

## ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code, to require housing developments on certain parcels identified in the Revised County of Los Angeles Housing Element (2021-2029) to provide an affordable housing set-aside for very low- or lower-income households pursuant to Government Code section 65583.2(c) and (h).

DAWYN R. HARRISON  
County Counsel

By



CASEY YOURN  
Senior Deputy County Counsel  
Property Division

CY:ll

Requested: 09/12/23

Revised: 11/13/23

**ORDINANCE NO. 2023-0052**

An ordinance amending Title 22 – Planning and Zoning, of the Los Angeles County Code, to require housing developments on certain parcels identified in the Revised County of Los Angeles Housing Element (2021-2029) to provide an affordable housing set-aside for very low- or lower-income households, pursuant to Government Code section 65583.2(c) and (h).

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 22.121.030 is hereby amended to read as follows:

**22.121.030 Applicability.**

Notwithstanding any contrary provisions in this Title 22, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), apply to ~~all housing developments, excluding mobilehome parks, and including projects to substantially rehabilitate and convert an existing commercial building to residential uses, or the substantial rehabilitation of an existing multifamily dwelling, as defined in section 65863.4 (d) of the California Government Code, where the result of the rehabilitation would be a net increase in available dwelling units, that meet all of the following:~~

A. Unless as specified otherwise in Subsection B, below, all housing developments, excluding mobilehome parks, and projects to substantially rehabilitate and convert an existing commercial building to residential uses or the substantial rehabilitation of an existing multi-family dwelling, as defined in section 65863.4(d) of the California Government Code, where the result of the rehabilitation would be a net increase in available dwelling units, that meet all of the following:

- A~~1~~. Has at least five or more baseline dwelling units;
- B~~2~~. Is located in a submarket area, with the following exceptions:
  - 4a. Rental projects or condominium projects located in the South Los Angeles or Antelope Valley submarket areas; or
  - 2b. Rental projects located in the East Los Angeles/Gateway submarket area; and

        C~~3~~. Is not located within an area subject to an affordable housing requirement pursuant to a development agreement, specific plan, or local policy.

B. All housing developments located on lots that are in the following:

1. The 2021-2029 Revised Housing Element as one of the following:

- a. Nonvacant lot, identified to accommodate very low- or lower-income units in the Sites Inventory and included in the 2014-2021 Housing Element;

- b. Vacant lot, identified to accommodate very low- or lower-income units in the Sites Inventory and included in both the 2008-2014 and the 2014-2021 Housing Elements; or

- c. Sites that are rezoned to accommodate very low- or lower-income units; and

2. Unincorporated communities:

- a. South Whittier-Sunshine Acres; or

- b. West Whittier-Los Nietos.

**SECTION 2.** Section 22.121.050 is hereby amended to read as follows:

**22.121.050 Affordable Housing Set-Aside.**

A. ~~Rental. If the project consists of rental units, the affordable housing set-aside units shall be provided at an affordable rent, as described in Table 22.121.050-A, below.~~ Projects that are subject to Section 22.121.030.A shall provide the following affordable housing set-aside:

1. Rental. If the project consists of rental units, the affordable housing set-aside units shall be provided at an affordable rent, as described in Table 22.121.050-A, below.

...

~~B2. For-sale. If the project consists of for-sale units, the affordable housing set-aside units shall be provided at an affordable sale price, as described in Table 22.121.050-B, below.~~

...

B. Projects that are subject to Section 22.121.030.B shall provide a minimum of 20 percent affordable housing set-aside for lower-income households.

...

F. Location. The required affordable housing set-aside units shall be provided on-site, or off-site provided that:

1. The required affordable housing set-aside units are not subject to Chapter 22.120 (Density Bonus) or Subsection B, above;

...

**SECTION 3.** Section 22.121.070 is hereby amended to read as follows:

**22.121.070 Adjustment or Waiver of Inclusionary Requirements.**

Notwithstanding any other provision of this Chapter, the requirements of this Chapter may be adjusted or waived, in whole or in part, for projects that are subject to Section 22.121.030.A, if the applicant demonstrates that applying the requirements of this Chapter would take property in violation of the United States or California Constitution, subject to the following:

A. Written Request. The applicant shall bear the burden of presenting substantial evidence to support the adjustment or waiver. The request shall be submitted, in writing, at the time of initial application submittal. The request shall set forth the factual and legal basis for the claim and include financial and other information that the Director deems necessary to perform an independent evaluation of the applicant's rationale for the request.

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[22121030CYCC]

**SECTION 4.** This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



\_\_\_\_\_  
Chair

ATTEST:

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Celia Zavala  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that at its meeting of November 21, 2023 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda L. Solis  
Holly J. Mitchell  
Janice Hahn  
Kathryn Barger  
\_\_\_\_\_

Noes

Supervisors None  
\_\_\_\_\_  
\_\_\_\_\_  
Absent  
Lindsey P. Horvath  
\_\_\_\_\_

Effective Date: December 21, 2023

~~Operative Date:~~ \_\_\_\_\_

\_\_\_\_\_  
Celia Zavala  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

APPROVED AS TO FORM:  
DAWYN R. HARRISON  
County Counsel



By \_\_\_\_\_  
Nicole Davis Tinkham  
Chief Deputy County Counsel