

Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R26-0321
JUN 03 2026

REPORT RE:

DRAFT ORDINANCES TO ESTABLISH THE BOYLE HEIGHTS COMMUNITY PLAN IMPLEMENTATION OVERLAY DISTRICT (CPIO); AMEND CHAPTER 1A AND I OF THE LOS ANGELES MUNICIPAL CODE (LAMC) TO INCORPORATE THE BOYLE HEIGHTS ZONE DISTRICTS AND DEVELOPMENT STANDARDS IN THE NEW ZONING CODE FOR THE BOYLE HEIGHTS COMMUNITY PLAN AREA AND MAKE RELATED CLEAN UP CHANGES TO THE LAMC, AMEND THE ADELANTE EASTSIDE REDEVELOPMENT PLAN, THE CLEAN UP GREEN UP (CUGU) ORDINANCE, AND THE RIVER IMPROVEMENT OVERLAY (RIO) DISTRICT ORDINANCE TO REMOVE THOSE AREAS IN THE BOYLE HEIGHTS COMMUNITY PLAN AREA, AS PART OF THE BOYLE HEIGHTS COMMUNITY PLAN UPDATE

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 23-0861
(CPC-2016-2905-CPU)
Council District 14

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinances, approved as to form and legality. The enclosed five ordinances, all proposed as part of the Boyle Heights Community Plan Update (Plan Update), implement the Boyle Heights Community Plan (Plan) adopted by the City Council on September 25, 2024, and consist of the following: (1) an ordinance to establish the Boyle Heights Community Plan Implementation Overlay District (CPIO); (2) an

ordinance to amend Chapters 1A and I of the Los Angeles Municipal Code (LAMC) to incorporate the Boyle Heights Community Plan Update zone districts and development standards into the New Zoning Code (LAMC Chapter 1A) and make related modifications in Chapter I of the LAMC (Chapter 1A Ordinance); (3) an ordinance to amend the Adelante Eastside Redevelopment Plan; (4) an ordinance to amend the Clean Up Green Up (CUGU) Ordinance; and (5) an ordinance to amend the River Improvement Overlay (RIO) Ordinance, (collectively, "Draft Ordinances").

Background

On September 25, 2024, the City Council certified the Plan Update environmental impact report (EIR) and adopted the Plan, including amendments to the Plan text and the General Plan land use map for the Plan area, and related amendments to the Framework Element and the Mobility Plan 2035. The City Council previously requested this Office to prepare and transmit five Plan Update implementing ordinances for its review and consideration to establish the CPIO and make amendments to Chapter 1A, the CUGU ordinance, the RIO ordinances, and the Adelante Eastside Redevelopment Plan, as those ordinances were recommended by the City Planning Commission (Proposed Ordinances). On September 25, 2024, the City Council requested this Office to prepare those Proposed Ordinances with modifications related to Legacy Small Business incentives, affordable housing incentives in the 'IX6' Use District and the 'LM4' and 'LM6' Form Districts, and special lot line setbacks in the 'LM4' and 'LM6' Form Districts.

On April 29, 2026, the City Council requested this Office to make additional modifications to the draft Chapter 1A Ordinance. The modifications were included in supplemental transmittals from City Planning to the City Council file on October 15, 2023 (Council File No. 23-0861) and August 20, 2025 (Council File No. 23-0861-S1). The October 15, 2023 modifications included changes to align the Plan Update ordinance with the New Zoning Code (Chapter 1A), which had been adopted after the City Council's requested form and legality review for the proposed ordinance. The August 20, 2025, modifications included amendments to the 'LM' Form District for bonus incentives and streamlining (resulting from a City Planning report back prepared in response to the City Council's September 24, 2024 action). The City Council also requested this Office to include in the Draft Ordinances authorization for City Planning, in consultation with this Office, to prepare an ordinance to be submitted directly for City Council's approval, to make non-substantive technical clean ups to the Draft Ordinances for one year after their adoption.

Additionally, on April 29, 2026, the City Council adopted a Motion (Jurado-Hutt) (Council File No. 23-0861-S6) to modify the Draft Ordinance prepared by this Office to change the mandatory inclusionary housing set-aside requirements in the Boyle

Heights Community Plan Update for Very Low-Income Households from 17 percent to 22 percent in the River-adjacent area utilizing the Housing Department's Rent Schedule 6.

Summary of the Proposed Ordinances

1. Boyle Heights CPIO

The draft CPIO ordinance establishes supplemental regulations for six subareas: the Community Benefits Program Subarea, the Tenants Protection Subarea, the Soil Sampling Subarea, the Historic Resources Subarea, the Public Lands Subarea, and the Underground Utilities Subarea. The Community Benefits Program Subarea incentivizes affordable housing projects and public benefit projects, including by introducing a Local Affordable Housing Incentive Program Subarea and a Public Benefits Incentive Program Subarea (in areas around the Los Angeles River). The Tenants Protection Subarea includes the entire Plan area and supplements the City's Resident Protection Ordinance (Ordinance No. 188,482) by requiring rent-controlled units to be replaced with affordable units at an income level at the same proportion as the share of all renter households within the City. The Soil Sampling Subarea applies to the entire Plan area and is intended to require soil sampling for specified projects that have not already been cleared to minimize the risk associated with the contamination caused by the former Exide Technologies facility. The Historic Resources Subarea is intended to protect the Plan Area's large number of historic and architecturally significant buildings by requiring additional review for eligible and designated resources and prohibiting demolitions of contributors to a National Historic District absent narrow findings. The Public Lands Subarea allows transfer of development rights from publicly owned lands. The Underground Utilities Subarea is intended to implement the Arts District-Pico Gardens Underground Utility District (Council File No 17-0724) in the areas around the Sixth Street Viaduct by requiring projects to make on-site and adjacent right of way connections to allow the undergrounding of utilities.

2. New Zoning Code Amendments (Chapter 1A)

In January 2025, the City Council adopted the New Zoning Code (LAMC Chapter 1A) (Ordinance No. 188,418) with the adoption of the Downtown Community Plan (Council File No, 22-0617). At present the only area of the City zoned with the New Zoning Code zone districts and regulations is the Downtown Community Plan area. The intention of the City Council is to rezone the entire City with the New Zoning Code and to accomplish this by rezoning areas of the City with the New Zoning Code as new community plans, specific plans, or transit-oriented plans are adopted. The Boyle Heights Community Plan will be the first Plan area to be zoned with the New Zoning Code after the Downtown Community Plan area.

The draft Chapter 1A ordinance adopts new Form, Use, Frontage and Density districts for the Plan area, among other regulations developed specifically for the Plan Area, as well as related clean ups to Chapter I of the LAMC. The draft ordinance also includes the modifications City Council approved on September 25, 2024, and April 29, 2026, and the 22 percent set aside from the City Council motion approved on April 29, 2026, discussed above.

3. Amendments to the Adelante Eastside Redevelopment Plan

In 2019, the land use related plans and functions of the Adelante Eastside Redevelopment Plan were transferred to the City from the Designated Local Authority, successor agency to the former Community Redevelopment Agency of the City of Los Angeles. In the Plan adopted by the City Council on September 25, 2024, the City Council adopted findings to amend the Adelante Eastside Redevelopment Plan including the following:

The provisions of the Redevelopment Plan intended to regulate, control, or shape the use and development of land in the Redevelopment Plan area, ... as well as related implementing plans are in conflict with the Boyle Heights Community Plan and its implementing ordinances because they, (1) prohibit what is allowed under the Boyle Heights Community Plan and its implementing ordinances; or (2) allow what is prohibited under the Boyle Heights Community Plan or its implementing zoning ordinances; or (3) add undesirable additional regulations, processes, costs, and burdens on the City, property owners, and developers that impede or prevent beneficial and urgently needed housing and other desirable uses in the Redevelopment Plan area. As such, any provision in the Redevelopment Plan that purports to regulate, control, or shape the development of land in the Project Area, is in conflict with, and does not conform to, the allowed land uses in the Boyle Heights Community Plan.

The draft ordinance to amend the Adelante Eastside Redevelopment Plan is intended to remove the Plan area from the Redevelopment Plan.

4. Amendments to the Clean Up Green Up (CUGU) Ordinance

The draft ordinance to amend the CUGU Ordinance (Ordinance No. 184,246) is intended to remove the Plan area from the CUGU Ordinance boundaries. The CUGU District is a special use district that requires new development projects to meet buffering, landscaping, and locational requirements within industrial areas. These regulations are incorporated into the New Zoning Code (Chapter 1A) Use District and General Development Standards and the lands in the Plan area previously subject to the CUGU Ordinance will be zoned with those Use Districts which incorporated CUGU regulations and will be subject to the new General Development Standards.

5. River Improvement Overlay (RIO) Ordinance

The draft ordinance to amend the RIO Ordinance (Ordinance No. 183,145) is intended to remove the Plan area from the RIO Ordinance boundaries. The RIO District is a special use district that requires new development projects to meet regulations along the Los Angeles River, including to protect biological resources. These regulations are incorporated into the New Zoning Code (Chapter 1A) Frontage District and General Development Standards and the lands in the Plan area previously subject to the RIO District Ordinance will be zoned with those Frontage Districts which incorporated RIO regulations and will be subject to the new General Development Standards.

Charter Findings

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the Draft Ordinances will be in conformity with public necessity, convenience, general welfare and good zoning practice. The City Council can adopt the CPC's findings, as set forth in the CPC's Transmittal Report, the findings it adopted with the Plan adoption or any updated findings recommended by City Planning, as those are set forth in the City Council file, or make its own.

Further, the Director of Planning has disapproved the Chapter 1A and CPIO draft ordinances on behalf of the City Planning Commission. Pursuant to Charter Section 558, a two-thirds vote in favor of the ordinance by the City Council will now be required for the ordinances' adoption.

California Environmental Quality Act (CEQA) Determination

The Department of City Planning (DCP) is recommending that the City Council can approve the Draft Ordinances in reliance on the Boyle Heights Community Plan Update EIR No. ENV-2016-2906-EIR, SCH No. 2016091010, and the Addendum dated April 2026, after adoption of the amended Mitigation and Monitoring Program. A decisionmaker can approve a project in reliance on a previously certified EIR and an addendum, if it considers the addendum 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. City Planning is also recommending the adoption of a modified Mitigation and Monitoring Program as explained in the Addendum.

Additionally, the Department of City Planning (DCP) is recommending the modifications approved by the City Council on April 29, 2026, are statutorily exempt pursuant to Public Resources Code Section 21080.085 (SB 131). This section adopted with Senate Bill 131 (2025), exempts rezoning that implements the schedule of actions contained in an approved housing element. The Department of City Planning has provided a written justification, as requested by the City Council in its April 29, 2026 action, to support the modifications implement several programs in the City's 2021-2029 Housing Element.

Council Rule 38 Referral

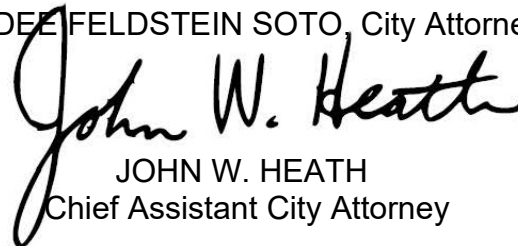
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Transportation, and the Housing Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Kathryn C. Phelan at (213) 978-8242. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By


JOHN W. HEATH
Chief Assistant City Attorney

JWH:KCP:jr
Transmittal