

FACT SHEET

Housing Element Sites Ordinance

Case no. CPC-2024-387-CA

Summary

The proposed ordinance aims to fulfill Housing Element law requirements for sites that were identified on the Inventory of Adequate Sites, prior Housing Element Site Inventories, and Lower Income Rezoning Sites identified to meet 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 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 [Appendix 4.1](#) of the Housing Element). Second, if the Housing Element can not identify sufficient sites for its RHNA allocation for lower-income households, it must designate Lower Income Rezoning Sites. These sites must have a minimum density of 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 with at least 20 percent of the units affordable to lower-income households. Third, state law incentivizes housing development on land deemed suitable for housing, by providing a by-right approval process for at least 20 percent affordable projects.

Key Provisions

Replacement Requirements

The housing replacement requirements outlined in the concurrently proposed Resident Protection Ordinance would apply to sites identified in the 2021-2029 Housing Element's Inventory of Adequate Sites for Housing ([Appendix 4.1](#)). All development projects on these sites will need to replace all existing protected units and any protected units demolished on or after January 1, 2020, pursuant to the replacement requirements

outlined in 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.

No Net Loss Findings

State law, as outlined in Government Code section 65863, mandates that all cities must ensure a continuous availability of sites for housing throughout the housing element planning period to meet the jurisdiction's unmet RHNA goals. These designated sites are listed in the City's Housing Element's Inventory of Adequate Sites for Housing (Appendix 4.1), with a specific number of units allocated to various income categories.

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 approving development that would result in fewer housing units than the capacity assumed in the site inventory without taking certain actions. 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.

Lower Income Rezoning Sites

The proposed ordinance will also align with other aspects of State housing element law regarding rezonings (see Cal. Gov. Code Section 65583.2(h)). This state law mandates that if a City cannot identify sufficient sites for its RHNA allocation for lower-income households, it must designate Lower Income Rezoning Sites. These sites must have a minimum density of 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 with at least 20 percent of the units affordable to lower-income households.

Minimum Densities for Lower Income Rezoning Housing Element Sites

Housing Development Projects proposed on a Lower Income Rezoning Housing Element Site need to meet a minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units. The proposed ordinance goes beyond state law minimum density standards by requiring 20 units per acre on all citywide sites that meet certain zoning classifications and site characteristics, including RD2 and less restrictive zones that meet minimum lot area requirements.

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Site Category	Housing Replacement Requirements	No Net Loss Findings	By-right Development Review	Minimum Densities
<i>Inventory of Adequate Sites (Appendix 4.1)</i>	✓	✓		
<i>Prior Inventory of Housing Element Sites</i>			✓	
<i>Lower Income Rezoning Sites</i>			✓	✓

Frequently Asked Questions

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. For Housing Element Sites, refer to Chapter 4, Appendix 4.1 (Inventory of Adequate Sites for Housing) of the [2021-2029 Housing Element](#). Prior Housing Element Sites are identified in Column O of this Appendix. Additionally, the Department of 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 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 law general program requirements establish 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 can not be approved. The policy reason is to ensure that sites are redeveloped at densities that enable the creation of affordable housing and not single-family homes, for example.

What are upcoming opportunities for public comment?

The release of the Housing Element Sites Ordinance draft kicks off the next phase of outreach. City Planning encourages the public to provide comments on this proposed amendment. In this phase of outreach, City Planning will host webinars to share information about the CHIP Ordinance, Housing Element Sites Ordinance, and Resident Protections Ordinance. Members of the public are encouraged to attend to learn more about what is proposed in the Ordinances and share their feedback. After the webinars, staff will evaluate the comments received and revise the draft ordinance to incorporate feedback. Members of the public may also submit written comments to housingelement@lacity.org.

Who can I contact for additional information?

Questions and comments on the Housing Element Sites Ordinance can be submitted to housingelement@lacity.org. Additional information is available on the LA City Planning Housing Element Rezoning Program webpage. To receive updates about the Housing Element Sites Ordinance and upcoming public comment opportunities, sign up for the email list by completing [this form](#).

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