

Communication from Public

Name: Theo Swerissen
Date Submitted: 05/28/2026 09:17 PM
Council File No: 25-1083-S3
Comments for Public Posting: See letter attached:

5.28.2026

Subject: Opposition to City of Los Angeles' Non-Compliant Phased Implementation of SB 79 and Low-Rise Ordinance (25-1083-S3) – Request for HCD Review

Dear Members of the Los Angeles City Council, Planning and Land Use Management Committee, City Planning Commission, and SB 79 Implementation Team,

CC: California Department of Housing and Community Development (HCD) – SB 79 Compliance Team

I am a property owner within the 1/2-mile radius of the Expo/Bundy Metro E Line light rail station in a Highest TCAC Opportunity Area. I am writing to submit my formal opposition to the City of Los Angeles' current approach to implementing Senate Bill 79, including the Low-Rise Ordinance (25-1083-S3) approved as amended by the PLUM Committee on May 26, 2026. While I support the overall goal of SB 79 to produce abundant housing near transit, the City's phased rollout, broad exemptions, and reliance on a Low-Rise / "missing middle" experiment is a proven recipe for failure and directly contradicts the **intent of the law**.

Yesterday's Los Angeles County Superior Court ruling in the Venice Dell case provides clear, real-world evidence that the courts and the State of California will not tolerate these delay games. In an 8-page decision, Judge Curtis Kin ruled that the Board of Transportation Commissioners exceeded its legal authority when it voted in December 2024 to block a 100% affordable housing project on a city-owned parking lot in Venice. The judge ordered the Board to vacate its vote and allow the project to move forward.

The Venice Dell ruling is a direct warning shot to every local government attempting to slow-walk state housing mandates—especially in high-opportunity, high-resource areas. When the City uses half-measures, bureaucratic delays, and low-rise experiments in prime locations such as Expo/Bundy (a Highest Opportunity Area with excellent rail access and the upcoming Great Park), it actively burdens future larger-scale development that could actually deliver the housing California needs.

If the Low-Rise Ordinance and the City's watered-down SB 79 approach move forward as planned:

- Nothing meaningful will get built. High land acquisition costs on the Westside make modest 2–4 story projects economically unfeasible. Projects must pencil—meaning they must be financially feasible—or nothing gets built at all.

- It will repeat the exact failure of the previous Corridor Transition Incentive Area / MIIP program, which produced literally zero housing units.
- Even if a few small buildings are constructed, piecemeal 2–4 story projects will fragment ownership and dramatically increase the cost and difficulty of site assembly later.
- The Planning Department themselves have admitted this is only a temporary bridge. Reports make clear that after this experiment, the City will still have to adopt full SB 79 rules anyway. This is simply a delaying tactic.

By approving these delays and shrinkages of SB 79, the City is inviting expensive and time-consuming litigation — litigation the City cannot afford, especially when it cannot even manage basic public notification such as sending a written letter to residents explaining what it is planning to do.

I respectfully request that the California Department of Housing and Community Development review the City's proposed phased implementation and Low-Rise Ordinance for substantial compliance with SB 79 and reject any alternative plan that delays meaningful housing production in high-opportunity areas.

I urge the City Council to:

1. Reject or substantially revise the Low-Rise Ordinance (25-1083-S3) before final adoption.
2. Immediately advance the pending Yaroslavsky/Blumenfield accelerated implementation framework motion (Council File 25-1083-S1).
3. Prioritize maximum growth and building size (mid-rise to 8+ stories) in prime transit-rich locations instead of continuing with a low-rise experiment that history shows will fail.

SB 79 was passed with a clear legislative intent: override local NIMBY resistance and accelerate housing near transit. Continuing down this path of phased delays, exemptions, and low-rise smoke screens will squander one of the best opportunities in Los Angeles for real housing production.

Thank you for your attention. I am available to discuss this further.

Sincerely,

Theo Swerissen

Property Owner, Expo/Bundy Metro E Line Station Area

Los Angeles, CA

CC: Governor Gavin Newsom