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May 28, 2026

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

REPORT ON SENATE BILL 131 STATUTORY EXEMPTION FOR THE MODIFICATIONS TO THE BOYLE HEIGHTS COMMUNITY PLAN UPDATE; CF 23-0861; CF 23-0861-S1; CASE NO. CPC-2016-2905-CPU, CPC-2016-2905-CPU-M1; ENV-2016-2906-EIR

Background

On June 30, 2025, the State of California approved Senate Bill 131 (SB 131). Among the sections added by SB 131 to Division 13 (Environmental Quality) of the Public Resources Code (PRC), Section 21080.085. establishes:

(a) This division does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code.

Under the above statute, any qualifying “rezoning,” including a Community Plan Update that is listed in the City’s Housing Element schedule of actions, for example, is considered exempt from the California Environmental Quality Act (CEQA) if the lead agency can demonstrate its compliance with PRC Section 21080.085. This CEQA exemption aims to streamline housing and infrastructure development in California.

The City’s 2021-2029 Housing Element (Housing Element)¹ identifies an array of programs² to implement citywide housing goals and policies. At a community level, Community Plans establish neighborhood-specific goals and implementation strategies to achieve the broad objectives laid out in the City’s General Plan, including the Housing Element programs. Although differences in their scope exist, the Housing Element and Community Plans are consistent with one another. This report demonstrates how modifications to the Boyle Heights Community Plan Update (BHCPU) identified in the Boyle Heights CHIP (Citywide Housing Incentive Program)

¹ The City of Los Angeles 2021-2029 Housing Element was found to be in compliance with State Housing Element Law (Section 65583 of the Government Code) by the California Department of Housing and Community Development (HCD) on [June 29, 2022](#).

² [Chapter 6. Housing Goals, Objectives, Policies, and Programs](#)

Reconciliation Report³ are statutorily exempt from CEQA pursuant to PRC Section 21080.085, as the modifications directly support compliance with targeted housing production goals established by the Housing Element programs.

Overview of the Boyle Heights Community Plan Update

The BHCPU was adopted by the City Council on September 25, 2024 and includes amendments to the Policy document and General Plan Land Use Map for the Boyle Heights Community Plan Area (Boyle Heights CPA); amendments to the Citywide General Plan Framework Element and Mobility Plan 2035; and the adoption of several zoning ordinances that support implementation. Three ordinances were adopted to directly implement the policy intent of the BHCPU through zoning standards, including a Zone Change Ordinance to rezone parcels across the entire Boyle Heights CPA; an ordinance to amend the LAMC Chapter 1A (New Zoning Code); and an ordinance to establish the Boyle Heights Community Plan Implementation Overlay District (Boyle Heights CPIO) to implement the Local Affordable Housing Incentive Program (LAHIP). Other ordinances remove the Boyle Heights CPA from the existing Clean Up Green Up (CUGU) ordinance, River Improvement Overlay District (RIO), and Adelante Eastside Redevelopment Plan in order to make the BHCPU consistent with citywide policy and enable its transition to the New Zoning Code. The BHCPU, including all implementing ordinances presented to the City Council when the BHCPU was adopted, were analyzed in the Boyle Heights Community Plan Update Environmental Impact Report (EIR), EIR No. ENV-2016-2906-EIR, ENV-2016-2906-EIR-ADD1, and SCH No. 2016091010, certified on September 25, 2024.

Following adoption of the BHCPU, the City Council requested that select modifications be made to several of the final implementing ordinances for the BHCPU to better implement the goals of the Housing Element. These modifications to the BHCPU are identified in a report that was submitted to Council File 23-0861-S1 on August 20, 2025, in response to the City Council's request and include refinements to bonus height, bonus floor area ratio (FAR), and bonus density incentives for the "LM" Form Districts offered through the BHCPU LAHIP to ensure that this program provides viable incentives for the production of new housing units, consistent with the policies and programs of the Housing Element, and to streamline implementation of the New Zoning Code. The modifications serve only to refine the form, scale, and density of potential development in the "LM" Form Districts, which are generally designated along transit nodes and corridors, and do not change permitted uses associated with corresponding Use Districts or otherwise rezone specific sites in the Boyle Heights CPA.

The following analysis is intended to examine the modifications to the BHCPU implementing ordinances, pursuant to SB 131, as those modifications implement Housing Element programs.

Compliance with Public Resources Code Section 21080.085.

Housing Element Programs Implemented by the Modifications to the BHCPU

Modifications to increase the bonus incentives offered through the LAHIP provide an overall increase in housing capacity throughout the Boyle Heights CPA wherever "LM" Form Districts are applied. This bolsters the rezoning strategy of the BHCPU and the overall schedule of actions in the Housing Element, to develop incentives that prioritize access to housing opportunities and increase production of affordable housing near transit. Approval of the Housing Element by HCD requires that the City continue to effectively implement all actionable programs, and cites those committed to the City's rezoning efforts to accommodate projected

³ See [Council File 23-0861-S1](#)

growth.⁴ The following Housing Element programs are supported by the modifications to the BHCPU that serve to increase housing capacity and production, as described below:

- Program 48 (Update Affordable Housing Incentive Programs): Through a streamlined ministerial process, the LAHIP provides height, FAR, and density increase bonus incentives, as well as parking reductions, in exchange for development projects dedicating a percentage of their overall units as covenanted affordable housing units. The modifications to the BHCPU increase bonus incentives within the LAHIP, making the program more competitive and implementable as a strategy to further incentivize affordable housing development in the Boyle Heights CPA.
- Program 60 (Zoning Code Revision): The BHCPU relies on the recently adopted revision to the City's zoning regulations known as the New Zoning Code. Zoning districts and overlays within New Zoning Code facilitate mixed-use projects, increase density along commercial corridors, and incentivize the production of affordable housing units throughout the Boyle Heights CPA. Modifications to bonus incentives along corridors facilitate housing production and increased unit capacity.
- Program 65 (Plan For Housing and Place-Based Strategies in Community Plan Areas): The modifications to the BHCPU LAHIP prioritize rezoning at increased densities to better facilitate the creation of affordable housing in areas near transit and jobs, while retaining the existing affordable housing stock. These modifications work in tandem with the overall rezoning strategy of the BHCPU, which introduces development standards that allow for reduced rear yard setbacks, easing restrictions to facilitate infill developments such as Accessory Dwelling Units (ADUs) within existing residential developments. The BHCPU also adopts new Use Districts that permit new local amenities, such as corner stores within residential areas, and mixed-use residential developments along major corridors; new Frontage Districts which provide facade and access standards that reflect existing design and development patterns, while meeting the needs of the community; and new Form Districts which regulate the size and scale of buildings that correspond with the local neighborhood context. These modifications facilitate the BHCPU Community Benefits Program, which provides incentives for increased market-rate and affordable housing, as well as incentives for public amenities.
- Program 81 (Community Level Affordable Housing): The LAHIP provides tailored land use incentives with increased development rights in exchange for community benefits that meet the needs of the local community, including an affordable housing set aside percentage at the acutely low income level, larger family-sized unit requirements, and a requirement to provide affordable units for a term of 99 years. Modifications to the BHCPU improve the potential for the LAHIP to succeed as a competitive affordable housing incentive program that increases the production of affordable housing in the Boyle Heights CPA.

Housing Element programs focus on addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement, and promoting sustainability and resilience. The BHCPU guiding principles of promoting housing affordability and safeguarding against displacement, vibrant neighborhood and commercial districts, fostering a healthy and sustainable community, creating safe and accessible streets, and the preservation existing business and of job producing uses, align with those of the Housing Element, and are furthered by the modifications to the BHCPU.

⁴ [City of Los Angeles 6th Cycle \(2021-2029\) Adopted Housing Element](#)

Subdivision (b) (1) Analysis

Specific rezoning categories are ineligible for CEQA exemption pursuant to PRC 21080.085. (a), as established by Subdivision (b) (1):

(b) (1) Subdivision (a) does not apply to either of the following:

- (A) A rezoning that would allow for the construction of a distribution center or for oil and gas infrastructure.*
- (B) A rezoning that would allow for construction to occur within the boundaries of any natural and protected lands as defined pursuant to Section 21067.5.*

Distribution Centers and Oil and Gas Infrastructure

The modifications to the BHCPU do not change the rezoning of use standards for distribution centers approved by the City Council on September 25, 2024 that expressly prohibit Wholesale Trade & Warehousing uses by right and only allow for such uses in the IX6 Use District with a Class 3 Conditional Use Permit. To the extent the IX6 Use District conditional use of distribution facility permits is not subject to the statutory exemption, those impacts were analyzed in the the BHCPU Environmental Impact Report (EIR)⁵ and mitigated as necessary. Additionally, active oil and gas infrastructure is not found or permitted in areas of the Boyle Heights CPA where the modifications to the BHCPU apply. The modifications to the BHCPU are considered eligible under Subdivision (a) for the purpose of this CEQA exemption as they do not include rezoning to allow for distribution centers and oil and gas infrastructure in areas where existing limitations do not permit such uses or require additional supplemental findings.

Natural and Protected Lands

The Boyle Heights CPA is a highly urbanized area of the City that does not feature significant natural and protected lands, as defined by PRC 21067.5 (a)-(p). While Hollenbeck Park does contain a small constructed lake, the modifications to the BHCPU covered by this statutory exemption do not apply in areas of the Boyle Heights CPA located within 300 feet of this wetland. An analysis of all natural and protected lands location categories listed below confirms that the modifications to the BHCPU are considered eligible under Subdivision (a) for the purpose of this CEQA exemption as they do not apply in areas of the Boyle Heights CPA with natural and protected lands.

Natural and Protected Lands Location Categories⁶

- (a) The state park system*
(Source: [California State Park GIS Data & Maps. Open Data Web Map](#))
- (b) A wilderness area*
(Source: [CHAPTER 1.3. California Wilderness Preservation System](#))
- (c) A marine protected area*
(Source: [State of California Department of Fish and Wildlife. Marine Protected Areas \(MPAs\)](#))
- (d) The national park system*
(Source: [National Park Service, Map Finder](#))

⁵ The BHCPU EIR (ENV-2016-2906-EIR, State Clearinghouse Number 2016091010), related EIR findings, Statement of Overriding Considerations, and Mitigation Monitoring program were certified on September 17, 2024.

⁶ The site location categories in this list are summarized for the purpose of this report. See [PRC 21067.5. \(a\) - \(p\)](#) for complete definitions.

- (e) *A national recreational area*
(Source: [National Park Service](#))
- (f) *A national monument*
(Source: [National Park Service, California](#))
- (g) *The national wild and scenic river system*
(Source: [National Wild and Scenic River System, Find a River](#))
- (h) *Any ecological reserve or wildlife management area*
(Source: [State of California Department of Fish and Wildlife, Ecological Reserves and Wildlife Areas of California](#))
- (i) *A hazardous waste site*
(Source: [California State Geoportal, hazardouswastesites](#))
- (j) *Within a regulatory floodway*
(Source: [U.S. Department of Homeland Security, FEMA Flood Map Service Center](#))
- (k) *Lands under conservation easement*
(Source: [California Conservation Easement Database, Data and Resources](#))
- (l) *On, or within a 300-foot radius of, a wetland*
(Source: [U.S. Fish & Wildlife Service, National Wetlands Inventory](#))
- (m) *An environmentally sensitive area within the coastal zone*
(Source: [California Coastal Commission, Coastal Zone Boundary](#))
- (n) *Lands identified for conservation in an adopted natural community conservation plan*
(Source: [State of California Department of Fish and Wildlife, Natural Community Conservation Planning \(NCCP\) - California Regional Conservation Plans Map](#))
- (o) *Within a very high fire hazard severity zone*
(Source: [Office of the State Fire Marshall, Fire Hazard Severity Zones](#))
- (p) *Either prime farmland or farmland of statewide importance*
(Source: [California Department of Conservation, California Important Farmland Finder](#))

As indicated, modifications to the BHCPU identified in the Boyle Heights CHIP (Citywide Housing Incentive Program) Reconciliation Report are eligible to be statutorily exempt from CEQA pursuant to PRC Section 21080.085. City Planning recommends the City Council determine that the modifications to the BHCPU are statutorily exempt under SB 131.

For questions regarding this report, please contact Kiran Rishi, Principal City Planner, at kiran.rishi@lacity.org, in the Department of City Planning.

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning

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