

Communication from Public

Name: Andrea Leon-Grossmann

Date Submitted: 10/29/2021 07:21 PM

Council File No: 21-1230

Comments for Public Posting: Dear Committee members, We need adequate notice for public comment and public participation is provided before this housing element is approved. Moreover, it is EXTREMELY important to understand that we have an affordability problem and according to the California Department of Housing and Community Development, we have massively overbuilt market rate housing while we have severely underbuilt affordable housing, please see PAGE 30 of this report:
https://www.hcd.ca.gov/policy-research/plans-reports/docs/sha_final_combined.pdf
It is also important to distribute new housing throughout the city and not give in to pressure from developers and front groups that advocate to build most or all new housing in the Westside. The Westside is already gridlocked and what it really needs is social housing. If developers get their way, it would only get more market rate housing and no affordable housing so people who cannot work from home will have to keep commuting from long distances and few who work in the service industry would live in the Westside. Thank you, Andrea Leon-Grossmann CD5

Communication from Public

Name: Laura Meyers, United Neighborhoods NC

Date Submitted: 10/29/2021 04:02 PM

Council File No: 21-1230

Comments for Public Posting: The United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council (UNNC) has also filed this statement as a CIS, but we are refileing these comments to accompany our official letter (attached). UNNC supports a balance between the past, present and future: we value our historic neighborhoods, and we look to a prosperous future that includes change, growth and new residents. UNNC's area spans broadly diverse neighborhoods in the City's heart, inclusive of multiple ethnic, racial, cultural, and economic groups. Through this prism, UNNC backs the construction of housing at all market levels and types. UNNC supports most of the Housing Element as proposed. But we have some concerns (tackled in our 19-page comment letter) about the unique needs of families and individuals experiencing homelessness, an equitable distribution of housing throughout the city, and historic preservation incentives, among other topics. UNNC strongly supports policies that would result in NO NET LOSS of RSO or naturally occurring affordable units. UNNC wants incentives to be granted ONLY to projects that retain the RSO count and ADD new affordable units. UNNC also urges that the Housing Element Update revert to an objective or goal of CONSERVING NEIGHBORHOOD CHARACTER, not "architectural context," and define neighborhood character specifically as "scale, massing, setbacks, lot coverage, height, architectural context, and/or materials." If language in the Housing Element must be "objective," then describe prevailing setbacks as measured and calculated; average lot coverage of adjacent properties within a specified radius; adherence to the height district of the zone; and so on. Regarding the Missing Middle -- it is PEOPLE and NOT a building typology, such as bungalow courts. The Housing Element should focus on the middle class/working class families who can no longer afford to live in L.A. We hope the Housing Element (2021-2029) will have a positive impact on the quality of life in Los Angeles and all the neighborhoods that make up UNNC. Thank you.



September 22, 2021

TO: Los Angeles City Planning Commission
Housing Element Staff
Matthew Glesne, Senior City Planner
Blair Smith, City Planner

City of Los Angeles Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012

CC: Cally Hardy, Jackie Cornejo, Maya Abood, Nancy Twum-Akwaboah, and Ann Sewill

Comments on the 2021-2029 Draft Housing Element via email: HousingElement@lacity.org

Dear City of Los Angeles Housing Element Team:

Please accept the comments below regarding the Draft Housing Element Update/The Plan to House LA (2021-2029) provided by the United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council (UNNC).

Introduction

UNNC consistently supports a balance between the past, present and future: we value our historic neighborhoods, our existing communities, and look to a prosperous future that includes change, growth and new residents.

UNNC is one of the original neighborhood councils in the Los Angeles Neighborhood Council program. We were chartered in May, 2002, and held our first board elections in October of that year, initiating a land use committee in January 2003. We have been consistently recognized as thoughtful, organized, and providing service to the City to affect positive change in our community.



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Our neighborhood council area spans broadly diverse neighborhoods in the heart of the City, inclusive of multiple ethnic, racial, cultural, and economic demographic groups. The Council has a slate of active committees that engage in outreach, sponsor community events, and support local initiatives and non-profits. We actively participate in the development process with a rigorous Planning and Zoning committee. Our history with reviewing and supporting new development, which often includes housing, has been nothing short of most often finding a way to “yes” when developers work in good faith and open minds to address community input and concerns.

UNNC has proudly supported the construction of housing at all market levels and types. In the time period beginning in 2009 (where our records begin), we have actively worked with developers to help shape, and then approve, over 1,000 total units in that timeframe, with 540 of those being affordable, including senior housing, family housing and permanent supportive housing for those who have special needs and/or were formerly homeless. In addition, another 768 units in two large projects are in the pipeline which together may contribute at least another 118 affordable units. These are only discretionary projects where UNNC has a voice.

We have also taken an active stance regarding the retention of RSO units – there is no point in creating new affordable units if previous tenants have been displaced and there is no net GAIN of affordable housing units. We have an enduring interest in the creation of new housing while balancing the important goal of conserving UNNC’s character neighborhoods. This is one of the reasons that UNNC stakeholders and Planning and Zoning committee members have actively participated in the two most recent Housing Element updates.

This letter is UNNC’s official response to the Draft Housing Element. The basic concepts were approved by the UNNC Governing Board on September 2, 2021, with this final version ratified by UNNC’s officers on September 21, 2021. This letter is the culmination of work of many meetings of the UNNC’s Planning and Zoning Committee over several months. Our approach has been to read the Draft Housing Element individually among committee members, and come to the table to discuss ideas and concerns about what issues in the Element are pertinent to UNNC stakeholders. We have combined, consolidated, and fleshed out eight topics, listed below, being careful to always wrap the discussion back to concerns that directly affect UNNC and its stakeholders.

We do want to mention that our efforts were recently hampered when the Planning Department released a new, revised Draft Housing Element in mid-September. The document is nearly 100 pages longer than the original draft, and paginated differently, thus rendering it nearly impossible for UNNC (and other neighborhood councils) to quickly re-review the material. Our comments below do include a few notes about these new additions.



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The main discussion topics UNNC developed are as follows:

1. **Addressing the Unique Needs of Families and Individuals Experiencing Homelessness**
2. **The “Missing Middle”**
3. **Creating Generational Wealth for Historically Marginalized Communities**
4. **Preserving Affordable and Rent Stabilized Housing**
5. **Equitable and Proportionate Distribution of Housing Throughout the City**
6. **The Importance of Los Angeles’ Shade Tree Canopy**
7. **Conserving Character Neighborhoods**
8. **Historic Preservation Initiatives and Incentives**

Each topic has a reference to specific Goals, Policies, and/or Programs in the Draft Element that was the seed of the discussion. Each topic was championed by one committee member to research, write, and present the topic to the group. The whole committee then contributed to the discussion of each topic and the final drafting of this letter.

Comments

1. TOPIC: Addressing the Unique Needs of Families and Individuals Experiencing Homelessness

REFERENCE: Housing Element Goal # 5: A City that is committed to preventing and ending homelessness

The City of Los Angeles has approximately 42,000 women, men and children experiencing homelessness.

Chapter 2 addresses “constraints” on new housing development, including constraints related to inadequate public funding for homelessness housing (2-6). Chapter 6 describes goals, policies, objectives and programs, including multiple programs proposed (or existing) related to providing housing for those who are unhoused.

However, UNNC has identified some additional opportunities, and therefore offers these additional comments and proposed programs:

The unhoused are diverse in their housing needs. Although 40% are chronically homeless, and will need permanent supportive housing, the remaining 60% are able to thrive in the community using shallow subsidies and Housing Choice Voucher (formerly known as “section 8”). Regrettably, many housing providers (landlords/ landladies) find taking housing vouchers cumbersome. In addition, voucher and shallow subsidies rates are below market rate.



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The Housing Authority of the City of Los Angeles and the Housing & Community Investment Development Department offer holding fees and increased security deposits that make the cumbersomeness of vouchers easier to deal with, this does not address the lower rent amounts.

The City can make renting to a household with a housing vouchers and shallow subsidies more affordable to housing providers by:

- Eliminating Housing and Community Investment Development Rent Stabilization Ordinance fees for all units rented to a household with a housing voucher or taking shallow subsidies.
- Partnering with the County of Los Angeles to eliminate property tax for apartments that are rented to a household using a shallow subsidy or housing choice voucher.
- Do a better job focusing on the benefits to landlords of accepting housing vouchers (including an emphasis on the guaranteed, regular, on-time rent payments)

2. TOPIC: The “Missing Middle”

REFERENCES: Chapter 4, Adequate Sites for Housing; Goal 1 ~ Policy 1.1.8; Program 63; new Program 103

It is important not to confuse *people* with *places*. UNNC applauds staff for adding a one-page section on “The Missing Middle” but we were surprised to see that the expanded Draft Housing Element clarifies that the Planning Department’s idea of the Missing Middle – in this evaluation – is about Housing Typology, and not about Los Angeles’ moderate income and middle income residents.

The Housing Element document recognizes that middle income and even some higher income Angelenos are struggling to find affordable rentals and homes for purchase (page 6-1). There is a Policy (1.1.8) and Program (63) referencing the so-called “missing middle,” but this refers to an architectural and urban-planning strategy of increasing housing density. It does not directly refer to the housing stock that is “missing” for middle income Angelenos. We would like to see more programs that address the lack of housing stock for those families of middle income for the city (\$61,424 to \$184,271 [Pew Research Center]). A diversity of programs beyond some of the targeted down payment assistance programs are needed as even a down payment will not help if one’s income does not qualify them for a mortgage. The median home sale price in Los Angeles was \$923,000 in August (Redfin), and the demand at the lowest end of the price spectrum continues to be intense. Without targeted intervention, Los Angeles will struggle to retain middle income families contemplating moving to the Inland Empire or leaving the region altogether.

UNNC suggests that the updated Housing Element be more specific about both the current challenges facing housing creation and retention for the Missing Middle *people*, and also be specific about possible strategies and solutions.



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It is important to define this category. It is not clear, for example, on page 4-29, if the reference to “moderate income Workforce housing (150% AMI)” – or Area Median Income – is the same thing as the “Missing Middle”? Or would a “middle income family” be at the Median (in other words, in the exact middle) level?

A young teacher starting out might be expected to earn circa \$55,000 – below Los Angeles’s median income. The average pay for a restaurant chef in Los Angeles is \$48,000. The average pay for graphic designers is \$55,000. An MTA bus driver earns \$65,000 (about median income). At the City itself, entry level librarians earn less than \$55,000; service employees earn between \$34,000 and \$50,000; and City Planning Assistants appear to achieve the city’s median income, not the “moderate income” 150% of median.

This is the Missing Middle.

It is people, not just the type of housing. Moreover, it is not reasonable to assume that new “duplexes” that may be constructed would automatically not be market rate or even luxury units. UNNC’s current experience is that many new duplexes are three and four stories in height, with large square footage under roof and many deluxe amenities.

However it is properly defined, there is little or no “Workforce Housing” actually being built, and there are no requirements for new housing developments to consider such construction. The Housing Element should expand its evaluation of the challenges and potential solutions for this category.

Policy 1.1.8 points to the creation of new housing for the Missing Middle “particularly in High Opportunity Areas.” UNNC’s footprint is not included within the High Opportunities Areas map, and yet it is clear that our neighborhoods include – and communities throughout Los Angeles include – many residents who are a part of the large Missing Middle. New rental and sale housing for the Missing Middle should be spread throughout the city, as one of the most important challenges for families is for the next generation (if they so choose) to be able to settle in the neighborhoods where they grew up, near family.

UNNC also suggests re-evaluating the effectiveness of the Small Lot Subdivision Ordinance, which originally was intended to help create more affordable ownership solutions for the Missing Middle. But currently most of these projects result in homes fetching well over \$1 million, and some of these projects are actually being designed as rental housing crowding multiple individual renters into shared housing suites (often for student housing).

Our view is different than the staff view, which calls for an expansion (Innovations in Subdivisions, page 236) of the number of approved subdivisions to provide “90” lower income Small Lot Subdivision units annually. How exactly would the City help finance/subsidize one unit (much less 90 units each year) of *for-sale housing* when the new owner(s) not only would need to pay mortgages but also likely some form



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of homeowner association dues to maintain any common areas of the subdivision? The idea that the City would compel or even influence the purchase of 90 Small Lot Subdivision units each year by “qualified nonprofits” (which would then rent or sell them on a subsidized basis to lower income Angelenos) doesn’t seem rational unless a source of funds is also identified.

UNNC supports the idea of creating shared-equity models, including a citywide Community Land Trust (CTL) program, but we do note that one already-announced privately-generated CLT program is focusing on The Missing Middle – people, not places – which we applaud. As described on page 237 of the Draft Housing Element, it would appear that if public funds end up involved, then the focus would be on the much-needed affordable housing units, but not The Missing Middle.

In this same discussion of “shared equity” in the Draft Housing Element, somehow the “TICs” (Tenants In Common) are referenced. This could be troubling, because although currently this new model does offer lower prices for sale units derived from existing smaller multi-family buildings, likely that is because there are no subdivision entitlement requirements at this time and, worse, very little (or no) oversight of previous tenant displacements. This housing typology needs to be added to the zoning code, and then regulated – although, again, it does seem to provide First Time Buyer opportunities.

UNNC stakeholders have also identified City-owned surplus property as a possible source for adaptive reuse as Workforce/Missing Middle housing (that is, expand the focus beyond low income housing and create housing solutions for all levels of Angelenos.)

3. TOPIC: Creating Generational Wealth for Historically Marginalized Communities

REFERENCE: Chapter 1 page 1-33

Ownership trends vary significantly by age and race/ethnicity. Homeownership is becoming particularly out of reach for younger families, with a 13% decline in the number of owner-occupied households headed by individuals under 45 years old since 2010. With regards to race and ethnicity, the number of Black homeowners has decreased by 11%, while the number of Asian homeowners increased by 14% and Latinx by 4%. White homeownership fell by about 1%, while White renters increased by 14%.

REFERENCE: Chapter 6, Objective 2.2

Policy 2:

Promote more affordable ownership opportunities and ownership retention strategies, with an emphasis on stability and wealth building for underserved communities.



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Policy 4:

A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.

Homeownership continues to be a viable opportunity for the creation of generational wealth. Previous redlining efforts prevented many people of color from achieving this American dream. The continuation of creative efforts to encourage and prepare citizens for homeownership, with an emphasis on those in minority and immigrant communities, should persist with the expectation of and consequences for, future prosperity for families.

First time homeownership programs: Home ownership builds family wealth and community stability. But when the cost of a condominium or “starter home” in Los Angeles is over \$500,000, it is very difficult for the average family to save for the 20% down payment let alone cover the monthly mortgage payment. First time home buyer programs that assist with down payments, rebates that help lower the monthly mortgage payments and waving of city fees associated with buying a home, can help our middle and lower middle class community members become homeowners.

UNNC specifically supports Program No. 1 (Chapter 6, pg. 235) but we would like to see the goal expanded well beyond the current objective of just 75 loans over eight years to first-time low income buyers (80% AMI) and another mere 75 loans over eight years for first time moderate income buyers (80-150% AMI). These numbers – 150 loans total over eight years -- are a drop in the bucket. Even this number annually would be a drop in the bucket.

UNNC believes first-time homeownership programs are essential for our children to be able to purchase homes in the neighborhoods where they grew up, and to allow a new generation of UNNC stakeholders thrive and prosper.

4. TOPIC: Preserving Affordable and Rent Stabilized Housing

REFERENCES: Program 122, Anti-Displacement Strategies; and Program 125, Transit Oriented Communities

It is important to prioritize anti-displacement strategies along with the preservation of naturally occurring affordable units, not limited only to “RSO” units (given that there are many apartment buildings in the City constructed after the effective date of the Rent Stabilization Ordinance more than four decades ago, and single family homes that are essentially co-living arrangements with lower rents).



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UNNC embraces several of ACT-LA's proposals regarding the preservation of affordable units. ACT-LA wrote, "Preserving affordable housing—whether subsidized or naturally-occurring—is necessary to achieve housing policy goals and to ensure an equitable and inclusive city. This requires specific Housing Element goals, policies and programs aimed at eliminating the loss of affordable and rent stabilized units due to demolition or conversion, adequately monitoring our affordable housing inventory, and carefully assessing and mitigating the risk of homelessness before it occurs."

And specifically UNNC signs on to the following ACT-LA recommendations:

>> *Regulate demolition and condo conversions.*

Demolitions and condo conversions are city-regulated processes that often precede the direct displacement of tenants, often low-income renters of color. The City should follow the lead of other jurisdictions in California and set an annual allowance for the number of demolitions and condo conversions in a given area, such as a Community Plan Area. In addition, HCIDLA and the Planning Department should work with the LA Department of Building and Safety to ensure that demolitions are properly tracked and labeled. Currently, it is difficult for the data to be tracked from Planning Application to demolition and construction as permits go through various agencies such as DCP, LADBS and HCIDLA. Furthermore, to protect against premature demolition, the City should require that demolition permits be granted only after all building permits have been issued. The Housing Element should include policies and programs to effectively regulate demolitions and condo conversions, including but not limited to the following.

- Residential Conversion Annual Allowance. Establish an annual allowance for the number of condo conversions in a given Community Plan Area.
- Residential Demolition Annual Allowance. Establish an annual allowance for the number of residential units demolished in the Community Plan Area.
- Limit Residential Conversions. Residential Conversion Projects, as defined in LAMC Section 12.95.2, shall be denied if the vacancy rate in the Community Plan Area is five percent or less or if the cumulative effect on the rental housing market is significant.
- Restrict Residential Demolition Permits. No permit for residential demolition in the Community Plan Area shall be issued unless all necessary building permits have been issued for new construction on the site.

Conversely, UNNC would also like to see a program or programs that encourage(s) the creation of condominium and other ownership frameworks that do not also encourage displacement, and do help foster new homeownership opportunities for existing residents. Is it possible for the City to find homeownership opportunities for multi-generational community residents so the next generation can stay in our neighborhoods?



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>> *Reduce barriers for production of all affordable housing that does not result in the removal of existing units and/or displacement of tenants and that does not expose low-income communities of color to environmental harms.*

- Affordable Housing on Vacant and Underutilized Land. Explore a citywide program that allows the production of affordable housing on vacant land, commercial buildings, or in some buildings that have not been occupied in the last 10 years. We advocate for tighter restrictions and regulations around Ellis Act or other methods, such as land banking and Cash For Keys, that contribute to evictions and displacement.

>> *Replacement of 100% of demolished RSO units in addition to affordable units required by a Density Bonus Program*

In addition to our support for these specific ACT-LA initiatives, UNNC is also already on record as supporting not just a one-to-one replacement of any demolished RSO housing in TOC or other Density Bonus projects, but also a requirement that this replacement be additive to the number of specified affordable units required by the respective Density Bonus program in order to achieve incentives. Demolished units should not be included in the base affordable units.

UNNC has experienced a net loss of “naturally occurring affordable units” in several of the recent TOC or DB projects approved by the City. In one TOC case (pre-SB 330), five RSO units were demolished but only three affordable units are a part of the approved project. In another case, nine RSO units are planned for demolition, to be replaced by only 4 (or perhaps 5) new affordable units – with the developers each achieving incentives that dramatically increase the number of total market-rate units, the height, the massing and the FAR of the two respective buildings.

This is not the way UNNC believes it should be. The calculation should be: Replace all RSO units at their previous rental amount (with a right of return component) and add to that the required handful of dedicated affordable units in order to achieve the bonus incentives.

Specifically, the Planning Department in its presentations about the Housing Element is still saying that it has as its goal “minimizing the loss of RSO units.” UNNC believes this has not been an effective approach at all as we continue to lose more RSO units without adequate replacement units. We believe the goal needs to be a zero loss of “naturally occurring affordable units,” including but not limited to designated RSO units.

>> *Density Bonus Programs Should Limit the Number of Additional Incentives and/or Waivers for Projects That Are Not 100% Affordable*

As an additional note, except for 100% affordable units, these density bonus programs should limit the number of allowable incentives and should **not** allow “waivers” of development standards. A housing



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producer may always apply through different land use processes for waivers and multiple additional incentives (including zone changes), but for those who are not providing a significant number of affordable units the City should not have a simple “green light” program in the Housing Element.

To avoid abuse of the incentive system, the use of multiple off-menu or additional incentives should be reserved for those projects which offer significantly more affordable units than the bare minimum.

>> Carefully Consider Allowing the Utilization of TOC or Other Affordable Housing Density Bonus Incentive Programs for For-Sale Housing

UNNC would like to have the City explore the possibility of building moderate income and even low income for-sale housing, such as the Community Redevelopment Agency did decades ago in Monterey Hills, which provided first-time buyers with homeownership opportunities. However, the City should reconsider whether or not For-Sale projects (condominiums, and Tenants-In-Common/TIC projects) should be allowed density bonus incentives for affordable housing, at least not unless it is pre-defined as to whether the proposed affordable units will be subsidized and sold (and then, who will pay the HOA fees?), OR if the developer is planning to continuously own the units, renting them through HCIDLA.

5. TOPIC: Equitable and Proportionate Distribution of Housing Throughout the City

REFERENCES: Chapter 4, Adequate Sites for Housing (page 4-53), Affirmatively Furthering Fair Housing (AFFH) Analysis

REFERENCE: New Section in Updated Draft) Rezoning Program and Candidate Sites Inventory to Accommodate the Rezoning Need -- 50% Density Bonus (page 4-44); Faith-Based Owned Properties (FBO) (page 4-47)

In the past decade, UNNC has been highly supportive of new housing within our footprint. We have approved an estimated 1000 to 1,100 new units that had entitlement processes, and of those, fully half of the units are affordable.

That said, UNNC is committed to the idea of a “fair share” of housing being geographically distributed throughout all 35 Community Plans in order to take advantage of the resources that are today distributed throughout the city, and to ensure proportionate impacts to all communities.

We would like to remind the Planning Department that we have written about this important concept previously. UNNC lies with the South Los Angeles and West Adams-Baldwin Hills-Leimert Community Plan areas; when these two Community Plans were updated, together the new zoning represented 25% of the City’s entire potential new housing capacity, and that zoning capacity was concentrated between Pico and Exposition Boulevards, straddling the 10 Freeway.



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Another 15% of the City's housing unit capacity was within the Hollywood Community Plan. 40% of zoning capacity resting in just three Community Plans is clearly the opposite of "equitable distribution of housing throughout the city."

There needs to be zoned capacity for new housing spread throughout the City in a fair manner.

Per the Draft Housing Element, State Guidelines require that the lower-income portion of the mandatory housing unit allotments are not to be "concentrated in low-resourced areas (lack of access to high performing schools, distance from jobs centers, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty."

And the City's draft does say that housing will be equitably distributed, based on this guideline.

However, the Draft Housing Element is in conflict with itself. Although the majority of the High Opportunity Areas are well to the west of UNNC's footprint, and to the north in the San Fernando Valley, the document actually still shows about 200,000 units (of circa 450,000 RHNA) being targeted for low income areas. It appears that more than a third of the new units (capacity) are targeted to a handful of Community Plan Areas.

UNNC certainly recognizes that there are market constraints and barriers (e.g., much higher land acquisition costs) that especially impact the production of affordable housing (pages 2-3 – 2-4). But we do not see suggested solutions to this issue that would help achieve the goal of equitable distribution of housing to meet the needs of all, everywhere in the City. It is true that high land values are a factor in the location of housing, however, construction costs typically consume a much large portion of the final project cost. Is there a creative way for the City to help offset the cost of the land? Perhaps a program similar to Metro's Joint Development Program, where Metro retains ownership of the land, thereby eliminated that barrier to development?

When housing is distributed fairly, and to High Opportunity Areas, then residents are not just nearer to amenities, including schools, parks, transit – they are nearer to jobs. UNNC supports Goal No. 3, putting housing where it makes sense and where new housing can be sustainable, livable and resilient – noting that we are concerned about creating sustainable, livable and resilient neighborhoods and not just buildings.

We are concerned, when looking at the zoning analysis in Chapter 4 (page 4-65), at the discrepancy (that is, *historic discrimination*) on display. According to the Draft Housing Element, looking at "all land zoned to allow residential uses, approximately 76% of residential parcels in High and Highest Resource Areas are limited to single-family uses and approximately 20% are zoned to allow multi-family (see Table 4.28). In contrast, just 18% of the residentially zoned land in the areas considered High Segregation and Poverty is allocated to single-family uses, whereas over 80% allows multi-family development."



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And yet, the clear solution of creating more zoning capacity in communities other than our own – on and along such major thoroughfares as Ventura Boulevard in the Valley, and in High Opportunity Areas in West Los Angeles, is also meeting resistance. UNNC doesn't see a section on "overcoming resistance" in this document. Programs such as Number 67 (Chapter 6, page 286), involving training neighborhood council leaders on "Housing Topics," doesn't really feel like a practical strategy to effect real change.

In the most recent revision of the Draft Housing Element, staff has added several sections that would only further the imbalance rather than furthering the stated goal of evenly and fairly distributing new housing units among all 35 Community Plan areas, and specifically focusing new housing capacity in High Opportunity high resource neighborhoods.

Specifically, the rezoning proposals that would eliminate most development restrictions on "Faith-Based Owned Properties" and the unrestricted citywide proposal of 50% density bonuses (DB50) to allow for the "maximum" amount of affordable units would seem to target South Los Angeles more than they would target High Opportunity Areas.

The DB50 initiative would have an outsized impact on UNNC's footprint and, indeed, much of the geography bounding the 10 Freeway, the Expo Light Rail Line, and the new LAX/Crenshaw Light Rail Line. Why? Simply for the same reasons that we in South Los Angeles have long experienced an over-abundance of affordable housing construction compared to units for moderate-income Angelenos: The land is less expensive. But if the City's goal is to build in High Opportunity communities – where the land is not less expensive, then a new citywide ordinance/zoning code amendment must carve out exceptions to help guarantee that developers do not only utilize these bonuses in Low or Moderate Resource areas. This would be similar to the proposed Affordable Housing Overlay Zone (AHOZ) recommendation that it only apply in High Resource communities.

We would also urge staff to consider fine-tuning this DB50 recommendation to limit the use of a 50% density bonus to projects that offer at least 50% of the new units as RSO replacements combined with new affordable units. And some sort of disincentive for such developments in areas that are not High Opportunity neighborhoods.

UNNC also notes that most of the truly affordable (e.g., 100% affordable) projects do NOT ask to use the current bonuses (25-35%), because the construction costs become prohibitive.

Regarding Faith-Based Owned Properties (the "FBO" program): UNNC understands and applauds the social contract faith-based institutions have with their communities, and a desire to be able to provide the land for affordable housing projects that help fulfill their missions. Within UNNC's boundaries there are many examples of churches which have built housing on their grounds, creating senior and special needs complexes.



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So, while we agree with the intent of the idea behind the “FBO” program, we are also concerned about unintended consequences that might have neighborhood-specific impacts depending on the site and situation, which is so often the case with city-wide planning initiatives in such a diversely developed city. As such, this initiative may have an outsized impact on South Los Angeles, where we have scores of faith-based institutions located in lower density residential zones.

For example, advocating for parking is not popular now, but if a religious institution with a large congregation cannot provide parking it becomes a problem for an entire neighborhood each time there is a function at the building. The Draft Housing Element refers to “parking lots that are empty most of the time.” Some churches meet only weekly. Some meet 5 nights a week and on Sunday. Some faith-based organizations rent their facilities to multiple other faith-based organizations. So at first blush (noting this proposal is brand new in the revised Draft), UNNC would ask that as a part of an Affordable Housing Overlay, approvals would still be project-based to allow, on a case-by-case basis, a parking needs assessment and perhaps some other operational requirements.

6. TOPIC: The Importance of Los Angeles’ Shade Tree Canopy

REFERENCE: Chapter 6, Objective 3.1.5

Develop and implement environmentally sustainable urban design standards and pedestrian centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

REFERENCE: Programs #74 City Plants and #79 Housing and Ecology

Increasing the shade tree canopy is essential to the health and vitality of our residents. The parkways, street medians, and areas banking our interstates are all viable areas for planting trees and broadening our tree canopy. Every effort must be made to reduce the urban heat island effect and increase carbon sequestration. Additionally, mitigating pollutants is a top concern to our UNNC residents adjacent to Interstate 10. Each of these conditions can be combatted with an increase in our tree canopy. However, the greatest encumbrance to maintaining a newly planted tree and guaranteeing its survival is the required 15 gallons per week of water necessary for the first 5 years. This financial burden should not be placed upon our residents, many of whom are on fixed incomes. We request the development of a tree watering program to fund the watering of trees during this vulnerable 5-year period. Similarly, we recognize site conditions can present limitations for the planting of many large native trees. We therefore would like the city to increase curb bump-outs to accommodate the planting of large canopied native trees which in turn would provide sidewalk shade along commercial corridors with the hopes of increasing pedestrian traffic.



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UNNC would like to see the City exploring and proposing additional strategies and programs to conserve and grow our tree canopy citywide.

For example, the City should require that if trees are required to be planted, either on a property or as a public realm street tree, at the time of a housing development's approval, then this should be a more permanent requirement, such as covenants, with timed inspections to verify that required trees are present and thriving – to help guarantee the creation and maintenance of a tree canopy.

And please consider what the requirements ought to be when new developments request the removal of mature trees, and/or protected trees. The City's shade tree canopy is an important resource, and it includes trees on private properties as well as the public realm. But as more and more multi-family projects (both by-right and discretionary) are approved with waivers of required Open Space, what should be the appropriate equation for replacement of removed trees? The Draft Housing Element at this time does not seem to address this issue.

7. TOPIC: Conserving Character Neighborhoods

REFERENCE: Goal No. 3, A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos;

REFERENCE: Chapter 5 and Appendix 5.1, Evaluation of 2013-2021: Goals, Policies, Objectives and programs, which assess the “effectiveness” of the current Housing Element's programs, policies and strategies;

REFERENCE: Policy 3.1.2 and Program 58.

A key goal of the 2013-2021 Housing Element was placing “a strong focus on complete communities, illustrating the role of housing in creating and preserving vibrant neighborhoods.” This was a part of Prior Goal No. 2, “Creating Safe, Livable Communities,” which sought to “preserve, stabilize and enhance livability [and] sustainability in all neighborhoods throughout the City.”

UNNC has been a longtime advocate for the conservation of neighborhood character, along with the creation of new housing opportunities, especially along commercial corridors and major street arteries, in balance with that mission. So we are concerned with the current Draft Element's change in direction to exclude the phrase (along with the concept) of neighborhood character. In reviewing Chapter 5, which evaluates the effectiveness of the prior 2012-2021 (page 5-10), UNNC notes that the authors state that “References to ‘neighborhood character,’ which have been criticized as being too vague, have been replaced with language about architectural context and diverse cultural heritages within communities.”



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UNNC wholeheartedly embraces the adoption of language which reflects diverse cultural heritages within communities. However, **we strongly object to the deletion of the phrase “neighborhood character,”** and find the comment that it is “vague” somewhat disingenuous, given that it was clearly defined in previously-adopted Citywide design guidelines.

This is problematic for a number of reasons. *First*, “architectural context” is even more ambiguous than “neighborhood character.” Neighborhood character is historically well-defined as new buildings and developments that are compatible in terms of scale, massing, style, setback, height, lot coverage, and/or architectural materials with existing structures in the surrounding neighborhood. Within the context and definition of “neighborhood character,” architecture does not need to be exactly “matching” in style but rather an infill project can be a contemporary yet sympathetic design so long as it also is compatible with scale, massing, setbacks and lot coverage.

Conversely, do the authors of the Housing Element really mean that new development in a neighborhood dominated by, say, Craftsman or Spanish Revival styles must also be the same style exactly? If that’s not what is meant, then “architectural context” should not be the standard in the Housing Element.

Second, an emphasis on architecture is not only somewhat elitist, but it also **condemns the City to repeat the errors of the past by not allowing history and diverse cultural heritage to be easily designated and protected.**

UNNC and its stakeholders have experienced multiple cases over the years where the cultural heritage of a place was stigmatized because the building may not have had full “integrity” related to the date of its construction. For example, the Bank of Tokyo building in Jefferson Park was designed by a Japanese American architect who had endured relocation during WWII, studied architecture at USC after his repatriation to Los Angeles, and went on to design a building associated with Japanese-American families’ financial recovery in the 1950s. However, during a project’s entitlement case, Planning staff determined the building would not be considered a historic resource because A). it wasn’t the “best” example of the mid-century modern architectural style, and B). there were other examples of the architect’s work. Staff was unconcerned with the historical and cultural legacy of the building. UNNC and our stakeholders worked to counteract this approach from Planning by working with the developer proactively and creatively, ultimately saving the Bank of Tokyo building and integrating it into the proposed commercial project.

If we are to be a City that values the history of place, then an emphasis on architectural context is misplaced.



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Third, by changing the phrase from neighborhood character to architectural context, the Housing Element opens the door for future interpretation by both staff and project developers that if a project is proposed in a neighborhood that does not have architectural distinction, then there is nothing to “balance” in terms of designing projects to further Citywide Housing Priorities (3.1.2, page 229). This would be harmful to neighborhoods throughout the city.

The ambiguity comes into focus in Program 58 (page 278), which promotes “Development and Design Standards” for Community Plan updates, and calls out for designs at a neighborhood level to “protect existing architectural context” – but offers no definitions at all.

UNNC strongly urges that the Housing Element Update revert to an objective or goal of conserving neighborhood character, perhaps inclusive of architectural context, and define neighborhood character specifically as “scale, massing, setbacks, lot coverage, height, architectural context, and/or architectural materials.” If language in the Housing Element must be “objective,” then add language about *prevailing setbacks as measured and calculated; average lot coverage of adjacent properties within a specified radius; adherence to the height district of the zone; and so on.*

8. TOPIC: Historic Preservation Initiatives and Incentives

REFERENCE: Program 43. Historic Preservation; Goal #3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

SPECIFIC SECTION:

- *“General Fund Objective: Expand the number of HPOZs and HCMs. Process 25 Mills Act applications each year. Conduct an assessment of the Mills Act program to inform new implementation and processing strategies (including a consideration of waiving fees to lower income applicants). Expand the use of objective standards. Study the provision of a historic rehabilitation grant program for low-income homeowners in HPOZs. Partner with a non-profit to create a historic property rehabilitation technical assistance program to encourage and facilitate maintenance and restoration of historic properties in lower income communities. Designate historic and culturally significant neighborhoods as Historic Preservation Overlay Zones (HPOZs) and individual buildings as Historic-Cultural Monuments (HCMs). Such designations allow historic residential buildings to qualify for tax incentives and other incentives for their rehabilitation and adaptive reuse. Prioritize the initiation of proactive nominations of new Historic-Cultural Monuments that reflect the histories of communities of color within Los Angeles. Explore the provision of additional incentives for the rehabilitation of affordable housing and for low-income homeowners of historic properties in HPOZs. Expand the use of objective review*



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standards in HPOZ Preservation Plans for Accessory Dwelling Units and other entitlements that require ministerial review. Administer the Mills Act to allow qualifying owners of historic properties to receive a potential property tax reduction and use the savings to help rehabilitate, restore and maintain their homes. Utilize the results of Survey LA to inform DRAFT 2021-2029 Housing Element 6-41 City of Los Angeles Chapter 6 Housing Element 2021-2029 Housing Goals, Policies, Objectives and Programs future preservation decisions including identifying future HPOZs, conservation districts or HCM designation for single-family and multi-family buildings.

Much of UNNC's footprint is either designated as an HPOZ (we are home to four HPOZs: Western Heights, Harvard Heights, Jefferson Park and West Adams Terrace) or, now, as Character Residential CPIO Districts (Arlington Heights and Angelus Vista), while the remaining few not-so-designated residential blocks are nonetheless filled with period/character residences. Our main east-west commercial corridors date from the City's Streetcar Commercial heyday. One of our own policies set forth in our UNNC bylaws is preservation advocacy.

We support the expansion of the HPOZ/HCM programs, especially with the inclusions outlined in the Draft Housing Element. We recognize that our historic neighborhoods are not only architecturally significant, but also provide housing to the communities and families that have preserved them over the decades. It is correct to look at these resources not just as buildings, but as communities that add to the fabric of the city and which should be given the opportunity, and priority, to remain in place while also providing support to maintain their historic structures.

We also support, as we have in many of our existing HPOZs over the years, to include broader statements of significance for historic communities that include the cultural contributions of communities of color to their respective neighborhoods. We support the implicit idea in this Housing Element program that HPOZs should have tools to encourage preservation without gentrification, and that the essential character and history of many Los Angeles neighborhoods run deeper than the accepted hegemony of what is architecturally important or significant. In Jefferson Park, we were proud to have supported one of the earliest context statements and preservation plans in the HPOZ program that included broader cultural statements of the contributions of the Japanese American and African American communities that had significant contributions in the neighborhood's history long after most of the contributing structures were built.

However, UNNC has some concerns and some suggestions to make Historic Preservation in our community more equitable, and to provide greater financial incentives.



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First: The entire idea that the Office of Historic Resources can easily engage in practicing “objective standards” without first evaluating – with community input – each Preservation Plan essentially creates an irony: a Subjective Approach to so called “Objective Standards.” And, new State laws did not require that historic preservation review be subject to this – somehow City Planning has created a nexus between SB330’s mandate to utilize subjective standards in development project evaluations as applying to historical situations. There is a lot of controversy swirling around this concept, and it hardly seems a fitting inclusion in the Housing Element, much less an edict to expand the use of (*not objective*) objective standards.

Second: UNNC absolutely supports the idea of “Explore the provision of additional incentives for the rehabilitation of affordable housing and for low-income homeowners of historic properties in HPOZs” – so long as “and elsewhere” is added as a caveat (why just HPOZs? Why not Character Overlay Districts? What about individual HCMs? Or California Register or National Register Districts, including Thematic Districts?)

The City should fulfill its promise to treat the Character Residential CPIO Districts as “HPOZ Lite” Overlay Districts – as was stated by Planning Department staff that the City would do when these overlays were proposed to community members during the Community Plan Update process for both West Adams-Baldwin Hills-Leimert and South Los Angeles. Treat them as local historic districts. Make it clear on ZIMAS. Make the property owners eligible for incentives.

That said, there currently there are no real incentives for the majority of owners of historical properties, with the exception of a few (in context of the sheer volume of historical properties) higher-income owners with higher-market-value residences who have qualified for the Mills Act. Noting that the Mills Act no longer confers much in the way of tax savings to most owners of these properties, due to rising area rents and other factors.

The City should provide incentives that do not rely on either County or State decision-making or oversight. It could, for example, identify funds for grants or low/zero interest loans to help lower-income residents maintain their historical homes.

Regarding the Mills Act program, setting a target of 25 new contracts a year – or ten, or 50 – doesn’t matter, so long as the program itself suffers from high expenses to Mills Act property owners (application fees, contract fees and inspection fees now reaching well past \$5,000 and in some cases \$10,000) and a complete lack of any guarantees that qualifying for the Mills Act will result in any tax savings. There are some possible solutions. For instance, why doesn’t the City lobby Sacramento lawmakers to change the underlying Mills Act statute to delink the annual valuations from a rental revenue concept and instead simply have any and all approved Mills Act properties receive a standardized percentage decrease in their property tax rate? This would both eliminate the extreme complexities in the current California Revenue Code for Mills Act properties and at the same time offer certainty to both owners and municipalities.



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In addition, historic preservation (along with the preservation of cultural heritage sites) should become a housing strategy that plans for and maintains our older and historic buildings, many of which already serve as affordable housing. Historic preservation initiatives should not be seen as barriers to development, since a very small percentage of Los Angeles's parcels are currently designated as historic resources.

That being said, the City at this point has spent well over a decade conducting "SurveyLA" citywide (geographic) historic resources surveys along with multiple focused Context Statements on topics ranging from ethnicity heritage to subject matter (example: Industrial) that have identified many potential historic resources that are likely eligible and deserving of designation. It is important to teach our history to future generations while also retaining, per above, those properties that also constitute naturally occurring affordable housing.

UNNC agrees with other public comments that because SurveyLA helps identify individual historic resources and areas of contributing resources that qualify as potential historic districts, its data should be fully incorporated into the city's new Housing Element Update.

Conclusion

There is much to applaud in the 2021-2029 Draft Housing Element. UNNC is especially pleased with the City's attempt to help right the wrongs of past zoning patterns and decisions. Many of the ideas in this document are innovative and even ground-breaking.

UNNC would be grateful if there can be more focused language throughout the *final* Housing Element that makes it clear that the City recognizes that there are always neighborhood-specific impacts, and that proposed citywide initiatives may still evaluate specific sites and neighborhoods. As mentioned above, UNNC advocates for a balance between growth and change, while also conserving the livability and character of the diverse neighborhoods that together make up the United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council.

Thank you very much for considering UNNC's thoughts and concerns.

Laura Meyers

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Communication from Public

Name: Susie Shannon

Date Submitted: 10/27/2021 02:11 PM

Council File No: 21-1230

Comments for Public Posting: See attached comments for Item 5 of Housing Committee agenda for 10/27/2021 - Housing Element



October 27, 2021

VIA ELECTRONIC MAIL

Hon. Nury Martinez, Council President,
and Councilmembers
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: Item No. 5 Agenda of October 27, 2021 – Proposed Housing Element Update

Dear Council President Martinez and Councilmembers:

Housing is a Human Right is concerned that the Housing Element, in its current form, fails to meet the needs of low-income and unhoused communities and will lead to a continued increase in homelessness and gentrification throughout the City of Los Angeles without substantial modifications.

In the previous 8-year housing element cycle, the City of Los Angeles over-built market rate/luxury (above-moderate) housing by 70,110 units and underbuilt affordable (very low, low and moderate) housing by 35,024 units.

A status quo approach to policy will continue to widen this gap between the production of market rate/luxury housing for the affluent and the production of units for low-income / homeless housing for underserved communities. People of color are disproportionately represented in both low income and unhoused communities, raising issues of equity, diversity and inclusion in the Housing Element which does not adequately provide for the housing needs of these communities.

For these reasons, Housing is a Human Right opposes the adoption of the proposed Housing Element, unless amended in accordance with our environmental letter (sent under separate cover) and to make the following key revisions affecting the production of affordable housing units related to private housing development projects:

- **Enact Emergency City-Wide Inclusionary Housing To Fill The Gap** – Incentive-based programs have historically not worked to provide sufficient affordable housing within the City of Los Angeles. Based upon the City's

unprecedented 41,290 residents experiencing homelessness, and 1,383 deaths of homeless persons per year, it is imperative to exercise City emergency powers to make interim findings and impose an immediate city-wide inclusionary housing requirement on all moderate-income/luxury projects. Homelessness is a humanitarian crisis but it also presents a significant cost-burden to taxpayers. Developers who seek to build in the City of Los Angeles should be an integral part of solving that crisis by adhering to requirements for housing production for low income and unhoused populations.

- **Phase Out Above Moderate/Luxury TOC** – As evidenced by the under-development in affordable housing units and over-development of market-rate units in the previous 8-year cycle, City housing policies are creating an imbalance of market-rate/luxury to affordable units and therefore are not addressing the real needs of low income and homeless communities. We must end the City’s proposed reliance on the Transit Oriented Communities Density Bonus (“TOC”) program as a principal strategy to increase affordable housing in the City. Mathematically, the TOC program as applied to moderate/luxury housing projects, will never produce significant affordable units to meet the RHNA goals. TOC incentives, however, do remain relevant for 100% affordable projects and will help to close the widening gap between the City’s market rate and affordable housing units.
- **Protect Tenants Right of Return and One-for One Replacement** – Per the Housing Element, 25% of parcels in the recommendation Table 4.7 to be developed per RHNA in the Hollywood area alone have RSO units. As a condition to up-zoning, we must have an implementable policy to monitor, parcel by parcel, the right of return and one-for-one replacement of RSO units (including square footage and number of bedrooms consistent with the demolished apartment).
- **Quantify Capacity for Residential Units in Commercial Zones** - Existing zoning in the commercial zones of the City already have sufficient capacity to accommodate the Regional Housing Need Assessment (“RHNA”). The Housing Element uses a flawed model to contend there will be a shortfall of housing production requiring up-zoning. Such up-zoning would enable some 100% luxury projects without having to comply with any affordable housing component. This also undermines TOC.

The Housing Element Will Fail To Meet RHNA Affordable Mandates.

Under the state’s revised RHNA process, the City has been assigned the daunting task of approving at least 456,643 new housing units of which 259,812 (57%) units must be affordable, and 196,831 (43%) may be above moderate-income/luxury income. The affordable unit breakdown as assigned in the RHNA process is as follows: of the 259,812

affordable units, 115,978 very low income, 68,743 low-income, and 75,091 moderate income.

In comparison, the City is about to close out its previous eight-year RHNA cycle where the City had the following results: of the total 117,088 housing units permitted, 105,522 (90%) were above moderate-income/luxury units, even though only 38% of the City's households qualified as above moderate-income in the 2010 census. The remaining 11,566 of housing units permitted were affordable. Under the City's current policies, this level of affordable unit production was a stunning shortfall: the total number of very low, low-and-moderate income units produced was only 10% of units approved over eight years! During this same period, the City's homeless population exploded on the streets to 41,290 -- a 6,000 person increase in the most recent year. These numbers establish that for at least the last 8 years the City has allowed itself to fall far behind in the production of affordable units of housing while approving a glut of above moderate-income/luxury units, many of which sit vacant as passive investments by foreign investors.

The new Housing Element Update was the opportunity for the City's planners to propose bold, emergency action to reverse the City's General Plan policies and programs leading to this failure to meet the housing needs of the City's most vulnerable. But City Planning's draft plan essentially says: "Stay the course. Rely mostly on TOC to be enshrined permanently into the City's community plans/zoning, and consider years from now *possible enactment* of an inclusionary housing requirement, as a massive and unnecessary upzoning occurs." Programs 48, 121, 125, & 126. The proposal is a prejudicial abuse of discretion. It not only fails to demonstrate its programs will realistically guarantee the required minimum affordable units will be permitted in the next 8 years, it is a shocking dereliction of duty given planners have to know the current strategy is making more residents homeless.

In Los Angeles, homelessness and deaths on the street rise yet there is no urgency by City planners to address this death toll while the City "studies the feasibility" of an inclusionary requirement in a drawn out two-phased study. We have seen this language in previous plans of the City when there is no intention of the Planning Department to ever carry it out. Our elected officials must intervene to modify the Plan.

To Proceed Without An Emergency Inclusionary Housing Requirement Will Not Achieve Affordability Requirements As Set Forth In The RHNA Numbers And Is Not Proceeding In Accordance With Law

Cities adjoining Los Angeles (Santa Monica, Pasadena, West Hollywood, and even County of Los Angeles) all have enacted inclusionary housing requirements for residential projects proposed within their boundaries. These programs are simple: a developer proposing to build more than a minimum number of units is subject to a mandatory affordable housing set aside (say, 15%) of affordable units in the proposed building. The cities have some exceptions/alternatives for off-site or in lieu fees, but they are usually at percentages higher than those required in the building. These ordinances

are straight forward to administer. They provide certainty in the development community. Construction cranes are up in these cities that adjoin the City of Los Angeles, despite the existence of strong enforcement of the affordable unit production requirements.

Yet, the City's proposed Housing Element Program 126 is couched in the most tentative and selective language possible: "Inclusionary Housing **Feasibility** Study." The City proposes to study "feasibility of inclusionary housing" for two years and make some recommendations to Council, then, if Council directs further study, to go into a second phase to determine what selected areas of the City might be appropriate for this citywide "selective" strategy.

The City Council needs to take control of its Housing Element planning process and turn the Titanic from the iceberg of bureaucratic indifference. With over 60% of renters living rent-burdened in Los Angeles and 41,205 people living on the City's streets, we cannot wait for a two-phased study before considering the most proven effective important Program to produce significant affordable units – an emergency inclusionary ordinance enacted under the City's police powers. On an emergency basis, the City Council has the authority to study and adopt the findings of adjoining cities as an interim factual basis for the City of Los Angeles to immediately impose an inclusionary housing requirement on each new housing application for 5 or more units submitted to the Planning Department.

In 2015, the California Supreme Court validated the legality of inclusionary housing requirement for rental or for sale units. In 2018, AB 1505 legislatively overruled *Palmer v. City of Los Angeles*, a case that impeded the inclusion of affordable units in housing projects developed in the City. Six precious years have been wasted since the Supreme Court decision. The City Council must move immediately on this critical program in the City's Housing Element. Without it, the City will have no backstop to demonstrate to state reviewers that it can realistically reach the RHNA affordable housing goal.

TOC For Private Above Moderate-Income Luxury Housing Worsens The Affordability Gap.

A simple mathematical comparison illustrates why continued reliance of the TOC "incentive" to produce affordable units will only further impair production of affordable housing. The new RHNA affordable percentage required of the City is 57% of all residential housing in the City must be affordable and only 43% above moderate-income/luxury. But the TOC "incentive" program grants a significant unit density bonus to a developer who includes only 11% very low-income units in the complex, meaning the other 89% are above moderate-income/luxury units. The modest number of 100% affordable housing units produced each year cannot make up for the massive disparities of the TOC "give away" to developers. Continuation of the TOC, or even worse, its permanent enactment into the Municipal Code would violate the goals and policies of the Housing Element Plan to promote equity – instead it would perpetuate the institutional racism already built into the City's planning policies.

TOC Incentives Remain Appropriate For 100% Affordable Projects.

Non-profit affordable housing providers can expedite the development of affordable housing projects with some of the incentives available through the TOC Program, however, because the projects are designed as 100% affordable units, these TOC projects do not widen the gap between affordable and market-rate units as occurs if TOC is permitted to benefit private developer seeking to build housing.

The Zoning Capacity Along Commercial Corridors Can Meet The Entire RHNA Housing Requirement Without Need For Upzoning.

Experienced former City Planners such as Dick Platkin or Fran Offenhauser have submitted substantial comments why the commercial corridors of the City already contain sufficient residential capacity to accommodate the entire RHNA housing allocation. AHF adopts those comments in this matter. Without an inclusionary zoning requirement in place that guarantees the development of affordable housing, the up-zoning component should be deleted for projects that don't produce at minimum 20% affordable housing units.

Moreover, for developers whose parcels are up-zoned without the 20% affordable requirement, they will be able to develop higher density without having to use the TOC density bonus program. This also undermines the stated goals of the Housing Element.

SUMMARY

For the foregoing reasons, the City's Proposed Housing Element should, as a critical reform, be modified as outlined herein.

Warm regards,

Susie Shannon
Policy Director, Housing is a Human Right