

WRAC LUPC POLICY MOTION

TITLE: Relationship between Community Plan Process and Housing Element Process

Council File # 21-1230, Housing Element / General Plan / 2021–2029

Current efforts underway to update and complete the four Westside area Community Plans now being advanced by the City Planning Department.

PURPOSE: Two separate motions are requested (and should be reviewed individually)

a) To seek a “time out” on the work being done on the Westside Community Plan documents until the Housing Element process and document has been completed by the City and approved by the State.

Without knowledge as to how the Housing Element will impact our communities, it is impossible to commit to changes in the community plans and related documents as we will not know or understand how our decisions made on the community plans will be affected by any policies or citywide overlays adopted in the Housing Element.

BACKGROUND:

This motion does not refer specifically to a City Council file (although the Housing Element CF is 21-1230). It seeks to make a formal request of the Planning Dept. a halt and call a “time out” to current efforts to move forward with the four Westside Community Plan updates (WLA, Venice, Westchester/Playa del Rey, Mar Vista) until such time as the impacts of the Housing Element program are known and the mapping to implement the program have been submitted to and accepted by the State.

Without such knowledge, decisions made by our communities as to land use designations for density and height, could be vastly changed/impacted by policies adopted via the Housing Element. Currently unknown citywide or “Higher Opportunity Area” overlays could change what were intended to be maximum height levels, etc.

Since the RHNA goals were established, the City and world have experienced significant changes. Work patterns have been altered such that remote work has become an established practice thus resulting in major changes in where people live and work and has significant related impacts on land use patterns. The availability of commercial corridors for residential development has vastly increased as have opportunities for the adaptive reuse of both office and commercial properties. Established population patterns have also changed. Yet, none of these changes have been taken into account by the State’s RHNA/Housing Element process.

THE MOTION:

The _____ Neighborhood/Community Council, a member of the Western Regional Alliance of Councils (WRAC), requests the City Planning Department suspend further work on

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the Westside Community Plans until the policies and mapping to implement the Housing Element have been adopted by the City and approved by the State and their impacts on local land use and each community plan are known.

DIRECTED TO: WRAC Executive Board

ACTION/VOTE COUNT:

WRAC LUPC Committee meeting, August 12, 2024

Motion moved by XXXX, seconded by XXXX

Motion approved by LUPC COMMITTEE XXY-XXN-XXA

TITLE:

Current Housing Element Cycle implementation and the potential application of Builders Remedy

PURPOSE:

a) To request that our City Councilmembers introduce necessary motions to instruct/direct the City's Sacramento lobbyists, Planning Department and other representatives to lobby the State to suspend the potential application of Builders Remedy during the current Housing Cycle. This would include promoting activities to work with other cities to advance actions to request the State HCID Department (and Governor) and our State legislators enact whatever administrative changes and legislative amendments to laws needed to suspend the application of Builder's Remedy in the current Housing Element cycle due to significant changes in the environment that have occurred since the Housing Element goals were established. This, for cities with approved Housing Elements.

b) To approve and allow for the initiation of WRAC conversation with local State elected officials to discuss the need for reform of the Housing Element legislation to suspend Builders Remedy in the current Housing Cycle for cities with approved Housing Elements.

BACKGROUND:

The establishment of the RHNA goals was done well before the impacts of the COVID pandemic were known. Cities with approved Housing Elements and mapping to implement those goals may well fail to reach their goals through no fault of their own. They can map and approve projects to meet their goals but have no control whether a property owner or developer will proceed with their plans. Cities can incentivize construction. For the most part, they do not build housing.

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We have seen developers with approved development plans abandon their projects and place their land for sale because of the impacts of higher interest rates, the impacts of higher labor costs, the impacts of higher construction material costs and in some cases with the contributing factor of expected delays in obtaining needed specialty (electrical, for example) construction materials. The City has no control over this. The goals were established long before all these facts were known. To continue to hold cities responsible for meeting the goals and to enable the severe Builders Remedy to be enacted should they fail to meet benchmarks or their final goals in this cycle is folly. It sets cities up to fail.

Furthermore, it is important to acknowledge that it is possible for developers to game the system as currently designed. Should builders choose to withhold applying to move forward with development plans, they themselves can trigger Builders Remedy. They can wait until the benchmark reporting period has passed and once a city fails to meet their progress goals, the developers will no longer have to abide by the established zoning maps. Instead, they can go about building whatever they wish nearly anywhere they wish to build.

There are no safeguards to protect against this practice. And, while builders may be waiting for the Feds to lower the interest rate for borrowing on construction loans, or for labor or material costs to drop, they may also be waiting for Builders Remedy to be invoked by the State.

The City's failure to challenge the implementation of the State's Housing Element Regional Housing Needs Assessment program given changes that have occurred due to impacts of the Covid pandemic and that occurred and became known AFTER the RHNA goals were established, places the City at great risk to fail to meet the RHNA goals.

The threat that the State will permit the application of Builders Remedy on cities that have failed to meet benchmarks toward meeting their RHNA goals has in some cases caused cities to set goals and rezone land to meet figures in excess of State mandated RHNA numbers. And yet, they, too may fail to meet their goals simply because cities do not build housing. They can only create incentives for building and can approve projects. Whether approved projects get built is something well beyond their control. Punishing those cities and their communities for something they cannot control should not be within the State's power. Builders Remedy negatively impacts communities and the people who live in them. It does not "harm" the geographic entity known as a City. It does not harm the elected officials who adopt the plans or the planners who create it. It harms the people who must live under the shadows of an out-of-scale-projects that dwarf and places homes, apartments and condos nearby. It harms the children whose schools suddenly become overcrowded because hundreds of housing units have been placed where they do not belong. It affects the safe passage of all roadway users when a large project is placed in an area readily inaccessible to transit and where traffic patterns are already challenged and/or roadway capacity is limited.

THE MOTION:

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The _____ Neighborhood/Community Council, a member of the Western Regional Alliance of Councils, approves actions to be taken by the WRAC Board and its members, as appropriate, to seek the suspension of the application of Builders Remedy during the current Housing Element cycle. This, as a result of major changes in the environment that were unknown at the time that RHNA Housing Element goals were established.

This includes contacting our City electeds and appropriate staff to take such action and to permit Councils (as appropriate) to contact their electeds and others to further this goal.

DIRECTED TO: WRAC Executive Board

ACTION/VOTE COUNT:

WRAC LUPC Committee meeting, August 12, 2024

Motion moved by XXXX, seconded by XXXX

Motion approved by LUPC COMMITTEE

FYI: Earlier Housing Element related motions at WRAC:

The _____ NC/CC, a member of the Westside Neighborhood Alliance of Councils (WRAC), opposes the Housing Element's proposed rezoning and densification of R1 and multi-family neighborhoods beyond what SB9 and ADU laws allow. We demand that Mayor Bass and all Councilmembers representing WRAC neighborhoods (Park, Yaroslavsky, Hutt and Raman) stand up for our communities and direct the City Planning Department to reject the upzoning of our single-family and sensitive multifamily neighborhoods, and instead, locate all upzoning on our underutilized commercial corridors.