

FINDINGS/SPECIAL REQUIREMENTS

DENSITY BONUS, CONDITIONAL USE, PUBLIC BENEFIT PROJECT Housing Incentives



Related Code Sections

Los Angeles City Planning offers several processes intended to facilitate affordable housing in the City of Los Angeles.

Los Angeles Municipal Code (LAMC) Section 12.22 A.25(g)(2) of Chapter 1 and Government Code Section 65915 authorizes the Director of Planning to approve applications for Density Bonus requesting up to three On-Menu Incentives. Procedures shall be the same as for a Director Determination governed by LAMC Section 13B.2.5. of Chapter 1A.

LAMC Section 12.22 A.25(g)(3) of Chapter 1 authorizes the City Planning Commission (CPC) to approve applications for Density Bonus requesting Off-Menu Incentives or Waivers of Development Standards. Procedures shall be the same as for a Class 3 Conditional Use Permit governed by LAMC Section 13B.2.3. of Chapter 1A.

LAMC Section 12.24 U.26 of Chapter 1 authorizes the CPC to approve a Conditional Use Permit for applications requesting a density increase greater than the maximum permitted (35 percent) by LAMC Section 12.22 A.25 of Chapter 1. Procedures shall be the same as for a Class 3 Conditional Use Permit governed by LAMC Section 13B.2.3. of Chapter 1A.

LAMC Section 14.00 A of Chapter 1 authorizes the Zoning Administrator to approve a Conditional Use Permit for Public Benefit Projects, where otherwise not permitted by right, and which does not meet specific performance standards as provided in LAMC Section 14.00 A.2 of Chapter 1. Procedures for a Class 2 Conditional Use Permit are governed by LAMC Section 13B.2.2. of Chapter 1A.

Check all that apply to the entitlement request below:

- Density Bonus with On-Menu Incentive(s)
- Density Bonus with Off-Menu Incentive(s) or Waiver(s) of Development Standard(s)
- Conditional Use Permit for Greater than 35% Density Bonus
- Conditional Use Permit for Public Benefit Project

All applications require an Affordable Housing Referral Form ([CP13-4043](#)) from the Metro Development Services Center (DSC) Affordable Housing Services Section (AHSS).

Public Benefit Project also requires a Case Consultation Referral Form ([CP13-3598](#)) from applicable Geographic Project Planning Staff.

Executive Directive No. 1

In accordance with the Mayor Bass' Executive Directive No. 1 (ED 1), issued on December 16, 2022, City Planning has implemented a policy to exempt 100 percent affordable housing projects and shelters from Project Review, pursuant to the authorizing LAMC Section 16.05 of Chapter 1, the procedures for which are governed by LAMC Section 13B.2.4. of Chapter 1A. No environmental review or public hearing will be required, and all eligible projects shall be processed within 60 days following the submission of a complete application; and clearances shall be provided within five business days for 100 percent affordable housing projects and within two business days for Shelters. To qualify, the project shall include at least 5 units that have at least two-thirds residential square footage, with all units affordable to Low Income households or lower; and NOT include a legislative action (e.g., General Plan Amendment, Zone Change, Height District Change), or a deviation from development standards outside of affordable housing incentives (e.g., Adjustment, Variance, Waiver of Dedications and/or Improvements); or be subject to Coastal Development Permit or the Subdivision Map Act.¹

Priority Housing Project (PHP) Processing

In accordance with the Mayor Garcetti's Executive Directive No. 13 (ED 13), issued on October 23, 2015, City Planning has implemented a policy to prioritize case processing for projects that contribute to the new construction or rehabilitation of housing developments that meet the criteria set forth in ED 13. Complete the following regarding the project:

- The project contains a minimum of 10 or more units; and YES NO
- At least 20% of on-site rental units have rents restricted so as to be affordable to and occupied by lower-income households; or YES NO
- At least 30% of on-site for-sale units have sales prices restricted so as to be affordable to and occupied by low- or moderate-income households. YES NO

Public Hearing and Notice

Density Bonus with On-Menu Incentives

No public hearing is required. However, mailing of the Letter of Determination to Abutting Property Owners of all contiguously owned properties of the subject site is required. See Mailing Procedures Instructions ([CP13-2074](#)) for more information.

¹ Refer to [ED 1 Implementation Guidelines](#) for qualifying criteria.

Density Bonus with Off-Menu Incentives or Waiver of Development Standards, Conditional Use, or Public Benefit Project

A public hearing is required. Notification includes mailing to Property Owners and Occupants within a 300-foot radius of all contiguously owned properties of the subject site, and the Certified Neighborhood Council representing the area in which the property is located, as well as on-site posting of the Notice of Public Hearing and for the CPC Public Meeting, when required. Refer to the Mailing Procedures Instructions ([CP13-2074](#)) and On-Site Posting ([CP-7762](#)) handouts for additional information.

Specialized Requirements

When filing any of the above applications the following items are required in addition to those specified in the City Planning Application Filing Instructions ([CP13-7810](#)).

Affordable Housing Referral Form

This form ([CP13-4043](#)) is required if the request includes an affordable housing incentive under the Density Bonus Program, Measure JJJ, the Greater Downtown Housing Incentive Program. It must be completed by the Applicant and signed by the Affordable Housing Services Section (AHSS) Staff. For assistance, contact planning.priorityhousing@lacity.org.

(Optional) Housing Crisis Act (HCA) Vesting Preliminary Application

This form ([CP13-4062](#)) is intended to initiate optional vested rights for a Housing Development Project pursuant to the Housing Crisis Act of 2019. The Applicant shall submit an HCA Vesting Preliminary Application through the Department's OAS at <http://planning.lacity.org/oas>. Once deemed complete, Planning staff shall provide a signed HCA Vesting Preliminary Application Form, to be included with the case filing. The HCA Vesting Preliminary Application is only valid when it is deemed complete prior to filing the City Planning Application Form for the project. For assistance, contact planning.hca@lacity.org.

Case Consultation Referral Form

This form ([CP13-3598](#)) is required if the project request includes *Public Benefit Project* and must be signed by the planner assigned to the geographic area in which the project is located prior to case filing. For assistance regarding planner assignment, consult DSC Staff.

Preliminary Zoning Assessment Form

This form ([CP-4064](#)) is required if the proposed project creates two or more residential units (including Accessory Dwelling Units). The purpose of this form is to facilitate an informational Zoning Plan Check by LADBS. **Section VI** shall be completed by LADBS Staff, along with signed project plans, at the conclusion of the informational Zoning Plan Check. For more information, refer to the [Housing Development Project Applicability Matrix](#).

SB 8 Replacement Unit Determination (RUD) Letter

This letter may be required if the project proposes a Housing Development Project subject to the HCA (e.g., any project that results in one or more residential units or residential lots) and the subject property requires **HCA housing replacement review**, check “Housing Crisis Act Replacement Review” under the Housing tab on ZIMAS. If “Yes”, an RUD letter must be obtained from LAHD, unless the project qualifies for a No Net Less Declaration ([CP-4069](#)). The RUD will determine whether any affordable replacement units are required and if any applicable occupant protections apply. For assistance, contact lahd-landuse@lacity.org. For more information, refer to the [Housing Development Project Applicability Matrix](#).

Color Elevations

Color elevations are mandatory for all Density Bonus cases. These shall include specifications and a legend for all materials and colors proposed for the street facing façade. Refer to the Elevation Instructions ([CP-7817](#)) for technical requirements. Provide as many copies as plans required per the City Planning Application Filing Instructions.

Color Renderings

Color renderings are mandatory for all Density Bonus cases that include Project Review and/or require CPC approval. Provide as many copies as plans required per the City Planning Application Filing Instructions.

Citywide Design Guidelines Compliance Review Form

This form ([CP-4056](#)) is required for any project which involves the construction of five or more residential units, construction of a new main building, or the filing of a Vesting Tentative Tract Map. Exceptions include those utilizing the Qualified Permanent Supportive Housing (QPSH) Ordinance, applicable streamlining measures (SB 35 or SB 2162).

Density Bonus with On-Menu Incentives

Eligibility Requirements

Pursuant to LAMC 12.22 A.25(g)(2) of Chapter 1, to be eligible for On-Menu Incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the below requirements. On a separate page, provide a detailed justification/explanation of how the proposed project complies with the following eligibility requirements:

1. The façade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the façade is not a flat surface. Indicate the sheet number on the plans which shows compliance with this requirement.

2. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations. Indicate the sheet number on the plans which shows compliance with this requirement.
3. The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments. Check the "Planning and Zoning" tab under the property profile in ZIMAS at <http://zimas.lacity.org>.
4. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.4908 of the Municipal Code. To verify whether a project is located on a substandard street, obtain a Hillside Referral Form from the Bureau of Engineering; to verify whether a project is located within a Very High Fire Hazard Severity Zone, check the "Additional" tab under the property profile in ZIMAS.

Findings

The decision maker must decide if the facts presented in the record support the findings (i.e., criteria for approval) established in the LAMC. On a separate sheet, provide a detailed justification/explanation of how the proposed project conforms with the following:

Density Bonus with On- and/or Off-Menu Incentives

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Incentive(s) unless the decision maker finds that:

1. The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.
2. The incentives would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
3. The incentives are contrary to state or federal law.

Density Bonus with Waiver of Development Standards

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Waiver(s) of Development Standards unless the decision maker finds that:

1. The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage]

criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law] (Government Code Section 65915(e)(1)).

2. The waivers or reductions of development standards would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
3. The waivers or reductions of development standards are contrary to state or federal law.

Conditional Use Permit for Greater than 35% Density Bonus & Public Benefit Project

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.
2. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.
3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan.

Supplemental Findings

Conditional Use Permit for Greater than 35% Density Bonus

Pursuant to LAMC Section 12.24 U.26 of Chapter 1, Density Bonus requests for Housing Development Projects in which the density increase is greater than the maximum permitted in LAMC Section 12.22 A.25 of Chapter 1 shall also find that:

1. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.
2. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as identified in LAMC Section 12.24 U.26(a)(2) of Chapter 1.
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 LAMC Section 19.14.

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

Public Benefit Project

Pursuant to LAMC Section 14.00 B.2 of Chapter 1, density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 of Chapter 1 shall also find that:

1. The proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2 of Chapter 1.

If utilizing this process, also refer to the Instructions for the Public Benefit Projects ([CP-7766](#)).