

October 2021 Land Use Report (independent gathering of info – not an official NC document)

PENDING CITY MOTIONS:

CF 21-0972: To PLUM – Planning Dept with assistance from the Los Angeles Housing Department, to report with options for an Affordable Housing Overlay Zone or an update to the City's development incentive programs, to prioritize 100% affordable housing projects in high opportunity areas. To Planning and Land Use (Referred 8/31)

CF 18-1246: To PLUM. Planning Dept. report dated 8/31 re: short-term rental ordinance – Second /vacation home short-term rental proposed pilot program. (DCP report does not appear to recommend going forward on the vacation home program.)

CF 21-0002-S163: To Rules, Elections and Intergovernmental Relations Committee – relative to including in the City's 2021-22 State Legislative Program its position on ACA 1, which would lower the threshold for passage of financing of public housing or infrastructure from two-thirds to 55%.

CF 21-0002-S165: To Rules, Elections and Intergovernmental Relations Committee – relative to including in the City's 2021-22 State Legislative Program its position on SCA 2, which would repeal Article 34 of the State Constitution, removing a requirement that public housing projects be approved by voters.

CF 4-1635-S11 TO PLUM Home Sharing Registration. Instructs Planning with City Attorney and LAPD to report on the feasibility of amending LAMC Section 12.22 A 32, to allow for the immediate suspension of a City Home-Sharing registration when criminal activity is found to have taken place at a residence while being used as a short-term rental. (Referred 9/14)

CF 21-0658 At PLUM 9/21. Instructs DCP with HCID and DBS to report to the Council within 90 days with a strategic plan to streamline 100% deed-restricted affordable housing projects. The report should consider, among other strategies, increased Departmental resources to facilitate shorter staff review times, shorter appeal times, accelerated prioritization for 100% affordable housing projects over and above that already provided by Mayor Garcetti's Exec. Directive 13, modifications to site plan review thresholds, and use of an administrative review process for 100% deed-restricted affordable housing project; and , such report should address the staffing and resources needed to implement these strategies.

CF 21-1045 to PLUM. Instructing Planning Dept and DBS to report on how the City can implement SB9 with specific provisions for affordable housing and community land trusts. Also included is a reference to removing parking from housing not in proximity to transit. *see motion text below

CF19-0603 (Blumenfield) – Motion contains language to oppose the use of sustainable mass timber which is being opposed and questioned by Sustainability Alliance and others (who are lobbying him to remove that part of the measure).

CF 21-0867 at PLUM 10/5/21: Motion Krekorian-Martinez relative to requesting the City Attorney, with assistance from DCP and any other supportive City departments, to prepare and present an Ordinance to amend LAMC Section 12.22 and any other provisions of the LAMC concerning Large Family Day Care Homes to comport with CA Senate Bill 234.

CF 21-0600-S38 at PLUM 10/5 Budget recommendation to instruct DCP to report to PLUM on a cost-benefit analysis of telecommuting options within the DCP and feasibility of continuing telecommuting options following the pandemic, including potential impacts to existing in-person services that can be offered online through the DCP website, and the cost associated with that transition.

CF 21-0954 At PLUM 10/5/21. Relative to the reappropriation of DCP funds relative to active contracts with ongoing work that supports critical DCP programs including updates to the General Plan and Community Plans, and a transfer of funds within the special funding sources to Fiscal Year 21-22 accounts to allow the DCP to replace encumbrances swept at the end of FY 20-21, and related Controller instructions.

CF 21-1071 Coastal Equity and Environmental Justice Policy – To PLUM (Bonin-Rodriguez) Relative to directing the DCP, in coordination with the Office of Racial Justice, Equity, and Transformative Planning, to report with a program to develop a Coastal Equity and Environmental Justice Policy; and as further directed in this Motion.

CF 21-0002-S174 – Streamlined permitting procedures for housing projects: To Rules, Elections, and Intergovernmental Relations Committee (Bonin-Raman) Relative to including in the City’s 21-22 State Legislative Program its position on AB 500 (Ward), which would require local governments in the coastal zone to amend their local coastal programs, to provide streamlined permitting procedures for housing projects.

HOUSING ELEMENT: The document will go before the City Planning Commission on October 14.

The CPC agenda: <https://planning.lacity.org/dcpapi/meetings/document/70554> states that there will be a “limited public hearing.” (What is that and what does that mean to those who wish to testify?)

The staff report to the CPC can be found at:
https://planning.lacity.org/plndoc/Staff_Reports/2021/10-14-2021/Item_07_CPC_2020_1362_CPC_2021_5499.pdf

Written comments should refer to: Case No.: CPC-2020-1365-GPA, CPC-2021-5499-GPA, CEQA No.: ENV-2020-6762-EIR and be sent to cpc@lacity.org.

Rules for submission: *Secondary Submissions in response to a Staff Recommendation Report or additional comments must be received electronically no later than 48-hours before the Commission meeting. Submissions shall not exceed ten (10) pages, including exhibits, and must be submitted electronically to cpc@lacity.org. Photographs do not count toward the page limitation. Day of Hearing Submissions within 48 hours of the meeting, up to and including the day of the meeting are limited to 2 pages plus accompanying photographs and must be submitted electronically to cpc@lacity.org. Submissions that do not comply with these rules will be stamped “File Copy. Non-Complying Submission.” Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission, and will not be included in the official administrative record for the item at issue.*

BACKGROUND: State law requires cities to adopt and be governed by a General Plan which defines policy goals and objectives to shape and guide the physical development of the City. The General Plan is comprised of defined elements (such as mobility, open space, health) and includes the Housing Element which in LA is being referred to as "the Plan to House LA." The Housing Element identifies Los Angeles's housing needs and opportunities and establishes clear goals and objectives to inform future housing decisions. When the ongoing update to the Housing Element is completed, it will guide the creation and implementation of the City's housing policy from 2021 to 2029.

State law requires the City to update its Housing Element every eight years and demonstrate sufficient zoned capacity for housing to accommodate the number of units identified in the State's assigned Regional Housing Needs Assessment (RHNA). For this coming 8-year housing cycle, the State has assigned the SCAG (Southern California Association of Governments) region with a housing goal of over 1.2 million new housing units with LA's share pegged at 456,643 -- over 5 times the goal in the current 8-year housing cycle now ending. (Cities often incorporate a buffer which means that LA's goal is now determined to be 486,379 housing units -- broken down by income level of those to be housed (extremely low income, low income, workforce, market rate).

The City's process to develop the Housing Element has taken place primarily during the COVID pandemic. Many did not participate and are not aware of the details of the draft Housing Element and even those who were aware did not have full access to the draft document while it was being considered during earlier review and comment periods.

While the deadline to complete and submit the draft Housing Element is October 15th (the due date to the State HCID office), there is a 120-day grace period meaning that the final date for submission will be in mid-February 2022. The next steps in the consideration of the draft in LA are for the document to be reviewed by the City Planning Commission (scheduled for Oct. 14th), the City Council's PLUM (Planning and Land Use Management) Committee and the full Council.

CURRENT STATUS: When finally released, most citizens found it impossible to access APPENDIX 4.7 which lists upzoning potentials by property. The file was extremely large and did not open on most laptops. Further, it had no discernable organization making it impossible to navigate even for those who could open it. (Appendix 4.1 is now accessible; it initially was protected and could not be opened.)

Sometime recently, the City re-issued Appendix 4.7 (without any public announcement as to the revised Appendix' availability) so that it could be opened and viewed. However, the absence of any community outreach to provide clarity of information included and criteria for candidate sites and methodology and definitions of densities for upzoning categories listed in Appendix 4.1 and Appendix 4.7 renders the information now available extremely difficult to understand.

The City should provide the public with an explanation of the materials prepared and communities meetings should be held to explain the proposed impacts on all affected communities.

Cities have a 120-day grace period to submit the Housing Element to Sacramento and do not have to comply with the Oct. 15 deadline.

In the State's letter to the City in response to the draft submitted to HCD, it is noted (page 11):

<https://planning.lacity.org/odocument/19c55103-b943-4ab0-b397-61a7bee3d1e8>

Public Participation Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element includes a general summary of the public participation process (beginning on page 3-6 and Appendix E), it should also summarize public comments and describe how they were considered and will be considered and incorporated into the element. Further, the element could describe the language and culturally inclusive outreach program (p. 28) to demonstrate that the City engaged in meaningful outreach efforts to all segments of the community.

In addition, HCD understands the City made the housing element available to the public on July 1, 2021 without sufficient time for the public to comment prior to HCD submittal on July 7, 2021. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

The state was sent Appendix 4.7 for review while the public was not given that access to it during the DEIR comment process and prior to the comment period on the draft Housing Element.

POSSIBLE MOTION (draft from WNC not yet considered):

Given the lack of adequate outreach, clarity of information and criteria for candidate sites and methodology and definitions of densities or unzoning categories listed in Appendix 4.1 and 4.7, THE WNC THEREFORE requests that the City cease formal consideration of the document until community outreach, explanation of materials prepared and community meetings are held to explain the proposed impacts on all affected communities.

We further request written responses to the following questions and requests:

- a) Will the City/Planning Dept. provide Appendix 4.1 and 4.7 information broken down by Neighborhood Council area (or at the very least, by Community Plan area)?
- b) Will the City/Planning Dept. provide Appendix 4.1 and 4.7 information in PDF versions – static story maps for each area?
- c) Will the City please clarify whether or not the candidate sites and the shortfall sites includes zoning that incorporates the acknowledgement (and adoption) of SB 9

provisions? Is the State expecting draft plans to include SB 9 in the Housing Element drafts now due?

- d) Can an affordability component be incorporated into the implementation of SB 9 at the City level?
 - e) Can we be provided with an explanation for what appears to be the inability of the City to claim credit for ELI units that are built in conjunction of any expansion of the TOC program (wherein ELI units will only be given credit as “very low” income units. Can anything be done to get credit for the ELI units under the TOC program?
 - f) How can the Land Use Element speak to preserving single family neighborhoods when the Housing Element as drafted seeks to destroy them?
 - g) Why wasn’t more focus placed on the construction of housing on arterials and commercial corridors?
 - h) Communities now undergoing revisions of their Community Plans appear to be under the threat of “triple jeopardy” in that there will be upzoning defined within the Community Plan update but, in addition, as the updates to the Community Plans will not provide enough housing to reach the RHNA goals, the City is due to implement two additional strategies to reach RHNA. It would appear that the areas that are to receiving significant upzoning in their Community Plans then could (or will) be subject to additional upzoning when the additional upzoning strategies are applied (Citywide strategies and the proposed increased incentives under existing bonus density programs). That would suggest that the areas undergoing Community Plan will be impacted via ALL THREE upzoning/density increase initiatives. What can be done to remove the Community Plan Areas (and particularly those whose areas are identified as “high opportunity areas” from being subject to all three strategies which will unjustly and inequitably impact neighborhoods and communities. So-called “high opportunity areas” are not UNLIMITED opportunity areas and cannot absorb the types of densities that this plan suggests.
What can be done to remove the Community Plan areas from having the second and third density increases applied to them?
 - i) With the time remaining in the drafting cycle, can communities be provided with the target goals for their area for housing (by income level) and job opportunity so that we can attempt to determine where density is best placed? (We have been asking for those target figures since the community planning process began and have never been told.)
 - j) What process was used to select the Turner Center to participate in the creation of the model upon which the mapping capacities were calculated? Was there a contract granted? Was there an open bidding process? Other process? Were other models considered?
 - k) What is the rationale for removing reference to character neighborhoods and replacing it with “architectural distinction?” Why was this concept not addressed in the staff report?
 - l) Why was so little effort made to include public comment in the Staff Report to the Planning Commission (as little has been included to date).
 - m) If the document is approved with little change or “as is,” how much (if any) change will be possible in terms of removing locations to be upzoned from the maps submitted and to include others not included on current maps?
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ON THE LEGAL FRONT – Litigation challenging TOC program compliance with Measure JJJ unsuccessful News release from Ervin Cohen & Jessup LLP 8/13/21:

LOS ANGELES, Aug. 13, 2021 /PRNewswire/ -- The [Land Use](#) legal team at [Ervin Cohen & Jessup](#) (ECJ) secured a significant win for Los Angeles housing developers, housing advocates, and residents across the City. ECJ, representing developers of a 46-unit housing project at 5877-5891 West Olympic Boulevard (called The Olympic Project), and the City of Los Angeles successfully defended a lawsuit filed by activist group Fix the City, Inc. alleging that two housing projects (the other was located at 10400 Santa Monica Boulevard (the Santa Monica Project)) approved by the City Planning Department did not comply with Measure JJJ.

Under Measure JJJ, which was passed by Los Angeles voters in 2016, the City drafted Transit Oriented Community (TOC) Guidelines and has approved a total of 1,952 dwelling units (including 362 affordable units) and development incentives for projects located within a half mile of public transit. The Court upheld the legality of the City's TOC program and rejected all of Petitioner Fix the City's claims.

Honorable Mitchell Beckloff soundly disagreed with Petitioner's interpretations of Measure JJJ. "There are four requirements for TOC incentive eligibility: The project (1) is located in a "TOC Affordable Housing Incentive Area"; (2) provides required percentages of affordable units; (3) meets replacement unit requirements ...and (4) is "not seeking or receiving" a development bonus under another state or local program...Nothing more is required for eligibility."

The Court also strongly disagreed with Petitioner's other claim that the TOC Guidelines, which were drafted and approved by the City Planning Department in 2017, were somehow inconsistent with Measure JJJ - "Based on the foregoing, the Court finds the TOC Guidelines are consistent with and do not exceed the scope of Measure JJJ."

Finally, the Court rejected Petitioner's obvious facial challenge of Measure JJJ as untimely. Both the attorneys for the City and for the developers/Real Parties successfully argued that because Measure JJJ was passed by voters in November 2016 and the City approved the TOC Guidelines in September 2017, Petitioner was barred by the 90 day statute of limitation under Government Code section 65009 (c)(1).

The Court concurred – "To the extent Petitioner challenges the CPC's authority to have adopted and released the TOC Guidelines or the CPC's authority to do so, Petitioner's challenge must have been made within 90 days of September 27, 2017. ... It is clear Petitioner's challenge to the TOC Guidelines is a facial one. Accordingly, Petitioner's facial challenge brought years after the guidelines' adoption is time barred."

STATE HOUSING LEGISLATION UPDATE:

As many of you are aware, Governor Newsom signed into law both SB 9 and SB 10 just after his election victory, even though 71% of Californians oppose these bills.

Because these bills apply to all California towns of at least 2,500 population, they effectively outlaw single-family neighborhoods throughout the entire state, turning every neighborhood into multifamily regardless of impacts or infrastructure needs – and without requiring any affordable units whatsoever.

SB 9 takes effect January 1 and will require a City plan for implementation. Council President Martinez has introduced a motion that instructs the Planning Dept. to prepare a report on options for implementation. There may be options to reduce the negative impacts of SB 9 in LA; we will need to explore those options with Council District 5, our neighbors and all those concerned about this fake approach to addressing housing affordability and homeless challenges we face. SB 9 will allow for R1 lots to be split and for a duplex, ADU and Jr. ADU to be built on one lot, and a duplex on the other. Exact details are yet to be clarified. It is much more than the “duplex bill” it was presented and sold to the public.

SB 10 contains language that allows for cities to adopt in; it is not required of all cities. It is up to local governments to “opt in” if they should choose to implement it. If they do they will be able to upzone single family lots to allow up to 10 units per property. The measure also includes a very problematic clause that permits local governmental bodies to vote to overturn adopted voter initiatives related to land use/zoning. MANY believe that clause to be in violation of the California State Constitution and subject to challenge. And, in fact, a legal challenge to SB 10 has already been filed by the AIDS Healthcare Foundation. Stay tuned for more on this.

It remains hard to understand how these measures passed as they fail to include ANY requirement to provide any affordable or workforce units to meet the real missing housing so needed.

AB 1401: Did not advance in the current session but is expected to be reintroduced in January. That is Assemblymember Friedman’s measure to remove ALL minimum parking requirements from any types of development in proximity to transit – including residential, commercial, office projects, etc.

Communities for Choice / Californians for Community Planning Initiative

: <https://www.communitiesforchoice.org/>

<https://www.facebook.com/Save-Single-Family-Homes-101577218798217/>

Mayor Bill Brand of Redondo Beach is leading an effort with others from across the State to advance a statewide voter initiative specifically designed to return land use responsibilities to local municipalities and to **roll back** Sacramento’s measures including SB 9 and SB 10. That ballot initiative is preparing to launch. The initiative will clarify the State Constitution to clarify that, with limited exceptions, zoning and land use are local issues outside the jurisdiction of the state – it’s called the “Californians for Community Planning Initiative” (CCPI), (“Stop the Sacramento Land Grab”). For more information, go to: <https://www.communitiesforchoice.org/>

The measure is being titled and summarized and once that is done and the petitions printed, signature gathering will begin to qualify for placement on the November 2022 ballot. The campaign will need to hire marketing, polling and campaign consultants asap. They are soliciting both volunteer help and financial donations and are asking individuals and community groups to consider making a donation and to help get the word out and to gather signatures as soon as petitions are issued.

Many groups are involved with United Neighbors and Livable California – groups dedicated to solving the affordable housing crisis AND preserving single family and stable residential communities. We are all dedicated to the creation of the missing housing needed in the City but do not believe that our communities must be lost in order to achieve that goal.

Info from the initiative promoters: The new California ballot initiative <https://www.communitiesforchoice.org/> is much more than a David and Goliath battle; it is a War of the Worlds battle. It is a battle between the Elites who run Giant Globalist Corporations and We The People. It is playing out in many arenas but the destruction of Single-Family Homes will have one of the most profound impacts. If the globalist elites get their way, land now owned by individuals and families (“ the people” will be owned by institutional investors to generate income for investors to meet Wall Street expectations. The inability to compete with these giants will result in individuals and families no longer be able to own property and acquire wealth. We will no longer be able to pass on the fruits of our labor to our children and grandchildren. We will be nothing more than serfs.

The group behind the initiative is seeking volunteers and doing fundraising to support outreach and the signature gathering process.

FYI: The Housing Innovation Collaborative

The [Housing Innovation Collaborative](#) (HICo) is a nonprofit housing-focused research and development platform – the online platform is a virtual version of a "housing world's fair," showcasing the latest new construction, design, financing and policy solutions in a series of themed exhibitions. While HICo is based in Los Angeles, their examples and best practices span cities and countries and have broad applicability. HICo's past work has included creating the largest open-sourced database of rapidly deployable shelter solutions in the world: [The Rapid Shelter Showcase](#). In partnership with the United Nations High Commissioner for Refugees, U.S. Department of Housing and Urban Development, Federal Emergency Management Agency and California Governor's Office of Emergency Services, they have partnered with major cities across the U.S. to showcase how they are ending homelessness with rapid shelter and social impact bonds programs through [Project Spotlight](#).
https://housinginnovation.co/?utm_source=SCAG+Community&utm_campaign=9e1f0d15a5-HOUSING_2021_09_14&utm_medium=email&utm_term=0_d8c0406cae-9e1f0d15a5-1308226094

FYI: Includes link/reference to “The Essential Housing Campaign:” --
<https://housinginnovation.co/essential/>

An ambitious public-private community development campaign to build more than 130k new homes for essential workers in Los Angeles by the 2028 Summer Olympics...

FEDERAL ACTIVITIES

Federal Housing Bill Creates New Support and Incentives for Planning – American Planning Association is advocating to obtain Federal support for zoning reform. They have been pushing for the following bill said to expanding housing supply, address affordability and tackle social equity challenges in part by targeting single family neighborhoods and seeking incentives for city's to remove such zoning. There are efforts to include this legislation in the Reconciliation process as well as to include Maxine Waters' Housing as Infrastructure Act of 2021 which includes within it language targeting single family zoning.

From APA: A bipartisan bill that would empower planners to reform zoning and development codes, create housing action plans, and modernize regulatory structures has been introduced in Congress.

The **Housing Supply and Affordability Act** would create a powerful new grant program inside the USHUD that gives planners and cities, counties, and regional coalitions access to \$ 1.5 billion in new funding and technical assistance to overhaul local rules that continue to stymie housing supply and availability and drive up housing costs.

Pushing for federal incentives and assistance for code and zoning reform is a top priority for APA in 2021.

***Text of CF motion 21-1085 (Martinez-Cedillo):**

Los Angeles is the most overcrowded city in the country with over 13% of residents living in overcrowded conditions, defined as any household with more than 1.5 residents per room. In neighborhoods across the city, multiple families crowd into a single house or apartment as well as illegally converted garages and accessory dwelling units. This results in dangerous conditions due to building and safety violations and has been linked to Los Angeles high rate of Covid transmission. The root cause of Los Angeles' overcrowded housing is the city's sever lack of other affordable options. Senate Bill 9 (Atkins) presents an opportunity to address overcrowding. This law was signed by Governor Newsom on September 16th and allows homeowners to split their property into two separate lots if they are in an urbanized area and it is zoned singlefamily. They can then build two units of housing on each lot by right. Senate Bill 9 was opposed by the City Council as well as many neighborhood groups and community organization because it could lead to gentrification and change the character of many single family neighborhoods. However, due to overcrowding, many of R1 zoned lots in Los Angeles are no longer single family. They also disproportionately house low-income residents. Now that Senate Bill 9 is law, there is an opportunity to use it to address these conditions while also producing affordable housing.

I THEREFORE MOVE that the Department of City Planning and Building and Safety report back on how the city can implement SB 9 with specific provisions for affordable housing and community land trusts, including:

- More flexible lot split ratios, building size, access requirements and set back requirements.
- Easing parking restrictions for properties not located near high quality transit.
- Streamlining permitting and creating a nominal fee.

This report should also identify strategies for using SB 9 to upgrade dangerous and overcrowded housing conditions and provide ownership opportunities for low income tenants.