

Communication from Public

Name: Baldwin Hills Estates HOA
Date Submitted: 02/06/2022 10:40 AM
Council File No: 21-1414
Comments for Public Posting: Please accept the following comment letter from Baldwin Hills Estates HOA re. CF 21-1414 / SB9 Implementation:



January 3, 2022

Re: Council File #21-1414

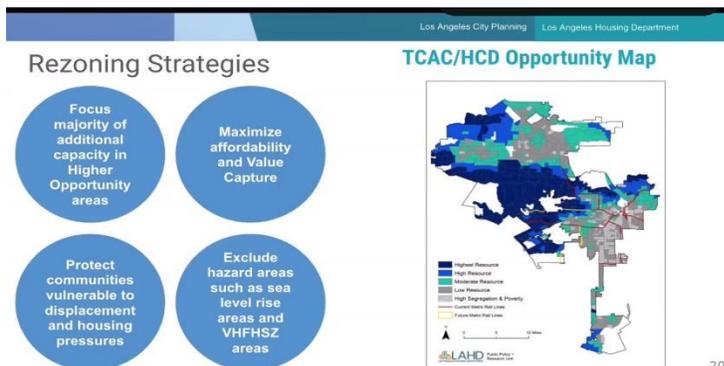
Honorable Members of the Los Angeles City Council,

Baldwin Hills Estates HOA represents 1100 households, primarily BIPOC, in South Los Angeles. We submit the following comments in SUPPORT of CF 21-1414, and request that these issues also be reflected in other future Land Use decision, including CF 21-1045.

While Los Angeles has a housing shortage, it is best addressed with a nuanced local policy which addresses housing needs (as provided for in RHNA), but also the need to do so in a comprehensive method which considers realistic concerns regarding the how/what/where of future development. This nuanced approach is why we strive for, and possess, such a robust local planning process.

While SB9 indeed has become law, the City must not ignore the bases for its opposition, and through local implementation details must look to address and protect those bases. They remain relevant. Generally, the City has liberty (within State law) to implement SB9 at its most basic mandate, and to then employ more sophisticated, detailed local measures to achieve housing production. There is nothing optional in SB9 which the City cannot better enact locally, should it so desire. Further, measures such as SB9 may conflict with the City's individual concerns and/or make the City's own programs of mindful upzoning less effective.

Our ambitious Housing Element, along with Council's previously stated concerns over the disproportionate building of "luxury units, a dearth of truly affordable units, potential impacts of development on vulnerable communities; led us to the following strategy on upzoning reflected in the Housing Element:



These principles, and provisions to create them, must be protected and acted upon in our successful housing policy. We cannot ignore them or allow them to be voided. To achieve that goal we encourage the most strict interpretation allowable of SB9, which in its one-size-fits-all approach lacks such nuances. Subsequently, we must enact local policies, already set in motion in the H.E., which attend to housing production WITH the necessary nuance. Noteworthy is that a specific number of SB9-generated units has not been claimed as a part of the City's Housing Element.

We request an implementation of SB9 which includes the following:

- 1) Maintenance of existing objective building standards, as are allowed in the bill (including parking, setbacks, FAR, height, size of created units, etc).
- 2) Limitation on number of resulting units. Ideally, four maximum units resulting from a single parcel, or whatever minimum may be allowed via a City election to use a strict allowance for ADU.
- 3) Required three year Intent to Occupy provision must be required. It must not be rendered a weightless requirement. It should: Require a written affidavit. Be included as a covenant to approvals and title. Not be available to impersonal entities (excepting CLT or Non-Profit). Timeframe should begin at occupancy or building permit issuance. A mechanism must be established to monitor and confirm whether said intent is fulfilled.
- 4) Sensitive areas, such as designated historic zones/properties should be categorically exempted. Very High Fire Hazard Severity Zones (of which Baldwin Hills Estates is one and has suffered catastrophic wildfire) should be categorically exempted, in accordance with the above stated H.E. goal and as allowed by SB9's public safety provision. Note that SB9 does NOT exempt VHFHSZ, but rather carves out a very basic work-around involving mild building standards which CANNOT eliminate the safety risks characterizing VHFHSZ. Coastal zones should have similar safety-minded exceptions.

Beyond these provisions contained in CF 21-1414, we have two other serious concerns regarding SB9 and its implementation. In their case, SB9 is in direct conflict with the city's prudently stated goals. As residents of South Los Angeles, we have special concerns regarding its application and results in our area. These must be addressed when considering SB9 and accompanying land use provisions:

- A) Steering of upzoning/development to high opportunity areas (also more exclusionary) is disabled by the uniform application of SB9 to vulnerable areas with high exposure to the effects of speculation, gentrification, housing pressure, etc. That is the basis for the H.E. intent to steer development, in furtherance of Fair Housing for those most in need. While SB9 does not allow strict exemption of these areas, measures must be taken to avoid these risks and/or mitigate them. This need justifies the narrowest of allowance for SB9

application, with better further upzoning practice subsequently engaged upon by the city. Mitigation of this concern is also achieved by the following accompaniment.

- B) SB9 provides no true affordable housing provision. Especially in the low-income categories. Doing so is a required element in fair housing policy. History has proven that the open market, unfettered and maximizing profit, does not produce these units. Council has wisely made previous notice of the imbalance in pricing segments, massively skewed toward “luxury” housing. Yet our biggest need is to address those most cost-burdened and vulnerable. This need is mandated by RHNA, which requires us to create 184,000 lower income units, constituting 40% of our total requirement. Should we fall short in addressing this need, we fail the neediest of our neighbors, and also risk subsequent land use enforcement by the state.

There is not nearly enough public subsidy to create these units. The City’s option, which it successfully employs via TOC and SDB, is to value capture. From those we know that capture can create lower-income housing. Thus, both prioritization of truly affordable units AND value capture are key provisions of the H.E.’s upzoning intent (as illustrated above). Without value capture, achieving these RHNA numbers is all but impossible. Yet SB9 contains NO provisions, while granting the “value” in upzoning, essentially ignoring the potential to capture SOME affordable housing gain. Some advocates tout filtering and chains from high-priced housing production as creators of affordability. These are theoretical and unmaterialized claims. Especially in the case of creating low-income housing in the Los Angeles market, over the term of a RHNA cycle. Which is why housing elements must specifically address low-income segments of the housing market.

We cannot ignore opportunities to make affordable housing gains, thus kicking the can to the next set of policies. The implementation ordinance and/or subsequent accompanying policy must address this deficiency. Implementation of SB9 may allow affordable housing provisions by the city. The authors stated that “cities could covenant”, and numerous cities have included such provisions. Granted that the requirement in the case of SB9, if one intends for any units to be built, would not be large.

Council broached the topic of value capture on smaller in-fill developments with instructions to LACP in 2021. The City should capture on all broad upzoning practices. In the case of SB9, or similar projects involving lot split and/or creation of four (eg) units, at the very least the City should capture an additional affordable housing fee or moderate/workforce unit. Done correctly a win-win can be achieved in creating both market rate and affordable units.

Thus, some element of value capture could be directly attached to SB9 upzoning elections. The upzoning is a reasonable trigger. If legally problematic, the fallback solution is capture which more broadly applies to all of a given project type, such as R-1 lot splits or fourplexes. Regardless of how, the city must not abandon the ability to capture low-income units. Doing so is a giveaway which ignores RHNA, fair housing, and maintains the plight of the Los Angeles’ have-nots.

In summary, we ask for the passage of CF 21-1414: adopting a strict, basic implementation of SB9. We ask that an ordinance specifically contain categorical exemption from SB9 for VH Fire Hazard Zones, and perhaps coastal zones. We ask that serious consideration be given to protecting socio-economically vulnerable communities; with specific address of some sort of value capture for low-income housing needs. Should any of these measures not be directly included in an SB9 Implementation Ordinance, we ask Council to swiftly enact accompanying measures which would apply to SB9 projects. We can build housing, while doing so with adherence to our Housing Element and the best interest of the city's residents. Los Angeles must not lose track of the real concerns which led it to oppose SB9, and must act accordingly.

Thank You,

Teresa Humphrey
President – BHE HOA

Communication from Public

Name: Shelley Billik, Community Forest Advisory Committee (CFAC)

Date Submitted: 02/06/2022 02:19 PM

Council File No: 21-1414

Comments for Public Posting: CFAC Supports IF AMENDED to include: that the City Council instruct the City Planning Department with the assistance of the City Forest Officer, the Urban Forest Division, the Community Forest Advisory Committee, and non-profit organizations with expertise on urban forestry, to incorporate the goals established in the City's Green New Deal, LASAN's Biodiversity Report, and the City's Climate Change goals, to preserve, take care of, and grow the City's urban tree canopy by incorporating "step-back" requirements to include the sum of at least 8% of the total parcel area (not including the setback area) for trees, in order to allow for 10 ft width from the side parcel line (perpendicular) and 10 ft depth (parallel) to allow spaces for large and native shade trees to grow. The City shall require all plans to comply with LAMC 12.12C.1.(g) and shall require each parcel to preserve significant mature trees (measuring 12" and bigger at Diameter Breast Height "DBH"), and to plant (or preserve) a minimum of 1 large native shade tree per unit, and to follow an "inch for inch" 2:1 tree replacement if any trees are removed, the species to be in accordance with an approved private property master tree list. Hillside areas with native habitat shall always have an environmental review.



February 6, 2022

Re: CF 21-1414, support IF AMENDED

From: the Community Forest Advisory Committee

The city's Community Forest Advisory Committee (CFAC), is tasked with advocating for the protection and expansion of a healthy and robust tree canopy for the City of Los Angeles. As members appointed by each Council District and the Mayor's office, our role is to advise the City Council and city departments on tree-related policies and help develop programs which protect and expand the city's urban forest for the health and well-being of all Angelenos.

Trees and green space are natural and cost-effective infrastructure that play a crucial role in reducing rising temperatures and fighting climate change. Trees provide environmental services, including lowering ambient temperatures, purifying the air we breathe, enhancing groundwater recharge, supporting biodiversity, and sequestering carbon. They also increase home values, support commerce and reduce crime. As trees mature, the benefits increase: for every \$1 spent on the urban forest, we enjoy \$6 in increased benefits. In short, trees and green space make densely populated cities healthy and more livable.

However, according to studies by USC, Tree People, LMU and the Google Tree Canopy Lab, Los Angeles has experienced an unprecedented decline in its overall tree canopy over the last 20 years. In some neighborhoods the loss of tree canopy has reached 50%. Much of the canopy loss has been attributed to development such as mansionization, and the City of LA's policies and ordinances fail to address this. Currently Los Angeles' overall tree canopy cover is around 14%, and as low as less than 1% in many neighborhoods. When we consider that a robust canopy can reduce ambient heat by as much as 20-40 degrees, it's clear that the loss of large shade trees is unacceptable in our steadily warming urban environment. While planting new trees is important, we must also preserve mature trees. The USC Urban Trees Initiative, UCLA Institute of Environment and Sustainability, and Tree People's Cooling Collaborative all emphasize the importance of preserving mature trees, which are now providing benefits that newly planted trees will not deliver for several decades.

Since SB9 aims to provide ministerial approvals for subdividing lots and building multiple units, without environmental review of the existing trees and greencover, CFAC supports the motion IF AMENDED to include the following:

