



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R25-0033  
Jan. 31, 2025

**REPORT RE:**

**DRAFT ORDINANCES AMENDING CHAPTERS I and 1A OF THE LOS ANGELES MUNICIPAL CODE TO IMPLEMENT HOUSING ELEMENT REZONING PROGRAM NO. 121; TO ESTABLISH A CITYWIDE HOUSING INCENTIVE PROGRAM; TO IMPLEMENT REGULATIONS REGARDING AFFORDABLE HOUSING DEVELOPMENT, HOUSING REPLACEMENT, AND MINIMUM DENSITY STANDARDS; AND TO MANDATE INCREASED RESIDENT PROTECTIONS FOR TENANTS AFFECTED BY DEMOLITION OF HOUSING.**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California

Council File Nos. 21-1230-S5; 21-1230-S6; 21-1230-S8;  
(CPC-2023-7068-CA; CPC-2024-387-CA; CPC-2024-388-CA)

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinances, approved as to form and legality. The draft ordinances, which include the Citywide Housing Incentive Program (CHIP), the Housing Element Sites and Minimum Density Ordinance, and the Resident Protections Ordinance (collectively, "Draft Ordinances") amend various parts of Chapters I and 1A of the Los Angeles Municipal Code in an effort to implement the City's 2021-2029 Housing Element Rezoning Program No. 121.

### Background and Summary of the Draft Ordinances

On September 26, 2024, the City Planning Commission (CPC) considered all three draft ordinances. The CPC adopted the Planning Department recommendation, and the CPC recommended that the Planning Department present the draft ordinances, including the Chapter 1A translations of the draft ordinances, to City Council. On November 19, 2024, the Planning and Land Use Management (PLUM) Committee considered the report from CPC and recommended that the City Council adopt the CPC's findings and requested the City Attorney to prepare and present the draft ordinances, including the Chapter I and Chapter 1A versions of the ordinances. On December 10, 2024, the City Council requested this Office to prepare and transmit the proposed ordinances for the City Council's consideration and adoption.

Accordingly, this Office has prepared and transmits all three draft ordinances, which include the Chapter I and Chapter 1A versions.

Both the CHIP and Housing Element Sites Minimum Density ordinances are intended to fulfill the City's rezoning obligations to meet the Regional Housing Needs Allocation (RHNA). As a part of the City's Rezoning Program 121 in the 2021-2029 Housing Element, the CHIP ordinance proposes streamlined project review procedures and new local density bonus incentives for eligible project types including citywide incentives, transit incentives, high opportunity area incentives, one hundred percent affordable housing incentives, public land incentives, faith-based development incentives, unified adaptive reuse incentives, and other tailored incentives to implement state law. The draft CHIP ordinance: (1) deletes the amendment to LAMC Section 12.22 A.31 as unnecessary due to the amendment to Section 12.22 A.25; (2) identifies the processing path for the state mandated "shared housing building" project type; and (3) updates the ordinance to be consistent with recent amendments to State Density Bonus Law (Gov. Code Sec 65915), including but not limited to A.B. 1287 (2023, additional density bonus), A.B. 2694 (2024, senior care facilities), and A.B. 3116 (2024, student housing). The CHIP ordinance prioritizes expanding access to affordable housing near transit, jobs, along corridors, and in Higher Opportunity Areas.

The Housing Element Sites and Minimum Density ordinance applies state Housing Element law requirements to sites identified in the City's inventory of Housing Element sites, and includes minimum density requirements, by-right approval for eligible projects, and incorporates state housing replacement requirements and no net loss policies into the LAMC.

The Resident Protections Ordinance (RPO) provides additional protections for tenants affected by demolitions related to housing development, including relocation assistance, and the right to remain and right to return to comparable units in the new construction. The RPO also expands requirements related to newly created affordable

units, including longer affordability covenant terms, quality, size, mix and equitable distribution as well enforcing marketing and distribution of the units.

Each ordinance authorizes the Planning Director, in consultation with the City Attorney, to correct any necessary formatting or non-substantive typographical errors consistent with the City Council's adopted policies of these ordinances. These corrections shall require approval by City Council resolution within one year from the effective date of the ordinance. In addition, the Chapter 1A versions of each ordinance authorize the Department of City Planning, in consultation with the City Attorney, to ensure the published Chapter 1A ordinances are consistent with the existing style and formatting of Chapter 1A of the Code.

Last, each of the draft ordinances includes an urgency clause so that, upon adoption by City Council and approval by the Mayor, the ordinances can become effective upon publication. The state has mandated a deadline of February 12, 2025 for the City to adopt a rezoning program that accommodates the RHNA of approximately 450,000 housing units by the year 2029, including tens of thousands of units to serve an existing shortfall. Should the City fail to adopt an ordinance by the deadline, a determination of non-compliance could trigger a significant loss of funding for housing and infrastructure, loss of local zoning control, and court-imposed fines. This potential loss of funding for housing could result in less affordable housing being developed citywide, posing a severe threat to the stability of lower income households and further contributing to the City's ongoing homelessness and affordable housing crisis. The ordinances have a coordinated operative date of February 11, 2025, subject to any rezoning extension that may be provided due to the recent wildfires. As such, the utilization of an urgency clause pursuant to Charter Section 253 for the ordinance is legally appropriate. The draft ordinance is required for "the immediate preservation of the public peace, health or safety" insofar as it provides for the City to maintain a certified Housing Element, meet its RHNA obligations, and maintain local control over crucial housing-related decision-making. The draft ordinance includes a statement describing the urgency as required by Charter Section 253. Urgency ordinances require a three-fourths vote of the Council in order to pass.

#### Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section, namely that adoption of the draft ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC recommendation if the CPC recommends approval of the ordinance. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. The City Council can either adopt the CPC findings and

recommendations as set forth in the CPC Transmittal Report to the City Council or make its own.

### Housing Element Findings

Separately, the Department of City Planning (DCP) recommends that the City Council adopt revised findings, including Appendix 5, explaining the City's Rezoning Program Methodology and Assumptions, transmitted to the City Council file. These findings, including Appendix 5, have been prepared to demonstrate that the City's rezone program complies with the 2021-2029 Housing Element and state Housing Element law.

### California Environmental Quality Act (CEQA) Standard of Review

Additionally, DCP recommends that the City Council approve the draft ordinances in reliance on the Housing Element Environmental Impact Report No. ENV-2020-6762-EIR, certified on November 29, 2021, and accompanying Addenda, and adopt the Mitigation Monitoring Program. A decisionmaker can approve a project in reliance on a previously certified EIR and an addendum, if the decisionmaker considers the addenda and the final EIR before approving the project and finds in its independent judgment that, based on the whole of the record, no changes to the project, circumstances, or new information (not known or capable of being known when the EIR was certified and project approved) will require a major revision of the EIR due to the involvement of new significant impacts or more severe significant impacts than those identified in the EIR. Public Resources Code § 21166; CEQA Guidelines §§ 15162 and 15164.

### Council Rule 38 Referral

Copies of the draft ordinances were sent, pursuant to Council Rule 38, to the Department of Building and Safety, Department of City Planning, and the Housing Department with a request that all comments, if any, be presented directly to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorneys Donna Wong or Oscar Medellin at (213) 978-8120. A member of this Office will be available when you consider this matter to answer any questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By   
JOHN W. HEATH  
Chief Assistant City Attorney

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Transmittal