

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

An ordinance adding Section 1.5.13. (Inventory of Housing Element Sites Map), Section 1.5.14. (Prior Housing Element Sites Map), Section 1.5.15. (Lower Income Rezoning Housing Element Sites Map), Section 4C.15.4. (Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period), Division 6C.2. (Minimum Density), Section 6C.2.1. (Minimum Dwelling Units Per Lot Area), Section 9.2.6. (Housing Element Sites Streamlining Incentive Program) and amending Division 6B.2 (Lot Area-Based Density Districts) of Chapter 1A of the Los Angeles Municipal Code (LAMC) for the purpose of establishing reasonable regulations regarding affordable housing development, codifying housing replacement requirements, establishing minimum density requirements and to comply with state housing law.

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

Sec. 1. Section 1.5.13. (Inventory of Housing Element Sites Map) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

Section 1.5.13. Inventory of Housing Element Sites Map

A. Purpose

The Inventory of Housing Element Sites Map identifies *lots* listed in the inventory of land suitable for residential development developed pursuant to California Government Code, Chapter 4. (Zoning Regulations), Section 65583.2(a)(3).

B. Boundaries

Any *lot* designated, using the Department of Public Works, Bureau of Engineering land base dataset, that is listed on the Inventory of Housing Element Sites established in Appendix 4.1, Appendix 4.2, and Appendix 4.3 of the current 2021-2029 Housing Element.

C. Amendments

The Inventory of Housing Element Sites Map shall only be revised pursuant to Sec. 13B.1.1. (General Plan Adoption/Amendment) and California Government Code, Chapter 4. (Zoning Regulations), Section 65863.

Sec. 2. Section 1.5.14. (Prior Housing Element Sites Map) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

Section 1.5.14. Prior Housing Element Sites Map

A. Purpose

The Prior Housing Element Sites Map identifies lots that have been listed in a previous Housing Element cycle as suitable sites for residential development. Sites on the Prior Housing Element Sites Map are eligible to participate in a streamlined review process established in Sec. 9.2.6. (Housing Element Sites Streamlining Incentive Program).

B. Boundaries

Any lot designated, using the Department of Public Works, Bureau of Engineering land base dataset, that is listed as a Prior Housing Element Site in Appendix 4.1 of the current 2021-2029 Housing Element.

C. Amendments

The Prior Housing Element Sites Map shall only be revised pursuant to Sec. 13B.1.1. (General Plan Adoption/Amendment).

Sec. 3. Section 1.5.15. (Lower Income Rezoning Housing Element Sites Map) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

Section 1.5.15. Lower Income Rezoning Housing Element Sites Map

A. Purpose

1. The Lower Income Rezoning Housing Element Sites Map identifies lots that are eligible to participate in a streamlined review process established in Sec. 9.2.6. (Housing Element Sites Streamlining Incentive Program) and that are priority sites for the application of the minimum density requirements established in Sec. 6C.2.1.(Minimum Dwelling Units Per Lot Area).
2. The Lower Income Rezoning Housing Element Sites Map identifies lots that were rezoned as part of a rezoning program to meet the Housing Element need for very low and low-income households allocated pursuant to California Government Code, Chapter 3. (Local Planning), Section 65584. The inventory of these sites shall be established by City Council Resolution, submitted to the state each year as part of the Housing Element Annual Progress Report.
3. Sites identified on the Income Rezoning Housing Element Sites Map shall comply with California Government Code, Chapter 3. (Local Planning) Section 65583.2(h).

B. Boundaries

1. Any lots designated, using the Department of Public Works, Bureau of Engineering land base dataset, that are listed as Lower Income Rezoning Sites, established pursuant to a City Council Resolution.
2. Any lot designated, using the Department of Public Works, Bureau of Engineering land base dataset, that is identified as meeting the criteria for a prior

housing element site in the most recently adopted Housing Element, including non-vacant sites that were identified in the prior Housing Element and vacant sites that were identified in the prior two Housing Elements, including sites identified in Column O of Appendix 4.1 of the current 2021-2029 Housing Element.

C. Amendments

The City Council shall have the ability to establish and subsequently modify the Lower Income Rezoning Housing Element Sites Map, pursuant to an adopted City Council Resolution. The Director is authorized to revise the Lower Income Rezoning Housing Element Sites Map to correct technical errors and as well as reflect any action that renders a site no longer qualifies as a lower income rezoning site (state law reference).

Sec. 4. Section 4C.15.4. (Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

SEC. 4C.15.4. Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period

A. Intent

The no-net-loss requirements established in this section are intended to ensure that new projects do not result in the reduction of existing housing capacity.

B. Applicability

The requirements of this Section apply to any project located on a lot identified on the Inventory of Housing Element Sites Map (Sec. 1.5.13.) or the Prior Housing Element Sites Map (Sec. 1.5.14).

C. Standards

1. For projects located on lots identified on the Inventory of Housing Element Sites Map (Sec. 1.5.13.) or the Prior Housing Element Sites Map (Sec. 1.5.14). The Departments of City Planning and Building and Safety shall not, through any administrative, quasi-judicial, legislative or other actions, reduce the density of an applicable site, or approve any project on an applicable site with fewer dwelling units in aggregate, by income category, than shown as realistic capacity in the most recent inventory of land suitable for residential development for the remaining housing element planning period, pursuant to California Government Code, Chapter 3. (Local Planning) Section 65584, unless it either:
  - a. Makes a finding pursuant to California Government Code, Chapter 4. (Zoning Regulations) Section 65863(b)(2) that, while the proposed project would result in fewer dwelling units by income category than those identified in the most recent inventory of land suitable for residential development prepared for the 2021-2029 Housing Element, the remaining

sites identified in the Housing Element of the General Plan are adequate to meet the requirements of California Government Code, Chapter 3. (Local Planning), Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code, Chapter 3. (Local Planning), Section 65584. A written finding with substantial evidence shall be included as part of approval of the *project* on the number of sites by income category and their adequacy to meet the requirements.

- b. If a finding can not be made, the Department of City Planning shall, within 180 days, identify and make available additional adequate sites through a rezoning to accommodate the jurisdiction's share of the regional housing need by income level.
2. A housing project may not be denied on the basis that approval of the project would require compliance with Subparagraph a. above, if the *project* meets the definition of "Project" as defined in paragraph (2) of subdivision (h) of California Government Code Section 65589.5 (Housing Accountability Act), as amended from time to time, also including *projects* that involve no discretionary approvals and *projects* that include a proposal to construct a single *dwelling unit*.

Section 5. Amend Division 6B.2. (Lot Area-Based Districts) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

In FA, 2, 3, 4, 6, 8, 10, 12, 15, 20, 25, 30, 40, 50, 60, and N Density Districts, the *maximum density of household dwelling units and efficiency dwelling units* permitted on a *lot* is limited according to the table below. A *lot* may contain any combination of *household dwelling units* and *efficiency dwelling units*.

LOT AREA-BASED DISTRICTS			
Density District	Lot Area per Household Dwelling Unit (min SF)  Sec. 6C.1.2.	Lot Area per Efficiency Dwelling Unit (min SF)  Sec. 6C.1.3.	<u>Minimum Dwelling Units per Lot Area</u>  <u>Sec. 6C.2.</u>
FA	Limited by Floor Area	Limited by Floor Area	<u>Applicable</u>
2	200	100	<u>Applicable</u>

3	300	150	<u>Applicable</u>
4	400	200	<u>Applicable</u>
6	600	300	<u>Applicable</u>
8	800	400	<u>Applicable</u>
10	1000	500	<u>Applicable</u>
12	1200	600	<u>Applicable</u>
15	1500	750	<u>Market-Contingent</u>
20	2000	1000	<u>Market-Contingent</u>
25	2500	1250	<u>Not Applicable</u>
30	3000	1500	<u>Not Applicable</u>
40	4000	2000	<u>Not Applicable</u>
50	5000	2500	<u>Not Applicable</u>
60	6000	3000	<u>Not Applicable</u>
N	Not Permitted	Not Permitted	<u>Not Applicable</u>

Sec. 6. Division 6C.2. (Minimum Density) and Section 6C.2.1. (Minimum Dwelling Units per Lot Area) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

Div. 6C. 2. Minimum Density

Sec. 6C.2.1. Minimum Dwelling Units Per Lot Area

A. Intent

The minimum dwelling per lot area standard is intended to create procedures to implement State housing element law requirements for designated Lower Income Rezoning Sites, and advance the goals, policies, and objectives identified in the 2021-2029 Housing Element.

B. Applicability

1. The Minimum *Dwelling Units per Lot Area* standard applies when a *project* involves the following project activities: *New Construction, Major Remodel, Exterior Modification, Use Modification, Temporary Use, Demolition, Renovation.*
2. The following minimum density rule applies to all *Projects* on the *lot* meeting the following criteria:

Where Minimum *Dwelling Units per Lot Area* is listed as applicable or market contingent by the applied density district.

C. Standards

1. Applicable

Where the applied density district specifies Minimum Density as “Applicable” any *project* on the *lot* must propose a minimum of one *dwelling unit* per 2000 square feet of *lot area*, which can be a combination of *household dwelling units* and *efficiency dwelling units*. *Dwelling units* provided as *accessory dwelling units*, pursuant to Div. 9.5. (Accessory Dwelling Unit Incentive Program), count toward the required minimum density on the *lot*.

2. Market Contingent

- a. Where the applied Density District specifies Minimum Density as “Market-Contingent”, any *project* on a *lot* that is located within a High or Medium High Residential Market Area as identified pursuant to Sec. 15.4.3. (Affordable Housing Linkage Fee), must propose a minimum of one *dwelling unit* per 2000 square feet of *lot area*, which can be a combination of *household dwelling units* and *efficiency dwelling units*. *Dwelling units* provided as *accessory dwelling units*, pursuant to Div. 9.5. (Accessory Dwelling Unit Incentive Program), count toward the required minimum density on the *lot*.
- b. Where the applied Density District specifies Minimum Density as “Market-Contingent,” *projects* on *lots* that are located within a Low, Medium, or Not Applicable Market Area as identified pursuant to Sec. 15.4.3. (Affordable Housing Linkage Fee), are not subject to any minimum density requirements.

D. Measurement

1. The required minimum number of *household dwelling units* is calculated by dividing the *lot area* by 2,000 square feet, and can be provided in combination with *efficiency dwelling units* where permitted, as calculated in Sec. 6C.1.3. (Lot Area per Efficiency Dwelling Unit). *Lot area* that has been committed to the minimum *lot area* required per *household dwelling unit* is not able to count

towards the minimum *lot area* required for an *efficiency dwelling unit*. An *Accessory Dwelling Unit* can count towards the required minimum number of *household dwelling units*.

1. For *lots* that are adjacent to one or more *alleys*, the minimum number of *household dwelling units* may be calculated using the *lot area* plus the area between the exterior *lot lines* and the centerline of the *alley*.
2. If the minimum number of *household dwelling units* is a fraction, the minimum density required shall be rounded up.
3. When density is designated as "Not Permitted", *household dwelling units* are not permitted.

E. Exceptions

Projects that meet any of the following criteria are exempt from the minimum density requirement established in Subsection C (Standards), above. Projects located on lots in the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.) are not subject to the exceptions listed below and must comply in all cases with the requirements of Subsection C (Standards), above.

1. The *project* is limited to *new construction* of 1,500 square feet or less on a *lot* with existing *buildings* or *structures*, does not result in an increase in *dwelling units* and does not result in the demolition of an existing *dwelling unit(s)*;
2. The only new *dwelling unit* being added on the *lot* is an *Accessory Dwelling Unit(s)*.
3. Existing *dwelling units* or guest rooms that have been damaged by a disaster or are deemed unsafe by *LADBS* and are being reconstructed with no increase to the amount *Floor Area* in the prior *building* or *buildings*.
4. The development is located on an environmentally sensitive area specified in subparagraphs (B) to (K) of California Government Code, Chapter 4.2. (Housing Development Approvals), Section 65913.4(a)(6), including a *Very High Fire Hazard Severity Zone*, regardless of any mitigations.
5. On *lots* located listed in Sec. 1.5.6. (Hillside Area Map), where at least 60% of the *Lot* is composed of *Slopes* which are 30% or greater.
6. *Lots* that have an applied open space use district.
7. *Lots* that contain a *Designated Historic Resource*.
8. *Lots* that can not achieve the minimum density requirement due to any objective provision that physically precludes the construction of a development, of the Los Angeles Municipal Code, as determined by Los Angeles Department of Building and Safety or due to any provision of *Specific Plans*, or a *Community Plan Implementation Overlay*.

Sec. 7. Section 9.2.6. (Housing Element Sites Streamlining Incentive Program) of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

Section 9.2.6. Housing Element Sites Streamlining Incentive Program

A map-based incentive program for streamlining the review and approval of projects with at least 20 percent of the units set aside for lower-income households.

A. Intent

The Housing Element Sites Streamlining Program facilitates and incentivizes the construction of affordable housing by establishing procedures, objective review criteria, and allowances for ministerial review as required by California Government Code, Chapter 3. (Local Planning), Section 65583.2(h).

B. Applicability

1. Project Activities

Projects that meet the eligibility criteria established in Paragraph 1 (Eligibility) of Subsection C (Program Rules) and consist of any of the *project* activities listed below may be eligible for participation in the Housing Element Sites Streamlining Incentive Program:

- a. *New construction* for which all new *floor area* meets the eligibility criteria outlined in Sec. 9.2.6.C.1. (Eligibility)
- b. *A use modification or renovation*, including retrofitting for accessibility purposes, for which all resulting new *dwelling units* and all renovated *dwelling units* meet the eligibility criteria outlined in Sec. 9.2.6.C.1. (Eligibility)

2. Reconciling Provisions

a. Relationship to Other Incentive Programs

*Projects* seeking streamlining through this program pursuant to Sec. 9.2.6 (Housing Element Site Ordinance Streamlining Incentive Program) shall be eligible for a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to California Government Code Section 65915, or any local incentive program that implements this Section.

b. Relationship to *Specific Plans*, *Supplemental Districts*, and *Special Zones*

As this Section is intended to implement State Law contained in California Government Code, Chapter 3. (Local Planning), Sec.65583, in the event that any provision of an applicable *Specific Plan*, *Supplemental District*, or *Special Zone* conflicts with the procedures, requirements, and provisions of this Section, the provisions of this Section shall prevail.

c. Relationship to Other Zoning Provisions

*Restricted affordable units* provided in order to meet the eligibility criteria for participation in the Housing Element Sites Streamlining Program may also be used in order to count towards any other applicable *restricted affordable units* required for any other purpose.



## C. Program Rules

### 1. Eligibility

Affordable housing projects meeting the following eligibility criteria qualify for participation in the Housing Element Sites Streamlining Incentive Program, including the streamlining incentives outlined in Sec. 9.2.6.C.2. (Incentives).

#### a. Affordability Levels

At least 20 percent of the units in an eligible *Project* must be made affordable and available to Lower Income Households.

#### b. Zoning

The *project* is located on a *lot* with an applicable or market contingent minimum density district.

#### c. Mapped Lots

The *project* is located on a *lot* mapped on the Prior Housing Element Sites Map (Sec. 1.5.14.) or Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.).

### 2. Incentives

#### a. Streamlined Review

##### i. Administrative Review Process

*Housing projects* meeting the eligibility criteria outlined in Sec. 9.2.6.C.1. (Eligibility) above, shall be approved via Administrative Review, pursuant to Sec. 13.B.1. (Administrative Review).

##### ii. Supplemental Procedures

*Housing projects* participating in the Housing Element streamlining program and approved via Administrative Review, pursuant to Sec. 13.B.1. (Administrative Review) may request a modification of action only as provided in and subject to the limitations of California Government Code, Chapter 4.2. (Housing Development Approvals), Section 65913.4(g).

#### b. Exceptions

i. If a project is requesting a *subdivision*, the *subdivision* process shall not be streamlined pursuant to Sec. 9.2.6. (Housing Element Sites Streamlining Incentive Program) and shall be subject to all applicable review procedures and laws, including those outlined in Article 11 (Division of Land) and Div. 13B.7 (Division of Land). The part of the project requesting an entitlement outside of this Section may be streamlined pursuant to Sec. 9.2.6. (Housing Element Sites Streamlining Incentive Program)

ii. Non-residential uses that are not permitted by-right by the applied *Use District* (Part 5B), including those requiring a class 1 conditional use permit, class 2 conditional use permit, or class 3 conditional use permit, or that require discretionary review pursuant to an applicable *special use program* outlined in Div.5C.3. (Special Use Programs) shall not be streamlined and shall be subject to the otherwise applicable review procedures.

D. Administration

1. Procedures

Projects participating in the Housing Element Sites Streamlining Program shall be reviewed and approved via the streamlined process established in Paragraph 3. (Incentives) of Subsection C. (Program Rules), above.

2. Records & Agreements.

Prior to the issuance of a building permit for any *project* participating in the Housing Element Sites Streamlining Incentive Program, covenants acceptable to the Los Angeles Housing Department and meeting the requirements in this Section and set forth in Sec. 4C.15.3. (Restricted Affordable Housing Units) shall be recorded with the Los Angeles County Recorder.