

FACT SHEET

Updated 10/29/24

Housing Element Sites and Minimum Density Ordinance

CPC-2024-387-CA
ENV-2020-6762-EIR
ENV-2020-6762-EIR-ADD1
ENV-2020-6762-EIR-ADD2

Summary

The proposed ordinance aims to fulfill Housing Element law requirements for sites that were identified in the Inventory of Housing Element Sites or Prior Housing Element Site Inventories as well as Lower Income Rezoning Sites identified to meet the City's Regional Housing Needs Assessment (RHNA) allocation. It includes state law regulations on housing replacement, no net loss findings, by-right development review, and minimum density requirements.

Background

Under Housing Element law, there are a variety of requirements that apply to different types of sites identified in the City's Housing Element or its rezoning program. First, the City must enforce housing replacement and no net loss policies for its land zoned to accommodate the Regional Housing Needs Assessment (sites identified in Appendices 4.1 - 4.3 of the Housing Element). In addition, Los Angeles is required to designate additional sites as Lower Income Rezoning Sites in order to satisfy the 2021 - 2029 Housing Element's RHNA allocation for lower-income households. These sites must have a minimum density of at least 20 dwelling units per acre and permit owner-occupied and rental multifamily uses for by-right developments of at least 16 units, with a by-right approval process for projects if at least 20 percent of the units are reserved for lower-income households. Finally, State law requires incentives for residential development on land deemed suitable for housing in prior Housing Element planning periods by allowing by-right approval on these sites if at least 20 percent of the units are reserved for lower-income households. The ordinance will go beyond Housing

Element law requirements to create minimum density standards on certain multi-family zoned parcels.

Key Provisions

Housing Replacement Requirements

All development projects on sites identified in Chapter 4 of the 2021-2029 Housing Element (Appendices 4.1 - 4.3) will be required to replace all units, including existing protected units and any protected units demolished on or after January 1, 2020, pursuant to the replacement requirements outlined in California Government (Cal. Gov.) Code Section 65915(c)(3). State law and the proposed ordinance differentiate between housing and non-housing development projects. The proposed ordinance would allow limited scenarios where the off-site replacement units may be approved, particularly for non-residential projects. In addition, the housing replacement requirements outlined in the concurrently proposed Resident Protection Ordinance would also apply to these sites.

No Net Loss Findings

Cal. Gov. Code Section 65863 mandates that all cities ensure a continuous availability of sites for housing to meet the jurisdiction's unmet RHNA goals throughout the current 2021 - 2029 Housing Element planning period. These designated sites are referenced in the Chapter 4 of the Housing Element which identifies a specific number of units allocated to various income categories for each individual site.

To adhere to the legal requirement, often referred to as the "No Net Loss Law," jurisdictions are prohibited from making decisions related to zoning, land use, or development review that would result in fewer housing units than the capacity assumed in Chapter 4 of the Housing Element. If such actions are taken, the City must provide written findings demonstrating that there are still sufficient adequate sites in the inventory to meet the RHNA requirements. Failure to do so will necessitate mandatory rezoning within six months.

By-Right Development Review

The proposed ordinance will codify state housing element law provisions that require by-right development review for designated Lower Income Rezoning Sites as well as sites that were listed in the Inventory of Housing Element Sites from previous Housing Element planning periods. Eligible projects that meet objective zoning standards and set aside 20 percent of their units for lower-income households will not be subject to discretionary review procedures, including public hearings and review under the California Environmental Quality Act (CEQA).

Minimum Densities

State Housing Element law requires that all projects proposed on a Lower Income Rezoning Site meet a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units. A density of 20 units per acre is equivalent to 2,178 square feet of lot area per dwelling unit. The proposed ordinance extends this provision beyond Housing Element law requirements to all R3 or less restrictive zones citywide, as well as RD1.5 and RD2 zones in higher market areas. It also increases the minimum density requirement to 2,000 square feet per dwelling unit; however, it does not increase the maximum allowable density of these sites.

Lower Income Rezoning Sites

Cal. Gov. Code Section 65583.2(h) requires cities to designate sites for rezoning if a sufficient number of available sites to meet its RHNA allocation cannot be identified. Sites identified to meet the lower income RHNA allocation are called Lower Income Rezoning Sites. These sites must have a minimum density of at least 20 dwelling units per acre (or 2,178 square foot per unit) and permit owner-occupied and rental multi-family uses for developments of at least 16 units. By-right development review is required for residential or mixed-use projects on Lower Income Rezoning Sites if at least 20 percent of the units are reserved for lower-income households. State Housing Element law also requires by-right development review for residential or mixed-use projects on sites listed in previous Housing Element Site Inventories that meet the same minimum 20 percent affordability requirement.

The Lower Income Rezoning Sites inventory will include sites across the city that meet state law requirements described above and are eligible for the proposed Mixed Income Incentive Program (part of the CHIP Ordinance). Additionally, the list will include sites being rezoned in the two Community Plan Updates that are part of the rezoning program - the DTLA 2040 Plan and Hollywood Community Plan (other in-progress Community Plan Updates are not likely to be effectuated in time to meet the state law requirements). However, the proposed inventory removes several types of sensitive sites where concerns about by-right development have been expressed, including properties subject to the Rent Stabilization Ordinance (RSO), designated historic resources, and environmentally sensitive sites.

Ordinance Applicability Matrix				
Site Category	<i>Housing Replacement Requirements</i>	<i>No Net Loss Findings</i>	<i>By-right Development Review</i>	<i>Minimum Densities</i>
<i>Current Inventory of Housing Element Sites</i>	✓	✓		

<i>Prior Inventory of Housing Element Sites</i>			✓	
<i>Lower Income Rezoning Sites</i>			✓	✓

Frequently Asked Questions

How does the revised draft Housing Elements Sites and Minimum Density Ordinance differ from the draft released in March 2024?

Most ordinance provisions have not changed since the original version was released in March 2024. However, there have been alterations to the minimum density provisions. The March 2024 version applied the minimum density requirement (at least 20 units per acre or 2,178 square feet per dwelling unit) only to designated Lower Income Rezoning Sites as required in Gov. Code Section 65583.2(h). However, the updated draft expands the minimum density requirement to many sites in the City where multi-family residential uses are permitted. In the updated version, a minimum density requirement of at least 2,000 square feet per dwelling unit will apply to nearly all sites in the R3, RAS3, R4, RAS4, R5, CR, C1, C1.5, C2, C4, C5, and CM Zones where at least a portion of a structure is erected and/or used for residential purposes. As noted above, this requirement will only apply to certain sites in the RD1.5 and RD2 Zones. More information about this requirement and exceptions for certain types of sites can be found in the revised draft ordinance.

Where can I find the sites affected by this proposed ordinance?

The proposed ordinance affects three types of sites, which are identified in different resources. The Inventory of Housing Element Sites can be found in Chapter 4 of the [2021-2029 Housing Element](#) (Appendices 4.1 - 4.3). Prior Housing Element Sites are identified in Column O of Appendix 4.1. The specific list of Lower Income Rezoning Sites will be identified prior to adoption of this ordinance. Additionally, Los Angeles City Planning's [Zone Information and Map Access System](#) (ZIMAS) indicates if a parcel is a Housing Element Site under the 'Housing' tab. When Lower Income Rezoning Sites are officially designated by the City Council, they will be included in ZIMAS.

How do the housing replacement requirements proposed in this ordinance differ with other replacement requirement policies?

The housing replacement requirements outlined in the proposed ordinance, which are applicable to the Inventory of Housing Element Sites, closely align with existing requirements found in state law and those being proposed as part of the concurrent Resident Protections Ordinance. Until January 1, 2024, Housing Element law was distinctive in its application of replacement requirements to non-residential projects on Housing Element sites. However, with the enactment of AB 1218 (2023), effective from January 1, 2024, these requirements will extend to all development projects, rendering them largely redundant. The concurrently proposed Resident Protections Ordinance also extends replacement requirements for residential projects beyond 2030, while excluding non-residential projects.

What is the effect of establishing minimum densities?

State housing element law requires the establishment of a minimum density of at least 20 units per acre for larger cities like Los Angeles in Cal. Gov. Code Section 65583.2(h). This minimum density requirement has been interpreted by a recent court decision to mean that housing development projects that propose less than this minimum density cannot be approved. This policy is intended to help ensure that sites are redeveloped at densities that support the inclusion of more affordable housing types, including income-restricted lower-income units. In Los Angeles, developers can build much larger single-family homes in multi-family zones than they can in single-family zones. Consequently, many lower-density multi-family zones (eg. RD Zones) in wealthier areas have been targeted by luxury single-family home developers. This has resulted in housing projects contrary to many goals of the 2021-2029 Housing Element, including the promotion of new multi-family housing in Higher Opportunity Areas. The Department has not seen the same trends or concerns in lower income areas of the City, where multi-family zoned sites are predominantly concentrated. As such, the minimum density provisions in RD Zones will be limited to sites located within wealthier areas, specifically High or Medium High Residential Market Areas identified pursuant to LAMC Section 19.18 (Affordable Housing Linkage Fee). A site's "market area" can be found under the "Planning and Zoning" tab in ZIMAS.

What are the next steps for the Housing Element Sites and Minimum Density Ordinance (HESMDO) ?

In this phase of the HESMDO timeline, the draft ordinances associated with the Housing Element Rezoning Program were considered and adopted by the City Planning Commission (CPC) on Thursday, September 26, 2024. This included the [CHIP Ordinance, Housing Element Sites and Minimum Density Ordinance, and Resident Protections Ordinance](#). To view the Staff Recommendation Report to the CPC and the Letter of Determination click [here](#).

The City Planning Commission's recommendations have been transmitted to the City Council for further consideration. Next steps are anticipated to include consideration by the Planning and Land Use Management (PLUM) Committee before moving on to the full City Council. To stay up to date on upcoming milestones associated with the HESMDO, make sure to subscribe to the Council File (21-1230-S6) [here](#). More information on the HESMDO and the adoption phase of the process can be found [here](#).

Who can I contact for additional information?

As a reminder, the formal public comment period has now closed. Written comments should be provided to the City Planning Commission at cpc@lacity.org. Please reference case number CPC-2024-387-CA in any communication. If you have questions about the next steps in the adoption process for the proposed ordinances associated with the [Housing Element Rezoning Program](#), please email housingelement@lacity.org.

Any media inquiries should be directed to Jamie Francisco at planning.media@lacity.org or (213) 562-8294.