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November 13, 2024

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**TECHNICAL MODIFICATIONS TO THE PROPOSED HOUSING ELEMENT SITES AND
MINIMUM DENSITY ORDINANCE (EXHIBIT A.3); CF 21-1230-S6 (CASE NO.
CPC-2024-387-CA; ENV-2020-6762-EIR; ENV-2020-6762-EIR-ADD1; ENV-2020-6762-EIR-ADD2**

The following ordinance corrections and additions are to be incorporated into CF 21-1230-S6 (Proposed Housing Element Sites and Minimum Density Ordinance) in (1) Exhibit A.3 of the staff recommendation report, originally presented to the City Planning Commission on September 26, 2024 and transmitted to the Council File on October 16, 2024, and (2) the Proposed Draft Chapter 1A Housing Element Sites and Minimum Density Ordinance, transmitted to the Council File on November 13, 2024 to be considered by the Los Angeles City Council's Planning and Land Use Management Committee and presented for City Council approval.

INSTRUCTIONS: Add recitals to the proposed ordinance in Chapter 1 and Chapter 1A to read as follows:

WHEREAS, the City Council finds this ordinance, among other things, is intended to implement Government Code Section 65863 to ensure that the City maintains an adequate inventory of sites to accommodate its regional housing needs allocation (RHNA) throughout the planning period and makes the no net loss findings required to reduce the density for any parcel identified by the City to meet its RHNA obligations;

WHEREAS, the City Council finds that its implementation of Housing Element Program 121 to rezone for adequate sites, through the adoption of the Downtown Community Plan Update (Council File No. 22-0617) and the Citywide Housing Incentive Program (Council File No. 21-1230-S5), and this ordinance, along with the resolution identifying the lower income rezone sites, accommodates all of the City's regional housing needs allocation;

WHEREAS, notwithstanding the above, the City Council may adopt subsequent ordinances to further implement the Housing Element Program 121 and rezone additional sites to accommodate the RHNA; and

WHEREAS, this ordinance, also, is intended to implement subdivision (h) of Government Code Section 65583.2 to, among other things, establish minimum densities and by-right processing of lower income rezone sites.

CHAPTER 1 INSTRUCTIONS: Revise the definition of “Housing Element Sites” in Section B on page 1 of Exhibit A.3 to clarify the types of sites included in this definition.

“**Housing Element Sites**” means the sites listed on the City’s inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of California Government Code Section 65583, any candidate sites for rezoning to address a shortfall, until those candidate sites are replaced through adoption of a rezoning program adopted by the City Council to implement the City’s program to rezone for adequate sites pursuant to paragraph (1) of subdivision (c) of Government Code Section 65583, and any sites rezoned through such program that exists in the most recently adopted Housing Element, including Appendices 4.1, 4.2, and 4.3 of the 2021-2029 Housing Element. The Housing Element Sites shall be shown on a map, titled, “Inventory of Housing Element Sites Map” prepared by the Planning Department and adopted by the City Council in Division 1.5 of Chapter 1A of this Code. The Planning Department shall also maintain a list of the Housing Element Sites included on the Housing Element Sites Map, referred to as the “Inventory of Housing Element Sites,” on the City’s Zoning Information Mapping and Access System (ZIMAS).

CHAPTER 1 INSTRUCTIONS: Revise Section D.1 on page 3 of Exhibit A.3 as follows:

D. Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period.

1. The Departments of City Planning and Building and Safety shall not, through any administrative, quasi-judicial, legislative or other actions, reduce the density of a Housing Element Site, or approve any development project on a Housing Element Sites parcel(s) with fewer units in aggregate, by income category, than shown as realistic capacity in the most recent list of Housing Element Sites for the remaining housing element planning period pursuant to California Government Code Section 65584, ~~including from columns P, Q, R and S of Appendix 4.1 and Appendix 4.2, and columns E, F, G and H of Appendix 4.3 of the current 2021-2029 Housing Element~~, unless it either:

- (a) Makes a finding pursuant to Government Code Section 65863(b)(2) that, while the proposed project would result in fewer units by income category than those identified in the Housing Element Sites inventory 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 ~~CC~~California Government Code Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to ~~CC~~California Government Code 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.

CHAPTER 1A INSTRUCTIONS: Revise Section C.1 of 4C.15.4 on page 3 of Proposed Draft Ch 1A Housing Element Sites and Minimum Density Ordinance as follows:

A. Standards

- 1. For *projects* located on a *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, ~~including from columns P, Q, R and S of Appendix 4.1 and Appendix 4.2 of the current 2021-2029 Housing Element, and columns E, F, G and H of Appendix 4.3 of the current 2021-2029 Housing Element~~ unless it either:

INSTRUCTIONS: Revise the last paragraph of Exhibit E.1 (RESOLUTION) in Chapter 1 and Chapter 1A as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Inventory of Lower Income Rezoning Housing Element Sites in Exhibit E.2 Attachment A is hereby adopted by the City Council.

CHAPTER 1 INSTRUCTIONS: Revise the definition of "Prior Housing Element Sites" in Section B on Page 2 of Exhibit A.3 as follows:

"Prior Housing Element Sites" means Housing Element Sites 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 QP of Appendix 4.1 of the current 2021-2029 Housing Element.

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning