

ORDINANCE NO. _____

A Phased Implementation Ordinance to locally implement Senate Bill 79, "The Abundant and Affordable Homes Near Transit Act."

WHEREAS, the California legislature declared, through Senate Bill 79 (SB 79), also as "The Abundant and Affordable Homes Near Transit Act," was signed into law in October 2025, and described by the State as a matter of statewide concern to address California's housing crisis with incentives intended to enable additional density in excess of local zoning and land use regulations by increasing the capacity for housing in areas located within one-half mile of specified transit stops referred to as transit-oriented development zones (TOD Zones);

WHEREAS, SB 79 is chaptered in California Government Code Sections 65912.155 through 65912.162 inclusive, and contains provisions that allow a local agency to adopt an ordinance that would temporarily exclude sites from using SB 79 for a period that includes one year following the adoption of the seventh revision of a local jurisdiction's Housing Element of the General Plan;

WHEREAS, California Government Code Sections 65912.160(e) and 65912.161(b)(1) specify that exemptions from the application of SB 79 must be adopted by ordinance, and only apply where sites and TOD Zones meet specified criteria in those sections;

WHEREAS, the City's Sixth Cycle 2021-2029 Housing Element (Housing Element) was initially adopted on November 24, 2021, and later amended on June 14, 2022 (Council File Nos. 21-1230, 21-1230-S1);

WHEREAS, the City's Housing Element Rezoning Program (Rezoning Program), encompassing the Hollywood Community Plan (Council File No. 21-0934), Downtown Community Plan (Council File No. 22-0617), Citywide Housing Incentive Program (CHIP) (Council File No. 21-1230-S5), Housing Element Sites and Minimum Density Ordinance (HESMDO) (Council File No. 21-1230-S6), and Resident Protections Ordinance (RPO) (Council File No. 21-1230-S8), was adopted and effective as of February 11, 2025;

WHEREAS, the Rezoning Program responded to the City's Regional Housing Needs Allocation shortfall of 255,432 housing units, including a shortfall of 130,553 lower-income units, by creating capacity for more than 563,594 total units, including 195,877 lower income units;

WHEREAS, the City's adopted 2021-2029 Housing Element, the Citywide Housing Incentive Program, and the Rezoning Program are built upon years of public feedback from thousands of Angelenos, incorporate locally calibrated value capture tools, provide an abundance of incentive schemes for various housing typologies, and affirmatively further fair housing as defined in California Government Code Section

8899.50 by facilitating the development of housing near strong infrastructure in Higher Opportunity Areas as defined by the California Tax Credit Allocation Committee (CTCAC);

WHEREAS, SB 79 affords local jurisdictions the ability to select among several compliance approaches, with the City selecting a phased implementation approach to SB 79 through the instant “Phased Implementation Ordinance, in conjunction with the Low-Rise Ordinance, intended to, among other things, ensure that the City’s local implementation of state law does not conflict with the City’s existing local land use priorities, housing policies, City initiatives, and environmental concerns;

WHEREAS, the CHIP program builds upon transit-based housing programs, such as the Transit Oriented Communities (TOC) program (Ordinance No. 184,745) and the Affordable Housing Streamlining Ordinance, that establishes long-term the emergency expediting policies of Executive Directive 1 (Dec. 16, 2022) (Council File No. 23-0623-S1), both of which reflect the City’s ongoing commitment to significantly expand opportunities for building more housing near high-quality transit hubs and corridors in Higher Opportunity Areas;

WHEREAS, the California Department of Housing and Community Development (HCD) certified the City’s Housing Element and Rezoning Program on June 29, 2022, and June 18, 2025, respectively;

WHEREAS, on March 24, 2026, the City Council (Council File No. 25-1083) voted in favor of a phased implementation approach to SB 79 for all eligible sites identified in Government Code Section 65912.161(b)(1), with an accompanying ordinance to amend Los Angeles Municipal Code (LAMC) Section 12.22 A.38, consistent with the goals, value capture strategies, and priorities of the City’s existing Housing Element and Rezoning Program;

WHEREAS, it is the intent of this ordinance to maintain consistency with Government Code Section 65912.161(b)(1), inclusive of future amendments to expand areas eligible for phased implementation;

WHEREAS, in the absence of adopting this ordinance phasing the implementation of SB 79, effective July 1, 2026, California law would require the City to approve high-density multi-family development on sites: (1) within low resources areas, (2) covered by local transit-oriented development alternative plans, (3) within very high fire severity zones, (4) vulnerable to one foot sea level rise, (5) containing designated historic resources, (6) that already permit density and residential floor area ratios which are at least 50 percent of SB 79’s provisions, and (7) within a transit-oriented development zone where at least 33 percent of sites have permitted density and residential floor area ratios that are at least 50 percent of SB 79’s provisions, and where sites have densities that cumulatively allow at least 75 percent of the aggregate density under SB 79’s provisions;

WHEREAS, for the purpose of phasing the implementation, sites with a historic resource designated as of January 1, 2025 on a local register shall include Historic Cultural Monuments (HCM) and Historic Preservation Overlay Zones (HPOZ), consistent with Government Code Section 65912.161(b)(1)(F);

WHEREAS, the City proposes enactment of the Low-Rise Ordinance (Council File No. 25-1083-S3) and the Phased Implementation Ordinance (Council File No. 25-1083-S4) to facilitate compliance with SB 79, and does so without prejudice to, and shall not be construed as a waiver of the City's ability to file a protest or pursue other rights, remedies, and legal proceeding to challenge SB 79;

WHEREAS, City Council has broad powers in enacting ordinances to maintain the public health within its jurisdiction. (*Crown Motors v. City of Redding* (1991) 232 Cal.App.3d 173);

WHEREAS, this ordinance is required to protect public peace, health and safety by, without limitation, implementing the permanent and temporary exemptions provided by California law to protect sensitive sites;

WHEREAS, the City conducted an in-depth assessment of TOD Zones through mapping and modeling analyses, to evaluate sites within the City that are eligible for permanent and temporary exemption, and based on this information, the City released a draft map identifying all of the City as eligible for permanent and temporary exemption;

WHEREAS, the City's mapping efforts are subject to change given that SB 79, pursuant to Government Code Section 65912.160(f), authorizes the Southern California Association of Governments (SCAG), the region's metropolitan planning organization, to create maps of designated transit-oriented development stops and zones and update them as new stops become eligible;

WHEREAS, eligibility for the Phased Implementation Ordinance is contingent on the availability of a final map which has not yet been produced and approved by the Southern California Association of Governments, pursuant to California Government Code Section 65912.160(f), and in the absence of that map, eligibility has been determined based on currently available information and data;

WHEREAS, pursuant to California Government Code Section 65912.160(e), a local agency may declare that parcels in transit-oriented development zones are permanently exempt from SB 79's provisions, if the local agency makes findings, supported by substantial evidence, that: (1) there exists no walking path of less than one mile between that parcel and the transit-oriented development stop; or (2) the parcel is part of an industrial employment hub, as defined in Government Code Section 65912.160(e)(2);

WHEREAS, pursuant to Government Code Section 65912.161(b)(1), a local agency may declare that parcels in transit-oriented development zones are temporarily

exempt from SB 79 provisions, which exemption expires one year after adoption of the jurisdiction's seventh housing element revision; and

WHEREAS, the City has and will continue to comply with SB 79's purpose and intent, including without limitation, building more homes near transit access to promote environmental sustainability, foster economic growth, reduce traffic congestion, and continue Affirmatively Furthering Fair Housing.

NOW THEREFORE,

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

Section 1. Pursuant to California Government Code Section 65912.160(e), the City Council adopts this ordinance on eligible sites meeting one of the criteria referenced below, making the sites permanently exempt from Senate Bill 79, codified at Government Code, Title 7, Division 1, Chapter 4.1.5 (Senate Bill 79):

A. A site for which there exists no walking path of less than one mile from that location to the transit-oriented development stop (Gov. Code Sec. 65912.160(e)(1));

B. A site designated as an industrial employment hub if the City has at least 15 transit-oriented development stops. An industrial employment hub shall be a contiguous area of at least 250 acres designated in the City's General Plan on or before January 1, 2025, as an employment lands area; the parcels within it shall be primarily dedicated to industrial use as defined in paragraph (3) or subdivision (f) of Government Code Section 65912.121; and housing shall not be a permitted use on any of the sites so excluded (Gov. Code Sec. 65912.160(e)(2)).

Sec. 2. Pursuant to California Government Code Section 65912.161(b), the City Council adopts this ordinance temporarily exempting certain parcels from Senate Bill 79, for the period that is prior to one year following the adoption of the seventh revision of the City's Housing Element. This ordinance is adopted on eligible sites meeting any one of the criteria referenced below making the sites temporarily exempt from Government Code, Title 7, Division 1, Chapter 4.1.5:

A. A site that has been identified by the City which permits density and a residential floor area ratio at no less than 50 percent of the standards specified in subdivision (a) of Government Code Section 65912.157 (Gov. Code Sec. 65912.161(b)(1)(A)).

B. A site in a transit-oriented development zone in which at least 33 percent of sites in the relevant transit-oriented development zone have permitted density and residential floor area ratio no less than 50 percent of the standards

specified under subdivision (a) of Government Code Section 65912.157 and which includes sites with densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Government Code Section 65912.157 (Gov. Code Sec. 65912.161(b)(1)(B)(i)).

C. A site in a transit-oriented development zone around a transit-oriented development stop that is primarily comprised of a low-resource area which includes sites with densities that cumulatively allow for at least 40 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Government Code Section 65912.157 (Gov. Code Sec. 65912.161(b)(1)(B)(ii)).

D. A site in an area designated as low-resource on the most recently adopted version of the opportunity area maps published by the California Tax Credit Allocation Committee and the California Department of Housing and Community Development (HCD), and the City cumulatively allows for at least 50 percent of the total capacity for units and floor area as specified under Government Code Section 65912.157 across all transit-oriented development zones (Gov. Code Sec. 65912.161(b)(1)(B)(iii)).

E. A site that is covered by a local transit-oriented development alternative plan adopted by the City (Gov. Code Sec. 65912.161(b)(1)(C)).

F. A site within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within the state responsibility area, as defined in Public Resources Code Section 4102 (Gov. Code Sec. 65912.161(b)(1)(D)).

G. A site that is vulnerable to one foot of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment (Gov. Code Sec. 65912.161(b)(1)(E)).

H. A site with a historic resource designated as of January 1, 2025, on a local register (Gov. Code Sec. 65912.161(b)(1)(F)).

Sec. 3. By enacting this ordinance, the City Council grants the Director of Planning with the power and duty, consistent with City Charter Section 553, to issue and update maps with eligible transit-oriented development sites meeting the criteria for permanent or temporarily exempt status pursuant to Government Code Sections 65912.160(e)(1)-(2), 65912.161(b)(1)(A) - 65912.161(b)(1)(F), and 65912.161(b)(2), to ensure consistency with the most current transit-oriented development zones map published by the Southern California Association of Governments or additional guidance from the California Department of Housing and Community Development.

Sec. 4. Pursuant to the City's local housing incentive programs, including, without limitation, LAMC Section 12.22 A.38, all parcels within the City's jurisdiction are subject to temporarily exempt status under Government Code Section 65912.161(b). Unless otherwise provided, the City's subsequent adoption of a transit-oriented development alternative plan for either a transit-oriented development zone(s) or transit-oriented development stop(s) will not impact this ordinance. The Director of Planning, or the Director's designee, shall notify the City Council when updates to the maps are published.

Sec. 5. Pursuant to California Government Code Section 65912.160(c)(2), the City Council determined that this ordinance is not a project for purposes of the California Environmental Quality Act (California Public Resources Code Sections 21000 et. seq.).

Sec. 6. The City Council directs the Director of City Planning, or designee, to: (1) indicate on its public facing zoning map in the Zone Information and Map Access System (ZIMAS), which sites or transit-oriented development zones are and are not covered by Senate Bill 79's provisions; and (2) transmit a final copy of this ordinance to HCD no later than 60 days after it takes effect.

Sec. 7. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health or safety for the reasons set forth herein. This ordinance is required to take effect immediately upon publication to preserve the quality of life within the City. SB 79 applies universally to development sites within one-half mile around all eligible transit stations regardless of whether they are in healthy, lower resource, or hazardous areas, failing to take into account whether sites are within very high fire hazard severity zones; industrial areas; areas with displacement pressures; vulnerable communities; or areas with past zoning or environmental injustice. The City's 2021-2029 certified Housing Element commits the City of Los Angeles to plan for housing in a way that addresses past patterns of discrimination and exclusion, and strives for greater affordability, equity, and sustainability citywide through prioritizing growth in areas shown to have positive life and health outcomes by encouraging infill development in high opportunity areas near access to jobs, transit, amenities, and neighborhood services. Adoption of this ordinance to phase implementation of SB 79 would provide more time to evaluate alternative plan options and consider approaches to address issues such as health, safety, and displacement pressures. Charter Section 253 authorizes the City Council to adopt this ordinance as an urgency ordinance that takes effect immediately upon its publication when it is adopted by a minimum three-fourths vote of the Council.

Sec. 8. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional,

without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
KIMBERLY HUANGFU
Deputy City Attorney

Date June 17, 2026

File No. _____

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted.


VINCENT P. BERTONI, AICP
Director of Planning

Date June 17, 2026

"M:\Real Prop_Env_Land Use\Ordinances Active\Senate Bill 79\SB 79 - Phased Implementation Ordinance"

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____