

FACT SHEET

Affordable Housing Streamlining Ordinance

CPC-2023-5273-CA

Summary

In response to a City Council Motion ([Council File No. 23-0623](#)), Los Angeles City Planning has prepared a proposed ordinance amending the Los Angeles Municipal Code (LAMC) to create an administrative review process for 100 percent affordable housing projects, subject to eligibility requirements and performance standards. This proposed ordinance incorporates the streamlining provisions of [Executive Directive 1 \(ED 1\)](#) into the LAMC in an effort to increase affordable housing throughout the City.

Background

Mayor Karen Bass signed ED 1 on December 16, 2022 to expedite the processing of 100 percent affordable housing and shelter projects to address the housing and homelessness crisis in the City of Los Angeles. ED 1 exempts these projects from discretionary review as long as these projects do not require any legislative action (e.g., General Plan Amendment, Zone Change, or Height District Change) or entitlements (outside of Density Bonus or Transit Oriented Communities) to modify otherwise applicable objective standards (e.g., an adjustment, variance, or specific plan exception). ED 1 further required various City Departments, including Los Angeles City Planning, to create implementation guidelines regarding ED 1 applications and permitting processes. Since ED 1's issuance in December 2022, more than 23 projects have been administratively approved under ED 1, with an additional 56 pending applications — all of which would result in 6,235 new affordable homes.

Mayor Bass released a revised version of ED 1 on June 12, 2023 to restrict ED 1's provisions in single family or more restrictive zones. On July 7, 2023, Mayor Bass extended the emergency order to allow the provisions of ED 1 to stay in effect while the City Council considers an ordinance to codify its provisions.

Key Provisions

In order to apply for the Administrative Review process, 100 percent affordable housing projects must comply with a series of Eligibility Requirements and Performance Standards outlined below.

Eligibility Requirements. To qualify for the Administrative Review process, a 100 percent affordable housing project must:

- Comply with all applicable objective zoning standards and design review standards, and may not require certain types of discretionary review such as a zone change, specific plan exception, or other entitlement.
- Not be located in a single-family or more restrictive zone, or a manufacturing zone that does not allow multi-family residential uses.
- If the project site has a residential zoning classification, then the underlying zoning must permit the construction of five or more residential units, rounded up to the nearest whole number.
- Not be subject to the procedures of the Subdivision Map Act.
- Not require the demolition of a historical resource, including eligible historic resources identified in a local plan.
- Not be located in the Coastal Zone.
- Not be located on a hazardous waste site.
- Not request more than two off-menu incentives or waivers pursuant to State Density Bonus law.
- Not request any off-menu incentives or waivers pursuant to State Density Bonus law that, in residential zones, result in more than a 100 percent increase in Floor Area Ratio (FAR), 3 story increase in height, or larger reductions in setback requirements.

Performance Standards. To ensure certain design objectives are met, a 100 percent affordable housing project must additionally comply with the following performance standards, unless the project results from the conversion of an existing structure.

- Screening of Parking Areas: Any parking areas and structures provided at or above grade must be screened.
- Street-Facing Entrance: Street-fronting buildings must have at least one street-facing entrance.

- Pedestrian Access: Street-facing entrances must have a pedestrian access pathway from the public right-of-way.

Frequently Asked Questions

Why is streamlining for affordable housing needed?

The City of Los Angeles has experienced the most severe housing crisis of any major city in the United States for some time now. The 2021-2029 Housing Element process identified and addressed certain causes of the lack of affordable housing including regulatory burdens such as lengthy approval processes for new affordable housing, which can introduce uncertainty, add cost, and delay construction of needed housing.

Mayor Karen Bass signed ED 1 in an effort to alleviate the housing and homelessness crisis in the City of Los Angeles. ED 1 has significantly lowered the time and cost required for affordable housing projects to obtain City approval and start construction. ED 1 has led to the creation of more than 6,200 new affordable dwelling units since it was issued in December 2022. The proposed ordinance would codify the provisions of ED 1, ensuring that the streamlining benefits are available to affordable housing projects.

What type of review will qualifying projects undergo?

The proposed ordinance would provide an Administrative Review process for eligible 100 percent affordable housing projects. This would involve a ministerial review process where the project is reviewed for compliance with objective zoning requirements. Project applications would be reviewed by Planning staff to ensure the project is in compliance with the eligibility requirements and performance standards, as well as any other applicable requirements, such as from any overlays or supplemental use districts. Lastly, prior to issuance of a building permit, applicants must record a covenant to demonstrate compliance with the affordable housing provisions of the proposed ordinance. Given that there are no public hearings or discretionary decisions associated with an Administrative Review, eligible 100 percent affordable housing projects would not be subject to any noticing requirements or appeal process, and would not be required to undergo review under the California Environmental Quality Act (CEQA).

How is affordable housing defined?

A 100 percent affordable housing project, as defined in the proposed ordinance, requires the creation of five or more residential dwelling units where all new units are restricted affordable for

at least 55 years for rental projects or at least 45 years for for-sale projects. With the exception of any manager's units, all units in the project are required to be affordable to lower income households (which includes extremely low, very low, and low income households) as defined by the United States Department of Housing and Urban Development (HUD). In addition, up to 20 percent of the units may be affordable to moderate income households as defined by the California Health and Safety Code.

What is the relationship to affordable housing incentive programs, such as Density Bonus and Transit Oriented Communities (TOC)?

The proposed ordinance allows 100 percent affordable housing projects to request any applicable density bonus, concessions, incentives, or waivers pursuant to California Government Code Section 65915 or other provisions of the LAMC. This includes the City's Density Bonus and TOC Affordable Housing Incentive Programs. Any such requests would be ministerially reviewed during the Administrative Review process and considered alongside the project application. To provide guardrails to ensure that streamlined projects are largely zoning compliant, projects requesting more than two off-menu Density Bonus incentives or waivers would no longer be eligible for the streamlined process and would instead be reviewed according to the discretionary procedures provided in the City's Density Bonus Ordinance (LAMC Section 12.22 A.25). Additionally, projects located in a residential zone that request more substantial increases to FAR or height, or substantial setback reductions, would also be reviewed according to the discretionary procedures.

What are the opportunities for public comment?

City Planning encourages the public to provide comments on this proposed amendment. There are two ways to provide comment, including attending the staff public hearing, or submitting written comments prior to the close of the public comment period.

City Planning will be holding an informational webinar and staff public hearing for the proposed ordinance via teleconference on Wednesday, October 11, 2023 starting at 6:00 pm. At the hearing, Staff will provide an overview of the proposed ordinance, followed by a staff public hearing where members of the public will have an opportunity to make official testimony for the public record. Additional information regarding the hearing, including presentation materials and details on how to dial in, is provided in the public hearing notice, available at:

<https://planning.lacity.org/zoning/code-amendments>.

Members of the public may also submit written comments to planning.housingpolicy@lacity.org prior to 5:00 pm on Monday, October 30, 2023. After that date, written comments should be



provided to the City Planning Commission at cpc@lacity.org. Please reference case number CPC-2023-5273-CA in any written communication.

Who can I contact for additional information?

For questions regarding the proposed amendment, please contact planning.housingpolicy@lacity.org. Please reference case number CPC-2023-5273-CA in the email.

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