

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.400.065 – MIXED USE DEVELOPMENT STANDARDS AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO.

(Zoning Code Amendment, P2020-0238-ZCA)

WHEREAS, on December 10, 2018 the City Council considered a staff report on the elements of a mixed use Zoning Code Amendment incorporating additional affordable housing requirements and directed staff to prepare an ordinance amending the Zoning Code to include a mandatory affordable housing component as part of new market rate mixed use housing developments, which incorporate community benefits to achieve increased density; and

WHEREAS, on April 13, 2020, the City Council reviewed draft provisions for the Zoning Code Amendment and provided direction related to community outreach, and on September 15, 2020, staff reached out to developers, non-profit developers, and other real estate professionals in the development community to gather input on the drafting of the Zoning Code Amendment; and

WHEREAS, on October 14, 2020, the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment (P2020-0238-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.065 – modifying the mixed-use development standards to require a mandatory percentage of affordable housing as part of new mixed-use development projects and related development standards, fully considering all reports, studies, testimony, and environmental information presented; and

1 WHEREAS, on October 14, 2020, after conducting a duly noticed public hearing
2 on City-initiated Zoning Code Amendment (P2020-0238-ZCA), and environmental information
3 presented, the Planning Commission, by a vote of 5 to 0, adopted Resolution No. 2020-P014,
4 recommending to the City Council approval of Zoning Code Amendment P2020-0238-ZCA;
5 and
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7 WHEREAS, on January 25, 2021, after conducting a duly noticed public hearing
8 on City-initiated Zoning Code Amendment, P2020-0238-ZCA, amending Culver City
9 Municipal Code, Title 17 – Zoning Section 17.400.065 – Mixed Use Development Standards,
10 to require a mandatory percentage of affordable housing as part of new mixed-use
11 development projects and related development standards to seek additional project density,
12 including full consideration of the Planning Commission recommendation, as well as all
13 reports, studies, testimony and environmental information presented, the City Council, by a
14 vote of 5 to 0, introduced an ordinance approving Zoning Code Amendment, P2020-0238-
15 ZCA (the “Ordinance”), as set forth herein below.
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18 WHEREAS, on February 8, 2021, the City Council, by a vote of ____ to ____,
19 adopted the Ordinance as set forth herein below.
20

21 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
22 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

23 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the Culver
24 City Municipal Code (CCMC), Title 17, Section 17.620,030.A, the following findings for a
25 Zoning Code Amendment are hereby made:
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1 **1. The proposed amendment(s) ensure and maintain the internal**
2 **consistency with the goals, policies and strategies of all elements of the**
3 **General Plan and will not create any inconsistencies.**

4 The text amendment will create consistency between the General Plan and Zoning
5 Code relative to the production of affordable housing units. Objective 4 Housing
6 Access of the General Plan Housing Element calls to improve access to quality
7 housing for all members of the community by eliminating discrimination, reducing
8 physical constraints, increasing the number of affordable housing units, and
9 supporting access to emergency shelters. The proposed amendment is intended to
10 comply with current State housing law in an effort to create new affordable housing
11 opportunities. The proposed amendment will help promote housing opportunities
12 for families at a variety of income levels to help maintain the family-oriented
13 character of the City in the future (Housing Element Policy 4.B).

14 **2. The proposed amendment(s) would not be detrimental to the public**
15 **interest, health, safety, convenience or welfare of the City.**

16 The proposed Zoning Code Amendment provides an effective means of achieving
17 increased production and availability of affordable housing in Culver City.
18 Additionally, the proposed amendments consider several development standards
19 and provisions related to community benefits, micro-unit provisions, relaxed ground
20 floor commercial uses, and standards specifically tied to proximity to major transit
21 stops, in support of the public interest, health, safety, convenience and welfare of
22 the City.

23 **3. The proposed amendment is in compliance with the provisions of the**
24 **California Environmental Quality Act (CEQA).**

25 The Project is considered exempt from CEQA pursuant to CEQA Guidelines
26 Section 15061(b)(3) because it can be seen with certainty there is no possibility
27 that the Project to amend the Zoning Code will have a significant effect on the
28 environment. The proposed Zoning Code Amendment, modifying the mixed-use
29 development standards, by itself does not result in any physical changes nor any
30 significant effects on the environment. Furthermore, the proposed Zoning Code
31 Amendment is not in conjunction with the specific approval of any existing
32 development or use permit applications. Therefore, any projects seeking approval
33 subsequent to the proposed Zoning Code Amendment, would be subject to
34 appropriate CEQA analysis at that time of any such application.

35 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of
36 the City of Culver City, California, hereby introduces the Ordinance approving Zoning
37 Code Amendment P2020-0238-ZCA, amending Culver City Municipal Code (CCMC), Title

1 17 – Zoning (Zoning Code) Section 17.400.065 – Mixed Use Development Standards, as
2 set forth in Exhibit “A” attached hereto and incorporated herein by reference.

3 **SECTION 3.** On an annual basis, City Council shall review the affordability
4 requirements set forth in Zoning Code Section 17.400.065.L to evaluate the effectiveness
5 and appropriateness of the percentage of affordable units required by the community
6 benefit density bonus.
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8 **SECTION 4.** The City Council hereby declares that, if any provision, section,
9 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
10 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
11 reason of any preemptive legislation, then the City Council would have independently
12 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
13 or words of this ordinance and as such they shall remain in full force and effect.
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SECTION 5. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

APPROVED and ADOPTED this _____ day of February, 2021.

ALEX FISCH, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk

A21-00010

CAROL A. SCHWAB, City Attorney

EXHIBIT A
ZONING CODE AMENDMENT
P2020-0238-ZCA

Proposed Zoning Code Amendment

The proposed Zoning Code Amendment (ZCA) will amend Section 17.400.065 as follows:

§ 17.400.065 - Mixed Use Development Standards

A. Purpose. This Section provides location, development, and performance standards for mixed use developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

B. Applicability.

1. The provisions in this Section shall regulate the conversion of existing buildings to include mixed uses as defined herein, and new construction of mixed use projects, where allowed by the applicable zoning districts.
2. The Mixed Use Development Standards supersede the Commercial Zero Setback Overlay (CZ), where applicable.
3. The Mixed Use Development Standards do not supersede the provisions of the Commercial Downtown District (CD).
4. Except as specifically provided in this Section, mixed use projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
5. Where an Owner-Participation Agreement, Disposition and Development Agreement, Development Agreement, or similar agreement with the City or Redevelopment Agency applies to a land parcel and the provisions of such agreement differ from the Mixed Use Development Standards, the provisions of the agreement shall prevail.

C. Definitions.

Architectural Feature. Soffit, column, wing wall, canopy, roof eave, balcony, bell tower, spires, clock tower, cupolas, turrets and any other similar element that does not create an interior floor space.

Arterial Street. As used in this Section, arterial streets include primary and secondary arterial streets. Primary arterial streets are major cross-town thoroughfares. Secondary arterial streets connect primary arterial streets to smaller streets and residential neighborhoods. Primary and secondary arterial streets are defined in the General Plan Circulation Element.

Blank Wall. Any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Community Benefit. The provision of the Community Benefit Affordable Units in conformance with Subsection 1)a.a.1.L. Community Benefit Incentives.

Community Benefit Affordable Units. The affordable dwelling units that are required under this Section 17.400.065 that, when added to the affordable dwelling units required under State Density Bonus Law, achieve an affordability of 15% of the total number of dwelling units in the project.

Ornamental Feature. A statue, fountain, sculpture or any other similar freestanding decorative element which does not provide shelter, and which is not a sign, and which serves an aesthetic purpose.

Split Jurisdiction Lot. As used in this Section shall mean a lot or parcel where the City of Culver City and City of Los Angeles boundary bisects the parcel or lot boundaries.

State Density Bonus Law. Chapter 4.3 of Division 1 of Title 7 of the California Government Code.

D. Use Regulations.

1. **Uses permitted.** All uses permitted in the underlying zone are permitted in mixed use developments.
2. **Residential uses.** Residential uses other than live/work units are prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets.
3. **Commercial uses.** Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall commercial floor area shall be a minimum of 10% of the project's total gross floor area. ~~or 30% of the project lot size, whichever is greater.~~
4. **Other Non-residential uses.** Other non-residential uses may be substituted for commercial uses, if authorized by resolution of the City Council; provided, it can be demonstrated that such non-residential use will increase pedestrian activity on the adjacent streets. All non-residential tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall non-residential floor area shall be a minimum of 10% of the project's total gross floor area.
4. ~~5.~~ **Covenant.** A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development for recording in the land records of Los Angeles County, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a mixed use development and that commercial activities are permitted pursuant to the regulations of the CCMC. If the project includes rental residential units, the project owner shall execute such covenant and a copy of the recorded covenant shall be provided to each new occupant of the rental units.
5. ~~6.~~ **Feasibility study.** At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed use development may be required.

- 7. Mixed Use Development in Open Space Districts.** Notwithstanding any other provision of this Title, mixed use projects may be permitted in an Open Space (OS) District, at the discretion of the City Council when approved by City Council resolution based on the following findings:
- a. Any displaced park space must be replaced with an equivalent amount of park space on the project site;
 - b. The project is public serving;
 - c. The project is consistent with the Purpose described in Sections 17.250.030.A.1 through A.5 of this Title; and
 - d. The use complies with Section 17.250.030 (Open Space District Requirements) of this Title.

E. General Development Standards.

1. Minimum lot size and dimensions.

- a. All lots less than 10,000 square feet shall have a minimum width of 50 feet with alley access or access from a non-primary arterial street.
- b. Lots 10,000 square feet or larger shall have a minimum width of 100 feet.
- c. Mixed use projects located on parcels that are less than 5,000 square feet shall not be permitted unless combined with one or more abutting lots to create a total site development area that is at least 5,000 square feet, subject to the above access requirements.
- d. Rehabilitation of commercial property for mixed use development shall permitted on parcels of 5,000 square feet or more, provided such rehabilitation is consistent with Subsection 17.610.020 – Nonconforming Structures.

- 2. Building height.** The height of structures shall not exceed the standard established in Table 4-2 (Building Setbacks and Height) and Figure 4-4 (Building Height and Setbacks Illustration), unless a modification is granted pursuant to Subsection 17.300.025.C. (Exceptions to Height Limits).

- 3. ~~Density.~~** ~~Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area). Residential density may be increased up to (i) 50 dwelling units per acre (1 unit per 871 square feet of lot area); or (ii) a density allowed by an Abutting Jurisdiction up to a maximum of 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot; or (iii) 65 dwelling units per acre on lots identified for Transit Oriented Development, and/or as depicted in Map 4-1 provided in either case, that the project incorporates community benefits as established by resolution of the City Council.~~

- 3. Residential Density.** Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area), except as defined below.

- a. Community Benefit. If a project incorporates community benefits, residential density may be increased pursuant to Subsection K. Community Benefit Incentives, as follows:
 - i. Up to 50 dwelling units per acre (1 unit per 871 square feet of lot area); or

- ii. Up to 65 dwelling units per acre (1 unit per 670 square feet of lot area) on lots identified for Transit Oriented Development as depicted in Map 4-1 or located within ½ mile of a “major transit stop” or within a “transit priority area” as defined under Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations; or
 - iii. A density as allowed by an Abutting Jurisdiction up to 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot.
 - b. **Studio Micro-Unit Community Benefit Density:** If a project includes 5 or more residential units and includes studio micro-units at 350 sq. ft. each, pursuant to Subsection G.2 and provides the Community Benefit Affordable Units in conformance with Subsection 1)a.a.1.L., Community Benefit Incentive, then the Community Benefit Density described in Subsection E.3.a. may be increased by 14%.
 - c. **Community Benefit Density and State Density Bonus.** If the project qualifies for a Community Benefit Density or a Studio Micro-Unit Community Benefit Density under Subsection E.3.a. or E.3.b., and will also receive a density bonus by virtue of the City’s implementation of State Density Bonus Law (Chapter 17.580: Density Bonuses and Other Bonus Incentives), then the maximum permitted residential density for the sole purpose of this Section 17.400.065 will be determined by applying the State Density Bonus Law’s percentage density increase for the project, as determined by the City under Chapter 17.580: Density Bonuses and Other Bonus Incentives, to the Community Benefit Density or the Studio Micro-Unit Community Benefit Density, as applicable, rather than to the base density of 35 dwelling units per acre. Neither the use of the Community Benefit Density or the Studio Micro-Unit Community Benefit Density as the base density for such limited purpose nor the increase in total affordability resulting from the Community Benefit Affordable Units required by the City under Subsection L. will be deemed to entitle the project to receive any additional or modified incentive or concession or waiver or reduction of development standards under State Density Bonus Law other than those that the project would have been entitled to receive under Chapter 17.580: Density Bonuses and Other Bonus Incentives using the base density of 35 dwelling units per acre. However, the City may, in its sole discretion, grant such additional incentives, concessions, and waivers and reductions in development standards.
4. **Building setbacks.** Building setbacks are provided in Table 4-2 (Building Height and Setbacks) and Figure 4-4 (Building Height and Setbacks Illustration) and/or other setbacks may be required at the ground level by resolution of the City Council in order to address mobility measures.

Map 4-1

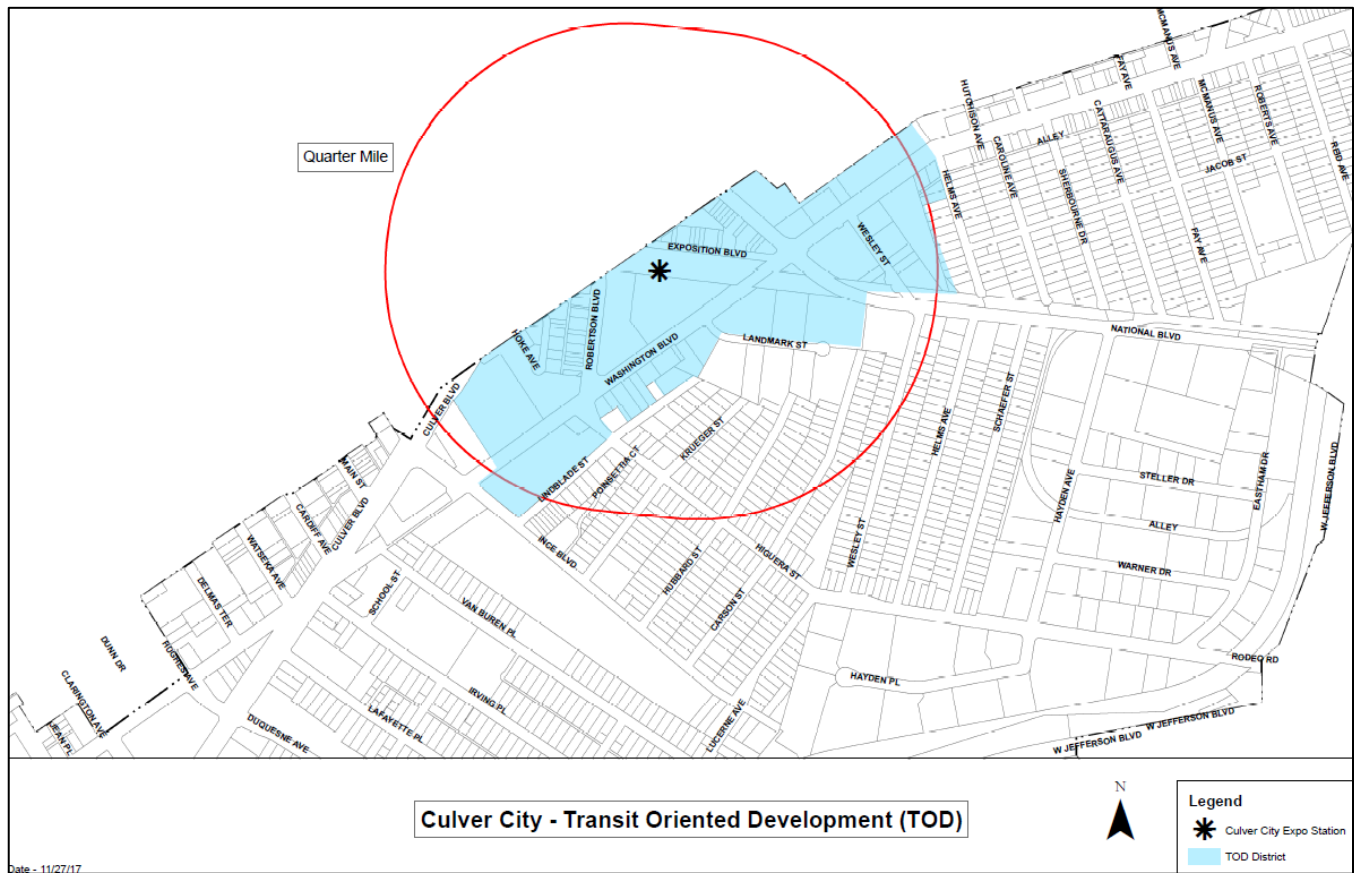


Table 4-2
Building Height and Setbacks

HEIGHT			
Adjacent (1) to R1 or R2 Zone	Adjacent (1) to R3, RLD, RMD, or RHD Zone	Adjacent (1) to Non-Residential Zone	Split Jurisdiction Lot
<u>CN, CD, & CG Zone</u> <ul style="list-style-type: none"> • 35 ft • 45 ft for portion of building 35 ft or more from R1 or R2 Zone 	<u>CN Zone</u> <ul style="list-style-type: none"> • 45 ft <u>CD or CG Zone</u> <ul style="list-style-type: none"> • 45 ft on lots less than 150 ft in depth • 56 ft on lots 150 ft or more in depth 	<u>CN Zone</u> <ul style="list-style-type: none"> • 45 ft <u>CD or CG Zone</u> <ul style="list-style-type: none"> • 56 ft 	<u>CN Zone</u> <ul style="list-style-type: none"> • 45 ft <u>CD or CG Zone</u> <ul style="list-style-type: none"> • 56 ft
SETBACKS (2)			
Building Height	Front	Side and Rear Adjacent (1) to Residential Zone (5)	Side and Rear Adjacent (1) to Non-Residential Zone
Underground	None Required		
Portion of Building 15'-0" or less	A ground level pedestrian setback of 15' is required, except that such setback may vary from zero to 15 feet when pedestrian improvements are included in the setback area as approved by the Director (3).	A 10 ft setback is required. (4)(6)	No setback is required.(6)

Portion of Building greater than 15'-0"	A 5 ft setback is required	A 60 degree clear-zone angle must be maintained, measured from 15 ft above the existing grade and from 10 ft from the side and rear property lines. See Figure 4-5 (Section of Rear Setback	No setback is required.(6)
Portion of Building greater than 35'-0" on a parcel adjacent (1) to R1 or R2 Zone	N/A	A 35 ft setback is required.	N/A
Portion of Building greater than 45'-0" on a parcel adjacent (1) to R3, RLD, RMD or RHD Zone	N/A	A 50 ft setback is required.	N/A
<p>(1) Two parcels are considered to be adjacent even if they are separated by an alley.</p> <p>(2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan or building configuration and operations.</p> <p>(3) Pedestrian improvements include landscaping benches, outdoor dining, planters, additional bike racks, additional street trees, small plazas, mobility related improvements, or other similar features.</p> <p>(4) Adequate screening and landscaping shall be provided</p> <p>(5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</p> <p>(6) If abutting an alley a minimum 2 foot setback is required, except within the TOD area.</p>			

Figure 4-4
Building Height and Setbacks Illustration

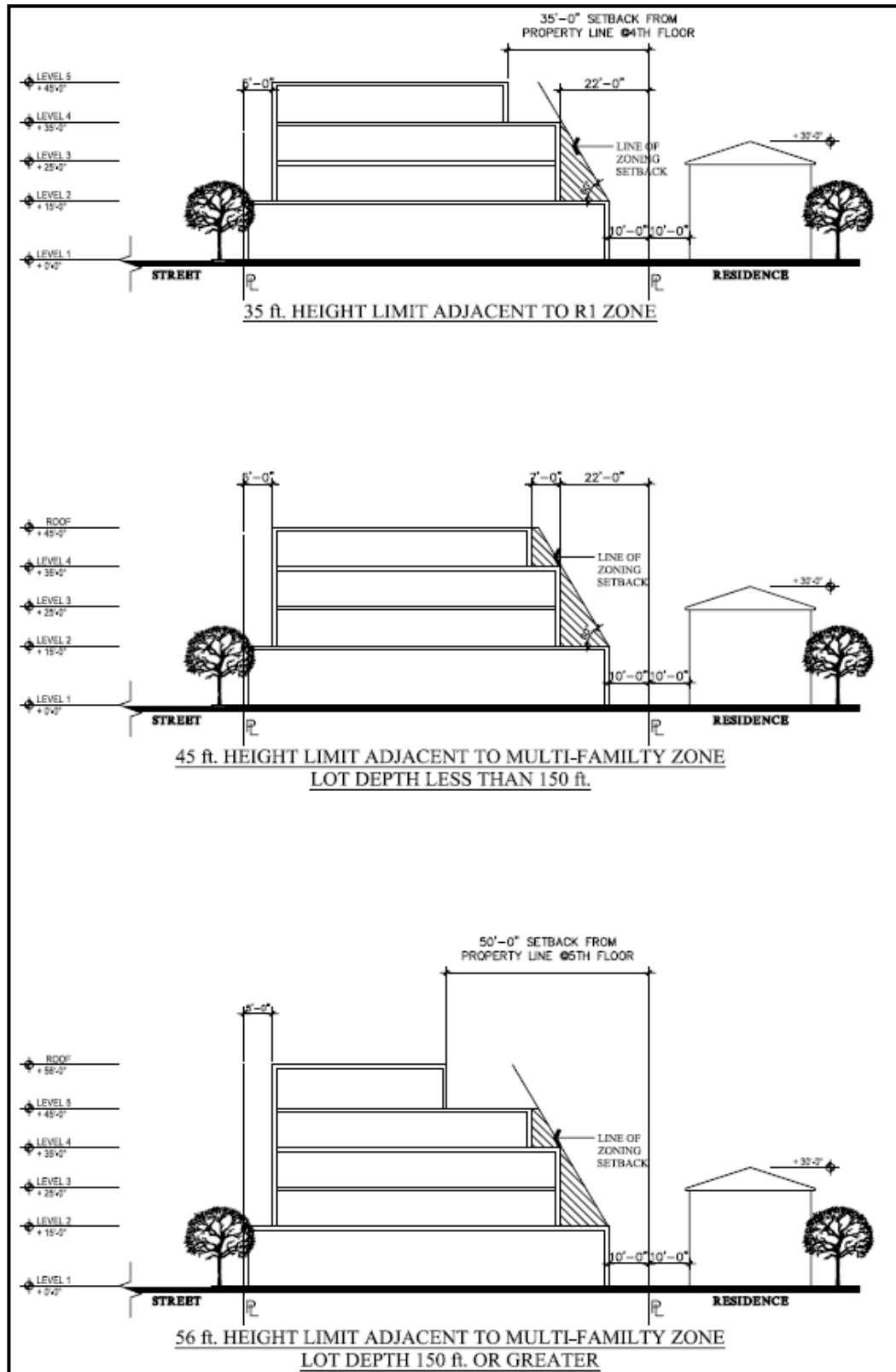
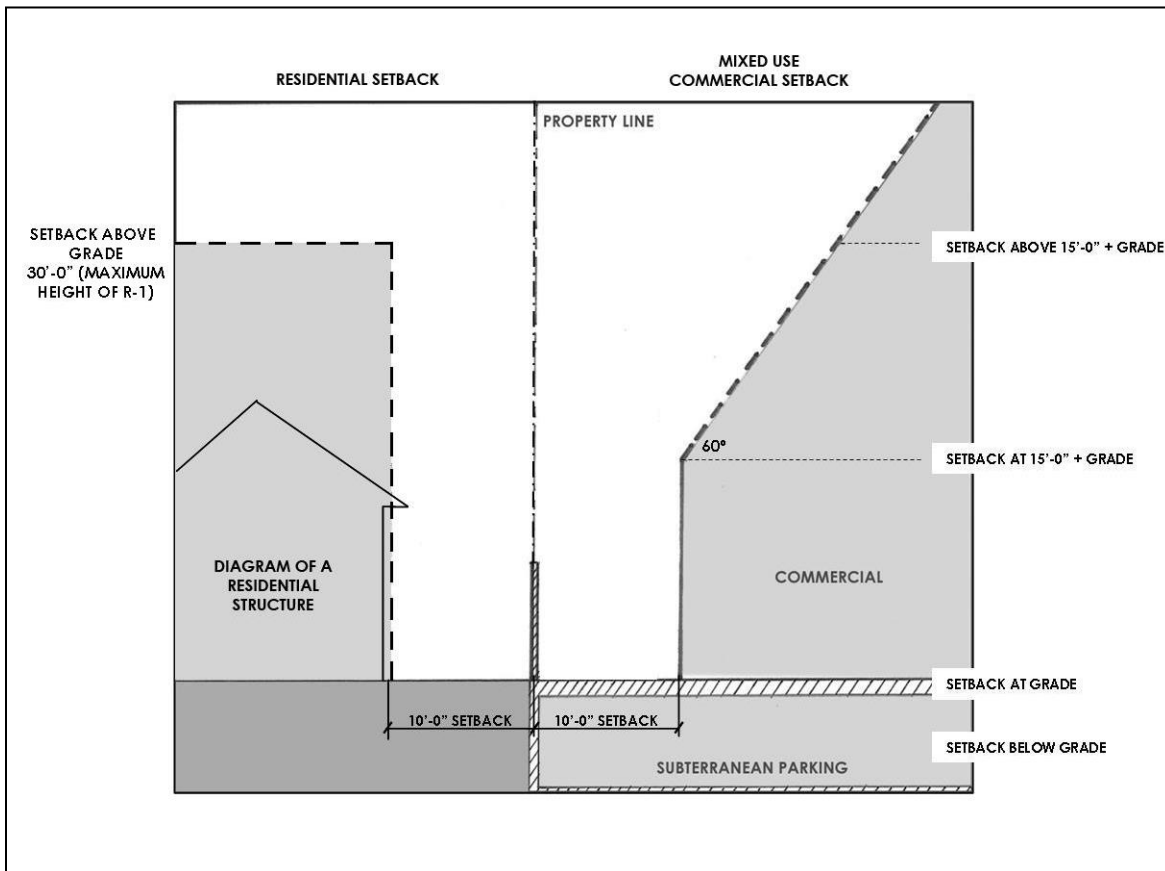


Figure 4-5
Section of Rear Setback



F. Site Planning and Design Standards.

2. **Building bulk.** Projects shall be designed to achieve interesting, graceful and articulated buildings by the use of varied rooflines and vertical attachments; clearly define the base, middle and top of each building and other architectural features; and include building line setback and step backs to create visual interest and reduce monolithic design. See Figure 4-6 (Building Elevation Composition).

Figure 4-6
Building Elevation Composition



Figure 4-7
Section of Street Wall

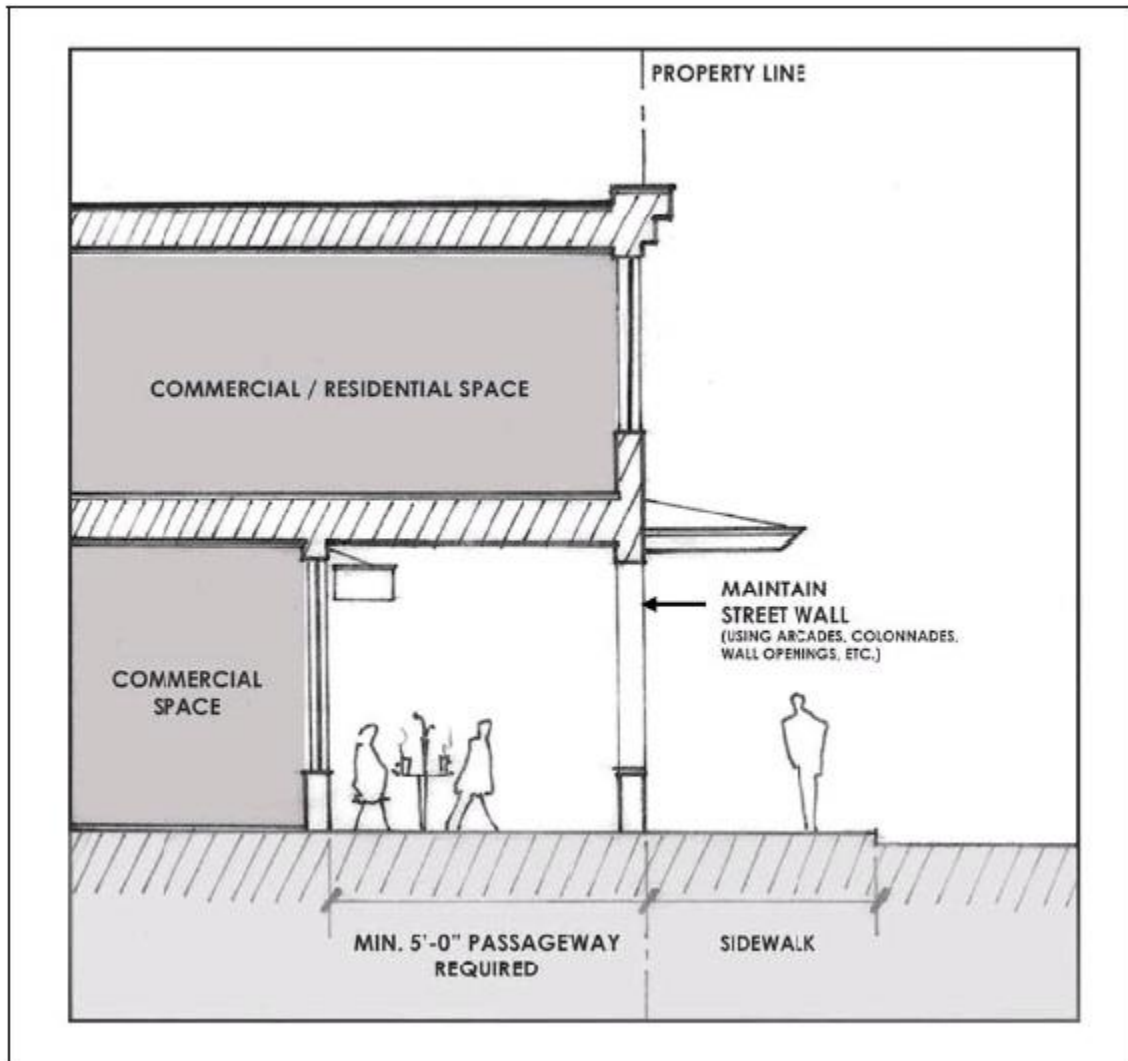
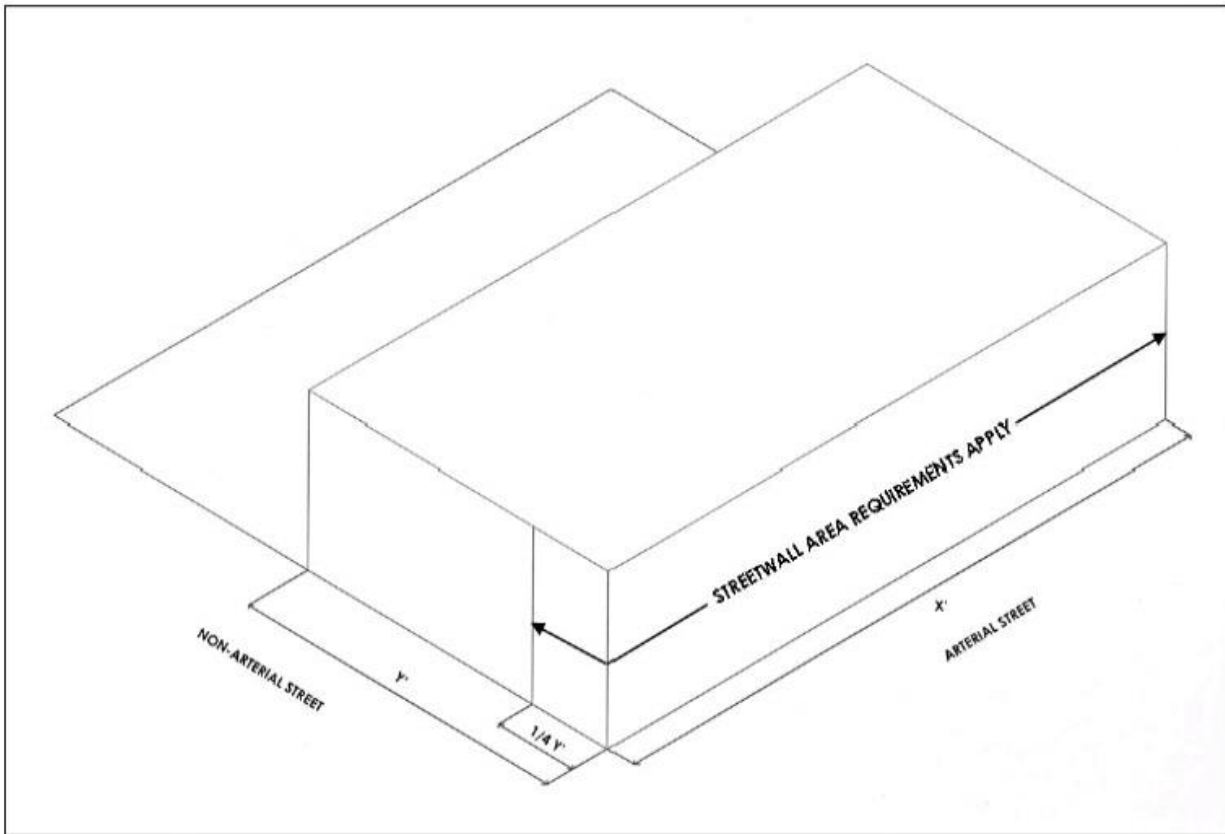


Figure 4-8
Corner Building Street Wall Requirement



2. Street Frontage requirements.

- a.** The street frontage shall be architecturally varied to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, stairs, art and other architectural features or pedestrian improvements subject to the following:
 - 1)** Passageways in arcades and colonnades are, at minimum, 5 feet wide. See Figure 4-7 (Section of Street Wall).
 - 2)** Architectural and ornamental features do not impede pedestrian routes.
 - 3)** Stairs are decorative and attractive.
- b.** With the exception of required driveway curb cuts, street frontage requirements shall apply to 100% of the total property frontage parallel to the street and shall include step backs and building line offsets above the ground level to create visual interest and attractive building massing.
- c.** No blank wall area is permitted in the street frontage wall area. The maximum width of any continuous blank wall in the street frontage shall be no more than 15 feet.

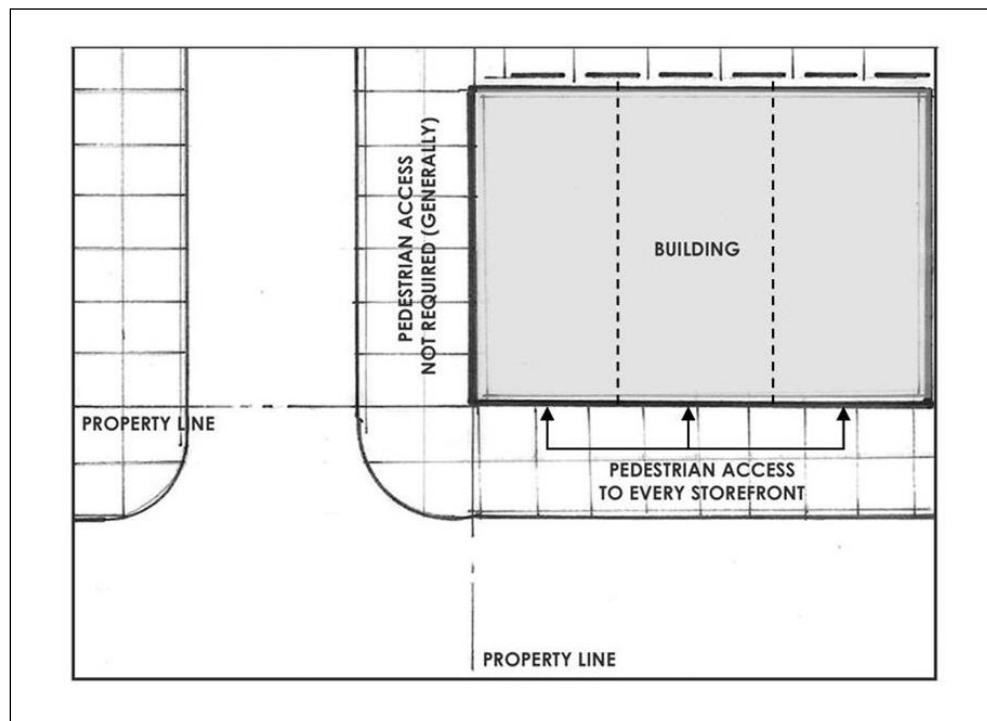
d. Major entrances and corners of buildings shall be articulated within the street wall façade.

3. Building entrances.

- a. Pedestrian entrances shall be provided for all ground floor uses adjacent to arterial streets. Pedestrian entrances are not required on non-arterial streets. See Figure 4-9 (Plan of Pedestrian Entrances).
- b. Pedestrian entrances shall be directly accessible from the public right-of-way, and shall have direct access and view from the adjacent sidewalk.
- c. Commercial uses and residential uses shall have separate exterior entrances, elevators, and lobbies. The Director may waive this requirement based on site constraints.

Figure 4-9

Plan of Pedestrian Entrances



- 4. Signage and lighting.** Signs must be developed pursuant to Chapter 17.330 (Signs). Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).

5. Parking and vehicular access.

- a. Street level parking facilities and lots shall be screened from view from the adjoining arterial street(s) by ornamental walls or fences, at least 4 feet high above street grade.

- b. Two-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 100 feet of street frontage on the street where the vehicular ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - c. One-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 75 feet of street frontage on the street where the ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - d. Vehicular ingress/egress areas are prohibited on arterial streets where the street frontage of the development site adjacent to the arterial street is less than 75 feet. The Director may waive this requirement based on site constraints.
6. **Refuse storage and collection areas.** The commercial and residential components of the project shall maintain separate refuse storage and collection areas; the refuse storage and collection areas shall be clearly marked for separate uses ~~or satisfy alternative standards as approved by the Environmental Programs and Operations Division of the Public Works Department.~~

G. Residential Development Standards.

1. **Minimum unit size.** Residential minimum unit sizes are detailed in Table 4-3 (Minimum Residential Unit Size).

<p><i>Table 4-3</i> <i>Minimum Residential Unit Size</i></p>	
<i>Number of Bedrooms</i>	<i>Minimum Unit Size (Gross Floor Area)</i>
Studio Micro-Unit	350
Studio	500
1 Bedroom	700
2 Bedrooms	900
3 Bedrooms	1,100
4 Bedrooms	150 additional gfa/bedroom

2. **Unit size mix.** Except within the TOD District, or when located within ½ mile of a "major transit stop" or within a "transit priority area" as defined under Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations, ~~No~~ no more than 25% of the total number of residential units shall be studios or micro-units

3. Open space.

- a. Each unit, except studio micro-units, shall have a minimum of 75 square feet of common and/or private open space. Studio micro-units are not required to provide private open space. However, a minimum of 100 square feet of common open space per micro-unit shall be required, of which 100% may be located on the rooftop.
- b. Common open space areas shall have a minimum dimension of 15 feet in any direction which may include a combination of open space and adjacent setback area.
- c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.
- d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

4. Facility requirements. Laundry facilities and storage areas shall comply with the requirements of §17.400.105.B Facility and Design Requirements for Multiple Family Residential Standards.

H. Live/Work Development Standards. In addition to the standards detailed in this Section, live/work units within a mixed use development shall meet all applicable standards contained in Section 17.400.060 (Live/Work Development Standards).

I. Parking Standards. Mixed use developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading) and the following additional standards.

1. Parking access and circulation standards.

- a. ~~Commingled parking.~~ Shared parking. All multi-tenant, mixed-use projects on lots of 10,000 sq. ft. or greater shall provide a shared parking analysis. If the shared parking analysis demonstrates shared parking is feasible and will not negatively impact surrounding commercial or residential neighborhoods, then shared parking of all uses shall be required, subject to the following conditions:~~A mixed-use project may have a commingled parking area for all uses, subject to the following conditions:~~

- 1) Residential, live/work and commercial parking spaces are designated with signs.
- 2) Residential, live/work and commercial components require 10 or fewer parking spaces each.
- 3) One use requires 10 or fewer parking spaces and a second use requires more than 10 parking spaces, and the Director determines that site conditions make it infeasible to provide gated or separated parking.
- 4) Within a designated TOD District, or when located within ½ mile of a “major transit stop” or within a “transit priority area” as defined under Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations, ~~within transit-oriented developments,~~ parking may be reduced by resolution of the City Council based upon consideration of

proximity to transit and/or a shared parking analysis, which demonstrates that such parking reduction will not negatively impact surrounding commercial or residential neighborhoods.

5) Shared parking analysis used to establish a project's required parking shall factor in any allowances of reduced parking provided by State statute.

b. Gated parking. A mixed use project shall have a gated parking area for residents of residential units and live/work units, if the requirements allowing commingled parking are not met. The regulations governing gated parking areas are provided below.

1) Common ingress areas to residential, live/work, and commercial parking are permitted.

~~2) If a separated residential and live/work egress lane(s) is/are not provided, non-residential parking shall be free of charge.~~

~~3.~~ 2) The parking layout shall be designed so that residents are not significantly inconvenienced by non-residential parking demands, as determined by the Director.

c. Residential guest parking location.

1) Residential guest parking may be located in commercial parking area.

2) Residential guest parking shall be accessible 24 hours per day.

3) Residential guest parking shall be free of charge.

4) Residential guest parking shall be appropriately signed.

J. Performance Requirements. All mixed use projects shall be designed to meet the following performance standards.

1. Walls on all sides of residential and live/work units shall be constructed to minimize the transmission of noise and vibration. A minimum impact insulation class (IIC) of 60 shall be required for all residential and live/work walls, floors, and ceilings.

2. Shared elevators shall have security code access for residents to reach residential floors and to use the elevators during late evening and early morning hours. Security code access is not required for live/work access areas. Separate commercial and residential elevators are encouraged.

3. No commercial use, activity or process shall be operated in an objectionable manner due to fumes, noxious odor, dust, smoke, gas, noise or vibrations which may be detrimental to any other uses and occupants on the same property.

4. Residential and live/work units shall be designed to allow for cross-ventilation and have high quality HVAC systems, to the extent feasible.

5. Parking areas shall be illuminated so as to provide appropriate visibility and security.

6. Parking access and circulation design shall minimize vehicle circulation through residential neighborhood streets.
7. Commercial loading areas and outdoor storage areas shall be designed and located away from residential units and shall be screened from view at ground level from the residential portion of the project and from adjacent residential developments.
8. Commercial loading areas shall not significantly and/or negatively impact the pedestrian environment.
9. Adequate lighting must be provided adjacent to sidewalks and other public spaces to preserve the amenity and safety of those spaces for pedestrian use.

K. Replacement of Dwelling Units.

1. No project shall result in a reduction in the number of dwelling units on the project site, including dwelling units that have been vacated or demolished in the five-year period preceding the application submittal date for the project. All dwelling units removed or destroyed by the project must be replaced in the project with the same number of dwelling units.
2. In addition, an applicant shall be ineligible for a Community Benefit Density Bonus or a Studio Micro-Unit Community Benefit Density Bonus if the project is proposed on property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been, subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed project replaces those units at the same level of income and affordability.
 - a. If any such dwelling units are occupied on the date of application, the proposed project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.
 - b. For unoccupied dwelling units in a project with occupied units, the proposed project shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently

available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

- c. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the replacement units shall be subject to Subsection L.3.b.

L. Community Benefit Incentive. The Community Benefit incentive shall be implemented as follows:

1. Community Benefit Definition.

- a. A minimum of fifteen percent (15%) of the total dwelling units in the mixed-use project, as determined pursuant to Paragraphs a., b., or c. of Subsection E.3., must be affordable. The total affordable units required under this Subsection L.1. consist of the affordable units required under Chapter 17.580: Density Bonuses and Other Bonus Incentives and the Community Benefit Affordable Units required as a condition of receiving the Community Benefit residential density. All calculations under this paragraph resulting in fractional units shall be rounded up to the next whole number, provided however, that if a calculation results in a fraction less than .5, the applicant has the option to (i) provide an additional Community Benefit Affordable Unit or (ii) pay an In-Lieu Fee equal to the percentage represented by the fractional Community Benefit Affordable Unit multiplied by the applicable In-Lieu Fee described in Subsection N.1.
- b. As a condition of receiving the Community Benefit residential density provided by paragraphs a., b., or c. of Subsection E.3., the sizes of the affordable units comprising the total affordability described in Paragraph a. of this Subsection L.1. must be in the same proportion as the sizes of the market units in the project.
- c. The Community Benefit Affordable Units must be provided as dwelling units that are offered at affordable housing cost to and occupied by households with gross annual incomes, determined in accordance with Title 25 of the California Code of Regulations, Section 6914, that do not exceed the following income categories. The term "Area Median Income" means the Los Angeles County Median Income published annually by the California Department of Housing and Community Development. Area Median Income shall be adjusted to reflect the number of persons in the household.
 - i. Very Low Income means household income that does not exceed 50% of Area Median Income.
 - ii. Low Income means household income that is greater than 50% of Area Median Income and does not exceed 80% of Area Median Income.
 - iii. Workforce means household income that is greater than 80% of Area Median Income and does not exceed 129% of Area Median Income.

2. Affordable Housing Cost. Housing cost of the Community Benefit Affordable Units shall not exceed the following affordable housing cost:

- a. **Rental Units.** In the case of rental units, affordable housing cost is rent determined in accordance with Title 25 of the California Code of Regulations, Section 6918 that does not exceed the applicable percentage of Area Median Income, adjusted for household

size appropriate to the unit. Household size appropriate for the unit is defined as the number of bedrooms in the unit plus one.

- i. Rent for Very Low Income units shall not exceed 30% of 50% of Area Median Income adjusted for household size appropriate to the unit.
 - ii. Rent for Low Income units shall not exceed 30% of 60% of Area Median Income adjusted for household size appropriate to the unit.
 - iii. Rent for Workforce units shall not exceed 30% of 129% of Area Median Income adjusted for household size appropriate to the unit.
 - b. **Owner-Occupied Units.** In the case of owner-occupied units, affordable housing cost is housing cost determined in accordance with Title 25 of the California Code of Regulations, Section 6920 that does not exceed the applicable percentage of Area Median Income, adjusted for household size appropriate to the unit. Household size appropriate for the unit is defined as the number of bedrooms in the unit plus one.
 - i. Affordable housing cost for Very Low Income units shall not exceed 30% of 50% of Area Median Income adjusted for household size appropriate to the unit.
 - ii. Affordable housing cost for Low Income units shall not exceed 30% of 70% of Area Median Income adjusted for household size appropriate to the unit.
 - iii. Affordable housing cost for Workforce units shall not exceed 35% of 129% of Area Median Income adjusted for household size appropriate to the unit.
3. **Affordability Period.** The Community Benefit Affordable Units will be subject to an affordability restriction for the following periods:
 - a. **Rental Units.** Rental units must remain affordable to and occupied by income-qualifying households for a period of at least 55 years.
 - b. **Owner-Occupied Units.** Owner-occupied units will be subject to occupancy and resale restrictions for a period of at least 55 years. However, the owner will have the option of exercising a buy-out in accordance with the terms of an equity sharing agreement with the City.
4. **First-Time Homebuyer.** Owner-occupied Community Benefit Affordable Units must be offered for sale to first-time homebuyers, who are defined as follows: an individual or his or her spouse who has not owned a home during the three-year period prior to the date of purchase of the unit. The term first-time homebuyer also includes an individual who is a displaced homemaker or single parent who has only owned a home with a former spouse while married. A displaced homemaker is defined as an individual who: (a) is an adult; (b) has not worked full-time and full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family; and (c) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. An individual shall not be excluded from consideration as a first-time homebuyer on the basis that the individual owns or owned, as a principal residence during the three-year period, a dwelling unit whose structure is not permanently affixed to a permanent foundation in accordance with local or other applicable regulations or is not in compliance with State, local, or model building codes, or other applicable

codes, and cannot be brought into compliance with the codes for less than the cost of constructing a permanent structure

M. Community Benefit Housing Plan.

1. At the times and in accordance with the standards and procedures set forth in the Regulations, the applicant shall:
 - a. Submit a Community Benefit Housing Plan for review and approval by the Director, setting forth in detail the manner in which the provisions of this Section will be implemented for the proposed project.
 - b. Execute a Community Benefit Housing Agreement approved by the Director for recordation in the land records.
2. No entitlement or approval required by Title 17 of this Code, including but not limited to Site Plan Review, Comprehensive Plan approval and subdivision map approval, shall be issued for any portion of the project unless and until the Director has approved the Community Benefit Housing Plan submitted by the applicant.
3. No building permit shall be issued for any portion of the project unless and until the Director has approved the Community Benefit Housing Plan submitted by the applicant and the Community Benefit Housing Agreement has been recorded or the applicant has satisfied one of the options described in Subsection N.
4. No certificate of occupancy shall be issued for any portion of the project unless and until the Director has determined that the approved Community Benefit Housing Plan has been fully implemented.

N. Alternatives to Including the Community Benefit Affordable Units in the Project. In lieu of including the Community Benefit Affordable Units in the project, the Community Benefit may be provided through payment of an in-lieu fee as set forth below.

1. **In Lieu Fee.** At the discretion of the City Council, some or all of the requirement to include the Community Benefit Affordable Units in the project may be satisfied through payment of an in-lieu fee, as follows:
 - a. The amount of the fee required for each Community Benefit Affordable Unit that is not included in the project shall be calculated using the in-lieu fee schedule set forth in the Regulations in effect at the time of issuance of the first building permit for the project.
 - b. One-half of the in-lieu fee required by this subsection must be paid (or a letter of credit posted) prior to issuance of a building permit for any portion of the project. The remainder of the fee must be paid before a certificate of occupancy is issued for any portion of the project.
 - c. The fees collected shall be deposited in the City's Low and Moderate Income Housing Trust Fund for the purpose of providing, preserving, maintaining and administering affordable housing.

O. Regulations. The City Council shall by resolution adopt the Regulations for the City's implementation of this Section.

- P. **Appeal.** An appeal of a determination by the Director of a matter subject to this Section must be initiated within fifteen (15) calendar days after the date of such determination. The appellant shall follow the appeal procedures set forth in Sections 17.640.030 and 17.640.035.B. of this Code.
- Q. **Administrative Fees.** The City Council may by resolution establish reasonable fees and deposits for the administration of this Section, which shall be set forth in the Regulations.
- R. **Enforcement.** The City may institute all appropriate administrative and legal actions or proceedings necessary to ensure compliance with this Section and the Regulations adopted pursuant to Subsection O., including but not limited to: (1) actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval granted under Title 17 of this Code; and (2) actions for injunctive, declaratory or other equitable relief or damages. In any actions to enforce this Section, the Regulations adopted pursuant to Subsection O., a Community Benefit Housing Plan, or a Community Benefit Housing Agreement, the City shall be entitled to recover its reasonable attorney's fees and costs.