

Exhibit “C”: Housing Element Sites and Minimum Density Ordinance (HESMD)

Amendments to CF: 21-1230-S6 (Ordinance 188,480)

The Housing Element Sites and Minimum Density Ordinance (HESMD) amends Articles 1, 4, 6, and 9 of Chapter 1A of the Los Angeles Municipal Code to establish regulations regarding affordable housing development, housing replacement, and minimum density standards in compliance with state housing element law. This exhibit shows amendments to Ordinance 188,480 to match the style and formatting of Chapter 1A of the LAMC, including corrections to typographical errors and citations, and modifications to clarify the implementation of provisions.

Additions to Chapter 1A text are shown in underline and deletions are shown in ~~strikethrough~~. *Italics* signify that a term is defined in Div. 14.3. (Glossary) of Chapter 1A of the LAMC.

**EXHIBIT “C”
HESMD**

Section 1. Section 1.5.13. of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

SEC.~~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 Sec.~~tion~~ 65583.

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, Appendix 4.3 of the current 2021-2029 Housing Element, 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 (e) of the~~ California Government Code Sec.~~tion~~ 65583(c)(1), and any sites rezoned through such program.

C. Amendments.

The *City Council* shall establish and amend the Inventory of Housing Element Sites Map pursuant to an adopted City Council Resolution.

Sec. 2. Section 1.5.14. of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

SEC.~~Section~~ 1.5.14. PRIOR HOUSING ELEMENT SITES MAP.

A. Purpose.

The Prior Housing Element Sites Map identifies sites that have been listed in a previous Housing Element cycle as suitable for residential development and are

included in the current 2021-2029 Housing Element. Sites listed in the Prior Housing Element Sites Map are eligible for streamlined review established in Sec. 9.2.6. (Housing Element Sites Streamlining 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 *City Council* shall establish and amend the Prior Housing Element Sites Map pursuant to an adopted City Council Resolution.

Sec. 3. Section 1.5.15. of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

SEC.~~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 for streamlined review in Sec. 9.2.6. (Housing Element Sites Streamlining Program) 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* rezoned as part of a rezoning program to meet the Housing Element need for *very low income households* and *low-income households* allocated pursuant to California Government Code Sec.~~tion~~ 65584. The inventory of these sites established by City Council Resolution shall be submitted to the state each year as part of the Housing Element Annual Progress Report.
3. Sites identified on the Lower Income Rezoning Housing Element Sites Map shall comply with California Government Code Sec.~~tion~~ 65583.2(h).

B. Boundaries-

4. Any *lot* designated, using the Department of Public Works, Bureau of Engineering land base dataset, and established as Lower Income Rezoning Sites, pursuant to City Council Resolution.

~~2. Any *lot* designated, using the Department of Public Works, Bureau of Engineering land base dataset, and identified as meeting the criteria 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 establish and amend 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 reflect any action that renders a site ineligible as a Lower Income Rezoning Site.

Sec. 4. Section 4C.15.4. 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 (Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period) are intended to ensure that new *projects* do not result in the reduction of existing housing capacity.

B. Applicability-

The requirements of this Section (Maintenance of Adequate Housing Element Sites Throughout the Housing Element Period) apply to any *project* located on a *lot* identified on the Inventory of Housing Element Sites Map (Sec. 1.5.13.).

C. Standards-

1. For a *project* located on a *lot(s)* identified on the Inventory of Housing Element Sites Map (Sec. 1.5.13.), the Departments of City Planning and *Department of 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 Section 65584, unless the applicable Department either:
 - a. Makes applicable findings pursuant to California Government Code Section 65863(b), including 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 Section 65583.2 and to accommodate the *City's* share of the regional housing need pursuant to 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; or
 - b. If a finding cannot be made, then within 180 days of any of the actions described in Paragraph 1. above the *Department of City Planning* shall, in accordance with the provisions of this Code, identify and make available additional adequate sites through a rezoning to accommodate the *City's* share of the regional housing need by income level.
2. A *project* may not be denied on the basis that approval of the *project* would require compliance with Subparagraph a. of Paragraph 1., above, if the *project* meets the definition of "housing development project" as defined in paragraph (2) of subdivision (h) of California Government Code Section 65589.5, also including *projects* that involve no discretionary approvals and *projects* that include a proposal to construct a single *dwelling unit*.

Section 5. Division 6B.2. of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

In the 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 <u>DENSITY</u> 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.	Minimum Dwelling Units per Lot Area Sec. 6C.2.1.
FA	Limited by Floor Area	Limited by Floor Area	Applicable
2	200	100	Applicable
3	300	150	Applicable
4	400	200	Applicable
6	600	300	Applicable
8	800	400	Applicable
10	1000	500	Applicable
12	1200	600	Applicable
15	1500	750	Market-Contingent
20	2000	1000	Market-Contingent
25	2500	1250	As Mapped
30	3000	1500	As Mapped

40	4000	2000	As Mapped
50	5000	2500	As Mapped
60	6000	3000	As Mapped
N	Not Permitted	Not Permitted	As Mapped

Sec. 6. A new Division 6C.2. is added to Chapter 1A of the Los Angeles Municipal Code to read as follows:

Div. 6C.2. MINIMUM DENSITY.

Sec. 6C.2.1. MINIMUM DWELLING UNITS PER LOT AREA.

A. Intent.

The Minimum Dwelling Units per Lot Area standard is intended to implement State housing element law requirements for designated Lower Income Housing Element Rezoning Sites, and to 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*: nNew cConstruction, mMajor rRemodel, eExterior mModification, uUse mModification, tTemporary uUse, dDemolition, rRenovation.
2. The minimum density rules in this Section (Minimum Dwelling Units Per Lot Area) 6C.2.1 apply to all ~~projects~~ any project that includes dwelling units located on ~~the a lot~~ where Minimum Dwelling Units per Lot Area is listed in Div. 6B.2. (Lot Area-Based Districts) as “Applicable” or “Market-Contingent”, or “As Mapped”-by the applied Density District (Part 6B.).

C. Standards

1. Applicable

Where the applied ~~D~~ensity ~~D~~istrict specifies ~~Minimum Density~~Minimum Dwelling Units per Lot Area as “Applicable” any *project* on the *lot* must propose a minimum of one *dwelling unit* per 2,000 square feet of *lot* area, which can be a combination of *household dwelling units* and *efficiency dwelling units* where permitted. *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 by *City Council* resolution pursuant to Sec. 15.4.3.C.1. (Affordable Housing Linkage Fee), must propose a minimum of one *dwelling unit* per 2,000 square feet of *lot* area, which can be a combination of *household dwelling units* and *efficiency dwelling units* where permitted. *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,” any *project* on a *lot* that is located within a Low, Medium, or Not Applicable Market Area as identified by *City Council* resolution pursuant to Sec. 15.4.3.C.1. (Affordable Housing Linkage Fee), are not subject to any minimum density requirements, unless they are located on a *lot* mapped on the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.). If the *project* is located on a *lot* mapped on the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.), the *project* shall include a minimum density of 20 *dwelling units* per acre, which may include a combination of *household dwelling units* and *efficiency dwelling units* where permitted. *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*.

3. As Mapped-

- a. Where the applied Density District (Part 6B₂) specifies Minimum Density as “As Mapped,” any *project* on a *lot* mapped on the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.) shall include a minimum density of 20 *dwelling units* per acre, which may include a combination of *household dwelling units* and *efficiency dwelling units* where permitted. *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 “As Mapped,” any *project* on a *lot* that is not mapped on the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.) is 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* does not count toward the minimum *lot area* required for an *efficiency dwelling unit*. An *Accessory Dwelling Unit* counts toward the required minimum number of *household dwelling units*.
2. 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*.
3. If the minimum number of *household dwelling units* is a fraction, the minimum density required shall be rounded up to the nearest unit.
4. When density is designated as "Not Permitted," *household dwelling units* are not permitted.

E. Exceptions-

A *project* or *lot* that meets any of the following criteria is exempt from the minimum density requirement established in Subsection C₂ (Standards), above. However, a *project* or a *lot* located on the Lower Income Rezoning Housing Element Sites Map (Sec. 1.5.15.) is not subject to the exceptions listed below and must comply in all cases with the requirements of Subsection C₂ (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*, results in no increase in *dwelling units* and involves no *demolition* of an existing *dwelling unit(s)*;
2. A *project* where the only new *dwelling unit* added on the *lot* is an *Accessory Dwelling Unit(s)*;
3. A *project* to reconstruct an existing *dwelling unit* damaged by a disaster or deemed unsafe by the ~~Los Angeles~~ *Department of Building and Safety*, and results in no increase to the amount of ~~f~~*Floor a*~~Area~~ in the prior building or buildings;
4. A development located on any of the environmentally sensitive sites specified in subparagraphs (B) to (K) of California Government Code Section 65913.4(a)(6), including a *Very High Fire Hazard Severity Zone*, regardless of any mitigation;
5. A *project* on a *lot* listed in Section 1.5.6. (Hillside Area Map), where at least 60 percent% of the *lot* is composed of *Slopes* which are 30 percent% or greater;
6. A *lot* that has an applied O~~e~~pen S~~p~~ace U~~se D~~e~~istrict (Div. 5B.1.);~~
7. A *lot* that contains a d~~e~~signated h~~i~~storic r~~e~~source; or
8. A *lot* that cannot achieve the minimum density requirement due to any objective provision of this Code that physically precludes the construction of a development, as determined by ~~the Los Angeles~~ *Department of Building and Safety*, or due to any provision of a *Specific Plan*, or a *Community Plan Implementation Overlay*.

Sec. 7. Section 9.2.6. of Chapter 1A of the Los Angeles Municipal Code is added to read as follows:

~~SEC.~~Section 9.2.6. HOUSING ELEMENT SITES STREAMLINING PROGRAM:

The Housing Element Sites Streamlining Program is a map-based program for streamlining the review and approval of *projects* with at least 20 percent of the *dwelling units* set aside for ~~lower-income~~ lower income households.

A. Intent:

The Housing Element Sites Streamlining Program is intended to facilitate and incentivize the construction of affordable housing by establishing procedures, objective review criteria, and allowances for ministerial review as required by California Government Code Sec~~tion~~ 65583.2(h).

B. Applicability:

1. Project Activities:

A *project* that meets the eligibility criteria established in Paragraph 1. (Eligibility) of Subsection C. (Program Rules), below, and consists of any of the *project activities* listed in Subparagraphs (a.) and (b.) below may be eligible for participation in the Housing Element Sites Streamlining Program:

- a. *New construction* for which all new *floor area* meets the eligibility criteria outlined in Paragraph 1. (Eligibility) of Subsection C. (Program Rules), below ~~Sec. 9.2.6.C.1. (Eligibility)~~; or
- 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 Paragraph 1. (Eligibility) of Subsection C. (Program Rules), below ~~Sec. 9.2.6.C.1. (Eligibility)~~

2. Housing Development Project:

To participate in the Housing Element Sites Streamlining Program, a *project* listed above must also meet the definition of “Housing Development Project” as

defined in California Government Code Sec. 65589.5(h)(2), except that a housing development project shall also include a *project* that involves no discretionary approvals and a *project* that includes a proposal to construct a single *dwelling unit*.

3. Reconciling Provisions-

a. Relationship to Other Incentive Programs-

A *project* that seeks streamlining through this program pursuant to this Section 9.2.6 (Housing Element Site Ordinance Streamlining Program) shall be eligible for a *density bonus*, *incentive*, concession, *waiver*, or reduction of development standards pursuant to California Government Code Section 65915, or a local incentive program in this Article 9 (Public Benefits System) or any *Specific Plan*, *Supplemental District* or *Special Zone*, provided that the *project* meets the requirements for both the streamlining program and the applicable incentive program.

~~Exception: A CPIO Mixed Income Housing Project as defined in the Hollywood Community Plan Implementation Ordinance District (Hollywood CPIO), which is identified in the Lower Income Rezoning Sites List, shall be processed through the Administrative Clearance in Section 16.C.2. of the Hollywood CPIO when the Project's unit mix includes 20 percent *Restricted Affordable Units* for lower income households, in lieu of any higher minimum number of on-site *Restricted Affordable Units* for a CPIO Mixed Income Housing Project.~~

b. Relationship to Supplemental Districts and Special Zones-

If any provision of an applicable *Supplemental District* or *Special Zone* conflicts with the procedures, requirements, and provisions of this Section (Housing Element Sites Streamlining Program) 9.2.6, the provisions of this Section (Housing Element Sites Streamlining Program) 9.2.6 shall prevail.

c. Relationship to Other Zoning Provisions-

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

- d. Implementation Memoranda, FAQs, Forms/Applications and User Guides. The *Director* may prepare Implementation Memoranda, Technical Bulletins and/or User Guides related to the *Department of City Planning's* implementation of state Housing Element law (~~Article 10.6 of California~~ Article 10.6. (Housing Elements), Section 65580 et seq.) through the provisions of Chapter 1A of this Code, including, but not limited to, providing additional information for the purpose of maintaining consistency with state law.

C. Program Rules-

1. Eligibility-

An affordable housing project meeting all of the ~~the~~ following eligibility criteria shall qualify for participation in the Housing Element Sites Streamlining Program, including the streamlined review outlined in Paragraph 2. Sec. 9.2.6.C.2. (Streamlined Review) below.

a. Affordability Levels-

At least 20 percent of the *dwelling units* in an eligible ~~p~~Project must be made affordable and available to *lower income households*.

b. Zoning-

The *project* is located on a *lot* with an applied Density District (Part 6B.) that specifies a minimum density requirement of "Applicable", or "Market-Contingent", or "As Mapped" ~~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.).

d. Housing Replacement-

The *project* shall meet any applicable housing replacement requirements and demolition protections established in ~~Division~~ 4C.15. (Resident

Protections). Replacement housing units required pursuant to Division 4C.15. (Resident Protections) shall count toward any *restricted affordable unit* requirements.

e. Fair Housing Requirements-

Restricted affordable units shall meet the applicable requirements regarding size, location, amenities, and allocation of restricted affordable units established in Sec. 4C.15.3. (Restricted Affordable Units) and in any Implementation Memorandum or Technical Bulletin prepared and adopted by the Los Angeles Housing Department or *Department of City Planning*.

2. Streamlined Review-

a. Administrative Review Process-

- i. A *project* that meets the eligibility criteria outlined in Paragraph 1, Sec. 9.2.6.C.1. (Eligibility) above, shall be approved via Administrative Review, pursuant to Sec. 13-B.3.1. (Administrative Review) and consistent with Gov. Code Sec. 65583.2(i).
- ii. An eligible *project* that would have otherwise required a discretionary entitlement from the *Department of City Planning* to permit an owner-occupied or rental multifamily residential dwelling use shall be subject to and processed through an Expanded Administrative Review, pursuant to Sec. 13B.3.2. (Expanded Administrative Review). Any non-*residential use* in an eligible mixed-use *project* shall comply with any discretionary review required for that non-*residential use* under the Code, or any plan or overlay adopted under the Code. In no case shall Project Review pursuant to Sec. 13B.2.4. (Project Review) of ~~Chapter 1A~~ be required for an eligible *project*.

iii. Supplemental Procedures-

Despite the provisions of Sec. 13B.3.1.H. (Modification of Action), a *project* participating in the Housing Element streamlining program and approved via Administrative Review, pursuant to Sec. 13-B.3.1. (Administrative Review) may request a modification of action only as allowed under California Government Code Sec. 65913.4(h).

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 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 Div. 13B.7. (Division of Land)~~this Section~~ may be streamlined pursuant to this Section~~9.2.6.~~ (Housing Element Sites Streamlining Program).
- ii. A *non-residential use* that is 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 requires 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.
- iii. Any *application* for a density increase in excess of the base *incentive* that requires review under Sec. 9.2.1.D.1.e. (Projects with Requests for Density Bonuses in Excess of the Base Incentive) ~~of this Code~~ shall not be eligible for the streamlined review in Subparagraph a. (Administrative Review Process) ~~sub-paragraph (a)~~ above and shall be processed pursuant to the provisions of Sec. 9.2.1.D.1.e. (Projects with Requests for Density Bonuses in Excess of the Base Incentive).

D. Administration-

1. Procedures-

A *project* participating in the Housing Element Sites Streamlining Program shall be reviewed and approved via the streamlined process established in Paragraph 2. (Streamlined Review) of Subsection C. (Program Rules), above.

2. Records & Agreement-

Prior to the issuance of a *building permit* for any *project* participating in the Housing Element Sites Streamlining Program, covenants acceptable to the Los Angeles Housing Department and meeting the requirements in this Section

| (Housing Element Sites Streamlining Program) and Sec. 4C.15.3. (Restricted Affordable Units) shall be recorded with the Los Angeles County Recorder.

Sec. 8. The following Zone Maps attached as Exhibit A and incorporated herein by reference are adopted:

- A. Inventory of Housing Element Sites Map
- B. Prior Housing Element Sites Map
- C. Lower Income Rezoning Housing Element Sites Map