

Communication from Public

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Date Submitted: 10/08/2021 08:56 PM

Council File No: 15-0129-S1

Comments for Public Posting: UN4LA submits the attached comments on the proposed Mello Act Ordinance. In order to protect affordable housing in coastal areas, the Ordinance must be modified before adoption. Please see our comments for details.



United Neighborhoods for Los Angeles

www.un4la.com

UN4LA Board

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October 8, 2021

Planning & Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Proposed Mello Act Ordinance, CPC-2019-7393-CA, CF 15-0129-S1, Comments

Members of the PLUM Committee,

United Neighborhoods for Los Angeles (UN4LA) is a community group formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. UN4LA's primary areas of focus are planning, development, budget/finance, environment/open space, and ethics.

In 1981 the State Legislature approved the Mello Act. Its purpose is to preserve residential units occupied by Low and Moderate Income households in coastal areas. Unfortunately, the City of LA has for decades allowed new development to undermine Mello Act protections, resulting in significant loss of affordable housing in the Venice Coastal Zone. The proposed Mello Act Ordinance contains flaws that, if not corrected, will continue to allow the loss of affordable housing in this area. We are submitting the following comments in the hope that the proposed Ordinance will be revised to reflect the Mello Act's intent to preserve affordable housing in coastal areas.

The Ordinance Must Prohibit Conversion/Demolition of 100% Residential Structures for Non-Residential/Commercial Use

The Mello Act States that, "The conversion or demolition of any residential structure for purposes of a nonresidential use which is not coastal dependent [...] shall not be authorized unless the local

government has first determined that a residential use is no longer feasible in that location [....]" The proposed Ordinance substitutes the words "unit or use" for "structure". The City must not approve this substitution, and must retain the word "structure" in order to be consistent with State law.

Zone Changes from Residential to Other Zoning Must Require Mello Act Compliance Review

In order to protect 100% residential structures, zone changes from residential to any other zoning must undergo review for compliance with the Mello Act.

The Ordinance Must Close Loopholes Which Have Allowed Piecemealing

In recent years, Mello Act Compliance Determinations have been issued as stand-alone approvals. The Ordinance must prohibit this practice. The Ordinance must also specify that if the related discretionary permit (CDP) is denied, the Mello Act entitlement is also denied. It does not continue to exist on a stand-alone basis. At the same time, letters from the Housing & Community Investment Department (HCID) identifying replacement affordable units must remain in effect so that they can be used as part of the Mello Act Compliance Determination for a new project.

Per Interim Administrative Procedures (IAP) Section 6.0, all Mello Act Compliance Determinations must be issued together with the related discretionary permit (CDP), and the discretionary decision for the underlying case must include any conditions required by the Mello Act Compliance Determination. In accordance with IAP Section 8.0, Mello Act Compliance Determinations are to be appealable.

Serial Development Must Be Defined to Include Work beyond Individual Property Line

A previous draft of the Ordinance defined Serial Development as work undertaken by the same applicant within the past five years on the same property "or within 500 feet of the subject property." The language regarding the 500-foot radius has been removed from this draft. It must be restored. This has been an area of ongoing abuse. Developers have repeatedly avoided Mello Act compliance by applying for approvals on multiple contiguous parcels that, in fact, were part of a single unified project. The language regarding the 500-foot radius will prevent this kind of abuse.

Process for Determining Feasibility of Residential Use Must Be Revised to Align with Mello Act and IAP

The Legal Aid Foundation (LAF) has submitted language to strengthen this process, reflecting the standards set forth in the Mello Act, Settlement, and IAP. Unfortunately, the proposed Ordinance has weakened existing standards. We urge you to adopt the revisions proposed by LAF in order to prevent abuse with regard to determinations of feasibility.

The City of LA has repeatedly declared, through planning documents and statements made by elected officials, that it is committed to protecting affordable housing in Los Angeles. Unfortunately, the City has not followed through on this commitment, with the result that thousands of Low and Moderate Income households across Los Angeles are suffering from the effects of gentrification and displacement. The proposed Ordinance must be revised to reflect the intent of the Mello Act, to protect existing affordable housing in coastal areas.

Sincerely,
Casey Maddren, President
United Neighborhoods for Los Angeles