

ORDINANCE NO. _____

An ordinance adding Section 16.70 and 12.22.C.28 and amending Sections 12.09.1, 12.10, 12.10.5, 12.11, 12.11.5, 12.12, 12.12.2, 12.13, 12.13.5, 12.14, 12.16, 12.17, 12.17.1 of Chapter 1 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 16.70 of Chapter 1 of the the Los Angeles Municipal Code is added to read as follows:

SEC. 16.70. HOUSING ELEMENT SITES AND MINIMUM DENSITY ORDINANCE

- A. **Purpose.** This section is intended to create procedures to implement state housing element law related to sites identified by the most recent Housing Element of the General Plan and its associated rezoning program. These regulations shall apply to the Inventory of Housing Element Sites, Prior Housing Element Sites and Lower Income Rezoning Housing Element Sites and where so stated herein shall supersede the regulations applying on the sites pursuant to state law.
- B. **Definitions.** For purposes of this Section the following words and phrases are defined as follows:

“Development Project” has the same meaning as defined in Section 12.03 of Article 2 of Chapter 1 of the LAMC.

“Housing Development Project” has the same meaning as defined in Section 12.03 of Article 2 of Chapter 1 of the LAMC.

“Housing Element Sites” means sites listed on the inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of California Government Code Section 65583 that exists in the most recently adopted Housing Element, including Appendices 4.1, 4.2, and 4.3 of the 2021-2029 Housing Element.

“Lower Income Households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

“Lower Income Rezoning Housing Element Sites” means sites 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 Government Code

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 and identified in a public mapping system including the Zoning Information Mapping and Access System (ZIMAS). Sites shall comply with Government Code Section 65583.2(h)

“Ministerial Approval” means an administrative review process to approve a “use by right” as this term is defined in California Government Code Section 65583.2(i).

“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 O P of Appendix 4.1 of the current 2021-2029 Housing Element.

“Protected units” has the same meaning as defined in Section 12.03 of Article 2 of Chapter 1 of the LAMC.

C. Requirements for Development Projects on Housing Element Sites.

Notwithstanding any law including any density limits, the City shall not approve a development project on a Housing Element Site that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless all of the following requirements are satisfied.

1. Replacement of Existing or Demolished Protected Units.

(a) **Housing Development Projects.** A Housing Development Project will replace all existing Protected Units and Protected Units demolished on or after January 1, 2020 pursuant to the replacement requirements of California Government Code Section 65915(c)(3) and Section 16.60 A.3(a) of this Code.

(b) **Non Housing Development Projects.** A Development Project that is not a Housing Development Project must satisfy the replacement requirements in California Government Code Section 65915(c)(3) and Section 16.60 A.4(a), except that the provisions in Section 16.60 A.4(c) shall not apply.

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 GC Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to GC 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 development project may not be denied on the basis that approval of the housing project would require compliance with this Subsection.

E. Approval Requirements for Housing Element Sites

1. **Ministerial Approval for Prior Housing Element Sites**

If a Housing Development Project is proposed on a Prior Housing Element Site that is identified in the most recent Housing Element as accommodating a portion of the housing need for low and very low income households and at least twenty percent of the project's units will be made affordable and available to Lower Income Households, the project shall be subject to Ministerial Approval pursuant to California Government Code section 65583.2(i). If an eligible project would have otherwise required a discretionary entitlement from the Department of City Planning it shall be processed through an Expanded Administrative Review process, as set forth by the provisions of Sec. 13B.3.2. of Chapter 1A of this Code.

2. **Ministerial Approval for Lower Income Rezoning Housing Element Sites.**

If a Housing Development Project is proposed on a Lower Income Rezoning Housing Element Site, and at least twenty percent of the project's units will be made affordable and available to Lower Income Households, the project shall be subject to Ministerial Approval pursuant to California Government Code section 65583.2(i). If an eligible project would have otherwise required a discretionary entitlement from the Department of City Planning it shall be processed through an Expanded Administrative Review process, as set forth by the provisions of Sec. 13B.3.2. of Chapter 1A of this Code.

3. Densities for Lower Income Rezoning Sites.

If a Housing Development Project is proposed on a Lower Income Rezoning Housing Element-Site, it shall not be approved unless it meets a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units.

Section 2. A new Subdivision 5 of Subsection B of Section 12.09.1 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

5. Minimum Density. In the RD1.5 and RD2 zones located within a High or Medium High Residential Market Area pursuant to the Affordable Housing Linkage Fee established by LAMC 19.18 C, a minimum density of one Dwelling Unit or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for every Housing Development Project on lots, prior to any subdivision, meeting the minimum width on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 3. A new Subdivision 5 of Subsection C of Section 12.10 of Chapter 1 of the LAMC shall be added as follows:

5. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area is required for every Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 4. A new Subdivision 6 of Subsection C of Section 12.10.5 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling

Units, is required for every Housing Development Project development project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 5. A new Subdivision 6 of Subsection C of Section 12.11 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for every Housing Development Project residential development project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 6. A new Subdivision 6 of Subsection C of Section 12.11.5 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for every Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 7. A new Subdivision 6 of Subsection C of Section 12.12 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for every Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 8. A new Subdivision 6 of Subsection C of Section 12.12.2 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 9. A new Subdivision 6 of Subsection C of Section 12.13 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

6. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 10. A new Subdivision 5 of Subsection B of Section 12.13.5 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

5. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 11. A new Subdivision 5 of Subsection C of Section 12.14 of Chapter 1 of the Los Angeles Municipal Code as follows:

5. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, except when the requirements of Section 12.22.C.28 are met. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 12. A new Subdivision 5 of Subsection C of Section 12.16 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

5. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, with the exception of lots meeting the requirements of Section 12.22 C.28 of this code. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 13. A new Subdivision 4 of Subsection C of Section 12.17 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

4. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, with the exception of lots meeting the requirements of Section 12.22 C.28 of this code. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 13. A new Subdivision 4 of Subsection C of Section 12.17.1 of Chapter 1 of the Los Angeles Municipal Code shall be added as follows:

4. Minimum Density. A minimum density of one Dwelling Unit, inclusive of Accessory Dwelling Units, or Guest Room for every 2,000 square feet of lot area, inclusive of Accessory Dwelling Units, is required for Housing Development Project on lots, prior to any subdivision, meeting the minimum width and lot area requirements for the zone, with the exception of lots meeting the requirements of Section 12.22 C.28 of this code. The minimum density calculation shall be rounded up to ensure the standard is met. If the minimum lot area per dwelling or guest room for the zone does not allow for the construction of the required minimum density, the minimum density shall not apply.

Section 14. Add Subdivision 28 to Subsection C of Section 12.22 of Chapter 1 of the the Los Angeles Municipal Code is added to read as follows:

28. Minimum Density in the RD2, RD1.5, R3, RAS3, R4, RAS4, R5, C1, C1.5, C2, C4, C5 and CM Zones. In the RD2, RD1.5, R3, RAS3, R4, RAS4, R5, C1, C1.5, C2, C4, C5 and CM Zones, the minimum density requirements shall not apply to the following types of development projects unless they are designated Lower Income Rezoning Housing Element Sites pursuant to LAMC 16.70 E3:

- a) Additions, remodeling or rehabilitations that do not result in more than 1,500 square feet in net new Floor Area and that do not result in the demolition of an existing dwelling unit(s).
- b) The only new dwelling unit(s) being added to the parcel is an Accessory Dwelling Unit(s).
- c) 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.
- d) The development is located on an environmentally sensitive area specified in subparagraphs-(B) to (K) of Government Code Section 65913.4(a)(6), including a Very High Fire Hazard Severity Zone, regardless of any mitigations.
- e) Lots where at least 60% of the Lot is composed of Slopes which are 30% or greater, as determined by a Slope Analysis Map prepared in accordance with LAMC 12.21 C.10(b)(1).
- f) Lots that are designated as parks or open space in any plan or zoning designation.
- g) Lots that contain a Designated Historic Resource.
- h) Lots that can not achieve the minimum density requirement due to any objective provision that physically precludes the construction of a development per the Los Angeles Municipal Code or due to any provision of Specific Plans, or Q, T, D Conditions, or a Community Plan Implementation Overlay.