



# 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: NOVEMBER 28, 2023**

**Case No. CPC-2023-5273-CA**

CEQA: ENV-2020-6762-EIR; SCH No. 2021010130;  
ENV-2020-6762-EIR-ADD1

Council District: ALL  
Plan Area: Citywide

**Project Site:** Citywide

**Applicant:** City of Los Angeles

At its meeting of **November 16, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

An ordinance amending Chapter 1 and Chapter 1A of the Los Angeles Municipal Code, including Section 12.22 of Chapter 1 and Articles 9 and 13 of Chapter 1A, for the purpose of establishing procedures and performance standards for administrative approval of one hundred percent affordable housing projects.

1. **Recommended** that the City Council **find**, the Project was assessed in the Housing Element Environmental Impact Report ("EIR") No. ENV-2020-6762-EIR, State Clearinghouse No. SCH No. 2021010130 certified on November 29, 2021 and the Addendum (ENV-2020-6762-EIR-ADD1) approved June 14, 2022;
2. **Approved** and **Recommended** that the City Council **adopt** the Proposed Ordinance, as modified by the Technical Modifications dated November 15, 2023;
3. **Recommended** that the City Council **instruct** that the proposed Ordinance be incorporated into the New Zoning Code, subject to changes to conform to the format and style of the New Zoning Code;
4. **Adopted** the Staff Report as the Commission's Report on the subject; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
Second: Noonan  
Ayes: Cabildo, Gold, Lawshe  
Nay: Leung  
Absent: Mack, Millman, Zamora

**Vote: 5 – 1**

*Cecilia Lamas*

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

- c: Arthi Varma, Deputy Director
- Jenna Monterrosa, Principal City Planner
- Matt Glesne, Senior City Planner
- Cally Hardy, City Planner
- Jeanalee Obergfell, City Planner
- Omar Galicia, Planning Assistant

*Recommended by the City Planning Commission on November 16, 2023*

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

An ordinance amending Chapter 1 and Chapter 1A of the Los Angeles Municipal Code, including Section 12.22 of Chapter 1 and Articles 9 and 13 of Chapter 1A, for the purpose of establishing procedures and performance standards for administrative approval of one hundred percent affordable housing projects.

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

Section 1. The following definition is added to Section 12.03 of the Los Angeles Municipal Code to read as follows:

**One Hundred Percent Affordable Housing Project.** A Housing Development Project, as defined in California Government Code Section (§) 65589.5, that involves the construction of, addition to, or substantial rehabilitation of, or retrofitting for accessibility purposes of, any building or buildings which results in the creation, addition, or substantial rehabilitation of, or retrofitting for accessibility purposes of, five or more residential dwelling units or guest rooms, where all dwelling units or guest rooms, exclusive of any manager's units, are restricted affordable. All units shall be affordable to lower income households earning up to 80 percent of the area median income, as defined by the United States Department of Housing and Urban Development (HUD), or any successor agency, and rents or housing costs to the occupying residents shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee, HUD, or any more restrictive rent schedule for lower income households as defined by California Health and Safety Code Section 50052.5 or Section 50053, with two exceptions: (1) a manager's unit or units, and (2) up to 20 percent of the units may be affordable to Moderate Income households earning up to 120 percent of the area median income, with rents or housing costs consistent with the rents and income ranges as defined by California Health and Safety Code Section 50052.5 or Section 50053.

Section 2. Subdivision 36 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

**12.22 A.36 ADMINISTRATIVE APPROVAL FOR ONE HUNDRED PERCENT AFFORDABLE HOUSING PROJECTS.**

- (a) Purpose.** The purpose of this Subdivision is to establish procedures for administrative approval of One Hundred Percent Affordable Housing Projects in order to increase the production of affordable housing, consistent with objective review standards and City policies. This Subdivision shall sunset upon the operative date of Ordinance No. 187,712 (Processes and Procedures).

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**(b) Projects Submitted Under Executive Directive 1.** *(Language under development. Intent: Eligible projects submitted under Executive Directive 1 are also eligible for review and approval under this ordinance but will not be subject to the additional limitations of this ordinance.)*

**(c) Eligibility Requirements.** To qualify for the provisions of this Subdivision, a One Hundred Percent Affordable Housing Project must meet all of the following eligibility requirements:

- (1) The project site does not include any parcels located in a single family or more restrictive zone, or any parcels located in a manufacturing zone that does not allow multi-family residential uses.
- (2) If the project site has a residential zoning classification, then the entire project site's zoning, prior to the granting of any density bonus, permits the construction of five or more residential units, rounded up to the nearest whole number, on the project site.
- (3) The project, excluding any additional density or other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code Section 65915 or any other local affordable housing incentive program, is consistent with objective zoning standards and objective overlay and design review standards in effect at the time that the development application is submitted pursuant to this Subdivision.
- (4) The project does not require review and approval of any action pursuant to Sections 11.5.6, 11.5.7 F, 11.5.7 G, 11.5.14 D.7, 11.5.14 D.8, 12.20.2, 12.20.2.1, 12.27, 12.28, 12.32, 12.37 I, 13.14 G.3, 13.14 G.4, or 14.00 B.
- (5) The project would not require the demolition, as that term is defined in Section 12.20.3 B.9, of:
  - (i) A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually or as a contributor to a district, under a local, state, or federal designation program, or
  - (ii) Any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b, or
  - (iii) Any eligible historic or architectural resource located in the Westwood Village Specific Plan, Central City West Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.

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- (6) The project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
- (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
  - (ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

**(d) Performance Standards.** A One Hundred Percent Affordable Project approved pursuant to this Subdivision shall meet the following performance standards, and no deviations from these standards shall be granted, except that any project resulting from the conversion of an existing structure need not comply with these standards.

- (1) **Screening of Above Grade Parking Areas.** Any parking areas provided at or above grade shall be concealed as follows:
- (i) **Surface Parking Screening.** Where any surface parking area abuts a public street, a landscape buffer, planted with shade trees and shrubs, of a minimum of three feet in depth shall be provided between the property line and the subject surface parking.
  - (ii) **Ground Floor and Upper Floor Screening.** Ground floor and above-grade vehicular parking and circulation areas located within buildings or structures, including within standalone buildings or structures, shall be screened with:
    - a. Active uses such as residential units, amenities such as gyms and other common areas serving residential tenants, or commercial uses, or
    - b. Visually opaque materials or treatments on exterior, street-facing walls of the parking area, provided that opaque materials shall not have less than 60% opacity for any individual tier of parking measured in elevation projection. Screening systems can include openings for natural ventilation, such as louvers, solid walls, or spandrel systems. Parking area enclosures shall not include perforated metal screening products.

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Minimum opacity is measured as a percentage calculated as the sum of all solid areas on a parking facade area divided by the total parking facade area projected horizontally and perpendicular to the facade area. When a parking structure tier uses more than one screening treatment with varying opacities, the opacity for the entire tier is calculated as a weighted average of the opacities of all the treatments used on the tier. The opacity of each screening treatment is weighted by the percent of the total parking screen facade area covered by that screening treatment.

- (2) **Street Facing Entrance.** Any building fronting a public street shall have at least one entrance facing a public street.
  - (3) **Pedestrian Access.** A means of approaching or entering a lot from the public right-of-way as a pedestrian shall be provided to the street facing entrance from a public street.
- (e) **Administrative Review Process.** A One Hundred Percent Affordable Housing Project that meets the provisions of this Subdivision shall be ministerially approved pursuant to Administrative Review, as set forth below. As defined in this section, ministerial approval means an administrative process to approve a “use by right” as this term is defined in California Government Code Section 65583.2 (i). No City agency shall require a discretionary permit, but objective standards may be applied pursuant to Subdivision (f) of Section 65589.5. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. The project shall not be subject to review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.
- (1) **Initiation.** An application for Administrative Review pursuant to this Subdivision shall be made on a form provided by the Department for the purposes of administering this Subdivision, and applicable fees shall be paid.
  - (2) **Notice.** There is no public hearing required for an Administrative Review, and therefore no notice of a public hearing or written decisions are required for any project proposed pursuant to this Subdivision.
  - (3) **Review.** The Department shall determine compliance with the applicable regulations and standards for One Hundred Percent Affordable Projects approved pursuant this Subdivision and provide ministerial approval if the project complies with those regulations and standards.
    - (i) **Criteria for Compliance Review.** The Department shall review the application for compliance with the applicable objective regulations and standards of this Code or the applicable specific plan, including the zone standards, established development standards, and any supplemental use regulations.
  - (4) **Appeals.** There is no appeal for any project approved pursuant to this Subdivision.
  - (5) **Modification of Action.** Except as provided in California Government Code Section 65913.4(g) or any otherwise required entitlement, no modification is available for any project approved pursuant to this Subdivision.

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- (6) **Eligibility for Development Incentives.** Except as limited in Subparagraphs (7) and (8), a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision may request any otherwise applicable density bonus, incentives, or waivers pursuant to California Government Code Section 65915 or other provisions of this Municipal Code that provide such bonuses, incentives, or waivers in exchange for the provision of affordable housing. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 of this Code may apply up to five additional incentives, which may be provided through an on-menu incentive or an off-menu incentive. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 may apply as an on-menu incentive any applicable Base or Additional Incentive from the Transit Oriented Communities program pursuant to Section 12.22 A.31, the Qualified Permanent Supportive Housing Ordinance pursuant to Section 14.00 A.13, or any Community Plan Implementation Overlay (CPIO). For the purpose of requesting an on or off-menu incentive or waiver to reduce required Yards, all adjustments to individual Yards or setbacks may be combined to count as one off-menu incentive or waiver. Any requests for a density bonus, incentive, or waiver in exchange for affordable housing shall be reviewed according to the Administrative Review Process provided by this Subdivision, except for projects pursuing Density Bonus that seek additional waivers or modification of development standards not on the menu provided in 12.22 A.25(g)(3) in excess of those provided in Subparagraphs (7) and (8). Such projects shall be reviewed and processed according to the procedures in Section 12.22 A.25(g)(3).
- (7) **Limitation on Number of Waiver Requests.** Projects approved pursuant to this Subdivision shall be eligible for no more than one waiver described in Section 12.22 A.25(g)(3).
- (8) **Limitation on Types of Requests for Incentives, Waivers, or Modifications of any Development Standard (s) Not on the Menu.** For any projects approved pursuant to this Subdivision that request any incentives, waivers, or modifications of any development standard(s) not on the menu described in Section 12.22 A.25(g)(3), such waivers or modifications of development standards shall be limited as follows:
- (i) **Increase in Floor Area Ratio (FAR).** A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a 100 percent increase in the total project Floor Area Ratio (FAR), or up to a 3.5:1 FAR, whichever is greater.
  - (ii) **Increase in Height.** A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a total project height increase of three stories, or 33 feet, in excess of the otherwise applicable height limit imposed by the project's zoning.
  - (iii) **Reduction in Yards.** A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no less than a Side Yard setback of 5 feet and a Rear Yard setback of 8 feet. Off-menu incentive or waivers for a reduction

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of Front Yard setbacks shall be limited to no more than the average of the Front Yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the Front Yard setback may align with the façade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction in the Front Yard setback is permitted.

- (iv) **Reduction in Open Space.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Open Space.
  - (v) **Reduction in Bicycle Parking.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Bicycle Parking.
  - (vi) **Reduction in Tree Planting Requirements.** A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 25 percent reduction in any otherwise required Tree Planting Requirements.
  - (vii) **Ground Story Requirements.** A One Hundred Percent Affordable Housing Project located in a commercial zone shall be eligible to request no more than a 30 percent reduction in any otherwise required ground story requirement related to ground story minimum height requirements, ground story transparency requirements, or ground story pedestrian entrance number and spacing requirements. If requesting multiple modifications to ground story requirements, they may be combined to count as one incentive or waiver, but each individual request shall not exceed a 30 percent reduction.
- (9) **Other Procedures or Requirements.** If the application or related applications for a One Hundred Percent Affordable Housing Project would require noticing, hearing, or appeal pursuant to any otherwise required approval pursuant to the Los Angeles Municipal Code, those procedures shall be superseded by the Procedures outlined in this Subdivision.
- (10) **Covenant.** Prior to the issuance of a Building Permit for a One Hundred Percent Affordable Housing Project, 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 99 years from the issuance of the Certificate of Occupancy, except for a One Hundred Percent Affordable Housing Project which receives any form of public subsidy that is tied to a specified covenant period including Low Income Housing Tax Credits, as verified by the Los Angeles Housing Department, in which case all restricted affordable units shall be covenanted for at least a period of 55 years for rental units, or 45 years for for-sale units. If the duration of affordability covenants provided for in this Subdivision conflicts with the duration of any other government requirement, the longest duration shall control. Any covenant described in this Subparagraph must provide for a private right of enforcement by



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the City, any tenant, or owner of any building to which a covenant and agreement applies.

**(f) Relationship to Other Sections of the Los Angeles Municipal Code.**

(1) If any of the Performance Standards in Paragraph (e) or Administrative Review Process in Paragraph (f) conflict with those of any otherwise applicable specific plan, supplemental use district, "Q" condition, "D" limitation, or citywide regulation established in Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this Subdivision shall prevail. Furthermore, a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision shall not require any design review procedures under any Specific Plan, Supplemental Use District, or other overlay, including but not limited to the Ordinance Nos. listed below.

- (i) 171,139 (Alameda District Specific Plan)
- (ii) 174,663 (Avenue 57 Transit Oriented District)
- (iii) 182,576 (Bunker Hill Specific Plan)
- (iv) 156,122 (Century City North Specific Plan)
- (v) 186,370 (Century City West Specific Plan)
- (vi) 168,862 (Century City South Specific Plan)
- (vii) 170,046 (Coastal Bluffs Specific Plan)
- (viii) 186,105 (Coastal Transportation Corridor Specific Plan)
- (ix) 185,042 (Coliseum District Specific Plan)
- (x) 178,098 (Colorado Boulevard Specific Plan)
- (xi) 182,617 (Cornfield Arroyo Seco Specific Plan)
- (xii) 184,795 (Crenshaw Corridor Specific Plan)
- (xiii) 168,937 (Devonshire/Topanga Corridor Specific Plan)
- (xiv) 186,402 (Exposition Corridor Transit Neighborhood Plan)
- (xv) 170,694 (Foothill Boulevard Corridor Specific Plan)
- (xvi) 171,946 (Glencoe/Maxella Specific Plan)
- (xvii) 184,296 (Granada Hills Specific Plan)
- (xviii) 168,121 (Hollywoodland Specific Plan)
- (xix) 184,346 (Jordan Downs Urban Village Specific Plan)
- (xx) 167,940 (Los Angeles Airport/El Segundo Dunes Specific Plan)
- (xxi) 181,334 (Los Angeles Sports and Entertainment District Specific Plan)
- (xxii) 168,707 (Mt. Washington/Glassell Park Specific Plan)
- (xxiii) 167,943 (Mulholland Scenic Parkway Specific Plan)
- (xxiv) 171,128 and 158,194 (North University Park Specific Plan)
- (xxv) 163,202 (North Westwood Village Specific Plan)
- (xxvi) 170,155 (Oxford Triangle Specific Plan)
- (xxvii) 184,371 (Pacific Palisades Commercial Village and Neighborhood Specific Plan)
- (xxviii) 162,530 (Park Mile Specific Plan)
- (xxix) 165,638 (Playa Vista Area B Specific Plan)
- (xxx) 165,639 (Playa Vista Area C Specific Plan)
- (xxxi) 176,235 (Playa Vista Area D Specific Plan)
- (xxxii) 182,937 and 182,939 (Ponte Vista at San Pedro Specific Plan)
- (xxxiii) 180,083 (Porter Ranch Land Use/Transportation Specific Plan)
- (xxxiv) 186,325 (Redevelopment Plans)

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- (xxxv) 175,736 (San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan)
- (xxxvi) 166,352 (San Pedro Specific Plan)
- (xxxvii) 173,381 (San Vicente Scenic Corridor Specific Plan)
- (xxxviii) 182,343 (University of Southern California University Park Campus Specific Plan)
- (xxxix) 168,613 (Valley Village Specific Plan)
- (xl) 175,693 (Venice Coastal Zone Specific Plan)
- (xli) 174,052 (Ventura-Cahuenga Boulevard Corridor Specific Plan)
- (xlii) 173,749 (Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan))
- (xlili) 182,766 (Warner Center 2035 Plan)
- (xliv) 163,203 and 163,186 (Westwood Community Multi-Family Specific Plan)
- (xlv) 187,644 (Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan)
- (xlvi) 155,044 (Wilshire - Westwood Scenic Corridor Specific Plan)
- (xlvii) 185,539 (San Pedro CPIO District)
- (xlviii) 185,927 (South Los Angeles CPIO District)
- (xlix) 185,925 (Southeast Los Angeles CPIO District)
  - (i) 184,268 (Sylmar CPIO District)
  - (ii) 184,794 (West Adams-Baldwin Hills-Leimert CPIO District)
  - (iii) 187,155 (Westchester - Playa del Rey CPIO District)
  - (iiii) 180,871 (Broadway Theater and Entertainment District Design Guide)
  - (liv) 174,519 (Canoga Park-Commercial Corridor CDO District)
  - (lv) 108,561 (Cypress Park & Glassell Park CDO)
  - (lvi) 173,508 (Downtown Canoga Park CDO District)
  - (lvii) 179,907 (Downtown Westchester CDO District)
  - (lviii) 180,880 (Echo Park CDO District)
  - (lix) 178,157 (Fletcher Square CDO District)
  - (lx) 179,906 (Lincoln Boulevard CDO District)
  - (lxi) 176,658 (Lincoln Heights CDO District)
  - (lxii) 183,011 (Little Tokyo CDO District)
  - (lxiii) 180,797 (Loyola Village CDO District)
  - (lxiv) 176,331 (Miracle Mile CDO District)
  - (lxv) 175,545 (Pacoima CDO District)
  - (lxvi) 175,549 (Panorama City CDO)
  - (lxvii) 176,557 (Reseda Central Business District CDO District)
  - (lxviii) 174,398 (Sun Valley CDO District)
  - (lxix) 184,366 (Toluca Lake Village CDO)
  - (lxx) 174,420 (Van Nuys Central Business District CDO District)
  - (lxxi) 174,161 (West Wilshire Boulevard CDO District)
  - (lxxii) 173,676 (Atwater Village POD)
  - (lxxiii) 171,859 (Westwood/Pico NOD)
  - (lxxiv) 174,260 (Westwood Boulevard POD)

- (2) Any subdivision of the site(s) shall not be streamlined and shall be subject to all applicable review procedures and laws, including, Article 2.9 and Article 7 of Chapter 1 of this Municipal Code. Other types of entitlements for the project may be reviewed pursuant to this subdivision.

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- (3) Non-residential uses that are not permitted by-right by the zoning, including those requiring a conditional use permit, are not eligible for Administrative Review pursuant to this Subdivision and shall be subject to applicable review procedures and laws.

Section 3. Subdivision 36 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is added to read as follows:

**12.22 A.36 ADMINISTRATIVE APPROVAL FOR ONE HUNDRED PERCENT AFFORDABLE HOUSING PROJECTS.**

- (a) **Purpose.** The purpose of this Subdivision is to establish procedures for administrative approval of One Hundred Percent Affordable Housing Projects in order to increase the production of affordable housing, consistent with objective review standards and City policies. This Subdivision shall be effective upon the operative date of Ordinance No. 187,712 (Processes and Procedures).
- (b) **Projects Submitted Under Executive Directive 1.** *(Language under development. Intent: Eligible projects submitted under Executive Directive 1 are also eligible for review and approval under this ordinance but will not be subject to the additional limitations of this ordinance.)*
- (c) **Eligibility Requirements.** To qualify for the provisions of this Subdivision, a One Hundred Percent Affordable Housing Project must meet all of the following eligibility requirements:
  - (1) The project site does not include any parcels located in a single family or more restrictive zone, or any parcels located in a manufacturing zone that does not allow multi-family residential uses.
  - (2) If the project site has a residential zoning classification, then the entire project site's zoning, prior to the granting of any density bonus, permits the construction of five or more residential units, rounded up to the nearest whole number, on the project site.
  - (3) The project, excluding any additional density or other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code Section 65915 or any other local affordable housing incentive program, is consistent with objective zoning standards and objective overlay and design review standards in effect at the time that the development application is submitted pursuant to this Subdivision.
  - (4) The project does not require review and approval of any action pursuant to the following:
    - (i) Coastal development permit, pursuant to Div. 13B.9.1 (Coastal Development Permit Pre-Certification)) or Div. 13B.9.2 (Coastal Development Permit (Post-Certification)) of Chapter 1A of this Code.

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- (ii) Applicant requested relief from standards or requirements via a quasi-judicial review process established in Sec. 13B.5.1 through Sec. 13B.5.4 (Quasi-Judicial Relief) of Chapter 1A of this Code.
  - (iii) Applicant requested waivers and appeals of dedication and improvement requirements under Section 12.37 I of Chapter 1 of this Code.
  - (iv) Deviation from development standards applied through a Specific Plan for Community Plan Implementation Overlay (CPIO) pursuant to Sec. 13B.4.5 (Project Exception) or Sec. 13B.4.4 (Project Adjustment) of Chapter 1A of this Code.
  - (v) Any form of legislative action pursuant to Div. 13B.1 (Legislative Action) of Chapter 1A of this Code.
- (5) The project would not require the demolition, as that term is defined in Div. 13B.8 (Historic Preservation) of Chapter 1A of this Code, of:
- (i) A building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually or as a contributor to a district, under a local, state, or federal designation program, or
  - (ii) Any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b, or
  - (iii) Any eligible historic or architectural resource located in the Westwood Village Specific Plan, Century City West Specific Plan, Echo Park CDO District, or the North University Park Specific Plan.
- (6) The project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
- (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
  - (ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

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**(d) Performance Standards.** A One Hundred Percent Affordable Project approved pursuant to this Subdivision shall meet the following performance standards, and no deviations from these standards shall be granted, except that any project resulting from the conversion of an existing structure need not comply with these standards.

(1) **Screening of Above Grade Parking Areas.** Any parking areas provided at or above grade shall be concealed as follows:

- (i) **Surface Parking Screening.** Where any surface parking area abuts a public street, a landscape buffer, planted with shade trees and shrubs, of a minimum of three feet in depth shall be provided between the property line and the subject surface parking.
- (ii) **Ground Floor and Upper Floor Screening.** Ground floor and above-grade vehicular parking and circulation areas located within buildings or structures, including within standalone buildings or structures, shall be screened with:
  - a. Active uses such as residential units, amenities such as gyms and other common areas serving residential tenants, or commercial uses, or
  - b. Visually opaque materials or treatments on exterior, street-facing walls of the parking area, provided that opaque materials shall not have less than 60% opacity for any individual tier of parking measured in elevation projection. Screening systems can include openings for natural ventilation, such as louvers, solid walls, or spandrel systems. Parking area enclosures shall not include perforated metal screening products.

Minimum opacity is measured as a percentage calculated as the sum of all solid areas on a parking facade area divided by the total parking facade area projected horizontally and perpendicular to the facade area. When a parking structure tier uses more than one screening treatment with varying opacities, the opacity for the entire tier is calculated as a weighted average of the opacities of all the treatments used on the tier. The opacity of each screening treatment is weighted by the percent of the total parking screen facade area covered by that screening treatment.

(2) **Street Facing Entrance.** Any building fronting a public street shall have at least one entrance facing a public street.

(3) **Pedestrian Access.** A means of approaching or entering a lot from the public right-of-way as a pedestrian shall be provided to the street facing entrance from a public street.

**(e) Administrative Review Process.** A One Hundred Percent Affordable Housing Project that meets the provisions of this Subdivision shall be ministerially approved pursuant to Administrative Review, as set forth by the provisions of Sec. 13B.3.1 (Administrative Review) of Chapter 1A of this Code and subject to the following supplemental procedures. As defined in this section, ministerial approval means an administrative process to approve a “use by right” as this term is defined in California Government

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Code Section 65583.2 (i). No City agency shall require a discretionary permit, but objective standards may be applied pursuant to Subdivision (f) of Section 65589.5. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. The project shall not be subject to review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

- (1) **Modification of Action.** Except as provided in California Government Code Section 65913.4(g) or any otherwise required entitlement, no modification is available for any project approved pursuant to this Subdivision.
- (2) **Eligibility for Development Incentives.** Except as limited in Subparagraphs (3) and (4), a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision may request any otherwise applicable density bonus, incentives, or waivers pursuant to California Government Code Section 65915 or other provisions of this Municipal Code that provide such bonuses, incentives, or waivers in exchange for the provision of affordable housing. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 of this Code may apply up to five additional incentives, which may be provided through an on-menu incentive or an off-menu incentive. Projects requesting a Density Bonus pursuant to Government Code Section 65915 and Section 12.22 A.25 may apply as an on-menu incentive any applicable Base or Additional Incentive from the Transit Oriented Communities program pursuant to Section 12.22 A.31, the Qualified Permanent Supportive Housing Ordinance pursuant to Section 14.00 A.13, or any Community Plan Implementation Overlay (CPIO). For the purpose of requesting an on or off-menu incentive or waiver to reduce required Yards, all adjustments to individual Yards or setbacks may be combined to count as one off-menu incentive or waiver. Any requests for a density bonus, incentive, or waiver in exchange for affordable housing shall be reviewed according to the Administrative Review Process provided by this Subdivision, except for projects pursuing Density Bonus that seek additional waivers or modification of development standards not on the menu provided in 12.22 A.25(g)(3) in excess of those provided in Subparagraphs (3) and (4). Such projects shall be reviewed and processed according to the procedures in Section 12.22 A.25(g)(3).
- (3) **Limitation on Number of Waiver Requests.** Projects approved pursuant to this Subdivision shall be eligible for no more than one waiver described in Section 12.22 A.25(g)(3).
- (4) **Limitation on Types of Requests for Incentives, Waivers, or Modification of any Development Standard(s) Not on the Menu.** For any projects approved pursuant to this Subdivision that request any incentives, waivers, or modifications of any development standard(s) not on the menu described in Section 12.22 A.25(g)(3), such waivers or development standards shall be limited as follows:
  - (i) **Increase in Floor Area Ratio (FAR).** A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a 100 percent increase in the total project Floor Area Ratio (FAR), or up to a 3.5:1 FAR, whichever is greater.

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- (ii) Increase in Height. A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no more than a total project height increase of three stories, or 33 feet, in excess of the otherwise applicable height limit imposed by the project's zoning.
  - (iii) Reduction in Yards. A One Hundred Percent Affordable Housing Project located in a residential zone shall be eligible to request an off-menu incentive or waiver for no less than a Side Yard setback of 5 feet and a Rear Yard setback of 8 feet. Off-menu incentive or waivers for a reduction of Front Yard setbacks shall be limited to no more than the average of the Front Yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the Front Yard setback may align with the façade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction in the Front Yard setback is permitted.
  - (iv) Reduction in Open Space. A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Open Space.
  - (v) Reduction in Bicycle Parking. A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 50 percent reduction in the otherwise required Bicycle Parking.
  - (vi) Reduction in Tree Planting Requirements. A One Hundred Percent Affordable Housing Project located in any zone shall be eligible to request an off-menu incentive or waiver for no more than a 25 percent reduction in any otherwise required Tree Planting Requirements.
  - (vii) Ground Story Requirements. A One Hundred Percent Affordable Housing Project located in a commercial zone shall be eligible to request no more than a 30 percent reduction in any otherwise required ground story requirement related to ground story minimum height requirements, ground story transparency requirements, or ground story pedestrian entrance number and spacing requirements. If requesting multiple modifications to ground story requirements, they may be combined to count as one incentive or waiver, but each individual request shall not exceed a 30 percent reduction.
- (5) **Other Procedures or Requirements.** If the application or related applications for a One Hundred Percent Affordable Housing Project would require noticing, hearing, or appeal pursuant to any otherwise required approval pursuant to the Los Angeles Municipal Code, those procedures shall be superseded by the Procedures outlined in this Subdivision.
- (6) **Covenant.** Prior to the issuance of a Building Permit for a One Hundred Percent Affordable Housing Project, 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 99 years

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from the issuance of the Certificate of Occupancy, except for a One Hundred Percent Affordable Housing Project which receives any form of public subsidy that is tied to a specified covenant period including Low Income Housing Tax Credits, as verified by the Los Angeles Housing Department, in which case all restricted affordable units shall be covenanted for at least a period of 55 years for rental units, or 45 years for for-sale units. If the duration of affordability covenants provided for in this Subdivision conflicts with the duration of any other government requirement, the longest duration shall control. Any covenant described in this Subparagraph must provide for a private right of enforcement by the City, any tenant, or owner of any building to which a covenant and agreement applies.

**(f) Relationship to Other Sections of the Los Angeles Municipal Code.**

(1) If any of the Performance Standards in Paragraph (e) or Administrative Review Process in Paragraph (f) conflict with those of any otherwise applicable specific plan, supplemental use district, "Q" condition, "D" limitation, or citywide regulation established in Chapter 1 of this Code, including but not limited to the Ordinance Nos. listed below, this Subdivision shall prevail. Furthermore, a One Hundred Percent Affordable Housing Project approved pursuant to this Subdivision shall not require any design review procedures under any Specific Plan, Supplemental Use District, or other overlay, including but not limited to the Ordinance Nos. listed below.

- (i) 171,139 (Alameda District Specific Plan)
- (ii) 174,663 (Avenue 57 Transit Oriented District)
- (iii) 182,576 (Bunker Hill Specific Plan)
- (iv) 156,122 (Century City North Specific Plan)
- (v) 186,370 (Century City West Specific Plan)
- (vi) 168,862 (Century City South Specific Plan)
- (vii) 170,046 (Coastal Bluffs Specific Plan)
- (viii) 186,105 (Coastal Transportation Corridor Specific Plan)
- (ix) 185,042 (Coliseum District Specific Plan)
- (x) 178,098 (Colorado Boulevard Specific Plan)
- (xi) 182,617 (Cornfield Arroyo Seco Specific Plan)
- (xii) 184,795 (Crenshaw Corridor Specific Plan)
- (xiii) 168,937 (Devonshire/Topanga Corridor Specific Plan)
- (xiv) 186,402 (Exposition Corridor Transit Neighborhood Plan)
- (xv) 170,694 (Foothill Boulevard Corridor Specific Plan)
- (xvi) 171,946 (Glencoe/Maxella Specific Plan)
- (xvii) 184,296 (Granada Hills Specific Plan)
- (xviii) 168,121 (Hollywoodland Specific Plan)
- (xix) 184,346 (Jordan Downs Urban Village Specific Plan)
- (xx) 167,940 (Los Angeles Airport/El Segundo Dunes Specific Plan)
- (xxi) 181,334 (Los Angeles Sports and Entertainment District Specific Plan)
- (xxii) 168,707 (Mt. Washington/Glassell Park Specific Plan)
- (xxiii) 167,943 (Mulholland Scenic Parkway Specific Plan)
- (xxiv) 171,128 and 158,194 (North University Park Specific Plan)
- (xxv) 163,202 (North Westwood Village Specific Plan)
- (xxvi) 170,155 (Oxford Triangle Specific Plan)



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- (xxvii) 184,371 (Pacific Palisades Commercial Village and Neighborhood Specific Plan)
- (xxviii) 162,530 (Park Mile Specific Plan)
- (xxix) 165,638 (Playa Vista Area B Specific Plan)
- (xxx) 165,639 (Playa Vista Area C Specific Plan)
- (xxxi) 176,235 (Playa Vista Area D Specific Plan)
- (xxxii) 182,937 and 182,939 (Ponte Vista at San Pedro Specific Plan)
- (xxxiii) 180,083 (Porter Ranch Land Use/Transportation Specific Plan)
- (xxxiv) 186,325 (Redevelopment Plans)
- (xxxv) 175,736 (San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan)
- (xxxvi) 166,352 (San Pedro Specific Plan)
- (xxxvii) 173,381 (San Vicente Scenic Corridor Specific Plan)
- (xxxviii) 182,343 (University of Southern California University Park Campus Specific Plan)
- (xxxix) 168,613 (Valley Village Specific Plan)
- (xl) 175,693 (Venice Coastal Zone Specific Plan)
- (xli) 174,052 (Ventura-Cahuenga Boulevard Corridor Specific Plan)
- (xlii) 173,749 (Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan))
- (xlili) 182,766 (Warner Center 2035 Plan)
- (xliv) 163,203 and 163,186 (Westwood Community Multi-Family Specific Plan)
- (xlv) 187,644 (Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan)
- (xlvi) 155,044 (Wilshire - Westwood Scenic Corridor Specific Plan)
- (xlvii) 185,539 (San Pedro CPIO District)
- (xlviii) 185,927 (South Los Angeles CPIO District)
- (xlix) 185,925 (Southeast Los Angeles CPIO District)
- (l) 184,268 (Sylmar CPIO District)
- (li) 184,794 (West Adams-Baldwin Hills-Leimert CPIO District)
- (lii) 187,155 (Westchester - Playa del Rey CPIO District)
- (liii) 180,871 (Broadway Theater and Entertainment District Design Guide)
- (liv) 174,519 (Canoga Park-Commercial Corridor CDO District)
- (lv) 108,561 (Cypress Park & Glassell Park CDO)
- (lvi) 173,508 (Downtown Canoga Park CDO District)
- (lvii) 179,907 (Downtown Westchester CDO District)
- (lviii) 180,880 (Echo Park CDO District)
- (lix) 178,157 (Fletcher Square CDO District)
- (lx) 179,906 (Lincoln Boulevard CDO District)
- (lxi) 176,658 (Lincoln Heights CDO District)
- (lxii) 183,011 (Little Tokyo CDO District)
- (lxiii) 180,797 (Loyola Village CDO District)
- (lxiv) 176,331 (Miracle Mile CDO District)
- (lxv) 175,545 (Pacoima CDO District)
- (lxvi) 175,549 (Panorama City CDO)
- (lxvii) 176,557 (Reseda Central Business District CDO District)
- (lxviii) 174,398 (Sun Valley CDO District)
- (lxix) 184,366 (Toluca Lake Village CDO)
- (lxx) 174,420 (Van Nuys Central Business District CDO District)
- (lxxi) 174,161 (West Wilshire Boulevard CDO District)
- (lxxii) 173,676 (Atwater Village POD)

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- (lxxiii) 171,859 (Westwood/Pico NOD)
- (lxxiv) 174,260 (Westwood Boulevard POD)

- (2) Any subdivision of the site(s) shall not be streamlined and shall be subject to all applicable review procedures and laws, including, Div. 13B.7 (Division of Land) of Chapter 1A of this Code. Other types of entitlements for the project may be reviewed pursuant to this subdivision.
- (3) Non-residential uses that are not permitted by-right by the zoning, including those requiring a conditional use permit, are not eligible for Administrative Review pursuant to this Subdivision and shall be subject to applicable review procedures and laws.

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## FINDINGS

### General Plan/Charter Findings

#### **City Charter Section 556 and 558, and LAMC Section 12.32**

Pursuant to City Charter Sections 556 and 558, and LAMC Section 12.32, as described below, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan, as well as in conformance with the public necessity, convenience, general welfare and good zoning practice. Specifically, the action addresses each of the following goals, objectives and policies of the General Plan as outlined below.

#### **General Plan Findings**

##### General Plan Framework Element

The proposed Affordable Housing Streamlining Ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of affordable housing, while at the same time encourage sustainable growth. The ordinance supports the development of much-needed affordable housing by removing procedural barriers that add months of delays to bring new affordable units online, causing costs to increase. In particular, the proposed ordinance would further the intent and purpose of the following relevant goals, objectives, and policies of the Framework Element:

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

*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.

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

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.

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

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

##### Housing Element

The proposed Affordable Housing Streamlining Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives, policies and a program of the Housing Element outlined below:

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 1.1.1: Collect, report, and analyze existing housing needs (such as overcrowding, cost burden and vacancy rates) and use this information to project and plan for housing needs at a local and citywide level balancing other factors such as job and transit access.

Program 54: Expedite Affordable Housing Projects<sup>1</sup> [Consider unique procedural requirements for qualified Affordable Housing projects including shorter appeal times and modifying Site Plan Review thresholds to an administrative review process.] The completion of Program 54 requires adoption of the Proposed Ordinance by the City Council.

Program 121: RHNA Re-Zoning [Citywide Rezoning to meet RHNA Targets by 2024. Annual reporting to indicate any loss in capacity that could require additional rezoning.]

Program 124: Affirmatively Furthering Fair Housing (AFFH) Program [Compliance with US Housing and Urban Development (HUD) and AB 686 (2018).]

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.

Program 57: Improvements to Development Processing [Increase the number of cases processed as ADM Clearances and Ministerial cases, while decreasing the percent of projects processed as discretionary entitlements through a variety of efforts.

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.

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<sup>1</sup> See more information regarding Los Angeles' 2021-2029 Housing Element, Chapter 6 Program 54 here: [https://planning.lacity.org/odocument/6fbfbbd0-a273-4bad-a3ad-9a75878c8ce3/Chapter\\_6\\_-\\_Housing\\_Goals,\\_Objectives,\\_Policies,\\_and\\_Programs\\_\(Adopted\).pdf](https://planning.lacity.org/odocument/6fbfbbd0-a273-4bad-a3ad-9a75878c8ce3/Chapter_6_-_Housing_Goals,_Objectives,_Policies,_and_Programs_(Adopted).pdf)

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.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

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

Goal 5: A City that is committed to 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.

Program 115: Zoning and Development Standards for Homeless Housing [Adopt amendment to zoning code to facilitate by-right siting of shelter and transitional housing facilities by 2025. Identify areas with lower concentrations of shelter, transitional and permanent supportive housing and create zoning provisions to ease restrictions in these geographies.]

### Mobility Plan 2035

The proposed Affordable Housing Streamlining Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives, policies and a program of the Mobility Plan outlined below:

Chapter 3: Access for All Angelenos: a transportation system is only useful insofar as it is accessible and convenient.

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

Policy: 3.3 Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Chapter 5: Clean Environments and Healthy Communities

Objective: Decrease VMT per capita by 5% every five years, to 20% by 2035

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

- Increasing the availability of affordable housing options with proximity to transit stations and major bus stops.
- Land use policies aimed at shortening the distance between housing, jobs, and services that reduce the need to travel long distances on a daily basis.

### Plan for Healthy Los Angeles

The proposed Affordable Housing Streamlining Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives, policies and a program of the Plan for Healthy Los Angeles outlined below:

#### Chapter 1: Los Angeles, a Leader in Health and Equity

##### Policy: 1.6 Poverty and Health

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 Displacement and Health

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.

#### Chapter 2: A City Built for Health

##### Policy: 2.2 Healthy building design and construction

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.

The Proposed Ordinance includes performance standards that help create a healthy built environment that ensures and encourages approaching or entering a lot from the public right-of-way as a pedestrian to the street facing entrance from a public street.

### Safety Element

The proposed Affordable Housing Streamlining Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives, policies and a program of the Safety Element outlined below:

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.

Objective 1.2: Confront the global climate emergency by setting measurable targets for carbon reduction that are consistent with the best available methods and data, center equity and environmental justice, secure fossil free jobs, and foster broader environmental sustainability and resiliency.

Policy: 1.2.5 Housing and Development. In keeping with the Housing Element, create housing opportunities that enhance affordability, equity, livability, sustainability and resilience.

### Summary

As made evident by the list of General Plan goals, objectives and policies above, the proposed ordinance is in conformance with a range of General Plan goals related to the provision of a variety of housing opportunities and more specifically affordable housing. The City's Housing Element clearly recognizes the City's vision that housing is a human right and the City should promote policies and programs that result in the increase of affordable housing production and a more equitable distribution. The proposed amendment responds to the General Plan by providing an opportunity to streamline affordable housing production, alleviate zoning constraints, and better facilitate its development throughout the City.

The proposed amendment not only responds to goals in the Framework Element and the Housing Element, but to goals found in the City's community plan updates and the citywide elements, including the Mobility Plan, Health, and Safety Elements, by increasing housing stability and a variety of housing opportunities that enhance affordability, equity, livability, sustainability and resilience.

Housing, transportation, health, and safety are inextricably linked. Where a person lives determines their access to, or lack of, health promoting resources such as goods and services, quality schools, transportation access, and jobs. Housing affordability is a serious issue throughout Los Angeles, as rising housing costs force households to spend more of their financial resources, limiting their opportunities to purchase healthy food, access transportation, and engage in preventative care, which particularly affects low-income families that are already living with limited financial resources that might prevent households from mitigating hazards at home. As stated earlier, the proposed ordinance to streamline affordable housing is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would also further accomplish the goals, objectives, policies and programs of the following citywide elements: Framework, Housing, Mobility, Plan for a Healthy Los Angeles, and Safety Element.

### **CEQA Findings**

The proposed Affordable Housing Streamlining Ordinance would amend Chapters 1 and 1A of the Los Angeles Municipal Code (LAMC), including Section 12.22 of Chapter 1 and Articles 9 and 13 of Chapter 1A, for the purpose of establishing procedures and performance standards for administrative approval of one hundred percent affordable housing projects. This proposed ordinance incorporates the main streamlining provisions of [Executive Directive 1](#) into the LAMC in an effort to alleviate the housing and homelessness crisis in the City. As defined in Executive

Directive 1 and the Proposed Ordinance, a one hundred percent affordable housing project is a housing development project which includes up to 20 percent of the units restricted as affordable to moderate income households, and the remaining units restricted as affordable to lower income households. Adoption of the Proposed Affordable Housing Streamlining Ordinance is in line with a number of the goals, policies, objectives and programs identified in the Housing Element of the City of Los Angeles.

Adoption of the Proposed Ordinance is a program in the Housing Element of the City of Los Angeles. The Housing Element identifies discretionary review as a significant constraint to the production of affordable housing. As such, it includes policies and implementation programs to streamline affordable housing and to allow for greater zoning flexibility for affordable housing, including Policy 1.2.5 of the Housing Element which directs the City to “streamline the housing approval process, particularly for Affordable Housing, throughout City departments.” In addition, Program 54 (Expedite Affordable Housing Projects) is an implementation program of the Housing Element that calls for the Department of City Planning to pursue amendments to the Zoning Code to reduce the need for affordable housing projects to seek discretionary entitlements. Adoption of the Proposed Ordinance directly supports implementation of Program 54 of the Housing Element by creating an administrative review process for qualifying affordable housing developments. The completion of Program 54 requires adoption of the Proposed Ordinance by the City Council.

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 Rezoning 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. For the purposes of this report, the EIR and Addendum 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 Update, 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 Rezoning 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 ordinance is needed to facilitate the production of affordable housing in the City and accommodate the build out of the City's Moderate and Lower Income RHNA Allocation, and is an implementation program (Program 54) of the Housing Element. 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 nonresidential uses, to high-rise mixed-use with larger nonresidential uses) were analyzed in the 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>2</sup> The City does not find there is a change to the project, change to circumstances, or new information as described in PRC Section 21166 or CEQA Guidelines Section 15162(a).

The Proposed Ordinance would codify the Executive Directive 1 in the Mayor Bass series which was first introduced in December 2022. The Executive Directive has been in effect for over 10 months and as of October 30, 2023, a total of approximately 99 cases have been filed and approximately 8,228 units have been proposed and 4,155 units have been approved under the

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<sup>2</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)

policies of the directive. These projects have been proposed in a variety of locations throughout the City, on sites that have a zoning and/or general plan land use designation that accommodates construction of multi-family housing. The projects that have been completed under Executive Directive 1 since its release in October 2023 have not been located within a Very High Fire Hazard Severity Zone (VHFHSZ), or an airport hazard area. Thirteen projects were located in a flood plain. Out of approximately 99 projects that have applied under ED 1 as of October 30, 2023, eight projects have been analyzed by the Office of Historic Resources and none were identified as an eligible historic resource.

By codifying the provisions of Executive Directive 1 into the Los Angeles Municipal Code, the Proposed Affordable Housing Streamlining Ordinance would be anticipated to result in similar projects that have been proposed to-date under the policies of the directive. In addition, the Proposed Affordable Housing Streamlining Ordinance includes the following additional provisions that would be expected to further prevent unique site-specific conditions which could create a new impact or change to the project, including the following site-level eligibility criteria for participation in the streamlining process created by the Proposed Ordinance:

- Project site shall not include any parcels located in a manufacturing zone that does not allow multi-family residential uses;
- Project site shall not be located in the Coastal Zone or require a Coastal Development Permit;
- Project shall not require the demolition of any historical resource under a local, state, or federal designation program;
- Project shall not require the demolition of any eligible historical resource as identified in a local plan;
- Projects located on a hazardous waste site designated by the Department of Toxic Substances Control shall be remediated and determined to be suitable for residential use or residential mixed use by any of the following agencies: State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency.

This ordinance creates an administrative approval process for qualifying one hundred percent affordable housing projects, whereby projects would be reviewed for compliance with applicable objective zoning standards. To participate in the streamlined review, the project, excluding any applicable additional density or other incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code Section 65915 or any other local affordable housing incentive program, must be consistent with objective zoning standards and objective overlay and design review standards that are in effect on the project site. Additionally, projects must be located on sites where the residential zoning or land use designation permits the construction of five or more multi-family housing units, meaning that the site is already zoned or planned for multi-family housing. While the Proposed Ordinance allows a project to utilize already-available incentives provided to affordable housing projects through state Density Bonus law and other local affordable housing incentive programs, it does not impact any applicable development standards, nor lessen the ability of the City to deny or condition a housing development project in a way that would reduce the project's density. It only impacts the approval

procedures of affordable housing on land already zoned (and environmentally cleared) for multi-family housing. The 2022 Scoping Plan for Achieving Carbon Neutrality identifies affordable infill housing as consistent with state climate goals.

Therefore, based on an analysis of the projects approved under Executive Directive 1, it is not anticipated that projects approved under the Proposed Affordable Housing Streamlining Ordinance would have any site-specific conditions or unique features which would change the project, circumstances, or information relied upon in the Housing Element EIR.

Section 15162 and 15164 of the CEQA Guidelines lists the conditions that would require the preparation of a subsequent EIR, negative declaration or an addendum. These include the following:

*Section 15162*

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Proposed Project was analyzed in the EIR and has been reviewed by the City of Los Angeles in light of Sections 15162 and 15164 of the CEQA Guidelines. As the CEQA Lead Agency, the City of Los Angeles has determined, based on the analysis presented herein, that none of the conditions apply which would require preparation of a subsequent or supplemental EIR because there are no changes to the Housing Element EIR project, no changes to the circumstances, or new information. As such no new addendum, and no subsequent or supplemental EIR is required.

### **Incorporation by Reference**

The following documents were used in the preparation of these findings, and incorporated herein by reference, consistent with Section 15150 of the Guidelines: Citywide Housing Element 2021-2029 and Safety Element Update, Final Environmental Impact Report (SCH No. 2021010130), certified November 24, 2021. Referred to herein as the Housing Element 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 to the EIR: [https://clkrep.lacity.org/onlinedocs/2021/21-1230-S1\\_misc\\_7\\_5-24-22.pdf](https://clkrep.lacity.org/onlinedocs/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>