



August 31, 2021

Department of Regional Planning
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012

Dear Commissioners,

Thank you for the opportunity to comment on the process of updating the housing element of Los Angeles County's general plan. We are writing on behalf of **Abundant Housing LA, YIMBY Law, and the League of Women Voters of Los Angeles County** regarding the 6th Cycle housing element update.

- **Abundant Housing LA** is a pro-housing, nonprofit advocacy organization working to help solve Southern California's housing crisis.
- **YIMBY Law's** mission is to make housing in California more accessible and affordable through enforcement of state housing law.
- **The League of Women Voters of Los Angeles County** is a nonpartisan political organization encouraging the informed and active participation of citizens in government.

We support more housing at all levels of affordability and reforms to land use and zoning codes, which are needed in order to make housing more affordable, improve access to jobs and transit, promote greater environmental sustainability, and advance racial and economic equity.

In July 2021, [we submitted a comment letter](#) regarding the County's draft housing element update. In the letter, we highlighted significant inconsistencies with state housing element law, including the requirement that housing element updates affirmatively further fair housing (AFFH), as well as inconsistencies with the State Department of Housing and Community Development (HCD)'s instructions regarding housing element design and implementation. [HCD's recent comment letter](#) on the County's draft housing element update directly addresses many of the same deficiencies that our letter highlighted, and also states that "revisions will be necessary to comply with State Housing Element Law."¹ We have provided a brief summary below (Exhibit A) illustrating how HCD's comments on the County's draft housing element are largely congruent with our previous analysis.

These deficiencies must be addressed in the final version of the housing element update. We urge the County to swiftly adopt a legally compliant housing element that accommodates the County's RHNA target and provides a variety of attainable housing options for the County's residents and workers.

Thank you for your time and consideration.

¹ [HCD, Review of County of Los Angeles' 6th Cycle \(2021-2029\) Draft Housing Element Update, 8/6/21, pg. 1](#)

Sincerely,

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Exhibit A: Comparison of HCD Comment Letter and AHLA/YIMBY Law/LWV Comment Letter and Policy Recommendations

| Deficiency | HCD Comment Letter Appendix | AHLA/YIMBY Law/LWV Comment Letter | AHLA/YIMBY Law/LWV Policy Recommendations |
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| <p>Insufficient AFFH analysis and policy reforms to promote integrated neighborhoods</p> | <p>Page 1: “The element includes limited local data on segregation and integration of race, familial status, and income, and no data on people with disabilities. The element needs to include complete local and regional data on integration and segregation for the unincorporated County and analyze it for both local and regional trends and patterns.”</p> <p>Page 2: “Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues. Actions must also:</p> <ul style="list-style-type: none"> ● Address significant disparities in housing needs and in access to opportunity; ● Replace segregated living patterns with truly integrated and balanced living patterns; ● Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and ● Foster and maintain compliance with civil rights and fair housing laws. [...] <p>However, to facilitate meaningful change and address AFFH requirements, the element will need to add or revise/expand programs to demonstrate how it addresses fair housing issues.”</p> | <p>Page 12: “By the County’s own admission, 62% of the lower-income RHNA units are being planned for in areas where the majority of households have low or moderate incomes. The final housing element must instead present convincing data that its rezoning program will significantly reduce the number of lower-income households living in areas with heavy concentrations of low- and moderate-income households. [...] Additional rezoning of high-resource neighborhoods, including parcels where apartments (and thus affordable housing) are currently banned, will be needed for the housing element to meaningfully reduce the concentration of lower-income households in disadvantaged neighborhoods.”</p> <p>Page 2: “Unfortunately, the County has only proposed rezoning parcels that are already zoned for multifamily residential or mixed-use development, and has not proposed any rezoning of parcels where apartments are currently banned. The County does not propose the legalization of apartments in R1-zoned areas, which today make</p> | <p>Rezone parcels located near transit, job centers, schools, and parks in order to expand the supply of housing in high- and highest-resource areas, including R1 parcels where single-family detached homes are currently mandated by law.</p> <p>Do more to reduce the concentration of lower-income households in neighborhoods with high concentrations of low- and moderate-income households, in neighborhoods with high exposure to pollution, and in R/ECAPs.</p> <p>Identify new funding sources and public resources to encourage the production and preservation of affordable housing, such as a real estate transfer tax, an introduction of congestion pricing, and expansion of the County’s density bonus program, and active abatement of unhealthy facilities, such as pumping stations, incinerators, and other polluting infrastructure.</p> <p>Exempt parcels containing rent-restricted and de facto affordable housing units from rezoning to prevent displacement of</p> |

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| | | <p>up over 80% of the unincorporated County's residentially-zoned land.</p> <p>Single-family zoning is particularly prevalent in high-income communities like Altadena, East Pasadena, Ladera Heights/View Park, and La Crescenta, effectively blocking new housing opportunities, including housing that is affordable to lower- and moderate-income families, in these areas. An overreliance on parcels where multifamily housing already exists may lead to greater demolition of rent-controlled housing units, risking the loss of affordable homes and displacement of lower-income communities of color."</p> | <p>vulnerable households.</p> <p>Ensure that "no net loss" provisions apply to parcels in the site inventory and rezoning program with an annual and ongoing monitoring and implementation program.</p> <p>Prioritize the production of affordable housing on publicly-owned land, and offer that land to nonprofit developers at no cost as a lawful and bona fide concession through state density bonus law.</p> <p>Create a 100% affordable housing zoning overlay that encompasses high-opportunity neighborhoods, including R1 zoned parcels. Note: the County must still achieve a base zoning of 30 dwelling units per acre; affordable housing overlay zones cannot substitute base zoning densities.</p> |
| <p>Lack of quantitative analysis for likelihood of nonvacant sites' existing use being discontinued</p> | <p>Page 5: "The element identifies a large portion of its RHNA at all income levels on nonvacant sites including sites that will be rezoned to address the 6th cycle shortfall (p.178-185). The analysis mentioned a list of factors that were considered to determine development potential including age of structures and degree of underutilization. However, the element should list the actual values for each of the sites to better relate the overall analysis to the sites inventory. Additionally, the analysis should describe why and how the</p> | <p>Page 6: "However, the analysis doesn't estimate a likelihood of development for the site inventory or rezoned parcels, effectively assuming that all parcels will be redeveloped during the 6th Cycle. This is a very unlikely outcome, given that during the 5th Cycle, only about 17% of the county's theoretical zoned capacity was actually built. [...]</p> <p>The County must <i>fairly</i> estimate the</p> | <p>Provide a quantitative estimate of parcels' development probabilities, and incorporate this factor into the estimate of sites' realistic capacity. Valid methodologies include the Survey Method or the Historical Redevelopment Rate Method (see pg. 8 of our previous letter).</p> <p>Report the proportion of sites in the previous housing element's inventory that were developed during the planning period.</p> |

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| | <p>factors demonstrate that these sites are suitable for development. [...] If the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, as part of the resolution to adopt the housing element, the County must make findings based on substantial evidence that the use is likely to be discontinued pursuant to Government Code section 65583.2, subdivision (g)(2).”</p> <p>Page 9: “As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites, zoning available to encourage a variety of housing types and incentives to facilitate development.”</p> | <p>likelihood of development for all parcels on the suitable sites inventory.”</p> <p>Page 8: “When cities allocate over 50% of their lower-income RHNA targets to nonvacant sites, they must demonstrate through substantial evidence that the current use of these sites is likely to be discontinued during the planning period. [...] The County’s draft housing element does not utilize either the Survey Method or the Historical Redevelopment Rate Method to provide evidence that redevelopment has a high likelihood of occurring on the parcels in the site inventory and rezoning plan.”</p> | <p>Share letters from owners of the site inventory parcels, indicating their interest in selling or redeveloping these properties during the 6th Cycle. At a minimum, these letters would express interest, but, ideally, letters would describe plans in sufficient detail as to allow the County to quantify such interest into a likelihood of development.</p> <p>If the County lacks enough suitable sites to achieve the RHNA target, rezone additional parcels where redevelopment is likely. Merely adding more theoretical units to existing multifamily does not fulfill the County’s duty to AFFH (see above).</p> <p>Commit to a mid-cycle review to verify Planning’s assumptions about development probabilities and make adjustments if necessary.</p> |
| <p>Insufficient evidence supporting claim that County-owned sites will be redeveloped</p> | <p>Page 4: “The element relies on County-owned sites to accommodate a portion of the RHNA. It also noted that most of these sites are located in the incorporated cities and they are nonvacant. The element must include the following for a complete analysis as well as a program that commits to developing on these sites.</p> <ul style="list-style-type: none"> • Indicate whether the sites have approved or pending projects or are suitable for development in the planning period. • For nonvacant sites with no | <p>Page 4: “Additionally, the draft housing element states that County-owned sites will accommodate over 7,000 affordable homes for lower-income households by 2029. However, the County provides no evidence that production of any housing, affordable or market-rate, is likely on these sites. There is no information provided on active RFPs or ongoing development agreement negotiations for new housing on</p> | <p>Discount County-owned sites’ projected yield of new housing by a quantitative estimate of the likelihood of development, and establish programs and policies that support the development of new housing on those sites.</p> |

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| | <p>approved or pending project, an analysis of the extent that the existing use constitutes as an impediment or that the existing use will discontinue during the planning period.</p> <ul style="list-style-type: none"> • If no approved or pending project, the density, zoning, and conditions are appropriate to facilitate new development within the planning period and the County has a right to develop per sovereign immunity pursuant to Section 53090 and 53091 of the California Government Code and disregards the local zoning regulations for these projects. • Indicate whether the County is both the permitting authority in terms of the approval of a project and issuing building permits. | <p>these sites, nor has the County offered a credible plan for funding the subsidized units that are being counted towards the RHNA goal.”</p> | |
| <p>Assuming that all in-pipeline projects will be completed</p> | <p>Page 3: “The element indicates 4,563 units have been entitled and that 662 units are affordable to lower-income households. For the County to count these units as progress towards RHNA, the element must demonstrate the likelihood that these projects will be constructed during the planning period. Specifically, the element should indicate the year each project was entitled and the expected construction date, or the likelihood of construction through conducting outreach to the owners/developers.”</p> | <p>Pages 9-10: “Assuming that all permitted or entitled projects will ultimately be built is a faulty assumption [...] Unfortunately, the County has made this faulty assumption, counting towards the 6th Cycle RHNA target 2,752 units in projects that have been approved but not yet permitted. [...] Using data from recent projects, the City of Los Angeles estimated that 37% of projects with pending entitlements, 45% of projects with approved entitlements, and 79% of permitted projects, are ultimately completed. The County should discount the</p> | <p>Provide a quantitative estimate of the likelihood that in-pipeline projects will be completed, based on historical data, and adjust the number of in-pipeline units counted towards the 6th cycle RHNA target accordingly. If the County does not have these data, it should apply the same discount as the City of Los Angeles due to the close proximity and microeconomic conditions that exist there.</p> |

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| | | number of pending and approved entitlements counted toward its RHNA target by at least the same factors”. | |
| Over-optimistic forecast of ADU production | <p>Pages 5-6: “The County is counting 500 ADUs per year for a total of 4,000 ADUs to accommodate its moderate and above moderate RHNA. The element shows that the County permitted an average of 371 ADUs per year between 2018-2020 (p.172). Additionally, the County permitted 277 ADUs in the first half of 2021. However, the analysis and programs do not support the assumption that 4,000 ADUs will be permitted during the planning period. As a result, the element should be revised to reduce the number of ADUs assumed per year.”</p> | <p>Pages 15-16: “Local jurisdictions frequently use overly optimistic estimates of ADU capacity and future production to avoid necessary housing reform and rezoning. This is why HCD has established two safe harbors for forecasting ADU production during the 6th Cycle. [...] Under a correct calculation of HCD’s “Option #1”, the County would take the average of the ADU permitting trend between 2018 and 2020, and forecast that 272 ADUs will be permitted per year during the 6th Cycle. This would allow for a total 6th cycle forecast of 2,973 ADUs.</p> <p>The housing element therefore significantly overstates the likely production of ADUs during the 6th cycle, possibly as a tactic to avoid further rezoning. The County must correct its calculation of the ADU safe harbor, and simply apply the average of annual ADU permits issued between 2018 and 2020, per HCD’s guidelines.”</p> | <p>Use HCD’s Option 1 safe harbor and project that 2,973 ADUs will be permitted during the 6th Cycle, as required given that the County has annual permitting data.</p> <p>Follow HCD’s recommendation to track ADU and JADU creation and affordability levels, and commit to annual, ongoing review to evaluate if production estimates are being achieved.</p> <p>Annually assess the affordability of forecasted ADUs using jurisdiction-specific data, rather than regional data.</p> |
| Lack of concrete constraint removal and adequate rezoning | <p>Page 9: “To address the program requirements of Government Code section 65583, subdivision(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the County’s specific role in implementation;</p> | <p>Page 5: “While the housing element discusses governmental constraints in detail, including minimum lot sizes, parking requirements, strict limits on building height and size, high construction costs,</p> | <p>Strengthen the County’s density bonus program to apply to low-density parcels where apartments are banned today.</p> <p>Establish a fast by-right review</p> |

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| <p>program</p> | <p>(2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.</p> <p>Specifically, the programs should be revised to include a more detailed timeline for implementation. [...] The element's programs need to provide more specificity on what the program will be doing, specific actions the County will take to implement the program, and what issues, goals, or policies it will be addressing. [...] As noted in Finding A3, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints."</p> <p>Page 10: "Program 16 should be revised to specifically commit to rezoning sites to accommodate the shortfall of sites to accommodate the County's RHNA pursuant to Government Code section 65583.2, subdivisions (h) and (i)."</p> | <p>slow approval processes, and a lack of local funding for affordable housing production, the report does not commit to a strong enough program to remove policy constraints that deter housing production at all levels of income."</p> <p>Page 14: "As described in Sections 1A, 2A, and 4A, the draft housing element does not take meaningful steps towards legalizing affordable housing in exclusionary neighborhoods where apartments are today banned, despite the heavy prevalence of R1 zoning in the County's best-resourced, highest-income neighborhoods. [...] Therefore, the County must further rezone transit-rich, job-rich, and well-resourced neighborhoods, including single-family zoned areas, in order to expand housing opportunities at all levels of income and achieve the RHNA target."</p> | <p>process for all new multifamily and mixed-use buildings that meet the zoning law and comply with the General Plan.</p> <p>Pre-approve standard accessory dwelling unit (ADU), small-scale "missing middle" multifamily and small lot subdivision housing plans, allowing developers to receive a permit quickly if they use a pre-approved design.</p> <p>Eliminate on-site parking requirements, instead allowing property owners to decide how much on-site parking is necessary.</p> <p>Reduce restrictions on maximum height, floor-area ratio, unit size, setbacks, and lot coverage.</p> <p>Rezone parcels located near transit, job centers, schools, and parks in order to expand the supply of housing in high- and highest-resource areas, including R1 parcels where single-family detached homes are currently mandated by law.</p> |
| <p>Insufficient public review</p> | <p>Page 11: "HCD understands the County did not make the element available to the public prior to submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission to HCD, the County has not yet complied with statutory mandates to make a diligent</p> | <p>Page 14: "Under state law, cities are required to "make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." (Gov't Code 65583(c)(7)). This is</p> | <p>Survey or poll a statistical sample of the community, and elicit the respondents' preferences and priorities regarding zoning and residential development. If response rates favor privileged groups, the survey results should be reweighted accordingly so that they more</p> |

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| | <p>effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review.”</p> | <p>necessary in order to ensure that all segments of the community, including those who are frequently excluded from decision-making, have a seat at the table in determining the future of their city. [...] The County did not undertake statistically robust random polling or surveying of the population, nor did it reweight the results of surveys it did conduct in order to reflect the distribution of opinion among the County's population groups.</p> | <p>accurately reflect the distribution of opinion within the community. Offer this survey mechanism in the top five languages spoken in the unincorporated County areas, in both online and hardcopy formats.</p> |
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