

## Communication from Public

**Name:** David Barboza  
**Date Submitted:** 07/28/2022 08:42 AM  
**Council File No:** 21-1414  
**Comments for Public Posting:** Abundant Housing LA would support the motion if amended to address our concerns. Please see the attached comment letter.



7/27/2022

The Honorable Paul Koretz, Bob Blumenfield and Nithya Raman  
Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

***Support if Amended – Senate Bill 9 Implementation – Council File 21-1414***

Dear Councilmembers,

We write on behalf of Abundant Housing LA with a “support if amended” position on the motion as introduced December 1, 2021 and amended February 8, 2022, in [Council File 21-1414](#), which directs City staff to prepare an ordinance to implement Senate Bill 9 (Atkins, 2021). SB 9 requires ministerial approval of second dwelling units and urban lot splits when certain conditions are met. We will also be commenting on the City’s interim [SB 9 Implementation Memo](#) and [SB 9 FAQ](#) documents.

**Abundant Housing LA** is a pro-housing, nonprofit advocacy organization working to help solve Southern California’s housing crisis. We support reforms to legalize more homes, make homes easier to build, increase funding for affordable housing, and protect tenants, which are all needed to make housing more affordable, improve access to jobs and transit, promote greater environmental sustainability, and advance racial and economic equity. As a community organization, in order to maintain our independence, we do not accept financial support from housing developers or their consultants.

We support the concept of an SB 9 implementation ordinance. Codifying the City’s interpretation of SB 9 and related application processing procedures with reference to the specifics of the Los Angeles Municipal Code should provide additional certainty to applicants who are interested in adding homes to their property.

However, some aspects of the amended motion guiding the drafting of this ordinance merit reconsideration. The motion states that the City will require the maximum amount of off-street parking the law allows. SB 9 prohibits minimum parking requirements within a ½ mile radius of a major transit stop, high-quality transit corridor or car share vehicle, and allows parking requirements of one space per unit otherwise. While the City would be within its legal authority here, minimum parking requirements are bad policy in general because they increase the cost of housing and make people more dependent on cars, with related harms to the global climate, air quality and public safety. Additionally, access to a car share vehicle is not functionally much different from hailing a cab on a smartphone, a capability that exists citywide. Property owners would still be allowed to build parking if it makes sense for them to do so, it just wouldn’t be

required by the City. Los Angeles should show leadership on housing and environmental policy by abolishing parking requirements for all homes built under SB 9.

Furthermore, language in the motion appears to imply the City will seek to exempt lots on “substandard” streets from eligibility for SB 9 on public safety grounds. While SB 9 does allow the building official to deny a permit for an SB 9 project when certain public safety findings are made, it is important that this authority be used responsibly, not pretextually. Likewise, the amended motion asks staff for a report on historic housing production by Council District, as if that were to be a factor in where SB 9 would apply, even though the law allows no such consideration to affect where SB 9 units can be built. Los Angeles lobbied unsuccessfully against SB 9 and we will be watching to ensure that the City implements the law in good faith.

The City’s SB 9 Implementation Memo generally does a good job of adhering to the law. However, it does mention that public hearings are required for coastal development permits, even though SB 9 exempts housing built under its provisions from the requirement for such hearings<sup>1</sup>. Los Angeles should align its procedures with the text of SB 9 and waive hearings that add unnecessary time, cost and uncertainty to the process of developing housing, particularly in coastal areas that tend to have some of the City’s highest housing costs. The Memo also mentions an application fee of nearly \$4,000, not including “surcharges” and development impact fees, to file for an urban lot split. The City should provide additional justification and analysis to demonstrate that these fees are reasonably related to application processing costs and project impacts and are not constraints on development, particularly in light of the fact that SB 9 is designed to be used by smaller developers and individual homeowners, who may have difficulty financing their projects. Finally, the Memo mentions that SB 9 second units and lot splits are reviewed by separate agencies, apparently prior to building plan check. The City should consider consolidating zoning-related reviews into a single agency, which would likely facilitate the process of applying for permits, particularly for applicants not seasoned in the intricacies of navigating the City’s complex bureaucracy.

The SB 9 FAQ raises some additional concerns. It appears that the City will require a biologist’s statement in some cases to verify that a site meets SB 9 eligibility criteria with regard to sensitive habitats. This process would doubtless be costly and time consuming. The City should make more of an effort to pre-screen land for this issue so that an applicant can know in advance whether a piece of land is considered sensitive habitat. The FAQ also mentions that a 20’ minimum frontage is required by LAMC. However, this may preclude the use of SB 9 for lot splits on narrow lots, where a narrower frontage of 12’ could still provide a walkway and single-car driveway to a rear flag lot. SB 9 requires zoning and subdivision development standards to be waived if they would preclude at least two units at least 800 square feet each per SB 9 lot. It would be better to adjust the code to anticipate scenarios such as this flag lot example, than to engage in ad-hoc waivers of development standards that may veer into the discretionary, for projects that must be reviewed ministerially.

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<sup>1</sup> California Government Code Sections 65852.21.(k) and 66411.7.(o)

For these reasons, we would be proud to support the motion, forthcoming ordinance and the City's SB 9 review procedures generally if they were amended appropriately to address our concerns, and we offer our thanks to you for bringing this important proposal forward.

Sincerely,

*Leonora Camner*

Leonora Camner  
Executive Director  
Abundant Housing LA

*David J. Barboza*

David J. Barboza, AICP  
Director of Policy and Research  
Abundant Housing LA

## Communication from Public

**Name:** Carene Mekertichyan  
**Date Submitted:** 07/26/2022 08:17 AM  
**Council File No:** 21-1414

**Comments for Public Posting:** On agenda item 11: Expanding 41.18 sites is a genocidal act against our unhoused neighbors; make no mistake. Simply displacing people rather than providing adequate housing and SUSTAINED support is City Council's greatest failure. "Sweeping away" homelessness from your sight does not make the issue go away; instead it removes the little bit of stability and communal safety that exists within these communities. We are also seeing drastic, unsafe temperatures and this trend will continue. Displacing people and removing their property in the midst of peak summer heat is a cruel, disgraceful act. City Council should instead be investing in affordable housing and social programs to help transition our unhoused neighbors into safe housing; failed "Project Roomkey" sites are not the answer. I implore you to be brave and think creatively as opposed to pushing this horrific policy to further your gentrification of our city. Unhoused deaths have increased by 25% in the year since 41.18 was implemented and you all are directly responsible. Please halt the expansion of this policy at the bare minimum or end it all together.

## Communication from Public

**Name:** Gregory Irwin

**Date Submitted:** 07/26/2022 11:36 AM

**Council File No:** 21-1414

**Comments for Public Posting:** Regarding agenda item 11: Reject the proposed amendment that would expand 41.18. Since passing the initial city ordinance, unhoused deaths have increased by 25%. This is not a policy focused on community safety, housing, or ending houselessness; this is a policy that murders people in the process of aimlessly shifting them from zone to zone to zone around the city, stripping them of their rights, their dignity, and their health along the way. Now, as weather grows hotter, climate change worsens, and COVID spreads even further, it is unacceptable to expand 41.18. A vote in support of this amendment is a vote in support of racist and classist mass violence. We need to solve houselessness with housing and healthcare and resourcing -- not with sweeps, not with death.