Transitional Housing, and the Interim Motel Housing Project applicant for the provision of onsite Supportive Housing or Transitional Housing, or a combination of both; proof that the applicant has received funding from a Local Public Agency; and proof that the Supportive

Housing or Transitional Housing contract is in effect.

(3) If structures or units are subject to the provisions of LAMC Section 47.70 et seq. (Residential Hotel Ordinance) on the date of the Interim Motel Housing Project application, they shall remain subject to all requirements and restrictions in Section 47.70 et seq. during the Supportive Housing or Transitional Housing contract. Interim Motel Housing Project applicants seeking to convert structures subject to the Residential Hotel Ordinance shall also submit an Application for Clearance using the process described in LAMC Section 47.78. At the conclusion of the Supportive Housing or Transitional Housing contract, the number of Residential Units, as defined in LAMC Section 47.73 T., at each participating structure shall be identical to the number of units originally determined by the Los Angeles Housing Department to be Residential Units pursuant to LAMC Section 47.76 or any subsequent number approved as part of an Application for Clearance. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(c) Termination of Supportive Housing or Transitional Housing Contract. Upon any termination of the Supportive Housing or Transitional Housing contract, the Interim Motel Housing Project applicant shall be required, within 90 days, to notify the Department of Building and Safety and to complete one of the following:

(1) Submit an application to the Department of Building and Safety to return to the use, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, or to any use permitted by the current zoning regulations; or

(2) Provide a copy of a new executed contract agreement to the Department of Building and Safety in accordance with the requirements in Paragraph (b)(2) to begin a new contract term for provision of Supportive Housing or Transitional Housing.

(d) Zoning Compliance.

(1) Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

(i) **Minimum Area per Dwelling Unit or Guest Room.** A structure, regardless of any nonconforming status as to the area and density regulations of the underlying zone, may be used for an Interim Motel Housing Project, provided that the structure has a Certificate of Occupancy as a motel, Hotel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel, and the conversion does not create any additional total combined number of Dwelling Units or Guest Rooms.

(ii) **Off-Street Automobile Parking.** Interim Motel Housing Projects shall be exempt from the provisions of LAMC Section 12.21 A.4.(m). During the Supportive Housing or Transitional Housing contract, however, the Interim Motel Housing Project shall maintain and not reduce the number of onsite parking spaces existing on the date of the Interim Motel Housing Project application.

(iii) **Use.** Notwithstanding the use provisions of the underlying zoning, an Interim Motel Housing Project shall be permitted.

(iv) **Change of Use.** Section 12.23 B.7. of this Code shall not apply to Interim Motel Housing Projects.

(v) **Nonconforming Use of Buildings in Manufacturing Zones.** Notwithstanding the regulations contained in Section 12.23 B.4. of this Code, an Interim Motel Housing Project shall be permitted in M Zones.

(2) **Minor Interior Alterations for Cooking Facilities.** Approved Interim Motel Housing Project applicants may make minor interior alterations adding cooking facilities, including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave, to Guest Rooms. In the event a structure is returned to the motel or hotel use in accordance with Paragraph (c)(1), the motel or hotel may maintain any Guest Rooms with added cooking facilities.

(3) **Preservation of Nonconforming Rights.** Upon termination of the Supportive Housing or Transitional Housing use, any structure that is nonconforming as to area or use regulations or any other zoning code requirements may return to the use and condition, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, notwithstanding any physical alterations to the subject property. Any Floor Area used for Supportive Services may be returned to use as Guest Rooms or Dwelling Units, or may be converted to accessory amenity spaces, so long as the total number of Dwelling Units or Guest Rooms do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for Interim Motel Housing Project.

(e) **Performance Standards.** The Interim Motel Housing Project shall meet the following performance standards:

(1) **Supportive Service Area.** For every 20 Dwelling Units or Guest Rooms, a minimum of one dedicated office space shall be provided for the provision of on-site Supportive Services, including case management. A minimum of one dedicated office space shall be provided for Interim Motel Housing Projects with fewer than 20 total combined Dwelling Units or Guest Rooms. Any Floor Area dedicated to Supportive Services may be provided on-site within an existing building, but shall not exceed 10% of the total Floor Area of the building.

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

(3) **Security Lighting.** Security lighting with illumination of not less than 0.2 footcandles (2.15 lx) shall be provided in parking areas, alleys and any unenclosed spaces under or within the first floor of the building(s).

(4) **Recycling and Trash Facilities.** Any recycling and trash facilities shall be secured and completely enclosed by a solid wall or fence not less than six feet in height.

(5) **Historic Building.** An Interim Motel Housing Project shall not involve alteration of an historic character defining feature identified in a nomination or a survey for any project affecting a property listed in or formally determined eligible for a national, state or local historic register, individually or as a contributor to a historic district, unless the Director in consultation with the Office of Historic Resources determines the proposed alteration will not adversely impact the property's historic eligibility.

(f) **Alternative Compliance.** If compliance with the 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 requirements in Paragraphs (a) and (b), above, must be met in order to qualify for an alternative compliance review. In approving the alternative compliance application, the Director shall find that the Interim Motel Housing Project substantially meets the purposes of the Performance Standards, including that it provides an appropriate level of Supportive Services that is accessible to the residents of the Supportive Housing or Transitional Housing.

13. Density Bonus for Qualified Permanent Supportive Housing. (Added by Ord. No. 185,492, Eff. 5/28/18.) 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 Los Angeles Housing Department. A minimum of 50 percent of the total combined Dwelling Units or Guest Rooms is occupied by the Target Population. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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 LAHD 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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 LAHD, 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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 LAHD. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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 LAHD. 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. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

(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 facade 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.

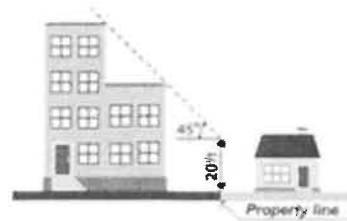
(4) **Height.** Up to 35% increase in the maximum allowable height in feet, applicable over the entire parcel regardless of any of the lower underlying height limits. For purposes of this Subparagraph, Section 12.21.1 A.10. of this Code shall not apply. In its place, the following transitional height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

(8) **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.

(9) **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.

[Editor's note: Subsections (8) and (9) were originally set forth as subsections 5. and 6. in Ord. No. 185,492; renumbered at the discretion of the Code editor.]

(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) **Facade 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 facade as measured from the top of the finished ground floor to the top of the building facade 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 facade 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-served 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.

B. Alternative Compliance Procedures for Public Benefit Projects.

1. **Applicability.** If a proposed public benefit project does not comply with the performance standards delineated in Subsection A., the applicant may apply for approval of alternative compliance measures pursuant to the following procedures.

2. **Application for Permit.** To apply for an alternative compliance approval for a public benefit project listed in Subsection A., an applicant shall file an application, on a form provided by the Department of City Planning, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The application shall include a description of how the proposed alternative compliance measures meet the goals set forth in Subsection A. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete.

3. **Initial Decision.** The initial decision on an application shall be made by the Director.

4. **Public Hearing and Notice.** Upon receipt of a complete application, the Director shall set the matter for public hearing, unless otherwise provided in Subsection A., and shall conduct a hearing at which evidence shall be taken.

The Department shall give notice to the applicant of the time, place and purpose of the hearing by mailing a written notice no less than 24 days prior to the date of the hearing. No further notice is required in connection with applications for public utilities and public service uses or structures, or governmental enterprises, including libraries, museums, fire or police stations. In connection with all other applications, unless otherwise provided in Subsection A., notice of the hearing shall also be given in all of the following manners:

(a) **Publication.** By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Council, no less than 24 days prior to the date of hearing; and

(b) **Written Notice.**

(1) By mailing a written notice no less than 24 days prior to the date of the hearing to the owner or owners of the

property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known names and addresses of owners as shown on the records of the City Engineer or the records of the County Assessor. Where all property within the 500-foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above; and (Amended by Ord. No. 181,595, Eff. 4/10/11.)

(2) By mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to “occupant”; and

(3) If notice pursuant to this Subdivision 4.(b)(1) and (2) will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, and at least 50 different persons, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons, and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area; and

(c) **Site Posting.** By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.

5. **Findings for Approval.** (Amended by Ord. No. 173,492, Eff. 10/10/00.) In approving any public benefit project, the Director shall find that the proposed project substantially meets the purposes of

the performance standards set forth in Subsection A. The Director shall adopt written findings of fact supporting the decision based upon evidence in the record, including staff investigations. All projects approved pursuant to this Section shall also be subject to the regulations in Subsections L. through Q. of Section 12.24.

6. Conditions for Approval. (Amended by Ord. No. 173,492, Eff. 10/10/00.) In approving any alternative compliance measures for a public benefit project pursuant to this section, the Director shall impose conditions to secure compliance with the applicable performance standards and purposes set forth in Subsection A. and with any alternative methods of compliance approved pursuant to this procedure.

7. Time to Act. The initial decision shall be made within 75 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director. An initial decision shall not be considered made until written findings are adopted in accordance with Subdivision 5. Upon making a decision, the Director shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed a written request for the notice with the Department of City Planning.

ARTICLE 4.4

SIGN REGULATIONS

(Article Added by Ord. No. 179,416, Eff. 12/20/07, Oper. 1/1/08.)

Section

- 14.4.1 Purpose.
- 14.4.2 Definitions.
- 14.4.3 Application.
- 14.4.4 General Provisions.
- 14.4.5 Hazard to Traffic.
- 14.4.6 Freeway Exposure.
- 14.4.7 Information Signs.
- 14.4.8 Monument Signs.
- 14.4.9 Projecting Signs.
- 14.4.10 Wall Signs.
- 14.4.11 Illuminated Architectural Canopy Signs.
- 14.4.12 Pole Signs.
- 14.4.13 Roof Signs.
- 14.4.14 Window Signs.
- 14.4.15 Marquee Signs.
- 14.4.16 Temporary Signs.
- 14.4.17 Temporary Signs on Temporary Construction Walls and on Solid Wood Fences Surrounding Vacant Lots.
- 14.4.18 Off-Site Signs.
- 14.4.19 Awning Signs.
- 14.4.20 Original Art Murals, Vintage Original Art Murals, and Public Art Installations.

SEC. 14.4.1. PURPOSE.

The purpose of this article is to promote public safety and welfare by regulating signs in keeping with the following objectives:

A. That the design, construction, installation, repair and maintenance of signs will not interfere with traffic safety or otherwise endanger public safety.

B. That the regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing and location of signs.

C. That both the public and sign users will benefit from signs having improved legibility, readability and visibility.

D. That consideration will be given to equalizing the opportunity for messages to be displayed.

E. That adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

F. That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations. (Added by Ord. No. 180,841, Eff. 8/14/09.)

SEC. 14.4.2. DEFINITIONS.

The following terms shall apply to this article. Other terms used in this article shall have the meanings set forth in Section 12.03 of this Code, if defined in that section.

Bisecting Line. A line that equally divides the angle created by the projection of intersecting lot lines of a lot adjoining the street of a corner lot as illustrated in Diagram C of this article.

Building Frontage. The projection of the building walls upon the street used for street frontage.

Digital Display. A sign face, building face, and/or any building or structural component that displays still images, scrolling images, moving images, or flashing images, including video and animation, through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other electronic media or technology that is either independent of or attached to, integrated into, or projected onto a building or structural component, and that may be changed remotely through electronic means. (Added by Ord. No. 180,841, Eff. 8/14/09.)

Face of Building. The general outer surface, not including cornices, bay windows or architectural projections, of any exterior wall of a building.

Freeway. A highway in respect to which the owners or those in possession of abutting lands have no right or easement of access to or from their abutting lands or in respect to which the owners have only limited or restricted right or easement of access, and which is declared to be a freeway, in compliance with the Streets and Highways Code of the State of California.

Identification Sign. A wall sign that is limited to a company logo, generic type of business, or the name of a business or building.

Illuminated Architectural Canopy Sign. An enclosed illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the message integrated into its surface.

Inflatable Device. A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method. The term inflatable device shall not include any object that contains helium, hot air or a lighter-than-air substance.

Information Sign. A sign that is limited to a message giving directions, instructions, menus, selections or address numerals.

Main Traveled Roadway of a Freeway. The portion of a freeway, including interchange roadways connecting one freeway with another, which is designed for the movement of large volumes of vehicular traffic, efficiently and safely at high speed, but not including service roadways, landscape areas, or ingress or egress ramps connecting the freeway with other streets.

Monument Sign. A sign that is erected directly upon the existing or artificially created grade, or that is raised no more than 12 inches from the existing or artificially created grade to the bottom of the sign, and that has a horizontal dimension equal to or greater than its vertical dimension.

Nuisance, Public. Trash, debris, rubbish, weeds, graffiti, unpermitted posters/handbills, or illegal postings. (Added by Ord. No. 187,145, Eff. 9/30/21.)

Off-Site Sign. A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located.

Off-Site Sign Structure. A structure of any kind or character, erected, used or maintained for an off-site sign or signs, upon which any poster, bill, printing, painting, projected image or other advertisement may be placed.

On-Site Sign. A sign that is other than an off-site sign.

Original Art Mural. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. (Added by Ord. No. 182,706, Eff. 10/12/13.)

Perpendicular Line. A straight line between the point on a sign face that is closest to the street and the point where the line intersects the street lot line at a 90 degree angle, as illustrated in Diagram C of this article.

Pole Sign. A freestanding sign that is erected or affixed to one or more poles or posts and that does not meet the requirements of a monument sign.

Projecting Sign. A sign, other than a wall sign, that is attached to a building and projects outward from the building with one or more sign faces approximately perpendicular to the face of the building.

Projection. The distance by which a sign extends beyond the building line.

Public Art Installation. A facility, amenity or project that does not contain any commercial message and which is either an "approved public arts project" as defined by Section 19.85.4 of the Los Angeles Administrative Code or approved pursuant to Section 91.107.4.6 of the Los Angeles Municipal Code. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. (Added by Ord. No. 182,706, Eff. 10/12/13.)

Roof Sign. A sign erected upon a roof of a building.

Sign. Any whole or part of a display board, wall, screen or object, used to announce, declare, demonstrate, display or otherwise present a message and attract the attention of the public.

Sign Area. An area circumscribed by the smallest geometric shape created with a maximum of eight straight lines, which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas and attention-attracting devices, forming an integral part of an individual message except that:

1. Wall signs having no discernible boundary shall have the areas between letters, words intended to be read together and any device intended to draw attention to the sign message included in any computation of surface area.

2. For spherical, cylindrical or other three-dimensional signs the area of the sign shall be computed from the smallest two-dimensional geometrical shape or shapes, which will best approximate the greatest actual surface area visible from any one direction.

3. Sign support structures are excluded if neutral in color.

4. "Time and Temperature" sign copy is excluded from computation of sign area if the copy is less than 56 square feet in area.

Sign Face. The surface upon which the sign message is placed.

Street Frontage. The length of a line separating a lot from one street.

Supergraphic Sign. A sign, consisting of an image projected onto a wall or printed on vinyl, mesh or other material with or without written text, supported and attached to a wall by an adhesive and/or by using stranded cable and eye-bolts and/or other materials or methods, and which does not comply with the following provisions of this Code: Sections 14.4.10; 14.4.16, 14.4.17; 14.4.18; and/or 14.4.20.

Temporary Construction Wall. A temporary solid fence or barrier of wood or similar material that provides protection for pedestrians and is erected and maintained on the perimeter of a construction or demolition site. (Amended by Ord. No. 187,145, Eff. 9/30/21.)

Temporary Sign. Any sign that is to be maintained for a limited duration, not to exceed 30 days, including paper signs and other signs that are not permanently affixed to the ground or building.

Vintage Original Art Mural. An Original Art Mural that existed prior to the operative date of this definition. (Added by Ord. No. 182,706, Eff. 10/12/13.)

Wall Sign. Any sign attached to, painted on or erected against the wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

Window Sign. Any sign, except for a supergraphic sign, that is attached to, affixed to, leaning against, or otherwise placed within six feet of a window or door in a manner so that the sign is visible from outside the building.

SEC. 14.4.3. APPLICATION.

A. **Scope.** All exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code, except that the provisions of Subsections 14.4.4 E. and G.; 14.4.4 I.; 14.4.5; 14.4.6; 14.4.12; 14.4.18; 91.6205.2; and 91.6216 of this Code shall not apply to the relocation of signs or sign support structures that existed on January 17, 1993, that were erected or are maintained by the Los Angeles Memorial Coliseum Commission (Commission) on property owned or controlled, in whole or in part, by the Commission. The regulations in this Article do not apply to signs located primarily within a public right-of-way. (Amended by Ord. No. 187,145, Eff. 9/30/21.)

B. **On-Site Signs.** The following provisions of this Code, as applicable, shall apply to on-site signs: Sections 14.4.4 A.; 14.4.5; 14.4.6; 14.4.7; 14.4.9; 14.4.10; 14.4.11; 14.4.12; 14.4.13; 14.4.14; 14.4.15; 14.4.19; 91.6205; 91.6207; and 91.6216.

C. **Off-Site Signs.** The following provisions of this Code, as applicable, shall apply to off-site signs: Sections 14.4.4 A.; 14.4.5; 14.4.6; 14.4.18; 91.6205; and 91.6207.

D. **Temporary Signs.** The following provisions of this Code, as applicable, shall apply to temporary on-site and off-site signs: Sections 14.4.4 A; 14.4.5; 14.4.6; 14.4.16; 14.4.17; 91.6205; and 91.6207.

E. (Deleted by Ord. No. 182,706, Eff. 10/12/13.)

SEC. 14.4.4. GENERAL PROVISIONS.

A. **Ideological and Political Signs.** No provision of this article shall prohibit an ideological, political or other noncommercial message on a sign otherwise permitted by this article.

B. **Prohibited Signs.** Signs are prohibited if they:

1. Contain obscene matters, as defined in Section 311 of the Penal Code of the State of California.

2. Contain or consist of posters, pennants, banners, ribbons, streamers or spinners, except as permitted by Sections 14.4.16 and 14.4.17 of this Code.

3. Contain flashing, mechanical and strobe lights in conflict with the provisions of Sections 80.08.4 and 93.0107 of this Code.

4. Are revolving and where all or any portion rotate at greater than six revolutions per minute.

5. Are tacked, pasted or otherwise temporarily affixed on the walls of buildings, barns, sheds, trees, poles, posts or fences, except as permitted by Sections 14.4.16 and 14.4.17 of this Code.

6. Are affixed to any vehicle or trailer on private property if the vehicle or trailer is not intended to be otherwise used in the business and the sole purpose of attaching the sign to the vehicle or trailer is to attract people to a place of business.

7. Emit audible sounds, odor or visible matter.

8. Use human beings, live animals, animated figures, motion pictures or slide projectors in connection with any sign.

9. Are supergraphic signs. (Amended by Ord. No. 180,841, Eff. 8/14/09.)

EXCEPTIONS: This prohibition shall not apply to supergraphic signs that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. This exception shall become operative only to the extent that Subdivision 9. is deemed constitutional upon the reversal of the trial court decision in the case of *World Wide Rush, LLC v. City of Los Angeles*, United States District Court Case No. CV 07-238 ABC.

In addition, notwithstanding the provisions of Section 12.26 A.3. of this Code, this prohibition shall not apply to any building permit issued prior to the effective date of this ordinance if the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit pursuant to Section 91.106.4.3.1 of this Code.

10. (Deleted by Ord. No. 182,706, Eff. 10/12/13.)

11. Are off-site signs, including off-site digital displays. This prohibition shall also apply to alterations, enlargements or conversions to digital displays of legally existing off-site signs with regard to the following exceptions: (Amended by Ord. No. 187,145, Eff. 9/30/21.)

EXCEPTIONS: This prohibition shall not apply to:

(a) alterations that conform to the provisions of Section 91.6216 and all other requirements of this Code; or

(b) off-site signs specifically permitted pursuant to a relocation agreement entered into pursuant to California Business and Professions Code Section 5412; or

(c) off-site signs, including off-site digital displays, that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement; or

(d) non-digital off-site signs that are authorized by a valid building permit for a temporary sign on temporary construction walls or on fences of solid wood or similar material surrounding vacant lots pursuant to Section 14.4.17.

12. Are inflatable devices, except when inflatable devices are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement.

C. Prohibited Locations.

1. No sign or sign support structure shall project into any public alley, except that a sign or sign support structure above a height of 14 feet may project no more than six inches into a public alley.

2. No sign or sign support structure shall be located less than six feet horizontally or 12 feet vertically from overhead electrical conductors, which are energized in excess of 750 volts. The term "overhead electrical conductors" as used here shall mean any electrical conductor, either bare or insulated, installed above ground, except electrical conductors that are enclosed in iron pipe or other material covering of equal strength. Arcs of six foot radius may be used to define corners of prohibition area.

3. No sign or sign support structure shall be erected in a visibility triangle as defined by Sections 12.21 C.7. and 62.200 of this Code.

4. No sign or sign support structure shall be located within two feet of the curb or edge of any roadway.

D. Maintenance.

1. **Appearance.** Every sign shall be maintained in a clean, safe and good working condition, including the replacement of defective parts, defaced or broken faces, lighting and other acts required for the maintenance of the sign. The display surfaces shall be kept neatly painted or posted at all times.

2. **Debris Removal.** The base of any sign erected on the ground shall be kept clear of weeds, rubbish or other combustible material at all times.

3. **Abandoned Signage.** Ninety days after the cessation of a business activity, service or product, the related signs shall be removed, or the face of the signs shall be removed and replaced with blank panels or shall be painted out.

E. **Sign Illumination Limitations.** No sign shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

F. **Combination Signs.** A sign, which is subject to more than one classification, shall meet the requirements for the classification to which each portion is subject.

G. **Flag Lots.** For purposes of this article, flag lots containing less than 50 feet of street frontage shall be allotted 50 feet of street frontage for the purpose of determining the type of sign permitted and for the allowable sign area.

H. **Street Address Numbers.** No sign shall be maintained on any property unless the street address of the property is maintained in accordance with the provisions of Section 63.113 of this Code.

I. Sign Permit Priority Status.

1. To maintain location, area, frontage, or spacing status, signs must be installed within six months of issuance of a building permit or prior to expiration of any permit extension granted by the Department of Building and Safety.

2. Where more than one permit has been issued and the effect of those permits when considered together results in a violation of this article, all permits except the permit with the earlier date and time of issuance shall be invalid.

J. **Relief.** Notwithstanding the provisions of Sections 12.24, 12.27, 12.28 or any other section of this Code to the contrary, no relief from the provisions of Subsection B.9. or 11. of this section shall be granted. (Added by Ord. No. 180,841, Eff. 8/14/09.)

SEC. 14.4.5. HAZARD TO TRAFFIC.

A. **Prohibition.** No sign or sign support structure shall be erected, constructed, painted or maintained, and no permit shall be issued, if the sign or sign support structure, because of its location, size, nature or type, constitutes a

hazard to the safe and efficient operation of vehicles upon a street or a freeway, or which creates a condition that endangers the safety of persons or property.

B. Hazard Referral. The Department of Building and Safety shall refer the following to the Department of Transportation for hazard evaluation and determination prior to the issuance of a building permit:

1. All permit applications for signs that will be visible from and are located within 500 feet of the main traveled roadway of a freeway; and

2. All other permit applications and any signs that are determined by the Department of Building and Safety to have a potential for hazard.

C. Hazard Determination. The Department of Transportation shall return to the Department of Building and Safety each application so referred to it together with a statement of its determination. If the Department of Transportation determines that the sign or sign support structure will constitute a hazard, the Department of Building and Safety shall deny the application for permit.

SEC. 14.4.6. FREEWAY EXPOSURE.

(Amended by Ord. No. 180,841, Eff. 8/14/09.)

A. New Signs. No person shall erect, construct, install, paint, maintain, and no building or electrical permit shall be issued for, any sign or sign support structure within 2,000 feet of a freeway unless the Department of Building and Safety has first determined that the sign will not be viewed primarily from a main traveled roadway of a freeway or an on-ramp/off-ramp. However, at the termination of an off-ramp, any wall sign located along the front line may be viewed primarily from the off-ramp.

The phrase “viewed primarily from” shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

B. Exemption. The wall signs specified in Subdivisions 1. and 2. below are exempt from the limitation of Subsection A. above. These signs shall not have moving parts or any arrangement of lights that create the illusion of movement.

1. Identification signs identifying the building where the sign is located, providing the area of the sign is not more than 50 square feet or is not larger than five percent of the area of the side of the building, which faces primarily to the freeway, whichever is greater; and

2. Wall signs on which the advertising is limited to the name of any person, firm or corporation occupying the building, or the type of business, services rendered, or the name of any product manufactured or sold on the premises. The total area of all wall signs on a building permitted in this subdivision shall not exceed 100 square feet. Any one sign shall not exceed 50 square feet in area.

C. Existing Signs. Within three years of the opening of a freeway to public travel, all signs that existed prior to the opening of the freeway and that are in conflict with the provisions of this section and/or Section 14.4.5 of this Code shall be removed, or shall be rearranged or relocated so as to eliminate any conflict with the provisions of this section and/or Section 14.4.5 of this Code.

The Department of Building and Safety and the Department of Transportation shall determine whether or not the sign or sign support structure is in conflict with the provisions of this section and/or Section 14.4.5 of this Code. If it is determined that any sign or sign support structure is in conflict with any of the provisions of this section and/or Section 14.4.5 of this Code, then the permittee and/or other responsible person shall be advised and shall remove, rearrange or relocate the sign or sign support structure within this three-year period.

D. Operative Date. This section shall become operative only to the extent that this section is deemed constitutional upon the reversal of the trial court decision in the case of *World Wide Rush, LLC v. City of Los Angeles*, United States District Court Case No. CV 07-238 ABC.

SEC. 14.4.7. INFORMATION SIGNS.

A. Area. Information signs shall not exceed 25 square feet in area.

B. Height. Information signs shall be limited to a maximum overall height of six feet six inches above the sidewalk grade or edge of roadway grade nearest the sign.

SEC. 14.4.8. MONUMENT SIGNS.**A. Area.**

1. The sign area of monument signs shall not exceed 1.5 square feet per foot of street frontage nor a maximum of 75 square feet for the sign face visible to the same direction of traffic.

2. The combined sign area of monument signs, projecting signs, wall signs, illuminated architectural canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

B. Height. Monument signs shall be limited to a maximum overall height of eight feet above sidewalk grade or edge of roadway grade nearest the sign.

C. Location. Monument signs shall be located at least 7.5 feet from interior lot lines and at least 15 feet from any other monument sign, projecting sign or pole sign. The location of monument signs shall not interfere or present a hazard to pedestrian or vehicular traffic.

D. Shape. Monument signs shall have a horizontal dimension equal to or greater than their vertical dimension.

E. Projection. Monument signs shall not project over the roof of a building or over the building line.

SEC. 14.4.9. PROJECTING SIGNS.

A. Permitted. Projecting signs shall not be permitted on that portion of a lot having less than 50 feet of street frontage. Lots having a street frontage of at least 50 feet may have a projecting sign for each 200 feet or fraction of that area of street frontage, if the street frontage does not contain an existing projecting sign or a pole sign.

B. Area.

1. The sign area of projecting signs visible to the same direction of traffic shall not exceed 25 square feet plus 1.5 square feet for each foot of street frontage up to a maximum sign area of 300 square feet. Any projecting sign located at the street corner of a corner lot may use the greater street frontage in computing area limitations.

2. The combined sign area of projecting signs, wall signs, monument signs, illuminated architectural

canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

C. Height. A projecting sign shall not be located lower than eight feet above sidewalk grade or edge of roadway grade nearest the sign and shall not extend above the top of the wall.

D. Location.

1. A projecting sign shall be located at least 7.5 feet from any interior lot line.

2. A projecting sign shall be located at least 15 feet from any other projecting sign, monument sign or pole sign.

3. The plane of the sign face of a projecting sign shall be within 15 degrees of being perpendicular to the face of the building, except at the corner of the building.

E. Projections. A projecting sign may project over the building line, but shall not extend beyond the limits shown in Diagram A of this article. Sign projections shall fall within an area that is perpendicular to the building line and has a width of three feet as measured parallel with the building line. In no event, may a projecting sign project more than eight feet from the face of a building.

EXCEPTION: For projecting signs located above a 16-foot height and on a lot having a street frontage greater than 50 feet, projections over the building line may vary linearly from five feet at 50 feet to eight feet at 100 feet of street frontage.

SEC. 14.4.10. WALL SIGNS.**A. Area.**

1. The total sign area of wall signs facing a street shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage for a single-story building.

2. For buildings more than one story in height, the combined wall sign area shall not exceed that permitted for a single story by more than ten percent for each additional story. In no event, shall the combined wall sign area exceed by 50 percent that area permitted for a single-story building.

3. For wall signs that are made up of individual letters that use the wall of the building as background, the allowable sign area may be increased by 20 percent, provided there is no change in color between the background and the surrounding wall area.

4. The combined sign area of illuminated architectural canopy signs, roof signs and wall signs facing the same direction shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

5. The combined sign area of wall signs, projecting signs, monument signs, illuminated architectural canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

B. Height. A wall sign shall not extend above the top of the wall of the building.

EXCEPTION: Where there is less than three feet between the top of the wall and the top of a window, the wall sign may extend above the top of the wall by a maximum of three feet.

C. Location.

1. No wall sign shall be located on a wall that faces and is within five feet of an interior lot line.

2. Wall signs installed on a wall that faces the rear lot line and that is located within 30 feet of property that is zoned R-3 or more restrictive shall not be illuminated.

D. Projection.

1. No wall sign shall have a projection over any public street, other public property or building line greater than that permitted in Diagram A of this article.

2. No wall sign shall project more than 24 inches from the face of the building. If any message is placed on the edge of a wall sign, then that portion of the wall sign shall be regulated as a projecting sign.

E. High Rise Signs. Any wall signs located over 100 feet above grade shall be used as identification signs only. Identification signs shall comprise no more than 80 percent of the width of that portion of the building where the signs are attached. Notwithstanding the provisions of

Subsection A. above, the area of these signs may constitute up to five percent of the area of the wall where the signs are attached and may be in addition to the area permitted in Subsection A. above.

F. Parking Lots. Where a parking lot exists between a wall sign and the street, and there is a wall between the parking lot and the street, a portion of the total sign area permitted by this section may be used on the wall located between the parking lot and the street so long as the sign does not project beyond the lot line. The sign shall be restricted to that portion of the wall between two feet six inches and three feet six inches in height above the finished grade at the base of the wall generally facing the street.

SEC. 14.4.11. ILLUMINATED ARCHITECTURAL CANOPY SIGNS.

A. Area.

1. The area of illuminated architectural canopy signs shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

2. In applying sign area limits, only the area occupied by the message of the illuminated architectural canopy signs will be used.

3. The combined sign area of illuminated architectural canopy signs, roof signs and wall signs facing the same direction shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

4. The combined sign area of illuminated architectural canopy signs, projecting signs, monument signs, wall signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

B. Height. An illuminated architectural canopy sign shall not extend above the top of the wall of a building.

C. Clearance. Illuminated architectural canopy signs shall have a minimum clearance of eight feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than two feet from the curb of any roadway.

D. Emergency Personnel Access. Illuminated architectural canopy signs shall not occupy a four-foot

distance along the exterior wall at one corner of the building's street frontage and an additional four-foot distance along every 50 feet of the building frontage.

E. Illumination. The sign shall be internally illuminated so as to illuminate the canopy and the exterior wall below. The illuminated architectural canopy sign shall bear the electric sign label of an approved testing agency with a re-inspection service.

F. Projections. Illuminated architectural canopy signs may project over a building line. However, in no event may an illuminated architectural canopy sign project more than three feet from the face of the building.

SEC. 14.4.12. POLE SIGNS.

A. Permitted. Pole signs shall not be permitted on that portion of a lot having less than 50 feet of street frontage. Lots having a street frontage of at least 50 feet may have a pole sign for each 200 feet or fraction of that area of street frontage, if the street frontage does not contain an existing pole sign or projecting sign.

B. Area.

1. Sign area visible to the same direction of traffic shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

2. The maximum area of any one pole sign shall not exceed 400 square feet.

3. Any pole sign that is located at the street corner of a corner lot may use the greater street frontage for area limitations.

4. The combined sign area of pole signs, projecting signs, monument signs, illuminated architectural canopy signs, wall signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

C. Height. Height shall be measured from the nearest sidewalk or edge of roadway grade to the top of the sign. The overall height limitation shall be determined by street frontage as follows:

1. 25 feet for lots having 50 feet of street frontage;

2. 35 feet for lots having more than 50 feet and less than 100 feet of street frontage; and

3. 42 feet for lots having at least 100 feet of street frontage.

Any pole sign that is located at the street corner of a corner lot may use the greater street frontage for determining height limitations. In no event shall a sign exceed the height specified for the height district in which the sign is located.

D. Location.

1. Pole signs shall be located at least ten feet from interior lot lines; however, on corner lots and flag lots, pole signs may be located five feet from interior lot lines.

2. A pole sign shall be located at least 15 feet from any other pole sign, projecting sign or monument sign.

3. Pole signs shall be located so as not to interfere or present a hazard to pedestrian or vehicular traffic.

4. Where the lower part of a pole sign is less than eight feet above sidewalk grade or the edge of roadway grade nearest the sign, the sign shall extend to grade or shall be installed in a planter that extends beyond the edges of the sign and sign support structure and that is a minimum of 18 inches in height.

E. Projections. A pole sign may project over a building line, but shall not extend beyond the limits shown in Diagram A of this article. Sign projections shall fall within an area that is perpendicular to the building line and has a width of three feet as measured parallel to the building line.

F. Other Requirements. A maximum of two poles shall be permitted for any pole sign. The maximum cross-sectional dimension of a pole shall not exceed ten percent of the overall height of the sign.

SEC. 14.4.13. ROOF SIGNS.

A. Permitted. Roof signs shall be permitted only when placed directly upon a roof that slopes downward toward and extends to or over the top of an exterior wall.

B. Area.

1. Sign area shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

2. The maximum area of any one roof sign shall not exceed 300 square feet.

3. The combined area of roof signs, illuminated architectural canopy signs and wall signs facing the same direction shall not exceed two square feet for each foot of street frontage, plus one square foot for each foot of building frontage.

4. The combined sign area of wall signs, projecting signs, monument signs, illuminated architectural canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

C. Height. The top of the roof sign shall be located at least two feet below the ridge of the roof.

D. Location.

1. Roof signs shall be located at least ten feet from interior lot lines.

2. Roof signs shall be located at least two feet from the edge of the roof.

3. The plane of the sign face of a roof sign shall be approximately parallel to the face of the building.

SEC. 14.4.14. WINDOW SIGNS.

A. Area. The total area of all window signs shall not exceed ten percent of the area of the window.

B. Combined Area. The combined sign area of wall signs, projecting signs, monument signs, illuminated architectural canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.

SEC. 14.4.15. MARQUEE SIGNS.

A. General Requirements. Marquee signs shall comply with the requirements set forth in Section 3102 of

the CBC and the following provisions of this Code: Sections 14.4.3 A.; 14.4.4 A.; 14.4.5; 14.4.6; 91.6205; and 91.6207.

B. Location. Signs shall not be attached to any portion of the marquee except on the periphery. Wall signs on the periphery shall not extend above or below the periphery. Cloth or banner signs or drop-roll curtains may be suspended below the exterior periphery and extend within seven feet of the grade.

SEC. 14.4.16. TEMPORARY SIGNS.

A. Permit Required. Notwithstanding any other provision of this article, a building permit shall be required for a temporary sign, pennant, banner, ribbon, streamer or spinner, other than one that contains a political, ideological or other noncommercial message. The permit application shall specify the dates being requested for authorized installation and the proposed location.

B. Area.

1. The combined sign area of temporary signs shall not exceed two square feet for each foot of street frontage.

2. The combined sign area of temporary signs, when placed upon a window and any other window signs shall not exceed a maximum of ten percent of the window area.

C. Time Limit.

1. Temporary signs that require a permit shall be removed within 30 days of installation and shall not be reinstalled for a period of 30 days of the date of removal of the previous sign. The installation of temporary signs shall not exceed a total of 90 days in any calendar year.

2. Temporary signs that do not require a permit shall be removed within 30 days of the date of installation of the sign.

D. Location. Temporary signs, including those that do not require a building permit, may be tacked, pasted or otherwise temporarily affixed to windows and/or on the walls of buildings, barns, sheds or fences.

E. Construction. Temporary signs may contain or consist of posters, pennants, ribbons, streamers or spinners.

Temporary signs may be made of paper or any other material. If the temporary sign is made of cloth, it shall be flameproofed when the aggregate area exceeds 100 square feet. Every temporary cloth sign shall be supported and attached with stranded cable of 1/16-inch minimum diameter or by other methods as approved by the Department of Building and Safety.

**SEC. 14.4.17. TEMPORARY SIGNS ON
TEMPORARY CONSTRUCTION WALLS AND
ON SOLID WOOD FENCES SURROUNDING
VACANT LOTS.**

(Amended by Ord. No. 187,145, Eff. 9/30/21.)

A. Permit Required. A valid building permit for a sign, issued by the Department of Building and Safety (LADBS) in accordance with Section 91.6201.2, shall be required to place and maintain a temporary sign on a temporary construction wall, as defined in Section 14.4.2 of this Code, or on a fence of solid wood or similar material surrounding a vacant lot.

For the purposes of Section 14.4.17 and pursuant to Section 91.3306 of the Los Angeles Municipal Code, Temporary Construction Walls are deemed required when the City determines construction work is more than 8 feet in height and within 5 feet from the lot line, or more than 8 feet in height and within a distance of half the height of the construction work from the lot line.

The Department of Building and Safety shall issue a building permit for a temporary sign, pursuant to this section, after verifying that the plans comply with all applicable code provisions and all permit clearances have been approved upon confirmation of the following, as applicable:

1. Initial Permit Application.

(a) If the temporary sign is to be placed on a temporary construction wall:

(1) There is a separate valid building permit issued by the Department of Building and Safety authorizing construction work on the lot(s);

(2) At least a portion of the temporary construction wall is required pursuant to Section 91.3306 of the Los Angeles Municipal Code:

(3) A previous building permit for a temporary sign was not issued in conjunction with the same building permit referenced in A.1.(a)(1) of this subsection;

(4) A previous building permit for a temporary sign on the site was not expired or revoked within the preceding 12 months pursuant to Paragraph 14.4.17 C.1.(a) or Subdivision 14.4.17 G.4.; and

(5) When a business is operating on the site, temporary signage must comply with the following:

(i) the location of temporary signage is limited to the portion of the temporary construction wall that is required pursuant to Section 91.3306 of the Los Angeles Municipal Code; and

(ii) a minimum 40 linear feet of required temporary construction wall, not exceeding the boundaries of the site, may be installed and used for temporary signage; and

(iii) no site may exceed a maximum of 250 square feet of temporary signage.

(b) If the temporary sign is to be placed on a fence surrounding a vacant lot:

(1) There are no buildings or uses of land on the lot.

(2) A previous building permit for a temporary sign was not expired or revoked within the preceding 12 months pursuant to Subdivision 14.4.17 G.4.

2. Subsequent Permit Application.

(a) If Department of Building and Safety records indicate that a building permit for a temporary sign on a fence of solid wood or similar material surrounding a vacant lot on the site was previously issued:

(1) The sign complies with Paragraph A.1.(b) of Section 14.4.17 as applicable;

(2) A previous building permit for a temporary sign on the site was not expired or revoked within the preceding 12 months pursuant to Subdivision 14.4.17 G.4.;

(3) No more than one initial building permit for a temporary sign and one subsequent building permit for a temporary sign, for a total of two years, have been issued at the same site; and

(4) The Director of the Office of Community Beautification reviews and consents to the subsequent building permit in a written statement and determines an abatement area pursuant to Subdivision 14.4.17 G.1.

The Office of Community Beautification's response for consent shall be provided within ten days of written request and based solely on its assessment as to whether a public nuisance exists indicated by the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property pursuant to the review described in Subsection 14.4.17 G.1.

B. Area. Notwithstanding the provisions of Subsection 14.4.16 B. of this Code, signs placed on temporary construction walls, and/or solid wood fences surrounding vacant lots pursuant to the terms of this section shall not extend above the top of the wall or fence and shall comply with the following:

1. The combined sign area of temporary signs shall not exceed 8 square feet for each foot of street frontage.

2. Individual signs shall not exceed a sign area of 250 square feet.

3. Signs may be grouped to form a maximum sign area of 250 square feet.

4. Signs or groups of signs having an area of 250 square feet shall be separated from any other sign on the temporary construction walls and/or solid wood fences surrounding vacant lots by at least 10 feet measured horizontally.

C. Time Limit. Notwithstanding the provisions of Subsection 14.4.16 C. of this article, a building permit for a temporary sign is time limited by the following:

1. A building permit for a temporary sign placed on a temporary construction wall shall remain valid for two years, or during the duration of the construction work, under a separate valid building permit, requiring a barrier, pursuant to Section 91.3306 of Los Angeles Municipal Code, whichever is less.

(a) If the construction work authorized by the separate building permit has not commenced by the 180th day following the permit issuance date, or the 90th day when an operating business exists on the site, or work has been suspended, discontinued or abandoned for a continuous period of 180 days, or 90 days when an operating business exists on the site, the building permit for the temporary sign permitted pursuant to Subsection 14.4.17 A. shall be expired. If the separate building permit is revoked or expired, the building permit for the temporary sign shall be expired. Subsequent building permits for a temporary sign at the same site, issued in conjunction with the original separate construction permit, shall not be authorized.

2. A building permit for a temporary sign placed on a fence of solid wood or similar material surrounding a vacant lot shall remain valid for one year, or for as long as the lot remains vacant, whichever is less. Subsequent building permits for temporary signs on a fence of solid wood or similar material surrounding a vacant lot at the same site shall be issued under the terms of Subsection A. of this Section, not to exceed two additional permits, for a total of three years.

D. Height. Signs may only be placed to a maximum height of 8 feet.

E. Location. Temporary signs placed on the exterior surfaces of any required temporary construction walls, and/or solid wood fences surrounding vacant lots are limited to lots located in a commercial, industrial or RAS zone.

F. Construction. Notwithstanding the provisions of Subsection 14.4.16 E. of this Code, Temporary signs on Temporary Construction Walls or on fences of solid wood or similar material surrounding vacant lots shall be made of paper, vinyl, or other similar material.

G. Special Requirements for Signs on Temporary Construction Walls, and/or Solid Wood Fences Surrounding Vacant Lots.

1. **Review by the Office of Community Beautification.** For the purposes of determining whether to consent to a subsequent building permit under this section, or at any time after the issuance of a building permit for a sign under this section, the Office of Community Beautification may investigate an area around the permitted site or lot to determine whether there exists a public nuisance due to the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property within the abatement radius.

For a subsequent building permit for a sign, if the Office of Community Beautification cannot establish that a public nuisance exists because of the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish and weeds on public property within a 750-foot abatement radius around the permitted site or lot, then the Office of Community Beautification shall expand the radius around the site or lot in 250-foot increments, up to a maximum abatement radius of 1,500 feet. If the Office of Community Beautification finds the existence of a public nuisance on public property within the expanded radius area beyond the original 750-foot radius, then it shall require the sign company or property owner to abate the public nuisance in the expanded radius area in accordance with Subdivision G.3., Nuisance Abatement, below.

2. **Notification and Reporting.** Upon issuance of a building permit for a sign and installation of any signs on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots, the sign company or property owner shall install an 18" x 24" placard in a conspicuous location on the wall or fence. The placard shall be made of a durable laminated paper, vinyl or other weather resistant material with contrasting black letters on white background at least 2 inches in height. The placard shall conspicuously display the following information that the City wishes to display in lettering at least 1 inch high:

a. This is an Official Notice of the City of Los Angeles and shall not be defaced.

b. Temporary Signs have been placed on this wall or fence pursuant to Los Angeles Municipal Code Section 14.4.17, "Temporary

Signs on Temporary Construction Walls and on Solid Wood Fences Surrounding Vacant Lots."

c. Building permit number: _____ and expiration date: _____.

d. Phone number of the Department of Public Works' Office of Community Beautification: _____.

e. Name and phone number of the sign operator's representative for public reporting of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds for removal within the required abatement radius: _____.

Within ten days after the issuance of the building permit for a sign, the sign company or property owner shall provide written notification to the Office of Community Beautification and the Council District Office of the council district in which the construction site or vacant lot is located. The notification shall contain the name and address of the sign company or property owner and the property address where the signs will be placed. The notification to the Office of Community Beautification shall include a copy of the sign company's contract with the property owner to post signs at the specified location.

Permit holders shall report the amount, type, and location of clean-ups within the abatement area to the Office of Community Beautification every 30 days for the duration of the building permit for the sign. Reporting shall be thorough and include before and after photo documentation, City of Los Angeles MyLA311 App request confirmation and/or other documentation stating date and time of clean up, as well as receipts for where materials were disposed.

Any building permit for a sign issued pursuant to this section may be immediately expired by the Department of Building and Safety, provided that a written and signed notification of the sign company or property owner's failure to meet the notification and reporting requirements of this subdivision is sent to the Department of Building and Safety by the Director of the Office of Community Beautification. For all permits expired pursuant to this section, the Department of Building and Safety shall issue a notification to the permit holder upon expiration of the permit, including information about the appeals process.

3. **Nuisance Abatement.** It shall be the sign company and property owner's responsibility to clean and maintain free from graffiti public property and rights-of-way within an area consisting of a 750-foot radius or any expanded radius required by the Office of Community Beautification around the permitted site or lot. The property owner's representative shall patrol the abatement area every 24 hours to search for and remove any graffiti within 24 hours of its discovery. The removal of graffiti shall include, but not be limited to, spray paint on walls, poles, and fences on public property. In addition, the property owner's representative shall also be responsible for removing any posters/handbills on light poles, utility poles, bus stops, and any other illegal postings on public property. At the time of graffiti removal, the property owner's representative shall also remove from public property any trash, debris, rubbish, and weeds, as well as report bulky items within the abatement area around the permitted site. The sign company and property owner shall comply with the administrative policies and procedures set by the Office of Community Beautification. The Office of Community Beautification shall enforce the provisions of this subsection.

4. **Permit Revocation.** Any building permit for a sign issued pursuant to this section may be revoked by the Department of Building and Safety for any of the following reasons, provided a written and signed notification of the sign company or property owner's failure to comply with Paragraphs (c), (d), (e), (f) or (g) of this subdivision is sent to the Department of Building and Safety by the Director of the Office of Community Beautification:

(a) Failure by the sign company or property owner to comply with the terms of the permit.

(b) Failure by the sign company or property owner to maintain the bond required in Section 91.6201.2 2. of the Los Angeles Municipal Code.

(c) Failure by the sign company or property owner to maintain the temporary construction wall and/or solid wood fences surrounding vacant lots free from graffiti.

(d) Failure by the sign company or property owner to eliminate graffiti within a 750-foot radius or any expanded radius required

by the Office of Community Beautification of the temporary construction wall, and/or solid wood or similar material fences surrounding vacant lots within 24 hours of receiving notification of the presence of graffiti from the Office of Community Beautification or the City Council district office of the district in which the construction site or vacant lot is located.

(e) Failure by the sign company or property owner to remove posters/handbills placed on light poles, utility poles, bus stops and any other illegal postings on public property within a 750-foot radius or any expanded radius required by the Office of Community Beautification of the site, within 24 hours of receiving notification from the Office of Community Beautification or the City Council district office of the district in which the construction site or vacant lot is located.

(f) Failure by the sign company or property owner, at the time of graffiti removal, to report bulky items and/or remove trash, debris, rubbish and weeds from public property within a 750-foot radius or any expanded radius required by the Office of Community Beautification of the permitted site.

(g) The Office of Community Beautification sends three or more notifications of failure to comply with paragraphs (c), (d), (e) or (f) of this subdivision to the sign company or property owner within a three-month period.

5. **Removal of Signs.** The sign company or property owner must remove the temporary signs authorized by this section by the date the sign permit becomes invalid due to its time limit or no later than the permit expiration or revocation date.

6. **Public Nuisance.** Any signs remaining on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots after the building permit has expired or is revoked are deemed to be a public nuisance that can be abated by utilizing the procedure contained in Section 91.8904, et seq., of the Code.

7. **Office of Community Beautification.** The Office of Community Beautification is hereby designated the authorized representative of the City for the purpose of enforcing and implementing the

provisions of Section 91.8904.1.2 of the Los Angeles Municipal Code for compelling the removal of a sign which is a public nuisance under Subdivision 14.4.17 G.6.

SEC. 14.4.18. OFF-SITE SIGNS.

A. Area. The sign area of a single face shall not exceed 800 square feet.

B. Height.

1. The height to the top of the off-site sign shall be limited to a maximum of 42 feet above the sidewalk grade or edge of roadway grade nearest the sign, except that a sign that is more than 80 percent above a roof of a building may extend to the top of the sign a maximum of 30 feet above the surface of the roof under the sign.

2. In no event shall the height to the top of the off-site sign exceed a height greater than that height specified for the height district in which the sign is located, or a height of 60 feet above the sidewalk grade or edge of roadway grade nearest the sign, whichever is more restrictive.

3. The bottom of the off-site sign shall be at least eight feet above the sidewalk grade or edge of roadway grade nearest the sign.

C. Location.

1. No portion of an off-site sign with a sign area greater than 80 square feet shall be placed within 200 feet of a residentially zoned lot, which is located on the same side of the same street as the lot on which the sign is placed. However, where a lot has two or more street frontages, a sign may be located on that street frontage, which is not on the same street as the residentially zoned lot; provided the sign and sign support structure are placed in that half of the lot that is the farthest from the street frontage on which the residentially zoned lot is located.

2. No portion of an off-site sign or sign support structure shall be located in that half of a lot located farthest from the street frontage when residentially zoned property is located to the rear of that street frontage.

3. Off-site signs are not permitted along that portion of a lot having a street frontage of less than 50 feet.

4. No more than four off-site signs shall be located at the intersection of two or more streets when the off-site signs are located within 150 feet of the intersection of two street frontages.

5. An off-site sign face shall not be located within one foot of an interior lot line.

D. Frontage Determination on Lots with Lot Lines Adjoining More Than One Street.

1. An off-site sign shall be considered to be on a single street for purposes of Sections 14.4.18 A. and 14.4.18 D. of this Code if the sign and its support structure are located entirely on the side of the bisecting line closest to that street and the sign face is placed at the same angle as the perpendicular line or at an angle not to exceed 20 degrees from either side of the perpendicular line as shown on Diagram C of this article.

2. An off-site sign located on a through lot shall be located on a single street if the sign and its support structure are located entirely on that half of the lot closest to the lot line adjoining that street.

Any off-site sign not in conformance with either Subdivision 1. or 2. above shall be considered to be located on more than one street frontage.

E. Spacing.

1. An off-site sign, which is either single-faced or parallel double-faced, shall be spaced as specified in Table No. B of this article from any other existing or previously permitted off-site sign, which is single-faced or parallel double-faced.

2. For any double-faced off-site sign, the spacing requirements shall be based on the area of the largest sign face.

3. For double-faced off-site signs whose faces are not parallel, the spacing between any proposed, permitted or existing off-site sign shall be determined by the following formula:

$$D = S \left[1 + \frac{(B - 5)}{90} \right]$$

WHERE:

D= required spacing between signs, in feet.

S= sign spacing determined from Table No. B below in feet.

B= widest edge separation of sign faces in feet.

4. Spacing shall be measured between off-site signs that are located on the same side of the same street. Spacing shall be measured from a line that is perpendicular to the building line and that passes through a point on the building line that is closest to the nearest sign face edge. Spacing shall be measured along the center line of the street.

F. Double-faced Off-Site Signs.

1. Off-site signs may be either single or double-faced.

2. For double-faced off-site signs whose faces are parallel, the distance between sign faces shall not exceed six feet.

3. For double-faced off-site signs whose faces are not parallel, the distance between sign faces at their widest point shall not exceed 35 feet. The separation of sign faces at their closest point shall not exceed six feet. In no event shall the angle between sign faces exceed 37 degrees.

G. **Projection.** Off-site signs shall not project beyond the building line.

H. **Covering.** The backs of off-site signs exposed to public view shall be covered with a finished surface or material and shall be properly maintained.

I. Other Requirements.

1. A maximum of two poles shall be permitted for any off-site sign. The maximum cross-sectional dimension of a pole shall not exceed ten percent of the overall height of the sign.

2. Off-site sign supports shall be structurally independent of a building.

3. Sign support structures must be located directly under the sign face as viewed from the front of the sign. The maximum horizontal distance between the center of the sign support structure and the sign face shall not exceed ten feet.

SEC. 14.4.19. AWNING SIGNS.

No sign shall be placed on any portion of an awning except the valance. The sign area is limited to a maximum of 12 inches in height on the portion of the valance that is parallel to the building face, and only when the awning complies with all applicable provisions of Sections 91.3202 and 91.3202.3.1 of this Code. Signs are not permitted on awnings with a valance above a height of 14 feet as measured from the nearest sidewalk or edge of roadway grade to the top of the valance.

SEC. 14.4.20. ORIGINAL ART MURALS, VINTAGE ORIGINAL ART MURALS, AND PUBLIC ART INSTALLATIONS.

(Title and Section Amended by Ord. No. 182,706, Eff. 10/12/13.)

An Original Art Mural that conforms to the requirements of Section 22.119 of the Los Angeles Administrative Code is not considered a sign and therefore is not subject to the provisions of this Article or any other ordinance that regulates signs. Any supposed "mural" that does not conform to the requirements of Section 22.119 of the Los Angeles Administrative Code shall be considered a sign and subject to the provisions of this Article or any other ordinance that regulates signs and digital displays. A Public Art Installation registered pursuant to the requirements of Section 19.85.4 of the Los Angeles Administrative Code or the requirements of Section 91.107.4.6 of the Los Angeles Municipal Code is not a sign, but is subject to Section 14.4.4 E. of this Article and any other applicable zoning and land use regulations set forth in the Los Angeles Municipal Code. A building permit from the Department of Building and Safety is required for a new hand-tiled or digitally printed Original Art Mural or any Public Art Installation.

Severability. If any part, sentence, phrase, clause, term or word in Section 14.4.2 or Section 14.4.20 of this Code relating to Original Art Murals is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this Code, the Los Angeles

Administrative Code or any other City regulation regulating signage, billboards or Original Art Murals.

DIAGRAM A

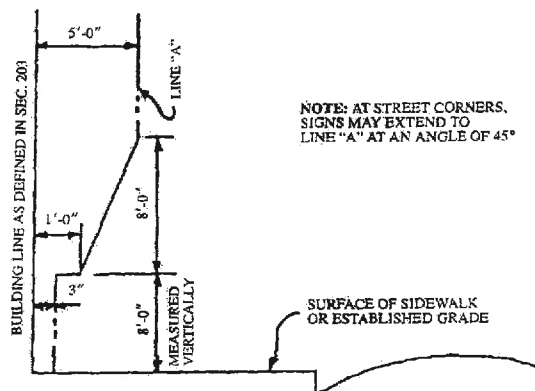


DIAGRAM C

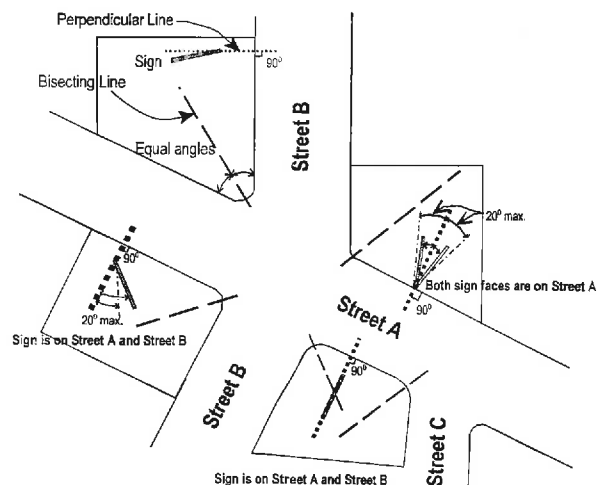


TABLE NO. B
SPACING REQUIREMENTS BETWEEN
OFF-SITE SIGNS

	Sign Area	PROPOSED SIGN		
		Less than 80 sq. ft.	80 sq. ft. to 300 sq. ft.	Greater than 300 sq. ft.
Existing or Permitted Sign	Less than 80 sq. ft.	100 ft.	100 ft.	200 ft.
	80 sq. ft. to 300 sq. ft.	100 ft.	300 ft.	300 ft.
	Greater than 300 sq. ft.	200 ft.	300 ft.	600 ft.

ARTICLE 6

LOCAL EMERGENCY TEMPORARY REGULATIONS

(Title Amended by Ord. No. 187,096, Eff. 7/1/21.)

Section

- 16.00 Declaration of Purpose.
- 16.01 Long-term Temporary Uses.
- 16.02 Special Provisions for Other Land Use Proceedings.
- 16.02.1 Relief from Specified Land Use Provisions.
- 16.03 Restoration of Damaged or Destroyed Buildings.
- 16.04 Critical Response Facilities.
- 16.04.1 Short-term Temporary Uses.
- 16.04.2 Activation and Termination of Effect.

SEC. 16.00. DECLARATION OF PURPOSE.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

It is the purpose and objective of this Article to establish reasonable and uniform regulations to protect the public welfare and to provide a streamlined method for consideration of applications for temporary use approvals and other land use approvals in an emergency, such as fire, storm, severe earthquake, civil disturbance, or other disaster declared by the Governor.

SEC. 16.01. LONG-TERM TEMPORARY USES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Authority of the Zoning Administrator.

Notwithstanding any other provision of this Code to the contrary, the Zoning Administrator shall have the authority to approve the use of a lot in any zone for the temporary use of property which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area if the Zoning Administrator finds:

1. That the nature and short duration of the proposed temporary use assures that the proposed use will not be materially detrimental to the character of development in the immediate neighborhood;

2. That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan; and

3. That the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.

In making a determination pursuant to this section, the Zoning Administrator shall balance the public interest and benefit to be derived from the proposed temporary use against the degree, significance of, and temporary nature of the inconvenience to be caused in the area where the temporary use is located. The Zoning Administrator may promulgate regulations and guidelines as are necessary and proper to administer the provisions of this article.

B. Conditions of Approval. In approving the location of any temporary use, the Zoning Administrator may impose those conditions he or she deems necessary to protect the peaceful and quiet enjoyment of nearby properties. The Zoning Administrator shall also require the posting of a completion bond, or other guarantee satisfactory to the Zoning Administrator, to cover the cost of the removal of any improvements made to a site or cleaning of the site after termination of the temporary authorized use.

Furthermore, the Zoning Administrator shall require termination of the temporary use within one year from the date of the approval of the temporary use, the removal of all temporary improvements on the site, and the restoration of the site to a permitted use within a reasonable period of time determined by the Zoning Administrator. Approval of any application for a temporary use shall not result in any vested or nonconforming rights to carry on the temporary use after the term authorized.

The design and improvement provisions of Sections 12.21 A.5. and 6. and the yard requirements of Chapter 1 of this Code shall not apply to temporary permits for public parking in the R Zones. However, in approving permits, the Zoning Administrator may impose those conditions as the Zoning Administrator deems necessary to protect the

peaceful and quiet enjoyment of the subject and nearby properties.

C. Revocation. The Zoning Administrator may suspend or revoke any temporary use approval, if the Administrator determines that the temporary use bears no significant relation to the reconstruction and recovery of areas adversely impacted by the emergency, or that the conditions imposed on any temporary use approval have not been complied with, or that an unreasonable level of interference with the peaceful enjoyment of neighboring properties is created by the conduct of any authorized activity.

Prior to the revocation of a temporary use approval, the Zoning Administrator shall give written notice to the record owner or lessee to appear within five days or less (if justified by a threat to public health and safety) at a time and place fixed by the Zoning Administrator and show cause why the temporary use approval should not be revoked or why further conditions should not be imposed.

A determination of the Zoning Administrator pursuant to this subsection may be appealed to the Area Planning Commission on a form prescribed by the Department of City Planning in accordance with the procedures described in this section.

D. Other Permits and Licenses. This article shall not, except as stated here, modify or affect in any way the duty of any applicant to obtain any other permit or license which may be required under any other provision of this Code or state law.

E. Application. An application to permit any temporary use referred to in this article shall be filed with the Department of City Planning upon forms and accompanied by data as the Department of City Planning may require.

The application may be filed by an owner or a lessee and shall be verified by the applicant attesting to the truth and correctness of all facts and information presented with, or contained in the application and shall also be signed by the owner of record of any site where the proposed temporary use will be located.

A copy of any application so filed shall be transmitted by the Department of City Planning to the Councilmember of the district in which the proposed use would be located and to the Department of Transportation for their information.

F. Notice and Hearing. Upon the filing of a verified application, the Zoning Administrator shall set the matter for public hearing. Notice of the time, place, and purpose of the hearing shall be given by mailing a written notice at least 14 days prior to the date of the hearing to the applicant, to the owner of the subject property, to adjoining and abutting property owners, and to property owners directly across the street or alley from the subject property. For this notice the following shall be used: the last known name and address of the property owners as shown upon the records of the City Engineer or the records of the County Assessor. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

An application for a temporary use shall be set for public hearing unless the Zoning Administrator makes written findings, attached to the file involved, that the requested temporary use:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood; or
2. is not likely to evoke public controversy.

G. Time Limit. The Zoning Administrator shall make a determination within 30 days from the filing of a verified application. This time limit may be extended by mutual written consent of the applicant and Zoning Administrator.

H. Fee. An application for an approval pursuant to this section shall not require any filing fee.

I. Decisions by the Zoning Administrator. Decisions by the Zoning Administrator shall be supported by written findings of fact based upon written or oral statements and documents presented to the Zoning Administrator, which may include photographs, maps and plans, together with the results of the Zoning Administrator's investigations. Upon making a decision, the Zoning Administrator shall forthwith mail a copy of his or her written findings and decisions to the applicant, and to the other persons who were required to be notified under Subsection F.

J. Decision Effective and Appeal. The decision of the Zoning Administrator shall become final after an elapsed period of ten days from the date of mailing a copy of the written findings and decision to the applicant. During this period, any person aggrieved by the decision may file a written appeal to the Area Planning Commission. The appeals shall set forth specifically the points at issue, the reasons for the appeal, and how the appellant believes there

was an error or abuse of discretion by the Zoning Administrator. No fee shall be charged for this appeal.

K. Failure to Act. If the Zoning Administrator fails to make a decision on a temporary land use application within the time limit specified in Subsection C of this section, then the applicant may file a request in the Office of Zoning Administration for a transfer of jurisdiction to the Area Planning Commission and for a decision by the Area Planning Commission on the original application. In that case, the Zoning Administrator shall lose jurisdiction and the Area Planning Commission shall assume jurisdiction, provided, however, that the matter may be remanded to the Zoning Administrator or the Area Planning Commission may accept the applicant's request for withdrawal of the transfer of jurisdiction. In either case, the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Area Planning Commission.

L. Transfer of Jurisdiction. (Amended by Ord. No. 173,492, Eff. 10/10/00.) When considering any matter transferred to its jurisdiction pursuant to Section 16.02 because of the failure of the Zoning Administrator to act, the Area Planning Commission shall make its decision within 30 days after the request to transfer jurisdiction is filed. All decisions shall become final on the date of mailing a copy of the Area Planning Commission's decision to the applicant.

M. Record on Appeal. Within five days of receipt of the filing of an appeal, the file of the Zoning Administrator appealed from and the appeal shall be delivered to the Area Planning Commission. At any time prior to the action by the Area Planning Commission on the appeal, the Zoning Administrator may submit supplementary pertinent information he or she deems necessary or as may be requested by the Area Planning Commission.

N. Hearing Date-Notice. Upon receipt of the appeal, the Area Planning Commission shall set the matter for hearing and give notice by mail of the time, place and purpose of the hearing to the appellant, to the applicant, to the owner or owners of the property involved, to the Zoning Administrator and to any other interested party who has requested in writing to be so notified. This notice shall be in writing and mailed at least five days prior to the hearing.

O. Hearing Date-Continuance. Upon the date set for the hearing, the Area Planning Commission shall hear the appeal, unless, for cause, the Area Planning Commission shall on that date continue the matter. No notice of continuance need be given if the order to continue is announced at the time for which the hearing was set.

P. Decision. When considering an appeal from an action by the Zoning Administrator, the Area Planning Commission shall make its decision within 15 days (in the case of a revocation, within 10 days) after the expiration of the appeal period, or within an extended period of time as may be mutually agreed upon in writing by the applicant and the Area Planning Commission. The Area Planning Commission shall base its decision only upon:

- (i) evidence introduced at the hearing, or hearings, if any, before the Zoning Administrator, on the issue;
- (ii) the record, findings and determination of the Zoning Administrator; and
- (iii) the consideration of arguments, if any, presented to the Area Planning Commission orally or in writing.

If an applicant or aggrieved person wishes to offer into the proceedings any new evidence in connection with the matter, a written summary of that evidence, together with a statement as to why that evidence could not reasonably have been presented to the Zoning Administrator shall be filed with the Area Planning Commission prior to the hearing. If the Area Planning Commission fails to act on any appeal within the time limit specified in the subsection, the determination of the Zoning Administrator shall be final.

The Area Planning Commission may modify or reverse the ruling, decision or determination appealed from only upon making findings indicating how the action of the Zoning Administrator was in error or constituted an abuse of discretion and shall make specific findings supporting any modification or reversal. The decision of the Area Planning Commission shall be final as of the date of its determination on the matter. After making a decision, a copy of the findings and determination shall forthwith be placed on file in the City Planning Department and a copy of the determination shall be furnished to the applicant, the appellant and the Department of Building and Safety.

SEC. 16.02. SPECIAL PROVISIONS FOR OTHER LAND USE PROCEEDINGS.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

Notwithstanding any provision of Articles 1 through 9 of Chapter I of this Code or any other ordinance to the contrary, with respect to those uses, buildings and sites destroyed or damaged in connection with a declared

emergency, and in the area covered by the declaration of emergency, the following exceptions shall apply:

A. Payment of all Planning Department and Zoning Administrator fees may be deferred until the applicant seeks a certificate of occupancy or a temporary certificate of occupancy, whichever occurs first.

B. For applications relating to new conditional uses, other similar quasi-judicial approvals, site plan review, exceptions from specific plans, project permits pursuant to moratorium ordinances or interim control ordinances, Sections 12.23, 12.27 and 14.00 actions and any revocation or modification proceedings:

If the law otherwise requires or authorizes a public hearing, the matter shall be set for public hearing unless the Zoning Administrator, the Area Planning Commission, the City Planning Commission, or Director of Planning, makes written findings, attached to the file involved, that the matter:

1. will not have a significant effect on adjoining properties or on the immediate neighborhood; or
2. is not likely to evoke public controversy.

Provided, however, that no hearing shall be waived in any proceeding involving establishments dispensing alcoholic beverages for consideration, swap meets, gun shops, pawnshops and automobile repair establishments.

When a matter is set for public hearing, written notice of the hearing shall be given to the applicant, the owner or owners of the property involved and to the owners of all property within and outside of the City within 500 feet of the property involved.

C. Payment of the Linkage Fee pursuant to Section 19.18 of this Code. (Added by Ord. No. 185,342, Eff. 2/17/18.)

SEC. 16.02.1. RELIEF FROM SPECIFIED LAND USE PROVISIONS.

(Added by Ord. No. 187,096, Eff. 7/1/21.)

A. The provisions of this section may be invoked upon the adoption of a City Council resolution following the

Mayor's declaration of emergency pursuant to local and state law, and upon the filing of an application on a form provided by the Department of City Planning and the payment of a fee, provided the resolution does not conflict with any Mayoral orders issued in relation to the declared emergency. The provisions of this section do not supersede state law or the Mayor's authority under the Charter and Los Angeles Administrative Code.

B. Effective Dates. Notwithstanding any other provisions of this article to the contrary, the provisions of this section shall automatically terminate 12 months after the expiration or termination date of the relevant emergency declaration, or upon City Council's action by resolution to terminate the provisions of this section earlier than that date. However, the City Council may, by resolution, extend the provisions of this section for up to an additional 24 months, thereby allowing the provisions to apply for a total of 36 months after the termination or expiration of the local emergency order. The City Council retains the discretion to terminate these provisions by resolution at any time after the expiration or termination of the local emergency order.

C. Time Limit Extension.

1. Extension of Time Limitations. Notwithstanding the expiration periods set forth in Section 12.25 of this Code, the expiration of a conditional use or other quasi-judicial approval(s) that was either approved or valid during the application of these provisions, shall be calculated by adding the term of the local emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3. of this Code are met, to the term prescribed in Section 12.25 A.1. This extension does not confer a vested right, unless a Vesting Conditional Use was applied for and granted pursuant to Section 12.24 T.

(a) **Multiple Approvals.** Notwithstanding the expiration periods defined in Sections 12.36 of this Code, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and is subject to the expiration period set forth in Section 12.36 of this Code, then the expiration period set forth in Section 12.36 G.1. is extended by a term equivalent to the time period of the local emergency, plus up to an additional 12 months from the expiration of the local emergency for all approvals concurrently granted.

(b) **Exception.** The uses listed in Section 16.02.1 D.3.(a) shall not be granted an

extension, regardless of whether said use was approved concurrently with an eligible approval.

2. Extension of Term-Limited Grants.

Notwithstanding any condition of approval that specifies an expiration date or term limit for a conditional use or other quasi-judicial approval(s), where the expiration date occurs during the local emergency that expiration date is automatically extended for the term of the local emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3. are met.

(a) **Multiple Approvals.** Notwithstanding any other provision of this Code to the contrary, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and any of the approvals include a condition with a separate expiration date or term limit, said expiration date shall be extended concurrently with the eligible approval.

(b) **Exception.** The uses listed in Section 16.02.1 D.3.(a) shall not be granted an extension regardless of whether said use was approved concurrently with an eligible approval.

3. Eligibility.

(a) Only a conditional use or quasi-judicial approval listed in Section 12.24 is eligible for the time extension.

Exception. No conditional use or other quasi-judicial approval related to fossil fuel extraction, fossil fuel production, fossil fuel storage, or hazardous waste facilities is eligible for the time extension within this section. This includes, but is not limited to, the following:

Section 12.24 U.10. Hazardous waste facilities in M2 and M3 zones.

Section 12.24 U.11. Hazardous waste facilities in M3 zones.

Section 12.24 U.17. Natural resources development.

Section 12.24 U.18. Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.

Section 12.24 U.29. Petroleum-Based Oil Refineries.

Section 12.24 W.47. Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.

(b) **Revocation.** Businesses or properties that are or have been the subject of revocation proceedings that resulted in corrective conditions or revocation are not eligible for a time extension.

(c) **Application.** In order to benefit from the relief provided by these provisions, an application to verify eligibility shall be filed and a fee paid, in accordance with procedures set forth by the Department of City Planning.

(d) **Original Approval.** The Director or designee shall verify that the prior discretionary approval and existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

(e) **Notification.** The applicant shall notify, in accordance with the procedures set forth by the Department of City Planning, the Los Angeles Police Department, the Department of Building and Safety, and the City Councilmember whose district includes any portion of the property as part of the application process for the extension of the time limits.

D. Automobile Parking Relief.

1. **Changes of Use.** Notwithstanding Section 12.21 A.4., 12.23 B.8.(b), or any other Code section, ordinance, or specific plan to the contrary, when plans are submitted and accepted by the Department of Building and Safety for a change of use during an emergency declaration and after the adoption of a resolution by City Council invoking the provisions of this section, the change of use shall not trigger increased automobile parking beyond that required by the existing approved use if all the following requirements are met:

(a) Requirements.

(1) The change of use is limited to a nonresidential use allowable pursuant to the zoning applicable to the property's location.

(2) The building wherein the change of use is occurring has one of the following: a valid certificate of occupancy; temporary certificate of occupancy; or a building permit if the building predates the certificate of occupancy requirement. The aforementioned documents must have been issued prior to the declaration of the local emergency related to the City Council's resolution invoking this section.

(3) The automobile parking relief only applies to the first 5,000 square feet of Floor Area for any tenant space. Any Floor Area in excess of 5,000 square feet for said tenant space shall conform to the automobile parking requirements in LAMC Section 12.21 A.4., Section 12.23 B.8.(b), and any applicable Specific Plan, inclusive of any aggregate Floor Area, including Floor Area sectioned from a separate tenant space that may have been previously eligible or approved for the automobile parking reduction enumerated within this subdivision.

(4) Any additions to the building occurring during the invocation of this section by City Council resolution, and which result in an increase of Floor Area are limited to the area within the existing walls and existing roofline of the building, and do not include any outdoor space.

(5) No net loss of guest rooms and/or dwelling units result from the change of use.

(b) **Consistency.** The relief provided in this subdivision is limited to the provisions enumerated herein, and any project for which relief is sought shall otherwise be consistent with this Code and the General Plan.

2. Outdoor Eating Areas. Notwithstanding any provisions of this Code or any Zoning Administrator interpretations of this Code to the contrary, any new or expanded Outdoor Eating Area

shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor Eating Area during the period that these provisions are invoked, pursuant to this section if the following requirements are met:

(a) **Eligibility.** Only permitted establishments with verifiable indoor seating for on-premise dining are eligible for the relief provided within this subdivision.

(b) **Consistency.** The relief provided in this subdivision is limited to the automobile parking provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.

(c) **Termination.** Whenever the provisions of this section cease to apply, the automobile parking requirements that existed prior to the declaration of the local emergency shall be met, and any Outdoor Eating Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

3. Conditions of Approval. Notwithstanding any provisions of this Code, ordinance, or Specific Plan to the contrary, any condition of approval that requires valet automobile parking or off-site automobile parking is suspended and shall not be enforced during the period when these provisions are invoked, if all the following requirements are met:

(a) **Eligibility.** Only the following grants are eligible for relief, and only if they were approved or active during the period that these provisions are invoked.

Section 11.5.7 E. Project Permit Adjustments.

Section 11.5.7 F. Exceptions from Specific Plans.

Section 12.24 Conditional Use Permits and Other Similar Quasi-Judicial Approvals. Inclusive of the entire Section.

Section 12.27 Variances.

Section 12.28 Adjustments and Slight Modifications.

Section 12.32 Land Use Legislative Actions.

(b) **Existing Covenant.** The suspension of enforcement activity as a result of the invocation of the provisions of this section shall not be construed to terminate or void any recorded covenant documenting valet or off-site parking requirements.

(c) **Termination.** Whenever the provisions of this section cease to apply, all conditions of approval and associated covenants shall be enforced and, if the conditions were never met, the applicant shall provide verification to the Department of City Planning, in accordance with procedures set forth by the Department of City Planning, within 90 days of the termination of the provisions of this section.

SEC. 16.03. RESTORATION OF DAMAGED OR DESTROYED BUILDINGS.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Nonconforming. Notwithstanding any other provisions of this article to the contrary, a building nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking, off-site signs or other nonconforming provisions of the Los Angeles Municipal Code, which is damaged or destroyed as a result of the declared emergency may be repaired or reconstructed with the same nonconforming use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking or off-site signs as the original building. Provided, however, that repair or reconstruction shall be commenced within two years of the date of damage or destruction and completed within two years of obtaining a permit for reconstruction. Provided, further, that neither the footing nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Planning Department upon the recommendation of the City Engineer.

The provisions of this section shall supersede any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681), Section 16.05 and the City's hillside regulations under Section 12.21 A.17. (except for Paragraphs (d) and (e)). Notwithstanding any provision in this section to the contrary, any existing

provision of law regulating the issuance of building or demolition permits for buildings or structures currently with historical or cultural designations on the federal, state and City lists shall remain in full force and effect. All Historic Preservation Overlay Zone regulations shall continue in full force and effect with respect to the demolition, repair and reconstruction of damaged or destroyed buildings or structures.

For purposes of this subsection, a building or structure may only be demolished and rebuilt to its non-conforming status, relative to the provisions of this Code, any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681) and the City's hillside regulations under Section 12.21A17 (except for Paragraphs (d) and (e)), if the building or structure either is destroyed or is "damaged" in the following manner:

1. Any portion of the building or structure is damaged by earthquake, wind, flood, fire, or other disaster, in such a manner that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and is less than the minimum requirements of this Code for a new building or structure of similar structure, purpose or location, as determined by the Department of Building and Safety; and

2. The cost of repair would exceed 50 percent of the replacement cost of the building or structure, not including the value of the foundation system, as determined by the Department of Building and Safety.

Nothing here shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth in Section 12.23 of this Code that were applicable to the site prior to the events which necessitated the declaration of the emergency.

If issues of interpretation relating to the above provisions arise, the Zoning Administrator is hereby authorized to resolve those issues in light of the scope and purposes of this subsection.

Notwithstanding the time periods described above or in Section 16.04.2, nonconforming properties damaged during the January 17, 1994 Northridge Earthquake shall have until January 17, 1999 to obtain building permits for repair or reconstruction; and that work shall be completed within two years of obtaining building permits. The City Council may, by resolution extend these time periods for one additional year.

B. Conditional Uses and Public Benefits. The following conditional uses and public benefits are considered to be of such importance and their expeditious replacement is of such value to the health and safety of the community that they are hereby granted an exemption from the plan approval process required by Section 12.24M, provided that the structures containing these uses are rebuilt as they lawfully existed prior to their destruction, with the same building footprint and height.

Conditional Uses and Public Benefits

Airports or aircraft landing fields

Correctional or penal institutions

Educational institutions

Libraries, museums, fire or police stations or governmental enterprises

Piers, jetties, man-made islands, floating installations

Public utilities and public service uses and structures

Schools, elementary and high

Electric power generating sites, plants or stations

OS Open Space Zone uses

Child care facilities or nursery schools

Churches or houses of worship

Hospitals or sanitariums

If issues of interpretation or administration relating to the above exemptions arise, the Director is authorized to resolve those issues in light of the scope and purposes of this subsection. **(Para. Amended by Ord. No. 173,492, Eff. 10/10/00.)**

C. Notwithstanding Subsections A and B above, the following five uses shall not be exempt from the provisions of this Code, interim control ordinances, specific plans, and interim plan revision ordinances: establishments dispensing alcoholic beverages for consideration, swap meets, gun shops, pawnshops and automobile repair establishments.

D. Highway and Collector Street Dedication and Improvement. For any lot identified by the City as having sustained damage during and as a result of the situation causing the declared emergency, the issuance of a building permit for a new development on that site shall not require improvement of frontage for major or secondary highway and collector street widening purposes under Section 12.37A.

Nothing here shall prevent a property owner from voluntarily improving the right of way and undertaking public improvements which conform to the applicable sections of this Code.

E. The Zoning Administrator may grant deviations of no more than ten percent from the City's floor area, height, yard, setback, parking, and loading space requirements for buildings and structures damaged or destroyed in an emergency declared by the Governor when the deviations are necessary to accommodate the requirements of the Americans With Disabilities Act, Federal Fair Housing Amendments Act of 1988, the California Code of Regulations, Title 24, provided he or she finds:

1. That the deviations are not likely to cause an undue burden on nearby streets or neighboring properties;
2. That the grant is not likely to evoke public controversy; and
3. That the development cannot feasibly be designed to meet the requisite disabled access standards without the deviations.

Prior to acting on an application for a deviation, the Zoning Administrator shall give notice to all adjoining property owners and shall hold a public hearing. The Zoning Administrator may waive the public hearing if he or she makes the two findings in Section 16.02B. The notice and procedures provided in Section 16.01 shall be followed for granting any deviation.

SEC. 16.04. CRITICAL RESPONSE FACILITIES.
(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an

emergency, have the authority to issue a temporary permit for the duration of the emergency, on any lot, regardless of zone, for any police, fire, emergency medical or emergency communications facility which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

SEC. 16.04.1. SHORT-TERM TEMPORARY USES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an emergency, have the authority to issue a temporary 90-day permit on any lot, regardless of zone, for any temporary use which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

SEC. 16.04.2. ACTIVATION AND TERMINATION OF EFFECT.

(Amended by Ord. No. 187,096, Eff. 7/1/21.)

The provisions of this article shall be applicable to a particular area upon the declaration of an emergency by the Governor relating to that area, pursuant to state law. The provisions of this article shall cease to be applicable to a particular area two years following the date of declaration of emergency, and for one additional year if an extension is approved by the City Council, provided, however, that the provisions of this article shall be considered as still remaining in full force and effect thereafter for the purpose of maintaining or defending any civil or criminal proceeding with respect to any right, liability or offense that may have arisen under the provisions of this article during its operative period, or with respect to enforcing any condition of approval of the temporary land use permit. The City Council may also extend by resolution any other time limits in this article for one additional year. Notwithstanding the provisions within this section to the contrary, the provisions in Section 16.02.1 shall only be activated by following the procedure outlined in Section 16.02.1 B.

SEC. 16.11. GREEN BUILDING TEAM.**(Added by Ord. No. 179,820, Eff. 5/29/08.)**

The Green Building Team's mission is to encourage innovation, to remove obstacles to green building, and to facilitate the City's sustainable green building objectives.

A. Composition. (Amended by Ord. No. 186,325, Eff. 11/11/19.) The Green Building Team shall be composed of the following officers of the City or their duly authorized representatives:

The Mayor's Office, as Chairperson;

City Council President, as co-chairperson;

Chairperson, Energy and Environment Committee of the City Council, as co-chairperson;

Chairperson, Planning and Land Use Management Committee of the City Council, as co-chairperson;

Chief Legislative Analyst;

The Director of Planning;

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Executive Officer and General Manager of the Department of Water and Power;

The General Manager of the Los Angeles Housing Department; and **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

The Director of the Bureau of Sanitation of the Department of Public Works.

Officers or their authorized representatives from additional departments shall participate as needed and may include:

The City Attorney;

The General Manager of the Department of Transportation;

The Director of the Bureau of Street Services of the Department of Public Works;

The Director of the Division of Urban Forestry of the Bureau of Street Services of the Department of Public Works;

The General Manager of the Harbor; and

The General Manager of the Los Angeles World Airport.

B. Relationship with Other Agencies. The Team shall invite representatives of the County of Los Angeles, the Metropolitan Transit Authority, Los Angeles Community Colleges, Los Angeles Unified School District, the Southern California Gas Company, and other agencies to participate as issues warrant.

C. Responsibilities.

1. Meetings. The Green Building Team shall hold regular public meetings on a monthly basis. The initial meeting shall be convened by the Chairperson. The posting of public notices, and the taking and reporting of minutes shall be the responsibility of the Chief Legislative Analyst.

2. Reports. The Team shall provide an annual report to the City Council as to the issues and innovations that have been brought to the Team's attention and shall further outline proposed steps to remediate any concerns and obstacles to green building development and/or innovations. The Team shall establish a process for identifying and tracking all LEED® certified developments in the City. Prior to April 22nd of each year, the Team shall issue a Green Building Report Card, which recognizes green building developments the Team determines to be of significance.

3. Legislative Recommendations. The Team shall review and suggest modifications to the City's Codes on an on-going basis, to promote green building construction, and to facilitate the City's sustainable green building objectives.

4. **Recommendations for Standard of Sustainability.** The Team shall review in alternate years, the thresholds and corresponding green building standard(s) by which projects are required to comply with the Standard of Sustainability. The Team shall recommend any necessary adjustments to the Department of City Planning for preparation of appropriate code amendment(s).

5. **Standard of Sustainable Excellence.** The Team shall review annually the incentives and their effectiveness in encouraging projects to pursue the Standard of Sustainable Excellence. The Team shall make recommendations to the appropriate board or commission should alternative incentives be advised.

6. **Staff Education.** The Team shall record the educational efforts achieved by each department on an annual basis and report this information to the City Council.

7. **Public Outreach.** The Team and, in particular, the Chairperson and Co-Chairpersons, shall be the City's public spokespersons in regards to any and all issues relative to private sector green building. The Team shall develop and maintain a public outreach program for, but not limited to, architects, engineers, developers, land use attorneys, contractors, builders, employers, and City residents.

D. **Termination.** The provisions of Subsection F. shall be repealed and terminate on December 31, 2010. (Added by Ord. No. 181,479, Eff. 12/27/10.)

SEC. 16.50. DESIGN REVIEW BOARD PROCEDURES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. **Purpose and Objectives.** The role of design review boards is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in specific plans. Design review boards should assist the City decision-makers, the community, private developers, property owners, and design professionals in implementing the design goals of communities contained within specific plan boundaries.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for design review within specific plan areas;

2. To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a specific plan;

3. To promote the general welfare of the community;

4. To protect the community from the adverse effects of poor design; and

5. To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.

B. Relationship To Provisions Of Specific Plans.

The provisions of this section do not convey any rights not otherwise granted under the provisions and procedures contained in any specific plan, except as specifically provided.

If any procedure established in a specific plan governing a design review board created by or authorized to act pursuant to the specific plan, differs from any procedure set forth in this section, the provisions of this section shall prevail.

C. **Design Review Determination.** The initial decision-maker shall be the Director for all design review decisions. These decisions shall be appealable to the Area Planning Commission which has jurisdiction over the property involved.

D. Design Review Boards.

1. Authority.

(a) Notwithstanding any provisions of a specific plan to the contrary, no design review required by a specific plan shall be recommended for approval by a design review board or approved by the Director except as provided in this section.

(b) No building permit shall be issued for any building or structure regulated by a specific plan where design review is required, unless the Director has reviewed and approved the project

existing or to be constructed on a lot shown on said map, as sites for the construction of model dwellings. The Advisory Agency is authorized to designate said sites only if it determines that they comply, or can be made to comply with the design standards for sites for model dwellings as hereinafter set forth in Section 17.05 of this article.

The Advisory Agency, acting in the capacity of an Associate Zoning Administrator, shall have the authority to reduce the width of required passageways pursuant to Section 12.21 C.2.(b) to no less than five feet between habitable buildings and detached condominiums, unless the Fire Department determines that the reduction would result in a safety hazard. And shall have the authority to grant deviations of no more than 20 percent from the applicable area, yard, and height requirements. The subdivider must ask for adjustments at the time of filing. In permitting adjustments, the Advisory Agency shall make the findings contained in Section 12.28 C.4. **(Added by Ord. No. 176,321, Eff. 1/15/05.)**

The reductions/deviations shall be included in the written decision of the Advisory Agency. Notification and appeal rights to such reductions/deviations shall conform to Section 17.06 A. **(Added by Ord. No. 176,321, Eff. 1/15/05.)**

If the final decision-maker imposes a condition as part of an action on a related application that differs from a condition of approval on a tentative tract map, then the Advisory Agency shall have the authority to make the tract map conditions consistent with the final decision-maker's action. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

B. Procedure. The Advisory Council shall not act upon any Tentative Map until 39 days time has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee. Where said reports have been mailed to the subdivider within the 39-day period, the Advisory Agency shall not act until five days' time has elapsed from the date of mailing of a copy of all such reports to the subdivider. Every Tentative Map shall be considered by the Advisory Agency at a public meeting. **(Amended by Ord. No. 137,891, Eff. 1/8/69.)**

C. Modifications. The Advisory Agency is authorized to approve or disapprove requests by a subdivider for minor modifications in the Conditions of Approval for a Tentative Map, but such action shall

not extend the time for filing of a Final Map with the City Engineer. Such decisions shall be made in accordance with the provisions of Section 17.11 and shall be subject to the same appeal as is provided for appeals from the decision of the Advisory Agency on Tentative Maps.

D. Subdivision of Air Space. (Amended by Ord. No. 168,132, Eff. 9/3/92.) Notwithstanding any provision of this chapter to the contrary, in any zone, the Advisory Agency is authorized to approve, conditionally approve or disapprove a preliminary parcel map or a tentative tract map showing one or more air space lots (as defined in Section 12.03 of this Code), provided that such air space lots are created in accordance with the provisions of Chapter 1, Article 7 of this Code.

The Advisory Agency shall require, as a condition of approval of any tentative tract map or preliminary parcel map showing one or more air space lots, that the final map or parcel map showing such air space lots be based upon a site plan which accurately describes the location of such lots. After recordation of such map and upon construction of the buildings or structures within the air space lots, if it is determined by the Department of Building and Safety that there are minor discrepancies between the site plan and the actual physical location of the air space lots in such buildings or structures, lot lines for the air space lots may be adjusted as necessary through the parcel map exemption procedure set forth in Los Angeles Municipal Code Section 17.50 B.3.c.

SEC. 17.04. SUBDIVISION COMMITTEE.

(Amended by Ord. No. 152,425, Eff. 6/29/79.)

There is hereby created a Subdivision Committee. This committee shall be composed of the following officers of the City or their duly authorized representatives:

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Engineer and General Manager of the Department of Water and Power;

The General Manager, Department of General Services; **(Oper. 7/1/79.)**

The General Manager of the Department of Recreation and Parks;

The General Manager of the Department of Transportation;

The Director of the Bureau of Street Lighting of the Department of Public Works.

It shall be the duty of the Committee to meet with the Advisory Agency and to make recommendations upon all Tentative Maps, Private Street Maps, and such other matters as are presented to it by the Advisory Agency. The Committee shall hold regular meetings for this purpose. All such meetings shall be open to the public and any persons having an interest in pending maps may be heard.

The General Manager of the Department of Recreation and Parks shall submit a report to the Advisory Agency respecting each application for subdivision approval. Said report shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both for the acquisition and development of park or recreational sites and facilities to serve the future inhabitants of such subdivision, all in accordance with the limitations specified in Section 17.12 of this article. To the extent possible, the report shall also specify when the development of the park or recreational facilities will be commenced.

For purposes of reviewing and submitting recommendations to the Advisory Agency on mobilehome park closure impact reports pursuant to Section 47.09 of this Code only, the Subdivision Committee shall also include a representative of the Rent Stabilization Division of the Los Angeles Housing Department, in addition to the above listed representatives. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

SEC. 17.05. DESIGN STANDARDS.

A. Street Standards Committee. There is hereby created a Street Standards Committee (Committee) to be composed of the Director of Planning, as Chair, the City Engineer and the General Manager of the Department of Transportation, or their designees. (Amended by Ord. No. 184,718, Eff. 3/4/17.)

This Committee shall:

1. Recommend to the Commission minimum width and improvement standards for all classes of public and private streets and alleys. The Commission shall adopt such minimum width and improvement standards as it determines are necessary for the safe and adequate movement of pedestrians, bicyclists, transit service and vehicular traffic, the increased retention and detention of stormwater, the installation of necessary utilities and for reasonable and proper access to abutting properties. Such standards shall not be applicable to any street or alley for which the City Council, by ordinance, adopts specific standards.

2. Modify the Complete Street Design Guide (CSDG) on an as-needed basis to align the CSDG with current and innovative street design practice.

B. Adoption of Standards. A public hearing shall be conducted by the Commission prior to the approval of any change in the standards. (Amended by Ord. No. 184,718, Eff. 3/4/17.)

C. Conformance To General Plan. Each Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map. (Amended by Ord. No. 156,960, Eff. 8/27/82.)

In addition, where a Tentative Map involves land for which a General Plan including dwelling unit densities has been adopted by the Council, and said land is also in an "H" Hillside or Mountainous Area established by Article 2 of this chapter, the number of lots on said map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations shall not substantially exceed the dwelling unit densities shown on said plan. (Amended by Ord. No. 149,402, Eff. 4/18/77.)

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. (Amended by Ord. No. 179,076, Eff. 9/23/07.)

SEC. 19.11. ANNUAL INSPECTION OF COMPLIANCE WITH FLOOR AREA RATIO AVERAGING AND RESIDENTIAL DENSITY TRANSFER COVENANTS.

(Title and Section Amended by Ord. No. 182,451, Eff. 4/4/13.)

A fee of \$300.00 shall be charged and collected by the Department of Building and Safety to cover the cost of an annual inspection to monitor compliance with, and maintain records of, the covenant required pursuant to Sections 12.24 B.25. and 12.24 C.58. of this Code prior to July 1, 2000, and Section 12.24 W.19. of this Code on and after July 1, 2000.

SEC. 19.12. [DEVIATIONS PURSUANT TO SECTION 16.03 E.]

(Amended by Ord. No. 180,191, Eff. 10/23/08.)

Applicants for determinations by the Zoning Administrator for deviations pursuant to Section 16.03 E. of this Code shall pay a fee of \$797.00.

SEC. 19.13. SURCHARGE FOR AUTOMATED SYSTEMS FOR THE DEPARTMENT OF CITY PLANNING.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Operating Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code a surcharge in an amount equal to the greater of 7 percent of the fee or \$1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited and maintained in the City Planning Systems Development Fund pursuant to Los Angeles Administrative Code Section 5.457 for the maintenance and operation of automated systems. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37.

B. Development Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code an automated systems development surcharge in an amount equal to the greater of 6 percent of the fee or \$1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited into the City Planning Systems Development Fund pursuant to Los Angeles Administrative

Code Section 5.457. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37. (Amended by Ord. No. 176,489, Eff. 4/13/05.)

SEC. 19.14. FEES FOR ENFORCEMENT OF HOUSING COVENANTS.

(Amended by Ord. No. 184,654, Eff. 1/16/17.)

(a) Unless a fee Exemption pursuant to Section 19.14(b) applies, the following fees shall be charged and collected by the Los Angeles Housing Department (Department) for the preparation, enforcement, monitoring, and associated work relating to the affordable housing covenants described in Sections 12.22 A.25.(h)(1) through (3), 12.22 A.29.(d)(1) through (2), and 14.00 A.10.(c)(2) of this Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

Type of Service:	Fee:
Housing Replacement Determinations pursuant to AB 2222	\$1,027.00 per unit
Affordable Housing Covenant Preparation	\$5,770.00* per project
Affordable Housing Covenant Amendments	\$5,770.00 per amendment
Affordable Housing Covenant Assumptions and Terminations	\$1,214.00 per assumption or termination
Affordable Housing Covenant Monitoring	\$173.00* per restricted unit, per year
Filing Fee	\$43.00* per project

(b) **Fee Exemption:** New projects subject to an affordable housing covenant described in Section 19.14(a) wherein at least 50% of the units are restricted for use as permanent supportive housing shall be exempt from the fees above marked with an asterisk.

(c) Any owner or landlord of a project subject to an existing affordable housing covenant in effect prior to the effective date of the fees set forth in Section 19.14(a) and which contains a conflicting monitoring fee amount, shall be subject to the fee set forth in the existing covenant.

(d) The fees in Section 19.14(a) shall be fully due and payable at the time of the request for service, except for the affordable housing monitoring fees, which may be paid pursuant to the options set forth in Section 19.14(e).

(e) The affordable housing covenant monitoring fees may be pre-paid in full at or before the time of the recording

of an underlying affordable housing covenant or billed annually to an owner or landlord upon the issuance of the Certificate of Occupancy for the project subject to an underlying affordable housing covenant. **(Amended by Ord. No. 184,907, Eff. 5/17/17.)**

(f) The Department shall have the right to bring legal action in any court to collect the amount of any outstanding fees. The Department may make such rules and regulations as may be necessary to carry out the provisions of this section.

**SEC. 19.15. DEPARTMENT OF
TRANSPORTATION TRAFFIC STUDY
REVIEW, CONDITION CLEARANCE AND
PERMIT ISSUANCE FEES.
(Amended by Ord. No. 183,270, Eff. 12/15/14.)**

(a) **Fees.** The following specific fees shall be paid to the Department of Transportation (Department) for the preparation and processing of traffic reports, clearance of conditions and permit sign-offs in connection with obtaining any environmental clearance and/or permit issuance related tasks.

- (1) Building Permit Sign Offs
(Note 1). \$365
- (2) Dedication & Widening Waivers. . . \$445
- (3) Department Referral Form
(Note 2). \$430
- (4) Driveway Permit Sign Offs
(Note 3). \$535
- (5) Haul Route Review. \$420
- (6) Master Plan / Complex Circulation
Review (Note 4). \$1,595
- (7) Project Condition Clearance
(Note 5). \$270
- (8) Revocable Permit. \$205
- (9) Street Vacation Requests. \$965
- (10) Subdivision Report. \$205
- (11) TDM Compliance / Trip Monitoring
Report Review. \$770

- (12) Technical Study
(Note 6). \$1,340
- (13) Traffic Study MOU. \$1,175
- (14) Traffic Study Review
(Note 7). \$7,480
- (15) Traffic Study Review / Plan
Review - Expedited. . . See Subsection (c)
- (16) Worksite Traffic Control Plan
Review (non B-permit). \$1,645

Note 1: For a project with multiple addresses and permits (i.e., multi-family units), \$365 should be charged per distinct site plan and not per unit. For example: if, for a 100 unit small lot subdivision condominium project, each unit falls into one of three different site plan options, then the Department review fee should be \$1,110 (\$370 X 3) even if there are 100 separate building permits to approve.

Note 2: The Department Referral Form may also be submitted to the Department in the form of an Initial Site Assessment Form or a Site Plan Review Form. If this is the case, the Department Referral Form fee still would apply.

Note 3: When reviewing a Building Permit application that also includes a Driveway Permit Sign Off, the applicant should not be charged two fees (Building Permit and Driveway Permit). Instead, the applicant should be charged only the Building Permit fee if the driveway plan does not include a new curb cut. If the driveway plan does include a new curb cut, then the applicant only should be charged the Driveway Permit Sign-Off fee.

Note 4: This fee applies to Master Plan type developments or large scale projects with complicated circulation plans that require considerable staff time to help applicant arrive at an acceptable access and circulation plan.

Note 5: \$270 for the first three condition clearances plus \$200 for each additional condition clearance.

Note 6: A "technical study" can include technical memorandums (defined in LADOT's Traffic Study Guidelines), trip generation assessments, traffic study supplements, shared parking analyses, etc. The fee includes the cost to process a study MOU, if required.

amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

c. An Applicant for a Development Project who submits a Building Permit Application or a complete Planning or zoning entitlement application (whichever is first) 306 days after the effective date of this ordinance shall pay two-thirds of the total Linkage Fee amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

d. An Applicant for a Development Project who submits a Building Permit Application or a complete planning or zoning entitlement application (whichever is first) 485 days or more after the effective date of this ordinance shall pay the total Linkage Fee amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

2. **Exemptions.** The Department of Building and Safety shall determine whether any of the following exemptions apply to a Development Project based on documentation submitted by the Applicant prior to the issuance of the building permit. The fee imposed by this section shall not apply to construction that includes any the following:

a. Less than 15,000 square feet of Additional Nonresidential Floor Area in any nonresidential building, other than parking garages and parking facilities, as determined by the Department of Building and Safety.

b. Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low

income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

c. Any Development Project being constructed by, or on behalf of: 1) a government or public institution such as a school, museum, homeless shelter or other similar projects that are intended for community use; or 2) any private Elementary and/or High School.

d. Any hospital. For purposes of this section, "hospital" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

e. A single-family detached home meeting one or more of the following conditions:

(1) Any addition of 1,500 square feet or less of Floor Area to an existing single-family detached home located in a single-family or multiple-family zone.

(2) New construction of any single-family detached home located in a single-family zone that is 1,500 square feet or less of Floor Area.

(3) Any replacement of a single-family detached home resulting in a net increase of 1,500 square feet or less of Floor Area from the prior home that existed on the property.

f. Either (1) an addition of 1,501 square feet or more of Floor Area to an existing single-family detached home located in a single-family zone, or (2) a replacement of a single-family detached home resulting in a larger single-family detached home with a net increase of 1,501 square feet or more of Floor Area from the prior home that existed on the property; provided, however, in either event, a covenant shall be recorded against the property prior to the issuance of a building permit for such addition or replacement requiring the owner of the property to pay the Linkage Fee if the home is sold within three years of the issuance of such building permit. The covenant shall automatically expire at the end of such three-year period, if no sale of the property has occurred during such three-year period. However, in the event of a sale of the property within such three-year period, the covenant shall not expire until a notice of covenant termination is recorded. A notice of covenant termination shall be provided by the City upon full payment of Linkage Fee due, based on the fee schedule in effect at the time of payment. The covenant shall run with the land and bind all successive owners of the property until the Linkage Fee is fully paid.

g. An Accessory Dwelling Unit as defined by California Government Code Section 65852.2.

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 replacement and inclusionary housing obligations set forth in the Specific Plan for the Central City West Area. **(Amended by Ord. 186,370, Eff. 12/10/19.)**

i. A residential project that is subject to a greater affordable housing fee requirement or is required to provide one or more physical housing units pursuant to the Mello Act in order to satisfy its inclusionary housing obligations. In that case, the residential component of the project shall be exempt from the Linkage Fee requirements of this Section. Nonresidential portions of mixed-use Coastal Zone projects shall be analyzed separately from residential portions of mixed-use projects for the purposes of the Linkage Fee requirements of this section. Nonresidential

portions of such projects shall be subject to this section. The provision of housing units or in-lieu fees to satisfy replacement housing obligations under the Mello Act (as opposed to inclusionary housing obligations) shall not exempt a project from the Linkage Fee requirements of this section.

j. A Residential Development Project that is subject to affordable housing requirements pursuant to any land use policy or ordinance or development agreement that exceeds the Linkage Fee requirements of this section in either fee amount or on-site affordable housing percentages provided in paragraph 19.18 B.2.b.

k. A Residential Development Project that is subject to affordable housing and labor requirements pursuant to LAMC Section 11.5.11.

l. Any Grocery Store, provided there is no existing Grocery Store within a one-third (1/3) mile radius of the Development Project site.

m. Any Adaptive Reuse Project that is a designated Historic-Cultural Monument and is being converted to a residential use.

n. Any nonresidential Floor Area within a Development Project that is located in the South Los Angeles Transit Empowerment Zone, also referred to as the "Slate-Z" Promise Zone Area, located in Low Market Areas according to the nonresidential area map. This exemption shall only apply to Development Projects for which a Building Permit Application or complete planning or zoning entitlement application is submitted within three years of the effective date of this ordinance. This exemption will no longer be valid three years after the effective date of this ordinance.

3. Protests, Adjustments and Waivers.

a. An Applicant may protest the imposition of the Linkage Fee and request that the requirements of this section be adjusted or waived pursuant to Government Code Section 66020, et seq., based on a showing that the application of the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the Development Project. Protests shall be filed with the Director.

b. On or before the date on which payment of the Linkage Fee is due, the Applicant shall pay the amount required by this section and serve a written notice to the Director with all of the following information: (1) a statement that the required payment is tendered, or will be tendered when due, under protest; and (2) a statement informing the Director of the factual elements of the dispute and the legal theory forming the basis for the protest or request for adjustment or waiver, along with the substantial evidence that supports the protest or request, including any supporting documentation. The protest must be filed at the time of approval or conditional approval of the Development Project or within 90 days after the imposition of the Linkage Fee. The City shall provide the Applicant with written notice as required by Government Code Section 66010(d)(1), as that section may be amended from time to time.

c. If the Director determines that application of the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to a Development Project, the fee requirements shall be adjusted or waived to reduce the obligations under this section to the extent necessary to avoid an unconstitutional result. The Director shall render a decision within 75 days from the date the protest was received.

d. If an adjustment or waiver is granted, any change in the Development Project shall invalidate the adjustment or waiver. If the Director determines that no violation of the federal or state constitution would occur through application of this section, the requirements of this section shall remain fully applicable.

e. Failure of an Applicant to comply with the protest requirements of this Section or Government Code Section 66020, et seq., shall bar that Applicant from any action or proceeding or any defense of invalidity or unreasonableness of the imposition of the Linkage Fee.

C. Fee Calculation.

1. The City Council shall adopt, by resolution, a Linkage Fee schedule based on an analysis of the cost of mitigating the impact of the additional demand

for affordable housing caused by Development Projects, and on the varying levels of economic feasibility in different geographic areas of the City based on current market conditions. The City Council shall also adopt, by resolution, a map or maps establishing the respective market areas throughout the City that inform the amount of the Linkage Fee to be assessed for a given Development Project.

2. For each Development Project, the Linkage Fee shall be calculated as the amount of new or added Floor Area in the Development Project devoted to the uses described in the Linkage Fee schedule, as determined by the Department of Building and Safety, multiplied by the amount of the applicable fee, as found in the most recent Linkage Fee schedule adopted by City Council, at the time the building permit for the Development Project is issued, minus any deductions or credits.

3. Fee Adjustments and Reports.

a. **Annual Inflation Adjustment.** The Linkage Fee shall be adjusted annually for inflation beginning on July 1, 2018, by the Director in accordance with the latest change in year-over-year Consumer Price Index for Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County area, or if such index ceases to be published, by an equivalent index chosen by the Director. An updated Linkage Fee schedule shall be maintained by the Department of City Planning, which shall provide a copy of the adjusted schedule to the Mayor and City Council each year.

b. **Five-Year Market Area Adjustment.** Every five years, beginning on July 1, 2018, the Director, in association with LAHD shall undertake a new market area analysis and adjust market areas and geographies, where necessary, to reflect the most up to date rental and sales price information for each of the market areas. Any change to the Linkage Fee schedule other than the Annual Inflation Adjustment described in Paragraph (a) above shall be adopted by resolution of the City Council. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

4. Deductions or Credits.

a. **Change of Use.** If the Development Project is the result of a change of use from

nonresidential to residential, the Linkage Fee to be paid is the result of subtracting the equivalent fee amount that either was paid or would have been paid, based on the pre-existing use, from the fee amount required to be paid for the new use based on the most recent Linkage Fee schedule approved by the City Council. Deductions or credits shall not be applied to any portion of a Development Project comprised of additional Floor Area resulting from new construction. The calculation of a deduction or credit shall not result in a refund to an Applicant or be applied as a credit to another Development Project in a different location.

b. **Affordable Housing Units.** Any Restricted Affordable Units as defined in Section 12.22 A.25. of this Code may be subtracted from the total number of dwelling units or guest rooms in a building in determining the required Linkage Fee.

c. **Mixed Use.** The first 15,000 square feet of nonresidential use in a mixed-use building shall be excluded from the calculation of Floor Area for the purposes of determining the required Linkage Fee.

d. **Transfer of Floor Area Rights.** Any additional Floor Area that is obtained by a Development Project through the provision of public benefit payments pursuant to LAMC Section 14.5.9 shall be excluded from the calculation of Floor Area for purposes of determining the Linkage Fee for the Development Project.

e. **Other Affordable Housing Requirements.** In calculating Floor Area for purposes of determining the Linkage Fee for a Development Project, the following shall be excluded from that calculation:

(1) the Floor Area of the residential portion of a mixed-use Development Project that is subject to affordable housing requirements pursuant to any land use policy or ordinance or development agreement that exceeds the Linkage Fee requirements of this section in either fee amount or on-site affordable housing percentages provided in paragraph 19.18 B.2.b.

(2) the Floor Area of the residential portion of a mixed-use Development Project that is subject to affordable housing and labor requirements pursuant to LAMC Section 11.5.11.

f. **Land Dedication.** If the Los Angeles Housing Department accepts, on behalf of the City, an offer by an Applicant to dedicate land offsite from the proposed location of the Development Project for the purpose of building affordable housing, the value of the land to be dedicated, to be determined as the average of two independent appraisals funded by the applicant, may be deducted from the Linkage Fee amount owed for the Applicant's Development Project. If the value of the dedicated land is more than the Linkage Fee owed for the Applicant's Development Project, the City shall bear no responsibility for the difference in value, nor shall that overage be applied as a credit to any future Development Project. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

5. **Payment of Linkage Fee.** The Linkage Fee is due and payable by the Applicant prior to the issuance of a building permit for a Development Project. No additional fee shall be required for a project seeking an extension of an expired building permit.

6. **Refunds of Linkage Fee.** Any fee paid under the provisions of this section may be refunded to an Applicant if the application for the building permit has expired and was not utilized to begin construction of a Development Project.

D. Severability. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

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extension, regardless of whether said use was approved concurrently with an eligible approval.

2. Extension of Term-Limited Grants.

Notwithstanding any condition of approval that specifies an expiration date or term limit for a conditional use or other quasi-judicial approval(s), where the expiration date occurs during the local emergency that expiration date is automatically extended for the term of the local emergency, plus up to an additional 12 months when the criteria in Section 16.02.1 D.3. are met.

(a) **Multiple Approvals.** Notwithstanding any other provision of this Code to the contrary, if an eligible conditional use or other quasi-judicial approval is part of a project that has multiple approvals and any of the approvals include a condition with a separate expiration date or term limit, said expiration date shall be extended concurrently with the eligible approval.

(b) **Exception.** The uses listed in Section 16.02.1 D.3.(a) shall not be granted an extension regardless of whether said use was approved concurrently with an eligible approval.

3. Eligibility.

(a) Only a conditional use or quasi-judicial approval listed in Section 12.24 is eligible for the time extension.

Exception. No conditional use or other quasi-judicial approval related to fossil fuel extraction, fossil fuel production, fossil fuel storage, or hazardous waste facilities is eligible for the time extension within this section. This includes, but is not limited to, the following:

Section 12.24 U.10. Hazardous waste facilities in M2 and M3 zones.

Section 12.24 U.11. Hazardous waste facilities in M3 zones.

Section 12.24 U.17. Natural resources development.

Section 12.24 U.18. Onshore installations required in connection with the drilling for or production of oil, gas or hydrocarbons, under specified conditions.

Section 12.24 U.29. Petroleum-Based Oil Refineries.

Section 12.24 W.47. Temporary geological exploratory core holes in all zones except the M3 Zone, under specified conditions.

(b) **Revocation.** Businesses or properties that are or have been the subject of revocation proceedings that resulted in corrective conditions or revocation are not eligible for a time extension.

(c) **Application.** In order to benefit from the relief provided by these provisions, an application to verify eligibility shall be filed and a fee paid, in accordance with procedures set forth by the Department of City Planning.

(d) **Original Approval.** The Director or designee shall verify that the prior discretionary approval and existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension.

(e) **Notification.** The applicant shall notify, in accordance with the procedures set forth by the Department of City Planning, the Los Angeles Police Department, the Department of Building and Safety, and the City Councilmember whose district includes any portion of the property as part of the application process for the extension of the time limits.

D. Automobile Parking Relief.

1. **Changes of Use.** Notwithstanding Section 12.21 A.4., 12.23 B.8.(b), or any other Code section, ordinance, or specific plan to the contrary, when plans are submitted and accepted by the Department of Building and Safety for a change of use during an emergency declaration and after the adoption of a resolution by City Council invoking the provisions of this section, the change of use shall not trigger increased automobile parking beyond that required by the existing approved use if all the following requirements are met:

(a) Requirements.

(1) The change of use is limited to a nonresidential use allowable pursuant to the zoning applicable to the property's location.

(2) The building wherein the change of use is occurring has one of the following: a valid certificate of occupancy; temporary certificate of occupancy; or a building permit if the building predates the certificate of occupancy requirement. The aforementioned documents must have been issued prior to the declaration of the local emergency related to the City Council's resolution invoking this section.

(3) The automobile parking relief only applies to the first 5,000 square feet of Floor Area for any tenant space. Any Floor Area in excess of 5,000 square feet for said tenant space shall conform to the automobile parking requirements in LAMC Section 12.21 A.4., Section 12.23 B.8.(b), and any applicable Specific Plan, inclusive of any aggregate Floor Area, including Floor Area sectioned from a separate tenant space that may have been previously eligible or approved for the automobile parking reduction enumerated within this subdivision.

(4) Any additions to the building occurring during the invocation of this section by City Council resolution, and which result in an increase of Floor Area are limited to the area within the existing walls and existing roofline of the building, and do not include any outdoor space.

(5) No net loss of guest rooms and/or dwelling units result from the change of use.

(b) **Consistency.** The relief provided in this subdivision is limited to the provisions enumerated herein, and any project for which relief is sought shall otherwise be consistent with this Code and the General Plan.

2. Outdoor Eating Areas. Notwithstanding any provisions of this Code or any Zoning Administrator interpretations of this Code to the contrary, any new or expanded Outdoor Eating Area

shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor Eating Area during the period that these provisions are invoked, pursuant to this section if the following requirements are met:

(a) **Eligibility.** Only permitted establishments with verifiable indoor seating for on-premise dining are eligible for the relief provided within this subdivision.

(b) **Consistency.** The relief provided in this subdivision is limited to the automobile parking provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.

(c) **Termination.** Whenever the provisions of this section cease to apply, the automobile parking requirements that existed prior to the declaration of the local emergency shall be met, and any Outdoor Eating Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

3. Conditions of Approval. Notwithstanding any provisions of this Code, ordinance, or Specific Plan to the contrary, any condition of approval that requires valet automobile parking or off-site automobile parking is suspended and shall not be enforced during the period when these provisions are invoked, if all the following requirements are met:

(a) **Eligibility.** Only the following grants are eligible for relief, and only if they were approved or active during the period that these provisions are invoked.

Section 11.5.7 E. Project Permit Adjustments.

Section 11.5.7 F. Exceptions from Specific Plans.

Section 12.24 Conditional Use Permits and Other Similar Quasi-Judicial Approvals. Inclusive of the entire Section.

Section 12.27 Variances.

Section 12.28 Adjustments and Slight Modifications.

Section 12.32 Land Use Legislative Actions.

(b) **Existing Covenant.** The suspension of enforcement activity as a result of the invocation of the provisions of this section shall not be construed to terminate or void any recorded covenant documenting valet or off-site parking requirements.

(c) **Termination.** Whenever the provisions of this section cease to apply, all conditions of approval and associated covenants shall be enforced and, if the conditions were never met, the applicant shall provide verification to the Department of City Planning, in accordance with procedures set forth by the Department of City Planning, within 90 days of the termination of the provisions of this section.

SEC. 16.03. RESTORATION OF DAMAGED OR DESTROYED BUILDINGS.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Nonconforming. Notwithstanding any other provisions of this article to the contrary, a building nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking, off-site signs or other nonconforming provisions of the Los Angeles Municipal Code, which is damaged or destroyed as a result of the declared emergency may be repaired or reconstructed with the same nonconforming use, yards, height, number of stories, lot area, floor area, residential density, loading space, parking or off-site signs as the original building. Provided, however, that repair or reconstruction shall be commenced within two years of the date of damage or destruction and completed within two years of obtaining a permit for reconstruction. Provided, further, that neither the footing nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Planning Department upon the recommendation of the City Engineer.

The provisions of this section shall supersede any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681), Section 16.05 and the City's hillside regulations under Section 12.21 A.17. (except for Paragraphs (d) and (e)). Notwithstanding any provision in this section to the contrary, any existing

provision of law regulating the issuance of building or demolition permits for buildings or structures currently with historical or cultural designations on the federal, state and City lists shall remain in full force and effect. All Historic Preservation Overlay Zone regulations shall continue in full force and effect with respect to the demolition, repair and reconstruction of damaged or destroyed buildings or structures.

For purposes of this subsection, a building or structure may only be demolished and rebuilt to its non-conforming status, relative to the provisions of this Code, any Interim Control Ordinances, Interim Plan Revision Ordinances, Specific Plans (except for the South Central Alcohol Beverage Specific Plan, Ord. No. 171,681) and the City's hillside regulations under Section 12.21A17 (except for Paragraphs (d) and (e)), if the building or structure either is destroyed or is "damaged" in the following manner:

1. Any portion of the building or structure is damaged by earthquake, wind, flood, fire, or other disaster, in such a manner that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and is less than the minimum requirements of this Code for a new building or structure of similar structure, purpose or location, as determined by the Department of Building and Safety; and

2. The cost of repair would exceed 50 percent of the replacement cost of the building or structure, not including the value of the foundation system, as determined by the Department of Building and Safety.

Nothing here shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth in Section 12.23 of this Code that were applicable to the site prior to the events which necessitated the declaration of the emergency.

If issues of interpretation relating to the above provisions arise, the Zoning Administrator is hereby authorized to resolve those issues in light of the scope and purposes of this subsection.

Notwithstanding the time periods described above or in Section 16.04.2, nonconforming properties damaged during the January 17, 1994 Northridge Earthquake shall have until January 17, 1999 to obtain building permits for repair or reconstruction; and that work shall be completed within two years of obtaining building permits. The City Council may, by resolution extend these time periods for one additional year.

B. Conditional Uses and Public Benefits. The following conditional uses and public benefits are considered to be of such importance and their expeditious replacement is of such value to the health and safety of the community that they are hereby granted an exemption from the plan approval process required by Section 12.24M, provided that the structures containing these uses are rebuilt as they lawfully existed prior to their destruction, with the same building footprint and height.

Conditional Uses and Public Benefits

Airports or aircraft landing fields

Correctional or penal institutions

Educational institutions

Libraries, museums, fire or police stations or governmental enterprises

Piers, jetties, man-made islands, floating installations

Public utilities and public service uses and structures

Schools, elementary and high

Electric power generating sites, plants or stations

OS Open Space Zone uses

Child care facilities or nursery schools

Churches or houses of worship

Hospitals or sanitariums

If issues of interpretation or administration relating to the above exemptions arise, the Director is authorized to resolve those issues in light of the scope and purposes of this subsection. **(Para. Amended by Ord. No. 173,492, Eff. 10/10/00.)**

C. Notwithstanding Subsections A and B above, the following five uses shall not be exempt from the provisions of this Code, interim control ordinances, specific plans, and interim plan revision ordinances: establishments dispensing alcoholic beverages for consideration, swap meets, gun shops, pawnshops and automobile repair establishments.

D. Highway and Collector Street Dedication and Improvement. For any lot identified by the City as having sustained damage during and as a result of the situation causing the declared emergency, the issuance of a building permit for a new development on that site shall not require improvement of frontage for major or secondary highway and collector street widening purposes under Section 12.37A.

Nothing here shall prevent a property owner from voluntarily improving the right of way and undertaking public improvements which conform to the applicable sections of this Code.

E. The Zoning Administrator may grant deviations of no more than ten percent from the City's floor area, height, yard, setback, parking, and loading space requirements for buildings and structures damaged or destroyed in an emergency declared by the Governor when the deviations are necessary to accommodate the requirements of the Americans With Disabilities Act, Federal Fair Housing Amendments Act of 1988, the California Code of Regulations, Title 24, provided he or she finds:

1. That the deviations are not likely to cause an undue burden on nearby streets or neighboring properties;
2. That the grant is not likely to evoke public controversy; and
3. That the development cannot feasibly be designed to meet the requisite disabled access standards without the deviations.

Prior to acting on an application for a deviation, the Zoning Administrator shall give notice to all adjoining property owners and shall hold a public hearing. The Zoning Administrator may waive the public hearing if he or she makes the two findings in Section 16.02B. The notice and procedures provided in Section 16.01 shall be followed for granting any deviation.

SEC. 16.04. CRITICAL RESPONSE FACILITIES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an

emergency, have the authority to issue a temporary permit for the duration of the emergency, on any lot, regardless of zone, for any police, fire, emergency medical or emergency communications facility which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

SEC. 16.04.1. SHORT-TERM TEMPORARY USES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Authority of the Department of Building and Safety. Notwithstanding any other provision of this Code to the contrary, the Department of Building and Safety shall, during the first six months following the declaration of an emergency, have the authority to issue a temporary 90-day permit on any lot, regardless of zone, for any temporary use which will aid in the immediate restoration of an area adversely impacted by a severe fire, storm, earthquake, similar natural disaster, or a civil or military disturbance, and declared by the Governor as an emergency area, provided that the department shall maintain records of all temporary permits.

SEC. 16.04.2. ACTIVATION AND TERMINATION OF EFFECT.

(Amended by Ord. No. 187,096, Eff. 7/1/21.)

The provisions of this article shall be applicable to a particular area upon the declaration of an emergency by the Governor relating to that area, pursuant to state law. The provisions of this article shall cease to be applicable to a particular area two years following the date of declaration of emergency, and for one additional year if an extension is approved by the City Council, provided, however, that the provisions of this article shall be considered as still remaining in full force and effect thereafter for the purpose of maintaining or defending any civil or criminal proceeding with respect to any right, liability or offense that may have arisen under the provisions of this article during its operative period, or with respect to enforcing any condition of approval of the temporary land use permit. The City Council may also extend by resolution any other time limits in this article for one additional year. Notwithstanding the provisions within this section to the contrary, the provisions in Section 16.02.1 shall only be activated by following the procedure outlined in Section 16.02.1 B.

SEC. 16.11. GREEN BUILDING TEAM.**(Added by Ord. No. 179,820, Eff. 5/29/08.)**

The Green Building Team's mission is to encourage innovation, to remove obstacles to green building, and to facilitate the City's sustainable green building objectives.

A. Composition. (Amended by Ord. No. 186,325, Eff. 11/11/19.) The Green Building Team shall be composed of the following officers of the City or their duly authorized representatives:

The Mayor's Office, as Chairperson;

City Council President, as co-chairperson;

Chairperson, Energy and Environment Committee of the City Council, as co-chairperson;

Chairperson, Planning and Land Use Management Committee of the City Council, as co-chairperson;

Chief Legislative Analyst;

The Director of Planning;

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Executive Officer and General Manager of the Department of Water and Power;

The General Manager of the Los Angeles Housing Department; and **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

The Director of the Bureau of Sanitation of the Department of Public Works.

Officers or their authorized representatives from additional departments shall participate as needed and may include:

The City Attorney;

The General Manager of the Department of Transportation;

The Director of the Bureau of Street Services of the Department of Public Works;

The Director of the Division of Urban Forestry of the Bureau of Street Services of the Department of Public Works;

The General Manager of the Harbor; and

The General Manager of the Los Angeles World Airport.

B. Relationship with Other Agencies. The Team shall invite representatives of the County of Los Angeles, the Metropolitan Transit Authority, Los Angeles Community Colleges, Los Angeles Unified School District, the Southern California Gas Company, and other agencies to participate as issues warrant.

C. Responsibilities.

1. Meetings. The Green Building Team shall hold regular public meetings on a monthly basis. The initial meeting shall be convened by the Chairperson. The posting of public notices, and the taking and reporting of minutes shall be the responsibility of the Chief Legislative Analyst.

2. Reports. The Team shall provide an annual report to the City Council as to the issues and innovations that have been brought to the Team's attention and shall further outline proposed steps to remediate any concerns and obstacles to green building development and/or innovations. The Team shall establish a process for identifying and tracking all LEED® certified developments in the City. Prior to April 22nd of each year, the Team shall issue a Green Building Report Card, which recognizes green building developments the Team determines to be of significance.

3. Legislative Recommendations. The Team shall review and suggest modifications to the City's Codes on an on-going basis, to promote green building construction, and to facilitate the City's sustainable green building objectives.

4. **Recommendations for Standard of Sustainability.** The Team shall review in alternate years, the thresholds and corresponding green building standard(s) by which projects are required to comply with the Standard of Sustainability. The Team shall recommend any necessary adjustments to the Department of City Planning for preparation of appropriate code amendment(s).

5. **Standard of Sustainable Excellence.** The Team shall review annually the incentives and their effectiveness in encouraging projects to pursue the Standard of Sustainable Excellence. The Team shall make recommendations to the appropriate board or commission should alternative incentives be advised.

6. **Staff Education.** The Team shall record the educational efforts achieved by each department on an annual basis and report this information to the City Council.

7. **Public Outreach.** The Team and, in particular, the Chairperson and Co-Chairpersons, shall be the City's public spokespersons in regards to any and all issues relative to private sector green building. The Team shall develop and maintain a public outreach program for, but not limited to, architects, engineers, developers, land use attorneys, contractors, builders, employers, and City residents.

D. **Termination.** The provisions of Subsection F. shall be repealed and terminate on December 31, 2010. (Added by Ord. No. 181,479, Eff. 12/27/10.)

SEC. 16.50. DESIGN REVIEW BOARD PROCEDURES.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. **Purpose and Objectives.** The role of design review boards is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in specific plans. Design review boards should assist the City decision-makers, the community, private developers, property owners, and design professionals in implementing the design goals of communities contained within specific plan boundaries.

The objectives of this section are as follows:

1. To establish uniform citywide procedures for design review within specific plan areas;

2. To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a specific plan;

3. To promote the general welfare of the community;

4. To protect the community from the adverse effects of poor design; and

5. To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.

B. Relationship To Provisions Of Specific Plans.

The provisions of this section do not convey any rights not otherwise granted under the provisions and procedures contained in any specific plan, except as specifically provided.

If any procedure established in a specific plan governing a design review board created by or authorized to act pursuant to the specific plan, differs from any procedure set forth in this section, the provisions of this section shall prevail.

C. **Design Review Determination.** The initial decision-maker shall be the Director for all design review decisions. These decisions shall be appealable to the Area Planning Commission which has jurisdiction over the property involved.

D. Design Review Boards.

1. Authority.

(a) Notwithstanding any provisions of a specific plan to the contrary, no design review required by a specific plan shall be recommended for approval by a design review board or approved by the Director except as provided in this section.

(b) No building permit shall be issued for any building or structure regulated by a specific plan where design review is required, unless the Director has reviewed and approved the project

existing or to be constructed on a lot shown on said map, as sites for the construction of model dwellings. The Advisory Agency is authorized to designate said sites only if it determines that they comply, or can be made to comply with the design standards for sites for model dwellings as hereinafter set forth in Section 17.05 of this article.

The Advisory Agency, acting in the capacity of an Associate Zoning Administrator, shall have the authority to reduce the width of required passageways pursuant to Section 12.21 C.2.(b) to no less than five feet between habitable buildings and detached condominiums, unless the Fire Department determines that the reduction would result in a safety hazard. And shall have the authority to grant deviations of no more than 20 percent from the applicable area, yard, and height requirements. The subdivider must ask for adjustments at the time of filing. In permitting adjustments, the Advisory Agency shall make the findings contained in Section 12.28 C.4. **(Added by Ord. No. 176,321, Eff. 1/15/05.)**

The reductions/deviations shall be included in the written decision of the Advisory Agency. Notification and appeal rights to such reductions/deviations shall conform to Section 17.06 A. **(Added by Ord. No. 176,321, Eff. 1/15/05.)**

If the final decision-maker imposes a condition as part of an action on a related application that differs from a condition of approval on a tentative tract map, then the Advisory Agency shall have the authority to make the tract map conditions consistent with the final decision-maker's action. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

B. Procedure. The Advisory Council shall not act upon any Tentative Map until 39 days time has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee. Where said reports have been mailed to the subdivider within the 39-day period, the Advisory Agency shall not act until five days' time has elapsed from the date of mailing of a copy of all such reports to the subdivider. Every Tentative Map shall be considered by the Advisory Agency at a public meeting. **(Amended by Ord. No. 137,891, Eff. 1/8/69.)**

C. Modifications. The Advisory Agency is authorized to approve or disapprove requests by a subdivider for minor modifications in the Conditions of Approval for a Tentative Map, but such action shall

not extend the time for filing of a Final Map with the City Engineer. Such decisions shall be made in accordance with the provisions of Section 17.11 and shall be subject to the same appeal as is provided for appeals from the decision of the Advisory Agency on Tentative Maps.

D. Subdivision of Air Space. (Amended by Ord. No. 168,132, Eff. 9/3/92.) Notwithstanding any provision of this chapter to the contrary, in any zone, the Advisory Agency is authorized to approve, conditionally approve or disapprove a preliminary parcel map or a tentative tract map showing one or more air space lots (as defined in Section 12.03 of this Code), provided that such air space lots are created in accordance with the provisions of Chapter 1, Article 7 of this Code.

The Advisory Agency shall require, as a condition of approval of any tentative tract map or preliminary parcel map showing one or more air space lots, that the final map or parcel map showing such air space lots be based upon a site plan which accurately describes the location of such lots. After recordation of such map and upon construction of the buildings or structures within the air space lots, if it is determined by the Department of Building and Safety that there are minor discrepancies between the site plan and the actual physical location of the air space lots in such buildings or structures, lot lines for the air space lots may be adjusted as necessary through the parcel map exemption procedure set forth in Los Angeles Municipal Code Section 17.50 B.3.c.

SEC. 17.04. SUBDIVISION COMMITTEE.

(Amended by Ord. No. 152,425, Eff. 6/29/79.)

There is hereby created a Subdivision Committee. This committee shall be composed of the following officers of the City or their duly authorized representatives:

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Engineer and General Manager of the Department of Water and Power;

The General Manager, Department of General Services; **(Oper. 7/1/79.)**

The General Manager of the Department of Recreation and Parks;

The General Manager of the Department of Transportation;

The Director of the Bureau of Street Lighting of the Department of Public Works.

It shall be the duty of the Committee to meet with the Advisory Agency and to make recommendations upon all Tentative Maps, Private Street Maps, and such other matters as are presented to it by the Advisory Agency. The Committee shall hold regular meetings for this purpose. All such meetings shall be open to the public and any persons having an interest in pending maps may be heard.

The General Manager of the Department of Recreation and Parks shall submit a report to the Advisory Agency respecting each application for subdivision approval. Said report shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both for the acquisition and development of park or recreational sites and facilities to serve the future inhabitants of such subdivision, all in accordance with the limitations specified in Section 17.12 of this article. To the extent possible, the report shall also specify when the development of the park or recreational facilities will be commenced.

For purposes of reviewing and submitting recommendations to the Advisory Agency on mobilehome park closure impact reports pursuant to Section 47.09 of this Code only, the Subdivision Committee shall also include a representative of the Rent Stabilization Division of the Los Angeles Housing Department, in addition to the above listed representatives. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

SEC. 17.05. DESIGN STANDARDS.

A. Street Standards Committee. There is hereby created a Street Standards Committee (Committee) to be composed of the Director of Planning, as Chair, the City Engineer and the General Manager of the Department of Transportation, or their designees. (Amended by Ord. No. 184,718, Eff. 3/4/17.)

This Committee shall:

1. Recommend to the Commission minimum width and improvement standards for all classes of public and private streets and alleys. The Commission shall adopt such minimum width and improvement standards as it determines are necessary for the safe and adequate movement of pedestrians, bicyclists, transit service and vehicular traffic, the increased retention and detention of stormwater, the installation of necessary utilities and for reasonable and proper access to abutting properties. Such standards shall not be applicable to any street or alley for which the City Council, by ordinance, adopts specific standards.

2. Modify the Complete Street Design Guide (CSDG) on an as-needed basis to align the CSDG with current and innovative street design practice.

B. Adoption of Standards. A public hearing shall be conducted by the Commission prior to the approval of any change in the standards. (Amended by Ord. No. 184,718, Eff. 3/4/17.)

C. Conformance To General Plan. Each Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map. (Amended by Ord. No. 156,960, Eff. 8/27/82.)

In addition, where a Tentative Map involves land for which a General Plan including dwelling unit densities has been adopted by the Council, and said land is also in an "H" Hillside or Mountainous Area established by Article 2 of this chapter, the number of lots on said map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations shall not substantially exceed the dwelling unit densities shown on said plan. (Amended by Ord. No. 149,402, Eff. 4/18/77.)

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. (Amended by Ord. No. 179,076, Eff. 9/23/07.)

SEC. 19.11. ANNUAL INSPECTION OF COMPLIANCE WITH FLOOR AREA RATIO AVERAGING AND RESIDENTIAL DENSITY TRANSFER COVENANTS.

(Title and Section Amended by Ord. No. 182,451, Eff. 4/4/13.)

A fee of \$300.00 shall be charged and collected by the Department of Building and Safety to cover the cost of an annual inspection to monitor compliance with, and maintain records of, the covenant required pursuant to Sections 12.24 B.25. and 12.24 C.58. of this Code prior to July 1, 2000, and Section 12.24 W.19. of this Code on and after July 1, 2000.

SEC. 19.12. [DEVIATIONS PURSUANT TO SECTION 16.03 E.]

(Amended by Ord. No. 180,191, Eff. 10/23/08.)

Applicants for determinations by the Zoning Administrator for deviations pursuant to Section 16.03 E. of this Code shall pay a fee of \$797.00.

SEC. 19.13. SURCHARGE FOR AUTOMATED SYSTEMS FOR THE DEPARTMENT OF CITY PLANNING.

(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

A. Operating Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code a surcharge in an amount equal to the greater of 7 percent of the fee or \$1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited and maintained in the City Planning Systems Development Fund pursuant to Los Angeles Administrative Code Section 5.457 for the maintenance and operation of automated systems. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37.

B. Development Surcharge. There shall be added to each fee imposed for any permit, plan check, license or application provided for in Chapter I of this Code an automated systems development surcharge in an amount equal to the greater of 6 percent of the fee or \$1.00, except that any other surcharge shall be excluded from the computation of this surcharge. Moneys received from this surcharge shall be deposited into the City Planning Systems Development Fund pursuant to Los Angeles Administrative

Code Section 5.457. Exempted from this surcharge are all fees and costs imposed pursuant to Section 12.37. (Amended by Ord. No. 176,489, Eff. 4/13/05.)

SEC. 19.14. FEES FOR ENFORCEMENT OF HOUSING COVENANTS.

(Amended by Ord. No. 184,654, Eff. 1/16/17.)

(a) Unless a fee Exemption pursuant to Section 19.14(b) applies, the following fees shall be charged and collected by the Los Angeles Housing Department (Department) for the preparation, enforcement, monitoring, and associated work relating to the affordable housing covenants described in Sections 12.22 A.25.(h)(1) through (3), 12.22 A.29.(d)(1) through (2), and 14.00 A.10.(c)(2) of this Code. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

Type of Service:	Fee:
Housing Replacement Determinations pursuant to AB 2222	\$1,027.00 per unit
Affordable Housing Covenant Preparation	\$5,770.00* per project
Affordable Housing Covenant Amendments	\$5,770.00 per amendment
Affordable Housing Covenant Assumptions and Terminations	\$1,214.00 per assumption or termination
Affordable Housing Covenant Monitoring	\$173.00* per restricted unit, per year
Filing Fee	\$43.00* per project

(b) **Fee Exemption:** New projects subject to an affordable housing covenant described in Section 19.14(a) wherein at least 50% of the units are restricted for use as permanent supportive housing shall be exempt from the fees above marked with an asterisk.

(c) Any owner or landlord of a project subject to an existing affordable housing covenant in effect prior to the effective date of the fees set forth in Section 19.14(a) and which contains a conflicting monitoring fee amount, shall be subject to the fee set forth in the existing covenant.

(d) The fees in Section 19.14(a) shall be fully due and payable at the time of the request for service, except for the affordable housing monitoring fees, which may be paid pursuant to the options set forth in Section 19.14(e).

(e) The affordable housing covenant monitoring fees may be pre-paid in full at or before the time of the recording

of an underlying affordable housing covenant or billed annually to an owner or landlord upon the issuance of the Certificate of Occupancy for the project subject to an underlying affordable housing covenant. **(Amended by Ord. No. 184,907, Eff. 5/17/17.)**

(f) The Department shall have the right to bring legal action in any court to collect the amount of any outstanding fees. The Department may make such rules and regulations as may be necessary to carry out the provisions of this section.

**SEC. 19.15. DEPARTMENT OF
TRANSPORTATION TRAFFIC STUDY
REVIEW, CONDITION CLEARANCE AND
PERMIT ISSUANCE FEES.
(Amended by Ord. No. 183,270, Eff. 12/15/14.)**

(a) **Fees.** The following specific fees shall be paid to the Department of Transportation (Department) for the preparation and processing of traffic reports, clearance of conditions and permit sign-offs in connection with obtaining any environmental clearance and/or permit issuance related tasks.

- (1) Building Permit Sign Offs
(Note 1). \$365
- (2) Dedication & Widening Waivers. . . \$445
- (3) Department Referral Form
(Note 2). \$430
- (4) Driveway Permit Sign Offs
(Note 3). \$535
- (5) Haul Route Review. \$420
- (6) Master Plan / Complex Circulation
Review (Note 4). \$1,595
- (7) Project Condition Clearance
(Note 5). \$270
- (8) Revocable Permit. \$205
- (9) Street Vacation Requests. \$965
- (10) Subdivision Report. \$205
- (11) TDM Compliance / Trip Monitoring
Report Review. \$770

- (12) Technical Study
(Note 6). \$1,340
- (13) Traffic Study MOU. \$1,175
- (14) Traffic Study Review
(Note 7). \$7,480
- (15) Traffic Study Review / Plan
Review - Expedited. . . See Subsection (c)
- (16) Worksite Traffic Control Plan
Review (non B-permit). \$1,645

Note 1: For a project with multiple addresses and permits (i.e., multi-family units), \$365 should be charged per distinct site plan and not per unit. For example: if, for a 100 unit small lot subdivision condominium project, each unit falls into one of three different site plan options, then the Department review fee should be \$1,110 (\$370 X 3) even if there are 100 separate building permits to approve.

Note 2: The Department Referral Form may also be submitted to the Department in the form of an Initial Site Assessment Form or a Site Plan Review Form. If this is the case, the Department Referral Form fee still would apply.

Note 3: When reviewing a Building Permit application that also includes a Driveway Permit Sign Off, the applicant should not be charged two fees (Building Permit and Driveway Permit). Instead, the applicant should be charged only the Building Permit fee if the driveway plan does not include a new curb cut. If the driveway plan does include a new curb cut, then the applicant only should be charged the Driveway Permit Sign-Off fee.

Note 4: This fee applies to Master Plan type developments or large scale projects with complicated circulation plans that require considerable staff time to help applicant arrive at an acceptable access and circulation plan.

Note 5: \$270 for the first three condition clearances plus \$200 for each additional condition clearance.

Note 6: A “technical study” can include technical memorandums (defined in LADOT’s Traffic Study Guidelines), trip generation assessments, traffic study supplements, shared parking analyses, etc. The fee includes the cost to process a study MOU, if required.

amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

c. An Applicant for a Development Project who submits a Building Permit Application or a complete Planning or zoning entitlement application (whichever is first) 306 days after the effective date of this ordinance shall pay two-thirds of the total Linkage Fee amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

d. An Applicant for a Development Project who submits a Building Permit Application or a complete planning or zoning entitlement application (whichever is first) 485 days or more after the effective date of this ordinance shall pay the total Linkage Fee amount due, based on the fee schedule and market area maps in effect at the time of the submittal of the Building Permit Application or complete Planning or zoning entitlement application.

2. Exemptions. The Department of Building and Safety shall determine whether any of the following exemptions apply to a Development Project based on documentation submitted by the Applicant prior to the issuance of the building permit. The fee imposed by this section shall not apply to construction that includes any the following:

a. Less than 15,000 square feet of Additional Nonresidential Floor Area in any nonresidential building, other than parking garages and parking facilities, as determined by the Department of Building and Safety.

b. Any for-sale or rental housing development containing restricted affordable units where at least 40% of the total units or guest rooms are dedicated for moderate income households, or at least 20% of the total units or guest rooms are dedicated for low income households, or at least 11% of the total units or guest rooms are dedicated for very low income households, or at least 8% of the total units or guest rooms are dedicated for extremely low

income households, for at least 55 years, where a covenant has been made with the Los Angeles Housing Department and required covenant and monitoring fees have been paid. Such a covenant shall also subject projects using this exemption to the replacement policies in Government Code Section 65915(c)(3), as that section may be amended from time to time, and to LAHD fees related to housing replacement determinations pursuant to state law, as set forth in this Code. For the purposes of this section, total units includes any units added by a density bonus or other land use incentive, consistent with the affordability levels defined in Government Code Section 65915, as that section may be amended from time to time. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

c. Any Development Project being constructed by, or on behalf of: 1) a government or public institution such as a school, museum, homeless shelter or other similar projects that are intended for community use; or 2) any private Elementary and/or High School.

d. Any hospital. For purposes of this section, “hospital” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

e. A single-family detached home meeting one or more of the following conditions:

(1) Any addition of 1,500 square feet or less of Floor Area to an existing single-family detached home located in a single-family or multiple-family zone.

(2) New construction of any single-family detached home located in a single-family zone that is 1,500 square feet or less of Floor Area.

(3) Any replacement of a single-family detached home resulting in a net increase of 1,500 square feet or less of Floor Area from the prior home that existed on the property.

f. Either (1) an addition of 1,501 square feet or more of Floor Area to an existing single-family detached home located in a single-family zone, or (2) a replacement of a single-family detached home resulting in a larger single-family detached home with a net increase of 1,501 square feet or more of Floor Area from the prior home that existed on the property; provided, however, in either event, a covenant shall be recorded against the property prior to the issuance of a building permit for such addition or replacement requiring the owner of the property to pay the Linkage Fee if the home is sold within three years of the issuance of such building permit. The covenant shall automatically expire at the end of such three-year period, if no sale of the property has occurred during such three-year period. However, in the event of a sale of the property within such three-year period, the covenant shall not expire until a notice of covenant termination is recorded. A notice of covenant termination shall be provided by the City upon full payment of Linkage Fee due, based on the fee schedule in effect at the time of payment. The covenant shall run with the land and bind all successive owners of the property until the Linkage Fee is fully paid.

g. An Accessory Dwelling Unit as defined by California Government Code Section 65852.2.

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 replacement and inclusionary housing obligations set forth in the Specific Plan for the Central City West Area. **(Amended by Ord. 186,370, Eff. 12/10/19.)**

i. A residential project that is subject to a greater affordable housing fee requirement or is required to provide one or more physical housing units pursuant to the Mello Act in order to satisfy its inclusionary housing obligations. In that case, the residential component of the project shall be exempt from the Linkage Fee requirements of this Section. Nonresidential portions of mixed-use Coastal Zone projects shall be analyzed separately from residential portions of mixed-use projects for the purposes of the Linkage Fee requirements of this section. Nonresidential

portions of such projects shall be subject to this section. The provision of housing units or in-lieu fees to satisfy replacement housing obligations under the Mello Act (as opposed to inclusionary housing obligations) shall not exempt a project from the Linkage Fee requirements of this section.

j. A residential Development Project that is subject to affordable housing requirements pursuant to any land use policy or ordinance or development agreement that exceeds the Linkage Fee requirements of this section in either fee amount or on-site affordable housing percentages provided in paragraph 19.18 B.2.b.

k. A residential Development Project that is subject to affordable housing and labor requirements pursuant to LAMC Section 11.5.11.

l. Any Grocery Store, provided there is no existing Grocery Store within a one-third (1/3) mile radius of the Development Project site.

m. Any Adaptive Reuse Project that is a designated Historic-Cultural Monument and is being converted to a residential use.

n. Any nonresidential Floor Area within a Development Project that is located in the South Los Angeles Transit Empowerment Zone, also referred to as the "Slate-Z" Promise Zone Area, located in Low Market Areas according to the nonresidential area map. This exemption shall only apply to Development Projects for which a Building Permit Application or complete planning or zoning entitlement application is submitted within three years of the effective date of this ordinance. This exemption will no longer be valid three years after the effective date of this ordinance.

3. Protests, Adjustments and Waivers.

a. An Applicant may protest the imposition of the Linkage Fee and request that the requirements of this section be adjusted or waived pursuant to Government Code Section 66020, et seq., based on a showing that the application of the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the Development Project. Protests shall be filed with the Director.

b. On or before the date on which payment of the Linkage Fee is due, the Applicant shall pay the amount required by this section and serve a written notice to the Director with all of the following information: (1) a statement that the required payment is tendered, or will be tendered when due, under protest; and (2) a statement informing the Director of the factual elements of the dispute and the legal theory forming the basis for the protest or request for adjustment or waiver, along with the substantial evidence that supports the protest or request, including any supporting documentation. The protest must be filed at the time of approval or conditional approval of the Development Project or within 90 days after the imposition of the Linkage Fee. The City shall provide the Applicant with written notice as required by Government Code Section 66010(d)(1), as that section may be amended from time to time.

c. If the Director determines that application of the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to a Development Project, the fee requirements shall be adjusted or waived to reduce the obligations under this section to the extent necessary to avoid an unconstitutional result. The Director shall render a decision within 75 days from the date the protest was received.

d. If an adjustment or waiver is granted, any change in the Development Project shall invalidate the adjustment or waiver. If the Director determines that no violation of the federal or state constitution would occur through application of this section, the requirements of this section shall remain fully applicable.

e. Failure of an Applicant to comply with the protest requirements of this Section or Government Code Section 66020, et seq., shall bar that Applicant from any action or proceeding or any defense of invalidity or unreasonableness of the imposition of the Linkage Fee.

C. Fee Calculation.

1. The City Council shall adopt, by resolution, a Linkage Fee schedule based on an analysis of the cost of mitigating the impact of the additional demand

for affordable housing caused by Development Projects, and on the varying levels of economic feasibility in different geographic areas of the City based on current market conditions. The City Council shall also adopt, by resolution, a map or maps establishing the respective market areas throughout the City that inform the amount of the Linkage Fee to be assessed for a given Development Project.

2. For each Development Project, the Linkage Fee shall be calculated as the amount of new or added Floor Area in the Development Project devoted to the uses described in the Linkage Fee schedule, as determined by the Department of Building and Safety, multiplied by the amount of the applicable fee, as found in the most recent Linkage Fee schedule adopted by City Council, at the time the building permit for the Development Project is issued, minus any deductions or credits.

3. Fee Adjustments and Reports.

a. **Annual Inflation Adjustment.** The Linkage Fee shall be adjusted annually for inflation beginning on July 1, 2018, by the Director in accordance with the latest change in year-over-year Consumer Price Index for Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County area, or if such index ceases to be published, by an equivalent index chosen by the Director. An updated Linkage Fee schedule shall be maintained by the Department of City Planning, which shall provide a copy of the adjusted schedule to the Mayor and City Council each year.

b. **Five-Year Market Area Adjustment.** Every five years, beginning on July 1, 2018, the Director, in association with LAHD shall undertake a new market area analysis and adjust market areas and geographies, where necessary, to reflect the most up to date rental and sales price information for each of the market areas. Any change to the Linkage Fee schedule other than the Annual Inflation Adjustment described in Paragraph (a) above shall be adopted by resolution of the City Council. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

4. Deductions or Credits.

a. **Change of Use.** If the Development Project is the result of a change of use from

nonresidential to residential, the Linkage Fee to be paid is the result of subtracting the equivalent fee amount that either was paid or would have been paid, based on the pre-existing use, from the fee amount required to be paid for the new use based on the most recent Linkage Fee schedule approved by the City Council. Deductions or credits shall not be applied to any portion of a Development Project comprised of additional Floor Area resulting from new construction. The calculation of a deduction or credit shall not result in a refund to an Applicant or be applied as a credit to another Development Project in a different location.

b. **Affordable Housing Units.** Any Restricted Affordable Units as defined in Section 12.22 A.25. of this Code may be subtracted from the total number of dwelling units or guest rooms in a building in determining the required Linkage Fee.

c. **Mixed Use.** The first 15,000 square feet of nonresidential use in a mixed-use building shall be excluded from the calculation of Floor Area for the purposes of determining the required Linkage Fee.

d. **Transfer of Floor Area Rights.** Any additional Floor Area that is obtained by a Development Project through the provision of public benefit payments pursuant to LAMC Section 14.5.9 shall be excluded from the calculation of Floor Area for purposes of determining the Linkage Fee for the Development Project.

e. **Other Affordable Housing Requirements.** In calculating Floor Area for purposes of determining the Linkage Fee for a Development Project, the following shall be excluded from that calculation:

(1) the Floor Area of the residential portion of a mixed-use Development Project that is subject to affordable housing requirements pursuant to any land use policy or ordinance or development agreement that exceeds the Linkage Fee requirements of this section in either fee amount or on-site affordable housing percentages provided in paragraph 19.18 B.2.b.

(2) the Floor Area of the residential portion of a mixed-use Development Project that is subject to affordable housing and labor requirements pursuant to LAMC Section 11.5.11.

f. **Land Dedication.** If the Los Angeles Housing Department accepts, on behalf of the City, an offer by an Applicant to dedicate land offsite from the proposed location of the Development Project for the purpose of building affordable housing, the value of the land to be dedicated, to be determined as the average of two independent appraisals funded by the applicant, may be deducted from the Linkage Fee amount owed for the Applicant's Development Project. If the value of the dedicated land is more than the Linkage Fee owed for the Applicant's Development Project, the City shall bear no responsibility for the difference in value, nor shall that overage be applied as a credit to any future Development Project. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

5. **Payment of Linkage Fee.** The Linkage Fee is due and payable by the Applicant prior to the issuance of a building permit for a Development Project. No additional fee shall be required for a project seeking an extension of an expired building permit.

6. **Refunds of Linkage Fee.** Any fee paid under the provisions of this section may be refunded to an Applicant if the application for the building permit has expired and was not utilized to begin construction of a Development Project.

D. **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

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