ORDINANCE NO. _____

An ordinance amending Sections 12.22 and 16.70 of Chapter 1 of the Los Angeles Municipal Code to address technical clarifications and corrections to codify statutory requirements of state housing element law, and to facilitate the implementation of the Housing Element Sites and Minimum Density Ordinance to reduce barriers to housing development.

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

Section 1. Subparagraph (2) of Paragraph (d) of Subdivisions 37, 38, and 39 of Subsection A of Section 12.22 of Article 2, Chapter 1 of the Los Angeles Municipal Code is amended to remove the following sentence.

~~As defined in this section, ministerial approval means an administrative process to approve a "use by right" as this term is defined in California Government Code Section 65583.2(i).~~

Section 2. Section 16.70 of Article 6.1 of Chapter 1 of the Los Angeles Municipal Code is amended as follows.

A. **Purpose.** This section is intended to implement state housing element law requirements for sites identified in 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.

B. **Definitions.** For purposes of this section the following words and phrases shall have the meanings specified below. Other terms used in this section shall have the meanings in Section 12.03 of this Code if defined there.

1. **Housing Element Sites.** Housing Element Sites includes the sites listed on the City's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of the California Government Code Section 65583, 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 (c) of the California Government Code Section 65583, and any sites rezoned through such program.

2. **Lower Income Households.** Lower Income Households has the same meaning as defined in California Health and Safety Code Section 50079.5.

3. **Lower Income Rezoning Housing Element Sites.** 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 California Government Code Section 65584, and which comply with the requirements of California Government Code Section 65583.2(h).

4. **Ministerial Approval.** An administrative review process to approve a "use by right" as that phrase is defined in California Government Code Section 65583.2(i).

5. **Prior Housing Element Sites.** Non-vacant Housing Element Sites that were identified in the prior Housing Element and vacant Housing Element Sites that were identified in the prior two or more consecutive Housing Elements, and listed in ~~Column O of Appendix 4.1 of~~ the current ~~2021-2029~~ Housing Element to accommodate a portion of the housing need for Lower Income Households.

C. ~~**Map and**~~ **Inventory of Housing Element Sites.**

1. The inventory of Housing Element Sites shall be identified pursuant to LAMC Section 16.70 B.1.~~shown on a map, titled "Inventory of Housing Element Sites Map" prepared by the Planning Department and adopted by the City Council pursuant to Division 1.5 of Article 1 of Chapter 1A of this Code~~.

~~2. The Planning Department shall also maintain a list of the Housing Element Sites included on the Housing Element Sites Map, referred to as the "Inventory of Housing Element Sites", on the City's Zoning Information Mapping and Access System (ZIMAS).~~

2. The Prior Housing Element Sites shall be identified in the most recent Housing Element Sites inventory pursuant to California Government Code Section 65583.2(c).

3. The inventory of the Lower Income Rezoning Housing Element Sites shall be established by City Council Ordinance~~Resolution~~ and ~~shall~~ be 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)~~.

4. The Planning Department shall maintain the inventory of Housing Element Sites, Prior Housing Element Sites, and Lower Income Rezoning Housing Element Sites on the City's Zoning Information Mapping and Access System (ZIMAS).

D. **Requirements for Development Projects on Housing Element Sites.** Notwithstanding any law including any density limits, no Development Project shall be approved on a Housing Element Site that would 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 the following requirements are satisfied.

1. **Replacement of Existing or Demolished Protected Units.**

(a) **Housing Development Projects.** A Housing Development Project shall 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 LAMC Section 16.60 A.3.(a).

(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 LAMC Section 16.60 A.4.(a), except that the provisions in LAMC Section 16.60 A.4.(c) shall not apply.

E. **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 project on a Housing Element Site 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, unless the applicable Department either:

(a) Makes the applicable findings pursuant to California Government Code Section 65863(b), including that, while the proposed project would result in fewer units by income category than those identified in the most recent inventory of 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 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 ~~s~~Subdivision 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 Housing Development Project may not be denied on the basis that approval of the project would require compliance with this Subsection.

F. **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 to accommodate 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 by the City. Ministerial Approval by other City Departments includes, but is not limited to, projects otherwise eligible for required discretionary processes described in LAMC Section 91.7006.7.5 and LAMC Section 62.169. Any eligible Housing Development Project that

would have otherwise required a discretionary entitlement from the Department of City Planning to permit owner-occupied or rental multiple family residential dwelling use on the site shall be processed through an Expanded Administrative Review, as set forth in Section 13B.3.2. of Chapter 1A of this Code, and shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D.3 in Chapter 1A of this Code. ~~Any non-residential use in a mixed-use Housing Development Project shall comply with any discretionary review required for that use under the Code, or any plan or overlay adopted under the Code. In no case shall Project Review pursuant to Section 13B.2.4 of Chapter 1A be required for any Housing Development Project.~~

~~(a) **Exception:** For the purposes of this subsection, any application for a density increase that requires review under Section 12.24 U.26. of this Code is not eligible for the Ministerial Approval or Expanded Administrative Review in this subsection and shall be processed pursuant to the procedures of Section 12.24 U.26.~~

~~(b) Pursuant to Government Code Section 65583.2(i), any subdivision of a Prior Housing Element Site shall be subject to all laws, including, but not limited to, Article 7 (Division of Land Regulations) of Chapter I 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 that has a minimum density of at least 20 units per acre, 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 by the City. Ministerial Approval by other City Departments includes, but is not limited to, projects otherwise eligible for required processes described in LAMC Section 91.7006.7.5 and LAMC Section 62.169. Any eligible Housing Development Project that would have otherwise required a discretionary entitlement from the Department of City Planning to permit owner-occupied or rental multiple family residential dwelling use on the site shall be processed through an Expanded Administrative Review, as set forth in Section 13B.3.2. of Chapter 1A of this Code, and shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D.3 in Chapter 1A of this Code.

~~(a) **Exceptions:**~~

~~(i) For the purposes of this subsection any application for a density increase that requires review under Section 12.24 U.26. of this Code is not eligible for the Ministerial Approval or Expanded Administrative Review in this subsection and shall be processed pursuant to the procedures of Section 12.24 U.26.~~

~~(ii) Pursuant to Government Code Section 65583.2(i), any subdivision of a Lower Income Rezoning Housing Element Site shall be subject to all laws, including, but not limited to, Article 7 (Division of Land Regulations) of Chapter I of this Code.~~

3. **Abutting Sites.** If a Housing Development Project is comprised of multiple sites, including sites not identified on the inventory of Prior Housing Element Sites or Lower Income Rezoning Housing Element Sites, it shall be eligible for the procedures listed in Subsection F.1 and F.2, above, provided all of the following criteria are met for each site:

(1) The additional site(s) are contiguous from an abutting lot to a site identified on the inventory of Prior Housing Element Sites or the inventory of Lower Income Rezoning Housing Element Sites, including across an alley, but not across a street, and all of the following criteria are met:

(i) The project is not located on a site zoned MR1, MR2, M1, M2, or M3, or the CM zones in which residential uses are not permitted by right by any applicable planning overlay, "Q" condition, or "D" limitation; and

(ii) The additional site(s) are not listed on the Hazardous Waste and Substances Site List (Cortese List) by the Department of Toxic Substances Control; and

(iii) The project does not require the demolition of a Designated Historic Resource, as demolition is defined in Section 13B.8.1.C of Chapter 1A of this Code; and

(iv) The additional site(s) are not located in a Fire Restriction Area as defined in LAMC Section 12.22 A.38 (b) of Chapter 1 of this Code, except that a project site that is located within a Fire Restriction Area shall be eligible if the abutting property on the Prior Housing Element Site or Lower Income Rezoning Housing Element Site is not in a Fire Restriction Area; and

(v) The additional site(s) are not located in the Coastal Zone or a Sea Level Rise Area; and

(vi) The additional site(s) shall require a Lot Tie Affidavit from the Los Angeles Department of Building and Safety to the site identified on the inventory of Prior Housing Element Sites or the inventory of Lower Income Rezoning Housing Element Sites. However, when additional site(s) are included across an alley, prior to the issuance of a building permit, the owner of the additional site(s) shall execute and record a private reciprocal easement covenant and agreement against each subject lot. A copy of each executed and recorded covenant and agreement shall be filed with the Los Angeles Department of City Planning Development Services Center. All occupants of the project shall have equal access to all site amenities, and the pedestrian circulation between buildings and site amenities shall be maintained and not reduced.

4. **Exceptions.** Notwithstanding the Ministerial Approval provisions described above, the following exceptions apply to Housing Development Projects utilizing the Approval Requirements described in subsection F.1., F.2., and F.3.

(1) For the purposes of this subsection, any application for a density increase that requires review under Section 12.24 U.26. of this Code is not eligible for the Ministerial Approval or Expanded Administrative Review in this subsection and shall be processed pursuant to the procedures of Section 12.24 U.26.

(2) Pursuant to Government Code Section 65583.2(i), any subdivision of a Prior Housing Element Site or Lower Income

Rezoning Housing Element Site shall be subject to all laws and required procedural review, including, but not limited to, Article 7 (Division of Land Regulations) of Chapter I of this Code. The part of the project requesting an entitlement outside of the subdivision of land shall be streamlined pursuant to the applicable procedure in Section F.

(3) Any non-residential use in a mixed-use Housing Development Project shall comply with any discretionary review required for that use under the Code, or any plan or overlay adopted under the Code.

~~3~~5. **Densities for Lower Income Rezoning Housing Element Sites.** A Housing Development Project proposed on a Lower Income Rezoning Housing Element Site shall not be approved unless it meets at least the minimum density requirement of 20 units per acre, inclusive of Accessory Dwelling Units.

~~4~~6. **Relationship to Other Incentive Programs.** A project that seeks approval under Section 16.70 F.1 and F.2 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 Chapter I of this Code or any Community Plan Implementation Overlay, Specific Plan, or other overlay adopted under the authority of Chapter I, provided that the project meets the applicable requirements for both Section 16.70 F. 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 inventory of Prior Housing Element Sites or Lower Income Rezoning Housing Element Sites ~~List~~, shall be processed through the Expanded Administrative Review as set forth in Section 13B.3.2., and shall not be subject to any hearing procedures regardless of the provisions contained in Section 13B.3.2.D.3 in Chapter 1A of this Code. ~~Clearance in Section I-6.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.

G. **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 Government Code Section 65580 et seq.) through the provisions of this Code, including, but not limited to, providing additional information for the purpose of maintaining consistency with state law.

H. References to state or federal statutes or regulations in this section shall be to those statutes or regulations as written and in effect on the date the ordinance adding those references is adopted.