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July 26, 2021

Ms. Tina Fung
Supervising Regional Planner
Housing Policy Section
County of Los Angeles Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Re: Updated BIA-LAV Comment Letter – Comment Period for Draft Program Environmental Impact Report (Housing Element Update)

Dear Ms. Fung,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA-LAV), is a non-profit trade association focused on building housing for all. On behalf of our membership, we would like to share our comments on the Draft Program Environmental Impact Report ("Draft PEIR") prepared for the Housing Element for the planning period 2021-2029 ("Draft Housing Element"). This comment letter is in addition to our [letter](#) sent on the PEIR Notice of Preparation ("NOP") on February 4, 2021 and our [letter](#) sent on July 22, 2021 requesting that the comment period be extended to a minimum of 60-days and preferably for 75 days.

Ahead of our feedback on the PEIR, we would like to reiterate that the 45-day PEIR public comment period for a project as critical as this 2021-2029 Housing Element is inadequate given the unusual circumstances facing the County and the public with respect to the current housing crisis. A public review period longer than 60 days is warranted under the law when such "unusual circumstances" are present.

General Comment and Rezoning Methodology

For the next Housing Element cycle (2021-2029), LA County's Regional Housing Needs Allocation ("RHNA") is approximately 90,000 housing units. That means the County must have zoning in place that can accommodate those additional 90,000 housing units. To put this



number into perspective, according to the Draft Housing Element, in the unincorporated areas during the 20-year period between 2000 and 2020, single family residences increased by 11,564 units, multifamily residences increased by 6,742 units, and mobile homes decreased by 406 units (Draft Housing Element, p. 96). The documents goes on to state that the County does not have zoning in place that can accommodate all its 90,000 housing units to meet RHNA goals. According to the Program EIR, the County needs to rezone land in the unincorporated areas to accommodate, at minimum, an additional 51,000 housing units to meet their 90,000 RHNA obligation. In order for the County to meaningfully plan for their RHNA units, State law recommends that local agencies rezone more than the minimum needed to create a “buffer” of potential units. For the County to accommodate the recommended buffer, they would need to rezone land to accommodate approximately 63,000 units. The County has announced in the Draft Housing Element and its PEIR that it must embark on a rezoning program to increase densities throughout the unincorporated areas. The zone changes needed to increase density are also referred to as “up-zoning”.

BIA’s concern is that the County’s rezoning program excludes vast swaths of unincorporated areas. The PEIR contains a cursory discussion of the methodology used by the County to identify areas for potential up-zoning. The PEIR says “[t]he rezoning methodology excludes areas identified in Figure C.1, Hazard, Environmental and Resource Constraints Map of the General Plan (County of Los Angeles 2014)” (PEIR, p. 3-5). That map was prepared in connection with the County’s adopted General Plan update and is attached to the PIER. It depicts three classes of “Special Management Area[s]” that are each described in Appendix C: Land Use Element Resources of the 2014 General Plan appendices. The purpose of the constraints map and its three classes are described in that Appendix C as follows:

“The purpose of the Hazard, Environmental and Resource Constraints Model is to inform the land use policy direction of future community-based planning initiatives, as well as other land use policies, regulations and procedures. In addition, it is a tool to inform stakeholders of potential site constraints and regulations. The Model uses three classifications, which are defined below:

- Class I: Land that has minimal hazard, environmental and resource constraints.*
- Class II: Land that has moderate hazard, environmental and resource constraints.*
- Class III: Land that has severe hazard, environmental and resource constraints.*

Figure C.1 is a visual representation of the Hazard, Environmental and Resource Constraints Model. However, the Model does not represent the constraints cumulatively. For example, if an area is part of a Very High Fire Hazard Severity Zone (Class I) and a Significant Ecological Area (Class II), it is mapped as “Class II”. (Appendix C: Land Use Element Resources, January 2014, p. 8).



In Figure C.1, virtually the entire County is classified as located within some “hazard, environmental and resource constraints” zone. Table C.1, also included in the 2014 General Plan Appendix C, along with the constraints map, identifies the various classes of constraints with more specificity; including, Open Space, Significant Ecological Areas, Mineral Resource Zones, Hillside Management Areas, Very High Fire Severity Zone, just to name a few.

Our main concern is based on the complete exclusion of all land within all three classes from consideration for up-zoning. This has the effect of pushing all of rezoning into urban infill areas and even leaves out many urban areas, thereby concentrating environmental effects on neighborhoods that are already burdened by air quality, traffic, noise and other environmental issues. Additionally, there is a lack of explanation or analysis in the Housing Element PEIR section that discusses rezoning methodology. Neither Figure C.1, Hazard, Environmental and Resource Constraints Map, nor the explanatory Table C.1 are reproduced in the PEIR. Also missing are details in the Draft Housing Element PEIR explaining why all areas on the Figure C.1 map are excluded from up-zoning consideration, including those areas classified as having “minimal” hazard, environmental and resource constraints.

The way that the Hazard, Environmental and Resource Constraints Map is currently being used stands to hurt the production of housing in most of the unincorporated areas. In order to meet the County’s RHNA allocation responsibility, the County will need to encourage both infill and greenfield development. New development can safely mitigate for many of the concerns that have been presented through the constraints map. There does not appear to be any analysis of whether areas within any of constraints zones can mitigate those constraints to accommodate more housing. While the map is not a prohibition on up-zoning or higher densities in the areas it identifies, it reflects a trend against suburban development that only promises to make housing more difficult and expensive to build. We need all housing types to serve all income levels so that we can have the opportunity to alleviate the housing crisis.

Land Use Comments

The analysis of potential environmental effects on land use from the rezoning is brief and leaves our members with many questions. For example, the analysis of potential environmental effects from possibly physically dividing an established community related to Threshold LU-1 is as follows:

“The rezoning program would promote and facilitate new residential development with greater densities than previously permitted in certain areas of the unincorporated areas of Los



Angeles County. However, the Proposed Project would concentrate rezoning efforts within urban and suburban areas, many of which would be located along commercial corridors. The proposed rezoning areas for additional housing would encourage infill development in areas with existing infrastructure and access to transit, rather than continuing historical sprawling land use patterns. These changes would not introduce radically different land uses into neighborhoods, propose new street patterns, or otherwise divide these areas” (PEIR, p. 4-11.11).

This statement does not include information or citation to evidence to support the assumptions provided, yet is used as a premise for the direction of the land use policy within the PIER and the Housing Element. Moreover, many commercial corridors of the County have shallow lots and abut single family neighborhoods. There is no analysis as to whether increasing density in such areas may conflict with existing neighborhood land use patterns. The existence of such potential conflicts is not discussed or compared. Because none of these issues are addressed, no mitigation is suggested to ensure that the integrity of existing neighborhoods is protected and preserved. Again, it’s important to note that the aim of the County should be to encourage all housing types and housing opportunities in all parts of the County. Supporting development along commercial corridors and in greenfield areas are not mutually exclusive.

The analysis under LU-2 concerning conflicts with land use plans, policies and regulations is also concerning. It provides as follows:

“Any future development facilitated by the Proposed Project, including development as part of the rezoning program, would be subject to future discretionary permits and CEQA evaluation. Therefore, impacts related to compatibility between the Proposed Project and applicable plans adopted for the purpose of avoiding or mitigating environmental effects would be less than significant” (PEIR 4-11.12).

The analysis assumes that *all* new development would be subject to discretionary action, but will that actually be the case after the rezoning, or will rezoning not result in many ministerial projects facilitated by the new zoning? There is no explanation of how the significant density increases comport or not with existing community plans, transit oriented districts, specific plans and community standards districts. Unfortunately, the PEIR does not adequately inform decision makers or the public of the potential consequences of the suggested policies within the Draft Housing Element.

Conclusion



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Given the housing crisis and dire need for housing at all affordability levels, the PEIR should carefully consider the environmental consequences of promoting goals, policies and programs that may too narrowly focus new development away from undeveloped land outside of existing urban and suburban development. The PEIR should assess the advances in all environmental mitigation that would allow flexibility in locating new housing throughout the County. The need to achieve a balanced approach to up-zoning across the County is challenging, but necessary to evenly spread needed housing throughout the region. The PEIR should also better evaluate how these and other barriers affect housing supply. Lastly, we again request that the PEIR be circulated for public comment for at least 60 days and preferably for at least 75-day. Anything less would be a disservice to the public. Thank you for your consideration. Should you have any questions, please contact BIA-LAV Vice President, Diana Coronado at dcoronado@bialav.org.

Sincerely,

Diana Victoria Coronado
Vice President
BIA-Los Angeles/Ventura

Sent via e-mail