

## MOTION

California faces a serious housing affordability crisis. Over the last few years, in an effort to stimulate the construction of much-needed housing, the State has enacted numerous bills to streamline local land use approvals, and limit discretionary review. No matter how well-intended, Statewide legislation cannot always take into account the nuances of the zoning codes of every local jurisdiction in California, and can sometimes cause unintended negative consequences in a local jurisdiction like Los Angeles, where the interplay between State law and our local zoning code has led to absurd results that could streamline projects under circumstances that bear no resemblance to the intent of the legislation.

California Government Code sections 65912.100 *et seq.*, the *Affordable Housing and High Roads Job Act of 2022* (the “Act”), is intended to provide a streamlined approval process for eligible housing development projects along commercial corridors. The clear intent of this legislation, as expressed by its plain language and its legislative history, is to facilitate housing development along true commercial corridors that “are typically the location of strip retail centers and parking lots” and “facilitate transit use and other non-vehicular modes of transportation.” “This bill expands the potential sites where housing can be developed, while directing development away from existing residential neighborhoods – in particular, existing single-family neighborhoods.”<sup>1</sup>

That is a laudable goal, and one which the City supports. More than 20 years ago, the City facilitated mixed-use housing development to revitalize older commercial corridors when it created Residential/Accessory Services (RAS) zones. In 2017, at the direction of Los Angeles voters who enacted Measure JJJ, the City created the Transit Oriented Communities (TOC) Program. In 2021, the Council strongly supported the Southern California Association of Governments (SCAG) allocation of more than 450,000 housing units to the City in the Regional Housing Needs Assessment (RHNA); and in furtherance of that goal has adopted the Citywide Housing Incentive Program (CHIP), including the Mixed-Income Incentive Program (MIIP) and Affordable Housing Incentive Program (AHIP).

The Act defines “commercial corridor” solely in terms of street width, and includes all streets with a right-of-way between 70 and 150 feet wide; and makes projects eligible if they are located in a zone where office, retail or parking is a “principally permitted” use. AB 2243 (Wicks), which took effect January 1, 2025, made numerous changes to the Act in order to, in the words of the author, “make it easier to build more housing in the right locations.”<sup>2</sup>

One of the changes amended the Act to provide that parking uses are considered “principally permitted” whether or not they require a Conditional Use Permit. In Los Angeles, this seemingly innocuous change—which, while mentioned in some of the dozen committee and floor reports on the bill, was not discussed in any of them—radically expanded the applicability of the Act beyond true commercial corridors into single-family neighborhoods, and made it easier to build in the *wrong* locations, specifically, low-density neighborhoods in Very High Fire Severity Zones.

The Los Angeles Municipal Code—the Zoning Code (Municipal Code Section 12.24 W 37), currently allows public parking areas in the Agricultural (A) or Residential (R) zones by a discretionary review process through the application of, and if granted, through the issuance of a Conditional Use Permit (CUP). The expansive availability of parking by CUP was well-intentioned, reflecting that parking can be a beneficial use, particularly on A- and R-zoned parcels where parking supplements commercial

<sup>1</sup> AB 2011, Assembly Floor Analysis (8/29/22) (retrieved from [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202120220AB2011#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB2011#)).

<sup>2</sup> AB 2243, Assembly Floor Analysis (8/31/24); Senate Floor Analysis (8/29/24) (retrieved from [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202320240AB2243](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240AB2243)).

development or religious and educational institutions, or in the future to provide congregate electric vehicle charging.

Nevertheless, under our current Zoning Code, the Act has the unintended consequence of allowing large scale affordable and mixed-income housing projects on any A or R zoned parcel on a street that is more than 70 feet wide, including in Very High Fire Severity Zones similar to those ravaged by the Palisades and Eaton Fires. That is contrary to the intent of the Act and contrary to good planning policy.

For that reason, the Zoning Code should be amended to allow parking by CUP only in those areas where parking can reasonably be expected to provide a benefit and complement surrounding uses; and eliminate the availability of parking by CUP in more sensitive areas.


As an immediate need, the City must disallow parking by CUP in the A zone, particularly in the A1 and A2 zones, and particularly in Very High Fire Severity Zones in Hillside Areas. In the longer term, the City should develop a more tailored approach in the R zones through further community and stakeholder public engagement and vetting.

**I THEREFORE MOVE** that the Council instruct the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, to prepare and present a proposed ordinance to amend Municipal Code Section 12.24 W 37 (*Public Parking Areas in the Agricultural and Residential Zones by Conditional Use Permit*), to disallow public parking in the A Zone; and to prepare a report with recommendations to consider modifying allowable public parking in Residential Zones in sensitive areas.

**I FURTHER MOVE** that the Council instruct the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, to prepare and present an Interim Control Ordinance (ICO) that prohibits the issuance of approvals and permits associated with any demolition, building, use of land, grading, and other applicable permits for public parking areas on parcels in the Agricultural (A) zone that are wholly or partially located in the Very High Fire Severity Zone or Hillside Areas.

**I FURTHER MOVE** that the ICO include an Urgency Clause, making it effective upon publication, and consistent with California Government Code §65858, the ICO shall run for 45 days, with a 10-month and 15 day extension by Council Resolution, and can be further extended for an additional 1 year, or until the adoption of the appropriate land use regulatory controls have been prepared by the Planning Department, adopted by the Council and become effective, whichever occurs first.

PRESENTED BY:

  
BOB BLUMENFIELD  
Councilmember, 3<sup>rd</sup> District

SECONDED BY:



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