

## Communication from Public

**Name:** Marjorie Gross

**Date Submitted:** 11/15/2024 09:17 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I SUPPORT Draft #3 of the Housing Element WITHOUT Appendix D options. Density should be placed on our commercial corridors where new vibrant neighborhoods can be created in each high-resource community, while protecting existing single-family neighborhoods, RSO multifamily neighborhoods, HPOZs that are the historic heart of our city, and our vulnerable communities in high fire and coastal zones. There is plenty of capacity in L.A. to meet our housing needs and at the same time preserve a wide range of housing options. All of us will be part of the solution to create affordable housing in L.A.

## Communication from Public

**Name:** Mike McCormick

**Date Submitted:** 11/15/2024 05:59 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I SUPPORT Draft #3 of the Housing Element WITHOUT Appendix D options. Density should be placed on our commercial corridors where new vibrant neighborhoods can be created in each high-resource community, while protecting existing single-family neighborhoods, RSO multifamily neighborhoods, HPOZs that are the historic heart of our city, and our vulnerable communities in high fire and coastal zones. There is plenty of capacity in L.A. to meet our housing needs and at the same time preserve a wide range of housing options. All of us will be part of the solution to create affordable housing in L.A.

## Communication from Public

**Name:** Olivier Schreiber

**Date Submitted:** 11/15/2024 06:18 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I am writing to protect single-family neighborhoods throughout Los Angeles and in support of Draft #3 of the CHIP/Housing Element Rezoning ordinance without the included the Exhibit D “options” (Council File 21-1230-S5) that would open up single-family neighborhoods to needless development. The Planning Department, in its report, clearly states that they have identified enough opportunities throughout our city to rezone to meet the State’s mandate for housing without the need to rezone our single-family areas. Here are some facts to consider. 1. The Department of City Planning has already acknowledged that rezoning single-family neighborhoods is not necessary to achieve the housing goals CHIP set out to reach. 2. State law already allows a duplex and two ADUs on each and every residential property. Single-family zones do and will continue to contribute to the housing inventory with thousands of ADUs. 3. An "unholy alliance" of housing-at-any-and-all-costs-any-time-anywhere ideologues using an inflammatory narrative and greedy investor / developers seeking to increase the value of their R1 real estate holdings by deregulating single-family neighborhoods to allow more density are collaborating to re-zone R1. Allowing apartments in single-family neighborhoods will not right the wrongs that in the past prevented people from buying homes. Instead, it keeps more people as renters. People need the opportunity to buy affordable homes so they can build generational wealth. Ending single-family zones will take away upward economic mobility from current and future generations of Angelenos. 4. Draft # 3 without Exhibit D options already includes a comprehensive plan for adding housing in all our high resource areas on our commercial corridors. If planned correctly new, vibrant neighborhoods can be created in each of our communities that include new affordable single-family homes for sale along corridors that abut existing single-family neighborhoods. We must help families, who have lost hope of owning their own home, achieve that goal. You are deciding on an existential issue affecting hundreds of thousands of Angelenos. I ask you to respect the diversity of housing which makes Los Angeles the remarkable city that it is. Please vote to Approve Draft #3 without the options contained In Exhibit D. Respectfully, Olivier Schreiber 366 North Van Ness Avenue, Los Angeles,

California 90004

## Communication from Public

**Name:** Keith Johnson

**Date Submitted:** 11/15/2024 06:28 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I am writing to protect single-family neighborhoods throughout Los Angeles and in support of Draft #3 of the CHIP/Housing Element Rezoning ordinance without the included the Exhibit D "options" (Council File 21-1230-S5) that would open up single-family neighborhoods to needless development. The Planning Department, in its report, clearly states that they have identified enough opportunities throughout our city to rezone to meet the State's mandate for housing without the need to rezone our single-family areas. Here are some facts to consider. 1. The Department of City Planning has already acknowledged that rezoning single-family neighborhoods is not necessary to achieve the housing goals CHIP set out to reach. 2. State law already allows a duplex and two ADUs on each and every residential property. Single-family zones do and will continue to contribute to the housing inventory with thousands of ADUs. 3. An "unholy alliance" of housing-at-any-and-all-costs-any-time-anywhere ideologues using an inflammatory narrative and greedy investor / developers seeking to increase the value of their R1 real estate holdings by deregulating single-family neighborhoods to allow more density are collaborating to re-zone R1. Allowing apartments in single-family neighborhoods will not right the wrongs that in the past prevented people from buying homes. Instead, it keeps more people as renters. People need the opportunity to buy affordable homes so they can build generational wealth. Ending single-family zones will take away upward economic mobility from current and future generations of Angelenos. 4. Draft # 3 without Exhibit D options already includes a comprehensive plan for adding housing in all our high resource areas on our commercial corridors. If planned correctly new, vibrant neighborhoods can be created in each of our communities that include new affordable single-family homes for sale along corridors that abut existing single-family neighborhoods. We must help families, who have lost hope of owning their own home, achieve that goal. You are deciding on an existential issue affecting hundreds of thousands of Angelenos. I ask you to respect the diversity of housing which makes Los Angeles the remarkable city that it is. Please vote to Approve Draft #3 without the options contained In Exhibit D. Respectfully, Keith Johnson 5042 Rosewood Los Angeles, 90004

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## Communication from Public

**Name:** Emma Howard (CD13)  
**Date Submitted:** 11/15/2024 03:23 PM  
**Council File No:** 21-1230-S5  
**Comments for Public Posting:** See attached for Councilmember Soto-Martinez's letter regarding the CHIP program



HUGO SOTO-MARTINEZ  
Councilmember, Thirteenth District

November 15, 2024

Honorable Members of the City Council  
Planning and Land Use Management Committee (PLUM)  
% City Clerk, City Hall  
200 N Spring St, Room 395  
Los Angeles, CA 90012

**RE: COUNCILMEMBER SOTO-MARTINEZ HOUSING ELEMENT REZONING PROGRAM REQUESTS**

Honorable Members of the PLUM Committee,

Overall, I am writing to express how strongly I support the majority of the measures proposed in the Housing Element Rezoning Program. The program, as a whole, proactively faces our housing production challenge head on and proposes reasonable solutions. In particular, the pairing of housing production in the Citywide Housing Incentive Program (CHIP) and the Housing Element Sites and Minimum Density Ordinance (HESMD) with the Resident Protection Ordinance is critical, as it addresses my primary concern for the housing incentive program that new affordable housing should not cause displacement of existing affordable housing, including naturally-occurring affordable housing.

I am also extremely pleased to see the CHIP program include the creation of the new “Public Land Project,” a program incorporated after the introduction of my motion [21-1230-S4](#), which identifies a crucial issue in the production of public housing on public land. This component of the Affordable Housing Implementation Program (AHIP) will mean that public projects are no longer subject to arbitrary density limits and zoning restrictions. This program allows us to significantly accelerate our production of public housing and offer greater densities.

I submitted a letter to the City Planning Commission (CPC) with detailed recommendations for the CHIP Program for their hearing of September 26th. I am attaching that letter here, with all of those additional recommendations for your consideration. Of the proposals in the CPC letter I would ask PLUM to prioritize the following four requests in particular:



**Fix Mandatory Street Widenings:**

In 2022, Councilmembers Raman, Blumenfield, and Bonin put forward a motion ([22-1476](#)) to address a citywide issue related to mandatory street widenings as a part of new multifamily development. Mandatory street widenings create substantial costs during project construction and are not always compliant with other city mobility goals. The Bureau of Engineering (BOE) has offered a report to create a checklist to prioritize our desired mobility plan goals.

However, the report is clear that BOE, as a department, does not want to offer a blanket waiver of improvement by use type, such as affordable housing. While I respect their position as consistent with the mandates of their department, I disagree with BOE. I would like to see relief from mandatory street widening and the associated costs offered to our housing projects enrolled in AHIP and MIIP. I ask PLUM to add this to their amendments and I am attaching recommended instructions and language for this change. (See Attachment 2)

**Affordable Housing on Public Land Projects:**

I was extremely proud to introduce Council File [21-1230-S4](#). The timeline for public housing project approvals is far too long for City-supported and financed projects. The answer to my motion is the creation of the exciting new Public Lands Project category that will finally give the City and all our other public partners regulatory flexibility when building housing on publicly owned land.

I do recommend one modification to the Public Land Program. Several sites that the City has looked at recently have been found infeasible for redevelopment as 100% affordable housing due to high costs. I ask that the program definitions ensure that Council is given the flexibility to authorize Shared Equity Housing projects, including the proposed affordability ranges and the definition of Shared Equity Housing Projects to be made inclusive of projects on public land held by public agencies defined in the Public Land Project definitions. It is my intent to ensure that social housing projects can be built by public agencies as well as by non-profits and limited equity cooperatives.<sup>1</sup> I ask your PLUM to add this to their amendments and I am attaching recommended instructions and language for this change. (See Attachment 2)

**Replacement Unit Requirements:**

The Resident Protection Ordinance (RPO) is a groundbreaking piece of legislation. The RPO represents the first time that the City has deliberately paired anti-gentrification and tenant protections with new development standards citywide. This focus on incentivizing the growth the City needs while also mitigating the negative impacts of that growth on our tenants is critical to a more just planning process. I consider this ordinance to be central to the program.

I support the planning department staff recommended option to subject demolitions of larger buildings to higher replacement ratios in order to disincentivize the loss of larger RSO units.<sup>2</sup>

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<sup>1</sup> [CPC staff Report released September 16, 2024](#), A-33

<sup>2</sup> [CPC staff Report released September 16, 2024](#) 1:1 vs. 2:1 Replacement of RSO Units A-78

Larger RSO buildings are more concentrated in higher density multifamily areas and the provision of the range from 1:1 to 2:1 is a reasonable compromise to prevent greater displacement at sites where the impact would be more severe. Combining this provision with the greater amounts of relocation tenants are entitled to will ensure redevelopment focuses more appropriately on sites that are providing lower densities of housing or sites which have no housing uses to begin with, creating a more substantial net gain to loss of affordable housing. I ask that PLUM adopt the recommendation from the CPC Staff report released on September 16th to adopt this “sliding scale” replacement requirement.

**Labor Support and Incentives:**

The State law Senate Bill (SB) 4, also called Faith-Based Organization (FBO) Projects includes specific labor standards. Standards for SB4 were based on frameworks also established in Assembly Bill (AB) 2011. Both types of incentive programs require prevailing wages for projects over 10 units and add additional labor standards on projects over 50 units. I am strongly opposed to removing protections that workers fought for statewide from our local implementation programs under CHIP and creating parallel tracks that can allow projects to opt out of these hard won labor standards. Locally, implementation should be offset with greater incentives if necessary, to make the local program more attractive than that of the State program. I thank this committee for supporting Councilmember McOskey and I in our call to solve this problem by taking up and hearing our motion, Council File [21-1230-S7](#) (Attachment 3) and ask that instructions be given today to ensure this fix.

Colleagues, I thank you for your work on these essential housing programs and for your support of my priority requests. I look forward to joining you in support of our work together in updating our Housing Element as City Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hugo Soto-Martinez', with a stylized flourish at the end.

Hugo Soto-Martinez  
Los Angeles City Councilmember, 13<sup>th</sup> District

CC: Vince Bertoni, Director of Planning, Los Angeles City Planning Department

ATTACHMENT 1: CM HSM Letter to City Planning Commission September 23, 2044

ATTACHMENT 2: Suggested Language for Relief from Mandatory Street Widening & Shared Equity and Public Land Projects.

ATTACHMENT 3: Motion “SB 4 (Wiener) / Affordability Requirements / Labor Standards / Citywide Housing Incentive Program”

# ATTACHMENT 1



HUGO SOTO-MARTINEZ  
Councilmember, Thirteenth District

September 23, 2024

Los Angeles City Planning Commission  
Department of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012

**RE: COUNCILMEMBER SOTO-MARTINEZ HOUSING ELEMENT REZONING PROGRAM  
RECOMMENDATIONS**

Commissioners,

Overall, I am writing to express how strongly I support the majority of the measures proposed in the Housing Element Rezoning Program. The program, as a whole, proactively faces our housing production challenge head on and proposes reasonable solutions. In particular, the pairing of housing production in the Citywide Housing Incentive Program (CHIP) and the Housing Element Sites and Minimum Density Ordinance (HESMD) with the Resident Protection Ordinance is critical, as it addresses my primary concern for the housing incentive program that new affordable housing should not cause displacement of existing affordable housing, including naturally-occurring affordable housing. The City must do everything in its power to prevent the displacement of tenants in protected rent stabilized units. In the rare cases where tenants are displaced, they must be made whole to prevent their slide into homelessness, and the new projects must provide substantially more housing than was at the site previously.

We cannot forget that past versions of our incentive programs regularly offered less new affordable housing than units of Rent Stabilized Housing (RSO) that were there before. Within my district alone, I can also name multiple addresses where low income tenants were evicted many years ago, and today, those sites are still vacant, with the future of the project remaining unknown. None of this status quo is acceptable. In adopting the Housing Element Rezoning Program as a whole, we can prevent these outcomes.

I am also extremely pleased to see the CHIP program include the creation of the new "Public Land Project," a program incorporated after the introduction of my motion [21-1230-S4](#), which identifies a crucial issue in the production of public housing on public land. This component of

the Affordable Housing Implementation Program (AHIP) will mean that public projects are no longer subject to arbitrary density limits and zoning restrictions. The City of Los Angeles and our sister public agencies, such as The Housing Authority of the City of Los Angeles (HACLA) and Los Angeles County Metropolitan Transportation Authority (Metro), must reduce our bureaucratic processes. This program will do just that as we use public land to build public housing at a greater speed and volume than ever in our history.

I have reviewed the materials produced by the Housing Element Rezoning Program, including the September 16, 2024 Staff Report prepared for your hearing on September 26th. I have the following additional recommendations for your consideration. It is my hope to congratulate the staff at the Department of City Planning for their hard work and enthusiastically support the recommendations coming out of your Commission at Council.

### **CITYWIDE HOUSING INCENTIVE PROGRAM:**

#### **Above Ground Parking Disincentives:**

In the prior drafts of the Housing Element program, the CHIP ordinance included above ground parking disincentives intended to promote our transit goals and reduce the overproduction of parking. Several comment letters argued that this disincentive might also deter the overall production of housing as most developers still provide parking in order to finance their projects. It's my understanding that staff recommendations as of this most recent report removed that recommendation.<sup>1</sup>

I am supportive of pushing our housing stock away from an overproduction of parking. This is particularly important in my district when it comes to housing projects located directly on top of permanent transit infrastructure, such as the Metro subway red line stops which run through Hollywood and East Hollywood. I would recommend adding specific design standards for above ground parking based on the prior design requirements that your Commission has imposed in the past: such as requiring adaptable floors and wrapped podiums and considering whether some light disincentives might still be appropriate for the locations closest to transit.

#### **Mandatory Street Widenings:**

In 2022, Councilmembers Raman, Blumenfield, and Bonin put forward a motion ([22-1476](#)) to address a citywide issue related to mandatory street widenings as a part of new multifamily development. Mandatory street widenings create substantial costs during project construction and are not always compliant with other city mobility goals. In [August](#) of this year, the Bureau of Engineering (BOE) released a report with recommendations to further refine the process, putting forward amendments to Los Angeles Municipal (LAMC) Code Section 12.37 by creating a checklist to prioritize our desired mobility plan goals. The checklist is a much needed update that will greatly improve our streetscapes overall for all types of projects in the City and one I will enthusiastically support.

However, the resolution by BOE is specifically tailored based on their checklist criteria, and

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<sup>1</sup> [CPC staff Report released September 16, 2024](#) "Ordinance Revision, item 4", A-31

BOE, as a department, is clear that they do not want to offer a blanket waiver of improvement by use type, such as affordable housing, so they can review with nuance. While I respect their position as consistent with the mandates of their department, I disagree with BOE. I would like to see relief from mandatory street widening (which does not relieve the applicant from dedication of the full right-of-way, only from moving an existing curb and all associated street infrastructure) to be offered as a baseline incentive or deviation of development standards for, at least, projects enrolled in AHIP and even potentially MIIP. I ask your Commission to include that recommendation in your recommendations to the Planning and Land Use Management (PLUM) Committee of City Council.

### **Affordable Housing on Public Land Projects:**

In September of last year, I was extremely proud to introduce Council File [21-1230-S4](#). This motion instructed the City to amend our practice of requiring that affordable housing projects developed on City land go through the City Planning department for discretionary entitlements and increases to their extremely limited base density. Currently, our government-led housing projects go through more discretionary reviews than any other type of project in the City. The timeline for public housing project approvals is far too long for city-supported and financed projects. We have tied our own hands by giving public facility zoned properties a default of extremely low residential density. For any public agency without sovereign immunity, we also treat their projects similarly. Agencies such as the Housing Authority of the City of Los Angeles (HACLA) are trapped under the same red tape.

The addition of the Public Lands Project category is extremely exciting as it will finally free up our public land for the provision of permanent affordable housing. The City and all our other public partners must have access to flexibility to build housing without restrictions on land we own and I believe the new Public Land Project type will achieve this goal.

I do recommend one modification to the Public Land Program. Several sites that the City has looked at recently have been found infeasible for redevelopment as 100% affordable housing due to high costs. I ask that the program definitions ensure that Council is given the flexibility to authorize Shared Equity Housing projects, including the proposed affordability ranges and the definition of Shared Equity Housing Projects to be made inclusive of projects on public land held by public agencies defined in the Public Land Project definitions. It is my intent to ensure that social housing projects can be built by public agencies as well as by non-profits and limited equity cooperatives.<sup>2</sup>

### **RESIDENT PROTECTION ORDINANCE:<sup>3</sup>**

The Resident Protection Ordinance (RPO) is a groundbreaking piece of legislation. While individual community plan implementing ordinances such as the South LA CPIO or the Hollywood CPIO have included targeted residential protections, to my knowledge, the RPO represents the first time that the City has deliberately paired anti-gentrification and tenant

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<sup>2</sup> [CPC staff Report released September 16, 2024](#), A-33

<sup>3</sup> [ACT-LA letter of August 1st](#), AB1218

protections with new development standards citywide. This focus on incentivizing the growth the City needs while also directly mitigating the potential negative impacts of that growth on our tenants is critical to a more just planning process. I consider this ordinance to be central to the program.

As the only renter on City Council and a long time advocate for tenants in our City, I have many suggestions for enhancement of this ordinance. I am in support of the recommendations from the Alliance for Community Transit- LA (ACT- LA) coalition, with a special acknowledgement of the member organizations that benefit Council District 13 every day: Public Counsel, the Alliance of Californians for Community Empowerment (ACCE), the Koreatown Immigrant Workers Alliance (KIWA), the Beverly-Vermont Community Land Trust (BVCLT) the Little Tokyo Service Center, Community Power Collective, LA Forward, the Inner City Law Center, Communities for a Better Environment, the Southern California Association of Non-Profit Housing (SCANPH), the Los Angeles Neighborhood Land Trust, Brilliant Corners, and Strategic Actions for a Just Economy (SAJE) as well as the individual recommendations from Public Counsel and the Alliance of Californians for Community Empowerment (ACCE). These organizations have been working for a very long time to make sure this implementation goes into effect, and in the RPO we see their work transformed into our best chance of making meaningful change.

I do recognize that a number of the recommendations will fall on the Los Angeles Housing Department to implement and I think it is critical that we acknowledge how important it is that decisions about housing projects are not made in a silo between the departments. The Planning Department must have the authority to recommend projects not move forward unless the adverse impacts to tenants are fully mitigated, and the Housing Department must be able to impose the requirements set out through project approvals for developers. Tenants must not fall through the cracks between agency procedures.

### **Key Components in the Recommendations:**

While I have some suggestions to strengthen the RPO, I want to start by highlighting the key provisions in the RPO before you today that are critical to the success of this program and which were incorporated thanks to the key activism of our housing allies. These are: the right to return, documentation of the right to remain, changes to ensure better definitions for comparable units, the increase of relocation standards to match state requirements, the right of private action for tenants, and true penalties for bad faith landlords. These are all immensely critical to ensure that demolition for new development does not create displacement as a side effect.

Additionally, critical processes which must be enforced by the Los Angeles Housing Department and which have been requested for many years; include local marketing and outreach, a comprehensive affordable housing registry inclusive of affordable housing covenanted in market rate projects, and priority placement for displaced tenants in new affordable units. I will continue to push LAHD to prioritize these programs to ensure that the RPO and other tenant protections are fully implemented.



**Stronger Eviction Safeguards and Compliance:**

The Housing Crisis Act (HCA) of 2019 and Senate Bill 1218 (SB1218) gives tenants in protected units the right to remain in their units for up to 6 months prior to demolition. The enforcement of the 6 month right must be a focus in our City. For instance, project DIR-2023-2587-TOC-SPP-HCA, located at 5271 Sunset Boulevard, was filed on April 13, 2023. The project will remove 4 RSO units in order to create 19 new rental units (2 affordable). In February of this year, an Ellis Act filing was completed and the tenants were given a move out date at the start of August. Thankfully, one of the tenants was able to obtain a one year extension which was granted to the other residents by the developer as a courtesy. However, the fundamental non-compliance with the Housing Crisis Act is ongoing. We have a project not yet entitled, with an unknown date of demolition and yet, our current City processes would have supported removing these tenants from their units despite their existing rights under the Housing Crisis Act. They remain under a ticking clock that is not based around their actual rights.

As another example these three projects are fully entitled: the Crossroads of the World project (CPC-2015-2025-MCUP-CU-SPR-DB), the Yucca-Argyle Tower (CPC-2014-4705-ZC-HD-DB-MCUP-CU-SPR), and the Whitley Hotel (DIR-2016-4920-SPR). Combined, these three sites alone equalled 162 occupied units of RSO. All sites Ellised their tenants prior to my taking office. None of these projects have yet moved into full demolition. I know that these three sites do not represent the entire scope of empty RSO with fully entitled projects in my District. It is unconscionable to me that these 162 rent controlled units have been vacant for years when we are in such a severe housing crisis. At times the argument is made that it is always to the benefit of the City to lose 10 RSO units if the site will then have 30 new units of housing. This has been called “churn”. But what is never factored into this cynical math is the time cost. I would always rather have 10 occupied units today than a vacant building and 30 hypothetical units that might be built sometime in the next 10 years.

At a minimum, I recommend that our City not allow any Ellising of tenants while projects are being reviewed for entitlements and building permits. My goal would be that we do not give clearances on demolition permits or Ellis filings until the City is absolutely sure that the project is ready to proceed. There will be no point in posting a notice letting tenants know they have 6 months to stay if the City is processing Ellis cases evicting them years or months before the posting.

**Expiration of HCA and SB1218:**

The Housing Crisis Act and AB1218 expire on January 1, 2030 and some provisions of the RPO are suggested to be tied to these expiration dates. I do not support any sunset provisions for any part of the RPO. The housing crisis was a long time in the making and every protection of the RPO should be permanent. The point of adopting local implementing ordinances of state regulations is to impose tailored local processes. City Council is entirely capable of determining when to amend or repeal an ordinance without State imposed deadlines.



**Anti Harassment Database:**

I'm glad to see a recommendation for a centralized database of violators of our City's tenant anti-harassment laws. The proposal to retain beneficial ownership data based on citations or legal judgments is a positive first step, and I would encourage the Commission to explore further possibilities. A database recording beneficial ownership for perpetrators of illegal harassment could be expanded to include other bad faith actors in violation of additional laws with similar impacts. At a minimum, owners who have failed to comply with departmental orders and become subject to the Rent Escrow Account Program (REAP), nuisance abatement orders, or violators of the City's cash-for-keys requirements should be on the same list. Finally, while this program may opt to have records of these violations removed after penalties are satisfied, I would like to see this database used to permanently maintain beneficial ownership records and to solicit additional sources of beneficial ownership information from the various departments that engage in this work, so this database could be the starting point for further transparency as to who actually owns units in our City, used to fill in the gaps for other enforcement efforts.

**Replacement Unit Requirements & Right To Return:**

I support the recommended option to subject demolitions of larger buildings to higher replacement ratios in order to disincentivize the loss of larger RSO units.<sup>4</sup> Larger RSO buildings are more concentrated in higher density multifamily areas and the provision of the range from 1:1 to 2:1 is a reasonable compromise to prevent greater displacement at sites where the impact would be more severe. Combining this provision with the greater amounts of relocation tenants are entitled to will ensure redevelopment focuses more appropriately on sites that are providing lower densities of housing or sites which have no housing uses to begin with, creating a more substantial net gain to loss of affordable housing.

**Assumption of Lower Income for Replacement Units:**

Fundamentally, our Housing Element Update Program has an obligation to prioritize desegregating the City and to affirmatively further fair housing. Advocates have asked that when incomes are not known for a unit, that replacement housing is assumed for lower income tenants because at the core, displacement happens more predictably and regularly to low income tenants, and their lack of housing access and instability is highest. I am happy to see that the replacement ratios that are being proposed would use ratios reflective of the real need of areas where tenants are low income (45% ELI, 26% VLI, and 29% LI). I support using that formula across all areas, for units where incomes are not known. Fundamentally we must ensure lower income tenants gain new access to higher income areas, not perpetuate ratios that reflect the current reality of existing segregation. Pairing a ratio reflective of the need with an expanded affordable housing registry that prioritizes displaced tenants will be a powerful tool for justice.

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<sup>4</sup> [CPC staff Report released September 16, 2024](#) 1:1 vs. 2:1 Replacement of RSO Units A-78

## **ADDITIONAL RECOMMENDATIONS:**

### **Labor Support and Incentives:**

The State law Senate Bill (SB) 4, also called Faith-Based Organization (FBO) Projects includes specific labor standards. Standards for SB4 were based on frameworks also established in Assembly Bill (AB) 2011. Both types of incentive programs require prevailing wages for projects over 10 units and add additional labor standards on projects over 50 units. I am strongly opposed to removing protections that workers fought for statewide from our local implementation programs under CHIP and creating parallel tracks that can allow projects to opt out of these hard won labor standards. Locally, implementation should be offset with greater incentives if necessary, to make the local program more attractive than that of the State program.

I completely reject the idea that projects will only be able to provide either affordable housing or labor standards and therefore labor must give way before housing. Instead of undercutting these State programs we have the opportunity to use them as examples for how we should make decisions in our local programs. The City must analyze labor incentives that will not only apply to the CHIP programs but can be expanded to include non-housing projects. I have always supported a stronger development sector and increased streamlining of project approvals. But my support is dependent on capturing every bit of public benefit in exchange for release of our discretionary powers. Right now, it is the projects which need the most permission and permitting that give Los Angeles the highest public benefits. This system makes no sense. Rationally, it is those projects which do not provide adequate public benefits that should have our highest review and approval. The CHIP program, SB4 and AB2011 have shown the path forward, and we must expand on that approach. It is critical that we take all public benefits available to us.

### **Better Environmental Impact Review for Projects:**

ACT- LA has brought up the need for environmental review specific to communities affected by the legacy of oil operations and toxic waste.

The current process is flawed: soil testing is only required after project approvals during the building permit phase. Similarly, tree removal permits are not considered or mitigated during discretionary removals, and the permitting is happening after project approval, which means that projects cannot be instructed to design to avoid protected tree species or sensitive habitats. Our housing programs note that the only reason to deny these projects would be for the discovery of “specific adverse impacts” and our CEQA process is designed to fully disclose potential impacts and mitigate them but our environmental review of sites is lacking in clear testing of these impacts during the pre-approval phase.

Much like my comments regarding labor components for projects, I believe that this change in process needs to apply universally to affected areas and should not be restricted to only projects under the CHIP. Environmental Consideration Areas need further delineation to separate out areas which are dangerous for additional density due to future climate challenges

from areas which are dangerous today for the residents who live there due to toxic legacies. Areas of higher pollution need up front soil testing during the review process, as do areas of concentrated oil field sites or remediated brownfields.

We must turn this backwards process around and ensure that communities are fully informed of the environmental implications of projects during the design phase when changes can be made. This would also help the developers of these projects as it is harder to make substantial changes in a project after discretionary entitlements are acquired. New development doesn't have to be in conflict with environmental remediation so long as the information is presented as part of the decision-making and public review process and can lead to appropriate design and remediation of the projects. It is my hope that the CPC can recommend these recommendations are more fully followed up as part of both the Environmental Justice and Open Space Element work that is ongoing at the City Planning Department.

### **Single Family Residential Zones:**

I am aware of the overwhelming consensus regarding the need to create more housing opportunities in high resource areas of the City. It is not some accident or coincidence that single family housing is concentrated in high wealth areas and that these are areas of higher segregation. It is the direct result of generations of government intervention and policy which we can no longer ignore. Today, it is our duty to right these historical injustices and ensure the children and grandchildren of the intentionally excluded have equal access in our highest opportunity areas. This must include single family housing areas. I understand that this will be challenging work for us all, and it is my intent that our process is thoughtful, empathetic and unhurried.

While we wait, our multifamily, low income neighborhoods are shouldering the vast majority of new housing developments. South Los Angeles, Westlake, Boyle Heights, East Hollywood, Koreatown: all of these high density multifamily neighborhoods have seen explosive housing production, with far too much of that housing production also displacing vulnerable renters who have nowhere more affordable to go. Meanwhile, very little has changed in our single family zones and only 14% of all new affordable housing has been developed in Higher Opportunity Areas of the City.<sup>5</sup>

State laws keep changing to try and push increases in density towards a more fair distribution across cities. We have already seen many updates to the state Accessory Dwelling Unit program, as well as the first round of Senate Bill 9. Because of these laws, in reality, there is now no longer any true single family zoning left in Los Angeles. What these changes teach us is that when we do not make active plans, the political powers in Sacramento will continue to make changes. It is the responsibility of those of us who get to decide policy to be ahead of the curve and dictate, on our own terms, what will best suit our City.

The City of Los Angeles has displayed great courage when it comes to challenging the status quo of housing production by developing local programs like Executive Directive 1 (ED1) and

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<sup>5</sup>[CPC staff Report released September 16, 2024](#), "Affirmatively Furthering Fair Housing", A-60

Transit Oriented Communities (TOC). We took a courageous stand in supporting the extremely high Regional Housing Needs Allocation (RHNA) that prioritized housing near jobs and transit across the region. We should be proud of being leaders in the state in producing new units. This is why Los Angeles is where the courage for this conversation must begin. The longer we wait, the more we risk that those who come from areas which produce so much less housing than we do will again tell us exactly how to add density to our single family zones.

We should discuss many possible options, such as: setting minimum new density in areas next to fixed rail transit; adding increased and gradual low-scale single and multi family density and commercial infill along major corridors; and creating Affordable Housing Overlay Zones as my colleagues Councilmember Raman and Council President Harris-Dawson have already proposed. We should be open to a variety of answers and to all the hard conversations we will need to have. We need to acknowledge the variation within single family zones and make sure our policies acknowledge the many types of constrained single family zones (such as: hillsides, high fire hazard areas, substandard streets, historic districts, and areas impacted by hazardous substances).

I know we cannot do this quickly in the last few months before our CHIP program is adopted, but it is time to face our legacy head on and acknowledge that after we finish out this program, our work on solving the housing crisis and meeting our mandate of affirmative fair housing cannot be complete until we directly face our history of exclusion and begin to change it. When we do, this work will have my support.

**Conclusion:**

In closing, I thank your Commission and the staff at City Planning for your work in bringing these transformative implementing ordinances of the Housing Element forward to the City Council and I look forward to closely considering all your recommendations in our deliberations and adoption.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hugo Soto-Martinez', with a stylized flourish at the end.

Hugo Soto-Martinez  
Los Angeles City Councilmember, 13<sup>th</sup> District

CC: Vince Bertoni, Director of Planning, Los Angeles City Planning Department

# ATTACHMENT 2

## **Relief from Mandatory Street Widening**

**INSTRUCTION:** Direct the Department of City Planning to prepare draft language to add a base incentive for relief from mandatory roadway widenings by incorporating revisions to the proposed Citywide Housing Incentive Program Ordinance in Sections 12.22 A.38(e), 12.22 A.38(f), 12.22 A.38(g), and LAMC Section 12.22 A.39 (f) of Article 2 of Chapter I and Sec. 9.2.2, 9.2.3, and 9.2.5 of Article 9 of Chapter 1A including adding Sub-subparagraphs with the following language to Sections 12.22 A.38(e)(2) and 12.22 A.38(f)(2), and a new Subparagraph to 12.22 A.39(e), and new Subparagraphs to 9.2.2.C.2, 9.2.3.C.2, and 9.2.5.C.2 subject to revisions for conformance with the format and style:

### *Chapter I*

**Roadway Widening.** A Project shall be exempt from any applicable roadway widening requirements pursuant to LAMC Section 12.37. Granting of this Base Incentive for roadway widening shall not require a project to seek approval pursuant to the procedures described in Sec. 12.37 I (Waiver and Appeals). A Project utilizing this incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including but not limited to sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to Sec. 12.37 I (Waivers and Appeals) shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

**Exception:** Projects in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or Projects subject to procedures in LAMC Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

### *Chapter 1A*

**Roadway Widening.** A Project shall be exempt from any applicable roadway widening requirements pursuant to Div. 10.1. (Street Dedication & Improvement). A project utilizing this incentive shall still be required to dedicate land and complete all other public right-of-way improvements, including but not limited to sidewalk improvements, that may be required. A Waiver of Dedication and Improvement pursuant to Sec. 10.1.10. (Waiver & Appeals) shall still be required for projects seeking to be exempt from a required land dedication or required improvement other than roadway widening.

**Exception:** Projects in a Very High Fire Hazard Severity Zone, Hillside Area, Coastal Zone, or Projects subject to procedures in LAMC Section 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code shall not be eligible for this Base Incentive.

## **Shared Equity and Public Land**

**INSTRUCTION:** Direct the Department of City Planning to prepare draft language to revise the Restricted Affordable Unit minimum for Public Land Projects to match the set aside requirements for Shared Equity Project affordability for 80% affordability, revise the definition of Shared Equity Projects to include Public Agencies, and establish that Public Land Projects shall be considered to have a maximum allowable residential density greater than 5 prior to the issuance of a density bonus by incorporating revisions in the following sections to the proposed Citywide Housing Incentive Program Ordinance in LAMC Section 12.22 A.39 of Article 2 of Chapter I and Section 9.2.2.C.1.d.i of Article 9 of Chapter IA subject to revisions for conformance with the format and style.

Revise Article 2 of Chapter 1 as follows:

Revise 12.22 A.39 (b):

**Shared Equity Project.** A housing project located on land owned by a Public Agency, a Community Land Trust as defined in the California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust as defined in Section 817 of The California Civil Code, except that Residential Units, in addition to being sold or rented to income qualified persons, may also be held by the non-profit corporation for the purpose of making Lower Income units financially stable. The land must be owned by the Public Agency, Community Land Trust, Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust at the time of project filing through the issuance of a Certificate of Occupancy.

Revise 12.22 A.39 (c)(2)(i) as follows:

<b>TABLE 12.22 A.39(c)(2)(i)</b> <b>Required Percentage of Restricted Affordable Units</b>	
Project Type	Minimum % of Total Units that are Restricted Affordable Units <sup>1</sup>
One Hundred Percent Affordable Housing Project	100% <sup>1</sup>
Public Land Project	<del>80</del> 100% <sup>2</sup>
Faith-Based Organization Project	80% <sup>3</sup>
Shared Equity Project	80% <sup>4</sup>

<sup>2</sup> Provided a portion of Residential Units (excluding Residential Units added by a Density Bonus) as follows either 16 percent Very Low Income, 25 percent Low Income, or 45 percent Moderate Income for sale as defined in California Government Code Section 65915.

Revise 12.22 A.39 (e)(3)(i) as follows:

(3) **Public Land Project.** In lieu of the requirements in LAMC Section 12.24 U.21 and 12.04.09 B.9, a Public Land Project may either:

- (i) Establish Maximum Allowable Residential Density, uses, and area standards as permitted in the least restrictive adjoining zone. Regardless of adjacent zoning, all Public Land Projects shall be granted a base Floor Area Ratio of 3.0:1, ~~and a base height of three stories or 33 feet whichever is greater;~~ and a maximum allowable residential density greater than 5 prior to the granting of Base Incentives; or

Revise 12.22 A.39(h)(9) as follows:

- (9) **Covenants.** Prior to the issuance of a building permit for any Project qualifying for a Density Bonus pursuant to the provisions of this Subdivision, covenants acceptable to the Los Angeles Housing Department and consistent with the requirements in this Subdivision and set forth in LAMC Section 16.61 shall be recorded with the Los Angeles County Recorder. For Shared Equity Projects, covenants shall restrict the resale of the property to a Public Agency, Community Land Trusts as defined in the California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), Limited Equity Housing Cooperatives, or Workforce Housing Cooperative Trusts as defined in Section 817 of The California Civil Code, or nonprofit affordable housing corporations pursuant to Section 501(c)(3) of the United States Internal Revenue Code.

Revise Article 9 of Chapter 1A as follows:

Revise Sec 9.2.2.C.1.d.i:

- i. **Percentage of Restricted Affordable Units**  
In order to participate in the Affordable Housing Incentive Program, *projects* shall provide *restricted affordable units* according to project type as shown in the table below.

Required Percentage of Restricted Affordable Units by Project Type	
Project Type	Minimum % of <i>Dwelling Units</i> Provided (inclusive of <i>dwelling units</i> added by a density bonus)
<i>One Hundred Percent Affordable</i>	100%.



<i>Housing Projects</i>	
<i>Public Land Projects</i>	<del>100</del> 80%.
<i>Faith-Based Organization Projects</i>	80%.
<i>Shared Equity Projects</i>	80%.

Revise Div 14.2 as follows:

*Shared Equity Project:* A project containing *dwelling units* that is located on land owned by a public agency, a Community Land Trust, as defined in the California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a Limited-equity Housing Cooperative or Workforce Housing Cooperative Trust, as defined in Section 817 of The California Civil Code, except that *dwelling units*, in addition to being sold or rented to income qualified persons, may also be held by the non-profit corporation for the purpose of making *dwelling units* for *lower income households* financially stable. The land must be owned by the public agency, Community Land Trust, Limited-equity Housing Cooperative, or Workforce Housing Cooperative Trust at the time of project filing through the issuance of a *Certificate of Occupancy*.

# ATTACHMENT 3

## MOTION

HOUSING & HOMELESSNESS

Senate Bill 4 (Wiener) was signed into law on October 11, 2023, and streamlines the building process for faith-based organizations and non-profit colleges that want to build affordable projects for low-income families by allowing them to build multifamily housing regardless of local zoning restrictions. The law guarantees by-right approval of projects, so long as they are consistent with all objective standards of the jurisdiction and comply with listed environmental protections. The idea is that land owned by churches, temples, mosques, and non-profit colleges can be utilized more efficiently to tackle California's chronic housing shortage, especially in high-demand urban areas.

The City of Los Angeles is actively looking to enact SB 4 at the local level. Under SB 4, the faith-based organization or non-profit college must agree to maintain the affordability to households below 80% of the area median income for at least 55 years for rental housing and 45 years for homeownership opportunities. SB 4 also protects construction workers by requiring prevailing wages on projects with over 10 units. On projects with at least 50 units, contractors must offer apprentices employment and pay for health care for construction workers and their dependents. This creates an economic base and new opportunities for construction workers and provides our local communities with a highly skilled workforce.

The Los Angeles Department of City Planning is currently developing the "Citywide Housing Incentive Program" (CHIP) as one of the programs within the Housing Element. CHIP includes a multi-layered approach aimed at housing Angelenos, recognizing the urgency of planning for equitable housing solutions for the City's residents. One of the programs under CHIP is the "Affordable Housing Incentive Program" (AHIP) which will provide tailored land use incentives for 100% Affordable Housing Projects citywide. AHIP will expand the types of zones eligible for 100% Affordable Housing Projects to parcels owned by faith-based organizations and public agencies.

The City Planning Commission recently approved CHIP and the policy matter is now pending committee and full Council approval. There are two programs within AHIP that do not comply with state policy regarding housing production and labor protections—the faith-based organization ("FBO") projects and 100% Affordable Housing Project policies. As CHIP and SB 4 come forward, the City Council must look to state law to guide its implementation of these important programs. Where there is a city incentive for faith-based organizations and non-profit colleges to develop through the use of SB 4, there must be compliance with SB 4 on affordability requirements and labor standards. Furthermore, the Planning Department must include state-supported labor policies for faith-based organizations and 100% AHIP policies.

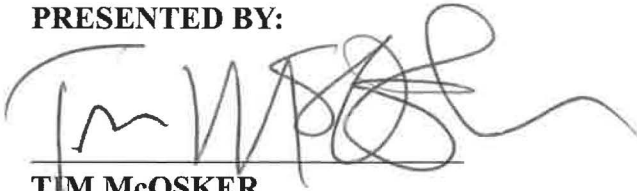
**I THEREFORE MOVE** that the City Council instruct the Planning Department and the Chief Legislative Analyst, with the assistance of the Office of the City Attorney and Housing Department, to report on language that: 1) fully incorporates the labor standards and the affordability requirements of Senate Bill 4, as adopted by the State Legislature, into the Department of City Planning's local implementation of Senate Bill 4 projects and policies, and

OCT 15 2024



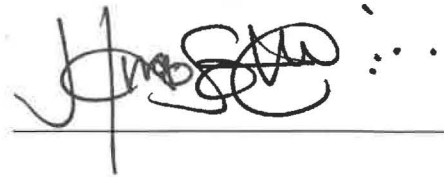
that 2) removes from the Citywide Housing Incentive Program, any local adaption of SB 4's intent so that SB 4 is the only law that governs incentives for by-right development of housing on lands governed by SB 4.

**PRESENTED BY:**



**TIM McOSKER**

Councilmember, 15th District



**SECONDED BY:**



**ORIGINAL**

**OCT 15 2024**

## Communication from Public

**Name:** John H. Welborne

**Date Submitted:** 11/15/2024 05:09 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** PLUM Committee Members: Please SUPPORT the Planning Commission's recommendation of Draft #3 of the CHIP / Housing Element Rezoning ordinance WITHOUT the Exhibit D “options” (Council File 21-1230-S5). Those options would unnecessarily open up single-family neighborhoods to needless development. To meet the State's mandate for housing, the Draft #3 CHIP ordinances provide adequate opportunities throughout our city to rezone — WITHOUT the need to rezone our single-family areas. Single-family zones ALREADY contribute to the development of additional housing -- through the duplexes and the two ADUs that are allowed on every residential property. Please vote to Approve Draft #3 WITHOUT any of the options contained In Exhibit D.  
Sincerely yours, John H. Welborne CD 13 -- Windsor Square  
Greater Wilshire Neighborhood Council

## Communication from Public

**Name:** Terry Tegnazian

**Date Submitted:** 11/15/2024 05:13 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I SUPPORT Draft #3 of the Housing Element WITHOUT Appendix D options. Density should be placed on our commercial corridors where new vibrant neighborhoods can be created in each high-resource community, while protecting existing single-family neighborhoods, RSO multifamily neighborhoods, HPOZs that are the historic heart of our city, and our vulnerable communities in high fire and coastal zones. There is plenty of capacity in L.A. to meet our housing needs and at the same time preserve a wide range of housing options. All of us will be part of the solution to create affordable housing in L.A.

## Communication from Public

**Name:** JP

**Date Submitted:** 11/15/2024 07:09 AM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** I strongly oppose expanding building incentives into R-1, particularly within Kentwood HOA. Concentrating density along our corridors allows economies of scale by developers that will hopefully translate to more affordability of the resulting units and keep giant buildings out of an HOA we all bought into specifically to avoid multi-family units. Allowing developers to build huge apartments within Kentwood will absolutely destroy the community that has been built. Thank you.

## Communication from Public

**Name:** Mona Al-Abadi

**Date Submitted:** 11/15/2024 11:46 AM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** November 15, 2024 Los Angeles City Council 200 N Spring Street, Suite 415 Los Angeles, CA 90012 RE: Citywide Housing Incentive Program (Council File #21-1230-S5) Dear Los Angeles City Council Members, I submit this letter on behalf of the Southern California Association of Nonprofit Housing (SCANPH) regarding the Citywide Housing Incentive Program, 21-1230-S5. SCANPH is an active member of the ACT-LA Coalition and we strongly support the coalition's work to address housing and displacement. While we commend the options outlined in Exhibit D of the staff report, we encourage you to implement the following: 1. Adopt "Option 1" of the LA City Planning Department's "Exhibit D- Single Family Considerations" Excluding single family zoned parcels upholds and maintains exclusionary zoning. This will limit the effectiveness of the MIIP to affirmatively further fair housing, and undermine the goal of increasing affordable housing opportunities in neighborhoods with greater resources. The City's wealthiest and most privileged areas, R1 zones in high and highest opportunity areas, should not remain off-limits to mixed-income and affordable development. Exhibit D, Option 1 would allow the MIIP program to be used on sites in high-opportunity neighborhoods, and expand the sites in high-opportunity neighborhoods eligible for AHIP incentives. If coupled with deeper affordability requirements discussed below, Option 1 offers the potential to meaningfully increase access to affordable housing in high opportunity areas and reduce development pressure on sites where low-income renters live today, affirmatively furthering fair housing. The City should not acquiesce to exclusionary attitudes about housing development to maintain a status quo that was shaped through racial animus. We urge the Council to adopt Option 1 in combination with the deeper affordability requirements discussed below. The legacy of redlining in these areas underscores the urgent need for policy changes that ensure access to housing for all. We encourage you to adopt this recommendation in order to ensure the CHIP equitably shapes the future of affordable housing and communities in the City of Los Angeles. Sincerely, Mona Al-Abadi Senior Associate of Planning and Land Use Policy Southern California Associate of Nonprofit Housing



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Heather Vaikona

Lift to Rise

Mark Wilson

Coalition for Responsible Community  
Development



November 15, 2024

Los Angeles City Council  
200 N Spring Street, Suite 415  
Los Angeles, CA 90012

RE: Citywide Housing Incentive Program (Council File #21-1230-S5)

Dear Los Angeles City Council Members,

I submit this letter on behalf of the Southern California Association of Nonprofit Housing (SCANPH) regarding the Citywide Housing Incentive Program, 21-1230-S5. SCANPH is an active member of the ACT-LA Coalition and we strongly support the coalition's work to address housing and displacement. While we commend the options outlined in Exhibit D of the staff report, we encourage you to implement the following:

**1. Adopt "Option 1" of the LA City Planning Department's "Exhibit D- Single Family Considerations"<sup>1</sup>**

Excluding single family zoned parcels upholds and maintains exclusionary zoning. This will limit the effectiveness of the MIIP to affirmatively further fair housing, and undermine the goal of increasing affordable housing opportunities in neighborhoods with greater resources. The City's wealthiest and most privileged areas, R1 zones in high and highest opportunity areas, should not remain off-limits to mixed-income and affordable development. Exhibit D, Option 1 would allow the MIIP program to be used on sites in high-opportunity neighborhoods, and expand the sites in high-opportunity neighborhoods eligible for AHIP incentives. If coupled with deeper affordability requirements discussed below, Option 1 offers the potential to

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<sup>1</sup><https://planning.lacity.gov/odocument/6c6197bb-626e-456e-ae0a-75403bc73b56/EXHIBIT%20D-%20Single-Family%20Considerations.pdf>

meaningfully increase access to affordable housing in high opportunity areas and reduce development pressure on sites where low-income renters live today, affirmatively furthering fair housing. The City should not acquiesce to exclusionary attitudes about housing development to maintain a status quo that was shaped through racial animus. We urge the Council to adopt Option 1 in combination with the deeper affordability requirements discussed below.

The legacy of redlining in these areas underscores the urgent need for policy changes that ensure access to housing for all. We encourage you to adopt this recommendation in order to ensure the CHIP equitably shapes the future of affordable housing and communities in the City of Los Angeles.

Sincerely,

A handwritten signature in black ink, appearing to be 'MA' with a stylized flourish.

Mona Al-Abadi  
Senior Associate of Planning and Land Use Policy  
Southern California Association of Nonprofit Housing

## **Communication from Public**

**Name:** Maria Patiño Gutierrez  
**Date Submitted:** 11/15/2024 02:22 PM  
**Council File No:** 21-1230-S5  
**Comments for Public Posting:** Please see attached letter.



November 15th, 2024

Re: Citywide Housing Incentive Program :Council File: 21-1230-S5; and Resident Protections Ordinance: 21-1230-S8

Dear Los Angeles City Council Members,

I submit this letter on behalf of Strategic Actions for a Just Economy (SAJE) regarding the Citywide Housing Incentive Program, 21-1230-S5 and the Resident Protections Ordinance 21-1230-S8. SAJE is an active member of the ACT-LA Coalition and we strongly support the coalition's work to address housing and displacement. While we commend the updates that strengthen tenant protections in the RPO we encourage you to implement the following:

Citywide Housing Incentive Program (CHIP) Recommendations

**Adopt “Option 1” of the LA City Planning Department’s “Exhibit D- Single Family Considerations”<sup>1</sup>**

Excluding single family zoned parcels upholds and maintains exclusionary zoning. This will limit the effectiveness of the MIIP to affirmatively further fair housing, and undermine the goal of increasing affordable housing opportunities in neighborhoods with greater resources. The City's wealthiest and most privileged areas, R1 zones in high and highest opportunity areas, should not remain off-limits to mixed-income and affordable development. Exhibit D, Option 1 would allow the MIIP program to be used on sites in high-opportunity neighborhoods, and expand the sites in high-opportunity neighborhoods eligible for AHIP incentives. If coupled with deeper affordability requirements discussed below, Option 1 offers the potential to meaningfully increase access to affordable housing in high opportunity areas and reduce development pressure on sites where low-income renters live today, affirmatively furthering fair housing. The City should not acquiesce to exclusionary attitudes about housing development to maintain a status quo that was shaped through racial animus. We urge the Council to adopt Option 1 in combination with the deeper affordability requirements discussed below.

**Encourage deeply affordable units by expanding ALI, ELI, VLI incentives**

Rents in Moderate Income units are not affordable to the nearly two-thirds of renter households in Los Angeles that are low income or below. By definition, these units are for households *above* the median income. Housing incentives in the MIIP should focus on producing housing at rents where the need is greatest. The mixed affordability option for the Transit Oriented Incentive Areas and Opportunity Corridor Incentive 2 Areas should be amended to focus on deeply affordable housing.<sup>2</sup>The requirement for Moderate Income housing in Higher Opportunity Areas

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<sup>1</sup><https://planning.lacity.gov/odocument/6c6197bb-626e-456e-ae0a-75403bc73b56/EXHIBIT%20D-%20Single-Family%20Considerations.pdf>

<sup>2</sup> See Table 12.22 A. 38(c)(3)(iv) on page 57 of Exhibit A. 1.

should be removed and replaced with an increased requirement for Acutely and Extremely Low Income housing. The mixed affordability requirement in Moderate and Lower opportunity areas should be adjusted to require a portion of the affordable units be affordable to acutely low income households. Additionally, under the current draft for Opportunity Corridor Transition Area Incentives, developers have no incentive to include any units at the ALI, ELI or VLI level. Projects using this incentive in the CT-1A area are only required to include one MI unit. In the CT-1B, CT-2, and CT-3 areas, developers are unlikely to include any VLI units because the incentive is available to projects with the same number of higher-rent LI units. Therefore, the VLI menu option is an empty promise. For this program to truly advance the City's obligation to affirmatively further fair housing, the affordability requirements for Opportunity Corridor Transition Area Incentives should be amended to replace the MI option with deeper affordability. To be eligible for this incentive, projects should be required to include at least one ALI, ELI, or VLI unit.<sup>3</sup>

### **Require robust environmental study and public participation before approving projects on sites with heightened environmental justice concerns**

The CHIP ordinance requires that projects seeking the MIIP or AHIP incentives complete a Phase I Environmental Site Assessment, and a Phase II assessment if warranted, if the project is proposed on a site with heightened environmental risks. We support this policy and also believe additional measures are necessary. Current toxic site lists (such as DTSC's Cortese List and Envirostor) are incomplete and do not identify all the brownfields that exist. To address deficiencies in existing data and harness local knowledge, we recommend a community meeting of people living in the neighborhood for projects proposed in areas that score at the 80th percentile and above on CalEnviroScreen 4.0. The community meeting would be a non-CEQA, non-voting meeting to collect information from community members about historical uses of the site that may otherwise not show up through traditional data searches used during the Phase I process, as described above, and minimize environmental harms in vulnerable areas.

### Resident Protections Ordinance Recommendations:

#### **Strengthen replacement by requiring 2:1 replacement of demolished RSO units**

Too often, new housing projects demolish existing below-market rent stabilized housing and create only a few more affordable units than the number of units demolished. In fact, the AECOM analysis revealed that mixed-income RSO development projects between 2020-2023 demolished 1,091 RSO units and produced only 1,161 affordable units - a net increase of only 70 protected units<sup>4</sup>. It is clear that development incentives need to change. Increasing the replacement requirement to require that RSO units be replaced with affordable covenanted units at a 2:1 ratio will steer modest development away from sites with large numbers of RSO units and ensure projects provide a net increase in affordable housing.

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<sup>3</sup> See Table 22.22. A. 38(c)(3)(v) on page 57 of Exhibit A. 1.

<sup>4</sup> 3 See page 9 of "Potential Impact of 1:1 RSO-Affordable Replacement Requirement" in [Appendix 3](#).

We encourage you to adopt these recommendations in order to ensure both the RPO and the CHIP equitably shape the future of affordable housing and communities in the City of Los Angeles.

Sincerely,

Maria Patiño Gutierrez  
Director of Policy and Advocacy, Equitable Development and Land Use  
Strategic Actions for a Just Economy

## Communication from Public

**Name:** Community Forest Advisory Committee (CFAC)

**Date Submitted:** 11/15/2024 02:36 PM

**Council File No:** 21-1230-S5

**Comments for Public Posting:** November 16, 2024 Dear Councilmembers, The Community Forest Advisory Committee (CFAC) is opposed to the Citywide Housing Incentive Program as it does not address anywhere the potential loss of significant trees. There is no preservation or replacement plan for significant trees which are defined by the Planning Department as trees that are 8 inches in trunk diameter or greater. This omission is deeply concerning as Planning has always (for at least the past 20 years) required mitigation for the loss of significant trees for discretionary projects. Below is an example of the standard mitigation measure used by the Planning Department. IV-70. Tree Removal (Non-Protected Trees) (underlined/bold for emphasis) • Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures: • Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. • All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements. • Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. As this ordinance is an “implementation tool” of the Housing Element (i.e. not a policy document like the Housing Element EIR), the environmental analysis needs to include a more in depth analysis of the potential impact to significant trees and include the necessary long-standing mitigation to reduce potential impacts to less than significant. The accompanying EIR Addendum of the Housing Element (EIR-2020-6762-EIR-ADD2) only addresses protected trees per the Protected Tree Ordinance (which only involves four native trees and two native shrubs) and ignores all

other significant trees. This is a critical and necessary step to ensure the City balances the need for housing development without destroying the environment. CEQA requires public agencies to “look before they leap” and consider the environmental consequences of their discretionary actions. CEQA is intended to inform government decision makers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage. We are also strongly opposed to the request to defer, and as a result, delay, the implementation of Environmental Protective Measures (EPM’s) on Biological Resources which will ultimately fall under the administrative non-discretionary projects that the CHIP ordinance is proposing. Further, the city is losing its tree canopy at an accelerated rate due to development where significant trees are being removed and not replaced. In 2021, the overall tree canopy in the city was at approximately 21 percent (see CF 15-0499-S1) and we venture to guess it is much less now. Of that tree canopy, approximately 90 percent of the trees are located on private property, such as in the yards of single family neighborhoods! As such, we are also opposed to permitting multi-family developments in single family zoned neighborhoods as it will only exacerbate the continued loss of mature healthy trees. Lastly, we are not in favor of permitting incentives such as yard setbacks of 30 percent for obvious reasons, as there will be no room to preserve, much less plant significant shade trees, ultimately pushing our city towards a more unhealthy urban landscape of impermeable surfaces, resulting in poor air quality, excessive heat, increased energy usage, water runoff, loss of natural beauty and wildlife habit. We respectfully ask, at the very least, that the long-standing minimum mitigation requirement of a 1:1 replacement for the unavoidable loss of significant trees be included in the CHIP Ordinance and all future Housing Element implementation tools that aim to streamline housing projects. Straying slightly from the replacement requirement of a minimum 24-inch box tree, CFAC recognizing that a minimum 15 gallon tree is preferable as it is easier to find native trees in that size and it has been shown that trees of this size starting out fair better in the long run than 24-inch box or larger trees. Respectfully, Joanne D’Antonio, Chair Los Angeles Community Forest Advisory Committee (CFAC) – voted at CFAC 11/7/2024





November 16, 2024

Dear Councilmembers,

The Community Forest Advisory Committee (CFAC) is opposed to the Citywide Housing Incentive Program as it does not address *anywhere* the potential loss of significant trees. There is no preservation or replacement plan for significant trees which are defined by the Planning Department as trees that are 8 inches in trunk diameter or greater. This omission is deeply concerning as Planning has always (for at least the past 20 years) required mitigation for the loss of significant trees for discretionary projects. Below is an example of the standard mitigation measure used by the Planning Department.

**IV-70. Tree Removal (Non-Protected Trees) (underlined/bold for emphasis)**

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- **All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.** Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

As this ordinance is an “implementation tool” of the Housing Element (i.e. not a policy document like the Housing Element EIR), the environmental analysis needs to include a more in depth analysis of the potential impact to significant trees and include the necessary long-standing mitigation to reduce potential impacts to less than significant. The accompanying EIR Addendum of the Housing Element (EIR-2020-6762-EIR-ADD2) only addresses protected trees per the Protected Tree Ordinance (which only involves four native trees and two native shrubs) and ignores all other significant trees.

This is a critical and necessary step to ensure the City balances the need for housing development without destroying the environment. CEQA requires public agencies to “look before they leap” and consider the environmental consequences of their discretionary actions. **CEQA is intended to inform government decision makers and the public about the potential environmental effects of proposed activities** and to prevent significant, avoidable environmental damage.

We are also strongly opposed to the request to defer, and as a result, delay, the implementation of Environmental Protective Measures (EPM's) on Biological Resources which will ultimately fall under the administrative non-discretionary projects that the CHIP ordinance is proposing.

Further, the city is losing its tree canopy at an accelerated rate due to development where significant trees are being removed and not replaced. In 2021, the overall tree canopy in the city was at approximately 21 percent (see CF 15-0499-S1) and we venture to guess it is much less now. Of that tree canopy, approximately 90 percent of the trees are located on private property, such as in the yards of single family neighborhoods! As such, we are also opposed to permitting multi-family developments in single family zoned neighborhoods as it will only exacerbate the continued loss of mature healthy trees.

Lastly, we are not in favor of permitting incentives such as yard setbacks of 30 percent for obvious reasons, as there will be no room to preserve, much less plant significant shade trees, ultimately pushing our city towards a more unhealthy urban landscape of impermeable surfaces, resulting in poor air quality, excessive heat, increased energy usage, water runoff, loss of natural beauty and wildlife habit.

We respectfully ask, at the very least, that the long-standing minimum **mitigation requirement** of a 1:1 replacement for the unavoidable loss of significant trees be included in the CHIP Ordinance and all future Housing Element implementation tools that aim to streamline housing projects. Straying slightly from the replacement requirement of a minimum 24-inch box tree, CFAC recognizing that a minimum 15 gallon tree is preferable as it is easier to find native trees in that size and it has been shown that trees of this size starting out fair better in the long run than 24-inch box or larger trees.

Respectfully,

A handwritten signature in cursive script that reads "Joanne D'Antonio". The signature is written in dark ink and is positioned below the word "Respectfully,".

Joanne D'Antonio, Chair

Los Angeles Community Forest Advisory Committee (CFAC) – voted at CFAC 11/7/2024