

- (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 and Community Investment Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 years or longer.

(2) For any Housing Development qualifying for a TOC Incentive that contains for-sale housing, a covenant acceptable to the Housing and Community Investment 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.

(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 Housing and Community Investment Department.

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

B. (None)

C. AREA.

1. **Building Lines** – Where a Building Line or Setback Line has been established by ordinance, the space between such Building or Setback Line and the front or side lot line may be used as the front or side yard, as the case may be, in lieu of the front or side yard required by this article.

2. **Side Yard Waived for First Story Garage** – Where a residential building is more than two stories or 28 feet in height and the first story is designed and used solely for automobile parking or other accessory purpose, the required side yard need not be increased in width for said first story; provided that the floor surface above such story is not more than