



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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## LETTER OF DETERMINATION

**MAILING DATE: OCTOBER 16, 2024**

**Case No.: CPC-2024-388-CA**

Council District: All

CEQA: ENV-2020-6762-EIR; ENV-2020-6762-EIR-ADD1;  
ENV-2020-6762-EIR-ADD2

Plan Area: Citywide

**Project Site:** Citywide

**Applicant:** City of Los Angeles

At its meeting of **September 26, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Code Amendment:

An ordinance to amend Sections 12.03, 12.22, 12.24, 14.00, and 19.18 in Chapter 1; add Sections 16.60 and 16.61 in Chapter 1; revise Articles 4 and 14 in Chapter 1A; and remove sections 51.31, 51.32, 51.33, 51.34 and 51.35 from Chapter 4 for the purpose of codifying housing replacement requirements, strengthening occupant protections, complying with state housing law and establishing reasonable regulations regarding affordable housing development for the protection of residents citywide.

1. **Recommended** the City Council find, based on the whole of the record in the independent judgment of the decisionmaker, that the Resident Protections Ordinance was assessed in the adopted Housing Element Environmental Impact Report No. ENV-2020-6762-EIR (SCH No. 2021010130) certified on November 29, 2021, Addendum No. 1 (ENV-2020-6762-EIR-ADD1) certified on June 14, 2022, and Addendum No. 2 (ENV-2020-6762-EIR-ADD2) (collectively, "EIR"); adopt Addendum No. 2; determine that pursuant to CEQA Guidelines section 15162 and 15164, no subsequent or supplemental EIR is required; and adopt the Mitigation Monitoring Program;
2. **Recommended**, that the City Council **adopt**, pursuant to Sections 13B.1.3 of the Los Angeles Municipal Code (LAMC), the proposed Resident Protections Ordinance (Exhibit A), as modified by the Technical Modifications dated September 25, 2024; to amend the Zoning Code and Public Welfare Code including amendments to Chapter 1, Chapter 1A, and Chapter 4 of the Los Angeles Municipal Code, including revisions to Sections 12.03, 12.22, 12.24, 14.00, and 19.18, and any related Code sections of Chapter 1, the additions of Sections 16.60 and 16.61 in Chapter 1, and revisions to Articles 4, 14, and any other related Code sections in Chapter 1A; and the removal of Sections 51.31, 51.32, 51.33, 51.34 and 51.35 from Chapter 4;
3. **Recommended** that the City Council **adopt**, pursuant to Los Angeles Municipal Code 12.22 A.25 and Charter Section 550 and 551, a Resolution to Amend the "Affordable Housing Incentives Guidelines" (Exhibit B.1) and approve the proposed Fair Housing Requirements for Affordable Housing (Exhibit B.2);
4. **Requested** the City Planning Department prepare an ordinance to incorporate the proposed Resident Protections Ordinance, which amends LAMC Chapter 1, identified in Action Item 2 into Chapter 1A of the LAMC (New Zoning Code), subject to the policy changes described in the Staff Recommendation Report and in conformance with the format and style of the New

- Zoning Code; and Recommend the City Council adopt this Chapter 1A version of the Resident Protection Ordinance;
5. **Requested** the City Planning Department prepare a future report back to the City Planning Commission on the feasibility of increasing the 1:1 ratio for replacement requirements for RSO units, including potential options, their impact on project feasibility, and any input from the state department of Housing and Community Development (HCD) regarding Housing Element compliance;
  6. **Requested** the Los Angeles Housing Department prepare a future report back to the City Planning Commission with additional details on the plans, staffing and resources needed to enforce the protections provided to tenants under the Resident Protections Ordinance;
  7. **Adopted** the Staff Recommendation Report with modifications dated September 24, 2024, as the Commission's report on the subject; and
  8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Cabildo  
 Second: Mack  
 Ayes: Choe, Diaz, Klein, Lawshe, Newhouse, Saitman  
 Absent: Zamora

**Vote: 8 – 0**

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Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is final and not appealable.

Notice: If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed Ordinance, Findings

cc: Arthi Varma, Deputy Director  
 Jenna Monterrosa, Principal City Planner  
 Matthew Glesne, Senior City Planner  
 Julia Heidelman, City Planner  
 Omar Galicia, Planning Assistant  
 Peter Monti, Planning Assistant

## FINDINGS

### Summary

The Proposed Plan as modified is consistent with the City Charter, LAMC, and General Plan Findings as recommended by the City Planning Commission on September 26, 2024 and the modifications approved by the City Planning Commission on September 26, 2024 are consistent with and further support the Findings of Fact.

### Program Findings and Discussion

Several sets of findings are required to adopt the Program, including consistency with the General Plan and various state housing laws (Housing Element and State Density Bonus).

#### **A. City Charter Findings**

**City Charter Section 556 and 558, and LAMC Section 13B.1.3** - Charter Sections 556 and 558 and LAMC Section 13B.1.3 require the City Planning Commission and the City Council to adopt the following findings when taking any action to amend zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements (collectively zoning ordinances):

- (1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.
- (3) Other findings required by law.

Pursuant to City Charter Section 556 and 558, and LAMC Section 13B.1.3, the proposed Citywide Housing Incentive Program (CHIP) Ordinance, Resident Protections (RP) Ordinance, and Housing Element Sites and Minimum Density (HESMD) Ordinance as part of the 2021 - 2029 Housing Element RHNA Re-zoning Program 121 are in substantial conformance with the purpose, intent and provisions of the General Plan. The CHIP, RP, and HESMD ordinances, hereafter referred to as “the Program”, are also in conformance with the public necessity, convenience, general welfare and good zoning practice and other laws. In particular, they respond to the City’s acute housing crisis, which negatively impacts the general welfare with high rates of homelessness, overcrowding and unaffordable rents. Incentives for new housing with deed restricted affordable units will increase the housing supply in strategically selected areas according to good zoning practice. These areas are characterized as having strong transportation service, existing infrastructure, access to jobs and amenities and existing resources linked to better life outcomes for residents.

## B. General Plan Consistency Findings

**General Plan Consistency Requirement** – State law requires that the General Plan have horizontal internal consistency among its elements (California Government Code Section 65300.5). The City Charter and California Government Code Section 65860(d) require zoning ordinances to be vertically consistent with the General Plan. The 2021-2029 Housing Element and the RHNA Re-zoning Program 121 set forth in that document were found to possess internal consistency with the General Plan at the time of The 2021-2029 Housing Element adoption. Those findings are updated to demonstrate the vertical consistency between the proposed zoning ordinances of the Program and the General Plan to comply with City Charter Sections 556 and 558, and LAMC Section 13B.1.3. This consistency discussion is provided for the City Planning Commission’s consideration in approving and recommending the Program and its determination that the Program is consistent with the City’s General Plan.

For all the reasons provided below, the proposed Program is consistent with the City of Los Angeles General Plan, in that it is compatible with the objectives, policies, general land uses, and programs of the General Plan and will not inhibit or obstruct their attainment.

### The Housing Element

The Program is consistent with the goals, objectives, policies, and programs of the 2021-2029 Housing Element, and is required under state Housing Element law (California Government Code Section 65583(c)(1)(A)). The 2021-2029 Housing Element Program 121 RHNA Re-zoning identified a rezoning need of 255,433 units and established an objective to conduct citywide rezoning to meet RHNA Targets by 2024<sup>1</sup>. The program states, “To accommodate the remaining RHNA of 255,433 units, LACP will identify and recommend rezoning for a minimum of 124,880 moderate and above moderate units and a minimum of 130,553 lower income (VLI and LI) units by October 30, 2024.” More than 50% of lower income rezoning will occur on sites with exclusively residential uses or allowing 100% residential uses (non-commercial zones). All lower income sites will have a density allowance of at least 20 units per acre. Rezoned sites will permit owner-occupied and rental multi-family uses by-right pursuant to CA Govt. Code § 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households and will be selected from sites identified in the parcel listing (Appendix 4.7). As reflected in Appendix 4.7, each development site has the capacity to accommodate at least 16 units and will be available for development in the planning period where water, sewer, and dry utilities can be provided”<sup>2</sup>. The CHIP, RP, and HESMD Ordinances implement the obligations and vision outlined in Program 121.

As a core implementation program of the 2021-2029 Housing Element, the Program strongly furthers its goals, objectives, policies and programs. The five goals that guide the 2021-2029 Housing Element are listed below, along with the most relevant objectives and policies.

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<sup>1</sup> 2021-2029 Housing Element, Chapter 6, pg 343

<sup>2</sup> 2021-2029 Housing Element, Chapter 6, pg 343

**Goal 1**

A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

**Objective 1.1:** Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

**Policy 1.1.7:** Incentivize production of mixed-income and 100% Affordable Housing projects by rezoning for more inclusive development at densities that enable their construction in every geography.

**Policy 1.1.8:** Introduce more flexible zoning and incentives for existing lower density residential areas to create opportunities for more “missing middle” low-scale housing typologies, particularly in Higher Opportunity Areas.

**Objective 1.2:** Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

**Policy 1.2.1:** Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

**Policy 1.2.2:** Facilitate the construction of a range of different housing types that addresses the particular needs of the City’s diverse households.

**Policy 1.2.5:** Streamline the housing approval process, particularly for Affordable Housing, throughout City departments.

**Policy 1.2.6:** Create new citywide and local land use incentives and programs that maximize the net gain of affordable housing and produce housing that meets Citywide Housing Priorities. Explore varied affordability ratios, the feasibility of inclusionary zoning requirements, and a greater mix of incomes based on market areas.

**Policy 1.2.8:** Develop and implement new land use and financing tools to promote more housing that is affordable to those with the lowest incomes and for longer periods of time.

**Policy 1.2.9:** Allow for zoning flexibility for Affordable Housing at the project review and planning levels when broader Citywide Priorities are being advanced.

**Policy 1.2.10:** Prioritize the development of Affordable Housing on public land.

**Objective 1.3:** Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

**Policy 1.3.1:** Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

**Policy 1.3.2:** Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

The proposed Program is based on a detailed assessment of existing and projected housing needs through the Housing Element process. It creates housing opportunities for a larger array of sites than required by state law to meet the scale of housing challenges in Los Angeles. The Program is designed to create a more equitable and affordable city by providing development incentives citywide and tailoring incentives to prioritize areas near transit, jobs, and in Higher Opportunity Areas. Elements of the CHIP Ordinance introduce more flexible zoning incentives for lower density residential development in Corridor Transition Areas to create opportunities for more “missing middle” housing typologies, and tailored incentives for majority affordable housing on sites with lower base densities. Those with the greatest housing needs are being prioritized throughout the CHIP ordinance with the inclusion of an acutely low income Category, family sized unit incentives, senior housing incentives, student housing incentives, and incentives for 100 percent affordable developments. The CHIP ordinance further provides varied affordability ratios based on market areas, new incentives for mixing income categories within developments, and creates both for sale and rental housing incentives for various building scales.

The CHIP’s Affordable Housing Incentive Program (AHIP) also prioritizes the development of affordable housing on public land, Public Facility (PF) zones, Parking (P) zones, and underutilized Faith-Based Organization owned sites by providing unique incentives for these areas. Both the CHIP and HESMD Ordinances establish streamlined review paths for projects providing affordable units, removing barriers to the production of affordable housing. Specifically, the HESMD Ordinance contains minimum density provisions to help ensure that multi-family zoned sites in High or Medium High Residential Market Areas (pursuant to the Affordable Housing Linkage Fee) are redeveloped at densities that support the inclusion of more affordable housing types including restricted affordable units. The Program also streamlines the housing approval process for projects that include affordable housing, ensures the net gain of affordable housing through provisions of the RPO and will produce housing that meets 2021-2029 Citywide Housing Priorities.

## **Goal 2**

A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

**Objective 2.1:** Strengthen renter protections, prevent displacement and increase the stock of affordable housing.

**Policy 2.1.1:** Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.

**Policy 2.1.4:** Strengthen tenant protections by expanding tenants' rights, enforcement, and legal assistance needed to access those rights.

**Policy 2.1.5:** Expand the right of first refusal to ensure displaced households may occupy replacement housing units that are comparable in size, location, cost, and rent control protection.

As mentioned previously, incentives are tailored according to the base densities of existing sites and their proximity to different types of transit service and Higher Opportunity Areas, creating more "missing middle" housing and mid-density multi-family typologies. The RPO codifies important citywide standards that ensure the quality and fairness of available new affordable units, protecting existing occupants and preventing the net loss of affordable housing units. Affected tenants are afforded certain rights such as the right to return to replacement units, the right to remain, the right to relocation and the right to return to the new development. Tenant rights are being strengthened by providing new notification requirements, as well as a right of private action if these rights are not provided. In order to comply with fair housing law and ensure equity in new housing developments, the proposed ordinance would establish the authority of the City to create and enforce requirements regarding the unit mix, unit size, quality and amenities, access to and distribution of affordable housing units (See LAMC 16.61 B). Affordability covenants are being lengthened to 99 years, which will provide for greater housing stability for all housing programs in the City, including those in CHIP. Additional income levels are being incorporated into the Program by including Acutely Low Income and expanding the use of Extremely Low Income.

**Objective 2.2:** Promote more affordable ownership opportunities and ownership retention strategies, with an emphasis on stability and wealth building for underserved communities.

**Policy 2.2.1:** Expand ownership models that increase the ability for households to attain homeownership, including alternative forms of shared- and limited-equity ownership.

Within the CHIP program are tailored incentives to expand home ownership opportunities and equity building for more households and underserved communities. In the MIIP program, the Corridor Transition incentive area offers increased density alongside reduced lot sizes, setbacks, and access requirements when either Very Low Income, Low Income, or Moderate Income units are provided. Minimum density provisions for multi-family zoned sites in High or Medium High Residential Market Areas will facilitate lower density housing typologies that may create ownership opportunities for more households. AHIP incentives in the CHIP Ordinance extend land

use incentives to Shared Equity Projects on land owned by nonprofit community land trusts, limited equity cooperatives, and workforce housing cooperatives. Incentives are intended to encourage a mix of housing types on these lands that includes limited equity for sale projects that can help income qualified individuals build wealth.

### **Goal 3**

A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

**Objective 3.1:** Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

**Policy 3.1.1:** Provide incentives and financial support for the preservation of historic residential structures, particularly for lower-income households.

**Policy 3.1.2:** Promote new development that furthers Citywide Housing Priorities in balance with the existing architectural and cultural context.

**Policy 3.1.3:** Develop and implement design standards that promote quality residential development.

**Policy 3.1.4:** Site buildings and orient building features to maximize benefit of nearby amenities and minimize exposure to features that may result in negative health or environmental impacts.

**Policy 3.1.5:** Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

**Policy 3.1.6:** Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

**Policy 3.1.9:** Encourage “convertible design” of above ground parking structures in transit rich areas so they can later be converted to housing.

**Objective 3.2:** Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

**Policy 3.2.1:** Promote the integration of housing with other compatible land uses at both the building and neighborhood level.



**Policy 3.2.2:** Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

**Policy 3.2.8:** Provide incentives and promote flexibility for the conversion of non-residential structures to new housing in order to reduce the carbon footprint resulting from demolition and new construction.

The CHIP Ordinance encourages housing production near transit and in Higher Opportunity Areas through tailored density bonuses and development incentives that will provide relief from FAR, height, and minimum parking regulations. Residential growth in these areas will help shorten commutes and facilitate a better jobs-housing balance while also furthering citywide goals concerning livability, sustainability, and resilience. This will also help spur construction of new affordable and mixed-income housing subject to the current Los Angeles Green Building Code, which is intended to promote environmentally sustainable buildings. The CHIP Ordinance also contains tailored incentives to encourage the preservation of Designated and Eligible historic resources and incentivizes mixed-use buildings with active ground floors. Finally, the Program has been designed to exclude sites and limit incentives in areas with high environmental risk where residential growth would not prioritize the creation of healthy and resilient communities including in Very High Fire Hazard Severity Zones and the Coastal Zone. Furthermore, the CHIP Ordinance contains provisions for mitigation and distancing from Environmental Consideration Areas through requiring compliance with the new Environmental Protection Measures Handbook, which will assist in reducing hazardous risks to human health and negative environmental impacts.

#### **Goal 4**

A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.

**Objective 4.1:** Ensure that housing opportunities are accessible to all residents without discrimination on the basis of race, color, ancestry, sex, national origin, color, religion, sexual orientation, gender identity, marital status, immigration status, family status, age, intellectual, developmental, and physical disability, source of income and student status or other arbitrary reason.

**Policies 4.1.1:** Promote and facilitate equal opportunity practices in the construction, provision, sale and rental of housing.

**Policy 4.1.5:** Eliminate housing accessibility barriers that disproportionately affect populations in protected classes and special needs populations.

**Objective 4.3:** Affirmatively further fair housing in all housing and land use programs by taking proactive measures to promote diverse, inclusive communities that grant all

Angelenos access to housing, particularly in Higher Opportunity Areas, increase place-based strategies to encourage community revitalization and protect existing residents from displacement.

**Policy 4.3.1:** Increase access and transparency in the lease-up process for restricted Affordable Housing units, particularly for those who have experienced or are at-risk of displacement and those who may not be aware of Affordable Housing choices.

**Policy 4.3.2:** Ensure that all neighborhoods have a range of housing typologies to provide housing options for residents to remain in the same community, when and if their needs change.

**Policy 4.3.3:** Examine land use practices that perpetuate racial exclusion and inequities including but not limited to: single-family / low density zoning, minimum lot size requirements, location of noxious uses, and subjective design review standards. Introduce context specific reforms that further Citywide Housing Priorities

**Policy 4.3.4:** Advance place-based strategies that create opportunities and financial strength in areas of disinvestment and with a history of predatory financial practices through asset-building shared equity homeownership that creates stability and mitigates displacement pressures through community control.

The Program will advance mixed-income, 100% affordable housing projects, and shared equity projects that will foster more racially and socially inclusive neighborhoods. The CHIP prioritizes expanding housing options in Higher Opportunity Areas to address historic and present land use patterns that concentrate housing in areas with fewer resources and opportunities. For example, only 14% of the deed restricted affordable units permitted citywide between 2013 and 2021 were located in Higher Opportunity Areas, despite these neighborhoods accounting for 35% of the City's census tracts. Focusing incentives in Higher Opportunity Areas helps to create more equitable and affordable housing options for City residents. The CHIP program further offers incentives for various housing typologies citywide near transit, with incentives scaled to residential and commercial zones in addition to higher and lower intensities. Within CHIP, the AHIP will offer a new incentive model for community land trusts, creating new equity sharing tools to help strengthen housing stability and build generational wealth among income qualified persons. The HESMD Ordinance also establishes minimum density provisions for multi-family zones in High or Medium High Residential Market Areas to ensure that there is more housing production in these areas.

The RPO codifies important fair housing requirements regarding unit mix, unit size, quality and amenities, and access to and distribution of affordable housing units in mixed-income housing development projects, to ensure compliance with fair housing law. In order to increase transparency in the lease up process, the RPO would establish code requirements for affirmative

marketing and outreach requirements based on current LAHD practice, as well as require affordable units be made available for rent on the Affordable and Accessible Housing Registry (or any equivalent registry managed by LAHD) to the extent feasible. LAHD has implemented affirmative marketing requirements for projects that have land use covenanted units, such as projects that have used a density bonus. This means that owners of these projects are required to list their affordable units on LAHD's Affordable and Accessible Housing Registry. This new requirement to list on the Registry is applied to new projects with covenants executed after October 1, 2021. These new projects are expected to receive their Certificates of Occupancy as early as 2024. The RPO also attempts to prioritize Restricted Affordable Units in mixed-income housing development projects for those with identified housing needs. These priority populations include those displaced pursuant to provisions in the Ellis Act and LAMC 151.22 to 151.28, lower income residents impacted by a rent increase due to the termination of affordability restrictions, and residents displaced due to natural disasters and other code enforcement orders issued for uninhabitable units.

## **Goal 5**

*A City that is committed to preventing and ending homelessness.*

**Objective 5.1:** Provide an adequate supply of short-term and permanent housing in addition to supportive services throughout the City that are appropriate for and meet the specific needs of all persons who are homeless or at-risk of homelessness.

**Policy 5.1.5:** Expand housing, shelter, and supportive services for the homeless and special needs populations in all communities, and reduce zoning and other regulatory barriers to their placement and operation.

The Program aims to increase housing supply with a diverse range of typologies through incentives and streamlining, to provide more housing options and greater housing stability to all Los Angeles residents. Within the CHIP Ordinance, new incentives for 100% affordable housing will expand permanent housing options for those who are homeless and at risk of homelessness. Furthermore the incentives will alleviate constraints on land with existing zoning barriers including Parking (P) zones, Public Facility (PF) zones, on publicly owned land, and on land owned by Faith-Based Organizations. In addition, the RPO increases housing preservation, occupant protections and replacement requirements that help ensure the creation of new housing does not result in homelessness.

### *Housing Element Programs*

As mentioned previously, the proposed Program implements RHNA Re-zoning Program 121 and related goals and policies. The CHIP Ordinance also implements the following programs in the 2021-2029 Housing Element: 4, 11, 13, 15, 48, 54, 57, 62, 103, 122, 124, 125. The RPO implements programs 28, 29, 45, 87, 121, 122, and 124. The HESMD Ordinance implements programs 28, 29, 46, 54, 57, 61, 121, and 124. These programs are either wholly implemented by the ordinances or are implemented in collaboration with other lead agencies.

**Program 124**

The Program Affirmatively Furthers Fair Housing (AFFH) is consistent with California Government Code 65583(c)(1)(2)(10)) and Program 124 in the 2021-2029 Housing Element. The Affirmatively Furthering Fair Housing (AFFH) Program (Program 124) of the 2021 - 2029 Housing Element established the following specific strategies and actions to address the primary AFFH issue areas:

<b>Affirmatively Furthering Fair Housing (AFFH) Program 124</b> Applicable Strategies, Actions, and Implementing Program Summaries	
<i>Strategies and Actions</i>	<i>Implementing Program Summaries</i> (see individual Programs for detailed Objectives and Program Descriptions)
A. Prioritize and expand housing choices for those with the greatest housing needs, including those with the lowest incomes, persons with disabilities, seniors, large families, and victims of domestic violence.	48 and 121: Create new incentives for senior and other special needs housing through the update to the City's affordable housing incentive programs by 2024.  81: Create tailored affordability incentives that account for identified local needs such as insufficient senior, large family units, or multigenerational living, as local plans are adopted. Ensure local plans increase the production and availability of Affordable and accessible housing.
D. Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on incentivizing or requiring Affordable Housing in Higher Opportunity Areas.	48, 65 and 121: Create a tailored set of streamlining and development incentives to prioritize 100% affordable housing projects. Expand where mixed income projects may be created, with a particular focus in Higher Opportunity Areas, by 2024. Introduce context specific reforms to zoning and land use practices to increase housing choices and affordability, particularly in Higher Opportunity Areas (see figures in Chapter 4, the candidate sites for rezoning in Appendix 4.7 and associated website maps). Target more than half of rezoning efforts in Higher Opportunity Areas.
E. Prioritize local resources, such as funding and public land, in areas of high opportunity,	15: Increase the utilization of public land for affordable housing with particular emphasis in

<p>and evaluate revisions to funding metrics or policies that may act as a barrier to projects locating in high resource areas. Seek partnerships with other public and private entities to facilitate new potential development sites in these areas for affordable housing</p>	<p>high resource and gentrifying areas; Identify publicly owned housing opportunity sites and issue RFPs to develop the sites by 2023, and annually thereafter; Ensure AFFH is incorporated into the public land selection process. Rezone PF (Public Facility) zoned public to allow affordable housing by-right through rezoning process by 2024; Maintain a publicly accessible citywide inventory of publicly owned sites. Prioritize public land for new models of affordable housing development and control (see Program 16).</p>
<p>F. Develop pathways to homeownership for lower and moderate income households, including targeted down payment assistance and increasing opportunities for community ownership of housing.</p>	<p>3 and 4: Facilitate new types of subdivisions and shared ownership models to encourage more affordable ownership typologies. Prepare an amendment to the zoning code by 2024 to facilitate innovation in more affordable types of for-sale subdivisions. Create accessible online and physical educational resources, and partner with community organizations, especially in gentrifying communities and communities of color, to assist existing or prospective homeowners to better understand options to increase equity and wealth creation by 2023.</p>
<p>K. Require the replacement of affordable housing and the right to return for existing residents, including relocation expenses</p>	<p>28 and 29: Require new housing developments to replace all affordable housing units lost due to new development. Record approximately 200 affordable housing replacement covenants per year. Extend replacement and right to return requirements prior to expiration of Housing Crisis Act in 2030 and evaluate best way to strengthen current requirements in order to make enhancements part of the Density Bonus update by 2024.</p>

The Program implements these strategies and actions by providing greater incentives to projects offering more restricted affordable units, particularly in Higher Opportunity Areas and near transit. Analysis conducted for compliance with state Housing Element Law (see Section C) indicates more than 50% of the Program's added housing capacity is in Higher Opportunity Areas. Of the Program's proposed housing capacity, approximately 56% of the overall capacity is located in Higher Opportunity Areas, with 63% and 50% of capacity located in Lower Income Category and

Moderate Income Category in Higher Opportunity Areas, respectively. Of the proposed housing capacity from the MIIP and AHIP FBO, Parking, and Public Land Projects, approximately 59% of the overall capacity is located in Higher Opportunity Areas, with 64% and 50% of capacity in Lower Income Category and Moderate Income Category in Higher Opportunity Areas, respectively. The CHIP incorporates an acutely low income category to include income levels up to 15% of Area Median Income in the incentive structure, to create housing for those with the greatest need. Additionally, the Density Bonus program codifies incentives for target populations such as seniors and people with disabilities. Public Benefit Options such as child care facilities and multi-bedroom units encourage housing types for large families at lower income levels. The AHIP provides unique incentives for projects on public land to utilize public resources more effectively for housing and introduces a shared equity project type to encourage community land trust and limited equity cooperative housing models that help income qualified households build wealth through equity restricted ownership. The RP ordinance ensures that replacement of affordable units occurs across new development and that existing residents have a right to return, minimizing displacement risk and making the creation of new housing fair for existing residents. The HESMD Ordinance establishes minimum densities on Lower Income Rezoning Sites in high market tiers and requires no net loss findings for parcels included on The Housing Element's Adequate Inventory of Sites.

### **The Framework Element**

The Program is consistent with and carries out the long-range growth goals, objectives, and policies of the Framework Element of the General Plan (adopted in 1996). This section contains a discussion showing the consistency between the Program and Framework Element.

The General Plan Framework Element sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding the following categories: growth and capacity, land use, housing, urban form, neighborhood design, open space and conservation, economic development, transportation, infrastructure, and public services. Therefore, the following discussion is organized by the categories found in the Framework Element below:

#### *Growth and Capacity*

With regards to growth and capacity, the State of California requires that cities update the Housing Element of their General Plan every eight years to accommodate a share of their region's projected growth. This process is based on the City's RHNA allocation, which quantifies the need for housing within that jurisdiction over an eight year planning period. In 2020, the Southern California Association of Governments (SCAG) determined that the City must accommodate a RHNA allocation of 456,643 housing units, including 184,721 units at lower income levels. While this number of housing units exceeds the Framework Element's 2010 estimates that corresponded with SCAG's forecast for that year, the current RHNA allocation reflects a 2029 time horizon. The Framework Element is a plan to accommodate future growth – the population and housing estimates noted in the plan do not represent maximum or minimum levels of permitted growth. The Framework Element's estimated population and household figures for 2010

have yet to be reached and remain relevant, as do the Framework policies, even if housing needs anticipated by the RHNA exceed these figures. Therefore, the Program's growth and capacity targets are not inconsistent with the Framework Element goals, policies and objectives. The Program accommodates the City's forecasted growth and existing need for housing and does not induce unplanned growth.

### *Land Use*

The Program is consistent with respect to the General Plan Framework Element's goals, objectives, and policies related to **Land Use**. Since the Program does not alter the underlying land use of parcels to increase housing supply, but rather incentivizes additional housing where already permitted, the land use will remain balanced citywide except where the unbalanced lack of housing in Higher Opportunity Areas will be corrected. With regard to Land Use, the General Plan Framework Element states the following:

#### **Framework Goal 3A**

A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

**Objective 3.1** Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

**Policy 3.1.4** Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

**Policy 3.1.6** Allow for the adjustment of General Plan Framework Element land use boundaries to account for changes in the location or introduction of new transit routes and stations (or for withdrawal of funds) and, in such cases, consider the appropriate type and density of use generally within one quarter mile of the corridor and station to reflect the principles of the General Plan Framework Element and the Land Use/Transportation Policy.

**Objective 3.2** Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

**Policy 3.2.2** Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of

development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

**Objective 3.3** Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

**Policy 3.3.1** Accommodate projected population and employment growth in accordance with the Long-Range Land Use Diagram and forecasts in Table 2-2 (see Chapter 2: Growth and Capacity), using these in the formulation of the community plans and as the basis for the planning for and implementation of infrastructure improvements and public services.

**Objective 3.4** Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

**Policy 3.4.1** Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram (Figure 3-1 and 3-2).

**Policy 3.4.3** Establish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include:

- a. Densities greater than surrounding areas,
- d. Streamlined development review processes,
- e. "By-right" entitlements for development projects consistent with the community plans and zoning,
- f. Modified parking requirements in areas in proximity to transit or other standards that reduce the cost of development, and
- g. Pro-active solicitation of development.

The proposed Program supports and is consistent with the Framework Goal 3A and its associated policies and objectives. It will implement the 2021-2029 Housing Element plan for local and citywide housing growth while also conserving existing residential neighborhoods.



The CHIP incentivizes housing production in Higher Opportunity Areas primarily through the MIIP's Opportunity Corridors and Opportunity Corridor Transition Areas. These programs are in line with Goal 3A's first direction to balance land uses as well as more equitably distribute public resources such as affordable housing. The proposed Program acknowledges that a focus on Higher Opportunity Areas needs to be balanced with other growth considerations outlined in the Framework Element including the importance of locating new housing near high-quality transit and jobs while avoiding hazardous and ecologically sensitive areas. For these reasons, the MIIP is not applicable in Very High Fire Severity Zones, Areas Vulnerable to Sea Level Rise or the Coastal Zone unless the project is utilizing State Density Bonus or is a project otherwise eligible for State Density Bonus utilizing the AHIP. The more generous incentives for housing near transit in both the AHIP and MIIP advance Policy 3.1.6 and Objective 3.2 of the Framework Element emphasis on bringing housing closer to job centers. This will help reduce vehicular trips, vehicle miles traveled, and corresponding air pollution. Overall, the Program seeks to support the vision of an equitable, livable, and sustainable city that meets the needs of the population through a thoughtful, balanced distribution of different housing types.

Objectives 3.3 and 3.4 are furthered by the CHIP, which encourages housing at different densities, sizes, and affordability levels citywide to meet the housing needs of a diverse population. The CHIP promotes housing along corridors and boulevards but does not propose changes to the underlying zoning or land use which are used as the basis for new incentives, consistent with Framework Element Policy 3.4.1 and Policy 3.1.4 to accommodate growth in accordance with the designated land use and density of the Framework Element's Long-Range Land Use Diagram. Incentives encourage mixed-use development in commercial zones while also meeting the rezoning requirement in state Housing Element law that over half of lower income sites are parcels zoned exclusively for residential uses (California Government Code Section 665832.2(h)). If the Program did not meet this requirement, the City would have to allow 100 percent residential projects by-right in areas with overlays requiring mixed-use, and dedicate 50 percent of development floor area to residential use in all mixed use projects (see Section C for further discussion). This would compromise The Framework Element's Objective 3.4 to encourage a mix of uses along primary transit corridors.

Consistent with Framework Element Policy 3.4.1, the RPO will help conserve existing stable residential neighborhoods by requiring replacement of deed-restricted affordable and rent stabilized units on sites of redevelopment projects. Replacement and relocation requirements stabilize the existing housing stock and minimize displacement by ensuring that redevelopment is limited to sites where a significant amount of new housing can be produced.

The Program incentivizes stable growth in areas with transportation and stronger resources typical of Higher Opportunity Areas. These updates utilize the existing General Plan land use and zoning. Since new housing is being incentivized near transit infrastructure and/or in Higher Opportunity Areas, it is anticipated that this new development would be served by sufficient public infrastructure and services in the city.

### *Single-Family Neighborhoods*

The Program is consistent with the goals, objectives, and policies related to single-family neighborhoods. With respect to Single-Family Neighborhoods, the General Plan Framework Element states the following:

**Framework Goal 3B**

Preservation of the City's stable single-family residential neighborhoods.

**Objective 3.5** Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

**Objective 3.6** Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.

**Policy 3.6.1** Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation of facade to convey the sense of individual units, and use of building materials that characterize single-family housing.

**Policy 7.9.3** Preserve existing single-family neighborhoods throughout the City to assure a continuing supply of variously priced single-family homes from the existing inventory.

The proposed Program is consistent with the Framework Element single-family preservation goals, objectives and policies in that it does not include areas planned and zoned for single-family uses except in limited circumstances.

*Multi-Family Neighborhoods*

The Program is consistent with the goals, objectives and policies related to Multi-Family Neighborhoods in the General Plan Framework Element. With respect to Multi-Family Neighborhoods, the General Plan Framework Element states the following:

**Framework GOAL 3C**

Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

**Objective 3.7** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

**Policy 3.7.1** Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

**Policy 3.7.3** Allow the reconstruction of existing multi-family dwelling units destroyed by fire, earthquakes, flooding, or other natural catastrophes to their pre-existing density in areas wherein the permitted multi-family density has been reduced below the pre-existing level.

The proposed Program is consistent with the Framework Element in that it encourages multi-family housing that enhances quality of life. The CHIP contains programs that promote new multi-family housing, particularly affordable and mixed-income housing, in areas near transit stations, jobs, and in Higher Opportunity Areas. Furthermore, the HESMD Ordinance supports the ability to reconstruct after a disaster, furthering Policy 3.7.3.

#### *Boulevards and Adjacent Residential Neighborhoods*

The Program is consistent with and furthers the General Plan Framework Element's emphasis on the intermix of boulevards with a mix of uses that include housing and economic opportunities alongside residential neighborhoods. With respect to this development pattern, the Framework Element states:

#### **Framework Goal 3I**

A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.

**Objective 3.13** Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public service uses.

**Policy 3.13.3** Encourage the inclusion of public service uses (e.g., day and elder care, community meeting rooms, and recreational facilities), school classrooms, cultural facilities (museums and libraries), and similar uses in mixed-use structures.

**Policy 3.13.4** Provide adequate transitions where commercial and residential uses are located adjacent to one another.

**Policy 3.13.5** Support the development of recreational and small parks in areas developed with mixed-use structures.

The Program generally does not change underlying zoning or alter use categories, and is therefore consistent with this goal and related policies to develop mixed use boulevards adjacent to residential neighborhoods. Instances where multi-family housing is allowed where otherwise not permitted are largely limited to areas where state law has already made the changes, including land owned by Faith-Based Organizations, Parking (P) zones, on publicly owned land or Public Facility (PF) zones, and on sites with land uses or Specific Plan uses which permit residential. The CHIP's MIIP further supports Framework Goal 3I through the Opportunity Corridors and Opportunity Corridor Transition Area incentive areas. Opportunity Corridors will generally support 3-7 story mixed use or 100% residential projects on major corridors while Opportunity Corridor Transition Areas will enable "Missing Middle" housing typologies within 750 feet of these corridors, further supporting Policy 3.13.4 for providing adequate transitions where commercial and residential uses are adjacent.

All CHIP programs offer Public Benefit Options that provide additional incentives in exchange for child care facilities or privately owned open space, consistent with policies 3.13.3 and 3.13.5. Another Public Benefit Option exempting a portion of active ground floor uses from floor area calculation encourages the inclusion of commercial or social service enterprises in developments where zoning already allows for those uses.

### *Transit Stations*

The Program's incentive structure is consistent with the intent of the General Plan Framework Element to encourage new development in proximity to rail and bus transportation corridors and stations. This considerable mix of uses should be accommodated to provide population support and enhance activity near the stations.

With respect to transit stations, the General Plan Framework Element states the following:

**Objective 3.15** Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

**Policy 3.15.3** Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

**Policy 3.15.4** Design and site new development to promote pedestrian activity and provide adequate transitions with adjacent residential uses.

The CHIP Ordinance is consistent with the Framework Element in that it encourages multi-family and mixed-use residential development, particularly affordable housing, in areas of the City that have quality transit stations and a range of employment opportunities supported by commercial

services and amenities through the transit and transit-opportunity incentive package in the MIIP. Throughout the MIIP and AHIP, incentives are tailored to sites where the Maximum Allowable Residential Density is less or greater than five units, thereby balancing the distribution of housing consistent with existing density contexts and Objective 3.15. With regard to Framework Element Policy 3.15.4, all CHIP projects are subject to citywide design standards as well as the proposed the Landscape and Site Design Ordinance, but the MIIP specifically incentivizes development through transit to promote walkability, utilizes Corridor Transition incentives to provide adequate residential transitions, and imposes performance standards such as additional open space and frontage requirements on Corridor Transition projects to promote a more vibrant and walkable streetscape.

### *Historic and Architectural Districts*

The Program includes sufficient historical resource protections to be consistent with the how the General Plan Framework Element seeks to balance the benefits of historic and architectural assets with the need for new development as stated in the following goal and policy:

#### **Framework Goal 3M**

A City where significant historic and architectural districts are valued.

**Policy 3.17.2** Develop other historic preservation tools, including transfer of development rights, adaptive reuse, and community plan historic preservation policies.

The CHIP balances streamlined review processes and tailored incentives with protections for Designated and Eligible Historic Resources. The CHIP offers review processes consistent with State Law. However, where local incentives exceed state law in the MIIP and AHIP, the Ordinance includes additional demolition and review protections for Designated and Surveyed Historic Resources. Furthermore, the CHIP offers new incentives to encourage the retention of eligible historic features by offering Public Benefit incentives for the retention of eligible historic building facades. This incentive was developed based on the public comment of the Los Angeles Conservancy. In addition, the HESMD Ordinance includes provisions to exempt historic resources from minimum density requirements. Similarly, historic resources have been removed from the inventory of Lower Income Sites subject to by-right review and minimum density requirements.

### *Urban Form and Neighborhood Design*

The Program is consistent with the goals, objectives, and policies in respect to **Urban Form and Neighborhood Design** through the use of tailored incentives, Menus of Incentives, Public Benefit Options, and performance standards. The General Plan Framework Element states the following regarding Urban Form and Neighborhood Design:

#### **Framework Goal 5A**

A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

**Objective 5.2** Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

**Policy 5.2.3** Encourage the development of housing surrounding or adjacent to centers and along designated corridors, at sufficient densities to support the centers, corridors, and the transit system. While densities and distances will vary based on local conditions, the following residential density standards, which are based on the City's adopted Land Use/Transportation Policy, should be used as a general guide when updating community plans through a public participation process:

- a. Four-stories over parking (R4) within 1,500 feet of grade-separated (subway or arterial) fixed rail transit stations;
- b. Three-stories over parking (R3) within 1,500 feet of at-grade fixed rail transit stations;
- c. Two-stories over parking (RD1.5) within 750 feet of major bus corridor intersections;
- d. Where appropriate, two units per lot (R2) may be considered within 750 feet of major bus corridors.

**Objective 5.5** Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

**Policy 5.5.1** Plant and/or facilitate the planting of street trees, which provide shade and give scale to residential and commercial streets in all neighborhoods of the City.

**Objective 5.8** Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented sub-areas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

**Policy 5.8.3** Revise parking requirements in appropriate locations to reduce costs and permit pedestrian-oriented building design:

- a. Modify parking standards and trip generation factors based on proximity to transit and provision of mixed-use and affordable housing.
- b. Provide centralized and shared parking facilities as needed by establishing parking districts or business improvement districts and permit in-lieu parking fees in selected locations to further reduce on-site parking and make mixed-use development economically feasible.

**Objective 5.9** Encourage proper design and effective use of the built environment to help increase personal safety at all times of day.

**Policy 5.9.2** Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by locating community facilities such as libraries, cultural facilities, or police substations, on the ground floor of such building, where feasible.

The proposed Program is consistent with the Framework Element because it promotes and encourages livable buildings and neighborhoods with a range of housing types for diverse communities that builds on their strengths while also meeting citywide needs. The CHIP Ordinance encourages a wide range of different densities and scales with incentives that balance the need for more housing and quality urban form. As previously discussed, the CHIP Ordinance incentivizes housing near transit with density, FAR, and height incentives which scale based on proximity to transit service and base density.

Regarding livability, the Framework Element contains policy 5.5.1 to plant or facilitate the planting of street trees. The MIIP and AHIP offer the preservation of significant trees as a public benefit option to help maintain the City's existing canopy as more trees are planted. The Framework Element also includes Objective 5.8 and Policy 5.8.3 to create pedestrian oriented areas and reduce parking. There are no parking requirements in the entire MIIP, and the AHIP only requires parking in very limited circumstances. In accordance with Objective 5.9 and Policy 5.9.2, the CHIP Ordinance supports mixed-use development by incentivizing greater residential intensity at sites already allowing mixed uses, which will encourage more street activation and neighborhood presence.

With respect to open space as an integral part of neighborhood form and design, The Framework Element includes these policies:

**Policy 6.4.4** Consider open space as an integral ingredient of neighborhood character, especially in targeted growth areas, in order that open space resources contribute positively to the City's neighborhoods and urban centers as highly desirable places to live.

**Policy 6.5.5** Establish incentives for the provision of publicly accessible open space in conjunction with private development projects.

The CHIP implements Policies 6.4.4. And 6.5.5 of The Framework Element by maintaining open space requirements for projects in targeted growth areas and establishing incentives to either offset reductions in open space or add open space to projects. Access to incentives for reducing open space requires a higher score on the Landscape and Site Design Ordinance checklist, to require a higher quality of open space in exchange for less. A Public Benefit Option in the MIIP

and AHIP offer a reduction in rear yard setback in exchange for setting aside additional lot area beyond the required common outdoor space as Privately Owned Open Space.

### *Economic Development*

The Program is consistent with respect to the Policies and Objectives related to **Economic Development** in the General Plan Framework Element by providing incentives for projects on public land, incentivizing and streamlining affordable housing without the use of public subsidy, and encouraging mixed-use projects where the underlying zoning allows. Regarding Economic Development, the Framework Element states the following:

**Policy 7.2.1** *Identify the characteristics of any surplus City-owned land and determine the appropriateness of designating this land for public, commercial, industrial, or residential uses.*

**Policy 7.8.3** *Encourage mixed-use development projects, which include revenue generating retail, to offset the fiscal costs associated with residential development*

**Objective 7.4** Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.

**Policy 7.4.1** Develop and maintain a streamlined development review process to assure the City's competitiveness within the Southern California region.

**Policy 7.4.2** Maximize opportunities for "by-right" development.

### **Framework Goal 7G**

A range of housing opportunities in the City

**Objective 7.9** Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's workforce to both live and work in the City.

**Policy 7.9.1** Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

**Policy 7.9.2** Concentrate future residential development along mixed-use corridors, transit corridors and other development nodes identified in the General Plan Framework Element, to optimize the impact of City capital expenditures on infrastructure improvements.



**Objective 7.10** Program resources in a manner that encourages appropriate development, housing opportunities, transit service and employment generation in all areas of the City, with particular emphasis on those portions of the City which historically have not received a proportional share of such opportunities, consistent with the City's overall economic policies.

**Policy 7.10.2** Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.

The Framework Element recognizes the critical link between economic development and housing, particularly between jobs and housing. The proposed Program is consistent with the Framework Element Objectives 7.9, 7.10 and related policies in that it aims to enable the City's workforce to both live and work in the City, by encouraging an ample supply of housing for residents and workers and promoting an array of housing types at different costs, including affordable and mixed income housing in areas with transit stations, a range of employment opportunities, and commercial services and amenities. The Program aims to boost affordable housing without relying upon subsidies, in line with its position as an implementation of State Density Bonus and Policy 7.9.1. Incentives in Higher Opportunity Areas throughout the MIIP and the AHIP will alleviate housing concentration by promoting an emphasis on those portions of the City which historically have not received a proportional share of housing opportunities, and will Affirmatively Further Fair Housing near employment and educational resources.

The CHIP Ordinance also provides incentives for developing publicly owned land and sites zoned Public Facility (PF) for affordable housing under the AHIP, which contains a provision under which any public agency, if authorized by a resolution of City Council, may develop land for 100% affordable housing regardless of a site's development standards. This supports Policies 7.2.1 and 7.8.3 of the Framework Element by providing a pathway to a streamlined mixed-use development of public land and public facilities regardless of underlying zoning, and advances both a public commitment to construct affordable housing while balancing the fiscal constraints of residential development where public dollars are being spent.

Framework Element Objective 7.4 and related Policies 7.4.1 and 7.4.2 encourage streamlined development procedures for a better business and economic environment citywide. The CHIP and HESMD Ordinance both provide by-right and streamlined processes for projects providing the public benefit of affordable housing, and will facilitate a more stable development process. Better streamlining is available to projects offering more affordability in an effort to lower costs linked to the development process overall, while also closing the financial gap specific to affordable housing development.

### *Housing*

The Program is consistent with the policies and objectives of The Framework Element **Housing** section, which provides much of its overall policy direction. The Framework Element acknowledges that housing production has not kept pace with the demand for housing leading to

increased overcrowding and states that the “City must strive to meet the housing needs of the population in a manner that contributes to stable, safe, and livable neighborhoods, reduces conditions of overcrowding, and improves access to jobs and neighborhood services, particularly by encouraging future housing development near transit corridors and stations.”

With respect to **Housing**, the General Plan Framework includes the following overall Housing goals and objectives:

#### **Framework Goal 4A**

An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

**Objective 4.1** Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010 (Per Table 2-1, the Framework Plan 2010 population is 4,306,500 persons).

**Policy 4.1.1** Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs (see Figure 4-1).

**Policy 4.1.2** Minimize the overconcentration of very low- and low-income housing developments in City subregions by providing incentives for scattered site development citywide.

**Policy 4.1.3** Minimize the over concentration of public housing projects in a City subregion.

**Policy 4.1.4** Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

**Policy 4.1.5** Monitor the growth of housing developments and the forecast of housing needs to achieve a distribution of housing resources to all portions of the City and all income segments of the City's residents.

**Policy 4.1.6** Create incentives and give priorities in permit processing for low- and very-low income housing developments throughout the City.

**Policy 4.1.7** Establish incentives for the development of housing units appropriate for families with children and larger families.

**Policy 4.1.8** Create incentives and reduce regulatory barriers in appropriate locations in order to promote the adaptive re-use of structures for housing and rehabilitation of existing units.

**Policy 4.1.9** Whenever possible, assure adequate health-based buffer zones between new residential and emitting industries.

**Objective 4.2** Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

**Policy 4.2.1** Offer incentives to include housing for very low- and low-income households in mixed-use developments.

**Objective 4.3** Conserve scale and character of residential neighborhoods.

**Objective 4.4** Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

**Policy 4.4.1** Take the following actions in order to increase housing production and capacity:

- a. Establish development standards that are sufficiently detailed and tailored to community and neighborhood needs to reduce discretionary approvals requirements.
- b. Streamline procedures for securing building permits, inspections, and other clearances needed to construct housing.
- c. Consider raising thresholds for categorical exemptions for CEQA clearances for projects conforming to the City's development standards, particularly when housing is combined with commercial uses in targeted growth areas.
- d. Consider establishing City service which assists applicants in processing applications for housing projects.

The proposed Program supports and is consistent with the Framework Element housing goal 4A as it strongly promotes a more equitable distribution of housing opportunities, with higher incentives offered in Higher Opportunity Areas throughout the CHIP. As identified in the 2021-2029 Housing Element, and shown on [Figure 1](#) on page A-4 of this staff report, affordable housing unit production has been heavily concentrated in lower opportunity areas of the city. As such the CHIP program offers larger incentives in Higher Opportunity Areas, expands access to affordable housing, and provides for a more equitable distribution of mixed-income and one hundred percent affordable housing developments. The Program aligns with the Framework's Objective 4.1 and associated policies with its focus on planning to provide a supply of housing available at affordable types and costs while alleviating overconcentration of affordable housing and overcrowding.

The CHIP establishes incentives to encourage a wider variety of housing types by providing tailored incentives for missing middle, mid-scale, and higher intensity developments, alongside options to encourage multi-bedroom units to house large families. Within the CHIP Ordinance, the MIIP and AHIP offer limited FAR and height incentives for both lower density sites and for Designated Historic Resources. The Corridor Transition incentives are crafted to integrate into existing neighborhood contexts, by offering height and FAR maximums in exchange for incentives which are often below the existing allowances on a site.

Within the CHIP Ordinance, the MIIP incentive affordability requirements are calibrated to market tiers identified by the Linkage Fee Ordinance in Section 19.18 of the Los Angeles Municipal Code. With higher affordability set asides in higher market tiers, affordable housing will be more evenly distributed throughout the City. Set aside options in the MIIP are of an even greater variety of income levels than the Framework Element calls for, and include moderate income (80-120% AMI), low income (80% AMI), very low income (60% AMI), extremely low income (30% AMI), and acutely low income (15% AMI) levels. The popularity of the extremely low income affordability set-aside in the City's Transit Oriented Communities Program indicates that this is an effective and proven way to spur production of these units citywide. As stated in previous findings, the MIIP emphasizes transit as a key location for growth in alignment with Objective 4.2.

Streamlining and reducing development barriers is a key component of the CHIP and The HESMD Ordinance, in alignment with Objective 4.4 and associated policies of the Framework Element. Streamlining is provided in exchange for the public benefit of more affordable housing and does not apply where the value of cultural or environmental assets exceeds that of the proposed project. Consistent with Framework Element Policy 4.1.9, environmental justice is a key consideration of the CHIP Ordinance. Parcels zoned for heavy manufacturing, or hybrid industrial zones with an overlay restricting residential uses, cannot qualify for more than the minimum incentives available under State Density Bonus. Sites within 1,000 feet of certain contaminated areas would be required to complete Phase I and/or II assessment and remediation in compliance with the proposed Environmental Protection Measures, if warranted, or they are not eligible until complying with Environmental Protection Measures once adopted. Furthermore, the Lower Income Rezoning Housing Element Sites List, where by-right streamlining is facilitated by the HESMD, excludes sites with potentially harmful environmental concerns. For additional details, refer to Section C.

It is the ultimate goal of the Program to provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost to meet projections of housing needs. The Program will also decrease the overconcentration of very low- and low-income housing developments in City subregions by preventing development on sites presenting risk to human health or negative externalities and providing greater incentives for scattered site development citywide, particularly in Higher Opportunity Areas where affordable housing production has been underproduced.

### **Other General Plan Elements**

The proposed Program is consistent with the purpose, intent, and provisions of the General Plan in that it implements policies contained in a number of other General Plan Elements in addition to the Housing and Framework Element discussed above, including the:

- Circulation Element (Mobility Plan 2035)
- Health Element (Plan for a Healthy Los Angeles)
- Air Quality Element
- Conservation Element
- Safety Element

*Mobility Plan 2035 (Circulation Element)*

The City's Mobility Plan 2035 (Circulation Element) provides the policy foundation for achieving a transportation system that balances the needs of all road users and incorporates "complete streets" principles and lays the policy foundation for how future generations of Angelenos interact with their streets. This includes the strong link between residential land uses to transportation.

The City's Mobility Plan 2035 contains a number of important policies supported by and consistent with the proposed Program, including:

**Objective 3.1** Ensure that 90% of households have access within one mile to the Transit Enhanced Network by 2035.

**Objective 3.2** Ensure that 90% of all households have access within one-half mile to high quality bicycling\* facilities by 2035. (\*protected bicycle lanes, paths, and neighborhood enhanced streets)

**Objective 5.2** Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita

The Program supports the strong link between residential land uses and transportation, particularly public transit stations in the CHIP's MIIP. Incentivizing housing, particularly affordable housing, near transit stations ensures that transit-dependent residents have access to housing and employment opportunities, education, quality healthcare, and other amenities while reducing Vehicle Miles Traveled per capita, which aligns with Mobility Objective 5.2. Additionally consistent with AB 2097 and AB 2334, most projects proposed under the MIIP and AHIP will not require parking, thereby increasing the public transit user base. These policies and programs acknowledge the ample opportunities for transit-oriented development that can support new housing (particularly affordable housing) as a result of significant transit infrastructure investments occurring in multiple neighborhoods of the City.

*Plan for a Healthy Los Angeles (Health Element)*

The Plan for a Healthy Los Angeles (Health Element) lays the foundation to create healthier communities for all Angelenos. As an Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health and environmental justice as a priority for the City's future growth and development. It acknowledges that access to safe, affordable, accessible, and healthy housing is of paramount importance to living a healthy life.

The proposed Program is consistent with the Health Element and furthers the following goals, objectives, and policies:

**Policy 1.5** Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

**Policy 1.6** Reduce the debilitating impact that poverty has on individual, familial, and community health and well-being by: promoting cross-cutting efforts and partnerships to increase access to income; safe, healthy, and stable affordable housing options; and attainable opportunities for social mobility.

**Policy 1.7** Reduce the harmful health impacts of displacement on individuals, families, and communities by pursuing strategies to create opportunities for existing residents to benefit from local revitalization efforts by: creating local employment and economic opportunities for low-income residents and local small businesses; expanding and preserving existing housing opportunities available to low-income residents; preserving cultural and social resources; and creating and implementing tools to evaluate and mitigate the potential displacement caused by large-scale investment and development.

### ***Health Element Goal 2***

A city that is built for health uses design, construction, and public services to promote the physical, mental, and social well-being of its residents. A healthy city has neighborhoods where health-promoting goods and services are abundant and accessible, so that the healthy choice is the easy choice for all residents. Health is further supported by safe multi-modal corridors that offer active transportation alternatives, access to a diverse housing stock that offers options for all ages and incomes, ample opportunities for recreation, healthy food options, and a vibrant economy that offers quality employment opportunities.

**Policy 2.2** Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

**Policy 5.1** Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

**Policy 5.4** Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

**Policy 5.7** Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

The proposed Program is consistent with the Health Element goals, objectives, and policies related to housing in the City in that it prioritizes affordable housing with anti-displacement measures and orientates housing development around health, economic stability, and well-being. Carefully designed incentives that work synergistically with the proposed amendments to the City's proposed Landscape and Sites Design Ordinance, as well as Public Benefit Options, are intended to improve health and well being and are consistent with Health Element Policy 1.5 and Goal 2. The RPO alleviates displacement pressure so that existing residents can benefit from increasing housing opportunities as stated in Policy 1.7. As previously stated, incentives in the MIIP promote housing near transit to promote decreased per capita greenhouse gas emissions. The CHIP Ordinance provides higher incentives in Higher Opportunity Areas to Affirmatively Further Fair Housing and works to reduce the debilitating effects of poverty on welfare by providing more affordable housing options in areas with stronger life outcomes that have underproduced it, thereby implementing Health Element Policy 1.6.

### *Air Quality Element*

The Air Quality Element sets forth the goals, objectives, and policies which guide the City in its implementation of its air quality improvement programs and strategies. A number of these goals, objectives, and policies are relevant to land use development, and relate to traffic mobility, discouraging single-occupancy vehicle trips, and increasing energy efficiency in City facilities and private developments.

The proposed Program is consistent with the City's Air Quality Element and furthers the following goals, objectives, and policies:

#### **Air Quality Element Goal 2**

Less reliance on single-occupant vehicles with fewer commute and non-work trips

**Objective 2.1** Reduce work trips as a step towards attaining trip reduction objectives necessary to achieve regional air quality goals.

#### **Air Quality Element Goal 3**

Efficient management of transportation facilities and systems infrastructure using cost-effective system management and innovative demand-management techniques. ‘

**Objective 3.1** Increase the portion of work trips made by transit to levels that are consistent with the goals of the Air Quality Management Plan and the Congestion Management Plan.

**Objective 3.2** Reduce vehicular traffic during peak periods.

#### **Air Quality Element Goal 4**

Minimal impact of existing land use patterns and future land use development on air quality by addressing the relationship between land use, transportation, and air quality.

**Objective 4.2** Reduce vehicle trips and vehicle miles traveled associated with land use patterns

**Policy 4.2.3** Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.

#### **Air Quality Element Goal 5**

Energy Efficiency through land use and transportation planning, the use of renewable resources, and the implementation of conservation measures such as site orientation and tree planting.

The proposed Program is consistent with the Air Quality Element’s goals, objectives, and policies related to housing development and reducing vehicle trips in the City in that it encourages housing locations near jobs and transit, particularly through the CHIP Ordinance’s MIIP incentives. This program facilitates high quality, healthy housing in neighborhoods that improves accessibility to jobs and services, deploying a transportation demand management strategy to reduce vehicle miles traveled (VMT) and therefore improve air quality. These programs and policies are also aligned with the regional and state mandates of improving air quality. Transportation incentives are scaled according to distance from major transit stops, which for the purposes of the CHIP includes stations and bus stops included in the most recent Southern California Association of Governments Regional Transportation Plan.

#### *Conservation Element*

The proposed Program furthers the objectives and policies of the conservation element, specifically related to cultural and historical sites. The Conservation Element states that the City has a primary responsibility for identifying and protecting its cultural and historical structures, natural features or sites of historic, architectural, cultural or aesthetic significance.

**Conservation Element Objective 4** Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.



**Policy 4.1** Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

The proposed Program is consistent with the Conservation Element in that it seeks to maintain and protect important cultural and historic resources while allowing for the development and preservation of housing in the City. The CHIP Ordinance utilizes the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) for review of projects proposing alterations to Designated Historic Resources. Furthermore, projects are ineligible for the ordinance incentives if demolition of a Designated Historic Resource is proposed. The MIIP and AHIP incentives also offer protections to eligible or surveyed historic resources, requiring any surveyed, eligible or architectural historic resource identified for any protection or special consideration or review by an applicable Overlay or Specific Plan to be compliant with the Standards. As institutions of faith often contain both eligible architectural and cultural resources, the AHIP incentives require eligible buildings using Faith-Based Organization Project incentives to conform with the Standards. Throughout the CHIP Ordinance sites with Designated Historic Resources and Non-Contributing Elements to Historic Preservation Overlay Zones have limited access to FAR and height incentives, to further ensure new development is integrated appropriately into historic sites. In addition, the HESMD Ordinance includes provisions to exempt historic resources from minimum density requirements. Similarly, historic resources have been removed from the inventory of Lower Income Sites subject to by-right review and minimum density requirements.

### *Safety Element*

The Program is consistent with the goals and policies of the Safety Element regarding environmentally sensitive and hazardous sites, and sites that may be especially sensitive to climate change. The Safety Element details a policy direction to prevent, respond to, and recover from disaster events. Policies of the Safety Element include:

#### **Safety Element Goal 1: Hazard Mitigations**

A city where potential injury, loss of life, property damage and disruption of the social and economic life of the city due to hazards is minimized.

**Policy 1.1.5 Risk Reduction.** Reduce potential risk hazards due to disaster with a focus on protecting the most vulnerable people, places and systems.

**Policy 1.1.8 Land Use.** Consider hazard information and available mitigations when making decisions about future land use. Maintain existing low density and open space designations in Very High Fire Hazard Severity Zones. Ensure mitigations are incorporated for new development in hazard areas such as VHFHSZs, landslide areas, flood zones and in other areas with limited adaptive capacity.

The proposed Program is consistent with the updated policies above in that it contains special provisions for projects proposed in Very High Fire Hazard Severity Zones, the Coastal Zone, Sea Level Rise Areas, or sites that may pose a hazardous risk to human health. Sites in Very High Fire Hazard Severity Zones, areas vulnerable to Sea Level Rise, and the Coastal Zone are excluded from the MIIP. A site in a Very High Fire Hazard Severity Zone would only be included in instances where a project site is abutting, across the street or alley, or sharing a common corner with a subject property that is not in such a zone on an Opportunity Corridor. Projects otherwise eligible for State Density Bonus in Very High Fire Severity Zones, Sea Level Rise areas, and the Coastal Zone are eligible only for limited state incentives. Inclusion of these limited sites is consistent with Policy 1.1.5, as parcels are located on transit served corridors on the periphery of impacted areas, and have higher mobility in a hazard event. Sites in Environmental Consideration Areas will be eligible for program incentives so long as the project complies with the requirements set forth in the Environmental Protection Measures Handbook. These measures are consistent with the hazard mitigation and risk reduction measures proposed in Safety Element Goal 1 and Policies 1.1.5 and 1.1.8.

#### *Public Facilities and Services Element*

The Public Facilities and Services Element contains several Master Plans for facilities and services of public interest in the City. It includes the Cultural and Historical Monuments Plan to guide the preservation of significant, beautiful, or interesting cultural and historic sites in The City of Los Angeles. The Program furthers the first objective in the Cultural and Historical Monuments Plan is:

**Objective 1.1** To encourage the preservation and restoration of designated monuments.  
Objective To make available a full range of public educational

See Conservation Element findings above for a discussion of consistency of Objective 1.1 with the proposed Program.

The Program is also consistent with and furthers the following objectives in the Public Schools Plan:

**Objective 4.1:** To make available a full range of public educational facilities from the elementary grades through the junior college level within the Los Angeles City area.

**Objective 4.4:** To provide safe, direct access to school sites for the maximum number of attending students

The Program provides higher incentives for projects located in Higher Opportunity Areas, which includes areas of the City that have more access to public facilities such as schools. By encouraging housing in these areas, the Program furthers the objectives to make public educational facilities more available in the City of Los Angeles, and provides more direct access to schools for a majority of students through added housing supply in these areas.

### *Land Use Element*

The Community Plans establish neighborhood-specific goals and implementation strategies to achieve the broad objectives laid out in the City's General Plan. Together, the 35 Community Plans make up the General Plan's Land Use Element, which plays an important role in bolstering housing and job opportunities, conserving open space and natural resources, and balancing different neighborhoods' needs. The Program is consistent with the Land Use Element because it will not change the underlying zoning or land use of any parcels, but functions as a local implementation of State Density Bonus (see Section D).

Uses are only altered where they otherwise prevent residential density increases in line with citywide policies and/or state law. These developments (in P or PF Zones, or on land owned by Faith-Based Organizations or publicly owned land) may only occur on or adjacent to land that otherwise permits residential uses in the General Plan, Zoning Ordinance, or Specific plan, or by City Council resolution. Assembly Bill (AB) 2334 (Wicks) amended California Government Code Section 65915's definition of "Maximum Allowable Residential Density" so that under state law, the City is legally required to afford the applicant the highest base density among the General Plan, Zoning Ordinance, or Specific Plan for purposes of the application of a density bonus. Therefore, there may be instances where a proposed project is not consistent with the Land Use Element of the General Plan or the requirement of a Specific Plan, but the City is legally required to allow the applicant to develop at the highest permitted density among the General Plan, Zoning Ordinance, or Specific Plan (California Government Code Section 65915(o)(6)). In addition, the City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of proposed development from the Program will be offset by the increase in affordable units required by the City's local implementation of State Density Bonus. The ordinances provide a service that is essential and beneficial to the community, city and region and conforms to the purpose of the Land Use Element by providing much needed housing near job centers and transit, and by providing housing which fulfills the needs for market rate and affordable housing.

### **C. State Housing Element Discussion (California State Government Code Section 65580 – 65589.11)**

#### **State Housing Element Law**

Statutory requirements for the Housing Element and RHNA Re-zoning programs are delineated in California State Government Code Sections 65580 – 65589.11. The California Department of Housing and Community Development approved The City of Los Angeles 2021-2029 Housing Element on June 29, 2022, which outlined Program 121 RHNA Re-zoning. The 2021-2029 Housing Element includes a list of 'Candidate Sites Identified to be Rezoned to Accommodate Housing Shortfall Need' in Appendix 4.7, compiled after identifying a shortfall of 255,433 units, of which 130,553 are a shortfall of lower income units. Pursuant to California Government Code Section 65583(c)(1) and 65583.4(a), rezoning to accommodate the City's RHNA deficit must

occur by February 12, 2025, or meet the narrow criteria for a one year extension. Additional requirements for the state mandated rezoning are:

1. Sites shall be made available during the planning period with appropriate zoning and development standards, including the adoption of minimum densities, and with services and facilities to accommodate that portion of the City's or County's share of the regional housing need that could not be accommodated on sites identified in The 2021-2029 Housing Element Candidate Sites inventory (California Government Code 65583(c)(1)).
2. Sites shall be identified to Affirmatively Further Fair Housing and to facilitate and encourage the development of a variety of types of housing for all income levels (including but not exclusive to extremely low, very low, low and moderate) (California Government Code 65583(c)(1)(2)(10)).
3. Pursuant to California Government Code 65583.2(h), Lower Income Sites identified for rezoning must be:
  - (a) On sites that shall permit owner-occupied and rental multi-family residential use by-right for developments in which 20 percent of units are affordable to lower income households during the planning period. Sites must be zoned with a minimum density and development standards permitting at least 20 units per acre and 16 units per site in Los Angeles.
  - (b) At least 50 percent sites designated for residential uses where nonresidential or mixed-uses are not permitted (if a jurisdiction elects not to meet this requirement it must impose mandatory housing requirements in non-residential zones).
4. Per Housing Element Law, sites previously listed in The Housing Element Inventory of Adequate Sites over two consecutive planning periods must permit by-right development streamlining if 20 percent of proposed project's units are set aside for lower income households. Eligible projects that meet objective zoning standards will be subject to a by-right review procedure (California Government Code 65583.2(c)). Sites listed on the current Inventory of Sites (Appendix 4.1 of The 2021-2029 Housing Element) are subject to no net loss and housing replacement requirements.
5. Notwithstanding other requirements of the rezoning, a jurisdiction must adopt a replacement requirement policy for sites that currently or within the past five years had residential uses subject to a recorded covenant, ordinance or law restricting rent to lower incomes, consistent with replacement requirements set forth in California Government Code Section 65915(c)(3) (California Government Code 65583.2(g)(3)).

The Program makes sites with more than 255,433 units of capacity available to accommodate the portion of the City's share of the regional housing need that could not be accommodated through the identification of sites in the 2021-2029 Housing Element. The sites have appropriate zoning and development standards and are more than adequate to meet the need for 255,433 units, of which 130,553 are a shortfall of lower income units, as identified by The 2021-2029 Housing Element.

Of these sites, at least 130,553 units of capacity are identified as Lower Income Sites, which meet the requirements in California Government Code 65583.2(h). The sites have appropriate zoning

and development standards and are in excess of the 130,553 unit shortfall of lower income units identified by The 2021-2029 Housing Element. More than 50 percent of the rezoned sites and associated capacity are located on residentially zoned sites (i.e. sites designated for residential uses) where nonresidential or mixed-uses are not permitted. Lower Income Sites permit owner-occupied and rental multi-family residential use by-right for developments in which 20 percent of units are affordable to lower income households during the planning period. Sites are zoned with a minimum density and development standards permitting at least 20 units per acre and 16 units per site in Los Angeles.

It is important to note that the additional rezoning efforts include other efforts that may be adopted within the state required deadline of February 12, 2025. This includes the Downtown Los Angeles Community Plan Update, as well as the Adaptive Reuse Ordinance, with an adoption status that is currently unknown. Rezoned sites through other work programs will also be established by City Council Resolution, submitted to the state each year as part of the Housing Element Annual Progress Report and identified in the public Zoning Information Mapping and Access System (ZIMAS). Approximately 56% of the rezoning efforts of the CHIP Ordinance and the Downtown Los Angeles Community Plan Update are located in Higher Opportunity Areas of the City, with 63% and 50% of capacity located in Lower Income Category Capacity and Moderate Income Category Capacity in Higher Opportunity Areas, respectively. Of the proposed housing capacity from the MIIP and AHIP FBO, Parking, and Public Land Projects, approximately 59% of the overall capacity is located in Higher Opportunity Areas, with 64% and 50% of capacity in Lower Income Category and Moderate Income Category in Higher Opportunity Areas, respectively.

Shortfall sites have adequate services and facilities to ensure that sites are developable to meet the housing needs. The sites are generally already developed with other uses and connected to reliable energy, water and gas as part of the urbanized area. Streets and highways are available to all sites in the inventory, and in most cases, transit is within close proximity. The methodology used to select the Program sites considers the suitability and availability of each site for residential development during the planning period. Finally, each housing development will be granted a permit on a site-by-site basis, at which time it is possible that some projects may be required to improve the existing infrastructure. A project proposed on any site in the inventory would be allowed where consistent with the zoning provisions for that site, and would be issued a permit by the Department of Building and Safety (provided no extraordinary site-specific health and safety circumstances were found to exist).

The Program's sites Affirmatively Further Fair Housing (AFFH) consistent with Government Code 65583(c)(1)(2)(10) and Program 124 in the 2021-2029 Housing Element. The sites facilitate and encourage the development of a variety of types of housing for all income levels (including but not exclusive to extremely low, very low, low and moderate). The detailed AFFH discussion earlier in the staff report (under Housing Element Programs) is incorporated here by reference. In summary, the Program focuses new incentive programs in Higher Opportunity Areas, expands affordable housing set asides that account for identified local needs, creates new home ownership and equity building opportunities, expands senior housing incentives, incentivizes use of public land, provides new incentives for 100 percent affordable housing, and ensures a replacement of

existing housing units. This results in the majority of new housing opportunities created through the proposed ordinance to be located in Higher Opportunity Areas. The Program therefore achieves the fundamental AFFH metrics set forth for the program in the adopted 2021-2029 Housing Element.

Housing Element Rezoning Sites are drawn primarily from the MIIP, as well as portions of the AHIP. Sites were selected based on whether they facilitate housing development at higher densities than otherwise allowed under state Density Bonus law (100%) and are consistent with the statutory requirements. These sites will also have incentives that provide flexibility for other important development standards (height, floor area, parking, etc.), along with added procedural certainty compared to what is currently allowed. They include sites eligible for incentives under the following strategies: Opportunity Corridors, Corridor Transition Areas, Transit Oriented Incentive Areas, as well as sites identified as being eligible for AHIP incentives on Faith-Based Organization owned land, publicly owned land, Public Facility (PF) zones, and Parking (P) zones.

The sites and capacity figures have been identified through a detailed exercise to ensure compliance with state law, building upon the model used for the Candidate Sites for Rezoning Appendix 4.7. The system was designed to identify rezoned sites that meet the various requirements, particularly those for Lower Income Rezoning Sites. This includes criteria for accommodating state requirements, where a minimum density of 20 units per acre and an allowance of 16 units per site is needed to qualify as a Lower Income Site, as well as ensuring that bonuses are calculated appropriately utilizing “base units” (number of units allowed prior to any bonus). Additional criteria was also added to screen out sites that may be less suitable for by-right development (see below).

The City updated the Appendix 4.7 model with several new assumptions to better reflect realistic development potential based on information gained by the Appendix 4.1 regression model and recent economic analysis of the CHIP performed by AECOM (see Appendix 3). The methodology takes into consideration the suitability of the parcel’s size as part of the evaluation of whether a site is likely to be redeveloped, including many suitability factors such as the allowable density and realistic capacity of the site, the existing use, age of existing structure, and the current utilization of existing buildings. For a detailed summary of the model and assumptions see Appendix 5.

Sites listed on the Inventory of Lower Income Rezoning Housing Element Sites (Exhibit E.2) must permit multi-family development as a use-by-right when projects propose 20% affordability to lower income households by state law. The sites identified as Lower Income Rezoning Housing Element Sites utilized additional filtering criteria to ensure that only sites most suitable for by-right development were included. This includes properties subject to the Rent Stabilization Ordinance (RSO), designated historic resources, and environmentally sensitive sites and others listed above in the Key Provisions subsection of the Housing Element Sites and Minimum Density Ordinance section of this report.

The proposed HESMD Ordinance ensures compliance with state law for designated Lower Income Sites and other Housing Element Sites. The ordinance includes provisions for by-right review for developments in which 20 percent of units are affordable to lower income households during the planning period, as well as regulations to enforce the minimum density standards requiring new housing developments to be developed with at least 20 units per acre. Pursuant to state Housing Element law, the proposed ordinance also includes by-right development review for 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. These Sites are called Prior Housing Element Sites. Finally, the ordinance adopts existing no net loss and housing replacement requirements for existing Housing Element Sites identified in the 2021-2029 Housing Element. Housing replacement is required for sites that currently or within the past five years had residential uses subject to a recorded covenant, ordinance or law restricting rent to lower incomes, consistent with replacement requirements set forth in California Government Code Section 65915(c)(3) and as additionally codified in the RPO.

In summary, the Program meets the requirements of state Housing Element law.

#### **D. State Density Bonus Law Discussion (California Government Code Sections 65915 - 65918)**

As a local implementation of State Density Bonus Law, the CHIP calibrates incentives so that local programs offer greater bonuses and incentives to projects meeting the requirements of California Government Code Sections 65915 - 65918, pursuant to California Government Code Section 65915(n). The density bonuses and incentives offered in all programs match or exceed the bonuses and incentives provided by state law for Housing Developments. Within CHIP, the local state density bonus incentives offer a unique menu of incentives available to all eligible projects for streamlined review. The AHIP provides a FAR incentive and additional menu of incentives to projects located outside of certain environmentally or culturally sensitive sites, and also creates additional project types that qualify for those incentives. The MIIP incentives offer FAR and height as base incentives and provide up to four additional incentives for TOIA and Corridor projects. As the MIIP incentives offer greater bonuses than State Density Bonus Law offers, the MIIP calculates affordability set asides based on a project's proposed units rather than off of a parcel's Maximum Allowable Residential Density, as is done in State Density Bonus. The MIIP also allows for a mixing of incomes in some cases, when the percentage of affordable units in an affordability set-aside for any project otherwise eligible for State Density Bonus also meets the affordability requirements of State Density Bonus (see the affordability footnotes related to Transit Oriented Incentive Areas and Opportunity Corridors). This ensures that the CHIP does not offer greater bonuses to mixed income projects that do not meet the state's affordability requirements.

As an implementation of the state Density Bonus program, the CHIP Ordinance also uses the same definitions as State Density Bonus Law for terms including but not limited to Housing Development, Maximum Allowable Residential Density, Development Standard, One Hundred

Percent Affordable Housing Project, and Incentive. The City's local program also aligns with the rent schedule requirements of State Density Bonus. Replacement housing unit and demolition protections align with or exceed State Density Bonus as set forth in California Government Code Section 65915(c)(3) and as additionally mandated by the proposed RPO.

### **Summary of CEQA Findings**

Adoption of the proposed Citywide Housing Incentive Program Ordinance, Housing Element Sites and Minimum Density Ordinance, and Resident Protections Ordinance are called for by the programs in the Housing Element of the City of Los Angeles. The provisions of the proposed ordinances were called for specifically by Program 121 (RHNA Re-zoning Program) of the Housing Element, which provides the structure for the Program in order to meet the City's RHNA target. The ordinances are further called for and supported by several other Housing Element programs including Program 61 (Provide Adequate Sites for Lower Income Households on Nonvacant and vacant Sites Previously Identified), Program 46 (Housing Element Sites Inventory Update) Program 122 (Anti-Displacement Strategies), and Program 124 (Affirmatively Furthering Fair Housing). The adoption of the proposed ordinances will implement the identified programs set forth in the Housing Element.

An Environmental Impact Report (EIR) (ENV-2020-6762-EIR, SCH No. 2021010130) that analyzed the environmental effects of the 2021-2029 General Plan Housing Element and Safety Element, and a Program for the creation of additional housing was certified by the Los Angeles City Council on November 24, 2021. An Addendum to the EIR (ENV-2020-6762-EIR-ADD1) was subsequently certified by the Los Angeles City Council on June 14, 2022. A second Addendum to the EIR (EIR-2020-6762-ADD2) dated July 2024 has also been prepared. For the purposes of this report, the EIR and Addendums will be referred to as the Housing Element EIR.

The Housing Element EIR was prepared to examine the potential environmental effects of the 2021-2029 Housing Element, including build out of the Regional Housing Needs Assessment (RHNA) Allocation, as well as the programs and policies that have the potential to result in physical environmental effects, and the Inventory of Sites and RHNA Re-zoning Program needed to demonstrate zoned capacity needed to accommodate the City's RHNA Allocation. Additionally, the EIR analyzed the potential effect from the construction and operation of 420,327 housing units (full RHNA build out of 456,643 units minus the 36,316 housing units that have been approved but not built). The Housing Element EIR found that the environmental impacts of several of the issue areas were significant and unavoidable, even with imposition of mitigation measures. Based on the analysis in the Housing Element EIR, the EIR concluded the implementation of the 2021-2029 Housing Element Update would result in unavoidable significant environmental impacts with regard to:

- Air Quality (Exceedance of Criteria Pollutants—Construction and Operations)
- Biological Resources (Special Status Species, Sensitive Habitats, Wildlife Corridors)
- Cultural Resources (Historical Resources and Archaeological Resources)



- Geology and Soils (Paleontological Resources)
- Hazards and Hazardous Materials (Hazardous Materials Near Schools and Hazardous Materials Sites)
- Noise (Construction Noise, Operation Noise, and Construction Vibration)
- Public Services (Fire Protection, Police Protection, and School Facilities)
- Recreation (Deterioration of Recreational Facilities and Construction of Recreational Facilities)
- Transportation (Freeway Queuing)
- Tribal Cultural Resources (Construction: Ground Disturbance during Construction)
- Wildfire (Impair Emergency Response Plan, Exacerbate Wildfire Risks in State Responsibility Area or VHFHSZ, Require Infrastructure that may Exacerbate Fire Risk, Expose People or Structures to Significant Risks in State Responsibility Area or VHFHSZ, and Expose People or Structures to Significant Risks Involving Wildland Fires)

The Housing Element EIR also identified the following significant impacts that were anticipated to be reduced to less than significant with identified mitigation measures:

- Air Quality: Construction-related emissions of toxic air contaminants
- Hydrology: Impeding or Redirect Flood Flows
- Transportation: Circulation Plan Consistency, Hazardous Design, Emergency Access

The proposed Citywide Housing Incentive Program Ordinance, Resident Protections Ordinance, and Housing Element Sites and Minimum Density Ordinance are needed to facilitate the production of affordable housing in the City and to accommodate build out of the City's RHNA Allocation which was analyzed by the Housing Element EIR. Adoption of the proposed ordinances is also needed to implement the City's Housing Element. The City's 2021-2029 Housing Element implements State housing law mandates for the City to adopt zoning ordinances to accommodate RHNA targets which the City cannot accommodate through the existing inventory of sites. To meet the State law mandates, the Housing Element requires the City, through zoning and other actions, to make it possible to build almost 185,000 affordable units for lower-income households in eight years.

The Housing Element EIR fully analyzed the environmental impacts that could occur as a result of the implementation of the 2021-2029 Housing Element, including the construction and operation of up to 420,327 housing units (including 185,000 affordable units and 75,091 moderate income units), and rezoning programs to facilitate the construction and operation of those housing units. Any and all types of potential housing development (including mixed-use development ranging in size and scale from neighborhood commercial mixed-use with smaller non-residential uses, to high-rise mixed-use with larger non-residential uses) were analyzed in the Housing

Element EIR. The Housing Element EIR anticipated and fully analyzed that the construction and operation of these housing units would require action to streamline approvals of these housing units, including making more projects subject to by-right or administrative review and eliminating discretion in the approval of affordable housing developments.<sup>3</sup> The second Addendum found there is no change to the project, change to circumstances, or new information as described in PRC Section 21166 or CEQA Guidelines Section 15162(a) that would cause the need for a subsequent or supplemental EIR.

The Housing Element EIR is available for review at the City of Los Angeles, Department of City Planning Records Management, 221 N. Figueroa Street, Room 1450 Los Angeles, and online at the following weblinks:

- Draft EIR: [https://planning.lacity.org/development-services/eir/Housing-Element\\_2021-2029\\_Update\\_Safety-Element\\_Update\\_deir](https://planning.lacity.org/development-services/eir/Housing-Element_2021-2029_Update_Safety-Element_Update_deir)
- Final EIR: <https://planning.lacity.org/development-services/eir/housing-element-2021-2029-update-safety-element-update-0>
- EIR Administrative Record: Los Angeles City Council File 21-1230 - <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230>
- Addendum 1 to the EIR: [https://clkrep.lacity.org/online/docs/2021/21-1230-S1\\_misc\\_7\\_5-24-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-1230-S1_misc_7_5-24-22.pdf)
- Addendum Administrative Record: Los Angeles City Council File 21-1230-S1 - <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230-S1>

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<sup>3</sup> Housing Element Draft EIR Environmental Analysis can be found here: [https://planning.lacity.org/eir/HEU\\_2021-2029\\_SEU/deir/files/04\\_Environmental%20Analysis.pdf](https://planning.lacity.org/eir/HEU_2021-2029_SEU/deir/files/04_Environmental%20Analysis.pdf)

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 12.03, 12.22, 12.24 of Article 2, Section 14.00 of Article 4, Sections 16.60 and 16.61 of Article 6.1, and Section 19.18 of Article 9 of Chapter 1 and Sections 51.31, 51.32, 51.33, 51.34 and 51.35 of Article 19 of Chapter 4 of the Los Angeles Municipal Code (LAMC), for the purpose of codifying housing replacement requirements, strengthening occupant protections, complying with state housing law and establishing reasonable regulations regarding affordable housing development for the protection of residents.

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

Sec. 1. The following definitions are added to Section 12.03 of Article 2 of Chapter 1 of the LAMC in alphabetical order to read as follows:

**Development Project** includes any project involving the issuance of a City Planning application or building permit to allow the alteration of the size of or construction or demolition of any structure, or a change in the density or intensity of use of land consistent with how the term is used in Section 66300.6 of the California Government Code.

**Housing Development Project** has the same meaning as defined in paragraph (2) of subdivision (h) of California Government Code Section 65589.5, as amended from time to time, except that it also includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit

**Protected Units** means any of the following:

- (a) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
- (b) Residential dwelling units that are or were subject to the Rent Stabilization Ordinance pursuant to Chapter XV of the LAMC, or any other form of rent or price control through a public entity's valid exercise of its police power within the past five years.
- (c) Residential dwelling units that are or were rented by lower or very low income households within the past five years.
- (d) Residential dwelling units that were withdrawn from rent or lease in accordance with the Ellis Act (Chapter 12.75 (commencing with Section

7060) of Division 7 of Title 1 of the California Government Code) within the past 10 years.

Replace has the same meaning as provided in subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Section 65915 of the California Government Code, as amended from time to time.

Sec. 2. Subparagraph (1) of Paragraph (d) of Subdivision 29. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(1) For any project qualifying for a Floor Area Bonus that contains rental housing for Low, Very Low, Moderate or Workforce Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 or 99 ~~30~~-years pursuant to LAMC 16.61 A from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program. (Amended by Ord. No. 187,122, Eff. 8/8/21.)

Sec. 3. Subparagraph (1) of Paragraph (b) of Subdivision 31. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the the LAMC is amended to read as follows:

(1) A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it provides minimum required percentages of On-Site Restricted Affordable Units, meets any applicable replacement requirements of ~~California Government Code Section 65915(c)(3)~~ LAMC 16.60, and is...

Sec. 4. Subparagraph (1) of Paragraph (f) of Subdivision 31. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the the LAMC is amended to read as follows:

(1) For any Housing Development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 or 99 years pursuant to LAMC 16.61 A.

Sec. 5. Subparagraph (3) and (4) of Paragraph (a) of Subdivision 26. of Subsection U. of Section 12.24 of Article 2 of Chapter 1 of the the LAMC is amended to read as follows:

(3) ...the project meets any applicable dwelling unit replacement requirements of ~~California Government Code Section 65915(c)(3)~~ LAMC Section 16.60;

(4) the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 or 99 years pursuant to LAMC 16.61 A from the issuance of the

Certificate of Occupancy, recorded in a covenant acceptable to the Los Angeles Housing Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and (Amended by Ord. No. 187,122, Eff. 8/8/21.)

Sec. 6. Subparagraph (4) of Paragraph (a) of Subdivision 30. of Subsection U. of Section 12.24 of Article 2 of Chapter 1 of the the LAMC is amended to read as follows:

(d) the affordability of all reserved lower income dwelling units will continue for a minimum of 55 or 99 years pursuant to LAMC 16.61 A;

Sec. 7. Subparagraph (3) of Paragraph (c) of Subdivision 13. of Subsection A.. of Section 14.00 of Article 4 of Chapter 1 of the the LAMC is amended to read as follows:

(3) Projects shall meet any applicable dwelling unit replacement requirements of ~~California Government Code Section 65915(c)(3)~~ LAMC Section 16.60, or as thereafter amended, as verified by LAHDCIDLA and all applicable covenant and monitoring fees in Section 19.14 of this Code shall be paid by the applicant prior to the issuance of any building permit.

Sec. 8. Subparagraph (2) of Paragraph (c) of Subdivision 10. of Subsection A. of Section 14.00 of Article 4 of Chapter 1 of the the LAMC is amended to read as follows:

(2) ... guaranteeing that each required Restricted Affordable Unit shall be reserved and maintained for at least 55 or 99 years from the issuance of the Certificate of Occupancy pursuant to LAMC 16.61 A.

Sec. 9. A new Section 16.60 is added to Article 6.1 of Chapter 1 of the the LAMC as follows:

## **SEC. 16.60. DEMOLITION OF HOUSING UNITS**

### **A. Development Projects that Result in the Demolition of Housing Units**

1. **Purpose.** The purpose of this subdivision is to comply with state law and offer protections related to the demolition of housing units as part of Development Projects and to extend these requirements past their expiration date of January 1, 2030 for Housing Development Projects.

2. **Definitions.**

**Affordable Housing Cost** has the same meaning as defined in Section 50052.5 of the California Health and Safety Code as amended from time to time.

**Affordable Rent** has the same meaning as defined in Section 50053 of the California Health and Safety Code as amended from time to time.

**Comparable Unit** contains the same or greater number of existing bedrooms and bathrooms.

**Equivalent Size** means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

3. **Approval of Housing Development Projects that Result in the Demolition of Housing Units.** Notwithstanding any law the City shall not approve any Housing Development Project 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.

(a) **Replacement of Existing or Demolished Protected Units.** The 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) consistent with the requirements included in this section. This is in addition to any requirements included in Section 151.28 (Ellis Act Provisions) of Article 1 of Chapter XV of the LAMC.

(1) **Income Requirements.** Units occupied on the date of application shall be replaced with units at an Affordable Rent or Affordable Housing Cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy based upon the units and incomes of those households in occupancy pursuant to California Government Code Section 65915(c)(3)(B)(i) inclusive of the following income categories: Low Income, Very Low Income, Extremely Low Income and Acutely Low Income. Units that have been demolished or vacated on the date of application shall be replaced with units at an Affordable Rent or Affordable Housing Cost based upon the highpoint in occupancy during the previous five years pursuant to California Government Code Section 65915(c)(3)(B)(ii).

(i) **Replacement When Incomes Are Not Known.** If the incomes of the individuals and households are not known and unless otherwise demonstrated, the presumption in California Government Code Section 65915(c)(3)(B)(i) regarding Lower Income Households shall be inclusive of the percentage of Extremely Low Income, Very Low

Income and Low Income Households in the same proportion as their share of all renter households within the City of Los Angeles, as determined by the General Manager of the Los Angeles Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database or equivalent census data disaggregated by tenure and income category.

- (ii) **Replacement of Rent or Price Controlled Units.** Notwithstanding LAMC 16.60 A.3(a)(1)(i) above, units subject to a form of rent or price control through a local government's valid exercise of its police power shall be replaced as follows:
  - (i) **In Higher Opportunity Areas and Moderate Opportunity Areas**, units deemed or presumed to be occupied by persons or families above the lower income category shall be replaced with low income units.
  - (ii) **In Lower Opportunity Areas**, with the units proportionate to the share of all lower income renter households within the City of Los Angeles described in LAMC 16.60 A.3(a)(1)(i) above.
- (2) **Equivalent Size.** All replacement units must be Equivalent Size, and Development Projects shall contain at least the same total number of units and total aggregate number of bedrooms as the Protected Units being replaced. New units do not have to match bedroom configurations of demolished units, except when a tenant is exercising the right to return as defined in LAMC 16.60 A.3(b)(4).
- (3) **Relationship to Other Affordability Requirements.** Any Protected Units replaced pursuant to this subparagraph shall be considered in determining whether the Housing Development Project satisfies the requirements of any state, local or federal requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for

moderate-income, lower income, very low income, extremely low income, or acutely low income households, as specified in Sections 50063.5, 50079.5, 50093, 50105, and 50106 of the California Health and Safety Code.

- (4) **Exceptions.** Notwithstanding the requirements above, the replacement requirements of this section shall not apply to the following:
- (i) A Housing Development Project that consists of a single residential unit on a site with a single Protected Unit.
  - (ii) A Housing Development Project that complies with the requirements of LAMC Section 16.60 A.5(a).
- (5) **Procedures.** Owners of a Housing Development Project subject to the above requirements must complete an application for a Replacement Unit Determination with the Los Angeles Housing Department (LAHD). Information provided by the owner and existing tenant(s), as well as information gathered by LAHD will be used to determine whether any Protected Units exist.

(b) **Existing Occupant Protections**

- (1) **Right to Remain.** Any existing occupants shall be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate plus additional extensions under state or local law that may require an additional notification period.
- (2) **Right to Return if Demolition Does Not Proceed.** Any existing occupants that are required to leave their units shall be allowed to return to the same rental unit, or a Comparable Unit at their prior rental rate if the demolition does not proceed and the property is returned to the rental market. This right to return is in addition to any applicable requirement in Los Angeles Municipal Code Section 151.27 (Ellis Act Provisions - Re-Rental Rights of Displaced Tenants) of Article 1 of Chapter XV.



(3) **Right to Relocation.** Occupants of Lower Income Households including Very Low Income and Extremely Low Income, shall be entitled to, and the owner shall pay, relocation benefits under this provision in the amounts set forth below when the occupant is displaced by the owner from their residence by a development project. The owner shall pay the relocation benefits required pursuant to this provision prior to the issuance of any demolition permit for the site.

- (i) For purposes of determining whether a tenant is displaced by a Development Project, the following actions shall constitute evidence of development:
  - a. Owner files for an entitlement or building permit for a Development Project requiring the demolition of an existing rental unit and the tenancy is or will be terminated as result; or
  - b. Owner applies for a Replacement Unit Determination and the tenancy is or will be terminated as a result; or
  - c. Owner serves a notice or otherwise seeks to terminate a tenancy or recover possession of a rental unit based upon one of the grounds under LAMC Sections 165.03 I(1) or (3) (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV requiring payment of relocation assistance that includes evidence of intent to develop the property.
- (ii) For occupants that are Lower Income Households including Very Low Income and Extremely Low Income households, who are displaced from their residence by a Development Project under the criteria set forth above, the relocation benefit shall be:
  - a. Equal to the difference between the Section 8 Department Voucher Payment Standard and the rent affordable to that occupant's income level per

Section 50053 of the California Health and Safety Code, multiplied by 42 months, plus estimated incidental moving costs. The amount for the Section 8 Department Voucher Payment Standard, the determination of the affordable rent per Section 50053 of the California Health and Safety Code, and the estimated incidental moving costs shall be determined upon the adoption of this ordinance, and then adjusted annually according to the Consumer Price Index – All Urban Consumers. For efficient implementation, the City will use a 2-bedroom standard since 2-bedrooms are the most common unit type in the City. For the year beginning July 1, 2025, and all subsequent years, the fee amounts shall be adjusted on an annual basis pursuant to the formula set forth in LAMC Section 151.06 D (Automatic Adjustments) of Article 1 of Chapter XV. The adjusted amount shall be rounded to the nearest \$50 increment.

- b. If the occupant is entitled to a relocation benefit due to a termination of tenancy under the Los Angeles Municipal Code Sections 165.03 I(1) or (3) (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV, the payment shall be made in accordance with Los Angeles Municipal Code Section 151.09 G.1-2 (Evictions) of Article 1 of Chapter XV.
  - c. For mobile home park closures, at least the amount required by Government Code Section 65863.7.
- (iii) For occupants who are not Lower Income Households, relocation benefits shall be the amounts as applicable pursuant to Los Angeles Municipal Code Section 165.06 A (Just Cause Ordinance), 151.09 G (Rent Stabilization Ordinance), Government Code 65863.7 (Mobile Home Closures) or for publicly funded projects the greater amount under either local city laws or under Chapter 16

(commencing with Section 7260) of Division 7 of Title 1 of the California Government Code.

- (iv) Under no circumstances shall a demolition permit be issued unless the Los Angeles Housing Department provides a written clearance to the Department of Building and Safety stating that the landlord has complied with the relocation assistance requirements of this section. The landlord shall provide proof of compliance with the relocation assistance requirements of this section to the Los Angeles Housing Department on a form provided by the Los Angeles Housing Department. The form shall be accompanied by a fee of \$45 per unit.
- (v) If an owner of residential real property has exercised its rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw the property from residential rent or lease or LAMC 165.03 I (1) or (3) (Just Cause Evictions) of Article 5 of Chapter XVI, and the owner did not state an intent to redevelop the property in its Notice of Intent to Withdraw; and the owner did not pay occupants of the property relocation payments consistent with LAMC 16.60 A.3(b)(3)(ii), above, and then within five years of submitting this Notice of Intent to Withdraw, the owner seeks to develop the property as demonstrated by actions described in LAMC 16.60 A.3(b)(3)(i), above, the following shall apply:
  - a. As a condition of the clearance of demolition or new construction permits, the applicant or the applicant's successor-in-interest shall be required to pay to the LAHD a fine equal to three times the relocation benefit amount that would have been paid under LAMC 16.60 A.3(b)(3)(ii), above where the income of the former occupants are known; where incomes of the former occupants are not known, the applicant shall be required to pay \$250,000 per displaced occupant household. The LAHD shall not clear a demolition or new construction permit until the applicant complies with this section. The withholding of permits shall not apply to demolition permits or approvals that are necessary to comply with a

Department of Building and Safety, LAHD, or other government order.

- i. **Notice Process.** When a owner seeks a demolition or new construction permit clearance from LAHD at a property where the owner may have misrepresented its intention to develop the property in its Notice of Intent to Withdraw, and it has not paid relocation benefits to tenants consistent with having displaced them for development, LAHD will provide written notice to the owner that the LAHD's clearance of the permits is conditioned on payment of the fine. The notice shall include the address of the property at issue, a copy of the owners Notice of Intent to Withdraw, the amount of the potential fine, and the process to appeal the imposition of the fine.
- ii. **Appeal Process.** The notice shall include a right to file an appeal within 30 calendar days of the notice of the condition to pay the fine which shall include the right to an administrative hearing.

Owners who file an appeal will be subject to an administrative fee to pay for the costs of the appeal. The amount will be the same amount as for appeals under LAMC Section 165.06.C (Relocation Assistance) of Article 5 of Chapter XVI.

After the hearing officer issues a decision in the administrative hearing, the owner will have a right to seek judicial review of the determination governed by California Code of Civil Procedure Section 1094.5. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day

following the date on which the City's decision became final.

- b. Any Lower Income Household who is displaced as a result of a tenancy termination for the purpose of property development under Los Angeles Municipal Code Sections 165.03 I.(1) or (3) (Just Cause Evictions) of Article 5 of Chapter XVI, 151.09 A.10 (Evictions) of Article 1 of Chapter XV, 47.08 (Tenant Relocation Assistance Where Mobilehome Parks Are Changed to a Different Use) or 47.09 (Mobilehome Park Closure Impact Report) of Article 7 of Chapter IV, shall be entitled to relocation benefits under Section LAMC 16.60 A.3(b)(3)(ii)(a), above. The payment shall be made in accordance with Los Angeles Municipal Code Section 151.09.G.1-2 (Evictions) of Article 1 of Chapter XV.
- c. For the occupant who was in possession of their unit at the time the owner filed the Notice of Intent to Withdraw who seeks to pursue a private right action under LAMC Section 16.60 A.7, below, for causes of action arising out of 16.60 A.3(b)(3)(v) above, the cause of action shall accrue when the owner files for an entitlement, building permit, or Replacement Unit Determination to construct a Development Project.

(4) **Right to Return.** The developer shall provide the following to the existing occupants of any Protected Units that are lower income households and agree to this requirement on a form provided by the Los Angeles Housing Department:

- (i) A right of first refusal for a Comparable Unit available in the new housing development affordable to the household at their prior rental rate or an Affordable Rent or an Affordable Housing Cost, whichever is lower. In cases where the prior rental rate is used to establish the initial rent, subsequent rent increases for such tenants shall not exceed the allowable rent increase for rent stabilized units under LAMC Chapter XV (Rent Stabilization Ordinance), and this limitation shall be included in the covenant recorded for the affordable replacement unit. In cases where one or more single family homes with four or more bedrooms are being

replaced by a project that consists of two or more units, a Comparable Unit may have three bedrooms. This requirement shall not apply to any of the following:

- a. A Development Project that consists of a single residential unit located on a site where a single Protected Unit is being demolished.
- b. Units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for Lower Income Households, except when Protected Units occupied by an occupant who qualifies for residence in the new development and for whom providing a Comparable Unit would not be precluded due to unit size limitations or other requirements of any funding source of the housing development, as determined by the Los Angeles Housing Department.
- c. A Development Project that meets all of the criteria in 16.60 A.4(a)(1).

**(5) Additional Tenant Notification Obligations.**

- (i) Project applicants shall notify existing tenants in writing of all their legal rights under LAMC Section 16.60 A.3(b). Information regarding the tenant's eligibility for these rights, rent guidelines for the new unit, and any procedures the tenant will need to follow to exercise these rights shall be provided in writing to the tenant in accordance with any and all requirements and procedures of LAHD's Replacement Unit Determination (RUD). The applicant shall provide and maintain accurate contact information to tenants for purposes of communicating throughout the construction and lease up of the Development Project.
- (ii) Project applicants or their predecessor-in-interest shall provide written notice to any tenant who is exercising their right to return of major milestones in the development process, including but not limited to: (1) the start of construction, (2) on at least a bi-annual basis provide updates on the anticipated date of when occupancy would

be opened, (3) at least 180, 90, 30 and 15 days in advance of the anticipated availability of the unit pursuant to the issuance of the Temporary or Final Certificate of Occupancy, (4) when the Temporary Certificate of Occupancy is issued, and (5) when the Final Certificate of Occupancy is issued. Failure to inform tenants of the project's major milestones may result in additional time provided to the tenant to return to the replacement unit. This shall not preclude tenants from contacting the applicant or their predecessor-in-interest to inquire about progress throughout construction and lease up of the Development Project.

- (iii) Where a tenant household has a right of return pursuant to LAMC Section 16.60 A.3(b), the project applicant or their predecessor-in-interest shall notify the tenant household. The notice must comply with the applicable standards set forth by LAHD and include the rent guidelines for the project and any procedures the tenant will need to follow in order to claim a new unit. Where LAHD has created a standard notice, the project applicant must provide that standard notice to tenant households.
- (iv) Within thirty (30) days of receipt of the notice that the Temporary or Final Certificate of Occupancy has been issued and the replacement unit is available, a tenant household must notify the owner if it wishes to reoccupy the replacement unit or room. The owner must hold the unit or room vacant at no cost to the tenant for sixty (60) days from the date the tenant household's written notice of its intent to reoccupy the rental unit is received.
- (v) Where a tenant household has a right to remain pursuant to LAMC Section 16.60 A.3(b) the project applicant or their predecessor-in-interest shall provide written notice to existing occupants of the planned demolition, the date they must vacate, and their rights under this section.
- (vi) Project applicants who experience unforeseen delays in issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy impacting the timeline of their construction milestone updates shall not be subject to the Private Right of Action described in LAMC Section 16.60

A.7, so long as they can demonstrate compliance with the tenant notification obligations in LAMC Section 16.60 A.3(b)(5).

**4. Approval of Non-Housing Development Projects that Result in the Demolition of Housing Units until January 1, 2030.** Notwithstanding any law, the City shall not approve any Development Project that is not a Housing Development Project 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, until January 1, 2030, unless all of the following requirements are satisfied.

(a) **Replacement of Existing or Demolished Protected Units.** The 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 Section 16.60 A.3(a) of this Code, consistent with the following requirements:

- (1) The Development Project may not include an industrial use nor be located on a site that is entirely within a zone, adopted prior to January 1, 2022, that does not allow residential uses and the Protected Units that are or were on the project site are or were nonconforming uses.
- (2) At the time of permit issuance, a Development Project proponent must sign an affidavit for the Los Angeles Department of Building and Safety to ensure the replacement housing will be developed prior to or concurrently to the Development Project. Developed prior means a Certificate of Occupancy or Temporary Certificate of Occupancy for the replacement housing must be obtained prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the nonresidential Development Project.
- (3) The required replacement housing may be located on a site other than the project site but shall be located within the City of Los Angeles, with a preference for sites within close proximity.
- (4) The project proponent may contract with another entity to develop the required replacement housing units, except that the replacement housing units shall not fulfill the affordability requirements of any other development pursuant to another law.



- (5) A commercial developer seeking a commercial density bonus may propose providing restricted affordable units through an agreement with a housing developer for partnered housing. The agreement must be approved by the City pursuant to California Government Code Section 65915.7.
  - (6) Notwithstanding the requirement that an Accessory Dwelling Unit be located on a lot with an existing or proposed primary residence, the replacement housing may be established through creation of an Accessory Dwelling Unit with the primary nonresidential use on the parcel being able to be used in place of a primary residence.
- (b) **Existing Occupant Protections.** The Development Project meets the occupant protections described in LAMC Section 16.60 A.3(b).
  - (c) **Sunset Provisions.** The requirements of this subparagraph shall not apply to projects approved after January 1, 2030, except for those Development Projects that submitted a preliminary application pursuant to Section 65941.1 of the California Government Code before January 1, 2030. This subsection shall remain in effect only until January 1, 2034, and as of that date is repealed.
- 5. No Net Loss of Dwelling Units.** Notwithstanding any other law and notwithstanding density limitations on a site, no permit shall be issued for a Housing Development Project that will require the demolition of one or more residential dwelling units irrespective of Protected Unit status, unless the project will create at least as many residential dwelling units as will be demolished. In addition, the Housing Development Project shall include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years, except for the following:
- (a) LAHD may approve an off-site replacement plan for buildings with covenanted affordable housing units that request approval to build a smaller number of units on the site in the following circumstances:
    - (1) The proposed construction of the new affordable units cannot Replace all units on site due to physical changes in unit type, such as replacing Single Room Occupancy or Residential Hotel guest rooms with studio dwelling units.
    - (2) The proposed construction of the new affordable housing units cannot Replace all units on site and meet the City's required

Accessible Housing Program standards.

- (3) Off-site replacements units approved pursuant to this subparagraph shall be subject to the following requirements, subject to LAHD approval:
  - i) The off-site replacement housing units will be of Equivalent Size or larger and have equivalent amenities as the on-site replacement housing units, and will be covenanted at the same affordability levels and for at least the same length of time as the on-site replacement housing.
  - ii) The off-site replacement housing units will be constructed within a three mile radius of the on-site replacement housing units.

## **6. Withholding or Revoking of Demolition Permit Approval for Illegal Tenant Harassment or Eviction**

### **(a) Thresholds to Place individual or entity on LAHD's Anti-Harassment Violators Database.** LAHD shall place a beneficial owner onto the LAHD Anti-Harassment Violators Database when:

- (1) A final judgment has been issued against the beneficial owner within the last five years for unlawful tenant harassment under the City's Tenant Anti-Harassment Ordinance, known as "TAHO," as set forth under Article 5.3 in Chapter IV of the Los Angeles Municipal Code, or similar actions within City limits under California Civil Code Section 1940.2, 1942.4, or 1942.5; or
- (2) The City has either (A) issued three final citations for TAHO violations at properties in the City against the beneficial owner within the last ten years for which all appellate remedies have expired or (B) in zones where there is a heightened risk of displacement of lower income tenants as determined by the City's Displacement Assessment Risk Tool, issued one final citation for TAHO violations at a property against the beneficial owner within the last five years for which all appellate remedies have expired; or
- (3) A final judgment has been issued against the beneficial owner within the last five years for wrongfully or illegally evicting a tenant within City limits, or causing a tenant to involuntarily quit within City limits in

violation of local or State law.

- (4) Definition. For purposes of LAMC Section 16.60 A.6, a "beneficial owner" includes any of the following:
- (i) A natural person with a recorded ownership interest in the real property where the tenant harassment takes place.
  - (ii) An ownership entity, including a corporation, limited liability company, limited partnership, partnership, or trust with a recorded interest in the real property where the tenant harassment takes place
  - (iii) An entity or natural person that meets any of the following criteria:
    - a. has an ownership interest, as the term is defined in Section 1010.380(d)(2)(i)-(ii) (Reports of Beneficial Ownership Information) of Title 31 of the Code of Federal Regulations, in an entity described in Sub-subparagraph (4)(i) or (4)(ii) above; or
    - b. exercises "substantial control", as the term is defined in Section 1010.380(d)(1) (Reports of Beneficial Ownership Information) of Title 31 of the Code of Federal Regulations, over an entity described in Sub-subparagraph (4)(i) or (4)(ii) above; or
    - c. receives "substantial economic benefits" from the assets of an entity described in Sub-subparagraph (4)(i) or (4)(ii) above.
  - (iv) An owner for purposes of the above does not mean any of the following:
    - a. A minor child;
    - b. A person acting solely as an employee of an ownership entity and whose control over or economic benefits from that ownership entity derives solely from the employment status of the person;

- c. A person whose only interest in an ownership entity is a future interest through a right of inheritance; or
- d. A creditor of an ownership entity, unless the creditor meets the requirements specified in Sub-subparagraph (4)(i) above.

(b) **Notice of Determination and Right to Staff Review.** Upon placement in the LAHD Anti-Harassment Violators Database, LAHD shall send a Notice of Determination to the known beneficial owner(s) placed into the database. A copy of the Notice of Determination shall also be mailed to the beneficial owner(s) of the property, if different from the applicant or permittee, as shown on the last equalized assessment roll, and to any person holding a deed of trust, mortgage, or other security interest in the property as revealed by a title search with respect to the property.

The Notice of Determination shall state that the LAHD General Manager, or designee, has determined that the beneficial owner should be placed in the LAHD Anti-Harassment Violators Database because the criteria in LAMC Section 16.60 A.6(a) have been satisfied, the basis for that determination, and the potential consequences under this ordinance. This section does not create any new appeal rights under the Administrative Citation Enforcement Program, known as the ACE program. Within 14 days of the date of this notice, the beneficial owner(s), subject to being placed in the database, shall have a right to request an LAHD staff level review of this determination. At the review, the beneficial owner may submit any evidence relevant to this determination.

(c) **Review of Determination.** The LAHD staff review shall be set on a date no earlier than 20 days after the date of the Notice of Determination, and the review shall be conducted no later than 60 days after the date of the Notice of Determination. At the review, the beneficial owner may submit any evidence relevant to this determination regarding the correct identity of the violator and the correct number of violations. The review shall be limited to whether the beneficial owner meets one of the stated criteria set forth in LAMC Section 16.60 A.6(a) above.

Within thirty (30) days of the review, LAHD shall provide a written LAHD Notice of Outcome notifying the beneficial owner of the outcome of the review. If the determination is upheld in review, the beneficial owner may seek judicial review by writ of mandamus.

- (d) **Consequences of Placement on LAHD's Anti-Harassment Violators Database.** When there has been a final determination to place a beneficial owner on the LAHD Anti-Harassment Violators Database, LAHD shall notify in writing the Superintendent of Building and Safety and the Director of Planning.

If any applicant or permittee seeking a demolition permit or approval pursuant to LAMC Section 16.60 for a Development Project involving new construction, major renovations, or additions, that is within a property with Protected Units and the applicant or permittee is on the LAHD Anti-Harassment Violators Database, the Superintendent of Building and Safety shall withhold or revoke the issuance of any demolition permits for five years and the Director of Planning shall withhold the issuance of any approval for five years. Where the City has denied or revoked a demolition permit or approval to any applicant under this paragraph (iv), the denial or revocation for a five year term for the subject property shall transfer ("run with the land") at sale to any new owner, unless the new owner is developing a publicly-financed affordable housing project on the same site where more than 50 percent of the units are affordable, except for manager's unit(s).

The withholding or revoking of permits shall not apply for demolition permits or approvals that are necessary to comply with a Department of Building and Safety, LAHD, or other government order.

The five-year hold period shall commence on the date that the court's final judgment or the City's citation is final and no further judicial remedies are available.

If at the end of the five-year hold period, no new citations have been issued to and no court findings have been made against the beneficial owner(s), the beneficial owner(s) shall be removed from the LAHD Anti-Harassment Violators database. However, if during the five-year period, there is a new citation or court finding against the same beneficial owner, the five-year ban shall be extended from the date that the most recent citation or court finding becomes final and no further appeals available. No citation used to place a beneficial owner into the database may be used against the beneficial owner more than once.

Any action by the Department of Building and Safety or the Department of City Planning resulting from any of the provisions of this section, including demolition permit revocation and withholding of an approval shall not be

further appealable.

- (e) **Operative Date and Subsequent Ordinance.** This LAMC Section 16.60 A.6 shall become operative upon the effective date that LAHD establishes a determination and review process and publishes a notice of its effective date on the LAHD website and at least once in a newspaper circulated in the City of Los Angeles.

If the City adopts a subsequent ordinance in conflict with the procedures in this LAMC Section 16.60 A.6 relating to the withholding or revoking of a demolition permit, this Subparagraph shall be of no further force and effect.

## **7. Private Right of Action; Civil Penalties.**

- (a) An aggrieved tenant under LAMC Section 16.60, or any person, organization, or entity who will daily and adequately represent the interests of an aggrieved tenant(s) under this LAMC Section 16.60, may institute civil proceedings as provided by law, against any applicant, or their successor-in-interest, violating any of the provisions of this LAMC Section 16.60 and any person who aids, facilitates, or incites another to violate the provisions of this article, including but not limited to submitting false information in response to the requirements of this section, regardless of whether the rental unit remains occupied or has been vacated due to harassment.
- (b) A tenant prevailing in court under this LAMC Section 16.60 shall be awarded reasonable attorney's fees and costs. A tenant prevailing in court under this LAMC Section 16.60 may be awarded compensatory or punitive damages, and imposition of civil penalties up to \$10,000 per violation of this LAMC Section 16.60 depending upon the severity of that violation, tenant relocation, or other appropriate relief, as adjudged by the court. Treble damages may also be awarded for willful violations. If a tenant prevailing under this article is older than 65 years or disabled, the court may impose additional civil penalties up to \$5,000 per violation depending upon the severity of the violation of this LAMC Section 16.60.
- (c) Any landlord or their agents violating any of the provisions of LAMC Section 16.60, may be enjoined therefrom by a court of competent jurisdiction.
- (d) The remedies to bring a civil action under LAMC Section 16.60 shall extend to current tenants at a property, to former tenants at a property

who were displaced by violations of LAMC Section 16.60 at a property, and to the City. The remedies in this paragraph are not exclusive nor do they preclude any tenant from seeking any other remedies, penalties and punitive damages, as provided by law.

- (e) The remedies provided by this LAMC Section 16.60 are in addition to any other legal or equitable remedies and are not intended to be exclusive.
- (f) Any agreement, whether written or oral, waiving any of the provisions contained in this LAMC Section 16.60 shall be void as contrary to public policy.

**8. Relationship to Other Zoning Provisions.** The Demolition of Housing Units Standards in LAMC Section 16.60 A shall apply citywide except for Historic Preservation Overlay Zones (HPOZs). Specific Plans, Supplemental Use Districts, or other overlays may establish additional replacement requirements and/or additional occupant protections greater than those provided in LAMC 16.60 A, in which case, the greater replacement requirements and occupant protections shall be used.

Sec. 10. A new Section 16.61 is added to Article 6.1 of Chapter 1 of the LAMC as follows:

## **SEC. 16.61. RESTRICTED AFFORDABLE HOUSING UNITS**

### **A. Length of Affordability.**

1. Unless covenant terms are otherwise specified due to a requirement contained in Chapter 1 of this Code or as a condition of approval, a Development Project is subject to this section and must be restricted by a covenant acceptable to the Los Angeles Housing Department recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction will be observed for at least 99 years from the issuance of the Certificate of Occupancy except for:
  - (a) A Development Project in which public subsidies are tied to a specified covenant period, as determined by the Los Angeles Housing Department, unless voluntarily agreed to by the project applicant.
  - (b) For sale units, which must be consistent with the for-sale requirements of California Government Code Section 65915(c)(2).
  - (c) Residential Units for Lower Income Students, Transitional Foster Youth, Disabled Veterans, and/or Homeless Persons, shall be provided at affordability levels as determined in Los Angeles Municipal Code Section 12.22 A.37 for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or

mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

**B. Requirements Regarding Unit Design, Unit Mix, Unit Size, Quality and Amenities, Access to, and Distribution of Affordable Units in Mixed-Income Development Projects.** The Los Angeles Housing Department shall have the authority to establish and administer requirements applicable to all Restricted Affordable Units in mixed-income developments regarding the unit mix, unit size, quality and amenities, access to and distribution of affordable housing units in mixed-income Development Projects, in order to ensure compliance with fair housing law and any other applicable requirements, including but not limited to requirements from funding sources. The requirements shall be enforced through an approval prior to permit issuance. The requirements shall be established in a set of Fair Housing Requirements for Affordable Housing created by the Los Angeles Housing Department and the Department of City Planning, and adopted by Resolution at the City Planning Commission. LAHD shall have the authority to interpret these requirements to best implement their goals.

1. Amendments to the Fair Housing Requirements for Affordable Housing shall be approved by the City Planning Commission, pursuant to the procedures in Sec. 13B.1.5 (Guidelines or Standards Adoption/Amendment) of Chapter 1A of this Code.
2. The Director of Planning and General Manager of LAHD may prepare Implementation Memorandums, Technical Bulletins and/or User Guides for the purpose of providing additional information pertaining to this Subsection and maintaining consistency with State Housing Crisis Act.

**C. Allocation of Restricted Affordable Units.** Restricted Affordable Units shall be subject to the following:

1. **Affirmative Marketing and Fair Housing Outreach.** Sale or lease of the Restricted Affordable Units shall follow the affirmative marketing and outreach requirements of the Los Angeles Housing Department (LAHD), as outlined in a deed restriction drafted by LAHD and filed with the County of Los Angeles.
2. **Affordable and Accessible Housing Registry.** All Restricted Affordable Units shall be registered to the extent feasible on the Affordable and Accessible Housing Registry managed by the LAHD, or any existing equivalent listing, when available for rent.
3. **Priority Populations.** To the extent practical and in alignment with local, state and federal law, and pursuant to any locally adopted guidelines, the Affirmative



Marketing and Fair Housing Outreach provisions in Subdivision 1 and Affordable and Accessible Housing Registry in Subdivision 2 of Subsection C of Section 16.61, as well as any other City Planning or LAHD administrative procedure, should attempt to prioritize those with the greatest housing needs that have been displaced by government actions. This may include, but not be limited to:

- (a) Any person or household who has been displaced through a withdrawal of units pursuant to the Ellis Act and Sections 151.22 to 151.28 (Ellis Act Provisions) of Article 1 of Chapter XV of the LAMC.
- (b) A lower income person or household subject to a rent increase related to conversion to market-rate housing due to termination of a public funding subsidy contract, mortgage prepayment, or expiring use restrictions based on land use entitlement concessions.
- (c) A person or household who was displaced due to a code enforcement order, including those affected by a natural disaster that resulted in their residential unit being rendered uninhabitable.

#### **D. Private Right of Action; Civil Penalties**

1. A covenant acceptable to the Department of City Planning and the Los Angeles Housing Department shall be recorded guaranteeing the requirements in this LAMC Section 16.61 and providing for a private right of enforcement by the City, any tenant of any building to which a covenant and agreement applies.
2. An aggrieved tenant under LAMC Section 16.61, or collection of tenants as part of a representative class, may institute civil proceedings as provided by law, against any applicant, or their successor-in-interest, violating any of the provisions of the covenant as described in this LAMC Section 16.61 and any person who aids, facilitates, or incites another to violate the provisions of this article, including but not limited to submitting false information in response to the requirements of this section, regardless of whether the rental unit remains occupied or has been vacated due to harassment.
3. A tenant prevailing in court to enforce any provisions of this LAMC Section 16.61 shall be awarded reasonable attorney's fees and costs. A tenant prevailing in court to enforce any provisions of the covenant as described in this LAMC Section 16.61 may be awarded compensatory or punitive damages, and imposition of civil penalties up to \$10,000 per violation of provisions of the covenant described in this LAMC Section 16.61 depending upon the severity of that violation, tenant relocation, or other appropriate relief, as adjudged by the court. Treble damages may also be awarded for willful violations. If a tenant

prevailing under this article is older than 65 years or disabled, the court may impose additional civil penalties up to \$5,000 per violation depending upon the severity of the violation of the covenants as described in this LAMC Section 16.61.

4. Any landlord or their agents violating any of the provisions of the covenant as described in this LAMC Section 16.61, may be enjoined therefrom by a court of competent jurisdiction.
5. The remedies to a successful civil action brought under LAMC Section 16.61 shall extend to current tenants at a property, to former tenants at a property who were displaced by violations of the covenants as described in LAMC Section 16.61 at a property, and to the City. The remedies in this subsection are not exclusive nor do they preclude any tenant from seeking any other remedies, penalties and punitive damages, as provided by law. The remedies provided by this LAMC Section 16.61 are in addition to any other legal or equitable remedies and are not intended to be exclusive.
6. Any agreement, whether written or oral, waiving any of the provisions contained in this LAMC Section 16.61 shall be void as contrary to public policy.

**E. Relationship to Other Zoning Provisions.** The Restricted Affordable Units Standards in LAMC Section 16.61 shall apply citywide except HPOZs. Specific Plans, Supplemental Use Districts, or other overlays may establish longer covenant lengths, requirements for unit design, mix, etc. and/or additional allocation requirements greater than those provided in LAMC 16.61, in which case the greater covenant length, requirements for unit design, mix, etc. and allocation requirements shall be used.

Sec. 11. Paragraph (b) and (h) of Subdivision (2) of Subsection B. of Section 19.18 of Article 9 of Chapter 1 of the the LAMC is amended to read as follows:

(b) ... Such a covenant shall also subject projects using this exemption to the replacement policies in ~~Government Code Section 65915(e)(3)~~ LAMC Section 16.60, as that section may be amended from time to time, and...

(h) Any project located within the boundaries of the Central City West Specific Plan Area, as defined in Ordinance No. 163,094, if the Applicant agrees by covenant and agreement with the City or by development agreement to abide by the linkage fee and replacement housing obligations set forth in ~~the Specific Plan for the Central City West Area~~ LAMC Section 16.60.

Sec. 12. Article 19 of Chapter 4 of the the LAMC is amended to read as follows:

See LAMC Section 16.60 (Demolition of Housing Units) of Article 2 of Chapter 1 of this code.

**~~SEC. 51.31. DEFINITIONS.~~**

~~—The following words and phrases, whenever used in this article, shall be construed as defined in this section.~~

~~—“Complete application” refers to a complete application pursuant to Section 65943 of the California Government Code.~~

~~—“Housing development project” shall have the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5 of the California Government Code, however, shall not include a housing development project located within a very high fire hazard severity zone.~~

~~—“Protected units” has the same meaning as set forth in California Government Code Section 66300(d)(2).~~

~~—“Very high fire severity zone” has the same meaning as provided in California Government Code Section 51177.~~

**~~SEC. 51.32. APPLICABILITY.~~**

~~—This article shall apply only to housing development projects that: (1) on or after January 1, 2022, but before January 1, 2030, submit a complete application to the Department of City Planning or a complete set of building plans for plan check and permit to the Department of Building and Safety, along with any associated submittal fee; or (2) on or after the effective date of this article, receive an approval of a complete application that was submitted to the Department of City Planning on or after January 1, 2020, but before January 1, 2022. This article does not apply to a housing development project that submitted a complete application to the Department of City Planning before January 1, 2020.~~

**~~SEC. 51.33. REPLACEMENT OBLIGATIONS AND OCCUPANT PROTECTIONS  
REQUIRED FOR NEW HOUSING DEVELOPMENT PROJECTS.~~**

~~—A.—The City shall not approve or issue a building permit for a housing development project that will require the demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.~~

~~—B.—The City shall not approve or issue a building permit for a housing development project that will require the demolition of occupied or vacant protected units, unless the housing development project meets all of the requirements of California Government Code Section 66300(d)(2).~~

**~~SEC. 51.34. SEVERABILITY.~~**

~~—If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.~~

**~~SEC. 51.35. SUNSET PROVISION.~~**

~~—A. This article shall remain in effect only until January 1, 2034, and as of that date is repealed.~~

~~—B. A housing development project that submits a preliminary application pursuant to Section 65941.1 of the California Government Code before January 1, 2030, remains subject to this article after January 1, 2030.~~

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