

# Proposed Housing Elements Site and Minimum Density Ordinance



## Citywide Proposed Code Amendment Presentation to the City Planning Commission Item 8

CPC-2024-387-CA

ENV-2020-6762-EIR, ENV-2020-6762-EIR-ADD1, ENV-2020-6762-EIR-ADD2

LOS ANGELES  
CITY PLANNING

September 26, 2024

# Housing Element Background

- **Housing Element** and the Regional Housing Needs Assessment (**RHNA**)
  - **456,643** units
  - **184,721 Lower Income** units
- Cities must identify enough **suitable sites** for new housing to meet its RHNA (i.e. **Inventory of Adequate Sites** (Appendix 4.1)
- If there's **insufficient sites** then cities must “**rezone**” with particular requirements for sites needed to meet the **Lower Income Rezoning** need



# Summary of the Housing Element Sites and Minimum Density Ordinance

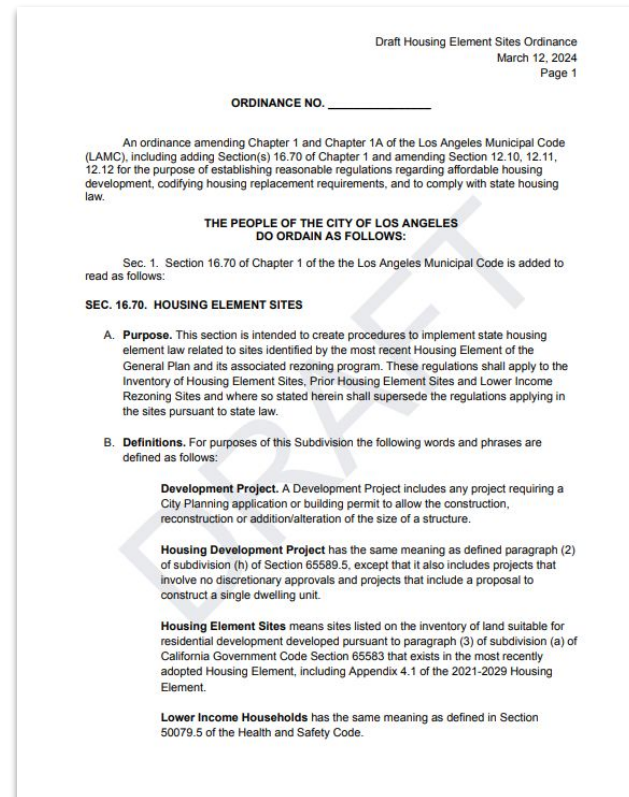
The proposed ordinance is designed to **fulfill state Housing Element law** requirements for different types of **Housing Element Sites**:

- A. Inventory of Adequate Sites** (Appendices 4.1, 4.2, 4.3)
- B. Sites Identified in Prior Housing Element Site Inventories** (Appendix 4.1, Column P)
- C. Lower Income Rezoning Sites** (Council Resolution)

## Mix of Requirements

- Housing Replacement (A)
- No Net Loss Findings (B)
- **By-Right Development Review (B and C)**
- **Minimum Density\* (B and C)**

\*also applied citywide in certain zones/areas





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# Housing Element Sites

# Housing Element Sites

**Housing Element Sites** refers to sites listed on the **inventory of land suitable for residential development** developed pursuant to California Housing Element law.

Each site contains a specific number of **units** allocated to various **income categories**.

Listed in (existing) **Appendices 4.1 - 4.3** of the 2021-2029 Housing Element and **ZIMAS**.

Appendix 4.1. Inventory of Adequate Sites for Housing (Table A)

Jurisdiction Name	Site Address/Intersection	5 Digit ZIP Code	Assessor Parcel Number	Consolidated Sites
LOS ANGELES	12716 W FOOTHILL BLVD	91342	2514005032	
LOS ANGELES	12708 W FOOTHILL BLVD	91342	2514005033	
LOS ANGELES	12700 W FOOTHILL BLVD	91342	2514005034	
LOS ANGELES			2514005046	
LOS ANGELES	12680 W FOOTHILL BLVD	91342	2514005050	
LOS ANGELES	12688 W FOOTHILL BLVD	91342	2514005050	
LOS ANGELES			2514007037	
LOS ANGELES	13541 W BROWNELL ST	91340	2523006006	
LOS ANGELES	13547 W BROWNELL ST	91340	2523006006	
LOS ANGELES			2523006006	
LOS ANGELES	13650 W BROWNELL ST	91340	2523006013	
LOS ANGELES	11552 N LEHIGH AVE	91340	2523008018	
LOS ANGELES			2523012033	
LOS ANGELES	13319 W EUSTACE ST	91331	2523014022	
LOS ANGELES			2523014022	
LOS ANGELES			2523014023	
LOS ANGELES	11461 N HERRICK AVE	91331	2523014024	
LOS ANGELES	11467 N HERRICK AVE	91331	2523014025	

# Housing Replacement and No Net Loss for Housing Element Sites

## Housing Replacement

- Same **housing replacement requirements** outlined in the proposed **Resident Protection Ordinance**

## No Net Loss

State law mandates that all cities ensure a **continuous availability of adequate sites** for housing throughout the housing element planning period.

- Jurisdictions are prohibited from approving development or making zoning/land use changes that would **result in fewer housing units** than the capacity assumed in the site inventory, unless:
  - Written **findings** are provided that demonstrate there are still sufficient adequate sites, or
  - A **mandatory rezoning** takes place within 6 months to ensure there are sufficient sites.



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# Prior Housing Element Sites

# By Right Housing Development

Sites identified as **Prior Housing Element Sites** must be rezoned to allow **residential use by right** if at least 20% of the units are reserved as affordable for lower income households.

**“Residential use by right”** means:

- Project must be approved if it meets **objective development standards**
- **No discretionary review** (e.g. DIR, CUPs, etc) except for subdivision procedures
- **No CEQA**





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# Lower Income Rezoning Sites

# Lower Income Rezoning Sites

- Cal. Gov. Code Section 65583.2(h) mandates that if a City cannot identify sufficient sites for its RHNA allocation for lower-income households, it must designate sufficient **Lower Income Rezoning Sites**.
- **Lower Income Rezoning Sites** must:
  - Have a **minimum density** of 20 dwelling units per acre
  - Permit at least 16 dwelling units.
  - Allow a **by-right approval process** for projects with at least **20% of units** set-aside for **lower-income households**.



Image: Warren Techentin Architecture

# Proposed Lower Income Rezoning Site Inventory

- Found in **Exhibit E.2** of the Staff Report
- Includes sites eligible for the proposed **Mixed Income Incentive Program** & sites being rezoned in the **DTLA 2040 Community Plan Update**.
- Excludes the following types of sensitive sites:
  - **Subject to Rent Stabilization Ordinance**
  - **Designated Historic Resources**
  - **California Coastal Zone**
  - **Very High Fire Hazard Severity Zones**
  - **Oil Drilling Districts**



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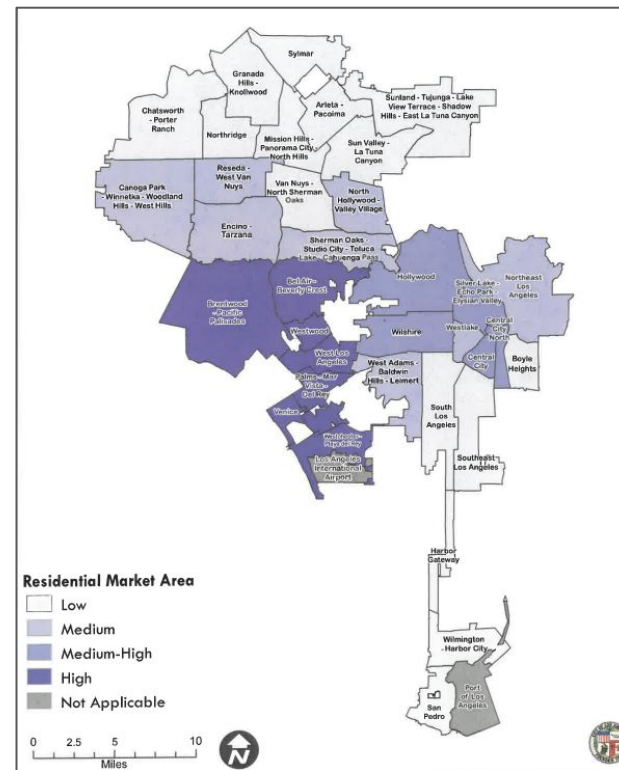
# Summary of Changes to Proposed Ordinance



# Key Revision: Minimum Density by Zone Classification

- Applies **citywide** to projects with residential uses on nearly all sites in the following zones:
  - R3, RAS3, R4, RAS4, R5, CR, C1, C1.5, C2, C4, C5, & CM**
- Applies only in **High or Medium High Residential Market Areas** in **RD1.5** and **RD 2** zones.
- One dwelling unit for every **2,000 square feet** of lot area

## Residential Market Areas



# Exemptions to Expanded Minimum Density Requirements

## Exempt Sites:

- Designated Historic Resources
- Environmentally Sensitive Areas
- Very High Fire Severity Zones

## Exempt Activities:

- Remodels and Additions to existing structures up to 1,500 square feet
- New Accessory Dwelling Units (ADUs)

# Key Revision: Expanded Administrative Review

- Amends by-right development review procedures for certain eligible housing projects located on:
  - **Prior Housing Element Sites**
  - **Lower Income Rezoning Sites**
- Will apply if an eligible project would have otherwise required a discretionary entitlement.
- May call for an optional Public Hearing

# Technical Modification

- On September 23rd, City Planning transmitted a request to amend 16.70 E.1 to include where Prior Element Sites are identified and more closely follow the language in state law.
  - **Ministerial Approval for Prior Housing Element Sites** If a Housing Development Project is proposed on a Prior Housing Element Site that is identified in Program 61 of the 2021-2029 Housing Element as accommodating a portion of the housing need for low and very low income households and at least twenty percent of the project's units will be made affordable and available to Lower Income Households, the project shall be subject to Ministerial Approval pursuant to Cal. Gov. Code Section 65583.2(i).



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# Public Communications and Key Issues

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- During Housing Element process, staff heard concerns expressed about the potential concentration of sites eligible for by-right development review on RSO eligible sites and in lower income communities.
- Two Public Webinars in **April 2024** & Public Hearing on **July 25, 2024**.
- A few inquiries about specific sites, but no public comment on the ordinance.

# Recommended Actions

1. **Recommend** the City Council find, based on the whole of the record in the independent judgment of the decision maker, that the proposed Housing Element Sites and Minimum Density Ordinance (HESMD) was assessed in the adopted Housing Element Environmental Impact Report No. ENV2020-6762-EIR (SCH No. 2021010130) certified on November 29, 2021, Addendum No. 1 (ENV-20206762-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. **Recommend**, pursuant to Sections 13B.1.3 of the Los Angeles Municipal Code, that the City Council adopt the proposed HESMD Ordinance to amend the Zoning Code including amendments to Chapter 1 and 1A of the Los Angeles Municipal Code, including revisions to sections 12.09.1, 12.10, 12.10.5, 12.11, 12.11.5, 12.12, 12.12.2, 12.13, 12.13.5, 12.14, 12.16, 12.17, 12.17.1, and any related Code sections of Chapter 1; the addition of Section 16.70 and 12.22 C28 in Chapter 1; and revisions to Articles 1, 6, 9, and any other related Code sections of Chapter 1A;
3. **Request** the City Planning Department prepare an ordinance to incorporate the proposed HESMD Ordinance, which amends LAMC Chapter 1 identified in Action Item 2 into the 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 HESMD Ordinance;
4. **Recommend** the City Council adopt the Inventory of Lower Income Rezoning sites by City Council Resolution in Exhibit E;
5. **Adopt** the Staff Recommendation Report as the Commission’s report on the subject; and
6. **Adopt** the findings.

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# Thank you!

## **Staff Contacts**

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