

ORDINANCE NO. _____

An Interim Control Ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, prohibiting the issuance of demolition permits on rent stabilized multi-family housing and covenanted affordable housing units, and the issuance of demolition and other permits affecting contributing features in the potentially eligible historic district, known as, Brooklyn Corridor Historic District, in the Boyle Heights Community Plan area, to protect the health, safety, and welfare of residents and stakeholders within the Boyle Heights community.

WHEREAS, the proposed Interim Control Ordinance is intended to regulate properties located within the Boyle Heights Community Plan area, which is a part of the Land Use Element of the General Plan of the City of Los Angeles;

WHEREAS, an update to the Boyle Heights Community Plan is underway, and has been recommended for approval by the Mayor, and by the City Planning Commission;

WHEREAS, the update to the Boyle Heights Community Plan includes zoning districts, requirements for new affordable housing units, unit replacement obligations for rent stabilized housing units, and other controls that seek to safeguard existing residential housing units and households;

WHEREAS, the update to the Boyle Heights Community Plan includes zoning districts, requirements for new affordable housing units, that are intended to safeguard historic properties within the Brooklyn Corridor Historic District, while allowing for context-appropriate in-fill of new development, inclusive of market rate, mixed-income, and affordable housing developments;

WHEREAS, the update to the Boyle Heights Community Plan, including the proposed zoning ordinances, is not anticipated to go into effect until late 2024 or early 2025;

WHEREAS, the average household income in the Boyle Heights Community Plan area is \$50,623, or approximately 27 percent lower than the citywide-average of \$69,778, according to American Community Survey 2017-2021;

WHEREAS, according to the Department of City Planning's 2022 economic analysis, rent per square foot has increased in the Boyle Heights Community Plan area from approximately 15 dollars in 2012 to \$25 in 2022, an approximate 66 percent increase. The median home sales price per square foot has also increased from \$150 in 2012 to \$461 in 2022, an approximate 207 percent increase. These escalating rents and home prices have made housing inaccessible to many families in the Boyle Heights Community Plan area;

WHEREAS, building permit trends in the Boyle Heights Community Plan area demonstrate a significant rate of loss of rent stabilized units (RSO), including 180 RSO units removed since 2013 according to data from the Los Angeles Housing Department;

WHEREAS, 74 percent of residents in the Boyle Heights Community Plan area are renters, and the largely renter-occupied community is at varying stages of gentrification according to the Urban Displacement Project, including those which are at-risk due to ongoing real estate pressures from the redevelopment of downtown Los Angeles and nearby communities;

WHEREAS, the Boyle Heights Community Plan area has seen a 97 percent increase of rising rent levels since 2000, and with the loss of affordable housing, including forced tenant evictions, and ongoing displacement, this is anticipated to further contribute to the City's growing homelessness epidemic without tenant protections, such as those proposed in the Boyle Heights Community Plan update;

WHEREAS, the Brooklyn Corridor Historic District, between Cumings Street and Mott Street, public right-of-way is designated a Historical-Cultural Monument (Brooklyn Avenue Neighborhood Corridor HCM 590); and

WHEREAS, the Brooklyn Corridor Historic District includes thirty properties identified in the Intensive Historic Resources Survey: Adelante Eastside Redevelopment Area (2008) identified as eligible for listing as a historic district referred to as the Cesar Chavez Historic Business District under that survey.

NOW, THEREFORE,

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

Section 1. **RECITALS**. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. **FINDINGS**. Based upon the above recitals and the record the City Council finds:

A. There is a current and immediate threat to the public health, safety, and welfare from the loss of Rent Stabilized Multi-family Housing Structures and Covenanted Affordable Housing Units in the Boyle Heights Community Plan area. The issuance of demolition permits in compliance with the City's Zoning Ordinance for Rent Stabilized Multi-family Housing Structures and Covenanted Affordable Housing Units in the Boyle Heights Community Plan would result in that threat to the public health, safety, and welfare. Demolition of such structures and units without additional tenant protections may be in conflict with the zoning proposals currently being studied in the Boyle Heights Community Plan Update.

B. There is a current and immediate threat to the public health, safety, and welfare from the loss of Contributing Features to the Brooklyn Corridor Historic District. The issuance of demolition or other building permits pursuant to the City's Zoning Ordinance for Contributing Features to the Brooklyn Corridor Historic District would result in a threat to the public health, safety, and welfare. Demolition or destruction of such Contributing Features may be in conflict with the zoning proposals currently being studied in the Boyle Heights Community Plan Update.

C. The Ordinance will protect the public health, safety, and welfare.

D. The Ordinance, will prevent the demolition of housing for affordable or lower income households, as defined in Health and Safety Code Section 50079.5 and prevent the increase in price of affordable units, and will not otherwise restrict or limit housing development that does not involve the loss of affordable or rent stabilized housing.

E. The City Council finds this Ordinance is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15060, Subdivision (c)(2) and Section 15061, Subdivision (b)(3), because adoption of the Ordinance will not result in a directly or reasonably foreseeable indirect physical change in the environment and has no potential for resulting in a significant effect on the environment as the Ordinance will maintain the status quo.

Section 3. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code.

A. Brooklyn Corridor Historic District: The collection of properties generally fronting Cesar E Chavez Avenue and intersecting streets, between Mott Street and Cummings Street, as shown on Map 2 of this ordinance, and identified as the Cesar Chavez Business District, an eligible historic district within the Intensive Historic Resources Survey Adelante Eastside Redevelopment Area, prepared by the former Community Redevelopment Agency and dated October 2008.

B. Contributing Feature: A property within the Brooklyn Corridor Historic District, as shown on Map 2 of this ordinance, that contains buildings or features that relate to the District's period of significance, and to which the prohibitions of this ordinance are applied.

C. Rent Stabilized Multi-family Housing Structures: Any structure that is subject to the City's Rent Stabilization Ordinance.

D. **Covenanted Affordable Housing Units:** Any structure containing multi-family dwelling units that are restricted, by valid covenant, for Lower Income households, as defined by Health and Safety Code Section 50079.5.

Sec. 4. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, for a period of 45 days, with the possibility of a 10- month and 15-day extension, which can be further extended to an additional year from the effective date of this ordinance, or until the Boyle Heights Community Plan Update is operative:

Issuance of the following permits is prohibited:

A. The issuance of demolition permits for Rent Stabilized Multi-family Housing Structures within the Boyle Heights Community Plan area as shown on Map 1 of this ordinance;

B. The issuance of demolition permits for Covenanted Affordable Housing Units within the Boyle Heights Community Plan area, as shown on Map 1 of this ordinance; and

C. The issuance of demolition permits, building and/or tenant improvement permits that would affect the street-facing facade, for structures that are Contributing Features located within the Brooklyn Corridor Historic District, as shown on Map 2 of this ordinance, unless the City finds the failure to issue a permit would limit or restrict housing development as defined in Gov. Code Section 66300(a)(6).

Sec. 5. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all properties with Rent Stabilized Multi-family Housing Structures, and with Covenanted Affordable Housing Units within the Boyle Heights Community Plan area, as shown on Map 1, and to all Contributing Features within the Brooklyn Corridor Historic District, as shown on Map 2 of this ordinance.

Sec. 6. **EXTENSION OF REGULATIONS.** The City Council may by resolution extend the provisions of this ordinance for 10-month and 15-day period, which can be further extended to an additional year from the effective date of this ordinance so long as the Council makes the following findings: That the extension is necessary to protect the threat to the public safety, health, and welfare of the residents in the ICO area, from the demolition of RSO structures or covenanted affordable housing units or loss of Contributing Features, pursuant to the requirements of Government Code Section 65858.

Sec. 7. **HARDSHIP EXEMPTION.** The City Council, acting in its legislative capacity and by resolution, may grant hardship exemptions from any or all of the provisions of this ordinance in cases of extreme hardship duly established to the satisfaction of the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 8. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 9. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances.

Sec. 10. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety because the current rate of loss of rent stabilized housing, within a community that has substantially lower household incomes than that of the surrounding City poses a threat to the stability of lower income households within Boyle Heights and stands to further contribute to the City's ongoing homelessness crisis. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Section 11. **HCD REVIEW.** Pursuant to Government Code Section 66300(b)(1)(B)(ii), the ordinance may not be enforced until it is reviewed and approved by the California Department of Housing and Community Development. If HCD does not approve the ordinance it shall be deemed void.

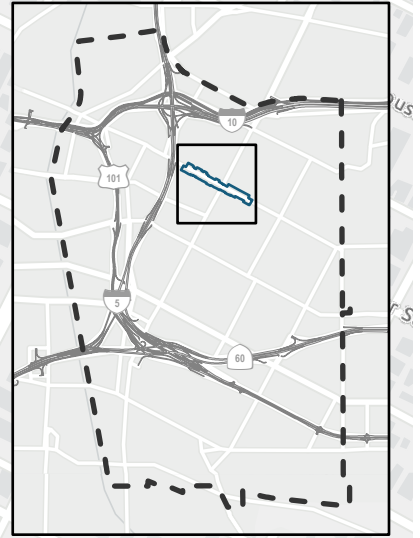
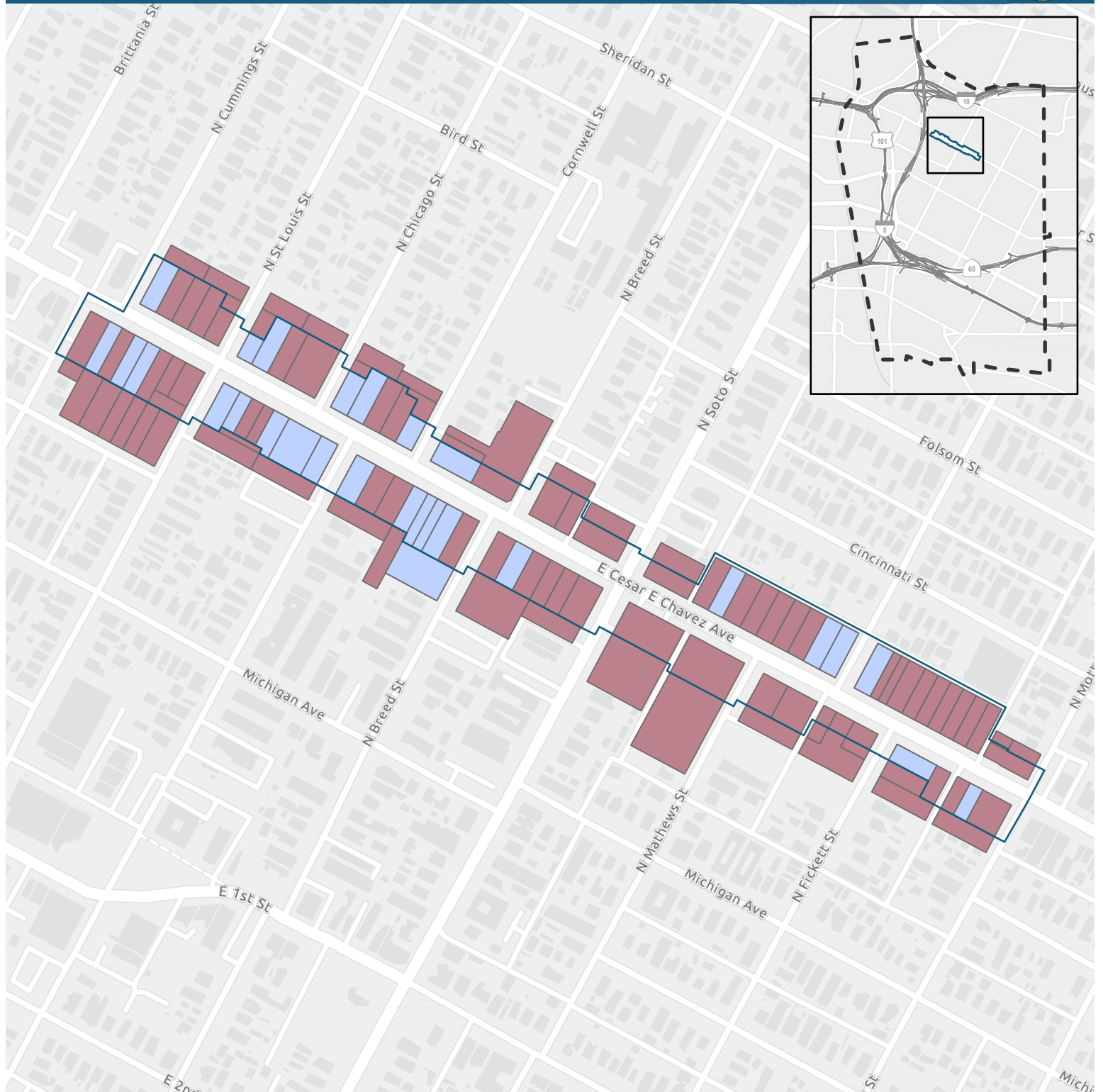
Map 1





Boyle Heights Community Plan Area



Map 2

Brooklyn Avenue Neighborhood Corridor



-  Non-Contributing Lots
-  Contributing Lots
-  Historic Cultural Monument (HCM)
-  Community Plan Area Boundary

