

## Communication from Public

**Name:** Citizens Preserving Venice

**Date Submitted:** 10/17/2021 03:22 PM

**Council File No:** 15-0129-S1

**Comments for Public Posting:** We're writing with one purpose, to ask you to modify the draft Mello Act Ordinance to remove proposed section LAMC 12.21 H.c.7. Mixed Use (page 7), which states "A proposed mixed-use development may not result in a net reduction in the total number of existing Residential Units unless a residential use is no longer feasible. A mix of uses is permitted, so long as the structure provides all required Replacement Affordable and Inclusionary Units." The issue is simple--the Mello Act is a law that protects housing, and the City must not use this law to commodify and commercialize housing by allowing for changes from 100% residential structures/housing to non-residential mixed-use projects! Doing so not only violates the Mello Act and the Settlement Agreement, but it only enriches developers and speculators by allowing a more lucrative commercial use to replace a residential use and does nothing to protect housing or protect existing, and provide more, affordable housing. As per the May 4, 2021 letter from California Women's Law Center and Venskus & Associates (in the case file), allowing such mixed-use developments to replace residential structures actually encourages displacement, as with the "mixed use" loophole, developers are encouraged to demolish the building and erect a new one in its place, displacing the families living in older housing stock, which is always, by definition, more affordable than new units deemed "affordable" pursuant to federal and state law. As per Government Code 65590, the Mello Act: "The conversion or demolition of any residential structure for purposes of a non-residential use which is not coastal dependent ... shall not be authorized...." The exception for coastal dependent uses is a very narrow exception and it is clear that this provision was not meant to allow demolition or conversion for mixed use projects or any other commercial use. The City would exceed its jurisdiction by changing the wording and meaning of the Mello Act in this way. The City cannot read something into the statute's language that is not there. This ability for a conversion to a non-residential mixed use if the number of units/uses remains the same must be eliminated from the ordinance and specifically prohibited. Residential structures must be protected, as very specifically required by the Mello Act. Words have meaning in law, which cannot be arbitrarily changed. In addition, Venice's housing has

been harmed by the City allowing conversions of housing to non-residential use projects, such as 1214 Abbot Kinney (converted from a residential structure to mixed use retail but used as commercial office), 1301-1303 Abbot Kinney (residential structures now an unpermitted non-residential use and requesting a conversion to mixed use), 2 Breeze (was RSO residential structure, converted to a hotel), 1047 Abbot Kinney (demolition of residential structures for purposes of a mixed use hotel project), 811-815 Ocean Front Walk (requesting to demolish 100% residential structures for purposes of a mixed use restaurant project), and several others. One of the top 4 Citywide housing priorities in the City's pending Housing Element is "Preventing displacement and protecting Angelenos. There is a significant number of residential structures in commercial zones in the coastal zone—at least 300 properties, with over 2,200 units, almost 1,000 of which are RSO units. Allowing and even incentivizing commodification and commercialization of residential structures for mixed use projects would, contrary to that goal, cause a significant adverse cumulative impact of displacement of existing residents, mainly lower-income residents and people of color. The City Planning Commission (CPC) expressed some concern about this issue, but City Planning told the CPC that this issue should be resolved in the Community Plan Update. However, that is incorrect as the Mello Act applies to residential structures in any type of zone within the Coastal Zone. This is a legal issue of violation of the Mello Act state law and the Settlement Agreement, which cannot be fixed by making zoning changes. Lastly, proposed zone changes from residential to any other zone must not be allowed by Planning, in order to protect the character and use of 100% residential structures. Please add a requirement in the ordinance for a Mello Act Compliance Review for any requested zone changes in the Coastal Zone. We cannot afford another forty years of Mello Act abuse, which has resulted in accelerating displacement of longtime residents, significant loss of affordable housing, and major impacts on the character of the Venice special coastal community – not the least of which impacts is a housing mix that has shifted away from affordable multi-family housing to a proliferation of McMansions and changes from residential to commercial uses.



October 16, 2021

Re. draft Mello Act Ordinance  
Council File 15-0129-S1

**DO NOT ALLOW conversion of 100% residential structures to mixed use structures/projects**

Los Angeles Planning and Land Use Management Committee,

Citizens Preserving Venice (CPV) is a community-based organization with the goals of preserving and protecting the character and scale of Venice as a special coastal community, including its history, its social, cultural, racial and economic diversity and of stabilizing housing in Venice.

Today we're writing with one purpose, to ask you to modify the draft Mello Act Ordinance to remove proposed section LAMC 12.21 H.c.7. Mixed Use (page 7), which states "A proposed mixed-use development may not result in a net reduction in the total number of existing Residential Units unless a residential use is no longer feasible. A mix of uses is permitted, so long as the structure provides all required Replacement Affordable and Inclusionary Units."

The issue is simple--the Mello Act is a law that protects housing, and the City must not use this law to commodify and commercialize housing by allowing for changes from 100% residential structures/housing to non-residential mixed-use projects!

Doing so not only violates the Mello Act and the Settlement Agreement, but it only enriches developers and speculators by allowing a more lucrative commercial use to replace a residential use and does nothing to protect housing or protect existing, and provide more, affordable housing.

As per the May 4, 2021 letter from California Women's Law Center and Venskus & Associates (in the case file), allowing such mixed-use developments to replace residential structures actually encourages displacement, as with the "mixed use" loophole, developers are encouraged to demolish the building and erect a new one in its place, displacing the families living in older housing stock, which is always, by definition, more affordable than new units deemed "affordable" pursuant to federal and state law.

As per Government Code 65590, the Mello Act: "The conversion or demolition of any residential structure for purposes of a non-residential use which is not coastal dependent ... shall not be authorized...."

The exception for coastal dependent uses is a very narrow exception and it is clear that this provision was not meant to allow demolition or conversion for mixed use projects or any other commercial use.

The City would exceed its jurisdiction by changing the wording and meaning of the Mello Act in this way. The City cannot read something into the statute's language that is not there. **This ability for a conversion to a non-residential mixed use if the number of units/uses remains the same must be eliminated from the ordinance and specifically prohibited. Residential structures must be protected, as very specifically required by the Mello Act. Words have meaning in law, which cannot be arbitrarily changed.**

In addition, Venice's housing has been harmed by the City allowing conversions of housing to non-residential use projects, such as 1214 Abbot Kinney (converted from a residential structure to mixed use retail but used as commercial office), 1301-1303 Abbot Kinney (residential structures now an unpermitted non-residential use and requesting a conversion to mixed use), 2 Breeze (was RSO residential structure, converted to a hotel), 1047 Abbot Kinney (demolition of residential structures for purposes of a mixed use hotel project), 811-815 Ocean Front Walk (requesting to demolish 100% residential structures for purposes of a mixed use restaurant project), and several others.

One of the top 4 Citywide housing priorities in the City's pending Housing Element is "Preventing displacement and protecting Angelenos. There is a significant number of residential structures in commercial zones in the coastal zone – at least 300 properties, with over 2,200 units, almost 1,000 of which are RSO units. Allowing and even incentivizing commodification and commercialization of residential structures for mixed use projects would, contrary to that goal, cause a significant adverse cumulative impact of displacement of existing residents, mainly lower-income residents and people of color.

The City Planning Commission (CPC) expressed some concern about this issue, but City Planning told the CPC that this issue should be resolved in the Community Plan Update. However, that is incorrect as the Mello Act applies to residential structures in any type of zone within the Coastal Zone. This is a legal issue of violation of the Mello Act state law and the Settlement Agreement, which cannot be fixed by making zoning changes.

Lastly, proposed zone changes from residential to any other zone must not be allowed by Planning, in order to protect the character and use of 100% residential structures. Please add a requirement in the ordinance for a Mello Act Compliance Review for any requested zone changes in the Coastal Zone.

We cannot afford another forty years of Mello Act abuse, which has resulted in accelerating displacement of longtime residents, significant loss of affordable housing, and major impacts on the character of the Venice special coastal community – not the least of which impacts is a housing mix that has shifted away from affordable multi-family housing to a proliferation of McMansions and changes from residential to commercial uses.

Sincerely,

Sue Kaplan, President  
on behalf of  
Citizens Preserving Venice

## Communication from Public

**Name:**

**Date Submitted:** 10/17/2021 08:54 PM

**Council File No:** 15-0129-S1

**Comments for Public Posting:** I support a strong Mello Act that preserves and creates the most affordable housing possible, and the recommendations made by POWER and Legal Aid Foundation of Los Angeles (LAFLA). I also encourage: Remove “off-site” compliance and make sure that all affordable housing created by the Mello Act is located in the same Coastal Zone neighborhood as the project. Improve the feasibility methodology and make sure that any feasibility studies are produced for the City departments and are not hired directly by developers Strengthen the assumptions of feasibility to ensure that 100% of housing that is currently affordable to low-income residents is replaced Thank you, Ann Dorsey Los Angeles, CA