

Communication from Public

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Date Submitted: 12/08/2024 04:11 AM

Council File No: 21-1230-S5

Comments for Public Posting: The State sent a letter to the City on Nov. 18 indicating that the Housing Element with the CHIP ordinance as adopted by the City Planning Commission (and now the PLUM Committee) meets all requirements for State certification of the Housing Element. This WITHOUT any adoption of the upzoning of R1 properties presented in Exhibit D options. People who seek to upzone R1 properties via the Housing Element do not fully understand why blanket upzoning of R1 properties in the Housing Element this is a terrible idea fueled in large part by the misrepresentation as to the amount of land that is zoned for R1 housing that could be more densely developed. The figure of 70 percent or more is wrong because 35 percent of that land cannot be used for denser uses. Remember that there is a mountain range separating the City from the San Fernando Valley, mountains ringing northern LA County, and beach areas subject to tidal incursion (amplified by climate change). There are areas of sensitive biological resources that must be protected. We do not know what percent of LA's land is zoned for residential uses (vs. other uses) which means we can only calculate the percentage of RESIDENTIALLY zoned land is zoned R1 and available for development and that figure is 45%.... significantly less than the 70+% thrown around by Controller Mejia, Abundant Housing and other anti-R1 density advocates. And, remember that the number will be even LOWER when ALL of LA's land is included in the calculation, not just residentially zoned land. SECOND: If areas of R1 land are to be upzoned in the future, for whatever reason, that process should and must take place as part of the Community Plan process so that the most appropriate areas are upzoned. There are many reasons why a public process should take place to locate where higher densities should be placed -- including the fact that such planning needs to keep in mind how the City can deliver essential services and whether adequate infrastructure exists. A hodge podge of new density wherever developers choose to build will make it difficult to efficiently meet the needs of new residents in a cost-efficient process. Of the utmost importance is the need to understand that there is value in planning for viable, sustainable, livable neighborhoods. Developers' (and speculators') primary interests are to generate profits. They build housing to generate returns on their investments. They are neither equipped to or interested to

address the critical issues related to building community nor are they concerned with the negative impacts their projects may bring. IF blanket upzoning of R1 properties were to be adopted via one of the options presented, any efforts to correct or fine tune such zoning would require a commensurate UPZONING of other areas of the City for it would be considered to be downzoning by the State. Upzoning R1 in the Housing Element would tie the hands of the Planning Dept., City Council and communities across LA from addressing unintended negative consequences. The City would be allowing developers and speculators to become LA's planners -- cherry picking properties to maximize profits. There is great value in upholding a transparent, participatory planning process that directs development to areas most appropriate and that establishes and maintains a framework for future development. There are many programs that now incentivize development and expedite project review. There is no reason to upzone R1 properties via the Housing Element, and with the State's pledged certification of the CHIP Ordinance as passed by PLUM, the City Council should move swiftly to ratify the measure during its upcoming consideration.

Why upzoning of R1 neighborhoods in the Housing Element is a very bad idea

Misleading information about housing and zoning is everywhere

NOTE: The State reviewed the CHIP Ordinance as adopted by the CPC and PLUM Committee and in a letter transmitted to the City the night before the PLUM hearing, notified the City that the State will certify LA's Housing Element with the current version of the CHIP Ordinance without Exhibit D's R1 upzoning options.

Current efforts to upzone R1 neighborhoods have been based on the misleading and dishonest characterization that over 70-75% of LA's land is zoned R1—thus suggesting that to meet housing goals, R1 zoning must be changed. (And, with ADUs, Jr. ADUs, and SB 9, R1 zones have already been modified to allow for higher density -- up to 6-8 units on a single lot under SB 9.) It must first be clarified that it is 70-75% of LA's **residentially zoned land** that is zoned R1, not all of LA's land.

It is additionally false to suggest that nearly three-quarters of LA's land is limited for housing development because it is zoned R1, because that fails to acknowledge that **a large portion of that land, 35% of it, CANNOT be developed for higher uses**. It is located in the hillsides of the Santa Monica Mountains that connect the LA Basin with the San Fernando Valley and in other hillside communities, in high fire severity zones, in coastal tidal areas and additional sensitive locations where adding density is not possible. The City's own Housing Element document acknowledges the 35% exemption buried on page 210 of Chapter 4.

"Much of the city's single-family zoning is in ecologically sensitive and hazardous areas of the city. In fact, approximately 35% of the parcels of the city's single-family zoning are in Very High Fire Hazard Severity Zones (VHFHSZ) or areas with vulnerability to Sea Level Rise (SLR) exposure."

Both the City and the media, including the LA Times, Daily News and LAist, have failed to acknowledge and report on this important distinction.

In fact, taking this 35% figure into account, less than half of LA's developable residential land (45.5%) is zoned R1. (It is LESS than 45.5% because the Planning Dept. has not provided an answer to the question as to what percent of LA's land is residentially zoned. When that figure is known, the total percent of R1 zoned developable land can be calculated.)

Yet, housing density advocates, continue to target R1 neighborhoods knowing full well that the Housing Element program provides more than adequate capacity to meet housing goals, including the furthering of fair housing objectives with ample parcels available on commercial corridors, through transit oriented and affordable housing incentive programs, via adaptive reuse, the construction of ADUs, SB 9 projects, etc.

As the Staff Report notes, there is no need to implement upzoning of R1 properties as a Housing Element overlay. There are more than ample opportunities for the development needed to meet the ambitious state goals. (Note that those goals are based on now-outdated population projections made prior to the Covid pandemic and knowledge of its full impacts that has led to population decreases.)

Among the worst consequences of blanket R1 neighborhood upzoning as outlined in the proposed Single-Family Consideration options, is that this approach allows developers and speculators to cherry pick where new density goes—rather than having deliberate planning done via **Community Plans** where it belongs, to identify where best placed, and where services & infrastructure can best be delivered to meet the needs of the residents. Deliberate planning ensures that negative impacts can be minimized or avoided.

Many now advocating for R1 broad upzoning have **no idea** that upzoning via the Housing Element would tie the City and Council's hands and make it difficult, if not impossible, to fine tune the measure to address any unintended negative impacts as the State would view such efforts to be downzoning and would require equivalent upzoning elsewhere to make up for any zoning corrections attempted. They are also unaware that upzoning can be done if needed in the future, via the Community Planning process where the areas to be upzoned can be identified based upon sound planning principles and a public input process in an open, community-based, organized and transparent manner – not by opening up communities to opportunistic developers who are not planners and whose goals do not include the planning of livable, sustainable, viable communities.

Developers do not have the skills or interest to take on that task nor are they inclined to do so. They are in business to generate profits. REIT and corporate goals formulated to generate high rates of returns for investors should not be the forces that shape our neighborhoods and city and often contribute to rent increases that exceed the CPI and residents' earnings. (When investors are offered 10-20%+ earnings, those profits can only be generated through ongoing rent increases and/or through the sale or flipping of properties at vastly increased prices.)

The approach suggested in the Single-Family Consideration options presented in Exhibit D represents the abandonment by the City of its responsibility to do planning. It is the City's duty to create a framework that balances all interests and does not abandon its responsibility to current and future residents to ensure that livable communities are the end result of the Housing Element program – **not** the production of housing alone.

Rezoning land does nothing to ensure affordability. And the trickle-down theory of economics applied to the housing market has not been proven to produce affordable housing in any city studied.

Studies document that blanket upzoning often undermines housing affordability and fails to lower housing costs.

--Professor Patrick Condon's study of the Vancouver housing market in his book: Broken City: Land Speculation, Inequality, and Urban Crisis, notes "If adding new density, new "supply", brought down prices, Vancouver should have the cheapest housing in North America. It has the most expensive." He further notes that what is being labeled a 'housing crisis' -- is actually an affordability shortage. In Vancouver it was documented that upzoning does not solve the problem and that, in fact, it worsens it by fueling speculation and driving up land prices.

--Tim Redmond in 49 Hills writes: "So the model of the government getting out of the way and allowing the private market to work its magic by the old rules of supply and demand isn't working, hasn't worked, and won't work. It can't – unless we fundamentally change the rules of the speculative late-state Capitalism urban housing market."

--The Harvard Business Review in "The Market Alone Can't Fix the U.S. Housing Crisis" comes to a similar set of conclusions and notes that upzoning essentially transfers wealth to landowners along select corridors, while displacing existing affordable housing for small businesses and renters, leading to gentrification. Upzoning gives away land value to developers without effectively addressing housing affordability.

The Review notes:

"The most extreme version of "trust the market" housing policy is the common refrain — popularly associated with the "Yes in My Backyard" (or YIMBY) cause — that zoning rules are a primary, if not the primary, cause of the present housing crisis. YIMBYs call for the reform or abolition of zoning rules that prevent construction of duplexes, triplexes, and other multi-family housing, along with rules on minimum lot sizes and parking requirements. This cause is commonly captured in the slogan "legalize housing." The idea is to get out of the market's way and let the drive for profit solve the problem.

Profit considerations, however, mean that more liberal zoning rules are at most necessary, but not sufficient, to increase the supply of housing. Just because private developers can build housing does not mean they will. Liberalization of zoning regulations appears to increase the supply of housing, but the effect is rather modest. Summarizing the findings of a co-authored paper, [Yonah Freemark](#) of the Urban Institute — a leading researcher on land-use reforms — told an interviewer, “[W]e found the average upzoning would result in a 0.8% increase in housing supply in the short- to medium-term after the change, three to nine years after the upzoning.” That is not nothing, but hardly lends strong support to the cause of zoning reform.”

"The country's housing crisis will not be solved through simple deregulation of zoning laws and building codes — it requires ambitious public action. Federal, state, and local governments must pursue stronger public governance of housing markets, undertake systematic planning, and build homes themselves."

The production of low-income housing requires government support in the form of financing and tax incentives. One of the main sources financing low-income housing production was lost when Community Redevelopment Agencies were done away with during a past State budget crisis. The long process to obtain approvals from assorted different low-income housing funding sources suggests that local governments and the State need to better coordinate the deadlines and agency reviews related to the processing of project applications which often face uncoordinated application deadlines and funding expiration dates.

The recent passage of LA County's ballot Measure A will provide funds to help support affordable housing construction (among other goals). Los Angeles' earlier passed Measure ULA, the luxury home tax, also raises money for affordable housing and homelessness initiatives.

The [CHIP draft #3](#) (https://planning.lacity.gov/plndoc/Staff_Reports/2024/09-26-2024/CPC_2023_7068_CA_CPC_2024_387_CA_CPC_2024_388_CA.pdf) does NOT recommend the blanket rezoning of R1 properties and has the strong support of United Neighbors' network of communities across very different economic, ethnic and geographic areas the City.

In approving Draft 3 of the CHIP Ordinance, the City Planning Commission passed on to PLUM and the City Council consideration of the CHIP and other Housing Element Ordinances. Accompanying the documents will be Exhibit D - "Single-Family Considerations" in the Planning Dept's staff report (pages 830-895 of the 2050 page CHIP program, Exhibit D). The City Planning Commission did not vote to support Exhibit D. Many of those testifying in the audience urged them to do so.

United Neighbors from across the City support Draft 3 of CHIP and strongly oppose the upzoning of R1 properties via the Housing Element.

From the State HCD letter of November 18, 2024

(https://clkrep.lacity.org/online/docs/2021/21-1230-S5_misc_11-18-24.pdf):

HCD finds that these draft ordinances and additional documentation align with the objectives and specific commitments of the housing element programs noted above, including the statutory requirements pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivisions (h) and (i). For example, the draft rezone, as proposed, would address the full shortfall, permit multifamily development with 20 percent affordability without discretionary action, and identify more than 50 percent of its lower-income RHNA shortfall in higher resource areas.