



## WEST LA SAWTELLE NEIGHBORHOOD COUNCIL

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### PLANNING AND LAND USE MANAGEMENT [PLUM] REGULAR MEETING: AGENDA

**Tuesday, 5.21.2024 7PM**

***Zoom Meeting Online or By Telephone***

***<https://us02web.zoom.us/j/81811639087>***

***DIAL (669) 900-6833 or (833) 548-0282 to join the meeting***

***Then Enter This Webinar ID: MEETING ID: 818 1163 9087 (and press #)***

Si requiere servicios de traducción, avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte James Altuner, al (213) 978-1551 Secretaria, [James@westlasawtelle.org](mailto:James@westlasawtelle.org) para avisar al Concejo Vecinal.

**IN CONFORMITY WITH THE OCTOBER 6, 2023 ENACTMENT OF CALIFORNIA SENATE BILL 411 (PORTANTINO) AND LA CITY COUNCIL APPROVAL ON NOVEMBER 1, 2023, THE SAWTELLE NEIGHBORHOOD COUNCIL MEETING WILL BE CONDUCTED VIRTUALLY.**

Persons wishing to address the Committee must dial (669) 900-6833 or (833) 548-0282, enter 818 1163 9087 and press # to join the meeting. When prompted by the presiding officer, dial \*9 or use the Raise Hand option, to address the Board on any agenda item. Comments on agenda items will be heard only when the respective item is being considered.

Comments on matters not on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is a maximum of 90 seconds per speaker.

#### **SB 411 Updates:**

If a Neighborhood Council has a quorum of board members in a physical location, board members who wish to join the meeting via teleconferencing must adhere to AB 2449 rules and regulations. If a Neighborhood Council does not have a quorum of board members in a physical location, they must adhere to SB 411 rules and regulations.

In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comments in real time.

Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the eligible legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

- (i) An eligible legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph , to provide public comment until that timed public comment period has elapsed.
- (ii) An eligible legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.
- (iii) An eligible legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

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## **AGENDA**

**All items on the agenda are subject to discussion, possible action and filing of a Community Impact Statement to the Office of the City Clerk.**

- I. CALL TO ORDER AND ROLL CALL:**
- II. MINUTES: Ratify Minutes from October 2023 and April 2024 meetings**  
<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing>
- III. GOVERNMENT/ AGENCY PARTNER REPORTS**
  - a. CD11 - Jeff Khau, Planning Deputy.**
- IV. GENERAL PUBLIC COMMENT: Comments on non-agenda items (maximum 90 seconds).**
- V. EX PARTE COMMUNICATIONS: Jeff Khau, Jeff Zbikowski, JZ Architects, representative. Shahab Ghods, Plus Architects, representative. Gary Benjamin, Alchemy, representative.**

## VI. ADMINISTRATIVE

- a. Calendar Consent: Discussion regarding order of the agenda and time allotments subject to committee consent.
- b. Nominations: Andrew Rahn, Kimberly Johnson, and Elizabeth Dahm.

## VII. CURRENT PROJECTS see meeting folder for plans:

<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing>

- a. 1721 S Colby Ave
  - i. 7 story with roof deck 143 units 100% Affordable
  - ii. 2 Level subterranean parking, per 12.22.A.25 / AB 1763 incentives
  - iii. This project is 100% privately funded. **This is not public housing and no tax credit received from state or federal.**
  - iv. Project is ed1 eligible:
  - v. No general plan amendment, zone changed, height district change, variance, specific plan exception, or waiver of dedication/improvement is requested.
  - vi. More than 5 units are proposed and minimum of 80% of the total unit of the project dedicated to low-income affordable housing.
  - vii. 143 units 100% affordable, 80% (113 units) low income, 20% (29 units) moderate income & 1 manager's units
    - a. 115 one bedrooms (~566sqft) (\$1,891-\$2,837), 28 studios (\$1,765-\$2,647)
    - b. 40 proposed trees (potted or planted?)
    - c. See LAHD rent schedule here: <https://housing2.lacity.org/wp-content/uploads/2023/08/Rent-and-Income-Limits.pdf>
- b. 11418 Missouri Ave. apartments: As per **Executive Directive 1**, demolition of 2 1-story houses (2 units) and new construction of 4-story building with 44 units (100% affordable) on 8,756-sf lot in RD1.5-1XL zone.
  1. Incentives: Increased height (3 more stories allowed), increased FAR by 20%, reduced rear setback by 63% (15 ft to 5.5 ft), 2 reduced side setbacks by 21% (8 ft to 5.5 ft).
  2. 10 waiver requests (no current maximum number of waiver requests)
  3. Tree waiver, no open space, no horizontal or vertical breaks, no stepback on 4th level, no long-term bike parking, no screening of parking, allow 70% compact spaces, no front yard open space/setback; no parking (2 ADA spaces provided), allow front yard parking.
  4. Case #: PAR-2023-3811-AHRF; Application/plans: (click on "Missouri 11418" folder).
  5. <https://tinyurl.com/WLASNC-PLUM>
  6. <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjY3ODAz0>
  7. Community status: Appeal filed and refused by LA City Planning. Appeal to require hearing at City Council filed and pending.
  8. **See appeal letter in PLUM folder**
  9. City status: Planner - Rina Lara Rina.Lara@LACity.org . Submittal on Jun. 6, most recently listed: ISIAIAH ROSS.
  10. Representative: Jeff Zbikowski, JZ Architects; Owners: Kevin Zarabi, Steven Schieibe, Generation Real Estate Partners.

## I. POLICY ITEMS

- A. Gabrieleno/Tongva Partnership-Based Action Plan to Back the Land Acknowledgement (see Letter to Sawtelle NC in Meeting Folder:  
<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing> )

1. Option 1: Motion the NC Board to adopt the following as a land acknowledgement to begin each meeting: "The West Los Angeles Sawtelle Neighborhood Council acknowledges the Gabrielino/Tongva peoples as the traditional caretakers of Tovaangar (Los Angeles basin, South Channel Islands), and are grateful to have the opportunity to work for the indigenous people in this place. As advocates for this community,, we pay respects to our ancestors, our elders, and our relatives past, present, and emerging."
2. Option 2: Motion for the West Los Angeles Sawtelle Neighborhood Council Board to adopt the following as a land acknowledgement to begin each meeting: "As we gather on Gabrieleno/Tongva land in Sawtelle, we honor their ancient wisdom and deep connection to this place. With gratitude, we pledge to be mindful stewards of this land and its heritage. May we walk in harmony, respecting the Gabrielino Tongva people and all beings who call this land home."
3. Option 3 (Combo): Motion the NC Board to adopt the following as a land acknowledgement to begin each meeting: "We acknowledge that Sawtelle is situated in the land once known as Tovangaar, the ancestral and unceded lands of the Gabrieleno-Tongva Indians known today as the San Gabriel Band of Mission Indians. We show our respects to the First People, as well as all First People, past, present, and future, and honor their deep connection to this land and timeless wisdom as original caretakers of this land. We express our gratitude for the opportunity to work together in partnership in our commitment to care for this land."
4. **Motion** to recommend the following resolution: The West Los Angeles Sawtelle Board of Directors resolves by a vote of X-X-X to adopt the following land acknowledgement to begin each meeting as backed by the Partnership-based Action Plan:

Land Acknowledgement

"As we gather on Gabrieleno/Tongva land in Sawtelle, we honor their ancient wisdom and deep connection to this place. With gratitude, we pledge to be mindful stewards of this land and its heritage. May we walk in harmony, respecting the Gabrieleno/Tongva people and all beings who call this land home."

Partnership-Based Action Plan

Where as the West Los Angeles Sawtelle Neighborhood Council acknowledges the displacement and historical harms to the Gabrieleno/Tongva, the council commits to the inclusion of the tribe in Sawtelle's future by:

- a) Taking meaningful proactive steps to strengthen the connection between this land we know as Sawtelle and its original Caretakers including support for housing subsidies, funding for land return, ecological stewardship, and cultural space
- b) Ensuring inclusion in land use decisions by:
  - (1) Proactively recruiting tribal council members to land use and transportation committees so that they have meaningful input with regards to their ancestral land and
  - (2) Raising awareness of the tribe's key priorities
- c) and drafting a tribal consultation protocol on items that would impact the Gabrieleno/Tongva and their connection to Sawtelle such as those related to Los Angeles' landscaping ordinance; urban forest management; planning, land use, transportation policies; ownership of ancestral remains and artifacts, and design studio reviews in line with the principles of affirmatively furthering fair housing.

Background:

The Gabrieleno/Tongva have been the original caretakers of the land we now know of as Sawtelle, West Los Angeles. Through multiple genocidal policies beginning with California's first governor, the First People have been on the brink of physical and cultural erasure. The practice of acknowledging the land and its Caretakers counteracts this historical invisibility and historical harm. A Partnership-based Action Plan provides an implementable framework to actualize the land acknowledgement.

- B. Report: Economics and Zoning for Equitable Affordable Housing (submitted by Vic Pacheco)  
<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing>
1. Cost drivers in Sawtelle
  2. Equitability: For- vs. Non-profit models
  3. Inclusivity: Family Unit Sizes
  4. Environmental Equity: Enviro Screen 4.0
  5. Funding Considerations: TCAC zones, AB 1550 communities, Infill locations
- C. Presentation: How the Citywide Housing Incentives Program Pre-empts a Community Plan Update for Sawtelle's Historic Core (Cesar Aranguri)

<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing>

1. **Motion to recommend that the Board resolve that:**

The West Los Angeles Sawtelle Board of Directors requests by a vote of X-X-X that Council District 11 motion City Council to direct the Office of the City Attorney and the L.A. Department of City Planning to issue a supporting report and draft an interim control ordinance that would preserve Sawtelle's rent stabilized ordinance units and historic core with 1L and 2L densities so as to be exempt from the Citywide Housing Incentive Programs and any forthcoming transit oriented incentives prior to the implementation of the Community Plan Update, while meeting the necessary State's equitable affordable housing mandates as per SB 330, the Housing Crisis Act.

Background:

At the WRAC LUPC May 13, 2024 meeting, LA City Planning confirmed that the West LA Community Plan Update's time frame has now been changed to 2026-2028. The Citywide Housing Incentive Program will be finalized by fall 2024 to comply with the State's February 2025 deadline. Because R1 lots are exempt from any and all of the Citywide Housing Incentive Programs ("CHIP"), non-R1 lots will absorb the entirety of the State's affordable housing mandates. Because Sawtelle's historic core is not-R1, the CHIP will densify the core prior to the implementation of the Community Plan Update. An interim control ordinance is necessary to give the historic core of Sawtelle a chance to retain its current density through the update of the West L.A. Community Plan. An alternative equitable location for the affordable housing directed at the historic core is necessary to maximize the chance that the State will approve the ordinance under SB 330. Sawtelle has already undergone extraordinary displacement as a result of the elimination of over 500 rent stabilized ordinance units at Barrington Plaza towers.

- D. Presentation: Preserving Historic Sawtelle amid the Community Plan Draft Proposal 2024 under the Housing Element Citywide Incentives (Cesar Aranguri)  
<https://drive.google.com/drive/folders/1PwINUh6TIRlc22zDE3Ti1BnnY8bplzsr?usp=sharing>
1. Why Sawtelle's unique urban planning history of exclusion and heavy transportation positions it differently than predominantly R1 neighborhoods.
    - a) The residential core was upzoned beyond R1 in the 1990s.

- b) Two major transportation infrastructure changes: (i) the widening of S Bundy Dr under the West LA Traffic Mitigation Plan and (ii) the addition of the Expo metro line's Bundy Station.
2. Result: Housing Element Incentives will combine to break through protective threshold for the AHSO and other programs to provide for by-right densification throughout Sawtelle's historic core.

See: <https://planning.lacity.gov/plans-policies/housing-element-rezoning-program#concept-explorer>

- a. Framework of the Housing Element Rezoning Program.
- b. R1s were exempted from both ED1 and the Housing Element Rezoning Program concurrently.
- c. **Motion:** Eliminate the opportunity corridor incentive zoning for Barrington Ave in the historic core area due to the variable street width and lack of multimodal mass transit, which would negatively impact parking.
- d. **Motion:** Consistently apply the opportunity corridor incentive zoning for all residential blocks on S Bundy Dr because it is the full width criteria (as wide as Pico Blvd), hosts two bus lines, and is within a ½ mile of a rail station.

The Opportunity Corridor Incentive Area advances a holistic vision for livable and sustainable communities by providing opportunities for increasing housing capacity along major streets located in Higher Opportunity Areas. As described in detail in the Plan to House LA, the City is committed to Affirmatively Furthering Fair Housing (AFFH). Both state and federal AFFH laws require local governments to take meaningful actions through their housing programs to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. Many Angelenos remain largely segregated and excluded from Higher Opportunity Areas due to historic structural inequities such as redlining, racially restrictive covenants and exclusionary zoning. The Opportunity Corridor Incentive Area strives to provide greater opportunities for affordable housing options to be located in areas of Higher Opportunity, along corridors and with access to transit.

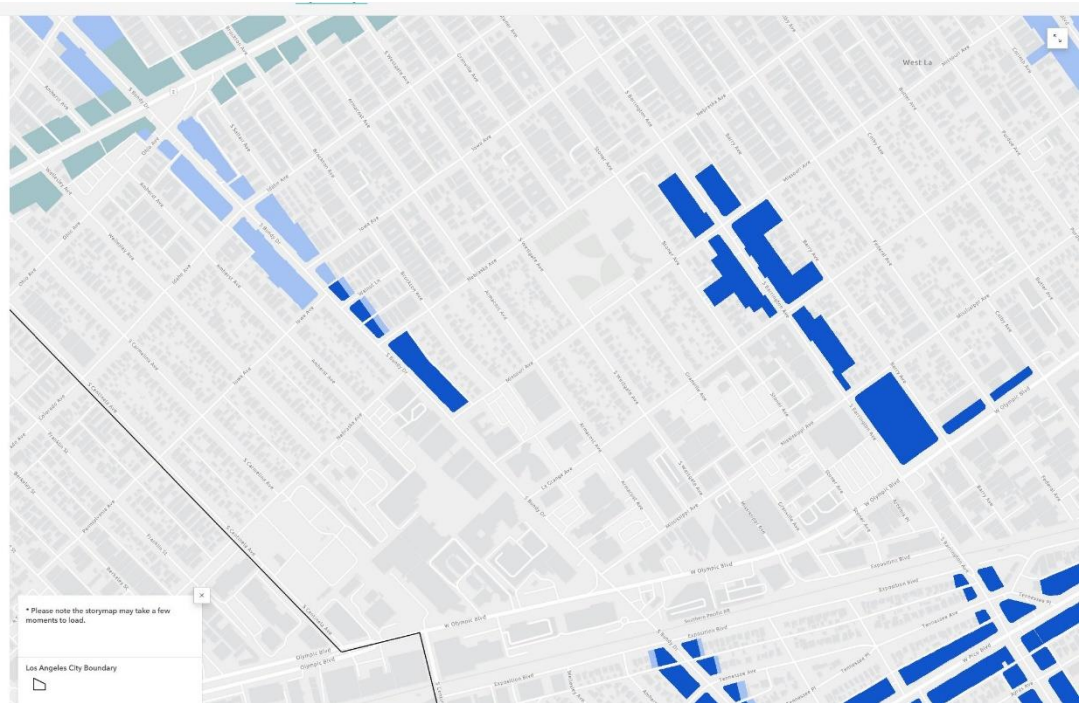
Three types of corridors have been identified:

- **Opportunity Corridor - 1 (OC-1):** Frequent Bus Service Corridors (30 min or less frequency during peak hours)
- **Opportunity Corridor - 2 (OC-2):** High Quality Transit Service Corridors (15 minutes or less frequency during peak hours)
- **Opportunity Corridor - 3 (OC-3):** Corridors within one-half mile of a Metro Rail Station

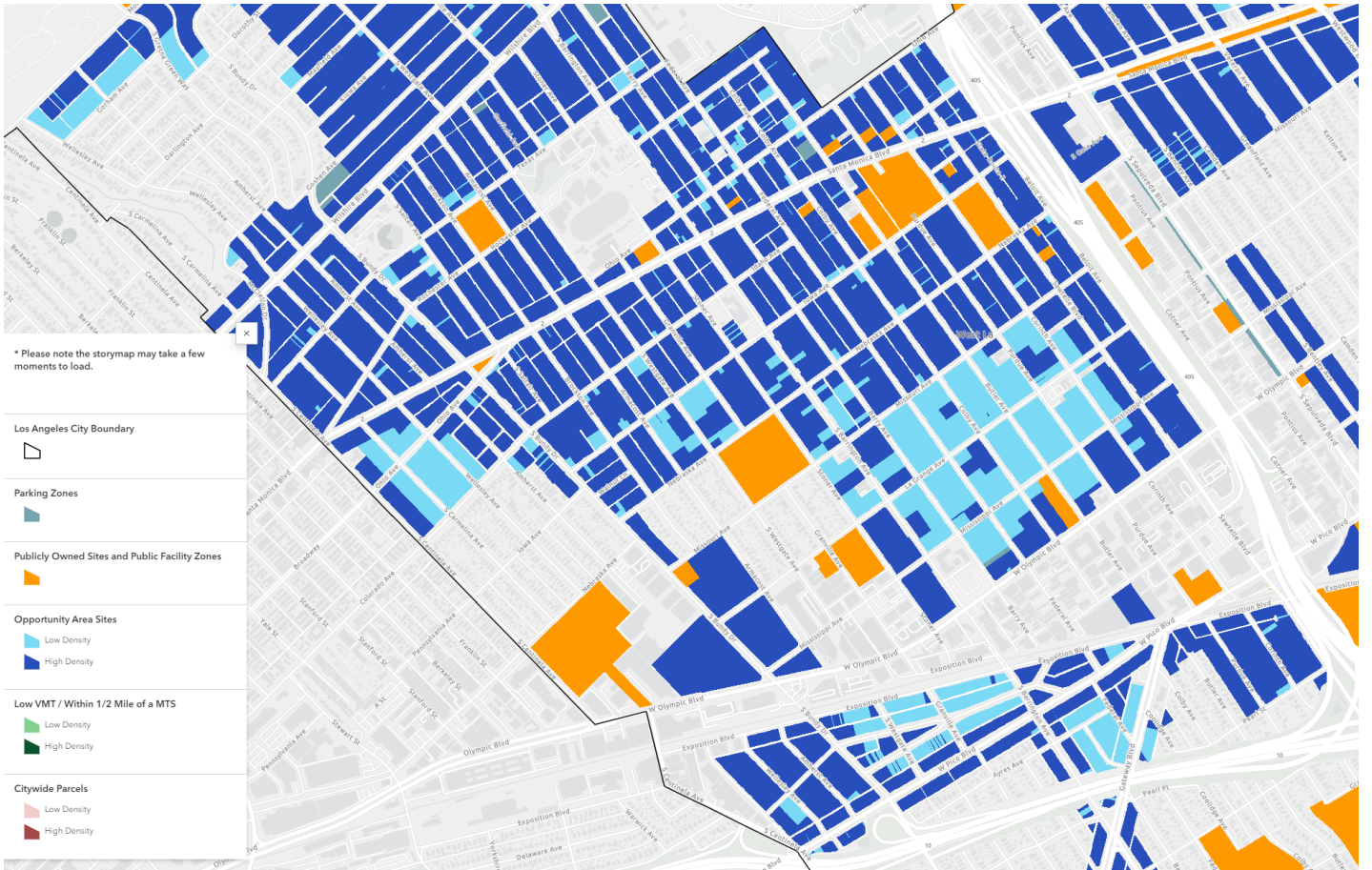
Sites located along one of the above mentioned Opportunity Corridors would be eligible for development bonuses in exchange for set-aside affordable units. Development incentives have been tailored according to the type of Opportunity Corridor and type of transit proximity, with scaled development incentives as projects are farther from high-quality transit. Generally, sites would be eligible for scaled FAR and Height (up to 5 or 8 stories) based on proximity to transit.

Footnote:

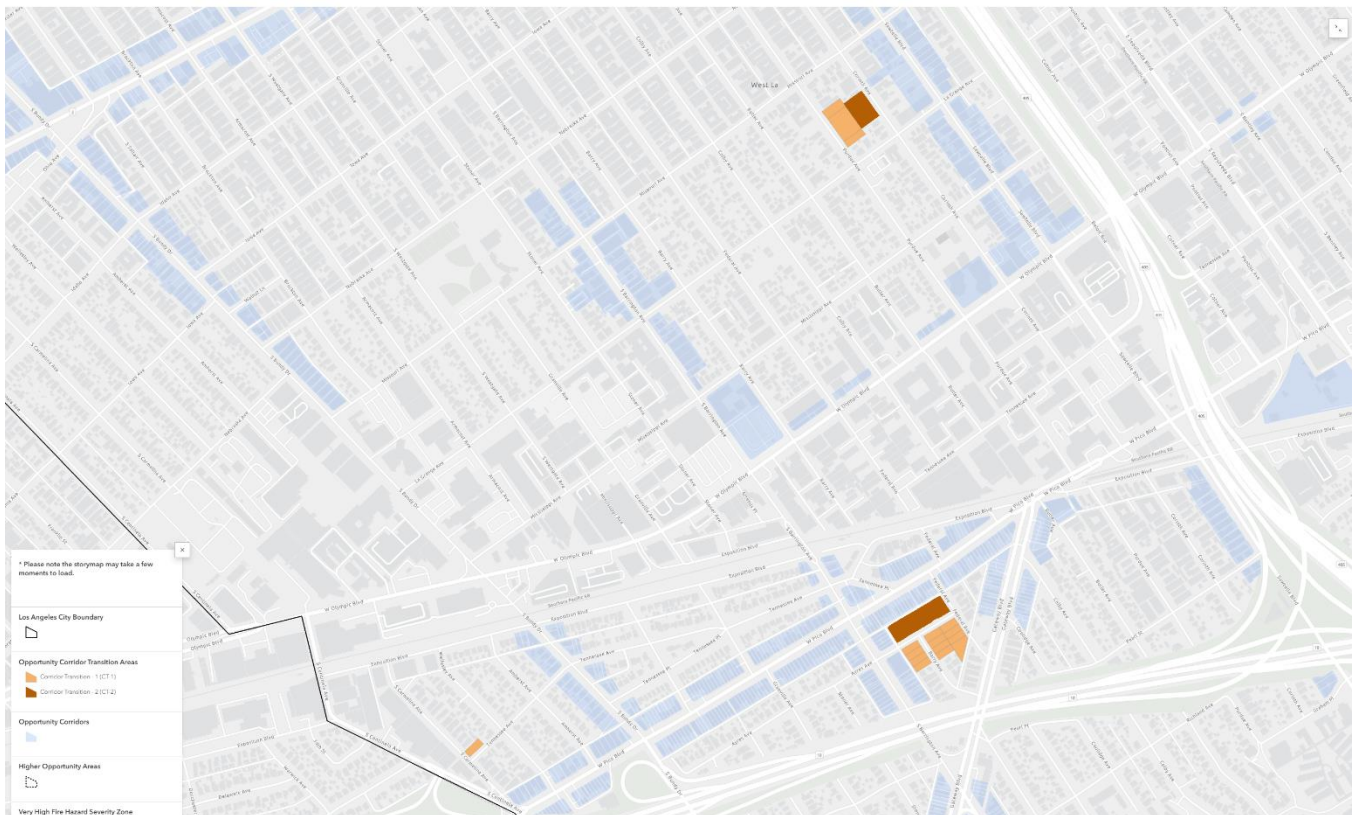
1. Disclaimer: Parcels shown on this map represent the eligible parcels under the Citywide Housing Incentive Ordinance (CHIP) as of January 1, 2024. Many of the strategies proposed as part of the CHIP have geographic eligibility based on existing transit lines as well as the State Tax Credit Allocation Committee for Opportunity Areas. As these resources are updated, the eligible parcels under the CHIP Program will be updated.



**Motion:** Because Sawtelle's historic core will densify on a by-right basis under the Housing Element Citywide Incentives program since it is not R1, rezone the historic core (formerly WLA 7,8,9) to 1L or 2L so as to prevent triggering the by-right densification under the Citywide Housing Incentive Programs.  
 Map of 100% affordable housing projects as per Housing AHIP Streamlining Procedures



e. Motion: Eliminate the Opportunity Corridor Transition Area incentives between Purdue and Corinth and La Grange and Missouri.



- f. Motion: Retain the residential zoning on the southern side of Mississippi between Sawtelle Blvd and Stoner Ave.
- g. Motion: Redesignate southern side of Mississippi Ave between Sawtelle Blvd and Stoner Ave as Hybrid Industrial in order to maintain and increase publicly accessible green open space.
- h. Motion: Reduce density along eastern side of Centinela Ave to 1L because Centinela is bottlenecked at Olympic, has no accessible mass transit, and is located across from the DWP generators.
- i. Motion: Eliminate the Transit Oriented Incentive areas between Stoner Avenue and Sawtelle Blvd north of Mississippi Ave.

3. Implications of RHNA income tiers on moratoria and downzoning under SB 330

E. AHSO: Letter to Mayor Bass and Traci Park

1. Dear Mayor Bass & Traci Park,

We join in acknowledging the success of your Executive Directive 1 (ED1) in attracting many 100% affordable housing projects to the city. But that success has in turn spotlighted a problem. The lack of guidelines has allowed many overly aggressive developers to slip problematic projects through the fast-track process. These projects defy good zoning practice and present substantial risk to our environment and our communities.

United Neighbors, in collaboration with your office, has drawn up Guidelines that identify and enforce qualifying criteria for the fast-track process. Added to the ED1 Ordinance, these Guidelines will create a practical means to balance a fast-track for worthy 100% affordable projects with protections for our environment.

We hope you will express your support for these Guidelines:

1. Limit the number of waivers and off-menu incentives to a total of 6.
2. Only one waiver is allowed if in an environmental category. Example: Reduced setbacks, or reduced trees, reduced open space- only 1
3. Front setbacks- code or align with adjoining sites prevailing setbacks.  
 Side setbacks- minimum 5'0".  
 Rear setbacks- code or minimum 15'. We ask for 15', if the city wants trees to grow.  
 Open Space- reduction up to 50% of code.  
 Required Trees- reduction up to 25% of code.
4. In order to qualify for the incentives offered in ED 1 or ED 1 Ordinance projects they must be consistent with the following uses (A) Residential units only (B) Mixed-use developments consisting of residential and nonresidential uses with at least 96% of the sq ft designated for residential use (C)transitional housing or supportive housing.  
 All exterior and interior improvements including floor plan design, relative size, finishes/materials, etc. among the affordable units, and any non-residential space that could be ministerially converted to a housing unit, shall be comparable. The affordable units shall have the same access to and enjoyment of all community amenities/facilities, light, and air, in the residential project.
5. Prevent developers from declaring "economic hardship" thus being allowed to avoid basic City requirements like site improvements, infrastructure improvements, fees, and standards.
6. Any off-menu requests that are above and beyond the stated ED 1 Ordinance guidelines (see 1) must go through a discretionary review including public hearings.



7. ED1 and ED1 Ordinance projects are not permitted in R1 zones, R2, and HPOZs in their entirety, and districts/buildings/sites designated as a historical resource under a local, state, or federal designation.
  8. ED 1 projects should not be granted on substandard streets.
  9. ED 1 qualified projects should at minimum meet Tier 2 TOC distance to transit qualifications.
  10. Exempt high fire severity zones.
- F. Housing Element Motion to LACP:
1. Motion: Request City Planning to eliminate all Housing Element Incentive programs in the Sawtelle historic core, which is defined here: [https://clkrep.lacity.org/onlinedocs/2014/14-1686\\_misc\\_2-17-2015.pdf](https://clkrep.lacity.org/onlinedocs/2014/14-1686_misc_2-17-2015.pdf) (page 12) and apply the program to Bundy Drive consistently in Sawtelle.
- G. Executive Directive 1: Motion to request that Mayor Bass, regarding CF 23-0623, issue an immediate exemption of RD1.5, RD2, and R2 properties from Executive Directive 1 to protect Sawtelle’s historic core while City Council deliberates the codification of the directive, which will be known as the Affordable Housing Streamlining Ordinance.
1. Background: Several approaches have been initiated to counteract no-public notice, no discretion projects. This one such approach among others.
  2. Motion: Motion Mayor Bass to amend the Affordable Housing Streamlining Ordinance to prohibit the eligibility of R2 or 2L areas adjacent to commercial zone areas.
- H. Motion: Incentivize low income, multigenerational co-housing units to maximize RHNA credit and provide necessary unit size flexibility for low-income family budgets.
- I. Interim Control Ordinance: Alternative Affordable Housing Plan
1. Review and points of discussion regarding LA City Planning’s report for Boyle Heights’ Interim Control Ordinance and motion text [See Meeting Folder for LACP BH ICO Report and BH ICO Motion Text]
    - a) Bases for ICO: Sawtelle versus Boyle Heights  
See BH ICO: [https://clkrep.lacity.org/onlinedocs/2023/23-0917\\_misc\\_2\\_11-29-2023.pdf](https://clkrep.lacity.org/onlinedocs/2023/23-0917_misc_2_11-29-2023.pdf)
      - (1) “potentially eligible historic district”: Sawtelle current historic status versus Brooklyn Corridor Historic District
      - (2) Prevention of rent-stabilized ordinance tenants: Sawtelle versus Boyle Heights
      - (3) Trends in rent increases: Sawtelle versus Boyle Heights [See BH Report in folder or here: [https://clkrep.lacity.org/onlinedocs/2023/23-0917\\_misc\\_3\\_11-29-2023.pdf](https://clkrep.lacity.org/onlinedocs/2023/23-0917_misc_3_11-29-2023.pdf)
    - b) LA City Council’s Approval of BH ICO (including CD 11’s yes vote):  
[https://clkrep.lacity.org/onlinedocs/2023/23-0917\\_CAF\\_12-15-23.pdf](https://clkrep.lacity.org/onlinedocs/2023/23-0917_CAF_12-15-23.pdf)
  2. ICO Requirement: Impact of SB 330: cannot impede specific tier of affordable housing that any subjective standards would preclude unless density is accounted for elsewhere [See both LA City Planning Implementation Memos in Meeting Folder] or  
<https://planning.lacity.gov/project-review/housing-crisis-act#:~:text=The%20HCA%2C%20enacted%20in%202019,effect%20since%20January%201%2C%202020.>

**Implementation of State Law SB 330 – Housing Crisis Act of 2019 (January 2020) p4.**

#### IV. RESTRICTIONS ON ACTIONS TO REDUCE HOUSING

##### A. Prohibitions on the Adoption of Plans, Zoning Ordinances, Moratoria, and Other Certain Actions That Result in Fewer Housing Units

In "affected" cities such as the City of Los Angeles, SB 330 generally prohibits zoning actions that result in fewer housing units than are permitted as of January 1, 2018. These actions include the adoption of plans that result in a net downzoning or otherwise reduce housing and population, except for specified reasons involving health and safety, affordable housing and voter initiatives. In addition, the bill generally prohibits local limits on the amount of housing or population through a moratorium on housing development, or limits on approvals, permits or housing units that can be approved or constructed.

These provisions require an analysis by City Planning that any legislative action, until 2025, would not lessen housing intensity, as described in Section 13 of SB 330 to include reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing. These restrictions apply to any zone where housing is an allowable use, even if the intent is not to reduce housing intensity. This provision does not impact zoning efforts that reduce intensity for certain parcels, as long as density is increased on other parcels and therefore result in no net loss in zoned housing capacity or intensity.

The law does create certain exceptions from these provisions, including an exception for Housing Development Projects located within a very high fire hazard severity zone as provided in Section 51177 of the California Government Code and in cases meant to preserve or facilitate the production of affordable housing for lower income households or housing that traditionally serves lower income households. A moratorium to protect against an imminent threat to the health and safety of persons residing in the vicinity of the area subject to the moratorium is also permitted, as are voter-approved local initiatives or referenda.

#### XI. LIMITATIONS ON REDUCING HOUSING CAPACITY

##### Downzoning Limitations

The Housing Crisis Act generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site's housing development capacity from what was allowed on January 1, 2018 (G. C. Sec. 66300(b)(1)(A)). These actions include the adoption of plans that result in a net downzoning or otherwise reduce housing capacity and population. In addition, the HCA generally prohibits local limits on the amount of housing or population through moratoria on housing development, or limits on approvals, permits, or housing units that can be approved or constructed.

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City of Los Angeles Implementation of the Housing Crisis Act of 2019 (February 15, 2023) pp 16-17 available here:

[https://planning.lacity.gov/odocument/c0e4e377-c84e-490b-8034-a7e662880387/Implementation\\_of\\_the\\_Housing\\_Crisis\\_Act\\_of\\_2019.pdf](https://planning.lacity.gov/odocument/c0e4e377-c84e-490b-8034-a7e662880387/Implementation_of_the_Housing_Crisis_Act_of_2019.pdf)

II. Exemptions to SB 330: Displacement of rent-stabilized apartments and Housing Element laws:

[https://www.cbearthlaw.com/uploads/1/1/8/8/11883175/impact\\_of\\_new\\_housing\\_laws\\_on\\_historic\\_preservation\\_ca.pdf](https://www.cbearthlaw.com/uploads/1/1/8/8/11883175/impact_of_new_housing_laws_on_historic_preservation_ca.pdf)

See [Impact\\_of\\_New\\_Housing\\_Laws\\_on\\_Historic\\_Prsevation\\_\\_ca.pdf](#) pp 3-4

Through 2030, these provisions require an analysis by City Planning demonstrating that any legislative action would not lessen housing intensity or change other development standards<sup>9</sup> in a way that would individually or cumulatively reduce a site's residential development capacity. These restrictions apply to any zone where housing is an allowable use. Any proposed ordinance that would have the effect of limiting or restricting housing development must be reviewed and approved by the California Department of Housing and Community Development.

#### **Exceptions to Downzoning Limitations**

The HCA does provide certain **exceptions** to these downzoning limitations. The downzoning limitations do not impact zoning efforts that reduce intensity for certain parcels, **as long as density is concurrently increased on other parcels and therefore result in no net loss in housing capacity or intensity**. The concurrent up-zoning may be done within 180 days of the downzoning action if the action is associated with a request by a project applicant for a Housing Development Project. In addition, moratoria may be enacted to prevent imminent threat to the health and safety of persons in, or within the immediate vicinity of, the area. **Downzoning may also be done to preserve existing restricted affordable housing or to facilitate the production of housing for lower-income households**. Consistent with Government Code Section 66300(f)(4), which exempts Very High Fire Hazard Severity Zones, as determined by the State Fire Marshal, from the provisions of Government Code Section 66300, Housing Development Projects in Very High Fire Hazard Severity Zones remain subject to City-initiated actions to limit housing development capacity via modified development standards, such as those described in Government Code Section 66300(b).

## A. Housing Element Laws

### 1. AB 1397: Realistic Market probability as measure of zoning capacity

Specifically, AB 1397 (2017) requires the following (item enumeration, bracketed text and emphasis added).

*"Section 65583.2 (g) (1) For [relevant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including:[]*

- [i] the extent to which **existing uses** may constitute an impediment to additional residential development,*
- [ii] the city's or county's **past experience** with converting existing uses to higher density residential development,*
- [iii] the current **market demand** for the existing use,*
- [iv] an analysis of any **existing leases** or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,*
- [v] **development trends,***
- [vi] **market conditions,** and*
- [vii] regulatory or other **incentives** or standards to encourage additional residential development on these sites."*

Site Example: A typical R3 zoned site in South LA is allowed 10 units after a density bonus through the TOC program. The regression model assumes the site will get built out at 78% of its allowable density (rounded to 8 units) but only have a 1% chance of being redeveloped into new housing. The site is therefore assigned a realistic development potential of 0.08 units during a 5-year period (10 units x 80% x 1%). Adjusted to 8 years, the site is assigned a realistic development potential of 0.13 units.

## SB 330

Senate Bill 330 (SB 330) went into effect on January 1, 2020, after it was approved on October 9, 2019. [Housing Crisis Act of 2019, 2019 Bill Text CA S.B. 330.](#)

This legislation amends, repeals, and adds a number of Government Code sections relating to housing by limiting standards applicable to approval of housing development projects.

### **SB 330 Limits Reliance on Discretionary Local Standards**

Under SB 330, a local agency is prohibited from disapproving a housing development project for affordable housing or conditioning such project in a manner that makes the project infeasible, including through the use of

design review standards, unless specific written findings are made. Cal. Gov. Code § 65589.5(d). These findings include that:

- The jurisdiction has already met its regional housing need allocation
- The housing development project would have a specific and adverse unmitigable impact on public health or safety
- The approval is prohibited under a specific federal or state law
- The proposed project site is or is surrounded by agricultural land -or-
- The project is inconsistent with applicable zoning and general plan land use designation at the time of the project application

Table 4.5: Application of Model Results to Sample Site

Model Steps	Sample Site
Community Plan Area	South LA
Zone	R3-1
Base-zoned units	6
Bonus-zoned units	10
Probability site will develop with housing (Step 1)	1.0%
Percent of bonus-zoned capacity expected to be built, if developed (Step 2)	78%
Predicted number of new units, conditional on development occurring (rounded)	8.00
Expected Unit Potential (5-year period)	0.08
Expected Unit Potential (8-year period)	0.13

2. SB 6: Certified Housing Element Inventory

See: [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

**[Part B] Requirements for Sites to Accommodate Lower income RHNA**

(i) Site's Use in Prior Planning Period(s)

- (a) Whether site was used in previous planning period?
- (b) In previous two planning periods?
- (c) Was the site identified to address a prior RHNA shortfall?
- (d) Was the site vacant?
- (e) Was the site density altered by a general plan update?

**To count, site may require "by right" zoning, achievable via an overlay.**

(ii) Does current zoned density provide necessarily financial feasibility to stimulate lower income housing?

**Two Analyses Available: Statutory Default Minimum Density Dependent on Census Data of Site OR Multi-factor Analysis**

- (a) Statutory Default (is it available for LA given over 50% of LI RHNA will go to non-vacant sites?)
- (b) Multi-Factor Analysis

- (I) Variables include: land cost, underlying zoned density, market history, etc. where key determination is whether expected return at minimum underlying density will exceed market land price, regulatory, transaction, and all other costs?
- (II) must exclude incentives and other residential buildout programs
- (III) conditional overlays may qualify only with sufficient incentives to make development of Low-Income housing more profitable than underlying zoning

(iii) Will site size provide for sufficient economies of scale to make lower income housing financially feasible? (generally, 0.5-10 acres for 50 - 150 units)

- a) Boyle Heights' Interim Control Ordinance: State's Review Under SB 330: Viable and Equitability Compliance with State Law
  - (1) Impact of Housing Element Laws on Commercial Rezoning: Realistic Market Probability for **Affordable Housing**  
**SEE APPENDIX A**
  - (2) Equity Issues and Concerns inherent in locating all additional affordable housing on commercial lots
- 2. Economics of Affordable Housing
  - a) Strategies to make viable large proportions of equitably built affordable housing
  - b) Strategies for housing production that remediates and prevents homelessness
    - (1) Supportive services
    - (2) Community Identity
    - (3) Job Opportunities near transit
  - c) Locating extremely low income affordable housing: Variables to Consider
  - d) Locating entry level homes for the creation of generational wealth for low income families: Economies of Scale for High Land Cost areas
  - e) Financing strategies for making entry level ownership of homes feasible in Sawtelle
  - f) Land / Ground Leases
    - (1) Prevention of anti-speculation in real estate markets
    - (2) Ground leasing for economies of scale and shared equity to provide starter home opportunities. Starter homes defined by scale versus price range [Courtyards versus condos and impact on attainability].
    - (3) Effect of ground leasing on equalizing nonprofit and for-profit developers in producing affordable housing
- B. Motion to resolve the following:
 

The West Los Angeles Sawtelle Board of Directors, in regard to CF 23-0623, requests that the city cap development waivers at one (1), with no more than one (1) of which may be related to the environment, for Executive Directive 1 (ED1) and Affordable Housing Streamlining Ordinance projects, and further requests that Councilmembers representing WRAC member councils (Park, Yaroslavsky, Raman and Hutt) bring a motion in Council or otherwise direct the Dept. of City Planning (DCP) to institute a DCP policy to effectuate this purpose.

Background:  
 See <https://westsidecouncils.com/wp-content/uploads/2024/01/Motion-LUPC-Waivers-2.2024.pdf>  
 See [https://planning.lacity.gov/plndoc/Staff\\_Reports/2023/11-16-2023/CPC\\_2023\\_5273\\_Commission\\_Packet\\_11.16.23.pdf](https://planning.lacity.gov/plndoc/Staff_Reports/2023/11-16-2023/CPC_2023_5273_Commission_Packet_11.16.23.pdf)

WRAC LUPC POLICY MOTION

Recommended to WRAC board by WRAC LUPC Committee

  - 1. Developers can request unlimited off-menu incentives and waivers without demonstrating financial need.
  - 2. 11814 Missouri example (100% affordable – ED1 Housing Crisis Act): 13 waivers, including no trees, no parking, no setbacks, front yard parking OK).
  - 3. Developers usually overpay for land, and that is not justification for additional incentives/waivers.
  - 4. By reducing the size of projects, the land prices will decrease correspondingly.
  - 5. Additional affordable housing benefits the community immensely.
- C. Request Transfer of PROW Easements to local First People as cultural easements for green space: The West Los Angeles Sawtelle Neighborhood Council, a member of the Westside Regional Alliance of

Councils (WRAC), requests that the city transfer easements in the public right of way to the local First People, the Gabrieleno/Tongva, to serve as cultural and ceremonial space through cultural easements for green space so that it may benefit the immediate on-site community. The West Los Angeles Sawtelle Neighborhood Council further requests that Councilmembers representing WRAC member councils (CMs Park, Yaroslavsky, Raman and Hutt) bring a motion in Council or otherwise direct the Dept. of City Planning (DCP) to institute a DCP policy to effectuate this purpose.

**Background:**

1. <https://westsidecouncils.com/wp-content/uploads/2024/01/Motion-LUPC-ROW-2.2024.pdf>
2. <https://oaklandside.org/2022/09/08/oakland-land-rights-indigenous-sogorea-te/>
3. This advances for Sawtelle's the preservation of the Gabrieleno/Tongva culture as well as environmental equity for our entire community.

**d. Discussion and possible motion** regarding potential community benefits including cultural easements such as creating cul-de-sacs for park space and identifying potential locations in Sawtelle.

**1. EX PARTE COMMUNICATIONS**

**VIII. GENERAL PUBLIC COMMENT: (Max 90 seconds)**

**IX. ADJOURNMENT**

**THE AMERICAN WITH DISABILITIES ACT** As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, make your request at least 3 business days (72 hours) prior to the meeting by contacting the Dept of Neighborhood Empowerment at (213) 978-1551 or [NCsupport@lacity.org](mailto:NCsupport@lacity.org)

Si requiere servicios de traducción, avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Contacte [contact@westlasawtelle.org](mailto:contact@westlasawtelle.org) para avisar al Concejo Vecinal.

Comments on matters not on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is a maximum of 90 seconds per speaker.

Notice to Paid Representatives - If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code Section 48.01 et seq. More information is available at [ethics.lacity.org/lobbying](http://ethics.lacity.org/lobbying). For assistance, please contact the Ethics Commission at (213) 978-1960 or [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org)

**Public Access of Records** - In compliance with Government Code 54957.5, non-exempt writings that are distributed to a majority of the board in advance of a meeting may be viewed at the Neighborhood Council Office at 1645 Corinth Ave., at our website: [www.WestLASawtelle.org](http://www.WestLASawtelle.org) online at <https://tinyurl.com/WLASNC-Board>, or at the scheduled meeting. If you want a copy of any record on the agenda, contact James Altuner, Secretary, at (213) 978-1551 or email at: [James@westlasawtelle.org](mailto:James@westlasawtelle.org).

Public Records Act Requests: Requests shall be forwarded to DONE and the City Attorney for guidance in determining compliance with the request. The Board will respond to the person or agency requesting the records in writing, within 10 days of receipt of the request, informing them that their request has been received and forwarded to DONE and the City Attorney to determine compliance.

Link: <https://recordsrequest.lacity.org/>

DONE link: <https://empowerla.org/public-records-requests/>

**PUBLIC POSTING OF AGENDAS** – Neighborhood Council agendas are posted for public review as follows:

- Stoner Park Recreation Center at 1835 Stoner Ave, Los Angeles, CA 90025
- [www.WestLASawtelle.org](http://www.WestLASawtelle.org)
- You can also receive our agendas via email by subscribing to L.A. City's Early Notification System at

<https://www.lacity.org/subscriptions>

**NOTICE TO PAID REPRESENTATIVES** – If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code Section 48.01 et seq. More information is available at [ethics.lacity.org/lobbying](https://ethics.lacity.org/lobbying). For assistance, please contact the Ethics Commission at (213) 978-1960 or [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org)

**Reconsideration and Grievance Process** - For information on the NC's process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the NC Bylaws. The Bylaws are available at our Board meetings and our website [www.WestLASawtelle.org](http://www.WestLASawtelle.org)

### Appendix A

