RYAN J. PATTERSON (SBN 277971)
BRIAN J. O'NEILL (SBN 298108)
EPHRAIM S. MARGOLIN (SBN 322799)
PATTERSON & O'NEILL, PC
811 West 7th Street, Suite 1200
Los Angeles, CA 90017
Tel: (213) 877-3110
Fax: (415) 907-7704
ryan@pattersononeill.com
brian@pattersononeill.com
emargolin@pattersononeill.com

Attorneys for Petitioners and Plaintiffs
YES IN MY BACK YARD,
SONJA TRAUSS, ANDREW SLOCUM

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT - UNLIMITED JURISDICTION

YES IN MY BACK YARD, a California nonprofit corporation; SONJA TRAUSS, an individual; and ANDREW SLOCUM, an individual.

Petitioners/Plaintiffs,

v.

GAVIN NEWSOM, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF CALIFORNIA; STATE OF CALIFORNIA; KAREN BASS, IN HER OFFICIAL CAPACITY AS MAYOR OF THE CITY OF LOS ANGELES; CITY OF LOS ANGELES; CITY OF PASADENA; CITY COUNCIL OF PASADENA; CITY OF MALIBU; CITY COUNCIL OF MALIBU; COUNTY OF LOS ANGELES; and DOES 1-25.

Case No.: 25STCP04761

VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF

[CCP § 1085; CCP § 1060; Gov. Code § 8570 ; Gov. Code § 8571; Gov. Code § 8567; Gov. Code § 8627; Gov. Code § 65852.21; Gov. Code § 66411.7; Cal. Const. Art. 3, § 3; Cal. Const. Art. 5, § 1]

Petitioners and Plaintiffs YES IN MY BACK YARD, a California nonprofit corporation, SONJA TRAUSS, an individual, and ANDREW SLOCUM, an individual ("Petitioners") bring this action for a writ of mandate and declaratory relief against Respondents and Defendants GOVERNOR GAVIN NEWSOM, STATE OF CALIFORNIA, MAYOR KAREN BASS, CITY OF LOS ANGELES, CITY OF PASADENA, CITY OF PASADENA CITY COUNCIL, CITY OF MALIBU, CITY OF MALIBU CITY COUNCIL, COUNTY OF LOS ANGELES AND DOES 1-25 ("Respondents"). Petitioners respectfully seek an order compelling Respondents to comply with California law — specifically, the California Emergency Services Act (Gov. Code § 8550, *et. seq.*) and Gov. Code §§ 65852.21 and 66411.7 ("SB 9") — and a judicial declaration finding that the governor's Executive Order suspending SB 9, as well as the suspension of SB 9 in reliance thereon by the Cities of Los Angeles, Pasadena, and Malibu, and the County of Los Angeles, are unlawful, unconstitutional, and of no further force and effect.

INTRODUCTION

1. In January 2024, the Eaton and Palisades Fires tragically struck Los Angeles County, including parts of Malibu, Pasadena, Altadena, and the Pacific Palisades neighborhood of the City of Los Angeles. The fires burned more than 47,900 acres, destroyed or damaged more than 16,250 structures, including homes, small businesses, and places of worship, and displaced tens of thousands of residents.

2. The fires were extinguished by January 31, 2025, but they left a housing emergency in their wake. As Governor Gavin Newsom determined in Executive Order N-29-25, dated July 7, 2025, "the Los Angeles region has some of the highest housing costs in the country, and the destruction of homes will reduce the availability of housing in the region, which is likely to further increase the cost of housing and the related crisis of homelessness if housing is not expeditiously rebuilt[.]" (Executive Order N-32-25, attached hereto as **Exhibit A**.) The governor thereafter issued more than 20 executive orders aimed at mitigating the housing emergency by streamlining housing construction permits in the burn areas.

3. Yet one of these orders is not like the others. Executive Order N-32-25, dated July 30, 2025, purports to *suspend* an existing streamlining law known as Senate Bill 9 ("SB 9") in the

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burn areas, making it harder for residents to rebuild. SB 9 allows a property owner to build one or two modest duplexes for rent or sale (if the property owner agrees to live in one of them), with streamlined permitting. (Executive Order N-32-25, attached hereto as **Exhibit B**.)

4. Executive Order N-32-25's stated justifications were that some "community members and local officials have expressed concern" about SB 9, and that housing construction could "crowd evacuation routes" in a future emergency. The governor's order suspending SB 9 violates the California Emergency Services Act because it does not "mitigat[e] the effects" of an existing emergency, and it violates the California Constitution's separation of powers doctrine because it flies in the face of the Legislature's recent decision expressly authorizing SB 9 in these areas. The governor's order also purports to delegate to local officials the authority to suspend state law – a power the governor does not possess in this situation.

5. Relying on the governor's order, the Cities of Los Angeles, Pasadena, and Malibu, and the County of Los Angeles suspended SB 9 in the burn areas. These local actions are unauthorized, unlawful, and violate SB 9.

6. SB 9 could be a lifeline for fire victims, and its suspension harms the people who suffered the greatest losses. To wit, many homeowners in the burn areas discovered that their homes were underinsured, and they lack sufficient capital to rebuild. For these residents, the ability to rebuild a home quickly and rent or sell a modest second unit would make it financially feasible to remain in their community. Without that ability, property owners cannot afford to rebuild their own home or provide housing to their displaced neighbors. The value of these residents' most important asset is significantly impaired, their communities' rebuilding is unnecessarily delayed while families permanently relocate, and the region loses out on desperately needed housing.

BACKGROUND

7. This case demonstrates the lobbying influence of small, highly-connected, wealthy communities, and their ability to stop a type of housing they dislike, even in the midst of a generational housing crisis. These communities have been opposed to SB 9 since the Legislature was debating its passage in 2021. Now, they are exploiting the tragedies of the Palisades and

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Eaton Fires to stop the production of housing in some of the wealthiest and most influential neighborhoods in the region.

8. Pacific Palisades is one of the most exclusive neighborhoods in the City of Los Angeles. Nearly 90% of this area is zoned solely for single-family housing, with houses routinely selling for over four million dollars. The Upper Hastings Ranch neighborhood of Pasadena is one of the most exclusive places to live in east Pasadena, which consists almost entirely of single-family homes. Malibu is one of the wealthiest cities in the country, with only 1.9% of households in the City experiencing poverty, compared to 7.9% in the greater region. 76.2% of all housing units in Malibu are single-family homes, and the median home prices for these units are $3,769,079.[1] Homes along the waterfront can sell for more than a hundred million dollars. Altadena is a diverse area of unincorporated Los Angeles County of around 43,000 people, with median home prices over one million dollars.

9. California, and particularly southern California, is suffering from a housing crisis that, at its core, is caused by the failure to build enough housing. Nearly 96% of residential land in California is zoned by local governments solely for single-family uses, which is a significant constraint on the state's ability to construct more housing and dig itself out of the housing crisis.

10. In 2021, the Legislature enacted SB 9, which permits the construction of up to four units on certain qualifying single-family zoned parcels. SB 9 was intended to increase homeownership opportunities for Californians by allowing the construction of more units in single-family zoned areas, and by making existing lots more affordable by allowing owners to generate income to offset high housing costs.

11. The Legislature has thoroughly evaluated the policy question of whether to permit SB 9 projects within Very High Fire Hazard Severity Zones, and through that legislative process recently determined that SB 9 projects should be allowed in such areas, subject to statutory fire-

[1] Jack Flemming and Hailey Wang, *Housing Tracker: Southern California home values rise slightly in October*, Los Angeles Times (Nov. 20, 2025), available at https://www.latimes.com/california/story/2025-11-20/housing-tracker-southern-california-home-values-rise-slightly-in-october.

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protection standards and limitations. These fire-protection requirements include detailed standards for fire-safe ingress and egress.

12. Now, the communities with deepest pockets and loudest voices have found a way around that legislative decision by taking their grievances directly to Governor Gavin Newsom.

13. Following the Palisades and Eaton Fires, and driven by unsubstantiated conspiracy theories that their idyllic multi-million-dollar neighborhoods would be upzoned for multi-family uses, residents and local officials mounted a pressure campaign to secure a gubernatorial exemption from SB 9 (Gov. Code §§ 65852.21 and 66411.7). The Pacific Palisades Community Council sent the governor a letter on July 28, 2025 requesting suspension of SB 9, claiming that "The essential, distinctive character of Pacific Palisades – a quiet, low-density community of predominantly single-family homes – will be irrevocably destroyed as more and more of these streamlined SB 9 projects are permitted and built." (July 28, 2025 Letter from Pacific Palisades Community Council to Governor Newsom, attached hereto as **Exhibit C**.) These comments were clearly motivated by concerns about neighborhood character rather than mitigation of an emergency.

14. Just two days after receiving the letter from the Pacific Palisades Community Council, Governor Newsom issued an executive order suspending SB 9 in areas affected by the Palisades and Eaton Fires. (Executive Order N-32-25, attached hereto as **Exhibit B**.) That same day, Mayor Bass issued an executive order prohibiting the application of SB 9 within the Palisades Fire area. (Mayor Bass Emergency Executive Order No. 9, attached hereto as **Exhibit D**.) In September, the Pasadena City Council also banned applicants from using SB 9 in areas of the City affected by the Eaton Fire. (City of Pasadena Ordinance, No. 7455, attached hereto as **Exhibit E**.) The City of Malibu and the County of Los Angeles also now have policies prohibiting applicants from using SB 9 in areas affected by the fires. (City of Malibu's October 15, 2025 Local Coastal Program and Zoning Code interpretation, attached hereto as **Exhibit F**; County of Los Angeles' August 18, 2025 Memorandum on SB 9, attached hereto as **Exhibit G**.)

15. The suspension of SB 9 puts the state further from reaching its housing production goals. It has nothing to do with mitigating the effects of an existing emergency, but instead

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represents a policy choice regarding where SB 9 projects should be permitted due to potential for future fires. The Legislature has already decided that question and made an explicit, deliberate policy choice. The governor cannot override the Legislature's constitutional legislative authority – effectively wielding a post-facto line-item veto in the name of executive emergency powers.

16. The governor's suspension of SB 9 violates the California Emergency Services Act ("CESA") and exceeds his constitutional authority for multiple reasons.

17. First, CESA only authorizes the governor to suspend a state law if the law is preventing, hindering, or delaying the mitigation of the effects of an existing emergency. The suspension of SB 9 is not related to the mitigation of the Palisades and Eaton Fires, but rather is meant to address speculative impacts from future fires.

18. The governor's order is beyond his authority to address an ongoing emergency under CESA and therefore violates the separation of powers embedded in the California Constitution.

19. Second, CESA does not grant the governor authority to delegate his power to suspend state laws to local officials. CESA explicitly grants the governor, and only the governor, the authority to suspend state law – and only in extremely limited circumstances.

20. The actions of the Cities of Los Angeles, Malibu, and Pasadena and the County of Los Angeles suspending SB 9 pursuant to the governor's unlawful order therefore violate SB 9, which prohibits local governments from enacting any standards that conflict with SB 9 – i.e., red tape for housing permits.

21. This case demonstrates why the State of California faces a deepening housing crisis. While housing costs continue to rise to unprecedented levels, Respondents are blocking new housing where it is needed most.

PARTIES TO THE ACTION

22. Petitioner and Plaintiff Yes In My Back Yard ("YIMBY") is a § 501(c)(3) nonprofit corporation. YIMBY is the litigation affiliate of YIMBY Action, a § 501(c)(4) nonprofit corporation, whose membership cuts across socioeconomic lines, including members with very low, low, moderate, middle, and higher incomes ("YIMBY Members"). YIMBY's

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mission is to increase the accessibility and affordability of housing in California by enforcing state housing laws and by advocating for increased access to housing for households of all income levels, including for YIMBY Members who reside in, or wish to reside in, the Pacific Palisades neighborhood of the City of Los Angeles, Pasadena, Malibu, and unincorporated Los Angeles County which have been affected by the fires. YIMBY has a direct and substantial interest in ensuring that Respondents' actions are in conformity with the requirements of law, that those requirements are properly executed, and that Respondents' duties are enforced. YIMBY Members, as well as the general public, will be adversely affected by the acts described herein and are aggrieved by the acts, decisions, and omissions of Respondents as alleged in this Petition and Complaint. YIMBY brings this Petition and Complaint on its own behalf and on behalf of others affected by Respondents' failure to comply with state law as alleged herein.

23. Petitioner and Plaintiff Sonja Trauss is a natural person and a resident of the State of California. She is the founder and executive director of YIMBY and is a YIMBY Member. Trauss has a substantial interest in ensuring that Respondents' actions are in conformity with the requirements of law, that those requirements are properly executed, and that the public duties of Respondents are enforced.

24. Petitioner and Plaintiff Andrew Slocum is a natural person and a resident of the City of Pasadena. He is a Lead of the Los Angeles Chapter of YIMBY Action and a real estate developer in Los Angeles County. Slocum has a substantial interest in ensuring that Respondents' actions are in conformity with the requirements of law, that those requirements are properly executed, and that the public duties of Respondents are enforced.

25. Respondent and Defendant Governor Gavin Newsom is and at all relevant times was the governor of the State of California, and is named in his official capacity.

26. Respondent and Defendant State of California is the government entity responsible for enforcement of the laws of the State. The State of California must comply with the State and United States Constitutions.

27. Respondent and Defendant Mayor Karen Bass is and at all relevant times was the Mayor of the City of Los Angeles, and is named in her official capacity.

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28. Respondent and Defendant City of Los Angeles ("Los Angeles") is an incorporated municipality of the State of California.

29. Respondent and Defendant City of Pasadena ("Pasadena") is an incorporated municipality of the State of California.

30. Respondent and Defendant City of Pasadena City Council (the "Pasadena City Council") is the legislative body of the City of Pasadena.

31. Respondent and Defendant City of Malibu ("Malibu") is an incorporated municipality of the State of California.

32. Respondent and Defendant City of Malibu City Council (the "Malibu City Council") is the legislative body of the City of Malibu.

33. Respondent and Defendant County of Los Angeles is a subdivision of California.

34. Petitioners are not aware of the identities of Respondents/Defendants DOES 1-25, who are responsible for the acts and omissions alleged herein and that caused damage to Petitioners; therefore, Petitioners will amend this Petition and Complaint when the true identities of DOES 1-25 are ascertained.

35. Petitioners are informed and believe that at all times mentioned in this Petition and Complaint, all Respondents/Defendants were the agents or employees of one of the Respondents/Defendants, and in doing the things alleged in this Petition and Complaint, were acting within the course and scope of that agency and employment.

JURISDICTION AND VENUE

36. Los Angeles County Superior Court has initial jurisdiction of the matters alleged herein pursuant to Code of Civil Procedure § 1085, which authorizes the Court to issue a writ of mandate.

37. The governor maintains an office in Sacramento, although the disputed executive order only applies to areas within Los Angeles County.

38. Mayor Bass's office is in the City of Los Angeles, in the County of Los Angeles.

39. The City of Pasadena is in Los Angeles County.

40. The City of Malibu is in Los Angeles County.

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41. The County of Los Angeles is coextensive with Los Angeles County.

42. Venue is proper in this Court because Respondents Mayor Bass and the City of Los Angeles, the City of Pasadena and Pasadena City Council, the City of Malibu and Malibu City Council, and the County of Los Angeles are situated in Los Angeles County, the Attorney General has an office in Los Angeles County, and the contested executive order from Governor Newsom applies exclusively to Los Angeles County. (Code Civ. Proc. §§ 393, 394, 395, and 401.)

43. Petitioners performed any and all conditions precedent to filing this action to the extent required by law and exhausted all available administrative remedies.

STATEMENT OF FACTS

California's Housing Crisis

44. In recent years, the California Legislature has sought to address what it has described as a "housing supply and affordability crisis of historic proportions" that is "hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Gov. Code § 65589.5(a)(2).)

45. As a result of the housing crisis, younger Californians are being denied the opportunities for housing security and homeownership that were afforded to previous generations. Families across economic strata are being forced to rent rather than experience the wealth-building benefits of homeownership.[2] Many middle-and lower-income families devote more than half of their take-home pay to rent, leaving little money to pay for transportation, food, healthcare and other necessities.[3] Families are also at risk of losing housing in the event of a financial setback, and housing insecurity has led to a mounting homelessness crisis.[4]

[2] California Department of Housing and Community Development, *California's Housing Future: Challenges and Opportunities: Final Statewide Housing Assessment 2025* (2018), available at https://www.hcd.ca.gov/policy-research/plans-reports/docs/sha_final_combined.pdf, at 18-19.
[3] *Id*. at 27.
[4] *Id*. at 3, 48-50.

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46. Nearly 96% of residential land area in California is zoned for single-family uses, which studies show is strongly correlated to having fewer nonwhite residents.[5] The percentage of Latino residents drops precipitously as the percentage of land zoned for single-family housing rises.[6]

47. At the core of California's affordable housing crisis is a failure to build enough housing. California's Legislative Analyst's Office estimates the state built barely over half the units the state needed to meet demand between 1980 to 2010.[7] California ranks 49th out of the 50 states in existing housing units per capita.[8]

The City of Los Angeles' Housing Emergency

48. The adverse effects of California's housing crisis are nowhere more apparent than in the City of Los Angeles. The number of unhoused people in Los Angeles has nearly doubled in the past decade, with the number of unhoused families increasing by 238% since 2007. Although Los Angeles represents less than 10% of the population of California, 25% of California's unsheltered population resides in Los Angeles. (Mayor Bass December 12, 2022 Declaration of Local Emergency, attached hereto as **Exhibit H**.)

49. In the past five years, median home prices in Los Angeles have increased from $762,800 to $933,000, while rental prices have increased from $1,800 to $2,100.[9]

50. Los Angeles' Housing Element acknowledges "negative impacts resulting from the severe misalignment of housing costs and incomes in this City are hard to overstate. Angelenos pay more of their income on housing, live in more overcrowded conditions, and have the highest rates of unsheltered homelessness of any city in the country. Almost half of all

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[5] *Id.*
[6] *Id.*
[7] Legislative Analyst's Office, *California's High Housing Costs: Causes and Consequences* (2015), available at https://lao.ca.gov/publications/detail/3214, at 21.
[8] McKinsey & Company, *A Tool Kit to Close California's Housing Gap: 3.5 Million Homes By 2025* (2016), available at https://www.mckinsey.com/featured-insights/urbanization/closingcalifornias-housing-gap, at document page 6.
[9] Jack Flemming and Hailey Wang, *Housing Tracker: Southern California home values rise slightly in October*, Los Angeles Times (Nov. 20, 2025), available at https://www.latimes.com/california/story/2025-11-20/housing-tracker-southern-california-home-values-rise-slightly-in-october.

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households struggle to pay their rent and mortgage, with more than a third of renters spending half their paycheck on rent. Many workers in the City are forced to live far from their jobs, which worsens commute times, our air quality and greenhouse gas emissions."[10] (City of Los Angeles Executive Summary of the Housing Element of the General Plan 2021-2029, attached hereto as **Exhibit I**.)

51. To address this crisis, Mayor Bass issued a Declaration of Local Emergency in 2022 due to the "impacts of a lack of housing." (Mayor Bass December 12, 2022 Declaration of Local Emergency, attached hereto as **Exhibit H**.) Since Mayor Bass proclaimed a state of emergency over Los Angeles' lack of housing, Los Angeles' affordability crisis has worsened.

52. Los Angeles has the second lowest number of homes per adult of major American cities.[11] This shortage stems from the 1980s, when downzonings limited the densities at which housing could be built.[12] Around 72% of land where housing can be constructed in Los Angeles is zoned for single-family homes.[13]

53. The Pacific Palisades is one of the wealthiest and most exclusive parts of Los Angeles. Average home prices are $3.5 million, and the median household income is $325,000 – four times the median household income in Los Angeles. Palisades residents are 80% white (Non-Hispanic or Latino), compared to the citywide average of 28.9%.[14] The neighborhood is zoned mostly for single-family homes, with just two deed-restricted affordable housing rental units in the entire neighborhood.

Pasadena's Housing Emergency

54. Pasadena has also been affected by California's housing crisis. As the city's Housing Element acknowledges: "conditions throughout California have created a housing market increasingly unaffordable to people of modest means, with lower-income households

[10] *Id*. at p. ES-9.
[11] City of Los Angeles, *Sixth Cycle Housing Element*, (June 29, 2022), p. ES-10.
[12] *Id*.
[13] City of Los Angeles, Los Angeles City Controller (Accessed Sept. 9, 2025), available at https://single-family-zoning.lacontroller.app/.
[14] United States Census Bureau, *Los Angeles city, California*, available at https://data.census.gov/profile/Los_Angeles_city,_California?g=160XX00US0644000 (Accessed Sept. 9, 2025).

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unable to find decent housing near their jobs or in the communities where their families have lived for generations. This housing crisis threatens to dilute the richness of communities like Pasadena that benefit from diversity." (Introduction to City of Pasadena Housing Element of General Plan 2021-2029, attached hereto as **Exhibit J**.)

55. Home prices in Pasadena increased 19% from 2000 to 2021 to a median price of $1.1 million. That trend has only been exacerbated, with current median prices reaching $1,304,924, an 18.63% increase in just the last four years.[15]

56. As housing prices increase, the affordability crisis has worsened. Median rent for a two-bedroom unit is now $2,777, and in the past five years the average rental unit in Pasadena has increased 19.05%.[16]

57. One of the reasons that Pasadena struggles with developing enough housing is its zoning. Most of the land where housing can be constructed in Pasadena is zoned for single-family homes, including most of the Upper Hastings Ranch neighborhood.

Malibu's Housing Emergency

58. Malibu is one of the wealthiest communities in the country, and according to estimates from the 2021 American Community Survey, the City had a median household income of $178,594 – approximately 230% higher than the median income in Los Angeles County. (Introduction, Housing Needs Assessment, and Appendix F of City of Malibu Housing Element of General Plan 2021-20219, attached hereto as **Exhibit K**.)

59. Malibu failed to adopt a sixth cycle housing element that complied with state law by its October 15, 2021 deadline to do so. The California Department of Housing and Community Development ("HCD") sued the City for this violation of the Housing Element Law. Malibu and HCD settled the case, with the HCD Director noting that "Malibu is a community holds both tremendous need for affordable housing, and tremendous opportunity. This agreement provides an enforceable contract to ensure those housing needs are met."

[15] Jack Flemming and Hailey Wang, *Housing Tracker: Southern California home values rise slightly in October*, Los Angeles Times (Nov. 20, 2025), available at https://www.latimes.com/california/story/2025-11-20/housing-tracker-southern-california-home-values-rise-slightly-in-october.

[16] *Id.*

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60. As Malibu's Housing Element acknowledges, "Throughout the County, homelessness has become an increasing problem. Factors contributing to the rise in homelessness include the general lack of housing affordable to lower-income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public assistance for the poor, and the de-institutionalization of the mentally ill." (*Id*.) Malibu's Housing Element also notes, "The city's high-cost real estate makes it difficult for a low-income household to live within city limits. Therefore, Malibu is economically segregated from the region." (*Id*.)

Los Angeles County's Housing Emergency

61. In 2016, the Los Angeles County Board of Supervisors approved a Homeless Initiative, which included 47 strategies to address the County's homelessness crisis. The following year, County voters approved Measure H, a sales tax increase which yields an estimated $355 million annually to provide a robust local funding source for the Homeless Initiative. Yet homelessness in the County has remained a crisis. On January 10, 2023, the Board of Supervisors voted unanimously to proclaim a local emergency on homelessness in Los Angeles County. (County of Los Angeles Proclamation of a Local Emergency for Homelessness in the County of Los Angeles, attached hereto as **Exhibit L**.)

62. Los Angeles County is required to adequately plan for housing within the unincorporated areas of the County, which as of 2020 had a population of 1,034,689, and accounted for 11% of the total population of Los Angeles County. According to the County's Housing Element, a majority of the housing stock in the unincorporated areas is comprised of single-family homes, with multi-family homes accounting for only 21% of housing units. (Executive Summary and Housing Needs Assessment of the County of Los Angeles Housing Element of General Plan 2021-2029, attached hereto as **Exhibit M**.)

63. The median home price in unincorporated Los Angeles Conty was $643,000 in 2020 – nearly double what it was in 2014. (*Id*.) Despite having lower housing costs than many incorporated areas of the County, approximately 55% of renter households in unincorporated Los Angeles County spend more than 30% of their income on rent, and 30% of renter households

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spend more than 50% on housing. (*Id*.) This means that many households in the County are rent-burdened, and one crisis away from eviction.

64. The County's Housing Element notes that low-income households face a "lack of housing choices" and that many low-income households "pay a high percentage of their income toward rent, which indicates a lack of affordable housing." (*Id*.)

SB 9

65. SB 9 was enacted in 2021 to make homeownership in single-family neighborhoods more attainable. According to its author, SB 9 "strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood housing that benefits the broader community. To that end, the bill includes numerous safeguards to ensure that it responsibly creates duplexes and strategically increases housing opportunities for homeowners, renters, and families alike." (August 28, 2021 Senate Floor Analyses of SB 9, attached hereto as **Exhibit N**.)

66. SB 9 has two main provisions. First, SB 9 requires local governments to ministerially approve a housing development of no more than two units within single-family zones. (Gov. Code § 65852.21.) Second, SB 9 also requires local agencies to ministerially approve lot-splits of existing single-family parcels of at least 2,400 square feet into two approximately equal parcels. Taken together, this permits up to four modest units.

67. SB 9 was intended to build upon the success of the state accessory dwelling unit ("ADU") law. (Gov. Code, §§ 66310 and 66342.) The ADU law also permits up to four units on single-family parcels, allowing a homeowner to construct an attached ADU, detached ADU, and "junior" ADU on a parcel with an existing single-family home. The main difference between SB 9 and the ADU law is that a homeowner who utilizes SB 9 can separately convey a newly created parcel or a second primary unit, as opposed to ADUs that must be "accessory" to the primary unit. (Gov. Code §§ 65852.21(g) and 66411.7(k).) This not only makes the existing single-family lot more affordable to an existing owner but also creates new ownership opportunities for others that are naturally more affordable.

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68. While ADUs can create new rentals, SB 9 units create new homeownership opportunities for those who cannot currently afford to live in wealthy, exclusive single-family neighborhoods.

69. SB 9 is designed specifically to help homeowners who intend to reside in the community and includes provisions to prevent speculation. SB 9 requires an applicant for a lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units on the new lot as a principal residence for a minimum of three years. (Gov. Code § 66411.7(g)(1).)

70. SB 9 projects are not permitted in all single-family zoned areas, and sites must meet robust eligibility requirements. Projects can only be located within certain single-family residential zones and census-designated urban areas. The project cannot be located in a historic district or property, and cannot be proposed on a site that would require the demolition or alteration of tenant-occupied housing, rent-controlled units, or deed-restricted affordable units. (Gov. Code §§ 65852.21(a)(2) and 66411.7(a)(3)(C).)

71. In addition, projects cannot be located on sites with certain disqualifying environmental features identified in Gov. Code § 65913.4(a)(6)(B)-(K). Examples of such conditions that could disqualify a site include the presence of farmland, wetlands, earthquake hazard areas, flood risk areas, conservation areas, or wildlife habitat areas.

72. The Legislature specifically contemplated whether to prohibit SB 9 projects within Very High Fire Hazard Severity ("VHFHS") Zones. In 2023, the Legislature enacted SB 450 to amend SB 9, stating that SB 9 projects are permitted if they meet the locational requirements of Gov. Code § 65913.4 as of September 16, 2021. As of September 16, 2021, Gov. Code § 65913.4(a)(6)(D) permitted SB 9 projects in VHFHS Zones if the project would have "fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development." (Gov. Code § 65913.4 as it existed on September 16, 2021, attached hereto as **Exhibit O**.) In other words, SB 9 projects may be built in VHFHS Zones if the project adopts the state's latest fire hazard mitigation measures, such as Chapter 7A of the California Building Code, which sets minimum construction standards for new and existing buildings in high-risk wildfire areas.

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73. SB 9 permits local agencies to apply objective development standards that apply uniformly to development within the underlying zone, such as setback and height standards, as long as those standards do not preclude at least two units of at least 800 square feet. (Gov. Code § 66411.7(c)(2).)

74. Local agencies, however, cannot adopt ordinances which impose objective zoning standards, objective subdivision standards, or objective design review standards that conflict with SB 9. (Gov. Code §§ 65852.21(b)(1); 66411.7(c)(1).)

75. In addition to the various criteria that the Legislature added to limit potential impacts from SB 9, the law also provides a "safety valve" that allows local governments to deny SB 9 projects on a project-specific basis. A local agency may deny a proposed SB 9 project if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact on public health or safety, for which there is no feasible method to mitigate or avoid the specific, adverse impact. (Gov. Code § 65852.21(d).)

Los Angeles' Opposition to SB 9

76. At the time the Legislature was considering SB 9, the Los Angeles City Council adopted a resolution opposing the bill because it would undermine local zoning control. (City of Los Angeles City Council Resolution for Council File 21-0002-S18, attached hereto as **Exhibit P**.)

77. In fact, the Los Angeles City Council has also passed resolutions opposing previous housing bills that were intended to address California's housing crisis, including SB 330 (2019-2020) and SB 79 (2025-2026). (City of Los Angeles City Council Resolutions for Council Files 19-0002-S102 and 25-002-S19, attached hereto as **Exhibits Q and R**.) Councilmember Traci Park, whose district includes the Pacific Palisades, introduced the resolution to oppose SB 79.

78. Los Angeles has also excluded its single-family zones from its Citywide Housing Incentive Program, which is the main way that Los Angeles is seeking to meet its state-mandated housing production target.[17] Without including single-family zoning in the Citywide Housing

[17] UCLA Lewis Center for regional Policy Studies, *CHIPing In: Evaluating the Effect's of LA's*

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Incentive Program, researchers estimate that Los Angeles will fall far short of its housing production goals and will fail to tackle its problems with neighborhood segregation, rising rents, and displacement of vulnerable households.[18]

79. SB 9 has had a limited impact on single-family neighborhoods, in part due to actions such as those from Los Angeles to discourage its use.[19] A 2023 study from the Terner Center reflecting on the impact of SB 9's first year found that many local governments have adopted ordinances that make it prohibitive to build SB 9 projects, and found that Los Angeles only received 211 SB 9 applications during the first year of the law.[20] In comparison, Los Angeles issued 7,160 ADU permits that same year.[21]

Pasadena's Opposition to SB 9

80. On December 6, 2021, after the passage of SB 9, the Pasadena City Council adopted Urgency Ordinance No. 7384, which prohibited the application of SB 9 in any of Pasadena's landmark districts. (City of Pasadena Ordinance No. 7384, attached hereto as **Exhibit S**.) The staff report for the item noted that "[t]he most common housing type in Pasadena consists of single-family homes, with or without garages and often with smaller accessory structures." (City of Pasadena December 6, 2021 Agenda Report for Agenda Item No. 11, attached hereto as **Exhibit T**.) As part of the staff report, the City Council was urged to consider the possibility of a "citywide historic overlay" to exempt all of Pasadena from SB 9.

81. On March 15, 2022, California Attorney General Rob Bonta notified Pasadena that its urgency ordinance restricting implementation of SB 9 violated state law by containing no findings justifying the alleged emergency, that SB 9 clearly did not apply to landmark districts,

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Citywide Housing Incentive Program on Neighborhood Development Potential, (Nov. 14, 2024), available at https://www.lewis.ucla.edu/research/chiping-in-evaluating-the-effects-of-las-citywide-housing-incentive-program-on-neighborhood-development-potential/.

[18] *Id.*

[19] Terner Center for Housing Innovation, *Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?*, (July 2021), available at https://ternercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf.

[20] Terner Center for Housing Innovation, *California's HOME Act Turns One: Data and Insights from the First Year of Senate Bill 9*, (Jan. 18, 2023), available at https://ternercenter.berkeley.edu/research-and-policy/sb-9-turns-one-applications/.

[21] California YIMBY Education Fund, *California ADU Reform: A Retrospective*, available at https://cayimby.org/wp-content/uploads/2024/01/CAY-ADU_Report-2024-v4.pdf.

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and that California would sue Pasadena if it continued to claim that it could implement this workaround. (March 15, 2022 letter from Attorney General Rob Bonta to Mayor Victor M. Gordo, City of Pasadena, Notice of Violation of Government Code Sections 65858, 65852.21, and 66411.7, attached hereto as **Exhibit U**.)

82. In response, the Pasadena City Council worked with the California Department of Justice's housing Strike Force to formulate an ordinance that terminated its Urgency Ordinance.

Malibu's Opposition to SB 9

83. As reflected in the Senate Rules Committee's analysis of SB 9, Malibu opposed the passage of SB 9. (August 28, 2021 Senate Floor Analyses of SB 9, attached hereto as **Exhibit N**.)

California Emergency Services Act

84. During World War II, the Legislature passed the War Powers Act, which gave the governor and other California officials "certain emergency war powers" needed "to defend the State, protect the public peace, health, and safety and preserve the lives and property of the people of the State" in the case of an enemy act. The law authorized the governor to proclaim a "state of extreme emergency" in areas facing "conditions of extreme peril to the safety of persons and property" from enemy attacks, air raids, sabotage, or other causes beyond the capability of local officials to combat.

85. After World War II, the Legislature replaced the War Powers Act with the California Disaster Act. The California Disaster Act granted the governor the authority to proclaim a "state of disaster," which broadened the governor's authority to address conditions of extreme peril other than a "war-caused disaster" that are beyond the capacity of local jurisdictions to address.

86. In 1970, the Legislature replaced the California Disaster Act with the California Emergency Services Act ("CESA"). CESA authorizes the governor to utilize certain emergency powers, but these powers are not unlimited. CESA provides that the governor "may suspend any regulatory statute, or statute," but only after the governor determines and declares that the

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suspended statute "would in any way prevent, hinder, or delay the mitigation of the effects of the emergency." (Gov. Code § 8571.)

87. And while the governor is authorized to establish committees or boards to "aid him or her in obtaining information or advice," only the governor has the "right to exercise within the [emergency] area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter." (Gov. Code §§ 8565.1; 8627.)

88. Cal. Const. Art. 4, § 1 states, "The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly . . . ." The legislative power includes the power to "make the fundamental policy determinations . . . declaring the legislative goals and establishing a yardstick." (*People v. Wright* (1982) 30 Cal.3d 705, 712-13.)

89. Cal. Const. Art. 5, § 1 states that the "Governor shall see that the law is faithfully executed." In other words, the Legislature makes the policy determination, while the governor executes the Legislature's policy decisions.

90. The separation of powers doctrine holds that "[t]he powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." (Cal. Const. Art. 3, § 3.) Thus, even if the Legislature wished to delegate its legislative authority to a governor, the California Constitution prevents the Legislature from doing so.

91. One branch of state government violates the separation of powers doctrine when it infringes on the core functions of another government branch. (*Carmel Valley Fire Prot. Dist.* (2002) 25 Cal.4th 287, 297.) CESA's granting of emergency powers to the governor thus implicates the separation of powers doctrine as it permits the governor to exercise certain legislative powers during a state of emergency.

92. Courts have recognized that CESA does not per se unconstitutionally delegate legislative power, but this is because CESA establishes strict limitations on the governor's emergency authority. (See *Gerawan Farming, Inc. v. Agricultural Labor Relations Bd.* (2017) 3 Cal.5th 1118.)

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93. Thus, when a governor takes quasi-legislative action that is inconsistent with CESA's standards, that action is unconstitutional and ultra vires.

Governor Newsom, Los Angeles, Pasadena, Malibu, and County of Los Angeles Declare States of Emergency and Issue Executive Orders to Speed Up the Rebuilding Process to Mitigate the Effects of the Fires

94. Governor Newsom issued a state of emergency proclamation for the Palisades and Eaton Fires on January 7, 2025. (January 7, 2025 Proclamation of a State of Emergency, attached hereto as **Exhibit V**.) According to the website of the Governor's Office of Emergency Services, the governor's declaration of a state of emergency is still in effect. Governor Newsom subsequently issued 23 Executive Orders to help speed up and lower the costs of rebuilding housing, including the suspension of the California Environmental Quality Act and the California Coastal Act (Executive Order N-4-25), directing the Department of Housing and Community Development to explore the use of pre-approved plans and permit waivers, and the suspension of rooftop solar requirements (Executive Order N-29-25).

95. Los Angeles' Mayor Bass declared a local emergency for the Palisades Fire on January 13, 2025. (January 13, 2025 Declaration of a Local Emergency, attached hereto as **Exhibit W**.) Los Angeles Administrative Code § 8.27 requires the Los Angeles City Council to approve an emergency declaration seven days after the original declaration and reaffirm the declaration every 10-30 days thereafter. The Los Angeles City Council has continued to extend Mayor Bass's declaration of emergency, with the latest extension occurring on November 4, 2025 (Resolution No. 25-0030). Mayor Bass subsequently issued executive orders designed to speed rebuilding of housing in areas affected by the Palisades Fire. These orders included the suspension of the California Environmental Quality Act and measures to streamline the permitting process for new homes. Mayor Bass also directed Los Angeles officials to create a new One-Stop Rebuilding Center to make it easier for property owners to obtain the necessary permits to rebuild and expanded local streamlining for zoning-compliant single-family residential projects.

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96. Pasadena Municipal Code Chapter 2.370 creates a Disaster Emergency Services Council and gives the director of the Council the authority to proclaim the existence of a local emergency, which must be ratified by the City Council within seven days. On January 8, 2025, Pasadena's Director of Disaster Emergency Services proclaimed the existence of a local emergency due to the Eaton Fire. On January 13, 2025, the Pasadena City Council ratified that proclamation, which has remained in effect. The Pasadena City Council also adopted Ordinance No. 7444, which suspended and modified various Pasadena development standards, allowing persons to rebuild their homes in a similar location up to 110% of the original size, not requiring a building permit before demolition of a structure harmed by the fire, and granting permit extensions. (City of Pasadena Ordinance No. 7444, attached hereto as **Exhibit X**.)

97. On January 8, 2025, Malibu's Acting Director of Emergency Services proclaimed a local emergency for the Palisades Fire. The City Council ratified the proclamation on January 14, 2025.

98. On January 7, the Chair of the Los Angeles County Board of Supervisors declared a local emergency regarding the Eaton and Palisades Fires. On January 14, 2025, the County's Board of Supervisors ratified the proclamation.

99. The Malibu City Council adopted Ordinance No. 524, which established rebuilding standards for the City, and permitted "like-for-like" rebuilding plus 10% additional square footage, height, and bulk. (City of Malibu Ordinance No. 524, attached hereto as **Exhibit Y**.) Malibu has also adopted policies that are intended to facilitate the expedited rebuilding of structures destroyed in the Palisades Fire and established a Rebuild Center for residents. (City of Malibu's October 15, 2025 Local Coastal Program and Zoning Code interpretation, attached hereto as **Exhibit Z**.)

100. These actions demonstrate that the governor, the Cities of Los Angeles, Pasadena, and Malibu, and Los Angeles County all recognize that building *more* housing, building faster, and reducing building costs are necessary to mitigate the effects of the disaster. This makes sense, as research has shown that natural disasters invariably lead to higher housing costs for years

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afterward in the affected areas. (Disasters and the Rental Housing Community: Setting a Research a Policy Agenda from The Brookings Institution (October 2023), attached hereto as **Exhibit AA**.)

Governor Newsom's Executive Order N-32-25

101. On July 30, 2025 — six months after CalFire reported that it had contained the Palisades and Eaton Fires — Governor Newsom issued Executive Order N-32-25 suspending the application of SB 9 within a VHFHS Zone in the Palisades and Eaton Fire areas for one week. (Executive Order N-32-25, attached hereto as **Exhibit B**.)

102. Governor Newsom's Executive Order acknowledged that SB 9 already reflected legislative policies and established yardsticks for building in fire-prone areas, stating, "SB 9 already requires development in these zones to meet updated ingress and egress standards, and allows local governments discretion to deny a project that would have a specific, adverse impact on public health and safety that cannot be mitigated[.]"

103. After the one-week suspension of SB 9, the executive order continues the suspension of SB 9 "within the boundaries of the Palisades and Eaton fires . . . to the extent that sections 65852.21 and 66411.7 limit discretion in approval of applications for development of two units on a single-family parcel as described in section 65852.21 or lot splits as described in section 66411.7." The executive order also permits local agencies to "impose local review standards" on SB 9 projects, including limitations on where applicants may develop two units on a single-family parcel and perform a lot split. Executive Order N-32-35 grants local agencies the authority to "develop orders, ordinances, resolutions, standards, rules, or guidelines for implementing" the governor's executive order.

104. The governor's executive order does not contain any findings that the suspension of SB 9 will improve access to evacuation routes in areas affected by the fires. Rather, the order notes that "community members and local officials have expressed concern" about "widespread SB 9 development" in their neighborhoods.

105. Executive Order N-32-25 cites three sections of CESA as authority for the executive order: Gov. Code §§ 8567, 8571, and 8627.

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106. First, Gov. Code § 8567 gives the governor the authority to "make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law." This general authority to issue Executive Orders is curtailed by more specific provisions of CESA.

107. Second, Gov. Code § 8571 gives the governor the authority to "suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency . . . where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency."

108. Gov. Code § 8571 does not define what constitutes "mitigation of the effects of an emergency" *during* an emergency. However, Gov. Code § 8570 does provide the governor with a separate, specifically enumerated list of powers to mitigate the effects in advance of *future* emergencies, including approval of local emergency plans, planning for and pre-positioning supplies, medicines, and equipment, instituting training and public information programs, and mobilizing emergency organizations. Suspending state laws is not among the list of powers to mitigate future emergencies.

109. Third, Gov. Code § 8627 states that during a state of emergency, the governor shall have "complete authority over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter."

Mayor Bass Suspends SB 9

110. On the same day Governor Newsom issued Executive Order N-32-25, Mayor Bass immediately issued Emergency Executive Order No. 9 (Local Prohibition on SB 9 in Burn Areas) completely suspending the application of SB 9 within a VHFHS Zone in the boundaries of the Palisades Fire area. (Mayor Bass Emergency Executive Order No. 9, attached hereto as **Exhibit D**.)

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Pasadena City Council Suspends SB 9

111. On September 8, 2025, the Pasadena City Council considered an interim urgency ordinance, which would suspend SB 9 in VHFHS Zones in the Eaton Fire area for 45 days. In response to a question from the Vice Mayor, the City's Planning Director conceded that "the City did not experience the types of traffic issues related to the ingress or egress of cars in high-density areas (that occurred in the Palisades) as a result of limited points of entry/exit during the Eaton Fire" and "that the proposed restrictions of SB9 applications would affect a small portion of District 4 and that there have only been five SB9 projects to date citywide, including four pool permits and one construction permit as a result of the Eaton Fire." (City of Pasadena September 8, 2025 City Council Minutes, attached hereto as **Exhibit AB**.) The Councilmember for the affected area also conceded that "We didn't have the congestion you're talking about like in the Palisades and Malibu area." The Pasadena City Council adopted the interim urgency ordinance on September 15, 2025, and it went into effect on September 18, 2025. (City of Pasadena Ordinance, No. 7455, attached hereto as **Exhibit E**.) The Pasadena City Council later adopted Ordinance No. 7457 on October 27, 2025, which extended the city's suspension of SB 9 for 22 months and 15 days. (City of Pasadena Ordinance, No. 7457, attached hereto **as Exhibit AC**.)

City of Malibu Suspends SB 9

112. The City of Malibu has a policy that it "will not accept or process applications under Government Code 65852.21 and 66411.7 for any project within a VHFHS Zone within the boundaries of the Palisades or Franklin Fire areas." (City of Malibu's October 15, 2025 Local Coastal Program and Zoning Code interpretation, attached hereto as **Exhibit F**.)

County of Los Angeles Suspends SB 9

113. The County of Los Angeles has a policy prohibiting SB 9 projects with the boundaries of the Eaton Fire if a parcel is in a VHFHS Zone. (County of Los Angeles' County's August 18, 2025 Memorandum on SB 9, attached hereto as **Exhibit G**.)

The Suspensions of SB 9 are Unrelated to the Emergency

114. Current state and local law already permits homeowners to build multiple ADUs on properties zoned for single-family housing. In addition to a main residence, property owners

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can construct an attached accessory dwelling unit, detached accessory dwelling unit, and junior accessory dwelling unit. (Gov. Code § 66310 *et seq*.) Thus, homeowners can already construct up to four units on single-family zoned parcels; the only difference is that SB 9 units can be sold in addition to rented.

115. While units proposed under SB 9 in VHFHS Zones are required to comply with state fire mitigation requirements, ADUs and JADUs are *not* required to comply with these latest fire-safety standards. (Gov. Code §§ 65852.21(a)(2) and 66411.7(a)(3)(C), citing to Gov. Code § 65913.4(a)(6)(B)-(K).)

116. The only rationale provided in any of the suspension actions was that SB 9 could impact evacuation routes by adding more residents to neighborhoods. All units – whether single-family, ADU, JADU, or SB 9 – would have the same potential impacts, yet the suspension actions only focus on the perceived "impacts" from SB 9 units. The only difference between SB 9 and ADU/JADU units are that SB 9 projects create new homeownership opportunities.

117. Moreover, none of the suspension actions explains how planning for evacuation routes in the event of future disasters addresses the fact that the Palisades and Eaton Fires were fully extinguished last year. This is unsurprising, as the suspension actions are instead purportedly designed to mitigate impacts of SB 9 in advance of *future* emergencies.

118. The governor has not suspended SB 9, or any other state housing laws, in the wake of any other natural disasters in any other area of the state, including past fires and winter storms. In fact, the governor's Executive Order N-20-25 made it *easier* to construct more units using the state Density Bonus Law in areas impacted by the Palisades and Eaton Fires. The state Density Bonus Law, however, only applies in areas zoned for multi-family uses, and does not apply within the wealthy, exclusive single-family enclaves whose residents successfully pressured Governor Newsom to keep new homeownership opportunities out of their back yard.

FIRST CAUSE OF ACTION

Writ of Mandate - CCP § 1085; Violation of California Emergency Services Act ("CESA") Gov. Code § 8571

(Against Governor Newsom)

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119. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 118 of this Petition and Complaint.

120. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if Respondents' actions are not set aside and invalidated, and if Respondents' interpretation of CESA is allowed to be enforced against Petitioners, YIMBY Members, and others similarly situated. Petitioners' interests include ensuring that Respondents' actions are in conformity with the requirements of state law and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein. Respondents have failed to perform their duties.

121. Governor Newsom's Executive Order N-32-25 is invalid because it is not directed at mitigating the effects of an existing emergency.

122. In issuing Executive Order N-32-25, the governor relied on Gov. Code § 8571, which grants him the authority to "suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency . . . where the governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay **the mitigation of the effects of the emergency**." (Emph. added.)

123. The suspension of SB 9 is not related to the mitigation of the effects of the Palisades and Eaton Fires. The governor's order provides no evidence that its hostility toward SB 9 projects, while still permitting ADUs and JADUs, will somehow mitigate the effects of past fires.

124. The stated motivation behind the governor's order—concern with evacuation routes—is about a potential, future emergency. However, the governor's authority to suspend statutes in Gov. Code § 8571 is limited to mitigating the effects of a current emergency.

125. Gov. Code § 8570 provides the governor with a separate, specifically enumerated list of powers he may exercise in advance of *future* emergencies, including approval of local

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emergency plans, planning for and pre-positioning supplies, medicines, and equipment, instituting training and public information programs, and mobilizing emergency organizations.

126. The fires have already been extinguished, and the current emergency is the need to rebuild housing in a timely and safe manner. There are no findings or evidence in the executive order that a local agency's processing of SB 9 projects will harm that goal, particularly because SB 9 *already* promulgates standards for SB 9 projects located in VHFHS Zones, and local agencies *already* have the authority to deny SB 9 projects that would have a specific, adverse impact on public health and safety. (Gov. Code § 65852.21(d).) Therefore, the suspension of SB 9 serves no emergency mitigation purpose whatsoever.

127. Executive Order N-32-25 does not mitigate the effects of an emergency, and it therefore violates Gov. Code § 8571.

128. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge Respondents' actions, and a writ of mandate under Code of Civil Procedure § 1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, rescinding Executive Order N-32-25.

SECOND CAUSE OF ACTION

Writ of Mandate - CCP § 1085; Violation of California Emergency Services Act ("CESA") Gov. Code §§ 8570, 8567, and 8627

(Against All Respondents)

129. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 128 of this Petition and Complaint.

130. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if Respondents' actions are not set aside and invalidated, and if Respondents' interpretation of CESA is allowed to be enforced against Petitioners, YIMBY Members, and others similarly situated. Petitioners' interests include ensuring that Respondents' actions are in conformity with the requirements of

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state law and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein. Respondents have failed to perform their duties.

131. Even if the governor had authority to suspend SB 9 (which he did not), CESA does not grant the governor authority to delegate his power to suspend state law to local officials.

132. Gov. Code § 8567(a) explicitly grants the governor, and only the governor, the authority to "may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law."

133. Gov. Code § 8627 states that during a state of emergency, the governor has the "right to exercise within the [emergency] area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter."

134. The plaint text of Gov. Code §§ 8567(a) and 8627 makes it clear that the governor's authority rests solely with the governor and cannot be delegated.

135. The structure of CESA also demonstrates that the governor does not have the authority to delegate authority to municipalities. Article 3 of CESA details the powers of the governor (Gov. Code §§ 8556-8574), and Article 14 (Gov. Code §§ 8630-8634) details the authority of local governing bodies to declare a *local* emergency. Neither Article provides the governor with the authority to delegate the authority to suspend state law to local officials.

136. CESA does not grant mayors or city councils the authority to suspend state law during a state of emergency. Gov. Code § 8571details the authority of the governor to mitigate the effects of an emergency and does not provide the authority for local officials to suspend state law during a state of emergency.

137. The governor is authorized to establish committees or boards to "aid him or her in obtaining information or advice." (Gov. Code § 8565.1.) But only the governor is authorized to suspend state statutes and regulations. (Gov. Code § 8571.)

138. This limitation of delegation is evidenced in the governor's other executive orders, which directed various state departments to review and provide a report to the governor

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with recommendations regarding which regulations and statutes should be suspended to facilitate rapid, safe, and cost-effective rebuilding.

139. In contrast, the executive order suspending SB 9 did not request local governments to make a recommendation to the governor whether and where SB 9 should be suspended, but gave local officials the power to suspend or modify state law with no gubernatorial oversight.

140. Executive Order N-32-25 thus violates CESA, which only permits the governor to suspend state law.

141. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge Respondents' actions, and a writ of mandate under Code of Civil Procedure § 1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, rescinding Executive Order N-32-25.

THIRD CAUSE OF ACTION

Writ of Mandate - CCP § 1085; Violation of Cal. Const. Art. 5, § 1 and Art. 3, § 3

(Against All Respondents)

142. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 141 of this Petition and Complaint.

143. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if Respondents' actions are not set aside and invalidated, and if Respondents' interpretation of CESA is allowed to be enforced against Petitioners, YIMBY Members, and others similarly situated. Petitioners' interests include ensuring that Respondents' actions are in conformity with the requirements of state law; and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein. Respondents have failed to perform their duties.

144. Governor Newsom violated California's separation of powers doctrine by exercising legislative power that the governor does not possess. The governor's Executive Order

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N-32-25 directly contradicts the Legislature's fundamental – and recent – policy decisions regarding where SB 9 projects should be permitted.

145. The California Constitution establishes three distinct branches of government: (1) legislative power that is vested in a bi-cameral Legislature; (2) executive power that is vested in the governor; and (3) judicial power that is vested in the judiciary.

146. Article 3, § 3 of the California Constitution declares, "The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." (Cal. Const. Art. 3, § 3.)

147. Only the Legislature may make law; the Legislature may not delegate its lawmaking power. This means that the Legislature must make fundamental policy decisions for the state. (*People v. Wright*, 30 Cal.3d at 705.)

148. The governor does not have inherent authority and can only exercise the authority specifically granted to him by the California Constitution or by the Legislature. (*Harbor v. Deukmejian* (1987) 43 Cal.3d 1078.)

149. The governor's executive order exceeded the authority granted to him by the Legislature under CESA to address an emergency and therefore violates the California Constitution, specifically Cal. Const. Art. 5, § 1, which gives the governor the supreme executive authority in the state, and violates California's separation of powers doctrine, codified at Cal. Const. Art. 3, § 3.

150. California courts have ruled that Cal. Const. Art. 3, § 3's separation of powers doctrine is violated when the governor's emergency powers defeat or materially impair the Legislature's exercise of its constitutional functions. (*Marine Forests Society v. Cal. Coastal Com*. (2005) 36 Cal.4th 1, 45.)

151. Executive Order N-32-25 defeats and materially impairs the Legislature's exercise of its constitutional function. SB 9 contains a fundamental policy choice made by the Legislature to allow development in VHFHS Zones if the SB 9 project complies with the latest fire-

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strengthening techniques under the California Building Code. (Gov. Code §§ 65852.21(a)(2) and 66411.7(a)(3)(C).)

152. Executive Order N-32-25's aim is planning and policymaking to address potential future emergencies. The Legislature is well aware of the risks the state faces from fires. The Legislature is also aware of the housing crisis that the state faces. In balancing these two competing priorities, the Legislature made a policy decision to permit SB 9 project in VHFHS Zones, so long as SB 9 projects implement state fire mitigation measures and the project does not otherwise pose a public health and safety risk.

153. If the Legislature wanted to prohibit the future application of SB 9 in VHFHS Zones due to the potential for impacts from future fires, it could have done so. Instead, the Legislature chose to mandate SB 9 projects in these zones following strict fire-safety requirements. Executive Order N-32-25, therefore, materially impairs the Legislature's exercise of its constitutional functions.

154. Executive Order N-32-25 is also an improper delegation of core governmental authority. The test for determining whether a governmental branch unconstitutionally delegates its core policy-making powers is whether the governmental branch "(1) leaves the resolution of fundamental policy issues to others or (2) fails to provide adequate direction for the implementation of that policy." (*Carson Mobilehome Park Owners' Assn. v. City of Carson* (1983) 35 Cal.3d 184, 190.)

155. The governor's delegation of authority was unlawful because this delegation leaves the fundamental resolution of whether SB 9 should be applied to local officials and fails to provide any standards regarding when local agencies can, or should, limit SB 9's applications. By leaving the fundamental resolution of whether to suspend SB 9 to local officials, the governor improperly delegated his authority in violation of Cal. Const. Art. 5, § 1 and Cal. Const. Art. 3, § 3.

156. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge Respondents' actions, and a writ of mandate under Code of Civil Procedure § 1085 is the prescribed remedy for violations of this type. Petitioners have performed all

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conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to perform their legal duties under SB 9.

FOURTH CAUSE OF ACTION

Writ of Mandate - CCP § 1085; Gov. Code §§ 65852.21 and 66411.7 ("SB 9")

(Against Mayor Karen Bass, the City of Los Angeles, City of Pasadena, City of Pasadena City Council, City of Malibu, City of Malibu City Council, and County of Los Angeles)

157. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 156 of this Petition and Complaint.

158. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if Respondents' actions are not set aside and invalidated, and if Respondents' interpretation of CESA is allowed to be enforced against Petitioners, YIMBY Members, and others similarly situated. Petitioners' interests include ensuring that Respondents' actions are in conformity with the requirements of state law and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein. Respondents have failed to perform their duties.

159. Mayor Bass' Executive Order No. 9, Pasadena City Council Ordinance Nos. 7455 and 7457, and Malibu and the County of Los Angeles' policies violate SB 9 because they prohibit SB 9 projects in areas where they are permitted under state law and physically preclude applicants from developing projects under SB 9.

160. SB 9 permits local agencies to adopt ordinances to implement SB 9. (Gov. Code §§ 65852.21(k); 66411.7(n).) Local agencies, however, are prohibited from adopting standards that conflict with SB 9 or that physically preclude an applicant from developing an SB 9 project. (Gov. Code §§ 65852.21(b)(2)(A); 66411.7(c)(2).)

161. Mayor Bass' Executive Order No. 9, Pasadena City Council Ordinance Nos. 7455 and 7457, and Malibu and the County of Los Angeles' policies violate SB 9 because they constitute a total ban on SB 9 projects, physically precluding the development of new units under

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SB 9, which requires that such projects be ministerially approved. (Gov. Code §§ 65852.21(b)(1)-(2)(A); § 66411.7(c)(1)-(2).)

162. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge Respondents' actions, and a writ of mandate under Code of Civil Procedure § 1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to perform their legal duties under SB 9.

FIFTH CAUSE OF ACTION

Declaratory Relief - Code Civ. Proc. § 1060

(Against All Respondents)

163. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 162 of this Petition and Complaint.

164. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if Respondents' actions are not set aside and invalidated, and if Respondents' interpretation of CESA is allowed to be enforced against Petitioners, YIMBY Members, and others similarly situated. Petitioners' interests include ensuring that Respondents' actions are in conformity with the requirements of state law; and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein. Respondents have failed to perform their duties.

165. An actual controversy has arisen and now exists between Petitioners and Respondents concerning their obligations and duties under California statutory law, including but not limited to Respondents' authority to suspend application of SB 9. As set forth herein, Petitioners contend that Respondents' actions are prohibited by the California Emergency Services Act, specifically Gov. Code §§ 8570, 8571, 8567, and 8627, SB 9, and the California Constitution since the governor's Executive Order suspending SB 9 does not mitigate the effects

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of the Palisades and Eaton Fires, and the governor's actions violated SB 9 and unlawfully delegated his authority to suspend state laws to local agencies.

166. Petitioners further contend that Respondents' actions are intended to evade their legal duties and deny Petitioners, YIMBY Members, and others similarly situated their rights under these state laws. Petitioners are informed and believe, and on that basis allege, that Respondents contend in all respects to the contrary. A judicial determination and declaration as to the applicability of state law to Respondents' actions, and of the resulting legal obligations of Respondents, is therefore necessary and appropriate.

WHEREFORE, Petitioners demand judgment against Respondents for the following:

1. For writ of mandate or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents City of Los Angeles, City of Pasadena, City of Malibu, and County of Los Angeles to review and process SB 9 applications within the Palisades and Eaton Fire areas;

2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction prohibiting Respondents from enforcing Governor's Executive Order N-32-25, Mayor Bass's Executive Order No. 9, Pasadena Ordinance Nos. 7455 and 7457, and the City of Malibu's and the County of Los Angeles' policies prohibiting SB 9 in certain areas;

3. A declaration that: (a) the governor's Executive Order N-32-25 violated the California Emergency Services Act and the California Constitution; (b) Mayor Bass's Executive Order No. 9 violated SB 9; (c) Pasadena City Council Ordinance Nos. 7455 and 7457 violated SB 9; (d) City of Malibu's Local Coastal Program and Zoning Code interpretation prohibiting SB 9 violated SB 9; (e) County of Los Angeles' policy prohibiting SB 9 violated SB 9; and (f) for an order declaring that Executive Order N-32-25, Mayor Bass's Executive Order No. 9, City of Pasadena Ordinance Nos. 7455 and 7457, City of Malibu's Local Coastal Program and Zoning Code interpretation prohibiting SB 9, and County of Los Angeles' policy prohibiting SB 9 are not in effect.

4. For costs of suit herein;

5. For reasonable attorneys' fees under Code of Civil Procedure § 1021.5; and

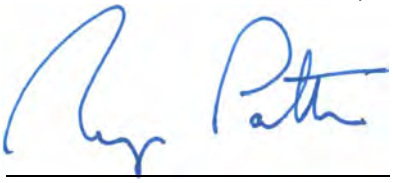
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811 WEST 7TH STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90017

6. For any other relief that the Court deems just and proper.

Dated: December 10, 2025

Respectfully Submitted,

PATTERSON & O'NEILL, PC



Ryan Patterson
Brian O'Neill
Ephraim S. Margolin
Attorneys for Petitioners and Plaintiffs,
YES IN MY BACK YARD
SONJA TRAUSS
ANDREW SLOCUM

PATTERSON & O'NEILL, PC
811 WEST 7TH STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90017

PATTERSON & O'NEILL, PC
811 WEST 7TH STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90017

VERIFICATION

I, Sonja Trauss, declare as follows:

1. I am a natural person and a resident of the State of California. I am a petitioner in this action and the founder and executive director of petitioner Yes In My Back Yard ("YIMBY"). I am authorized to verify this VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF on behalf of YIMBY.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF and know its contents. The matters stated in the VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF are true of my own knowledge from having reviewed Governor Newsom's Executive Order N-32-25, Mayor Bass's Emergency Executive Order No. 9, City of Pasadena Ordinances No. 7455 and 7457, City of Malibu's Local Coastal Program and Zoning Code interpretation prohibiting SB 9, and County of Los Angeles' policy prohibiting SB 9.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 9, 2025.

Sonja Trauss

VERIFICATION

I, Andrew Slocum, declare as follows:

3. I am a natural person and a resident of the State of California. I am a petitioner in this action and a Lead of YIMBY Action's Los Angeles Chapter.

4. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF and know its contents. The matters stated in the VERIFIED PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF are true of my own knowledge from having reviewed Governor Newsom's Executive Order N-32-25, Mayor Bass's Emergency Executive Order No. 9, City of Pasadena Ordinances No. 7455 and 7457, City of Malibu's Local Coastal Program and Zoning Code interpretation prohibiting SB 9, and County of Los Angeles' policy prohibiting SB 9.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 9, 2025.

Andrew Slocum

PATTERSON & O'NEILL, PC
811 WEST 7TH STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90017

EXHIBIT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-25

WHEREAS on January 7, 2025, I proclaimed a State of Emergency to exist in Los Angeles and Ventura Counties due to fire and windstorm conditions that caused multiple fires, including the Palisades, Eaton, Hurst, Lidia, Sunset, Woodley, and Hughes Fires; and

WHEREAS these fires devastated communities across the Greater Los Angeles Area and collectively burned over 47,900 acres, destroying or damaging more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS since the fires began, I have issued numerous Executive Orders to provide relief to impacted communities and protect survivors and to expedite and aid recovery efforts, including orders streamlining permitting requirements to enable Los Angeles to build back quickly, and safer and more resilient than before; and

WHEREAS the Los Angeles region has some of the highest housing costs in the country, and the destruction of homes will reduce the availability of housing in the region, which is likely to further increase the cost of housing and the related crisis of homelessness if housing is not expeditiously rebuilt; and

WHEREAS on January 12, 2025, I issued Executive Order N-4-25, which directed the Department of Housing and Community Development, in consultation with the Department of General Services, Office of the State Fire Marshal and California Energy Commission to provide a report recommending any provisions of the Building Standards Code that should be suspended to facilitate fast, safe, and cost-effective rebuilding of projects damaged or destroyed as a result of the emergency; and

WHEREAS local governments and homeowners have urged the state to provide flexibility as to building codes regarding rooftop solar to reduce up-front costs and fast-track rebuilding; and

WHEREAS while many of California's building standards support critical climate and clean energy goals and federally mandated air quality standards by furthering efficient and more sustainable energy consumption on a statewide basis, providing options to lower up-front reconstruction costs for the subset of homes directly impacted by the emergency will facilitate quick recovery; and

WHEREAS a narrow exemption from requirements to install solar panels and associated battery storage systems when rebuilding substantially damaged or destroyed homes, while retaining the "Solar Ready" requirement will ensure these structures can support future installation of solar energy systems; and

WHEREAS an exemption from the upcoming building code changes applicable to residential properties, other than fire safety related standards, will provide certainty to homeowners, avoid delays in updating plans, facilitate the development and use of pre-approved plans, and prevent an unnecessary rush of applications, given that the 2025 California Building Standards Code will take effect on January 1, 2026, a time when some but not all homeowners will have finalized plans for their reconstruction, thereby streamlining rebuilding while promoting fire resiliency; and

WHEREAS several of my Executive Orders, culminating in Executive Order N-20-25, issued on February 13, 2025, included qualified suspensions of the California Environmental Quality Act (CEQA) and California Coastal Act to save costs and remove administrative barriers for rebuilding homes substantially damaged or destroyed by the emergency; and

WHEREAS although local governments and affected homeowners have reported that these suspensions have streamlined the rebuilding process, city officials and constituents in the City of Los Angeles, where the majority of the substantially damaged or destroyed homes in the coastal zone are located, have reported that certain requirements built into the prior suspensions have limited homeowner flexibility and efforts to expedite rebuilding, including the limitation that structures be rebuilt to 110% of their footprint immediately before the disaster, which creates disparities in how fire survivors can rebuild based on whether their parcel falls within Los Angeles's "Categorical Exclusion" zone; and

WHEREAS existing local zoning standards in the City of Los Angeles restrict home height, bulk, and proximity to property lines independently of Coastal Act or CEQA requirements, such that further suspension of the California Coastal Act and CEQA, as requested by City officials, will not create gaps in residential zoning standards, and local officials have developed processes to protect coastal and biological resources to responsibly further facilitate recovery; and

WHEREAS each affected local jurisdiction has unique environmental and regulatory considerations, and my Administration will continue to engage with officials and residents in all affected jurisdictions to ensure any additional emergency response, including any additional suspension of the Coastal Act or CEQA, is appropriately calibrated to the particular needs of those jurisdictions; and

WHEREAS eight public schools in Los Angeles County were damaged or destroyed by this emergency, and streamlining of state permitting laws for schools will facilitate swift rebuilding to get students back in neighborhood schools; and

WHEREAS Executive Order N-20-25 suspended, for projects to replace less than three dwelling units, a state law that imposes affordability requirements on rebuilding in the coastal zone, and extending that suspension to larger residential projects will eliminate processes and expedite rebuilding while other state and local laws impose robust affordable housing replacement standards; and

WHEREAS under the provisions of Government Code sections 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the fires and windstorm conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. For projects to repair, restore, demolish, or replace residential structures or facilities substantially damaged or destroyed as a result of this

emergency, mandatory building standards in the California Energy Code for Solar Electric Generation Systems/Solar PV Systems (Title 24, California Code of Regulations, Part 6, sections 140.10(a), 150.1(c)(14), and 170.2(f) & (g)) and Battery Storage Systems (Title 24, California Code of Regulations, Part 6, sections 140.10(b) and 170(h)), as they would otherwise apply to newly constructed residential dwellings, are suspended. This Paragraph shall not apply to Solar Ready requirements.

2. With respect to projects to repair, restore, demolish, or replace residential structures or facilities substantially damaged or destroyed as a result of this emergency, standards in the 2025 California Building Standards Code are suspended, with the exception of the fire and public safety requirements presented by the State Fire Marshal and adopted by the California Building Standards Commission for inclusion in the 2025 California Building Standards Code, provided that the projects comply instead with the 2022 California Building Standards Code. Notwithstanding the foregoing, any applicable minimum elevation standards established in the 2025 California Building Standards Code or any subsequent updates to the Code (consistent with federal guidance on the implementation of the National Flood Insurance Program), and any applicable requirement to produce a required elevation certificate, shall continue to apply to dwellings subject to this Paragraph. Nothing in this Paragraph alters or limits Paragraph 8 of Executive Order N-20-25.

3. In the City of Los Angeles, the suspensions in Paragraph 1 of Executive Order N-4-25 shall apply, in addition to the projects described in Paragraphs 2 and 3 of Executive Order N-20-25, to projects to repair, restore, demolish, or replace any primary or accessory structure or facility on a residential property on which a single-family dwelling was substantially damaged or destroyed as a result of this emergency, or to any new accessory structure or facility, or to supportive infrastructure necessary to construct, install, or use the primary or accessory structure or facility, subject to all of the following conditions:

    a. The project is for a primary single-family dwelling, plus any accessory structures or facilities and supportive infrastructure.

    b. The structures, facilities, and infrastructure do not encroach on a public access easement or public access deed restriction.

    c. The structures, facilities, and infrastructure are built at least 10 feet from a canyon bluff and 25 feet from a coastal bluff, do not significantly impact biological resources, and comply with all applicable local zoning standards, and the project does not involve a lot consolidation or subdivision.

    For purposes of this Paragraph, infrastructure includes, but is not limited to, foundation systems, utilities, and driveways, that are necessary to construct, install, or use the exempt primary structure or accessory structure or facilities.

4. Local agencies that issue development and building permits for development projects shall be the sole agencies that may determine whether a property described in Paragraph 3 is eligible for the suspensions described in Paragraph 3, and local agency planning or permit approval shall be determinative of eligibility. Such determination shall not be appealable to the California Coastal Commission or to any

other state executive agency or department, and contrary provisions of the California Coastal Act (Division 20 of the Public Resources Code, commencing with section 30000) are suspended. Local agencies may develop orders, ordinances, resolutions, standards, rules, or guidelines for implementing this Paragraph, or Executive Orders N-4-25 and N-20-25, and the California Environmental Quality Act (Division 13 of the Public Resources Code, commencing with section 21000), and regulations adopted pursuant to that division, are suspended for any such order, ordinance, resolution, standard, rule, or guideline, including, but not limited to, a regulation or measure adopted to avoid or reduce environmental impacts from such a project to biological or other natural resources.

5. With respect to projects to repair, restore, demolish, or replace public K-12 school structures and facilities substantially damaged or destroyed as a result of this emergency, the limitations in Paragraphs 2 and 3 of Executive Order N-20-25 shall not apply. A determination by the Division of the State Architect that a project is subject to the suspensions in Paragraph 1 of Executive Order N-4-25 shall not be appealable to the California Coastal Commission or to any other state executive agency or department, and contrary provisions of the California Coastal Act (Division 20 of the Public Resources Code, commencing with section 30000) are suspended.

6. Paragraph 10 of Executive Order N-20-25 is terminated and replaced with the following:

   For purposes of Government Code section 65590, projects to repair, restore, demolish, or replace any residential structure substantially damaged or destroyed as a result of this emergency shall not be deemed "conversion or demolition of existing residential dwelling units" or construction of a "new housing development" if the repaired, restored, or replacement structure contains the same number of dwelling units as the structure that existed immediately prior to the emergency, plus any allowable accessory dwelling units. To the extent any provision of Government Code section 65590 provides otherwise, it is suspended.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of July 2025.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH. D
Secretary of State

EXHIBIT B

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-32-25

WHEREAS on January 7, 2025, I proclaimed a State of Emergency to exist in Los Angeles and Ventura Counties due to fire and windstorm conditions that caused multiple fires, including the Palisades, Eaton, Hurst, Lidia, Woodley, and Hughes Fires; and

WHEREAS these fires devastated communities across the Greater Los Angeles Area and collectively burned over 47,900 acres, destroying or damaging more than 16,250 structures, including homes, small businesses, and places of worship, placing this disaster among the most destructive in California history; and

WHEREAS I have issued numerous Executive Orders to provide relief to impacted communities, protect survivors, and expedite and aid recovery efforts, including by suspending or partially suspending housing laws that serve important roles in increasing the supply of affordable housing but could present barriers to recovery if applied to homes substantially damaged or destroyed as a result of this emergency; and

WHEREAS Senate Bill 9, a law I signed in 2021, supports the creation of critically needed housing at all income levels through gradual density increases by requiring ministerial approval of duplexes and lot splits, but was not tailored for circumstances like the present situation in Los Angeles, where more than 13,000 homes were destroyed, including more than 5,000 single-family homes in the Palisades Fire that fall into a designated very high fire hazard severity zone; and

WHEREAS community members and local officials have expressed concern about the potential for widespread SB 9 development concentrated in neighborhoods rebuilding from destructive fires in very high fire hazard severity zones to crowd evacuation routes, and while SB 9 already requires development in these zones to meet updated ingress and egress standards, and allows local governments discretion to deny a project that would have a specific, adverse impact on public health and safety that cannot be mitigated, the unprecedented scale of this disaster calls for affording local governments increased discretion to ensure that SB 9 development in the rebuilding areas appropriately accounts for fire safety concerns.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. Government Code sections 65852.21 and 66411.7 are suspended in very high fire hazard severity zones, as identified by the State Fire Marshal pursuant to Government Code section 51178, within the boundaries of the Palisades and Eaton fires in Los Angeles County until August 6, 2025.

2. Upon the expiration of the suspension in Paragraph 1, Government Code sections 65852.21 and 66411.7 are suspended in very high fire hazard severity zones, as identified by the State Fire Marshal pursuant to Government Code section 51178, within the boundaries of the Palisades

and Eaton fires in Los Angeles County, to the extent that sections 65852.21 and 66411.7 limit discretion in approval of applications for development of two units on a single-family parcel as described in section 65852.21 or lot splits as described in section 66411.7. Pursuant to these suspensions, local agencies that issue development or parcel map approvals may impose local review standards including, but not limited to, designating any areas within the affected very high fire hazard severity zones where development and lot splits pursuant to Government Code sections 65852.21 and 66411.7 may be permitted, regardless of the limitation on local standards for approval that would otherwise apply.

3. Local agencies may develop orders, ordinances, resolutions, standards, rules, or guidelines for implementing Paragraph 2, and the California Environmental Quality Act (Division 13 of the Public Resources Code, commencing with section 2100), and regulations adopted pursuant to that division, are suspended for any such order, ordinance, resolution, standard, rule, or guideline.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of July 2025.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D
Secretary of State

EXHIBIT C

P A C I F I C P A L I S A D E S C O M M U N I T Y C O U N C I L

July 28, 2025

Hon. Gavin Newsom, Governor, State of California
via his Deputy Regional Director, Vishesh Anand
Hon. Ben Allen, State Senator
Hon. Jacqui Irwin, State Assemblymember
Hon. Karen Bass, Mayor, City of Los Angeles
Hon. Hydee Feldstein Soto, Los Angeles City Attorney
Hon. Traci Park, City Councilwoman, CD 11
Vince P. Bertoni, AICP, Director, Los Angeles Dept. of City Planning (DCP)
Osama Younan, General Manager, Los Angeles Dept. of Building & Safety (DBS)

Via email to all addressees

Re: URGENT Request for Government Assistance and Protection: Grave Risk to Public Safety and Essential Community Character Resulting from Implementation of SB 9 in Pacific Palisades

Dear Governor Newsom, Senator Allen, Assemblymember Irwin, Mayor Bass, City Attorney Feldstein Soto, Councilwoman Park, DCP Director Bertoni and DBS General Manager Younan:

Pacific Palisades Community Council (PPCC) has for 52 years been the voice of Pacific Palisades – the community that was devastated by, and is still reeling from, the unprecedented Palisades Fire.

It is the mission of PPCC to "protect and improve the quality of life in Pacific Palisades" (Bylaws, Art. II.1). We write now to urgently request that our government officials take immediate steps to protect the community from forced additional density that will result from opportunistic developers seeking to take advantage of the widespread destruction of single-family homes caused by the Palisades Fire to build multi-family housing under the streamlined procedures of SB 9. These efforts, if unchecked, pose a **grave risk to public safety, and ultimately, to preservation of the essential character of Pacific Palisades.** [i]

SB 9 permits the construction of dense housing (lot splits with up to 2 duplexes and potentially 2 or more ADUs/ JADUs per former single-family lot, i.e., possibly up to 6 or more family units with *dozens more people and cars where one home with one family once stood on the lot)* – sought here to be placed on multiple, narrow Palisades streets where passage for fire trucks and emergency vehicles is already severely limited, even without additional density. In some cases, we are informed that *more than one SB 9 project is now proposed for the same block on one street!* We expect this trend to continue if measures are not taken soon to curb the spread of these projects.

SB 9 does not contain a full exemption for the VHFHSZ. Under current law, all these projects must be permitted ministerially, essentially "by right," *without any projects reviewed for their impact on public safety,* nor for whether

mitigation measures can or should be imposed before the permits are issued. This raises at least two grave concerns for the community:

1) Palisades residents will be placed at extreme public safety risk from increased congestion in the event of predictable future wildfires or other emergencies requiring rapid evacuation.

2) The essential, distinctive character of Pacific Palisades – a quiet, low-density community of predominantly single-family homes – will be irrevocably destroyed as more and more of these streamlined SB 9 projects are permitted and built.[ii] **These dramatic changes could not occur but for the historic and tragic Palisades Fire.**

We are grateful that Mayor Bass and our other public officials have repeatedly assured us that they support *swift rebuilding and restoration of the community to what it was before the Fire.* We appreciate the Mayor's statement on the 6-month anniversary of the Fire:

"The City is committed to helping the Palisades rebuild even stronger than before by streamlining permitting, cutting unnecessary red tape, and encouraging smart, innovative approaches to rebuilding. At the same time, **the City will work to preserve and enhance the character and essential community elements that define Pacific Palisades."** (Emphasis added.)[iii]

Many residents post-Fire are proceeding in reliance on these assurances. Allowing these dense SB 9 projects to proceed as we work to restore the Palisades would undermine these assurances and constitute a community betrayal. Palisadians overwhelmingly believe that we were left unprotected from the Fire by government agencies in January; almost 7 months later, we are facing government action that creates exponentially greater public safety risks and potential destruction of the Palisades' essential character. In light of these alarming fconditions, it is reasonable to assume that more residents will consider selling their lots rather than rebuilding their homes, which in turn may lead to even more SB 9 projects and the consequent destruction of "the essential community elements that define Pacific Palisades."

For these compelling reasons, PPCC respectfully requests that you immediately take the following steps to remedy this dangerous situation that may permanently alter Pacific Palisades:

1) Initiating a process to put an **immediate pause or freeze on all SB 9 permit applications for the Palisades,** as appropriate using your emergency powers, until (a) all relevant after-action reports by city and/or state agencies addressing evacuation issues, concerns and remedies (including routes, plans, street widths, parking, density impacts and the like) are completed and analyzed; (b) the city makes public the required evacuation route analysis per AB 747; and (c) a regulatory or other solution can be determined and laws drafted and enacted to protect the Palisades community from these types of streamlined dense projects for which there is no review as to impacts on public safety.

2) Working with LAFD and our City Attorney to **codify objective, effective "fire hazard mitigation measures"** applicable to SB 9 projects in Los Angeles VHFHSZ areas, as have been enacted in other cities: for example, a requirement that such projects *be located on a street that is no less than 20 ft. wide and with direct, unimpeded access to a designated emergency evacuation route* (Town of Fairfax, CA).

3) Directing DBS to **deny all SB 9 permit applications** currently in process for Pacific Palisades, on the grounds that there are "specific adverse impacts" of such projects, meaning a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete" – which in this case consist of the **unsafe conditions outlined in the 7/27/25 LAT article** *(see End Note i, following)* and the **city's failure to date to comply with AB 747** (required evacuation route analysis). Such permit denials should continue to occur unless and until the required analysis is completed and the public is assured that (a) adequate evacuation plans and routes are in fact in place which address increased density from SB 9 projects, and (b) public safety will not be compromised by increased density in Pacific Palisades via SB 9 projects.[iv]

4) Promptly determining, with city and state legal counsel and/or other experts, the feasibility of implementing other **permanent remedies** to effectively address this situation, including using emergency, executive or legislative powers to direct an immediate **exemption or carve-out for Pacific Palisades from the requirements and effects of SB 9.**

It is fundamental that: "Public safety is a core responsibility of government entities, ensuring the well-being and security of communities . . . The role of government in ensuring public safety remains crucial in building resilient communities and fostering a sense of security for all citizens." [v]

Our community has suffered enough from the singular, devastating conditions caused by the Palisades Fire – a unique catastrophe in a dense urban environment that was unprecedented in Los Angeles history and, along with the huge Camp/Paradise Fire (albeit in a different environment), one of the worst disasters in California's history.

We implore you to act now to fulfill your core responsibility to protect public safety, prevent even further suffering and guard against the irrevocable loss of the character of Pacific Palisades.

Time is of the essence, as we are informed that multiple applications for lot splits and/or SB 9 projects in Pacific Palisades are in process, with **DBS action on the applications expected in the coming days.**

PPCC stands ready to work with all our public officials to achieve this much-needed protection for, and restoration of, our beloved Palisades community.

Thank you for your ongoing assistance and anticipated immediate attention to this crucial request.

Sincerely,

Pacific Palisades Community Council,
Executive Committee (acting pursuant to PPCC Bylaws, Art. V.3):
Sue Kohl, President, Quentin Fleming, Vice-President, Jenny Li, Treasurer, Beth Holden-Garland,
Secretary, Maryam Zar, Chair Emeritus, Christina Spitz, Elected Representative (At-large),
John Padden, Organizational Representative (P.R.I.D.E.)

End Notes on p. 4, following

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[i] As you know, the Palisades is entirely located within the designated Very High Fire Hazard Severity Zone (VHFHSZ). For many years, we have repeatedly explained in numerous communications and policy statements that the Palisades community is at *extreme risk to lives and public safety from increased housing density,* due to our limited routes of ingress and egress and our many narrow, winding streets – a risk that became a vivid and deadly reality during the Palisades Fire, when evacuating residents were forced to abandon their cars and narrowly escaped encroaching flames on foot, at *existing density levels*. See our 2/17/25 Statement: https://pacpalicc.org/wp-content/uploads/2025/02/PPCC-Policy-Statement-Density-Public-Safety.pdf.

See also the 7/27/25 front page article in the *Los Angeles Times*, which details the "**dire evacuation scenarios**" during the Palisades Fire and reports that despite the requirements of AB 747 (enacted after the horrific Camp/Paradise Fire), Los Angeles has inexplicably **failed to publicly report a required *evacuation route analysis:*** https://www.latimes.com/environment/story/2025-07-25/l-a-fire-evacuation-plans-remain-untested.

[ii] While single-family housing characterizes Pacific Palisades, our community also includes multi-family housing such as apartment buildings, condominiums, town homes and mobile homes, several of which provided affordable housing pre-Fire. PPCC recognizes the need for affordable housing and **supports rebuilding and protection of existing affordable housing**, including the longstanding mobile home villages, in Pacific Palisades.

[iii] https://mayor.lacity.gov/news/6-months-start-wildfires-mayor-bass-highlights-recovery-progress-outlines-priorities-continued

[iv] It is clear from the documented, life-threatening evacuation experiences on January 7, under *then-existing density conditions,* that increasing density will only exacerbate already dangerous circumstances. At a minimum, it is imperative that before any SB 9 projects are permitted, AB 747 must be complied with, and ***verifiably adequate evacuation plans and routes must be in place.***

[v] *Gov. Business Review:* https://www.govbusinessreview.com/news/ensuring-public-safety-the-role-of-government-in-protecting-communities-nwid-220.html.

EXHIBIT D

KAREN BASS
MAYOR

EMERGENCY EXECUTIVE ORDER NO. 9
Return and Rebuild

Issue Date: July 30, 2025

Subject: Local Prohibition on SB 9 in Burn Areas

INTRODUCTION

On July 30, 2025, the Governor signed Executive Order N-32-25 to suspend the application of Senate Bill 9 (Government Code Sections 65852.21 and 66411.7) ("SB 9") within the boundaries of the Palisades and Eaton Fires in Los Angeles County, subject to local agency discretion to elect to utilize SB 9 review in designated areas in whole or in part or not at all.

Consistent with the Governor's latest order, this Emergency Executive Order No. 9 (EO9) is intended to declare the City's review process for urban lot splits and two-unit developments in the Very High Fire Hazard Severity Zone within the boundaries of the Palisades Fire area.

Pursuant to City Charter Section 231, subsection (i), and under the provisions of Los Angeles Administrative Code Section 8.29 that authorize me to promulgate, issue and enforce emergency rules, regulations, orders, and directives, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

1. The City of Los Angeles will not accept or process applications under Government Code Sections 65852.21 and 66411.7 for any project within a Very High Fire Hazard Severity Zone within the boundaries of the Palisades Fire area.

2. Notwithstanding anything to the contrary in Paragraph 1., nothing in this order is intended to affect a complete plan check application that is vested pursuant to LAMC CH 1A Section 13B.10.1.B.2(a) that was accepted prior to the issuance of the Governor's Executive Order N-32-25.

Executed this 30th day of July, 2025

Karen Bass
_____

KAREN BASS
Mayor

Dated at Los Angeles, California
Date: July 30, 2025
Time: 5:58 p.m.

Filed with the City Clerk
Date: July 30, 2025
Time: 6:05 p.m.
By: _____

EXHIBIT E

Introduced by: Councilmember Masuda

ORDINANCE NO. 7455

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PROHIBITING URBAN LOT SPLITS AND CONSTRUCTION OF MULTIPLE DWELLINGS PURSUANT TO SENATE BILL 9 IN VERY HIGH FIRE HAZARD SEVERITY ZONES WITHIN THE BOUNDARY OF THE EATON FIRE

WHEREAS, windstorms of extraordinary magnitude and widespread fires began on January 7, 2025, which included dangerous gusts of wind of over 80 miles per hour and wind-driven and destructive wildfires including the Eaton Fire and the Palisades Fire; and

WHEREAS, these conditions caused extensive damage to residential and nonresidential structures, businesses and critical infrastructure in the City of Pasadena ("City") and the Eaton Fire specifically destroyed 185 structures in the City, a majority of which were zoned single-family residential, displacing Pasadena residents; and

WHEREAS, the combined fires in the County of Los Angeles ("County") collectively burned over 47,900 acres, destroyed or damaged more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS, on January 8, 2025, the Director of Disaster Emergency Services of the City proclaimed the existence of a local emergency; and

WHEREAS, on January 13, 2025, the City Council ratified that January 8, 2025 Declaration of Local Emergency – Windstorms and Fires, which shall be deemed to continue to exist until its termination is proclaimed by the City Council; and

WHEREAS, on July 30, 2025, the Governor issued Executive Order N-32-25, which acknowledged that Senate Bill ("SB") 9 was not tailored for circumstances like the present situation where more than 13,000 homes were destroyed including more than 5,000 single-family homes in the Palisades Fire that fall into a designated very high fire hazard severity zone; and

WHEREAS, Executive Order N-32-25 recognizes that widespread SB 9 development concentrated in neighborhoods rebuilding from destructive fires in very

high fire hazard severity zones has the potential to crowd evacuation routes, and finds the unprecedent scale of the disaster calls for affording local governments increased discretion to ensure that SB 9 development in the rebuilding areas appropriately account for fire safety concerns, and suspends Government Code sections 65852.21 and 66411.7 in very high fire hazard severity zones within the boundaries of the Palisades and Eaton Fires to the extent they limit discretion in approval of applications for development of two units on a single-family parcel or lot split; and

WHEREAS, City residents are in the process of preparing for rebuild and rebuilding, and the City Council finds there is a need to address the current and immediate threat of overcrowding evacuation routes in very high fire hazard severity zones that are within the boundary of the destructive Eaton Fire to preserve public safety during emergencies; and

WHEREAS, under Government Code Section 8634, during a local emergency, the City Council may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, under Government Code Section 65858, the City Council may adopt by a four-fifths vote an interim zoning ordinance to protect the public safety, health, and welfare; and

WHEREAS, the City provided notice pursuant to Government Code Section 65090 and held a public hearing on September 8, 2025, regarding this proposed rebuild ordinance; and

WHEREAS, the City Council finds that there is a local emergency that requires the City Council to promulgate this ordinance to protect life and property, and there is a current and immediate threat to the public health, safety and welfare and that the approvals of certain entitlements required to comply with the Zoning Code would result in a threat to the public health, safety or welfare by failing to appropriately account for fire safety concerns in the very high fire hazard severity zones in the boundaries of the Eaton Fire;

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"**Summary**

This proposed ordinance amends various sections of Pasadena Municipal Code Title 16 (Subdivision Ordinance), Chapter 16.08, Section 16.08.240, and Title 17 (Zoning Code), Chapter 17.22, Section 17.22.050 to prohibit Senate Bill 9 applications within very high fire severity zones within the boundary of the Eaton Fire in the City of Pasadena.

Ordinance No. 7455 shall take effect upon publication."

SECTION 2. Pasadena Municipal Code, Title 16 (Subdivision Ordinance), Chapter 16.08 (Definitions), Section 16.08.240, is amended to read as follows:

"**16.08.240 – Urban Lot Split**

"Urban Lot Split" refers to any parcel zoned for single-family residential uses which is created through the division of an existing lot for the purpose of development with up to two dwelling units of all types. Applications for an Urban Lot Split must comply with the following requirements and with the provisions of Government Code Section 66411.7:

A. In no circumstance may an Urban Lot Split result in more than 2 residential units on any lot, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units;

B. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;

C. Applications for an Urban Lot Split must be submitted concurrently with an application for proposed residential development;

D. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);

E. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance;

F. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished); and

1. Sign an affidavit, in the form approved by the City Attorney, stating that the proposed lot split would not require demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low- or very-low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

d. Housing that has been occupied by a tenant in the last three years.

G. The owner and applicant shall sign an affidavit, in the form approved by the City Attorney, stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split;

H. Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and

2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

3. A prohibition on the development of a total of more than 2 residential units on any lot, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units.

I. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

J. Urban Lot Splits are prohibited in very high fire hazard severity zones identified pursuant to Government Code section 51178 within the boundary of the 2025 Eaton Fire. A map of this area shall be maintained on file with the planning and community development department."

SECTION 3. Pasadena Municipal Code, Title 17 (Subdivision Ordinance), Chapter 17.22 (Residential Zoning Districts), Section 17.22.050, is amended to read as follows:

"17.22.050 - RS and RM-12 District Additional Development Standards

A. Front-yard setback measurement. The minimum front yard setback in the RS and RM-12 zoning districts shall be as follows. See also 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions).

1. Where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In calculating the blockface average, measurement shall be from the front property line to the primary structure.

Building projections and unenclosed porches shall not be used as the reference point for this measurement.

2. Where less than 40 percent of the lots on a blockface within the same zoning district (excluding corner yards or reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be 25 feet.

3. For blockfaces with two or fewer lots between two reversed corner lots, the minimum front setback shall be the larger required corner yard of the reversed corner lots. See Section 17.40.160 for allowed projections into front-yard setbacks.

B. Garage and carport requirements for all districts.

1. Garages. A garage proposed on a blockface, including reverse corner lots, where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street and the garage shall be the closest portion of the structure to the rear property line. This requirement shall not apply within the HD (Hillside Development) overlay zone. See 17.50.250.H for additional requirements for attached garages. A garage on a corner lot in which the garage doors face the street shall be set back a minimum of 18 feet from a street property line.

2. Carports. Carports shall be completely screened from view from the street and shall be located between the primary structure and the rear property line, so as to not be within the view down the driveway from the street. A carport shall not be permitted on a corner lot.

3. Exception to maximum floor area requirement. The maximum floor area requirement in Section 17.22.040, Table 2-3, may be exceeded to accommodate the reconstruction of a garage that previously existed on the site, but only to the extent of the floor area necessary or a two-car garage in compliance with the parking space dimension requirements of Section 17.46.110 (Parking Space Dimensions).

C. Restoration of a porte cochere. A porte cochere may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochere. The porte cochere shall meet all building requirements. The Director shall review such requests.

D. Flagpoles. A flagpole can be constructed if it meets the following requirements.

1. The flagpole shall be located outside a required setback area. Flagpoles are allowed in front of a residence if located outside the required front setback.

2. The maximum height of the flagpole shall be the maximum height allowed for the principal structure.

3. The flagpole shall not be located in an encroachment plane.

E. Neighborhood Compatibility. For the purposes of neighborhood compatibility, the "neighborhood" is determined by the median square footage of all houses on properties within a 500-foot radius around the subject property. The "neighborhood" is not required to include:

- Properties located outside of the City of Pasadena;
- Properties not located in an RS district, or in a different RS district; and
- Properties separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

F. Design Standards. The following design standards are applicable to all single-family zoned properties, excluding properties in historic districts, LD (Landmark District), HD (Hillside Overlay District), HD-1 (Upper Hastings Ranch Area), and ND (Neighborhood Overlay) overlay zones:

1. Prohibited materials in all RS zones include:
   a. Unfinished concrete is prohibited as an exterior finish.
   b. Architectural foam is prohibited as an exterior trim material.
2. Window placement:
   a. New second-story windows shall not directly overlap with existing second story windows located within 30 feet of abutting properties. Clerestory windows and windows determined by the Building Official to be necessary for safe egress are exempt from this requirement.

G. Two-Unit Developments in Single-Family Residential Zones. In addition to the requirements of Section 17.22.040 (Residential Districts General Development Standards), additional development and design standards related to Two-Unit Developments (whether attached or detached) apply to all single-family zoned properties. Construction of Two-Unit Developments in single-family residential zones pursuant to Government Code Section 65852.21 is prohibited on historic sites and sites that fall within historic districts, which include (1) an historic district or property listed on either the National Historic Register or State Historic Resources Inventory, (2) an individual historic landmark property designated pursuant to the City's Historic Preservation Ordinance, or (3) a Landmark District (LD overlay zone) designated pursuant to the City's Historic Preservation Ordinance. A Landmark District is a grouping of properties that represents a significant and distinguishable entity of Citywide importance that is united historically by past events or aesthetically by plan or development and represents one or more of a defined historic, cultural, development and/or architectural context(s). Construction of Two-Unit Developments in single-family residential zones pursuant to Government Code Section 65852.21 is also prohibited in very high fire hazard severity zones identified pursuant to Government Code section 51178 within the boundary of the 2025 Eaton Fire. A map of this area shall be maintained on file with the Department.

Proposed adjacent or connected primary residences (Two-Unit Developments) shall be permitted if they meet building code standards, are designed sufficient to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed by this section, as applicable. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d). The following additional standards are for new construction of an additional primary residence on a site with an existing primary residence or for up to two new primary residences where no primary residence is present. In cases where the following standards preclude development of an 800 square-foot primary residence, the plan check review process shall only allow deviations sufficient to accommodate such development.

Development feature	Development Standard
Minimum lot size	Minimum lot size establishes the minimum lot size and the minimum width required for new parcels
Minimum area	1,200 square feet
Width	Per Section 17.22.040, Table 2-3
ROW Access (1)	All newly created lots are required to have access to or abut a Public Right-of-Way.
Maximum Density	Two primary residences per lot
Setbacks	Minimum setbacks required. See Section 17.40.160 for setback measurement, allowed projections and encroachments into setbacks, and exceptions to setbacks.(2)
Front - Main facade	See Section 17.22.050
Front - Garage	See Section 17.22.050
Sides	The required setback shall be no less than 4 feet.
Corner side	The required setback shall be no less than 4 feet.
Rear	The required setback shall be no less than 4 feet.
Building separation	A minimum separation of 10 feet (measured from wall to wall) shall be required between detached dwelling units located on the same site. Eaves may encroach into this building separation.
Maximum floor area	As prescribed by the underlying zoning district (3).
Exceptions to floor area	1) Habitable attic space that does not exceed 60% of the surface of the building footprint (including attached garages and

	porches), is not adjacent to a rooftop deck, patio attachment and/or exterior staircase and the combined width of all dormers along a roofline do not exceed 40% of the roofline. 2) An unenclosed area where only one side does not abut enclosed space (floor area), and that side is a minimum 80% open. 3) An unenclosed area where more than one side does not abut enclosed space (floor area), and each side is a minimum 60% open. 4) Basements and uncovered patios, decks, balconies and porches.
Height limit	As prescribed by the underlying zoning district (4).
Landscaping	Minimum amount of garden space required on-site in addition to the requirements of Chapter 17.44 (Landscaping). Garden space
Required Tree Canopy	Project must include at least two trees, each of which meets one of the following: 1) Retention of a tree of at least 19" DBH on-site. 2) Retention of a tree from the City's Native and Protected Species list that meets the minimum protected size. 3) A new 24-in box tree selected from the City's Native and Protected Species list.
Parking	The required parking shall be one uncovered parking space per each newly constructed dwelling unit. No parking is required if the parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as expressly defined in the California Public Resources Code, or if a car share vehicle (as defined in Section 17.80.020) is located within one block of the parcel.
Notes:	
(1) See Chapter 17.40 for development on substandard lots and flag lots	
(2) No new setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure. In no other case shall reductions be made in the required side, corner side, and rear setbacks.	

(3) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum size permitted is 800 square feet per dwelling unit.
(4) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum height permitted is one story, not to exceed 12 feet to the top plate and 17 feet to the highest ridgeline.

H. Garden requirements for Two-Unit Developments in Single-Family Residential Zones. Each Two-Unit Development shall have a landscaped open space area as its central focus. This space may take the form of a garden.

1. Garden location. The placement of a garden shall comply with at least one of the following standards. In cases where the following standards preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development

   a. The garden may be placed so that a garden on an adjacent parcel combines to create the effect of one large garden or a wider connection between two spaces.

   b. The garden may adjoin the minimum front setback line creating a deep, combined garden on the street. Decorative fences or other landscape elements shall be constructed so that the garden is visible from the street.

   c. The garden may be an internal courtyard, entirely contained within the site, but visible from the street.

   d. When a site contains existing, mature trees, the garden may be placed to retain one of those trees. See also Chapter 17.44 (Landscaping).

2. Minimum garden dimensions. The garden shall be a rectangular shape and shall have a minimum dimension of 20 feet in either direction. In cases where the garden requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development.

3. Garden planting and paving standards. In cases where the garden planting and paving requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development. The garden may only occur under the following three conditions, either alone or in combination.

   a. The garden shall be at existing grade with no parking structure below, subject to the following requirements:

      i. At least 50 percent of the garden shall be planted;

      ii. Concrete may be used for walkways up to four feet in width but is not acceptable for area paving unless mandated by the Uniform Building Code. Unplanted areas with a minimum dimension of five feet or more shall be paved with unit pavers such as brick, tile or concrete or covered with decomposed granite or garden gravel.

iii. The maximum dimension of unit pavers shall be 24 inches.

iv. All planting shall comply with the requirements of Chapter 17.44 (Landscaping).

4. Allowed encroachments into a garden.

a. Eaves may project up to three feet and fireplaces or chimneys may project up to two feet for a length of 10 feet measured parallel to the building into the garden without having to maintain the minimum 20-foot dimension. The following encroachments may occur within the garden as long as the minimum dimension in any direction of the garden is not reduced to less than 20 feet.

i. Exterior, unenclosed building elements such as stoops, balconies and open stairs may encroach into the garden subject to the following limitations:

1. Encroaching stairs shall be either wood or masonry and have closed risers.

2. Unenclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the garden, and an unlimited width, measured parallel to the line defining the garden.

3. The total area of unenclosed encroachments shall not exceed seven percent of the area of the garden.

ii. Enclosed living space may encroach into the garden subject to the following limitations:

1. Enclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the garden, and maximum width of 15 feet, measured parallel to the line defining the garden.

2. There shall be a minimum separation of four feet, measured parallel to the line defining the garden, between enclosed encroachments.

3. The ground floor area of all enclosed encroachments shall not exceed 13 percent of the garden."

SECTION 4. The amendments adopted under this ordinance are adopted pursuant to the Governor's Executive Order N-32-25 (July 30, 2025) and shall remain in effect until such order ceases to be effective, unless the effect of such order is adopted into law permanently.

SECTION 5. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

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SECTION 7. This ordinance shall take effect upon publication and shall remain in effect for 45 days unless extended by the City Council in accordance with Government Code 65858, in which case the ordinance shall remain in effect for the period of the extension approved by the City Council, subject to earlier termination in accordance with Section 4.

Signed and approved this 15th day of September, 2025.

Victor Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 15th day of September 2025, by the following vote:

AYES:	Councilmembers Cole, Hampton, Jones, Masuda, Mayor Gordo
NOES:	Vice Mayor Rivas
ABSENT:	Councilmembers Lyon, Madison
ABSTAIN:	None

Date Published: September 18, 2025

Mark Jomsky
City Clerk

Approved as to form:

Caroline Monroy
Assistant City Attorney

EXHIBIT F

LCP and Zoning Code Interpretation

(Interpretation of the provisions of the Malibu Local Coastal Program and local Zoning Ordinance as approved by the City Council)

LCP Number: 24 **Dated**: October 15, 2025

Zoning Code Number: 15 **Amended**: _____

Community Development Director: Yolanda Bundy
Planning Manager: Tyler Eaton, Assistant Community Development Director
Interpreting Body: City Council

MMC and LCP Sections: Various Sections within Title 17 of the MMC and the LCP

Title: Rebuild Policies

The City of Malibu has historically been subject to wildfires and other natural disasters that have destroyed property. The City has established a series of ordinances to guide the rebuild process following those disasters. In March of 2025, the City Council adopted Ordinance No. 524, the "Disaster Rebuild Ordinance", which provided relief to those impacted by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire, but also set new regulations for the rebuilding of structures lost in past and future disasters. Generally, property owners are allowed to replace structures destroyed by a natural disaster with an additional 10 percent height, bulk, or floor area per the Malibu Local Coastal Program's (LCP) Local Implementation Plan (LIP) Section 13.4.6. Additionally, Malibu Municipal Code (MMC) Section 17.60.020(C) allows for structures destroyed in a natural disaster to be replaced with an additional 10 percent height, bulk, or square footage. In implementing the regulations set forth in Ordinance No. 524 that provide relief from the regular development standards, questions have arisen regarding issues related to the ordinance and rebuilding after disasters. To provide additional clarity, the following interpretations are hereby adopted to provide consistent guidance and application of these provisions:

Issue No. 1: What is "like-for-like"? Property owners are allowed to replace their previous structures that were destroyed "like-for-like" plus 10 percent additional square footage, height, or bulk.

Current Policy: "Like-for-like" means a replacement structure that is compliant with LIP Section 13.4.6 (if applicable) and MMC Section 17.60.020(C) in that it is sited in substantially the same location and is within 110 percent the same height, bulk, or square footage of the previous structure. Bulk (volume) is the constraining factor. A replacement structure cannot exceed 110 percent the volume of the previous structure. The extra 10 percent bulk (volume) can be allocated to extra height or extra square footage so long as it does not exceed 110 percent the bulk (volume), square footage, or height of the previous structure. For example, adding 10 percent extra square footage may result in not being able to add extra height because the extra bulk was already expended on the extra square footage. Or vice versa, if the extra 10 percent bulk has already been expended on extra height, then the applicant may not get extra square footage. Previously existing bulk can be shifted around so long as the replacement structure is sited within substantially the same location as the previous structure,

and the shifting of bulk does not exceed 110 percent the height or square footage of the previous structure. For non-beachfront properties, if bulk is shifted to other parts of the structure and the bulk exceeds 18 feet in height and is outside the original building envelope, the shifted bulk will require a site plan review pursuant to MMC Section 17.62.040. The design of the structure may change. For example, a craftsman style design can be rebuilt as a modern design as long as the structure is within 110 percent the same height, bulk, and square footage of the previous structure.

Issue No. 2: What qualifies as a replacement structure being located in the same "general location" (MMC Section 17.60.020(C)) or "sited in substantially the same location" (LIP Section 13.4.6(A)). Both the MMC and LCP require that replacement structures be sited in the same general location as the previous structures.

Current Policy: Replacement structures must be sited within 50 percent of the previous structure's footprint and envelope to be considered "substantially" in the same location. Relocations beyond 50 percent of the original footprint require a De Minimis Waiver pursuant to LIP Section 13.4.11 or a Coastal Development Permit (if the findings for a De Minimis Waiver are not met).

Issue No. 3: Calculating bulk. Bulk is defined in the LIP as "the total interior cubic volume as measured from the exterior surface of the structure." The term is not defined in the MMC.

Current Policy: Property owners may rebuild their structures in line with the LIP definition of bulk; meaning the cubic volume (bulk) shall not exceed 110 percent the previous structure's volume.

Issue No. 4: What is considered a "lawfully erected" structure under MMC Section 17.60.020? MMC Section 17.60.020(C) allows for lawfully erected structures that do not conform to the current design and development standards (or lot development criteria) in the City to be reconstructed if they were destroyed or damaged in a natural disaster.

Current Policy: Unless evidence demonstrates the contrary, a structure will be considered to be "lawfully erected" if: (1) it has a building permit or the required approvals from a government agency who had jurisdiction over the subject location when the structure was erected, or (2) the evidence demonstrates the structure existed prior to the date of the City's incorporation-- except structures located on a beach, coastal bluff, within an environmentally sensitive habitat area, or other sensitive coastal resource area must be shown to have existed prior to the California Coastal Act. Evidence that may be used to demonstrate the above includes, but is not limited to, aerial and GIS imagery, photography, city records, Los Angeles County Assessor data, and California Coastal Commission records. For any structure destroyed or substantially damaged by the 2025 Palisades Fire only, "lawfully erected" shall also include any structure that physically existed immediately prior to the 2025 Palisades Fire, so long as (i) the structure was not part of an open code enforcement violation pertaining to the construction of the structure, (ii) the structure did not violate any applicable law that is beyond the authority of the City of Malibu to waive or excuse (e.g., a structure that was built entirely or partially on property belonging to someone other than the owner of the structure), and (iii) the structure has a building permit that allows the structure to exist in some form (e.g., a remodel or addition for which a building permit was not issued would not disqualify the whole structure that existed immediately prior to the fire from being considered "lawfully erected", so long as there is building permit for the structure to exist in some form).

Issue No. 5: Basements and Subterranean Garages. MMC Section 17.40.040(A)(13)(c) discounts the first 1,000 square feet of basements towards a property's total development square footage

(TDSF). Based on this language, some property owners are requesting that new basements do not count towards the 110 percent square footage allowed in a like-for-like rebuild.

Current Policy: The square footage for new basements and subterranean garages shall be included in the 110 percent square footage calculation. A replacement structure cannot exceed a 10 percent increase in size/square footage, which would occur if the square footage of new basements was not included in the calculation.

Issue No. 6: Water tanks and pools. Water tanks and pools that have a draft hydrant and which can be connected to by the Los Angeles County Fire Department may be necessary for rebuild structures to have adequate fire flow to fight fires. MMC Section 17.62.080(A)(4) allows for water tanks, pools and other water storage devices to be permitted as long as they are required or recommended by a government agency.

Current Policy: If water tanks and pools are required or recommended by a government agency, the development standards for new structures within the subject zoning district shall be required except that the square footage needed for water tanks shall not be counted towards a property's TDSF.

Issue No. 7: Combining square footage between multiple structures. Some property owners are seeking to combine square footage from multiple structures into one structure. For example, a property owner may have had a home with a detached gym but is now proposing to combine the detached gym's square footage with the home. LIP Section 13.4.6 states that a replacement structure is exempt from a CDP if the replacement structure (1) is for the same use, (2) does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, and (3) is sited in substantially the same location. This section implies that each structure shall be placed in the same general location and rebuilt to the same general size.

Current Policy: MMC Section 17.40.050(B) sets the zoning standards for required distance between buildings. Main buildings shall be at least 10 feet apart. Main building and accessory building shall be at least six feet apart. If structures that are proposed to be replaced are 10 feet or less in distance apart, they may be combined. However, as stated in LIP Section 13.4.6, the structures must maintain the same use. If an uninhabitable structure (such as a garage) is combined with a habitable structure, the square footage of the uninhabitable area must be maintained. This policy avoids unintended consequences that could be caused through the consolidation of dispersed structures into a larger home that could have impacts on views or other sensitive resources.

Issue No. 8: No net loss. California's "No Net Loss" law (SB 166) *"prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and that the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need. The city, county, or city and county may reduce the residential density for a parcel if it identifies sufficient sites, as prescribed, so that there is no net loss of residential unit capacity."* Some property owners, during the rebuild process, are seeking to convert multifamily structures into single-family structures if allowed by the subject zoning district.

Current Policy: In order to maintain compliance with State Law, the City is requiring that property owners who are seeking to convert their multifamily structures to single-family structures replace those lost units in the form of Accessory Dwelling Units (ADUs). For example, a triplex (three units)

that is proposed to be replaced by a single-family residence shall also include two ADUs to ensure there is no net loss. However, where State law allows flexibility, staff may allow less density on a lot than previously existing.

Issue No. 9: 10 percent increases must comply with current zoning regulations. MMC Section 17.60.020(C) allows nonconforming structures to be replaced (up to 110 percent height, bulk, and square footage) and maintain their nonconforming aspects in relation to the applicable zoning regulations.

Current Policy: The 10 percent increases must comply with current zoning regulations. As stated in MMC Section 17.60.020(C), increases to height or bulk above 18 feet shall require a site plan review (SPR) on non-beachfront properties. Similarly, 10 percent increases into required yard setbacks shall only be allowed with a SPR as listed in MMC Section 17.62.040. However, de minimis encroachments into required setbacks may be allowed at the discretion of the Community Development Director / Planning Manager. This policy allows legally established structures that do not conform to the current codes to be rebuilt but prevents their nonconformities from expanding.

Issue No. 10: Is a wave action report required for a beachfront rebuild of a residence for a Planning Verification? MMC Section 17.40.040(A)(5)(b) states that new construction on beachfront lots must have their lowest finished floors elevations be determined by a comprehensive wave action report. In contrast, additions to an existing structure measure height based on an existing finished floor elevation.

Current Policy: The LIP definition of “New Development” explicitly excludes replacement structures (destroyed in a natural disaster) from being defined as new development and thus not subject to the rigorous review of new development requirements within the LCP. Because the LCP does not include replacement structures as “New Development”, the structures shall also not be considered “new construction” for planning (zoning) purposes.

For all replacement beachfront structures, the structure’s height above sea level shall be determined by the Federal Emergency Management Agency’s (FEMA) flood plain regulations as stated in MMC section 17.60.020(C)(1) with no additional sea level rise requirements imposed by the City. Onsite wastewater treatment systems and seawalls that are being built along with the replacement beachfront structure will be required to be designed by the applicant’s coastal engineer with no additional sea level rise requirements imposed by the City. The design must be provided in either a (i) coastal engineering or wave uprush report, or (ii) letter certified and stamped by the applicant’s coastal engineer, who must be a California licensed civil engineer experienced in the practice of coastal engineering.

Issue No. 11: Rooftop decks. Rooftop decks are referenced in LIP Section 3.6(E) as allowed, specifically for beachfront properties, and have been allowed historically in the City for non-beachfront properties. Rooftop decks are becoming more common and have been permitted on both beachfront and non-beachfront structures throughout the City’s history.

Current Policy: Rooftop decks are allowed for both beachfront and non-beachfront rebuilds. Structures that include rooftop decks shall be conditioned to prohibit furniture that exceeds the railing height and to ensure that any lighting on the deck complies with the City’s Dark Sky Ordinance. Rooftop deck railing height shall be included in the maximum height allowance for the replacement structure.

Issue No. 12: Survey requirement. Residents have expressed concerns about providing surveys in their Planning Verification applications. Staff have been able to accept other forms of evidence to verify compliance with LIP Section 13.4.6 (if applicable) and MMC Section 17.60.020(C) such as historical surveys, City approved plans, and Los Angeles County and California Coastal Commission records. However, there have been discrepancies in the available information. An example of a discrepancy is when the Los Angeles County Assessor information regarding lot area differs from what has been represented on historical plans.

Current Policy: Staff will require a survey in the Planning Verification phase to demonstrate compliance with the LIP Section 13.4.6 and MMC Section 17.60.020(C). The submitted survey in the Planning Verification phase can be used in Building Plan Check.

2025 PALISADES FIRE ONLY

The following issues are addressed only for structures destroyed in the 2025 Palisades Fire and do not apply to other structures that were destroyed in any other natural disaster as these projects are subject to special orders from the Governor.

Issue No. PF1: Projects that were deemed complete prior to the fire but never approved or permitted. There are some property owners who had projects in the system before the fire for additions and other improvements to their previously existing structures.

Current Policy: If a project was approved or the application was deemed complete before the 2025 Palisades Fire, and the structure was destroyed in the fire, the property owner is allowed to construct both the replacement structure and the deemed complete application as long as all required permits are obtained and as long as the deemed complete application does not require a variance. The owner may have to submit additional documentation for a project that has not yet received approval from the City. If the deemed complete application requires a site plan review, minor modification, or stringline modification, such approval must still be obtained. In these instances, the replacement structure and the deemed complete application will be considered the “like-for-like”. However, If the deemed complete application is for new square footage for the structure that was destroyed in the fire, and the new square footage in the deemed complete application exceeds 10 percent of the square footage of the previous structure, the applicant/owner shall not be allowed to obtain more square footage than what is authorized in the deemed complete application. In other words, the applicant/owner shall not get an additional 10 percent square footage on top of the square footage allowed under the deemed complete application if the deemed complete application was for more than 10 percent the square footage of the previous structure. The applicant in such case may only build the structure proposed in the deemed complete plans.

Issue No. PF2: Seaward projections. Governor Gavin Newsome’s Executive Order (N-20-25), states that replacement structures may not “expand farther seaward on the beach than the structure or facility” that existed immediately before the 2025 Palisades Fire.

Current Policy: A replacement structure is not allowed to expand farther seaward than the structure that existed before the fire but it may shift previously existing square footage more seaward so long as the area being shifted does not go farther seaward than the structure’s “predominate seaward projection”. MMC Section 17.40.040(A)(7)(c)(1)(b) defines a beachfront structure’s “predominate seaward projection” as “that portion of a structure closest to the ocean, which has a width (i.e., the dimension which is on a plane parallel to the ocean front) at least 30% of the maximum width of the structure.” If one floor is further seaward than another, and the floor that is further seaward meets the definition of “predominate seaward projection”, then the floor that is further landward may extend out

to a point no further seaward than the “predominant seaward projection” of the structure but shall still be limited by the stringline rule as required in MMC Section 17.40.040(A)(7)(c). Both the deck and the dwelling are viewed as separate structures.

Issue No. PF3: Are building code required interior accesses on beachfront lots counted towards the 10 percent increase in square footage allowed? With the new FEMA regulations shifting beachfront properties to higher elevations, some property owners may have homes that extend significantly above PCH than before and thus require new interior access staircases to access the home from ground level (Pacific Coast Highway).

Current Policy: An interior access that is required by the building code and is necessitated by the new finished floor requirements based on the FEMA flood elevations will not be counted towards the 10 percent additional square footage allowed for rebuilds.

Issue No. PF4: Governor Gavin Newsom’s Executive Order (N-32-25) states that local jurisdictions within the boundaries of the 2025 Palisades Fire may prohibit or restrict the acceptance and processing of applications under Government Code Sections 65852.21 and 66411.7 for projects located in Very High Fire Hazard Severity Zones.

Current Policy: The City of Malibu will not accept or process applications under Government Code Sections 65852.21 and 66411.7 for any project within a Very High Fire Hazard Severity Zone within the boundaries of the Palisades areas.

Legislative Record: On October 15, 2025, the City Council reviewed every issue and adopted the corresponding policies.

EXHIBIT G

LA COUNTY PLANNING

AMY J. BODEK, AICP
Director,
Regional Planning

DENNIS SLAVIN
Chief Deputy Director,
Regional Planning

August 18, 2025

TO: Staff

FROM: Amy J. Bodek, AICP
Director of Regional Planning

SENATE BILL 9 & SENATE BILL 450: MINISTERIAL APPROVALS OF UP TO TWO PRINCIPAL DWELLING UNITS AND URBAN LOT SPLITS ON SINGLE-FAMILY RESIDENTIAL-ZONED PARCELS (UPDATED WITH EXECUTIVE ORDER N-32-25)

BACKGROUND

On September 16, 2021, the Governor signed Senate Bill (SB) 9 (Atkins), which added Section 65852.21 to the Government Code to require a ministerial review process for eligible development of up to two principal dwelling units on a parcel in a single-family residential zone. The bill also added Section 66411.7 to require a ministerial review process for eligible "urban lot splits," to create two new parcels for residential uses in a single-family residential zone.[1] Senate Bill (SB) 450, effective January 1, 2025, amended the locational criteria for project eligibility and the required permit processing time. A copy of SB 450 (Attachment A) is attached for your reference.

Executive Order N-32-25, effective July 30, 2025, suspends Government Code Sections 65852.21 and 66411.7 within very high fire hazard severity zones, as identified by the State Fire Marshal pursuant to Government Code Section 51178, within the boundaries of the Palisades and Eaton fires in Los Angeles County to the extent that Government Code Sections 65852.21 and 66411.7 limit discretion in approval of applications for development of two units on a single-family parcel. A copy of Executive Order N-32-25 (Attachment E) is attached for reference.

This memo, which addresses changes as of July 30, 2025, clarifies existing policies, supersedes any contrary provisions in Titles 21 and 22 of the County Code and shall apply until such time when the County Code is amended. Major changes are *italicized and underlined*.

I. Eligibility for Ministerial Review

[1] SB 9 also amends Government Code Section 66452.6 which is covered by a separate memo titled "Senate Bill 9: Extended Lifespan of Certain Approved or Conditionally Approved Tentative Maps" dated January 3, 2022.

A. Project Components. The project is one of the following:

1. Non-Lot Split Project. The project consists of up to two principal dwelling units, which may be attached or detached, with no other principal uses or primary structures, subject to the approval of a Ministerial Site Plan Review (Chapter 22.186) application:

    a. One new principal dwelling unit with no other principal uses or structures;

    b. One new principal dwelling unit attached to or detached from an existing principal dwelling unit on a parcel with no other principal uses or structures; or

    c. Two new principal dwelling units attached or detached on a parcel with no other principal uses or structures; or

2. Urban Lot Split. The project is an urban lot split creating two new parcels for residential uses[2] subject to the approval and recordation of a parcel map (Title 21).

B. Project Location. The project satisfies all of the following:

1. The project site is located within Zone R-1 or R-A;[3] or within one of the following specific plan zones:

    a. West Carson TOD Specific Plan: West Carson Residential 1
    b. Willowbrook TOD Specific Plan: Willowbrook Residential 1
    c. Connect Southwest LA TOD Specific Plan: CSLA Residential 1

2. The project site is a legal parcel[4] located wholly within an urbanized area or urban cluster, as designated by the U.S. Census Bureau.

3. No portion of the project site is located in any of the following:

    a. A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code;[5]

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[2] Parcels created pursuant to SB 9 are restricted to residential uses only, with the exception of home-based occupations as permitted by Title 22 of the County Code and home-based cottage food operations per state law.
[3] For split-zoned parcels, refer to Section 22.06.070.D of the County Code.
[4] Pursuant to the Subdivision Map Act.
[5] Until such time as the Santa Monica Mountains Local Coastal Program (LCP) is amended to harmonize the SB 9 requirements with the LCP and Coastal Act policies.

b. A historic district or property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a County landmark or historic property or district;[6]

c. Prime Farmland or Farmland of Statewide Importance, as identified by the State Department of Conservation;[7]

d. Wetlands, as defined in the U.S. Fish and Wildlife Service Manual;

e. A Very High Fire Hazard Severity Zone as identified by the State Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a High or Very High Fire Hazard Severity Zone as indicated on maps adopted by the State Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202, unless:

   i. All new and existing structures on the project site will be in compliance with fire hazard mitigation measures pursuant to current building standards or state fire safety regulations; *and*

   ii. *The project site is not located within 1) the boundaries of the Palisades*[8] *or Eaton fires in Los Angeles County and 2) a Very High Fire Hazard Severity Zone as identified by the State Fire Marshal pursuant to Government Code Section 51178, where Government Code Sections 65852.21 and 66411.7 are suspended pursuant to Executive Order N-32-25. A project site that is subject to Executive Order N-32-25 is not eligible for the ministerial review and approval specified in this memo.*

f. A hazardous waste site listed in Section 65962.5 of the Government Code (the Cortese List, which is available at https://calepa.ca.gov/SiteCleanup/CorteseList), or a hazardous waste site designated by the State Department of Toxic Substances Control (which is available at https://www.envirostor.dtsc.ca.gov/public/map/), unless the site has been cleared for residential or residential mixed uses by the

[6] County designated historic resources are identified on the Department's Historic Resources layer in GIS-NET. For State and Nationally listed historic resources, staff must download and search the Built Environment Resource Directory (BERD) spreadsheet, which is available on the California Office of Historic Preservation website (select "Los Angeles" under "Resources by County").
[7] Or land zoned or designated for agricultural protection or preservation by any future approved local ballot measure.
[8] *Until such time as the Santa Monica Mountains Local Coastal Program (LCP) is amended to harmonize the SB 9 requirements with the LCP and Coastal Act policies.*

State Department of Public Health, State Water Resources Control Board, or State Department of Toxic Substances Control;

g. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the project complies with applicable seismic protection building code standards adopted by the State Building Standards Commission under the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by Public Works under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code;[9]

h. A special flood hazard area subject to inundation by the 1 percent annual flood (100-year flood) as determined by Federal Emergency Management Agency (FEMA) in any official maps, unless:

   i. The project site has been subject to a Letter of Map Revision prepared by FEMA and issued to the County; or

   ii. The project site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations;[10]

i. A regulatory floodway as determined by FEMA in any official maps published by FEMA, unless the project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations;

j. A Significant Ecological Area or lands under conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), or in a habitat conservation plan pursuant to the Federal Endangered Species Act of 1973, or other adopted natural resource protection plan; or

k. A critical habitat designated by state or federal agencies.

[9] Public Works verifies compliance with seismic protection standards in the Building Code during their review process.
[10] Documentation must be submitted to and reviewed by Public Works in order to determine the site's compliance with all applicable FEMA requirements for flood plain management criteria.

C. Pre-Existing Site Conditions. The project satisfies all of the following:

1. The project does not require demolition or alteration of any of the following:

   a. Rent-stabilized dwelling units pursuant to the County's Rent Stabilization Ordinance (Chapter 8.52 of Title 8 of the County Code) or Section 1947.12 of the Civil Code.

   b. Dwelling units that are subject to a recorded covenant and agreement restricting rents to levels affordable to moderate, lower, or very low-income households; or

   c. Dwelling units that have been tenant-occupied in the three years before the date of application.

   d. For Urban Lot Split Only – Dwelling units that have been withdrawn from the rental housing market under the Ellis Act (Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code) within 15 years before the date of application.

2. For Non-Lot Split Project Only – The project site does not contain dwelling units that have been withdrawn from the rental housing market under the Ellis Act (Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code) within 15 years before the date of application.

3. The applicant shall submit the Pre-Existing Site Conditions and Occupant Income Certification Form (Attachment B).

D. Standards. Notwithstanding any contrary provisions in Titles 21 and 22 of the County Code, the project shall comply with the following:

1. General. Except as provided in part D.2.b, below, objective planning, zoning, and subdivision requirements shall not be imposed if such requirements would physically preclude either of the following:

   a. The construction of up to two dwelling units[11] per parcel; or

   b. Any of the dwelling units being at least 800 square feet in floor area.

[11] In an urban lot split, the maximum of two dwelling units applies to each newly created parcel where "dwelling unit" means any principal dwelling unit, accessory dwelling unit (ADU), or junior accessory dwelling unit (JADU).

2. Setbacks and Building Separation.

   a. Existing setbacks shall be deemed conforming, including in the event of demolition of an existing structure or building, and reconstruction to the same dimensions and in the same footprint.

   b. In all other cases, the required side and rear yard depths for the proposed dwelling units shall be four feet, unless a narrower width is allowed pursuant to Title 22 of the County Code.

   c. No building separation between dwelling units or structures shall be required as long as all the structures meet minimum building code safety standards and allow for separate conveyance.[12]

3. Parking.

   a. All existing and proposed dwelling units shall be exempt from any parking requirements if one of the following applies:

      i. The project site is located within ½ mile walking distance of a high-quality transit corridor or a major transit stop;[13] or

      ii. There is a car share vehicle located within one block of the project site.[14] For example, this can be verified by checking the maps on Zipcar (https://www.zipcar.com).

   b. If a principal dwelling unit does not qualify for the exemption provided in part I.D.3.a, above, one off-street covered parking space per unit shall be required.

4. Short-Term Rentals. No dwelling unit created pursuant to SB 9 shall be used as a short-term rental (30 consecutive days or less).

5. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

   a. General. Except as specified otherwise in part I.D.5.b., below, ADUs and JADUs shall be permitted in all SB 9 projects, subject to all applicable regulations

[12] The requirements of Section 22.110.050 of the County code do not apply.
[13] These layers can be viewed on GIS Net, and walking distance should be verified on Google Maps.
[14] A block can be up to 1,000 linear feet of pedestrian travel along a public street from the subject parcel.

in Section 22.140.640 of the County Code and the memo titled "Accessory Dwelling Units and Junior Accessory Dwelling Units" dated January 29, 2024.

b. Urban Lot Split. Notwithstanding any contrary provisions in Section 65852.2 or 65852.22 of the Government Code or Title 22, only one ADU or one JADU is permitted on each parcel created through an urban lot split where a proposed or existing principal dwelling unit is the only principal dwelling unit on the newly created parcel.

E. Additional Requirements

1. All SB 9 Projects.

   a. The applicant shall submit the SB 9 Applicant Acknowledgement Form (Attachment C), acknowledging that the review and approval of the proposed project by Regional Planning does not guarantee approval or clearance by other departments.

   b. Private Sewer. For principal dwelling units connected to an onsite wastewater system, the applicant shall be required to obtain clearance from the County Department of Public Health.[15]

2. Urban Lot Splits.

   a. Future and Adjacent Urban Lot Splits.

      i. Future urban lot splits on parcels created through SB 9 shall be prohibited.

      ii. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owner(s) shall be prohibited.

   b. Lot Area.

      i. One of the newly created parcels shall be a minimum of 40 percent of the lot area of the original parcel proposed for the lot split; and

      ii. Each newly created parcel shall have a minimum of 1,200 square feet lot area.

[15] Public Health reviews the onsite wastewater system during their approval process. Verification of a percolation test performed within the last five years, or the last 10 years if the percolation test has been recertified, will be required for clearance.

c. Owner Occupancy. Prior to the recordation of the urban lot split, an applicant who is neither a community land trust[16] nor a qualified nonprofit corporation[17] is required to sign the Owner Occupancy Affidavit (Attachment D) stating the applicant's intent to occupy one of the units as their principal residence for a minimum of three years from the date of the recordation of the urban lot split.

d. All structures proposed on a parcel created through an urban lot split shall be subject to a Ministerial Site Plan Review (Chapter 22.186) application.

II. Decision

A. Permit Processing Timeline. All SB 9 project applications shall be considered and approved or denied within 60 days from the date a completed application is received. The application for a Ministerial Site Plan Review (Chapter 22.186) (for a non-lot split project) or a parcel map (Title 21) (for an urban lot split) shall be deemed approved if an approval or a denial is not issued within this time period.

B. Findings and Denial.

1. A project pursuant to SB 9 may only be denied if the County Building Official makes a written finding,[18] based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

2. If the County denies an application for an SB 9 project, the County shall, within the time period described in paragraph II.A, return in writing a full set of comments (from all applicable reviewing Departments) to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

C. Additional Considerations for Urban Lot Splits.

1. No dedication of rights-of-way or construction of offsite improvements shall be imposed on parcels being created through an urban lot split as a condition of

[16] As defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
[17] As described in Section 214.15 of the Revenue and Taxation Code.
[18] As specified in Section 65852.21(d) or 66411.7(d) of the Government Code.

approving a tentative parcel map, unless required for easements for public services or facilities, or for access to the parcel.

2. No correction of nonconforming standards shall be required for urban lot splits approved pursuant to SB 9.

If you have any questions regarding this memo, please contact Tina Fung in the Housing Policy Section at (213) 974-6417 or tfung@planning.lacounty.gov.

AJB:CC:ER:TF:jd:lj

Attachments:

A. Government Code Sections 65852.21 and 66411.7
B. Pre-Existing Site Conditions and Occupant Income Certification Form
C. SB 9 Applicant Acknowledgement Form
D. Owner Occupancy Affidavit
E. Executive Order N-32-25

c: County Counsel
Public Works
Fire Department
Public Health
Parks and Recreation

S_08_04_2025_AP_M_SB9_MEMO_SB450

EXHIBIT H

DECLARATION OF LOCAL EMERGENCY

WHEREAS, Section 231(i) of the Los Angeles City Charter and Ch. 3, Section 8.27 of the Los Angeles Administrative Code provide that the Mayor of the City of Los Angeles has the authority to declare the existence of a local emergency as a result of any occurrence which, by reason of its magnitude, is or is likely to become beyond the control of the normal services, personnel, equipment, and facilities of the regularly constituted branches and departments of City government; and

WHEREAS, the City of Los Angeles has at any given time approximately 41,980 people experiencing homelessness Citywide; and

WHEREAS, the number of unhoused people in the City of Los Angeles has increased dramatically in recent years, nearly doubling in the past decade, with the number of unhoused families increasing by 238 percent since 2007; and

WHEREAS, the City of Los Angeles represents 9.6 percent of the State of California's population but 25 percent of the State's unsheltered population, and the City represents only 1.2 percent of the total United States population but 7.2 percent of the United States population of people experiencing homelessness; and

WHEREAS, as a percentage of its population, the number of unsheltered people in the City of Los Angeles is approximately 18 times higher than the number in New York City and 14 times higher than the number in Chicago; and

WHEREAS, there are more people currently experiencing homelessness in the City of Los Angeles than were displaced by Hurricane Harvey in Houston (30,000) or the 1994 Northridge Earthquake (20,000); and

WHEREAS, homelessness has disproportionately impacted Black, Indigenous and Immigrant Angelenos. Black people comprise only 8 percent of the population of the City of Los Angeles but, in the most recent homelessness count, accounted for 33 percent or more of people experiencing homelessness; and

WHEREAS, homelessness has increased dramatically and disproportionately among Hispanic and Latino Angelenos during the COVID-19 pandemic. The share of the population of people experiencing homelessness who are Hispanic or Latino increased by 30 percent between 2020 and 2022 and now constitute 42 percent of unhoused individuals. Black and Brown Angelenos comprise 75 percent of people experiencing homelessness; and

WHEREAS, the homelessness crisis has had unacceptable consequences for Angelenos, including a significant death toll that has rapidly increased since the start of the COVID-19 pandemic. The Los Angeles County Department of Public Health has reported an average of over 5 deaths per day of unhoused persons as of March 2021, a 200 percent increase in the death rate of persons experiencing homelessness over the past decade and a 56 percent increase over just one year prior; and

WHEREAS, women now comprise about a third of people experiencing homelessness and at least 60 percent of those women have experienced violence, and more than a third of LGBTQ+ women experiencing homelessness have experienced sexual assault; and

WHEREAS, a disproportionate share of youth experiencing homeless identify as LGBTQ+ and lack adequate access to resources; and

WHEREAS, the murder rate for people experiencing homeless is at the highest recorded levels, and increased by 47 percent in 2021 alone; and

WHEREAS, severe overcrowding in Los Angeles has also led to increased deaths from COVID-19. In neighborhoods with 40 percent overcrowding as compared to a national average of 3 percent, residents are 11 times more likely to die because of COVID-19; and

WHEREAS, shelter and housing is particularly important during these coming winter months when people experiencing homelessness in the City are likely to face heightened exposure and dangers from living outdoors, and heightened dangers from the combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV). It is projected that the City will face an acute shortage of winter homeless shelters through March 2023, with fewer than half the number of shelter sites available as in the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

WHEREAS, the City's eviction moratorium, which has protected many Angelenos from falling into homelessness, ends concurrently with the end of the City's State of Local Emergency regarding the COVID-19 pandemic on February 1, 2023; and

WHEREAS, the State of California's COVID-19 State of Emergency, which has provided resources to keep many Angelenos from falling into homelessness, ends in February of 2023, thus requiring immediate action in order to create replacement and additional housing and shelter, and in order to support the necessary infrastructure and laws required to protect and provide that shelter and housing; and

WHEREAS, people experiencing homelessness suffer disproportionately from mental and physical health ailments, the treatment of which has strained the City's ability to provide appropriate shelter and housing and which require assistance from the County

Health Department to provide the necessary public services. Specifically, it is estimated that 47 percent of unsheltered people in the City of Los Angeles are affected by a health condition, 46 percent are affected by substance abuse, 34 percent are affected by a serious mental illness, 29 percent are affected by physical disabilities, 17 percent are affected by post-traumatic stress disorder, 7 percent are affected by developmental disabilities, and 6 percent are affected by traumatic brain injuries. Recent studies differ on the exact percentages but dramatic increases over time are prevalent in all of the data. The prevalence of extreme need significantly stress the City's public services; and

WHEREAS, notwithstanding that the State of California has enacted a CARE Court to address the crisis of untreated mental illness, the beds and necessary access to acute and subacute care is in development and steps must be taken in the interim to provide increased access to care; and

WHEREAS, the homelessness crisis has strained the City's public safety resources. Among other things, occurrences of fires related to homelessness have nearly tripled between 2018 and 2021, averaging 24 fires a day in the first quarter of 2021, and now constitute a majority of all fires to which the Los Angeles Fire Department responds; and

WHEREAS, paramedic calls to address the crisis on our streets and in our other public spaces are increasing at alarming rates and unhoused residents are 19 times more likely to require an emergency room transport by paramedics than housed residents; and

WHEREAS, the homelessness crisis confronting Los Angeles has grown both incrementally and exponentially, leading to death, illness, and deplorable living conditions even worse than those that created emergencies due to persistent and worsening conditions from prison overcrowding, deterioration in water quality, or fire risk due to climate change; and

WHEREAS, the conditions in December 2022 are even more dire than when Mayor Bradley declared a local emergency due to the upcoming winter weather and its effects on the people experiencing homelessness in 1987; and

WHEREAS, the displacement of the number of people living on the streets of the City of Los Angeles today is a daily recurring emergency, empowering the Mayor to declare a state of emergency, no less than if the emergency was caused by an earthquake, fire, or flood; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of housing units, use mutual aid, and seek assistance and potential reimbursement by the State and Federal governments will be critical to successfully responding to this homelessness crisis; and

WHEREAS, during the pendency of the existence of a local emergency, the Los Angeles City Council shall retain its full authority to consider a variety of City ordinances to codify the measures necessary to address this homelessness crisis; and

WHEREAS, during the COVID-19 pandemic the City Council created the COVID-19 Homelessness Roadmap and committed the funding and resources needed to produce 6700 housing options in 18 months; and

WHEREAS, the City currently has 14,475 interim housing beds and the City Council continues to prioritize the building of interim and permanent supporting housing and yet need outpaces demand; and

WHEREAS, the City projects it will soon have a total of 12,908 supportive and affordable units, of which 3,861 have been completed already, 5,171 are currently under construction, and 3,876 are in pre-development; and

WHEREAS, notwithstanding that Council has been and is acting with urgency, including implementing a roadmap to house thousands of Angelenos and building an unprecedented number of supportive housing units and shelters, an emergency declaration is necessary to mobilize resources, save lives, and provide for the public health, welfare, and safety of all; and

WHEREAS, the City of Los Angeles has responded to the rapid increase in its homeless population with unprecedented investments into homelessness solutions, including a nearly $1.2 billion commitment in the 2022-2023 City budget for the construction of thousands of units of supportive housing, the expansion of bridge housing, and the hiring of professionals to address the homelessness crisis and, notwithstanding these efforts, the number of those experiencing homelessness in the City continues to increase and outstrip the resources and services that the City has provided; and

WHEREAS, the magnitude of loss of life, the persistent and disproportionate impact of the COVID-19 pandemic, and the persistent discriminatory impacts of a lack of housing warrant and necessitate that I declare the existence of a local emergency; and

WHEREAS, the benefits of this emergency declaration, coupled with past and future actions by the Los Angeles City Council to address the homelessness crisis, will help ensure that this local emergency will be of a temporary nature;

NOW, THEREFORE, I thereby declare the existence of a local emergency and direct all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.

I REQUEST, that the City Council adopt resolutions pursuant to the Los Angeles Administrative Code Sections 10.1.1, 10.2.1, 10.5(a)(8), and 10.5.5 to expedite the procurement and contracting process for materials, equipment, and services necessary to respond rapidly to the homelessness crisis.

I DIRECT that, as Director of the EOO, I shall coordinate Citywide planning and response with respect to unsheltered individuals in conjunction with the City Administrative Officer, Los Angeles Homeless Services Authority, Los Angeles City Housing Department, Los Angeles City Planning Department and any and all necessary departments and agencies.

I FURTHER DIRECT that the City coordinate its efforts to address this declared emergency with the County of Los Angeles, the State of California, and the federal government.

I FURTHER DIRECT, that the continuing state of emergency shall be regularly evaluated, in coordination with City Council, by reference to key performance indicators of progress in addressing the emergency, including, but not limited to:

- Decrease in the number and size of encampments;
- Regulatory relief from other jurisdictions and within Los Angeles City agencies to create flexibility to address the crisis;
- Relaxation in the restraints that limit the ability of the City's proprietary departments to create flexibility to address the crisis;
- Increased housing placements;
- Increased starts on new affordable housing options;
- An increase in temporary and permanent housing units;
- Increased outside aid through access to mental health and substance use beds;
- A decrease in the number of persons being evicted from existing housing units;
- A decrease in the number of persons falling into homelessness.

I FURTHER DIRECT that this Emergency Declaration sunset in six months subject to being renewed. The setting of a specific time frame allows for actions to be taken to make permanent, necessary structural changes.

I FURTHER DIRECT that all relevant City departments and agencies compile and deliver to the Mayor information about the specific and necessary resources and support that the

City should request from Los Angeles County, the State of California and the Federal government to address this crisis.

I THEREFORE DIRECT that the Declaration of Local Emergency shall take effect immediately and that notice shall be given of said Declaration through the most feasible means.



Karen Bass, MAYOR

Dated: December 12, 2022
at Los Angeles, California
Time: 9:00 a.m.

Filed with the City Clerk
Date: December 12, 2022
Time: 9:05 a.m.
By: _____

EXHIBIT I



Los Angeles

HOUSING ELEMENT

of the General Plan

2021-2029





City of Los Angeles General Plan
Housing Element 2021-2029

The Housing Element is one of the eight State-mandated elements of the General Plan and identifies the City's housing conditions and needs, establishes the goals, objectives, policies, and programs that are the foundation of the City's housing strategy.

Adopted by the Los Angeles City Council
Original Adoption Date: November 2021
Original Effective Date: November 2021

Adoption Date	Amendment	Council File No.	CPC File No.
November 24, 2021	Adoption of the Housing Element 2021-2029	21-1230	CPC-2020-1365 GPA; ENV-2020-6762-EIR
June 14, 2022	Targeted Amendments to the Housing Element 2021-2029 to address HCD feedback	21-1230-S1	CPC-2022-2698-GPA; ENV-2020-6762-EIR-ADD1

**Activity Log is an administrative addition added after Council adoption*

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Executive Summary

Land Acknowledgment

The City of Los Angeles is situated in the ancestral and unceded lands of the Tongva (also known as Yaavitam), the Gabrieleños, the Kizh, the San Fernando Band of Mission Indians, and the Fernandeño Tataviam Band of Mission Indians peoples. We acknowledge their elders, past, present, and future, for their cultural resilience. They are the original caretakers of this land on which the central governing institutions of the City of Los Angeles are constructed. Today, the City of Los Angeles is home to the second largest community of Native Americans in the United States.

Acknowledgements

Mayor

Eric Garcetti

City Council Members

Gil Cedillo, District 1

Paul Krekorian, District 2

Bob Blumenfield, District 3

Nithya Raman, District 4

Paul Koretz, District 5

Nury Martinez, District 6

Monica Rodriguez, District 7

Marqueece Harris-Dawson, District 8

Curren D. Price, Jr., District 9

Mark Ridley-Thomas, District 10

Mike Bonin, District 11

John Lee, District 12

Mitch O'Farrell, District 13

Kevin de León, District 14

Joe Buscaino, District 15

City Planning Commission

Samantha Millman, President

Caroline Choe, Vice President

Renee Dake-Wilson, Commissioner

Jenna Hornstock, Commissioner

Helen Leung, Commissioner

Yvette López-Ledesma, Commissioner

Karen Mack, Commissioner

Dana Perlman, Commissioner

Vacant, Commissioner

Department of City Planning

EXECUTIVE OFFICE

Vincent P. Bertoni, AICP, Director

Kevin Keller, AICP, Executive Officer (former)

Arthi L. Varma, AICP, Deputy Director

Shana M. Bonstin, Deputy Director

Vacant, Deputy Director

Lisa M. Webber, AICP, Deputy Director

CITYWIDE POLICY DIVISION

Nick Maricich, Principal City Planner

Matthew Glesne, Senior City Planner

Blair Smith, City Planner

Ari Briski, City Planner

Cally Hardy, City Planning Associate

Betty Barberena, Planning Assistant

Wajiha Ibrahim, Planning Assistant

Denzel Henderson, Planning Assistant

CONTRIBUTING CITY PLANNING STAFF

Conni Pallini-Tipton, Senior City Planner

Connie Chauv, City Planner

Nuri Cho, City Planner

Eric Claros, City Planner

Ulises Gonzalez, City Planner

Gabriela Juarez, City Planner

Jeff Khau, City Planner

Laura MacPherson, City Planner

Christine Saponara, Senior City Planner

Norali Martinez,
City Planning Associate

Jonathan Chiu, Planning Assistant

Rina Lara, Planning Assistant

Roy Samaan, City Planner

Jack Y. Tsao, OSRA II

Yingshi Huang,
Student Professional Worker

GEOGRAPHIC INFORMATION SYSTEMS

Betty Dong, GIS Chief

Charles Lee, GIS Supervisor II

Gary L Himan, GIS Supervisor I

Timmy Luong, GIS Supervisor I

Jesus Ramos, GIS Supervisor I

Will Buckhout, GIS Specialist

Kory Sirkin, GIS Specialist

Tom Tran, GIS Specialist

EXTERNAL AFFAIRS

Yeghig Keshishian,
Chief External Affairs Officer

Jenna Monterrosa, Senior City Planner

Shakeh Boghoskahanian,
Graphics Supervisor II

Louisa Ranick, Graphics Supervisor I

Jessica Alamo, Graphics Designer II

Jacob Lopez, Graphics Designer II

Nora Frost, Public Information Director I

Jaime Espinoza, Planning Associate

Verenice Estrada,
Student Professional Worker

CONSULTANTS

MIG Consulting

FM3 Research

Rincon Consultants, Inc.

Fehr & Peers

Terner Center for Housing
Innovation, UC Berkeley

Issi Romem, MetroSight

City Attorney

Mike Feuer, City Attorney

Kathryn C. Phelan,
Deputy City Attorney

Oscar Medellin,
Deputy City Attorney

LOS ANGELES HOUSING DEPARTMENT (LAHD)
(Formerly Housing + Community Investment Department, HCIDLA)

Ann Sewill, General Manager

Tricia Keane, Executive Officer

Anna Ortega,
Interim Assistant General Manager

Daniel Huynh,
Assistant General Manager

Robert Galardi, Acting Director

Claudia Monterrosa, Chief Housing Officer

Edwin Gipson, Director of Housing

Ashley Atkinson,
Sr. Manager, Accessible Housing Program Performance

Nancy Twum-Akwaboah, Housing Planning & Economic Analyst

Maya Abood, Housing, Planning, & Economic Analyst

Jackie Cornejo, Housing, Planning & Economic Analyst

Sara Wall, Community Housing Programs Manager

Marites Cunanan,
Sr. Management Analyst II

Emma Garcia,
Sr. Management Analyst

Danielle Thompson,
Finance Development Officer

Mariano Napa,
Finance Development Officer

Mica O'Brien, Intern

Diego Soler, Intern

Project Partner Agencies

HOUSING AUTHORITY OF THE CITY OF LOS ANGELES (HACLA)

Ann Lynch,
Quality Control Manager

Jenny Scanlin, Chief Strategic Development Officer

Patricia Mendoza, Assistant Director

LOS ANGELES HOMELESS SERVICES AUTHORITY (LAHSA)

Rita Noorzay,
Sr. Project Manager

Bryan Brown, Project Manager

Alexander Visotzky, Associate Director

Jeffrey Proctor, Associate Director

DEPARTMENT OF BUILDING AND SAFETY (DBS)

Carolynn Nepomuceno Juacalla,
Structural Engineering Associate

Charmie Huynh,
Assistant Deputy Supervisor

Frank Lara,
Director of Government and Community Relations

DEPARTMENT OF WATER AND POWER (LADWP)

Theresa Kim,
Civil Engineering Associate

Delon Kwan, Manager

Jin Hwang,
Civil Engineering Associate

Alvin Bautista, Manager

LA SANITATION

Colette Monell, Environmental Specialist

Nuna Tersibashian,
Environmental Supervisor

Azya Jackson, Environmental Engineer

Deborah Deets, Landscape Architect

CITY ADMINISTRATIVE OFFICE (CAO)

Blair Miller, Project Coordinator

Meg Barclay,
City Homelessness Coordinator (former)

Helene Rotolo, Management Analyst (former)

DEPARTMENT OF AGING (DOA)

Mariella Freire-Reyes,
Sr. Management Analyst

Jennifer Ware, Sr. Management Analyst

Laura Trejo, General Manager

DEPARTMENT OF DISABILITY (DOD)

Geoffrey Straniere, Project Manager

Stephen Simon, Executive Director

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT (DONE)

Semee Park, Project Coordinator

Jose Galdamez, Project Coordinator

DEPARTMENT OF PUBLIC WORKS (DPW) - STREET SERVICES (STREETS)

Colette Monell, Environmental Specialist

Nuna Tersibashian,
Environmental Supervisor

Rachel O'Leary, Intern

BUREAU OF SANITATION (LASAN)

Colette Monell, Environmental Specialist

Nuna Tersibashian,
Environmental Supervisor

Melinda Bartlett, Environmental Affairs

EMERGENCY MANAGEMENT DEPARTMENT (EMD)

Crisanta Gonzalez, Emergency Management Coordinator

Carol Parks,
Assistant General Manager

Patrick Munongo, Emergency Management Coordinator

DEPARTMENT OF TRANSPORTATION (LADOT)

David Somers,
Supervising Transportation Planner I

Rubina Ghazarian,
Supervising Transportation Planner

MAYOR'S OFFICE

Kevin Keller, Deputy Mayor of Economic Development

Amy Anderson, Chief Housing Officer (former)

Melissa Alofaituli, Director of Planning Policy and Development

Claudia Monterrosa, Chief Housing Office

Azeen Khanmalek, Director of Affordable Housing Production

Laura Krawczyk,
Planning & Development Manager

Marisol Romero, Senior Affordable Housing Policy Specialist

Theadora Trindle,
Planning & Development Manager

CIVIL, HUMAN RIGHTS AND EQUITY DEPARTMENT

David Price, Director of Racial Equity

ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT (EWDD)

Daysi Hernandez,
Chief Grants Administrator

HOUSING RIGHTS CENTER

Chancela Al-Mansour,
Executive Director

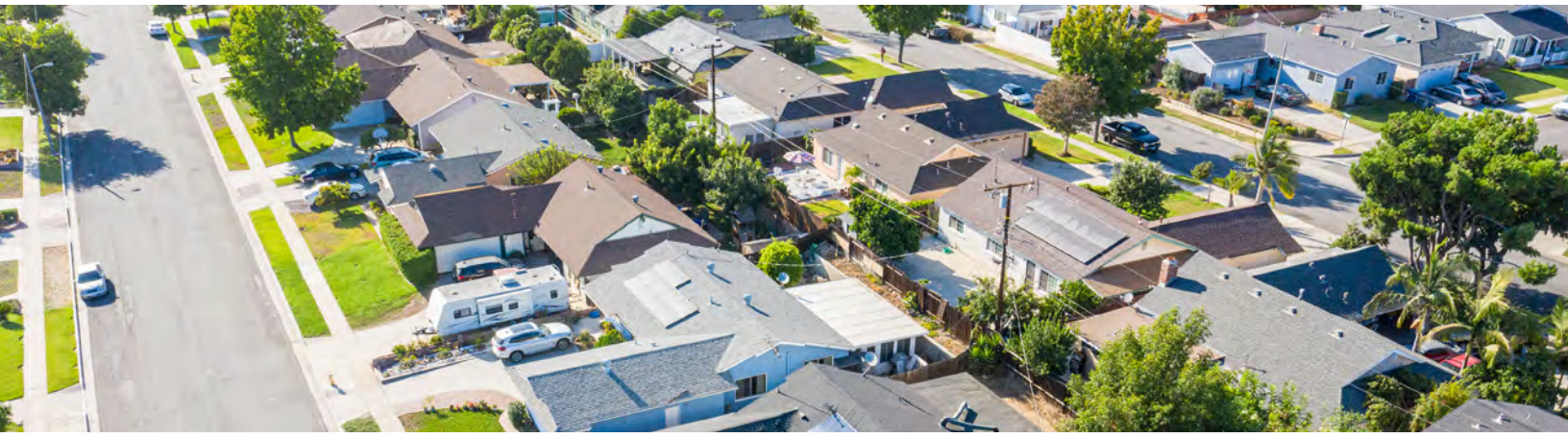


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6.1 Lead and Supporting Agencies

Housing Element Task Force

Task Force Members

FULL NAME OR ORGANIZATION

A Community of Friends

A. Lenise Kouture, Empowerment Congress

West Neighborhood Development Council

AARP

Abode Communities

Abundant Housing LA

Affordable Living for the Aging

AIA Los Angeles

Alliance for Community Transit- Los Angeles (ACT-LA)

Alliance of Californians for Community Empowerment (ACCE)

Armbruster Goldsmith & Delvac, LLP

Building Industry Association

California Apartment Association

California Community Foundation

California Home Builders

Carl Cade, Market Rate Developer

Cathy Wayne, Bel Air Beverly Crest Neighborhood Council and Laurel Canyon Association

CDTech

Central City Association of Los Angeles

Clifford Beers Housing, Inc.

Craig Lawson & Co., LLC

Crenshaw Subway Coalition

Disability Rights California

Downtown Women's Center

East LA Community Corporation

Enterprise Community Partners

Esperanza Community Housing Corporation

First 5 LA

Greater Watts Development Corporation

Grounded Solutions Network

Housing Rights Center

Inner City Law Center

James Wen, City of Los Angeles Transgender Advisory Council

Jane Demian, Eagle Rock Neighborhood Council

Kaiser Permanente

Koreatown Immigrant Workers Alliance (KIWA)

LA Community Action Network (LA CAN)

LA Family Housing

Laisa Caldwell, Housing Authority of the City of Los Angeles (HACLA)- Resident Advisory Council

Legal Aid Foundation of Los Angeles

Liberty Hill Foundation

Local Initiatives Support Corporation (LISC)

Los Angeles Area Chamber of Commerce

Los Angeles Conservancy

Los Angeles Tenants Union

Lucille Floresta, Sylmar Neighborhood Council

Neighborhood Legal Services of Los Angeles County

National Resources Defense Council (NRDC)

Pacific Urbanism

PATH Ventures

Public Counsel

Renee Dake Wilson, Former City Planning Commissioner, Architect

Southern California Association of Nonprofit Housing (SCANPH)

Standard Communities

Steinberg Hart

Strategic Actions for a Just Economy

Three6ixty

Tomas Steidl, Architect

UCLA Lewis Center for Regional Policy Studies

United Way

Universal Standard Housing

USC Price Center for Social Innovation

Venice Community Housing

Walker Wells, Sustainability and Green Building Advisor

Weingart Center Association

Executive Summary

Introduction to the Plan to House LA

The City of Los Angeles has experienced the most severe housing crisis of any major city in the United States for some time now. With a wave of evictions threatening to further increase Los Angeles' homeless count and potentially move more families deeper into poverty, the devastating ways in which our housing crisis exacerbates existing disparities has become all too clear. The critical need for greater housing stability, affordability, equity and opportunity have never been more important.

The 2021-2029 Housing Element of the General Plan (The Plan to House LA) presents a vision where housing in Los Angeles is ample and affordable, where tenants and affordable housing are protected and preserved and where proactive efforts are made to reverse the legacies of discriminatory and racist policies.

In that regard, the Plan to House LA offers an important opportunity to center racial and social equity and to directly address the severe housing disparities and patterns of exclusion that continue to shape who can live where. It reflects a commitment to providing housing initiatives that expand and preserve our affordable housing stock, encourage greater access to housing, minimize the displacement of vulnerable residents, and reform policies and practices that have negatively impacted Angelenos, particularly Communities of Color, including Indigenous, Black, Latinx, and Asian communities.

This Housing Element updates the previous (2013-2021) Housing Element, keeping its general structure in place, while making changes to reflect evolving needs, priorities, resources, and conditions in the City.

"Loving Los Angeles means facing the bitter truth about our past that maps of our city were drawn to protect the wealth of white people and destroy the wealth of Black people and other people of color. Redlining and exclusionary zoning resulted in a city where today Black and Mexican origin families hold 1/90th of the wealth of white families on average, it's a city where Black people are overrepresented among those experiencing homelessness by a factor of four, and where Latino homelessness accounts for the greatest jump of newly homeless Angelenos."

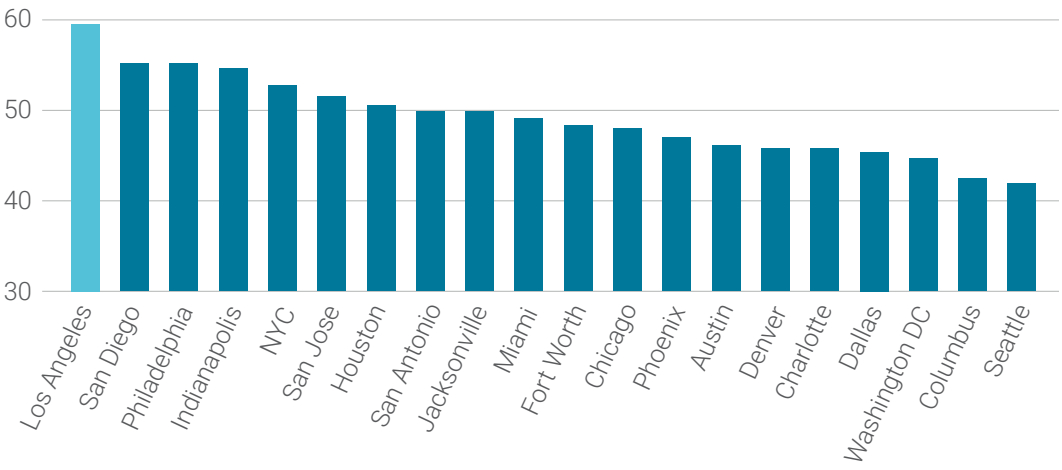
—Mayor Garcetti, State of the City 2021

Background — The Housing Crisis in Los Angeles

Los Angeles is one of the most dynamic cities in the world. However, with its continued growth and economic success has come increasing challenges relating to the need for more affordable housing and support to help homeless Angelenos off the street and into homes. Simply put, over the past 40 years, Los Angeles has welcomed more people without adding enough places for them to live. While the City has made significant progress in the last eight years, much more needs to be done to achieve the kind of City Angelenos have made clear they desire. Housing is key to this vision.

It is a cliché to say that the City of Los Angeles is in a housing crisis. However, the negative impacts resulting from the severe misalignment of housing costs and incomes in this City are hard to overstate. Angelenos pay more of their income on housing, live in more overcrowded conditions, and have the highest rates of unsheltered homelessness of any city in the country. Almost half of all households struggle to pay their rent and mortgage, with more than a third of renters spending half their paycheck on rent . Many workers in the City are forced to live far from their jobs, which worsens commute times, our air quality and greenhouse gas emissions.

Chart ES.1: **Percentage of Rent Burdened Households, Major US Cities**



Source: American Community Survey; 2019 ACS 5-Year Estimates

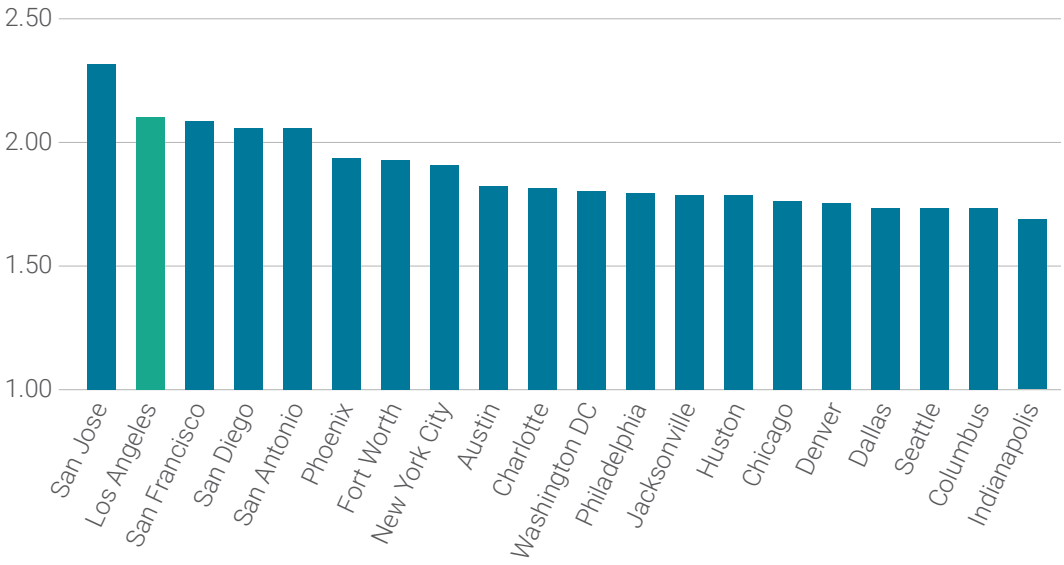
While rising housing costs impact all segments of the housing market, it is particularly dire for those with low incomes, the unhoused, and those with special housing needs. These populations frequently face discrimination, health conditions, lack of transportation, and unemployment that exacerbate difficulties in accessing permanent housing. Despite significant advances in housing individuals that may have lost their

home, and providing for special needs, homelessness continues to increase as people are losing their housing faster than new housing can be provided and obtained.

Displacement pressures are intensifying and Angelenos (particularly families with children) are increasingly leaving the City because, in part, they no longer find it possible to afford the cost of housing. Young people in particular, are not able to form households. With housing options so limited, many households are only able to find affordable housing in traditionally lower income neighborhoods, which intensifies gentrification pressures. Unequal access to neighborhoods with high resources and opportunities such as good jobs, transit, parks, and amenities exacerbates segregation, economic disparities, unhealthy living conditions, and commute times.

Most experts point to a lack of adequate, affordable housing for the population as the root of the local housing crisis. Los Angeles has the second fewest number of homes per adult of major US cities (see Chart ES.2 below). If the City of Los Angeles had the same number of homes per adult as the national average, the City would have an additional 129,000 homes (2019, American Community Survey). This shortage has developed primarily since the 1980s, as the population in Los Angeles grew much faster than the creation of new housing. Downzonings during this period limited the land area and intensities at which housing could be built.

Chart ES.2: **Adults (18+) per Housing Unit, Major US Cities**



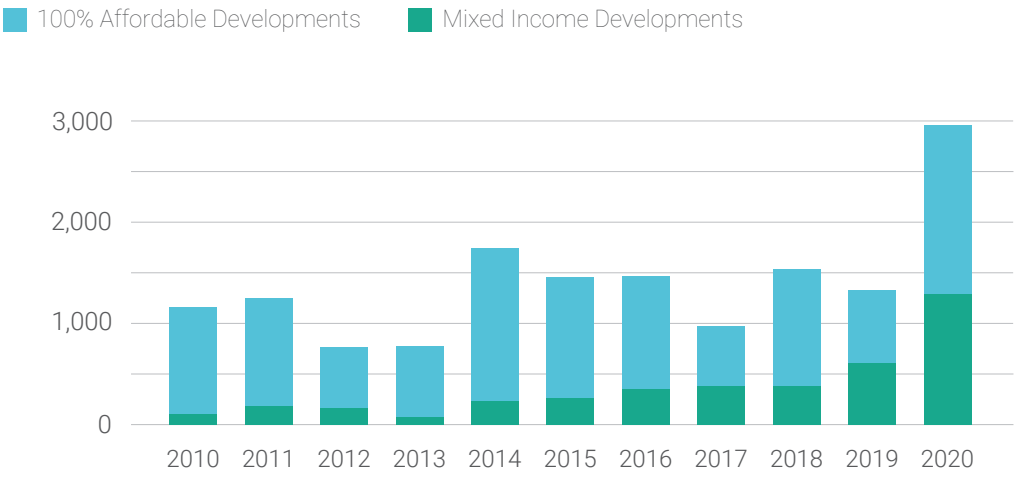
Source: 2019 ACS 5-Year Estimates

To address worsening statewide housing needs California's Housing Element Law has undergone numerous revisions in recent years. These changes include new requirements to account for existing unmet housing needs when planning for housing. As such, the City's new Regional Housing Needs Assessment (RHNA) allocation is significantly higher this cycle, reflecting the severe shortage of available and affordable housing in Los Angeles.

Identifying and addressing the causes of the housing shortage is a central part of the Housing Element process (see Constraints Chapter 2). Some factors are out of the City's control (increasing material costs; a shortage of construction labor, etc) but other areas present opportunities to alleviate constraints imposed by the City including regulatory burdens (lengthy approvals, fees), a deficiency of public subsidy, local processes that create risk and uncertainty; and an undersupply of land where affordable housing is allowed to be built. All of these factors overlap and impact where housing can be built, types of housing and local housing market conditions.

The City of Los Angeles has been taking bold strides to address the housing issues of residents, and has begun to see some positive results. Since the adoption of the prior Housing Element, the City has created several important funding and incentive tools that have significantly increased the production of affordable housing over prior levels (as shown in Chart ES. 3), while also adopting many additional tenant protection and affordable housing preservation policies (see Chapters 2 and 5).

Chart ES.3: **Affordable Housing Production by Source of Affordability | 2010-2020**



Source: LAHD and LACP, Annual Progress Reports of the Housing Element, 2010-2020

The Plan's detailed information on the City's housing needs (presented in Chapter 1) shows the considerable challenges but also notes some important progress in reversing some of the worst trends of prior decades (e.g. cost burden, overcrowding, and rent levels). Much more work is needed to make meaningful improvements in the lives of Angelenos.

This Housing Element presents a critical opportunity for the City to reverse housing disparities across geographies, incomes, and racial groups and guarantee the right of safe, secure and affordable housing for all Angelenos. This is not an easy task, as the challenges we face are deep rooted and transformative change is needed; however, the imperative is clear. We must work to build a more affordable, resilient, and just city for all.

Reader's Guide

While the Plan's narrative frames the key concepts and proposals of the Housing Element, the essence of the Plan lies in its goals, objectives, policies, and programs. These declarative statements set forth the City's approach to various issues. Goals, objectives, policies, and action programs are described below.

Goals: A goal is a statement that describes the future condition or "end" state. Goals are outcome-oriented and achievable over time, though not driven by funding.

Objectives: An objective is an aspirational measure of goal attainment. In the Housing Element, the objectives follow the goal and precede the policies. Meeting given objectives will depend on available funding to implement the proposed programs.

Policies: A policy is a clear statement that guides a specific course of action for decision-makers to achieve a desired goal. Each policy in the Plan is labeled with the goal and objective they refer to, and a unique number (e.g., 1.2.3).

Programs: An implementation program is an action, procedure, program or technique that carries out goals and policies. Implementation programs are comprehensive in nature, encompassing amendments of existing and preparation of new ones. Completion of a recommended implementation program will depend on a number of factors such as citizen priorities, finances, and staff availability. These recommendations are suggestions to future decision makers as ways to implement the goals and policies contained in this Housing Element. The listing of recommended implementation programs in the Housing Element does not obligate the City to accomplish them. Chapter 6 contains a list of all the Housing Element implementation programs.

Housing Element Organization

The Housing Element of the General Plan is organized into six chapters. Each chapter is further organized into sections that address specific topics described below:

Introduction and Orientation: This initial chapter describes the role and requirements for the Housing Element. The chapter also outlines the Plan's six goals, highlights the Plan's organizational format, describes the Plan's relationship to the City's General Plan as well as plans developed by other City agencies and regional jurisdictions and includes a glossary of terms. This chapter also includes a summary of the outreach completed while developing the draft.

Chapter 1 — Housing Needs Assessment: Provides a comprehensive overview of the City's population, household, and housing stock characteristics, and an analysis of these factors in order to identify housing needs of the variety of household types and special needs across the City. The analysis highlights low rates of housing affordability and the creation and loss of existing low-cost housing. In addition, demographic changes such as the increase in the senior population and decrease in young families and children are assessed. The Chapter also includes the summary of findings for the Housing Element Assessment of Fair Housing (Appendix 1.1) which includes an analysis of the disproportionate housing needs, segregation patterns, and disparities in access to opportunity by race, income, disability and familial status; along actions and programs intended to promote the City's goals of affirmatively furthering fair housing based on prioritized contributing factors.

Chapter 2 — Constraints on Housing Maintenance, Improvement, and Development: Addresses regulations and conditions that constitute constraints to housing production and preservation, including governmental regulations, infrastructure requirements and non-governmental market conditions such as land, construction and labor costs, opposition to housing, and restricted financing availability.

Chapter 3 — Opportunities for Conservation in Residential Development: State Housing Element law requires cities to identify opportunities for energy conservation in residential development. The City has broadened this analysis to include energy conservation, water conservation, alternative energy sources and sustainable development which supports conservation and reduces demand. These efforts reduce development costs and improve the long-term affordability of housing units. The enactment of the LA Green Building Code and other regulations like the Low-Impact Development Ordinance have greatly strengthened City efforts towards sustainability. Specific City programs include providing rebates for energy efficient appliances, shifting the time of energy use, using alternative sources of energy (i.e., solar power), installing green roofs, requiring more sustainable landscaping and site design, and adopting General Plan land use designations and zoning that facilitate higher-density, compact, infill development near transit.

Chapter 4 — Adequate Sites for Housing: State Housing Element law requires the City to show that it has adequate land zoned to accommodate expected population growth. For the 8-year plan period (2014-2021), the number of housing units estimated to be needed in Los Angeles is 456,643. The figure is called the Regional Housing Needs Assessment (RHNA).

This Chapter identifies the City's inventory of land suitable for residential development without the need for any legislative action by the City, identifies additional alternative methods of satisfying the RHNA and identifies the need for rezoning programs to accommodate the RHNA allocation. The analysis demonstrates that, during the 6th cycle, the City has an anticipated unit potential of 230,947 units, of which 72,650 units are Lower Income. As a result, the Plan identifies a need for a Rezoning Program to accommodate 255,432 units. The various rezoning strategies to meet this shortfall, as well as their assumptions, are also included. Finally, the Chapter includes an analysis of both the adequate sites and rezoning inventory's compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, and finds that the rezoning program would substantially improve access to opportunity.

Chapter 5 — Review of the 2006-2014 Housing Element: Preparation of the Housing Element Update included the essential step of evaluating the previous 2006-2014 Housing Element in order to identify progress and evaluate the effectiveness of previous policies and programs. The review shows that building permits were issued for 117,088 new housing units. The City has therefore already met its overall RHNA target of 82,002 units; however, it is not expected to have produced enough housing in the affordable lower and moderate income categories. The review noted progress in increasing affordable housing production, particularly through mixed-income developments and showed that the goals, objectives and policies of the previous Housing Element remain largely relevant and important. This Housing Element Update builds upon them, reconfiguring and refining some of them to better focus the City's strategy. The updates focused on advancing citywide housing priorities that specifically address the housing shortage, advancing racial equity and access to opportunity, protecting Angelenos from displacement, and promoting sustainability and resilience. Similarly, the evaluation of programs provided insight into which efforts were more effective than others. As a result, many programs have been reconfigured so that going forward, more will be accomplished and a more accurate accounting can occur through the Housing Element's Annual Progress Report.

Chapter 6 — Housing Goals, Policies, Objectives and Programs: The objectives, policies and implementation programs under each goal speak to the diverse housing needs across the City. The City's approach to alleviating housing needs and of creating sustainable mixed-use, mixed-income neighborhoods across the City aim to provide opportunities for housing, jobs, transit and basic amenities for all segments of the population. Each program was crafted to meet particular housing needs of the City, whether they are renters or homeowners, or populations with special needs. The goals, objectives and policies are organized around five issues: housing production; housing preservation; livable and sustainable communities; housing opportunities for all; and ending homelessness.

Housing Element: Purpose and Process

Housing Element and the General Plan

In the State of California, all cities are required to develop a General Plan and the Housing Element is a required component of every city's General Plan. The General Plan can be thought of as a city's "constitution for development," or the foundation upon which all land use decisions are to be based. It establishes policies and programs that assist decision makers as they review planning approvals for a new project or consider a proposed ordinance or policy. As such, the General Plan provides the foundational guide for planning, outlining how land is used and how the City allocates its resources. The General Plan is, however, more than just the legal basis for all local land use decisions; it is the vision for how the City will evolve, reflecting the values and priorities of its communities.

The City of Los Angeles' General Plan consists of 12 Citywide Elements and 35 Community Plans, which collectively serve as the Land Use Element. The Framework Element establishes the overarching vision for the City's future growth, and the long-range strategies, goals, objectives, and policies to implement that vision. The General Plan also includes topic-specific elements, including the Housing Element, which provide detailed goals, policies and programs specific to each area of focus, in consistency with other elements. The Framework Element continues to provide policy direction for future amendments to the Housing Element and the Community Plans, which determine the zoning and land use for each parcel of land in the City.

The Plan to House LA update embodies the existing goals and policies of other General Plan elements and identifies the more detailed strategies the City will implement to achieve them with regards to housing. The update also ensures that housing goals, objectives and policies are integrated and consistent with all of the other elements of the General Plan. Recent changes to state law require the City to review, and update as necessary, the Safety Element alongside the Housing Element. The Safety Element is another topic specific element that details the City's approach to preventing, responding to and recovering from disaster events. Targeted amendments to the Safety Element are being adopted alongside the Plan to House LA to reflect the City's expanded focus on planning for hazards including wildfires, flooding and the impacts of climate change. Additionally, some minor amendments will be adopted into the Plan for a Healthy Los Angeles to clarify that the plan satisfies the state environmental justice requirements of SB 1000.

While fulfilling the statutory requirements of State Housing Element law, the policies and programs herein also foster on-going partnerships among City departments, with other governmental agencies, and with the private sector to respond to ever-changing housing demands and market conditions. The update provides policy guidance relating to housing issues to decision makers at all levels of City government.

State Law Framework

Statutory requirements for the Housing Element are delineated in California State Government Code Section 65580 – 65589.9. The Housing Element is required to be updated every eight years in accordance with a specific schedule of dates established by the State. ThisHousing Element therefore covers the period of October 1, 2021 through October 1, 2029.

Pursuant to State law, the Housing Element must include the following key components:

- An analysis of existing and projected housing needs
- An analysis of potential constraints on housing
- An analysis of assisted housing developments that are “at-risk” and eligible to change from low-income housing uses
- An inventory of land suitable for housing
- An affirmatively furthering fair housing (AFFH) analysis



- An analysis of any special housing needs
- An analysis of opportunities for residential energy conservation
- An evaluation of the previous Housing Element
- Goals, policies, and implementation programs

Because housing needs are recognized as a matter of statewide concern, the State, through the Department of Housing and Community Development (HCD), must certify the compliance of every jurisdiction's Housing Element upon adoption. Pursuant to AB 72 (2016), HCD also has new statutory authority to revoke Housing Element compliance if the local government's actions do not comply with state law. In addition, HCD may notify the California Office of the Attorney General that the local jurisdiction is in violation of state law for non-compliance with housing element law (or other state housing laws).

Affirmatively Furthering Fair Housing

Pursuant to Assembly Bill 686 (2018), the Housing Element must include an analysis and determination of consistency with Affirmatively Furthering Fair Housing (AFFH) requirements. AFFH is defined as "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. These actions must, taken together, 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."

To comply with these requirements, the implementation programs of the Housing Element must affirmatively further fair housing, and must include an Assessment of Fair Housing. Building on the adopted Assessment of Fair Housing plan (2018-2023), this document includes its own AFH with updated findings and contributing factors based on guidance from HCD, and sets the framework for the 2023-2028 AFH that will be submitted to HUD. Additionally, the adequate sites suitable for housing development must be identified throughout the City in a manner that affirmatively furthers fair housing (see Chapter Four).

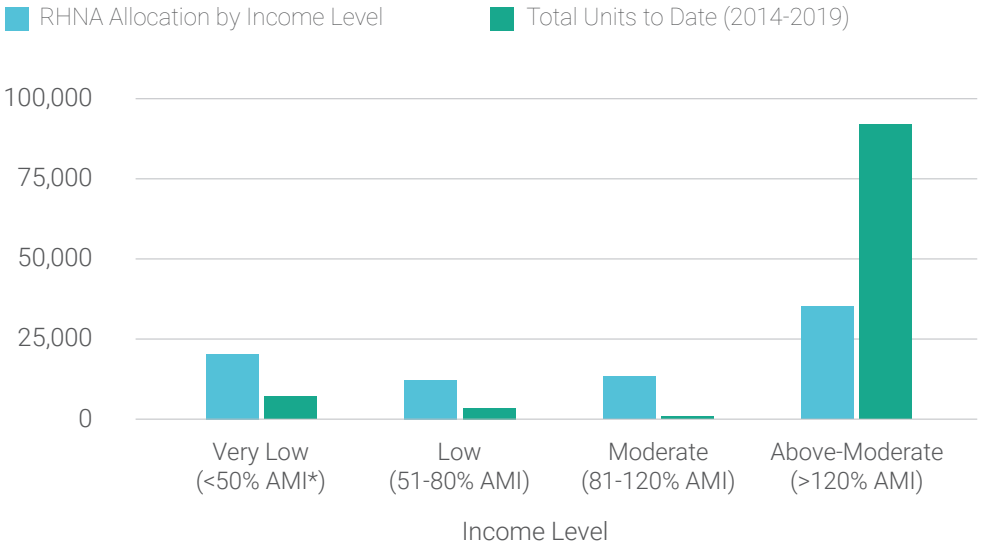
For purposes of the Housing Element sites inventory, this means that sites identified to accommodate the lower-income portion of the RHNA are not concentrated in low-resourced areas (lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty. A helpful resource is to conduct AFFH analysis is the California Tax Credit Allocation Committee (CTCAC)/California Department of Housing and Community Development (HCD) Opportunity Maps, which can be seen on Map 3.4 (Chapter Two) or accessed at: https://www.treasurer.ca.gov/ctcac/opportunity.asp.

Regional Housing Needs Assessment (RHNA) Summary

The Regional Housing Needs Assessment (RHNA) is the State required process that seeks to ensure cities and counties are planning for enough housing to accommodate all economic segments of the community. The State assigns each region in California a housing target (RHNA Allocation) that is distributed to jurisdictions through a methodology prepared by the regional councils of government. The RHNA allocation is further segmented into four income categories based on area median income (AMI). Each local jurisdiction must then identify adequate sites with realistic development potential to demonstrate it can meet its share of the regional housing needs.

The City's RHNA allocation for the previous Housing Element planning period of January 1, 2014 to September 30th, 2021 was 82,002 new housing units. From 2014 to the end of 2020 (7 years), building permits were issued for 117,088 new housing units. The City has therefore already met its overall RHNA target of 82,002 units; however, it is not expected to have produced enough housing in the affordable lower and moderate income categories. Progress on meeting the 5th cycle RHNA is detailed more fully in Chapter 5 and summarized in Chart ES.4 below.

Chart ES.4: **RHNA Allocation by Income Level and Total Units to Date | 2014-2020**



For this current 2021-2029 Housing Element 6th cycle, the regional Southern California Association of Governments (SCAG) issued a target of 456,643 housing units for the entire City of Los Angeles, of which 184,721 units (40%) are designated for very low- and low-income households. These figures are more than five times higher than the prior 5th cycle allocation, as seen on Table ES.1 below. This significant increase is primarily the result of changes in state law that included new markers of existing housing needs such as overcrowding and cost burden in the RHNA.

Table ES.1: **Comparison of 6th vs. 5th Cycle RHNA Targets, by Income Level**

Income Level	2013-2021 Target Units	2021-2029 Target Units
Very Low-Income (0-50% AMI)	20,426	115,978*
Low-Income (51-80% AMI)	12,435	68,743
Moderate-Income (81-120% AMI)	13,728	75,091
Above Moderate-Income (Over 120% AMI)	35,412	196,831
Total Units:	**82,002**	**456,643**

**Note: 57,989 (50%) of the Very Low-Income units are considered to be Extremely Low-Income (ELI)*

Through the implementation of the policies and programs set forth in the *Plan to House LA,* the City will pursue the production and preservation of housing for all residents and will strive to meet its RHNA goal of 456,643 new units by October, 2029. However, the lack of adequate resources for Affordable Housing will likely lead to production levels of low and moderate income units that fall short of the RHNA goals.

As described more fully in the RHNA Section of Chapter 1, the City estimates that under current assumptions it will likely be unable to meet its total RHNA targets for new construction. The City is therefore projected to fall short at the affordable (below 120% AMI) income ranges, but may meet the above moderate (market-rate) production levels. While the RHNA allocation suggests that almost 260,000 units affordable to households earning less than 120% AMI will be needed, it is anticipated that approximately 51,000 affordable units may be constructed within the eight year RHNA period at this range (about 20% of the target). This is a reflection that total housing

needs for lower and moderate income households greatly exceeds the ability to meet those needs with existing financial resources and incentive programs. However, it is important to highlight that this Housing Element is projecting a significant increase in housing production at all income ranges compared to prior cycles.

Summary of the Plan to House LA

As described in more detail above (See *State Law Framework* above) Housing Element law requires that each City and County identify and analyze existing and projected housing needs within their jurisdiction and prepare goals, policies, programs and quantified objectives to further the development, improvement, and preservation of housing.

The *Plan to House LA* translates state law requirements into a document that is organized in a logical and readable manner that aligns with the City's General Plan format. The *Plan to House LA* is organized into six chapters and a series of appendices. Each chapter is further organized into sections that address specific topics.

The content of the *Plan to House LA* was influenced by the development of six key "Concepts." These Concepts integrated feedback from the public alongside citywide policy priorities to describe how the City intends to meet increasingly ambitious housing production goals. They center around access to opportunity, housing stability, anti-displacement, equity, affordability, well-being and sustainability. The Plan's six Concepts are listed below in the Public Participation section.

Housing Goals, Objectives, Policies and Programs

Los Angeles' housing goals, objectives, policies, and programs are guided by the City's overall housing vision:

It is the overall housing vision of the City of Los Angeles to create housing opportunities that enhance affordability, equity, livability and sustainability by remedying discriminatory housing practices and creating a city with a range of housing types, sizes, and costs in close proximity to jobs, transit, amenities, and services. In keeping with a fundamental belief that housing is a human right, the City will work towards ensuring that housing stability and affordability is provided to all residents.

In line with this vision, all goals, policies and objectives are intended to further certain Citywide Housing Priorities, defined below to include:

Addressing the Housing Shortage: Increase the production of new housing, particularly affordable housing.

Advancing Racial Equity & Access to Opportunity: Proactively address racial and economic segregation in the City by creating housing opportunities that address historic patterns of discrimination and exclusion.

Preventing Displacement: Protect Angelenos—especially persons of color and the disabled—from indirect and direct displacement, and ensure stability of existing vulnerable communities.

Promoting Sustainability & Resilience and Environmental Justice through Housing: Design and regulate housing to promote health and well-being, increase access to amenities, contribute to a sense of place, foster community and belonging, and protect residents from existing and future environmental impacts.

The five goals that will guide the 2021-2029 Housing Element are as follows:

GOAL 1
A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

GOAL 2
A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

GOAL 3
A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

GOAL 4
A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.

GOAL 5
A City that is committed to preventing and ending homelessness.

Each goal, along with major associated objectives, policies and programs will be summarized below. Please see Chapter 6 for the complete descriptions.

Goal 1 - Housing Production

Goal 1 emphasizes the importance of overall housing production in order to result in an ample supply of housing to better meet both existing and projected housing needs. This goal recognizes that rates of housing production have been insufficient historically and that in order to combat overcrowding and cost-burden, more housing options are needed, particularly those that are more affordable. A lack of adequate funding for deed-restricted Affordable Housing and other subsidies has limited the ability of the City to provide a critical social safety net for those at greatest risk of housing insecurity and homelessness. However, an increasing number of Affordable units are being created in mixed-income housing projects, often serving those at the lowest income categories (extremely low and very low).

Per the 2021-2029 RHNA, the City needs to produce about 57,000 units per year in the the 6th Housing Element Cycle; however, the City has only been producing an average of 16,700 units per year since 2014, indicating substantial changes are needed to achieve these housing goals. Of the City's 2021-2029 RHNA, about 23,000 units/year should be affordable to lower income households (80% AMI and below), however the City has only been producing an average of 1,650 affordable units per year since 2014. While significantly more housing at all income ranges is needed to address the current shortage, it will likely not be sufficient to serve those with the lowest incomes. Therefore, the particular importance of housing production that is affordable to lower income households is emphasized throughout Goal 1, while Goal 2 emphasizes that production must be balanced with strong preservation, replacement and tenant rights policies.

Objectives within the housing production goals are divided into three areas: forecasting and planning for changing housing needs (1.1), facilitating housing production, especially for affordable housing and housing meeting citywide housing priorities (1.2), and promoting a more equitable geographical distribution of affordable housing (1.3).

The policies and programs for production include locating new sources of local financing for affordable housing, targeted loan programs for homeowners and land use changes to increase sites where affordable housing can be built. Changes to production related policies from the prior Housing Element include a greater emphasis on producing a supply of housing that will alleviate existing housing needs, implementing strategies to better align citywide and community level housing planning efforts and reducing racial and economic segregation through a much stronger focus on locating Affordable Housing in all communities, particularly High Opportunity Areas. For example, Program 65 calls for allocating housing targets within Community Plan areas in a way that affirmatively furthers fair housing. Anti-displacement is added as a core component to future planning and land use strategies and the importance of more state and regional coordination is also strengthened.

Goal 2 - Housing Preservation and Housing Stability

The *Plan to House LA* establishes a new Goal 2 focusing on housing preservation and tenant protections in order to elevate critical City priorities around housing stability. This is a recognition of the importance of maintaining existing affordable housing and keeping people housed. Given the substantial cost benefits to preserving existing units as opposed to constructing a new unit, Los Angeles has long been committed to activities that support the preservation of affordable housing.

Objectives within the housing preservation and stability goal are divided into three topic areas: strengthening renter protections and preventing displacement (2.1), promoting more affordable ownership opportunities and ownership retention strategies (2.2), and conserving and improving the quality of housing (2.3). The overall policies within these objectives emphasizes the importance of prioritizing underserved communities and the most vulnerable.

Preservation related policies and programs include a combination of affordable housing preservation, habitability code enforcement, tenant protections, and ownership strategies; funding incentives to rehabilitate and maintain the housing stock; outreach, and education; as well as mechanisms to extend the affordability terms of units facing expiring covenants. There is also an overall increased emphasis on preventing displacement and protecting communities of color, which was not explicitly discussed in the previous Housing Element. New strategies include expanding "no net loss" requirements, affordable housing replacement policies, and a tenant's right to return to any replaced housing unit. Concepts such as extending affordability covenant terms, establishing community preference policies as well as promoting emerging ideas such as community land trusts and tenant/community opportunity to purchase programs were also added. One significant new preservation strategy involves the purchase of naturally affordable housing in order to remove units from the speculative market, help insulate tenants from price increases, and create housing for low-income families. Finally, there is an increased emphasis on education and empowerment for both tenants and homeowners. Specifically, language has been added to help promote homeownership as a wealth building strategy in communities of color through the prevention of predatory real estate practices and the promotion of education around enhancing home equity.

Goal 3 - Healthy, Livable, Sustainable, and Resilient Communities

Goal 3 emphasizes the important role of housing in creating a City that offers healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos. The goal encompasses an array of policies and actions that both enhance the quality of life and well-being of communities throughout Los Angeles as well as promote overall sustainability and resilience.

The objectives under this goal relate to the use of quality design (3.1), environmental sustainability (3.2) and promoting disaster and climate resilience in citywide housing

efforts (3.3). The design objective recognizes that housing can promote healthy communities and well-being, increase access to amenities, contribute to a sense of place, and foster community and belonging. Advancing environmentally sustainable residential buildings and land use patterns creates the path towards a low-carbon City, green energy future, and implements the City's Green New Deal (Sustainability pLAn) and Citywide Resilience Strategy.

The policies and programs falling under this goal will promote sustainable neighborhoods that lessen impacts on natural resource consumption by directing housing toward jobs and transit and by employing green-building techniques. These efforts will facilitate high quality, healthy housing in neighborhoods that mix incomes and improve accessibility to jobs and services in line with the Framework Element. The focus on health has increased, with new policies guiding development to better orient building siting and features toward beneficial uses and away from polluting or hazardous features. The prior Housing Element's focus on safety has more explicitly been linked to disaster resilience with several new policies on identifying risks to our housing stock and minimizing these risks for communities most at risk.

Goal 4 - Advancing Equity, Inclusion, and Access to Opportunity

Goal 4 strives towards a City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present. This goal recognizes that impacts of the affordable housing crisis are not equitably experienced by all Angelenos due to historic and ongoing structural inequities such as redlining, racially restrictive covenants, and exclusionary zoning. The effects of past systematic segregation and exclusion in housing are still apparent in many areas of Los Angeles today. Communities of color remain largely segregated and excluded from areas with more access to opportunities such as high performing schools and jobs. Lower income households, particularly Black, Indigenous, and People of Color, also have much higher rates of housing insecurity and a greater need for affordable housing.

The objectives under this goal relate to ensuring that housing opportunities are accessible to all residents without discrimination (4.1), promoting outreach and education on fair housing practices and accessibility (4.2) and a new affirmatively furthering fair housing objective committing to taking of proactive measures to promote diverse, inclusive communities that grant all Angelenos access to housing in Higher Opportunity Areas (4.3).

The policies and programs under this goal promote and facilitate equal opportunity practices in the construction, provision, sale and rental of housing; including ensuring accessibility to persons with disabilities in City funded affordable housing developments. Policies also aim to expand outreach and education for homebuyers and renters regarding fair housing and other protections in the purchase, rental, and/or modification of housing. Finally, under the third objective, policies and programs call for increasing access and transparency in the lease-up process for affordable housing,

ensuring that all neighborhoods have a range of housing typologies to provide housing options for all and examining land use practices that perpetuate racial exclusion and inequities. Related changes to production related policies and programs include a greater emphasis on locating Affordable Housing in all communities, particularly Higher Opportunity Areas and introducing context-specific land use reforms in a way that affirmatively furthers fair housing.

Goal 5 - Preventing and Ending Homelessness

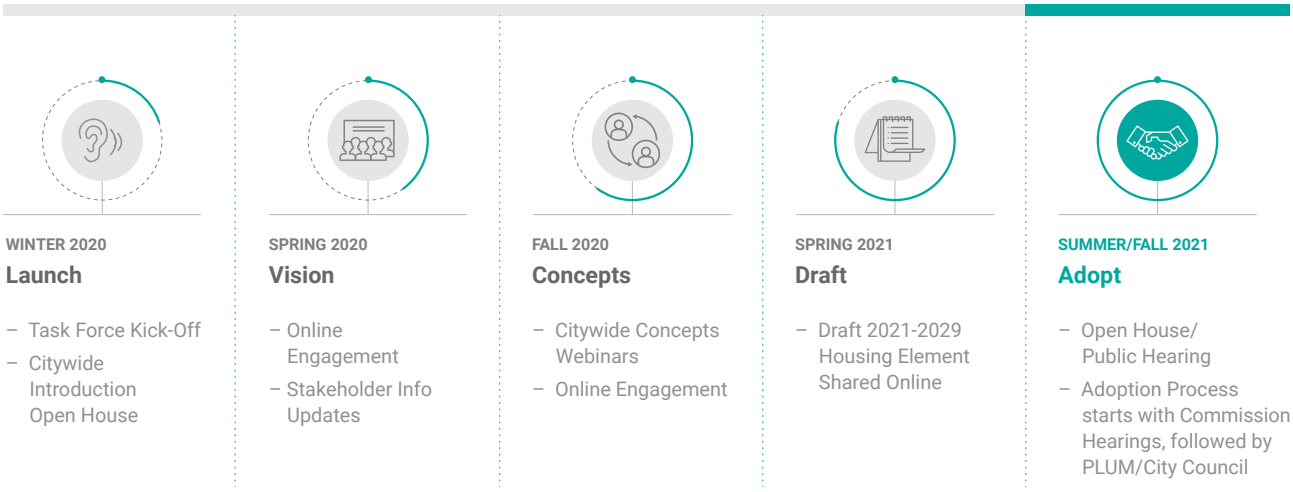
Goal 5 commits the City to preventing and ending homelessness based on the longstanding vision in Los Angeles that housing is a human right. This goal requires that every individual and family is housed by promoting strategies to prevent residents from losing their housing and by rapidly rehousing those who do fall into homelessness. Unfortunately, the drastic shortfall in affordable housing available to people with the lowest incomes throughout the region has led to more unhoused people in recent years even as the homeless services system has scaled up significantly and become more effective and efficient in response.

The homelessness policies and programs focus on a tiered approach that recognizes the need to provide sufficient temporary and emergency shelters to meet short-term needs while working toward a rapid return to more stable housing or permanent supportive housing over the longer-term. Programs emphasize the need and demand for supportive services and compassionate care as part of the commitment to prevent and end homelessness. Outreach and education efforts under this goal seek both to increase awareness for all City residents about the needs of the homeless and to inform the homeless about housing and service opportunities. More direct policy language was added to specify that supportive services, including housing and temporary facilities, need to be included in all neighborhoods of the City, and there is continued work to remove barriers to siting housing for homeless persons. Finally, policies were added to emphasize the need to compassionately care for individuals experiencing homelessness with facilities like restrooms, showers and drinking fountains.

The Plan's goals, objectives, policies, and programs collectively comprise the City's housing action plan for the 2021-2029 planning period. Together they will guide daily decision-making by City officials and staff, and provide benchmarks on the housing programs that the City carries out to meet its overall housing goals.

Summary of Public Participation

Figure ES.1: **Outreach Process**



Updating the Housing Element requires vital public and stakeholder input that can only be collected through public participation. Government Code 65583(c)(7) mandates local governments to "make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element" and to describe their public participation efforts. The Department of City Planning and the Los Angeles Housing Department of (LAHD) engaged the public through numerous digital and in-person events (prior to the Covid-19 pandemic), and through other innovative ways, to collect the public's input. This outreach, participation and input has been used to guide and inform the updating process of the Housing Element.

Tens of thousands of people participated in the Housing Element Update outreach process and represented the City's diverse racial and ethnic communities, as well as age groups, income levels, and different housing experiences (i.e. renter versus home-owner). Efforts were taken by staff to provide outreach in Spanish to reach the City's large monolingual community, including bilingual webinars, online tools and a statistically valid survey. An important engagement element was the participation of the Housing Element Task Force, a 63-member group of diverse housing-related professionals, experts and community leaders, to further reach all segments of the City. The different public participation phases of the Housing Element Update are illustrated in Figure ES.1 and are described below. As part of the City's commitment to affirmatively further fair housing, there is a language and culturally inclusive outreach program intended to engage historically underrepresented communities in long range housing and planning processes.

A more detailed description of the outreach methods summarized below, as well as many of the general comments and findings collected as a part of the public participation process, are provided in Appendix 0.1.

Launch/Vision Phase

In October 2019, the City of Los Angeles launched the 2021-2029 update to the Housing Element, also referred to as the Plan to House LA. The Launch phase focused on the citywide introduction of the Housing Element Update and on informing the public on how it shapes housing outcomes in the City. A call for applications to join the Housing Element Task Force was issued and more than 280 persons and organizations applied. A diverse, balanced group of 63 members were selected and a kick-off Task Force meeting was hosted in January 2020 by the City's Director of City Planning and General Manager of LAHD.

In early 2020, the City launched the Visioning phase for the Plan. This phase focused on broadening public participation in the housing conversation and on collecting public feedback and input critical to the Housing Element Update. Community engagement focused on understanding housing needs, reviewing existing goals, and developing a collective vision for housing in Los Angeles.

Between January and July 2020, over 1,800 people clicked, commented, and participated in the Launch/Vision phase of outreach. Participants at all events were asked to share their frustrations with the current housing landscape and their vision for future improvements. Specific feedback and comments received from the public and Task Force during the Launch/Visioning revealed the following common topics:

- Protecting renters & preventing displacement
- Producing more housing, especially affordable housing
- Zoning for inclusive communities
- Serving the most vulnerable
- Addressing the homelessness crisis
- Promoting livable and resilient neighborhoods
- Promoting ownership

Kick-Off Workshops

The City hosted three in-person open house Kick-Off Workshops in February and March 2020 for the public to learn about the current Housing Element and to provide a space where participants could ask questions and share their comments with staff. Participants were engaged in both English and Spanish by bilingual staff in content that

included information on the state of housing in Los Angeles, demographics and socio-economic characteristics, housing characteristics, the City's RHNA allocation and past progress in meeting goals, as well as the 2013-2021 Housing Element's vision, goals, and objectives. Over 150 people attended these Kick-Off Workshops.

People who were not able to attend the in-person Kick-Off Workshops, were able to access an online workshop that provided the same information, materials, and opportunities to submit feedback. This online workshop tool was launched in March 2020 in both English and Spanish, and was viewed over 3,100 times.

Bilingual Webinars with Live Q&A

The City hosted five webinars with live Q&A in May and June 2020. Over 300 people attended these digital meetings. Three webinars were held in English and two in Spanish. Participants at these events were provided information about the Housing Element update and asked to share their thoughts about the current housing landscape and their vision for future improvements. The English and Spanish webinar recordings were published on the DCP website for anyone to watch at a convenient time. City staff was available to take phone calls for participants who were having technical issues, lacked internet access or who are visually impaired.



Launch/Vision Phase Summary and Integration of Comments

These comments led to an early recognition that the prior Housing Element was insufficient with regards to many of the critical topics the public cared most about. Many of these issues were elevated and expanded upon as Plan Concepts (discussed below), which were used to help prioritize elements that would be centered and uplifted as part of the update. These Concepts then guided the update itself, including the creation of new Goals, Objectives, Policies and Programs. This is illustrated by the creation of the new Goal 2, which emphasizes housing stability, and the list of new and updated associated policies and programs that link back to this Goal (summarized under Goal 2 discussion above).

Early feedback also emphasized the need for zoning to foster inclusive communities and a more equitable distribution of affordable housing. This theme has similarly been centered and elevated throughout the Plan under the significantly strengthened Goal 4, along with a large number of associated policies and programs that are perhaps best summarized under the AFFH Program (124 in Chapter 6). More specific comments about serving the most vulnerable found their way into specific policies such as Policy 1.2.8 (target incentives for those with the lowest incomes) as well as the "housing first" Policy 5.1.4. An emphasis on more affordable forms of homeownership was also highlighted early on and led to new policies and significant policy updates under Objective 2.2, as well as some creative concepts reflected in Programs 3 and 4 (Innovation in Subdivisions and Shared Equity Models, respectively). Finally, the concern around the need to produce more housing to alleviate existing needs helped inform many of the new policies and programs associated with Goal 1.

Concepts Phase

In late 2020, the City launched the Concepts phase for the 2021-2029 Housing Element. During this phase, an ambitious outreach campaign helped to engage an unprecedented number of people through several targeted outreach efforts, including three webinars, neighborhood council and stakeholder meetings, a statistically valid poll, and a public survey. This phase focused on six Concepts that were developed based on the feedback the City collected during the Vision phase of outreach and the framework of state law.

The Concepts focus on how the Housing Element will address housing-related issues in the City. All six Concepts respond to urgent housing needs including: addressing the housing shortage, advancing racial equity and access to opportunity, and promoting sustainability and resilience. The six Concepts include:

- **Housing Stability and Anti-Displacement:** To protect Angelenos—especially persons of color—from indirect and direct displacement, and ensure stability of existing vulnerable communities.
- **Housing Production:** To increase the production of new housing, particularly affordable housing.
- **Access to Opportunity:** To increase access to opportunities and proactively desegregate the City by planning for more affordable and mixed-income housing in higher-resource areas.
- **Homelessness:** To prevent and end homelessness in a manner that centers human dignity and respect by developing early interventions, significantly expanding permanent housing options, and providing appropriate services and support.
- **Built Environment:** To design and regulate housing to promote health and well-being, increase access to amenities, contribute to a sense of place, foster community and belonging, and plan for a sustainable future.
- **Meeting the Needs of all Angelenos:** To build, operate, and maintain welcoming and accessible housing for Angelenos with unique needs, including those with disabilities, large families, older adults, and other people facing housing barriers.

Between January and July 2021, tens of thousands of people clicked, viewed, interacted, and participated in the Concepts phase of outreach. A more detailed description of the outreach methods summarized below and the findings collected during this outreach phase are provided in Appendix 0.1.

Bilingual Webinars with Live Q&A

The City held three webinars during the fall of 2020, two in English and one in Spanish, to introduce the Concepts and implementation strategies (potential programs) to the public. An audience of over 260 people was reached across all three events. Interactive polls and Q&A sessions were held during the webinars to encourage interactive participation. These webinars were accessible through GoToWebinar and live-streamed on the City's Facebook Page. The English and Spanish webinar recordings were published on the DCP website for anyone to watch at a convenient time. City staff was available to take phone calls for participants who were having technical issues, lacked internet access or are visually impaired. Prior to posting webinars were amended to include closed captioning to better accommodate diverse abilities.

Online Survey

In December 2020, the City released an interactive online digital survey that introduced the six Concepts along with the proposed housing strategies and asked respondents to weigh in with their reactions and suggestions. The survey was made available in English and Spanish. Over 1,800 people responded to the survey. Respondents were well represented from central, west and southwest LA, with less representation from harbor and valley communities. Responses were received from a variety of age groups and ethnicities, though respondents were slightly older and whiter than the City as a whole. Some survey results were de-aggregated to evaluate differences in responses based on criteria such as race or status as a renter or homeowner (tenancy).

Within the survey, each of the six Concepts received overall support from at least 70% of respondents. There was wide agreement among respondents that the availability of housing, and especially affordable housing, is poor within the City of Los Angeles. When asked how to address this shortage respondents demonstrated strong support for tools like adaptive reuse of existing buildings and setting neighborhood level housing production targets, with more divided opinions on tools like targeted rezoning of low density parcels. The results of the survey were published on the Housing Element website in March 2021.



Statistically Valid Poll

The Department of City Planning partnered with FM3 Research to conduct a poll of over 800 randomly selected City residents from November 5th to 18th, 2020, to assess their opinions on housing related issues and proposed responses to the strategies. These polls were conducted in both English and Spanish via email and text message as well as through the use of cell phones and landlines. To capture a statistically representative cross-section of residents, the poll respondents were consistent with the citywide racial, income, household size, renter, owner, and age demographics of the City.

The vast majority of respondents expressed support for the strategy of increasing and accommodating more housing near jobs, transit, and services, and for prioritizing tenant rights and the sheltering of people experiencing homelessness. This balanced group showed a stronger desire than the online Concepts Survey to see more housing near public transit, near job opportunities, high-performing schools, parks, and other amenities, even in areas of the City that comprise mostly of single-family homes.

Educational Video

On February 18, 2018, an animated, minute and a half long educational video was launched on the YouTube channel and social media platforms of the Department of City Planning and the Los Angeles Housing Department. The video explained the City's housing crisis, the on-going update, and participation opportunities in an effort to bring new audiences into the housing conversation. The video highlighted housing-related issues and laid a foundation for the intent and capacity of the goals, policies and programs comprising the Housing Element Update.

This video was viewed over 45,000 times, across all platforms, and generated hundreds of comments and reactions.

Community Stakeholder Meetings

Throughout the Concepts Phase, the Department of City Planning and the Los Angeles Housing Department appeared at eight local stakeholder meetings, including alliances of Neighborhood Councils, community organizations and other local groups. Staff shared the draft Concepts and spent as much time as was needed to answer questions and gather information on proposed housing strategies. These groups include the Alliance of River Communities (ARC): South Los Angeles Alliance of Neighborhood Councils (SLAANC), Los Angeles Neighborhood Council Coalition (LANCC), Plancheck Neighborhood Council Alliance, Harbor Gateway Planning and Land Use Committee, West Valley Neighborhood Alliance on Homelessness, Health Innovation Community Partnership and the Westside Regional Alliance of Councils (WRAC).

Concepts Phase Summary and Integration of Comments

The Concepts Phase was a critical time for gathering feedback on both the big themes and specific strategies under consideration. In recognition of the difficulty convening groups during the past year and a half, as well as the critical need to draw opinions from a diverse range of Angelenos, the plan employed innovative techniques including the sampling of public opinion through a statistically valid survey (SVS), an online survey tool and videos. The public was asked about specific potential policies and programs and made aware of the trade-offs associated with them. Overall, the Concepts received broad support from members of the public and Task Force, but opinions varied on ways to address them more specifically. Strategies that received strong support in this phase have been reflected in the Plan, including the prioritization of public land and new models for affordable housing production and acquisition (Programs 15, 16 and 30 respectively), as well as the potential for innovative housing typologies like small lots, micro units and coliving and community land trusts to ensure long term affordability (Programs 3, 62, ane 4 respectively). Other community members discussed concerns with the availability of public facilities and services to support significant amounts of new housing and to balance production with other citywide quality of life and sustainability goals. A program to comprehensively evaluate infrastructure needs associated with growth was added to Program 50 and the plan includes many updated policies and programs associated with the ways the production and maintenance of housing can also support goals around tree canopy preservation, parks, sustainable use of building materials, conservation, disaster resilience, good urban design, etc. (see Programs 73, 74, 75, 76, 78, etc). Commenters also stressed the importance of participation in plans for new housing, particularly more vulnerable communities of color, leading to several policies around inclusive outreach and education (Policies 1.1.10, 1.3.3, 2.2.5).

Draft and Adoption Phase

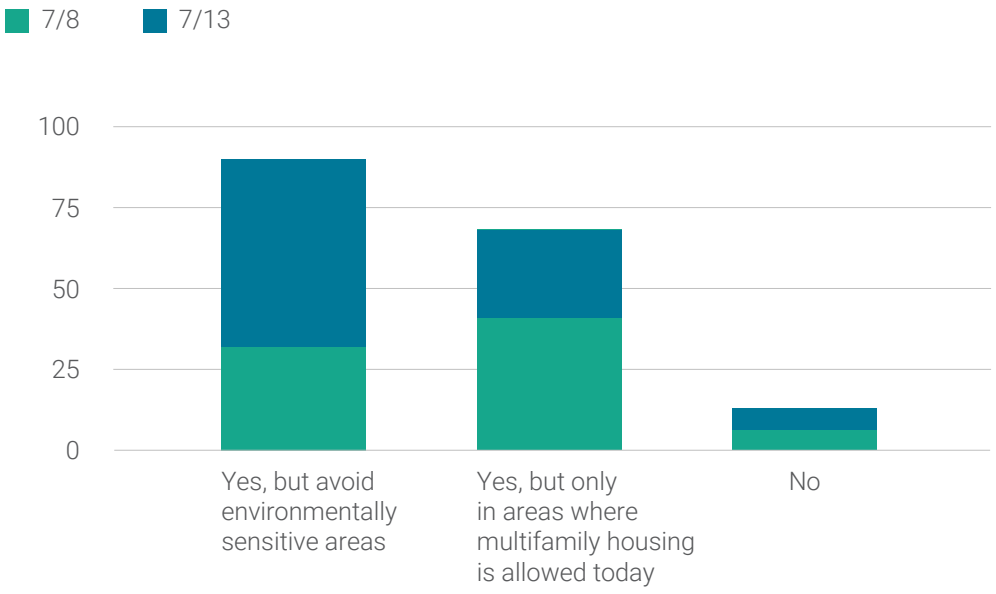
The Departments of City Planning and the Los Angeles Housing Department will continue the effort to maintain and broaden public engagement and participation during the current draft phase. The Housing Element was discussed at meetings of the City Council Housing Committee and Planning and Land Use Management (PLUM) Committee in June 2021.

The City held virtual Citywide workshops on July 8 and July 13, 2021 to accompany release of the Public Draft Housing Element. The workshop included a 45 minute presentation on the proposed elements of the draft and rezoning program, followed by over an hour of Q&A. Workshop materials were translated and interpretation services provided in Spanish. 353 individuals attended the webinars which were also streamed on Facebook Live. Over 176 comments/questions were submitted during the two

webinars. To better gauge public support for the City's rezoning strategies, the presentation included two interactive text based polls that allowed both webinar and Facebook Live attendees to participate. Polling showed more than 92% (Chart ES.5 below) of participants surveyed supported more housing in higher opportunity areas. Attendees were also polled on how they would prioritize rezoning strategies such as rezoning commercial and residential corridors, industrial areas, areas near jobs and transit, public and religious land, and existing lower density residential areas to create opportunities for "missing middle" or lower-scale multifamily housing. Results on this prioritization varied between the two webinars, with generally strongest support for rezoning areas near jobs and transit and commercial and residential corridors.

This feedback directly informed the rezoning strategies outlined in Program 121 to prioritize rezoning in high opportunity areas, explore rezoning of corridors, areas near transit, public and faith based owned land, and explore missing middle strategies. Attendees also expressed concerns about the impacts of rezoning in Very High Fire Hazard Severity Zones (VHFHSZ) and on Historic Resources. As such sites in VHFHSZ were not included within the rezoning program and Historic Resources were generally excluded, with exceptions for programs that include protections and incentives for historic resources such as the Adaptive Reuse Strategy, and Community Plan Updates.

Chart ES.5: **Should the City Focus the Majority of its Rezoning in High Opportunity Areas?**



Webinar survey taken July8, 2021 and July 13, 2021. Total Respondes 161.

Outside of the public meetings, written comments were submitted requesting modifications to the site's inventory assumptions for ADUs and pipeline data as well as general requests to increase the number of parcels included in the rezoning program to 300,000. Staff reviewed the assumptions in the inventory of and made minor corrections to ensure their accuracy. Overall, between the July draft and the September draft release the rezoning number increased from 220,000 to 252,415. Additionally, while a minimum of 252,415 units are required to be rezoned to meet the RHNA, the candidate sites for rezoning identified as part of the draft rezoning program far exceed the required minimum. Comments were also received requesting expanded analysis for cognitive disabilities in the Needs Assessment, this request was reflected in Chapter 1 and in Appendix 1.1.

In addition to traditional notification methods, City staff attended additional stakeholder and community-based meetings to share information about the Housing Element and how to provide input on the plan. Staff attended meetings with Plancheck NC, the Valley Commerce Association, Center City Association, and Los Angeles Business Council.

In order to effectively affirmatively further fair housing and effectively reach communities in a culturally-appropriate, language-inclusive manner, the City utilized Local Early Action Planning (LEAP) grant funding to support outreach across many housing efforts including the Housing Element Update and other strategies initiated by the City of Los Angeles to accelerate housing production and promote equity-based models for increasing affordable housing development.

In August 2021, Liberty Hill Foundation conducted focus groups across four different communities in the City to gather feedback on the Draft Housing Element Plan released in July 2021. Participants were majority renters who reside in the communities of South LA, Pico Union, Westlake, Boyle Heights, Skid Row/Downtown, East Hollywood and North Hollywood. The curriculum, based on the Draft Housing Element, was developed for the program and organizations leading each focus group were encouraged to tailor the presentations to respond to the socioeconomic and geographic context for each neighborhood. The report outlining feedback and recommendations from participants on the Draft Housing Element Plan can be found in Appendix 0.1.

Additional opportunities for feedback occured through virtual public hearings for the Housing Element, Safety Element and Health Element on September 21st and 22nd, 2021. These hearings were conducted in both English and Spanish. A total of 67 people provided verbal comments with about 200 members of the public in attendance.

While there was a wide range of comments and concerns raised during the public hearing, key themes were identified and are presented below.

Several of the public comments reiterated the public need for the Housing Element to reinforce tenant protections, specifically in relation to eviction protection and education to facilitate greater understanding of tenant rights. The City will be exploring and studying ways to increase tenant protections, provide additional education and

outreach, and strengthen replacement requirements and right to return policies. As part of this effort, the City will continue to identify and seek funding to support enhanced tenant rights' enforcement and housing preservation and production.

Additionally, comments urged the City of Los Angeles to acknowledge its history of land use injustices and commit to center efforts around reversing racist land use designations. In response the City included a new program in the Housing Element to conduct a Historic Land Use Study to document the legacy of exclusionary and discriminatory land use and housing decisions in Los Angeles to inform future policies and programs (Program 130).

Many speakers from a local group requested that the Housing Element consider adding a program called the "Livable Communities Initiative," which was described as a way to better integrate planning for housing and transit in tandem on select corridors to include better mobility options and sustainability features along with upzoning for mixed-use and mixed-income housing. To reflect the importance of connecting housing to the public realm and mobility options, a new Program 131 Livable Communities Initiative has been added to the proposed Housing Element.

Comments were also raised in regards to the City's proposed Rezoning Program (121), specifically urging the City to address disparities in the distribution of housing opportunities and promote anti-displacement and protective measures for vulnerable and at-risk communities. The Rezoning Program emphasizes focusing on Higher Opportunity Areas and protection of vulnerable communities, including areas at risk of displacement and environmentally sensitive areas. The AFFH analysis of the Inventory of Candidate Sites for Rezoning (see Chapter 4) concludes the program will affirmatively further fair housing and create a more equitable set of land use regulations for the City.

Comments were also received requesting additional policies and programs that ensure the Housing Element supports place-based strategies in disinvested areas, including affordable housing and health promoting strategies. In response, a new Policy 4.3.2 was added as follows:

- Policy 4.3.2: Advance place based strategies that create opportunities and financial strength in areas of disinvestment and with a history of predatory financial practices through asset-building shared equity homeownership that creates stability and mitigates displacement pressures through community control.

In response to comments relating to persons with disabilities, a number of updates were made, including a revisions to the the program relating to Accommodations for Persons with Disabilities (Program 82) to include a new objective to revise the City Planning Reasonable Accommodation Form as suggested. Also language relating to persons with mental disabilities was revised to specify developmentally and intellectually disabled persons, including in Objective 4.1 and Program 11 and 18.

Common concerns raised included the need for more affordable housing with equitable distribution across the City of Los Angeles, including in high resource areas; going further with addressing climate change and environmental justice; and the implementation of a comprehensive fair share re-zoning strategy. Additional common public comment topics included consideration of community displacement and housing affordability, and infrastructure to support anticipated housing growth.

The majority of public comments pertained to the Housing Element, but topics related to the Safety and Health Elements including climate change, environmental justice, and limiting or prohibiting development in flood prone areas or Very High Fire Hazard Severity Zones.

Housing Element Task Force

A core contributor and guide throughout the update process of the Housing Element has been the Task Force. This 63-member Task Force is composed of a diverse group of housing professionals and community leaders, who were selected from over 280 applicants. This group assisted the City in evaluating the viability and impact of potential new and updated policies related to housing preservation and production, tenants' rights, homelessness prevention, zoning as it relates to housing matters, and other important housing-related issues.

The Task Force has four subcommittees representing different themes and needs within the Housing Element:

- Housing Stability and Tenure
- Housing Production and Construction Innovation
- Livability, Sustainability, and Resilience
- Homelessness and Special Needs

As previously mentioned, the Task Force has provided their input throughout the outreach phases of the update. The first Task Force meeting was held in January 2020, for members to share ideas for the 2021-2029 Housing Element update. In April, May, and July of 2020, staff hosted 12 subcommittee meetings to review and discuss:

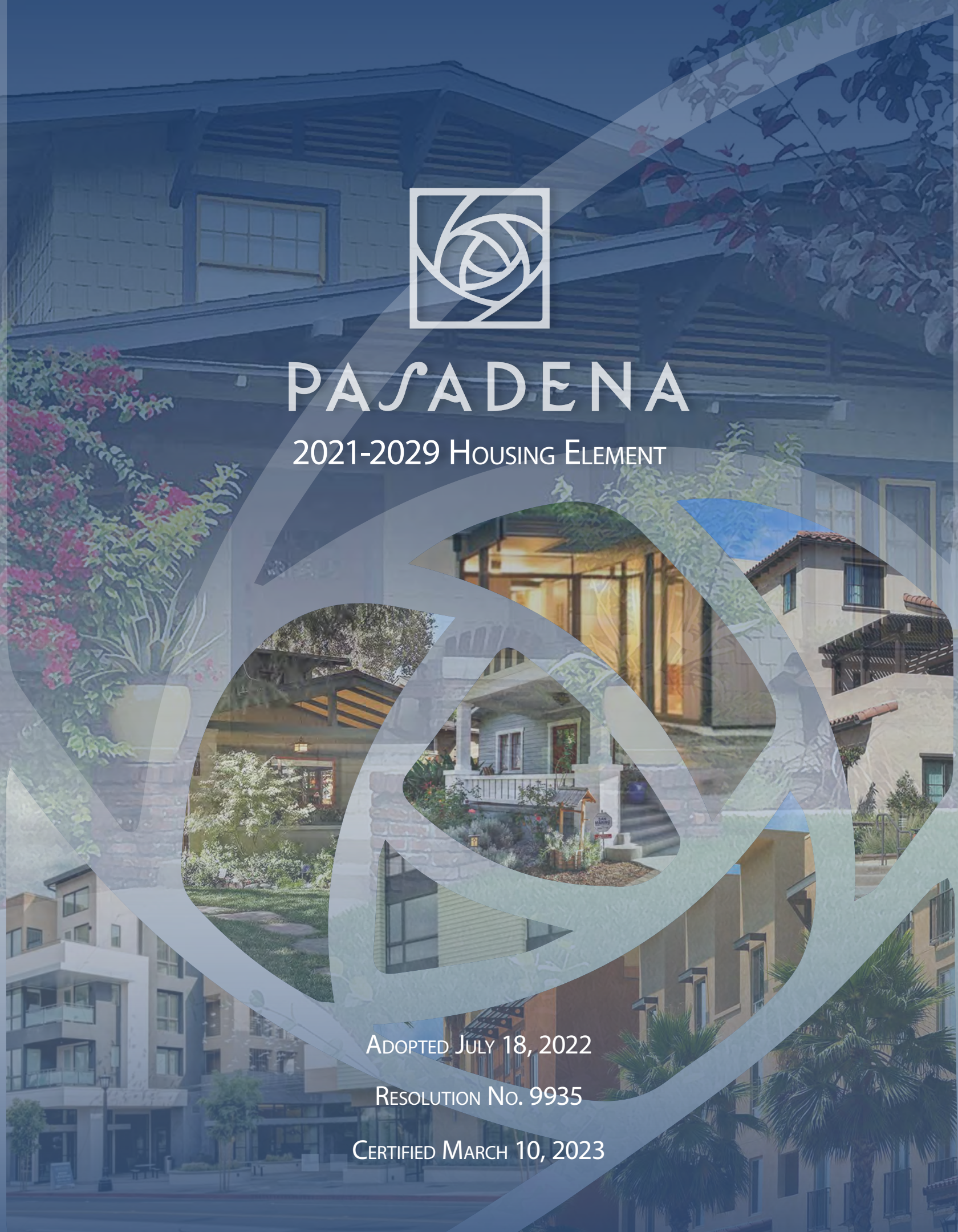
- Feedback and key themes that emerged from community outreach events
- Visioning ideas for housing security, accessibility, production, and livability

- Existing housing constraints, such as land use and zoning, entitlement and permitting processes, financing, construction costs, and housing opposition
- The RHNA site selection methodology
- Current housing related policies and potential implementation programs
- Other topic areas and data for potential study

The full Task Force was convened again in October 2020 to begin reviewing draft themes and Concepts for the Housing Element Update. To help inform the Site Selection process, staff held a working group meeting for the Task Force members in November 2020. In July 2021 a full Task Force meeting was held to review the draft Housing Element and the Inventory of Adequate Sites.

The Housing Element benefited greatly from sustained and detailed input from the Housing Element Task Force. Early on several Task Force members, along with public comments, focused on the importance of the Inventory of Sites methodology in establishing an accurate baseline of existing zoning capacity to ensure the City can be in the best position to understand actions needed to meet the RHNA. These comments, along with changes in state law, influenced the decision to use an econometric (regression) model to evaluate realistic likelihood of developments based on past production trends. Task Force members also emphasized the equitable distribution of housing and how the Housing Element should establish a methodology to distribute local housing targets to communities based on citywide policy. This concept was incorporated in Program 49 - Targeted Zoning Allocations by Community Plan Area. Task Force members like ACT-LA, a coalition of housing and transportation justice advocates, wrote detailed comment letters with dozens of detailed policy and program prescriptions, emphasizing the need to balance production with deeper community benefits, more tenant protections and the preservation of affordable housing. The vast majority of these strategies have been reflected, in one way or another, in the Plan.

EXHIBIT J



PASADENA

2021-2029 Housing Element

Adopted July 18, 2022

Resolution No. 9935

Certified March 10, 2023

2021-2029 HOUSING ELEMENT

CITY OF PASADENA

ADOPTED BY THE

CITY COUNCIL

JULY 18, 2022

RESOLUTION NO. 9935

CERTIFIED BY THE STATE OF CALIFORNIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MARCH 10, 2023

RESOLUTION NO. 9935

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ADOPTING THE 2021-2029 HOUSING ELEMENT OF THE GENERAL PLAN

WHEREAS, the State of California Government Code at Article 10.6 (sections 65580 through 65589.8) states that the availability of housing is of vital statewide importance and directs the preparation, content, and adoption of housing elements; and,

WHEREAS, the 2021-2029 Housing Element sets forth the housing policies for the City, facilitates the preservation and development of housing, and establishes programs to accommodate the City's share of the regional housing need in Southern California; and

WHEREAS, the 2021-2029 Housing Element complies with the requirements of State housing element law (Government Code section 65580 et seq.) and contains each off the elements mandated by state law, including but not limited to, identifying adequate sites for a variety of housing types and making adequate provision for the existing and projected needs of all economic segments of City; and

WHEREAS, California Government Code Section 65583 requires that the Housing Element Update contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element Update; and

WHEREAS, the City finds that the 2021-2029 Housing Element complies with all of the requirements set forth in Government Code Section 65583; and

WHEREAS, in accordance with Government Code Section 65583.2, the City finds, based on substantial evidence in the record, including but not limited to the location, existing uses, potential for intensification based on building value to land value

ratios, the City's past experience with converting existing uses to higher density residential development, current market demand for the existing and proposed uses, development trends, regulatory incentives, and similarity to other commercial and low-density residential sites on which residential development applications have been filed, that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to additional residential development during the period covered by the 2021-2029 Housing Element; and

WHEREAS, the City referred the 2021-2029 Housing Element to all necessary parties as required by Government Code sections 65352 and 65352.3, received comments thereon, and addressed all such comments as required by State Law; and

WHEREAS, in accordance with Government Code Section 65585(b), the City on August 12, 2021, submitted a draft Housing Element to the California Department of Housing and Community Development (HCD), and received a letter from HCD dated October 11, 2021, which found that the City's draft Housing Element required revisions to comply with Housing Element Law; and

WHEREAS, the City responded to HCD's specific requirements identified in the October 11, 2021 letter into the City's draft Housing Element and resubmitted the draft Housing Plan Element to HCD on December 29, 2021; and

WHEREAS, HCD issued a letter to the City dated February 25, 2022, which found that the City's revised draft Housing Element required further revisions to comply with Housing Element Law; and

WHEREAS, the City has incorporated revisions into the Housing Element in response to HCD's letter of February 25, 2022 to ensure that the Housing Element substantially complies with Housing Element Law, as shown in Exhibit A incorporated herein by this reference; and

WHEREAS, the Planning Commission held a public hearing on the 2021-2029 Housing Element and associated CEQA Addendum to the 2015 General Plan Environmental Impact Report ("Addendum") on June 29, 2022, considered the comments received from HCD, and recommended approval with amendments to the City Council; and

WHEREAS, on July 18, 2022, the City Council held a public hearing on the 2021-2029 Housing Element, at which it reviewed and considered the recommendations as set forth in the Staff Report of the same date, the comments received from HCD, and the Planning Commission's recommendations. The City Council adopted the Addendum, and found that the Addendum properly discloses only minor technical changes or additions to the EIR, and none of the conditions triggering a subsequent or supplemental EIR are present, as set forth in State CEQA Guidelines Section 15164.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA RESOLVES AS FOLLOWS:

1. The above recitations are true and correct and are incorporated by reference into this action.
2. The City Council has found that the 2021-2029 Housing Element is consistent with the policies of the City's General Plan and the purposes of Title 17 of the Municipal Code, as set forth in Findings attached to the Staff Report of this same date.
3. The City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the City dated February 25, 2022, Consistent with Government Code Section 65585(f), the City Council has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD. The responses to comments made to the draft 2021-2029 Housing Element are described in Exhibit A, which is incorporated herein by this reference.
4. The City Council of the City of Pasadena hereby adopts the 2021-2029 Housing Element of the General Plan as attached in Exhibit B and incorporated herein by reference, replacing the 2014-2021 Housing Element in its entirety.
5. The Director of Planning and Community Development is hereby directed to transmit the adopted 2021-2029 Housing Element to the California Department of Housing and Community Development (HCD) for its earliest action and certification as provided by law; and is further directed and authorized to make all non-substantive changes to the Housing Element as required to make it internally consistent, or to address any non-substantive changes or amendments suggested or requested by

the Department of Housing and Community Development (HCD). Should HCD require substantive changes to the Housing Element adopted herein, City staff shall bring such changes or amendments back to the City Council for its further review and appropriate action.

Adopted at the regular meeting of the City Council on the 18th day of July, 2022 by the following vote:

AYES: Councilmembers Hampton, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: Councilmember Kennedy

ABSTAIN: None

MARK JOMSKY, City Clerk

Approved as to form:

/s/ Theresa Fuentes
Theresa E. Fuentes
Assistant City Attorney

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

March 10, 2023

David Reyes, Assistant City Manager
City of Pasadena
100 North Garfield Avenue, Suite 228
Pasadena, CA 91101

Dear David Reyes:

RE: City of Pasadena's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting Pasadena's (City) housing element adopted July 18, 2022 and received for review on January 11, 2023, including modifications authorized by Resolution Number 9935. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Pasadena Affordable Housing Coalition, Josh Albrekston and Abundant Housing LA and YIMBY Law pursuant to Government Code section 65585, subdivision (c).

HCD is pleased to find the adopted housing element, including modifications, in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element addresses the statutory requirements described in HCD's October 14, 2022 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 2 (Northwest Pasadena)
- Program 6 (Housing Sites)
- Program 7 (Mixed Use/TOD Strategy)
- Program 9 (Removal of Constraints)
- Program 10 (Regulatory Incentives)
- Program 11 (Alternative Housing Opportunities)
- Program 12 (Financial Assistance)
- Program 20 (Fair Housing)
- Program 21 (Education and Monitoring)
- Program 23 (Zoning Code Updates)

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB1) Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work, cooperation, and responsiveness the City's housing element team provided throughout the housing element review and update. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Reid Miller, of our staff, at Reid.Miller@hcd.ca.gov.

Sincerely,

Paul McDougall
Senior Program Manager

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Housing Pasadena 2021-2029

Introduction



The City of Pasadena is a thriving community of 141,000 residents, many of whom have lived here for generations and others who continue to move to the City attracted by its diverse neighborhoods, broad jobs base, quality public services, ready transit access, and beautiful backdrop of the San Gabriel Mountains. Pasadena has been referred to as a city on the world stage—sharing its qualities with an international television audience every January 1—but with smaller-scale community experiences that residents find in its many distinctive neighborhoods. These qualities continue to distinguish Pasadena as one of the most livable communities in California.

In Pasadena's neighborhoods, you can find homes of almost any configuration, size, and architectural style. And in an increasingly difficult housing market, the City has been a leader in facilitating production of affordable housing—with affordability extending to middle-income households that previously had few housing assistance programs available to them. However, conditions throughout California have created a housing market increasingly unaffordable to people of modest means, with lower-income households unable to find decent housing near their jobs or in the communities where their families have lived for generations. This housing crisis threatens to dilute the richness of communities like Pasadena that benefit from diversity.

For many decades, federal, and State housing legislation has been based on the goal of a decent home and suitable living environment for every American. Homes provide more than just shelter; decent housing contributes to our well-being by providing a stable and safe environment for children to grow up, parents to raise families, and seniors to retire in safety and security. The environment or neighborhood in which housing is placed also provides the context where interactions important to a community can take place.

City leaders, staff, and community members have long been at the forefront of housing policies and programs, not only in the San Gabriel Valley but in Southern California as a whole. In 2000, Pasadena was one of the first communities to develop a housing vision that expressed its commitment to housing its residents.

All Pasadena residents have an equal right to live in decent, safe, and affordable housing in a suitable living environment for the long-term well-being and stability of themselves, their families, their neighborhoods, and their community. The housing vision for Pasadena is to maintain a socially and economically diverse community of homeowners and renters who are afforded this right.

The 2021–2029 Pasadena Housing Element continues the work to achieve this vision and to move beyond statutory requirements. The City is committed to opening doors for people of all income levels, at all stages in their lives, and to creating programs that demonstrate innovation and leadership.

Required Scope of the Housing Element

California law requires that every city and county develop housing programs to address existing and future housing needs of their residents. To comply with State law and achieve its vision of providing suitable living environments for all residents, the City of Pasadena has prepared housing elements since the requirement was adopted in 1969. The housing element is a mandated chapter of the Pasadena General Plan and addresses the production, maintenance, and improvement of housing, as well as ensuring equal access to housing for all persons. This housing element covers an eight-year planning period from 2021 to 2029.

The detailed statutory requirements for preparing a housing element are contained in the California Government Code (sections 65580–65589.8). In accordance with State law, the housing element must include: 1) an identification and analysis of its existing and projected housing needs; 2) an analysis of the various governmental and non-governmental constraints to meeting that need; and 3) a series of goals, policies, and scheduled programs to further the development, improvement, and preservation of housing.

This housing element consists of two sections: Housing Framework and Appendices. The Housing Framework sets forth the housing concerns and issues in Pasadena, followed by the goals, policies, programs, and resources to address those issues. The Appendices support the Housing Framework and address specific statutory requirements as follows:

- **Appendix A: Housing Needs.** This includes an analysis of demographic, economic, social, and housing characteristics of Pasadena residents and an assessment of current and future housing needs in the community associated with population and employment growth and change.
- **Appendix B: Constraints Analysis.** This includes an analysis of potential governmental constraints that affect the development, maintenance, and improvement of housing for all income groups and people with disabilities, commensurate with the City's identified housing needs.

- **Appendix C: Housing Resources.** This includes an inventory of resources available to address the City's housing needs, including available land to accommodate new housing, financial resources to support program efforts, and administrative capacity to manage housing programs.
- **Appendix D: Program Evaluation.** This includes an evaluation of current housing programs and accomplishments in addressing the housing needs identified in the 2014–2021 Housing Element.
- **Appendix E: Community Inputs.** This includes the input from community engagement initiatives conducted for this Housing Element update. Although the City lacks resources to implement all initiatives in the Housing Element, this appendix is a resource to draw upon for creative housing solutions over a longer planning horizon.
- **Appendix F: Affirmatively Furthering Fair Housing.** State Housing Element law requires a thorough analysis of any patterns of discrimination in the provision of housing. The analysis in this section is coupled with programs in the Housing Plan to forward meaningful actions to address fair housing issues identified in the analysis.

Related Plans



Pasadena's 2021–2029 Housing Element is related to local planning efforts and others mandated by the State of California and the federal government. The following describes these documents and how the City will maintain consistency with each of them.

- General Plan Housing Vision. Pasadena's General Plan establishes eight guiding principles: 1) growth targeted to the Central District, Transit Villages, and Neighborhood Villages; 2) historic preservation; 3) economic vitality; 4) social, economic, and environmental sustainability; 5) circulation without cars; 6) regional prominence and leadership; 7) robust community participation; and 8) educational commitment. The City's Housing Vision to maintain a socially and economically diverse community of homeowners and renters is consistent with the General Plan guiding principles.

- General Plan Consistency. In 2015, the City comprehensively updated the Land Use Element. The land use plan includes extensive accommodation of mixed-use development within the Central District, areas surrounding Metro light rail stations, and neighborhood villages. This approach creates greater capacity for new residential uses. To implement land use policy, the City is updating seven existing specific plans, creating a new specific plan for the Lamanda Park area, and undertaking targeted zoning code amendments. This Housing Element reflects and responds to the updated Land Use Element regarding targeted areas for housing growth and allowed densities; the specific plans and zoning code will facilitate housing production. The City will maintain consistency between this element and other General Plan elements by reviewing those elements and determining whether any focused amendments are required.

- City of Pasadena Housing Plans. To maintain eligibility for receiving federal Community Development Block Grant (CDBG) funds, HOME Investment Partnerships program grant, Emergency Solutions Grant, and associated monies, Pasadena prepares a consolidated plan on a five-year cycle. Pasadena's Consolidated Plan was last revised for the 2015– 2019 planning period. The City also prepared its 2020 Analysis of Impediments to Fair Housing Choice and Ten Year Plan to End Homelessness. The housing, community development, and economic needs identified during those efforts and the program commitments made are consistent with those in the 2021–2029 Housing Element.

- Water and Sewer Services. The Pasadena Water and Power Department provides water service to the Pasadena community. Sewer services are provided by the Sanitation District of Los Angeles County and the Pasadena Public Works Department. The

City transmitted this housing element to these agencies to allow for population projections to be incorporated into their plans. This allows purveyors to plan for infrastructure and set priorities to serve affordable housing—as required under Government Code section 65589.7—should a shortfall in water or sewer service occur.

- Disadvantaged Unincorporated Communities. As required by SB244, cities are required to amend their land use element to address provision of services to disadvantaged communities within their sphere of influence. According to the Los Angeles County Local Agency Formation Commission, Pasadena does not have disadvantaged communities under the definition specified in SB244 within its sphere of influence. Therefore, the City is not required to amend the General Plan to address this legislation.

Terms and Acronyms



This Housing Element uses many terms and acronyms specific to Housing Element law. While the City has looked to minimize use of acronyms to make the document more accessible, the following definitions are provided for terms and acronyms used for purposes of expediency.

AFFH – Affirmatively Furthering Fair Housing

Refers to the 1968 Fair Housing Act's obligation for State and local governments to improve and achieve more meaningful outcomes from fair housing policies, so that every American has the right to fair housing, regardless of their race, color, national origin, religion, sex, disability, or familial status.

AI – Analysis of Impediments to Fair Housing Choice

A document required by the federal government for the review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. The AI serves as the basis for fair housing planning, provides essential information to policymakers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.

AMI – Area Median Income

The Area Median Income (AMI) is the midpoint of a region's income distribution; half of families in a region earn more than the median and half earn less. Related to housing policy, the U.S. Department of Housing and Urban Development (HUD) and California Housing and Community Development Department (HCD) both define and release income thresholds every year, by household size, that determines eligibility for affordable housing.

CDBG – Community Development Block Grant

A grant program administered by the U.S. Department of Housing and Urban Development that provides federal grants directly to larger urban cities and counties for activities that benefit low- and moderate-income individuals, eliminate blight, or address a serious and immediate threat to public health and welfare. States distribute CDBG funds to smaller cities and towns. Grant amounts are determined by a formula based upon need.

CEQA – California Environmental Quality Act

A State law requiring state and local agencies to assess the environmental impacts of public or private projects they undertake or permit. Agencies must mitigate adverse impacts of the project to the extent feasible. If a proposed activity has the potential for a significant adverse environmental impact, an Environmental Impact Report (EIR) must be prepared and

certified as legally adequate by the public agency before action on the proposed project.

CHAS – Comprehensive Housing Affordability Strategy

A plan prepared by State or local agencies as a prerequisite for receiving assistance under certain U.S. Department of Housing and Urban Development programs.

CHDO – Community Housing Development Organization

A private nonprofit organization certified by the State that meets federal criteria to receive HOME Investment Partnership Program (HOME) funds. A minimum of 15 percent of total HOME funds provided to each state are reserved for CHDOs.

HCD – California Department of Housing and Community Development

A State agency that administers State housing programs and is responsible for review of the Housing Element for compliance with law. HCD also administers the federal HOME and CDBG programs on behalf of jurisdictions that are not directly assisted by HUD.

HOME – HOME Investment Partnership Program

A federal housing program that provides formula grants to States and localities. Communities use the grants (often in partnership with local nonprofit groups) to fund a wide range of activities. These include building, buying, or rehabilitating affordable housing for renters and homeowners, and providing direct rental assistance to low-income people.

HUD – U.S. Department of Housing and Urban Development

A federal, cabinet-level department responsible for overseeing, implementing, and administering U.S. government housing and urban development programs.

LIHTC – Low Income Housing Tax Credit Program

A federal housing subsidy program that gives tax credits or reductions in federal income tax liability as incentives for investment in affordable housing projects. The owners of LIHTC projects receive tax credits each year for 10 years. The program is often used by limited partnerships made up of nonprofit developers that build and manage the projects (general partners) and for-profit passive investors (limited partners) who receive shares of the project's tax credits. The federal government allocates tax credit amounts to states based on population. In California, tax credits are awarded by the California Tax Credit Allocation Committee (CTCAC) in the State Treasurer's Office.

MRB – Mortgage Revenue Bonds

A mortgage revenue bond is a type of municipal tax-exempt bond issued by state and local governments through housing finance agencies to help finance low- and moderate-income housing for first-time qualifying homebuyers. MRB mortgages are generally restricted to first-time homebuyers who earn no more than the area median income (AMI).

RHNA – Regional Housing Needs Assessment

A determination by a council of governments (or by the California Department of Housing and Community Development) of the existing and projected need for housing within a region. The RHNA process numerically allocates the future housing need by household income group for each locality within the region. This housing allocation must be reflected in the locality's Housing Element of the general plan.

SCAG – Southern California Association of Governments

SCAG is a Joint Powers Authority under California law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization and under State law, as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 191 cities in an area covering more than 38,000 square miles.

TOD – Transit-Oriented Development

Moderate to higher-density development, located within easy walk of a major transit stop. TOD generally has a mix of residential, employment, and shopping opportunities designed for pedestrians. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.

Public Engagement



California law requires local governments to engage the public in the development of the Housing Element. Specifically, Government Code section 65583(7) states "that the local government shall 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." State law does not specify the means and methods for participation; however, it is generally recognized that the participation must be inclusive.

Pursuant to one the General Plan guiding principles, the City is committed to engaging the community in defining local housing needs and discussing creative ways to address them. Public engagement and input were extensive via four workshops, an online survey that had approximately 1,100 participants, 12 Task Force meetings, and study sessions (open to the public) with the Planning Commission and City Council. This participation and public comments are documented thoroughly in Appendix E.

Preparation of this Housing Element included the following public engagement opportunities:

Website. The City hosted a Housing Element webpage on the Planning & Community Development Department's landing page (on the City of Pasadena website). Information available included Housing Element background materials, presentations and summaries from community workshops and Task Force meetings, and the draft housing element for public review.

Housing Task Force. In March 2021, Mayor Victor M. Gordo announced the formation of a Housing Task Force, with its first charge being to advise on development of Housing Element programs. The Task Force met three times during initial Housing Element preparation (via videoconference due to COVID-19 restrictions on public gatherings) and 12 times in total through April, 2022. All Task Force presentation materials and summaries were posted on the City's Housing Element webpage.

The Task Force considered public comments in their discussions that directed crafting of the housing programs and implementing actions. For example, the suggestion to create a congregational housing overlay arose from public comment. City staff—Planning and Housing—reviewed both public comments and Task Force recommendation to prepare the draft Housing Element shared with the Commission and Council before sending the document to HCD in August 2021.

While HCD was conducting its 60-day review for the draft Housing Element, the Task Force used this time to meet four more times to strengthen and prioritize housing programs based on public comments. The Task Force reviewed all comment letters submitted throughout the process and used the content of those letters to create a priority matrix of

programs. Also, the Task Force had the benefit of reviewing HCD's comment letter on the first draft element.

Additional Task Force meetings, open to the public, were held on March 16, March 30, and April 6, 2022 to review additional comments from HCD and the public. Task Force members considered not just the materials presented regarding HCD comments but also letters from the Pasadena Housing Coalition and other housing interest groups. Through a deliberative process, the Task Force identified additional programs to include in the third draft of the Housing Element. Those discussions were addressed through further revisions to the draft Housing Element.

Community Survey: To reach a broad constituency, the City prepared an on-line Housing Element survey, available in both English and Spanish that was accessible from mid-May to mid-July 2021. City staff also provided paper versions at key City facilities. Over 600 persons participated, responding to multiple-choice questions and providing detailed, thoughtful responses to open-ended questions. The City advertised survey availability via social media platforms, email blasts, newspaper advertisements, and direct contact with numerous community groups.

Community Workshops. Two community-wide workshop series were conducted, with each series offering an English version and a Spanish version. The first series occurred April 15 and 22, 2021, and the second on June 2, 2021. These workshops were extensively advertised via Council district contact lists, social media, email blasts, and direct outreach to over 35 community-based organizations, including churches and similar institutions that have deep reach into the community. Because of restrictions on public gatherings imposed by COVID-19, all events were held online. However, this platform allowed many more people to participate than the City typically experienced for in-person events, with over 100 participants at the first workshop series and approximately 50 participants at the second workshop. Participants' input was recorded on a digital whiteboard as shown in the exhibit on page 12.

Planning Commission and City Council Study Sessions. In May through August 2021, Planning staff conducted three study sessions with the Planning Commission and one with the City Council to review ideas and programs for the Housing Element prior to submitting the draft to HCD for review. The Commission and Council reviewed and considered inputs from the Task Force meetings, community survey, and community workshops. Following additional Task Force meetings in March and April of 2022, the Planning Commission conducted a study session on April 27, 2022 to hear from the Task Force regarding its further recommendations. Members of the public attended the session and provided comments.

Public Hearings. The City conducted public hearings on the Housing Element in June and July of 2022.

Public comments were considered by City staff, the Task Force, the Planning Commission, and City Council in the drafting of the Housing Element. The Task Force, Commission, and Council were all provided with

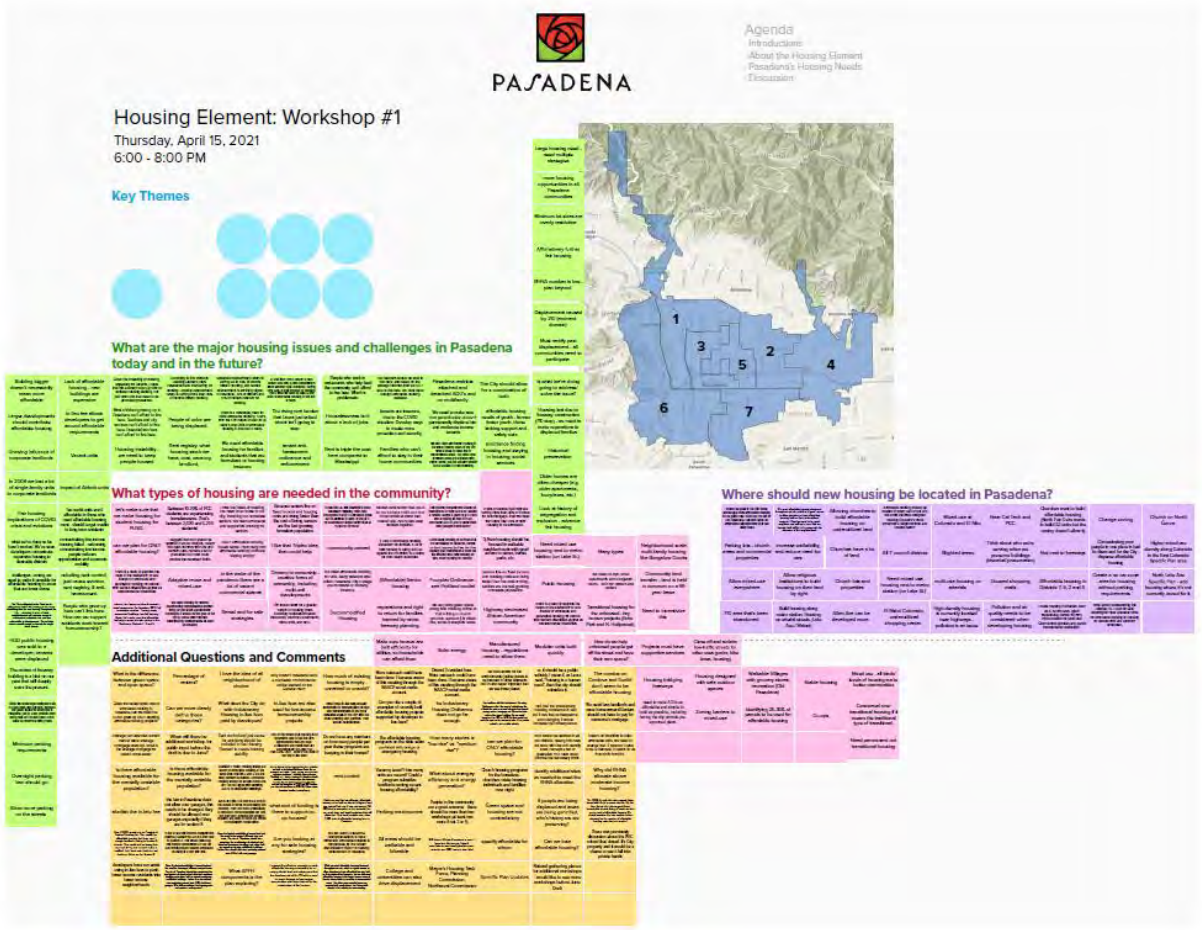
public workshop summaries and all comments received via the survey, as well as any letters submitted outside of these processes. Task Force members in particular considered public comments in their discussions that directed crafting of the housing programs and implementing actions. For example, the suggestion to create a congregational housing overlay arose from public comment. City staff—Planning and Housing—reviewed both public comments and Task Force recommendation to prepare the draft Housing Element that was shared with the Commission and Council before sending the document to HCD in August 2021 and as part of subsequent submittals. Other examples of public recommendations and the City's responses in the Housing Element include:

- *Making it less costly and time intensive to develop ADUs:* This element commits the City to continuing the pilot program to fund ADU construction for properties owners covenanting the units as affordable housing.
- *Using Caltrans' houses for affordable housing:* This element includes a program to explore the purchase of Caltrans I-710 properties for creative housing types for lower-income and special needs households.
- *Allowing housing in commercially zoned areas:* Program 6 directs amendments to the Zoning Code to allow housing in commercial zones, where consistent with General Plan objectives.
- *Adaptive reuse of nonresidential buildings:* Program 6 also calls for the City to incentivize the adaptive reuse of nonresidential buildings for residential uses.
- *City actions to preserve naturally occurring affordable housing:* The City has partnered with The California Statewide Communities Development Authority (a joint powers authority) to set aside 513 units in the Hudson and Westgate apartment developments for low- and moderate-income households. Program 12 calls for similar efforts to continue as funds are available.

Actions to address fair housing issues: Appendix F provides a comprehensive list of meaningful actions the City will take to ensure all residents have access to affordable, clean, and safe housing. Program 2 specifically addresses the needs of Northwest Pasadena, an area historically underserved. Throughout development of the Housing Element and on an ongoing basis, the Housing Department conducted targeted workshops for lower-income households on such topics as tenant protections, the MASH program, and ADUs. For example, the Housing Department convened workshops for the Pasadena Second Unit ADU Program on September 16-17, 2019, to provide potential applicants program information. Specifically, the program provides homeowners financial assistance to build an ADU through new construction or garage

conversion. Assistance is also available to rehabilitate and bring up to code an existing unpermitted "granny flat" or illegal garage conversion.

In 2019, the City initiated community outreach events for the program to update all Specific Plans. These outreach events include presentations and discussions on housing issues in the City. In 2020, the City held virtual community workshops and open houses from July 2020-December 2020. Public hearings for the Specific Plans began in 2021 and continued through 2022/23.



Comments from participants the first workshop were captured on a digital white board. Appendix E contains summaries of all comments from all community engagement activities.

Framing the Challenge



Pasadena's 2021–2029 Housing Element has been prepared during a unique and challenging period. Foremost, the COVID-19 pandemic and resulting economic shutdown caused many people to lose their jobs, thus significantly affecting their ability to pay rents and mortgages. Supply chain disruptions drove up the cost of building materials, making it more expensive to build housing and deliver new units to the market. Housing prices continued to rise. Interestingly, however, Pasadena experienced substantial housing construction, much of it likely pent up from long-existing building demand and tied to construction loans made before COVID-19 erupted. The impacts of COVID-19 piled onto the housing challenges many people faced before 2020 began, which they identified during community workshops and through the Housing Element: a lack of affordable housing, too few units for large families, rising rents, a shortage of housing for special needs individuals, and City permits and processes that add to the cost of building new homes.

Housing and Neighborhood Change

A most-unusual housing market continued to affect Pasadena and all of California into the 2010s and 2020s. The housing crisis and Great Recession that began in 2007/2008 became a distant memory as housing prices rebounded quickly, and housing costs showed continued escalation through the pandemic. The underlying housing issues from 10 years ago—and primarily underproduction to meet pent-up demand—remain. Pasadena's ability to further its housing vision depends upon its success in addressing the following:

- High Housing Costs. During the 2000s, Pasadena's housing prices have soared. As of May 2021, the median price of a home was $1.1 million, up almost 19 percent from 2020.[1] According to RENTCafe, the average rent payment for a two-bedroom apartment was $2,463 per month, one percent higher than the previous year. The income required to afford housing is still above moderate household incomes.

- Housing Overpayment. As housing prices have increased faster than household income, the affordability crisis continues to worsen. In 2017, 56 percent of all Pasadena households experienced housing cost burden, meaning more than 30 percent of household income was spent on rent or a mortgage. This degree of overpayment means that many people face having to cut back severely—or forego—spending on healthcare, education, and other life needs.

[1] Redfin.com. Accessed June 22, 2021.

- Housing Quality. Overall, Pasadena's housing stock is in good condition. However, certain neighborhoods still have many older homes in need of maintenance and repairs. Older homes (pre-1970s) may have lead-based paint, asbestos, and other conditions that require remediation upon remodeling or simply to create a healthier indoor environment. The City's Presale Certification If Inspection program provides a means to address major life and safety code corrections, as does the Quadrennial Inspection Program for multi-family units. Continuing such programs allows housing for people of all-income levels to be maintained in good condition.

- Equal Housing Access for All People. Pasadena offers a quality of life that continues to attract new residents and investors looking to profit from the successful local housing market. Pasadena does not view housing as a commodity. Housing is a basic human need and right. Every person deserves access to decent, affordable homes. Housing policies and programs must recognize and respond to very specific housing needs in Pasadena, not just for the eight years covered by this Housing Element but over a longer planning horizon. Avoiding displacement, housing the unhoused, creating ownership opportunities, making it easier for essential workers to live and work in the community, providing tenant protections: these represent goals that will strengthen the City and provide places where people can thrive, feel safe, and contribute to Pasadena's continued success.

Demographic Change

Pasadena completed its fifth cycle Housing Element update in 2014, just as the country and region were slowly emerging from the Great Recession brought about by the housing mortgage crisis and resulting economic impacts. Since that time, the housing market has rebounded significantly, due in part to demographic changes and shifts in housing preferences among young adults. Some of the key demographic changes now affecting the housing market are described here.

- Continued Aging of the Baby Boom Generation. According to U.S. Census data, between 2010 and 2020, Pasadena's population increased by just over 7,200 residents, to a total of 144,842 residents. The proportion of residents 65 years of age or older grew by two percent and now represents about 16 percent of all residents. This age group captures the oldest of the Baby Boomer generation and those in the 60 to 65 age range who contribute to the number of residents nearing retirement age. While many older residents may wish to stay in their current homes, others may wish to move to smaller units in Pasadena or relocate to make their retirement incomes stretch farther in more affordable cities.

- Race and Ethnic Change. Over the several decades preceding 2010, Pasadena's ethnic composition and distribution changed

very little, with Whites and Hispanics representing about 70 percent of the population and Blacks around 10 percent. Since 2010, the White population declined four percent and Black only one percent, with parallel increases in Hispanics by one percent and Asian/Pacific Islanders by four percent. Over this 10-year period, the change has not been dramatic, particularly in recognition that these latter two groups are increasing proportionally throughout San Gabriel Valley cities.

- Increasing Household Income. In 1990, the median household income in Pasadena was equal to the median household income of Los Angeles County as a whole; 20 years later it grew to 125 percent of the County's median. In 2018, that trend persisted, with the Pasadena median income 123 percent that of the County. With respect to lower-income residents, they make up 40 percent of all households which is comparable to the share over the last two decades. It is important to note that 15.7 percent of residents in Pasadena live in poverty (per federal criteria). These latter two data points illustrate the critical need for more affordable housing.

- Special Needs. The City of Pasadena continues to have a large resident population with special housing needs. This includes seniors, large families, people with disabilities, people who are unhoused, college students, and transitional at-risk youth. Regardless of the broader demographic trends at work, special needs groups in Pasadena continue to be one of the largest groups in need of affordable housing.

Balancing Goals and Resources

Throughout California, people face challenges to finding decent, affordable housing for many reasons: high housing costs; a multitude of lower-paying jobs in the consumer services, tourism, and agricultural industries; and an acute lack of new housing production over the past several decades. The State Department of Housing Community Development (HCD), in assessing statewide housing needs for the sixth housing element cycle identified a need for 1.3 million new homes in the six-county region Southern California region (not including San Diego County)—with about two-thirds representing not growth demand but existing need due to chronic housing under-production.

Pasadena has long recognized the demand, and the City's more recent history has been marked by forward-thinking housing policy, with programs implemented by partnerships between many City agencies and numerous community organizations and other government agencies. Even with the loss of redevelopment in 2012, production of affordable housing has proceeded, largely because of the City's inclusionary housing policies and the success of nonprofit homebuilders in acquiring suitable properties and securing grant and loan funding to provide housing in this high-resource area. But as many people will report, the production is never enough. The gap between household incomes and housing costs—

either to rent or buy a home—means that many long-time residents and others looking to locate to Pasadena cannot afford to live here.

In 2020-2021, the COVID-19 pandemic added new pressures. Many residents lost their jobs as businesses were forced to shut down. Unable to pay rent or mortgages, people mostly relied on federal and State payments and programs when assistance was available. City revenues declined due to loss of sales tax and all-important transient occupancy taxes collected from visitors. For the first time since World War II, Pasadena was effectively closed on New Year's Day in 2021, with no Tournament of Roses Parade or Rose Bowl game. But interestingly, during the pandemic year, local housing construction continued apace.

The City continues to recover from COVID-19 impacts and continues its commitment toward housing. The State legislature continues to create new housing mandates that Pasadena steps forward to meet. The following goals, policies, and programs, demonstrate Pasadena's leadership and resolve to proactively address the community's housing needs.

EXHIBIT K



Adopted City of Malibu 2021-2029 Housing Element







October 4, 2024 Submittal of the Adopted Housing Element Update to the California Department of Housing and Community Development

Revisions made to this Housing Element subsequent to City Council adoption on January 10, 2022 are shown as underline for new text and ~~strike-through~~ for deleted text and highlighted as follows:

February 2024 revisions highlighted in yellow.
March 2024 revisions highlighted in blue.
April/May 2024 revisions highlighted in green.
July 29, 2024 revisions highlighted in dark grey.
October 4, 2024 revisions highlighted in light grey.

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Appendix E Contributing Factors to Fair Housing Issues
Appendix F Affirmatively Furthering Fair Housing (AFFH)

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7.0 Housing Element

7.1 Introduction

State law requires the preparation of a Housing Element ("Element") as part of a jurisdiction's General Plan (*California Government Code* §65302(c)). The Element is to consist of an identification and analysis of existing and projected housing needs, and a statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement, and development of housing in the City of Malibu ("City"). The Element shall also identify adequate sites for housing and make adequate provision for the existing and projected needs of all economic segments of the community (§65583).

Guidelines adopted by the California Department of Housing and Community Development ("HCD") are also to be considered in the preparation of the Element (§65585). Periodic review of the Element is required to evaluate: (1) the appropriateness of its goals, objectives and policies in contributing to the attainment of the state housing goal; (2) the effectiveness in attaining the community's housing goals and objectives; and (3) the progress of the City in implementation of the Element (§65588).

7.1.1 Purpose of the Housing Element

State law recognizes the vital role that local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the General Plan. Housing Element law, first enacted in 1969, mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that, in order for the private market to adequately address housing needs, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in California rests largely upon the effective implementation of local General Plans and, in particular, local Housing Elements. Housing Element law also requires that HCD review local housing elements for compliance with State law and to report its written findings to the local government.

As mandated by State law, the planning period for this Housing Element extends from 2021 to 2029. This Element identifies strategies and programs that focus on: 1) providing diversity in housing opportunities; and 2) maintenance and preservation of the City's housing stock.

The Housing Element consists of the following major components:

- Identification and analysis of existing and projected housing needs, resources, and constraints
- A statement of goals, policies, quantified objectives, and scheduled programs for preservation, improvement, and development of housing
- Identification of adequate sites for housing
- Assessment of the City's fair housing issues

- Adequate provision for existing and projected needs of all economic segments of the community

The Housing Element assists Malibu in determining how to address existing and future housing needs and plan for future growth. Housing policies and actions contained in the Housing Element do not commit the City to construct new housing units, but they do identify ways in which Malibu will encourage development of housing intended to meet the housing needs of current and future residents during the Housing Element update planning period.

7.1.2 Organization of the Housing Element

Per California Government Code Sections 65580-65589, the Housing Element is comprised of the following components:

- **Section 7.1 – Introduction.** This section provides a brief overview of the purpose and background for the Housing Element and a summary of the document.
- **Section 7.2 – Housing Needs Assessment.** This section reviews the existing and projected housing needs of the community. It provides a profile of socio-demographic information, such as population characteristics, household information, housing stock, tenure, and housing affordability. The assessment also considers local special housing needs, such as seniors, farmworkers, persons at risk of or experiencing homelessness, large households, and female-headed households.
- **Section 7.3 – Resources and Opportunities.** This section provides resources and an inventory of adequate sites that are suitably zoned and available within the planning period to meet the jurisdiction's fair share of regional housing needs across all income levels.
- **Section 7.4 – Governmental and Nongovernmental Constraints:** This section identifies and analyzes impediments to housing production across all income levels.
- **Section 7.5 – Housing Plan.** This section provides a statement of the community's goals, quantified objectives, and policies to maintain, preserve, improve, and develop housing. It also provides a schedule of actions the City will take during the planning period to achieve its goals, objectives, and policies. The Housing Plan includes quantified objectives for new construction, rehabilitation, and conserved units.
- **Appendix A – Review of the Previous Housing Element.** This section reviews the goals, policies, and programs of the 5th cycle Housing Element and compares projected outcomes with actual achieved results.
- **Appendix B – Residential Land Inventory.** This section is a detailed inventory of sites suitable for the development of housing to meet the RHNA.
- **Appendix C – Public Participation Summary.** This section provides a summary of the City's public outreach conducted during the preparation and adoption of this Housing Element and a description of how the input from that outreach informed the development of the Hosuing Element.

- **Appendix D – List of Acronyms.** This is a list of acronyms used in the Housing Element.
- **Appendix E – Contributing Factors to Fair Housing.** This section provides a summary of the regional Analysis of Impediments to Fair Housing for Los Angeles County.
- **Appendix F – Fair Housing Assessment.** This section provides an analysis of contributing factors that may limit fair housing choice and access to opportunities in Malibu.

7.1.3 Public Participation

Section 65583(c)(5) of the *California Government Code* states that "[t]he local government shall 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." Public participation played an important role in the formulation and refinement of the City's housing goals and policies, and in the development of a Site Inventory that meets the City's RHNA.

Residents and other stakeholders had many opportunities to review and provide comments on the Housing Element and related implementation actions. Please refer to Appendix C for additional information regarding the City's efforts to encourage public involvement and how comments and concerns have been addressed.

7.1.4 Consistency with Other Elements of the General Plan

The City's General Plan sets forth broad policy guidance in the areas of land use, housing, transportation, conservation, open space and recreation, noise, and public safety. The various General Plan elements provide a consistent set of policies and programs intended to preserve and enhance the quality of life, while accommodating growth and change in a proactive manner. For example, residential development capacities established in the Land Use Element, and constraints to development identified in the Conservation, Public Safety, and Noise Elements, are reflected in the Housing Element. This Housing Element builds upon the other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. As the General Plan is occasionally amended, the City will review the Housing Element for internal consistency and make any necessary revisions.

Senate Bill (SB) 1087 of 2005[1] requires cities to provide a copy of their Housing Element to local water and sewer providers, and also requires that these agencies provide priority to affordable housing developers. SB 1087 further prohibits local water and sewer providers from denying services to affordable housing developers, unless they find that the capacity is unavailable to all applicants. The Housing Element will be provided to these agencies immediately upon adoption.

7.1.5 Data Sources and Methods

Data from a variety of sources is used to complete the Housing Element. The most cited source is the U.S. Census, which provides consistent demographic characteristics. The

[1] SB 1087 (Florez) [Stats. 2005, ch. 727].

American Community Survey, a feature of the U.S. Census, provides five-year estimates on population and demographic characteristics. Other data sources include the following:

- California Department of Housing and Community Development (HCD)
- California Housing Finance Agency
- California Tax Credit Allocation Committee
- Comprehensive Housing Affordability Strategy (CHAS)
- California Department of Finance (DOF)
- Home Mortgage Disclosure Act (HMDA) lending data
- Regional Homeless Point-in-Time Count
- State Employment Development Department (EDD) data on wage and labor statistics
- United States Department of Housing and Urban Development (HUD)
- California Healthy Places Index

7.2 Housing Needs Assessment

The City of Malibu ("City") lies within an approximately 21-mile strip of coastline at the western edge of Los Angeles County ("County"). Malibu is primarily a residential community consisting of beachfront residential lots and large estate lots in the hillsides and canyons overlooking the ocean. Some multi-family development and neighborhood/visitor-serving commercial development is located in the flatter portions of the City along Highway 1 (Pacific Coast Highway). The City has a scenic rural character that it seeks to preserve. Development within the City is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. The entire City lies within the Coastal Zone as defined by the California Coastal Act of 1976[1]. Because of these constraints, a large portion of the City remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system.

Since its incorporation in 1991, the City has declined in population from approximately 11,700 to 11,537 residents in 2021, according to recent California Department of Finance estimates. The City is approximately 19.9 square miles in area and is bounded by unincorporated County areas to the west and north, the City of Los Angeles (Pacific Palisades) to the east and the Pacific Ocean to the south. Further to the east is the City of Santa Monica. The Santa Monica Mountains National Recreation Area lies just to the north.

This section examines general population and household characteristics and trends, such as age, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City's projected housing needs based on the 2021-2029 Regional Housing Needs Assessment (RHNA) are discussed.

The Housing Needs Assessment utilizes recent data from the U.S. Census, the California Department of Finance (DOF), the California Employment Development Department (EDD), the Southern California Association of Governments (SCAG), and other relevant sources.

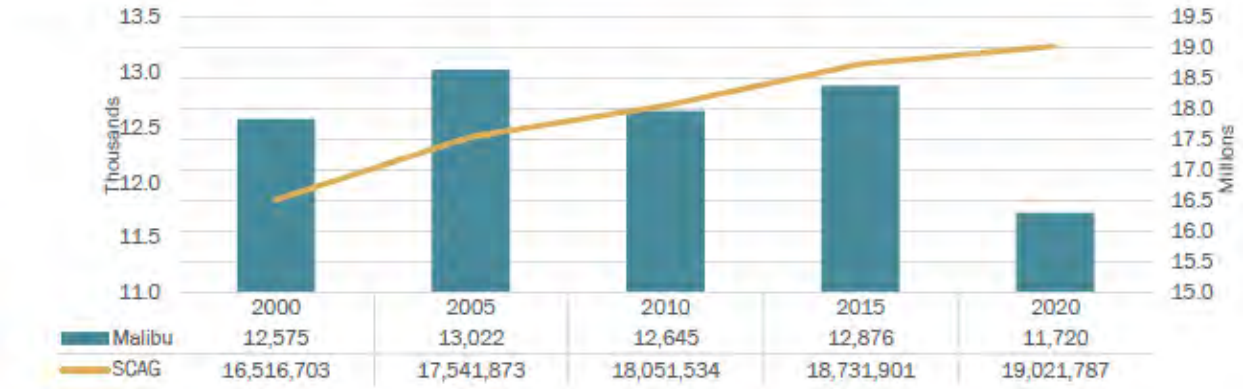
7.2.1 Population Characteristics

7.2.1(a) Population Growth Trends

In 1990, the unincorporated community of Malibu had a population of 11,643. The City of Malibu was incorporated on March 28, 1991. From 1990 to 2000, the population of the newly incorporated City grew by about 8% to 12,575. From 2000 to 2020 the City's population declined by about 855 persons (see Table 7.2-1). Malibu has a 2020 total population of 11,720 including 141 living in group quarters according to the California Department of Finance.

[1] California Public Resources Code, Division 20.

Table 7.2-1
Population Trends 2000-2020
Malibu vs. SCAG Region



	2000	2005	2010	2015	2020
Malibu	12,575	13,022	12,645	12,876	11,720
SCAG	16,516,703	17,541,873	18,051,534	18,731,901	19,021,787

CA DOF E-5 Population and Housing Unit Estimates

7.2.1(b) Age

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Table 7.2-2 shows that the population of Malibu is 49% male and 51% female. The share of the population of Malibu under 18 years of age is 15.3%, which is lower than the regional share of 23.4%. Malibu's seniors (65 and above) make up 24.2% of the population, which is higher than the regional share of 13%.

Table 7.2-2
Population by Age and Gender
Malibu



American Community Survey 2014-2018 5-year estimates

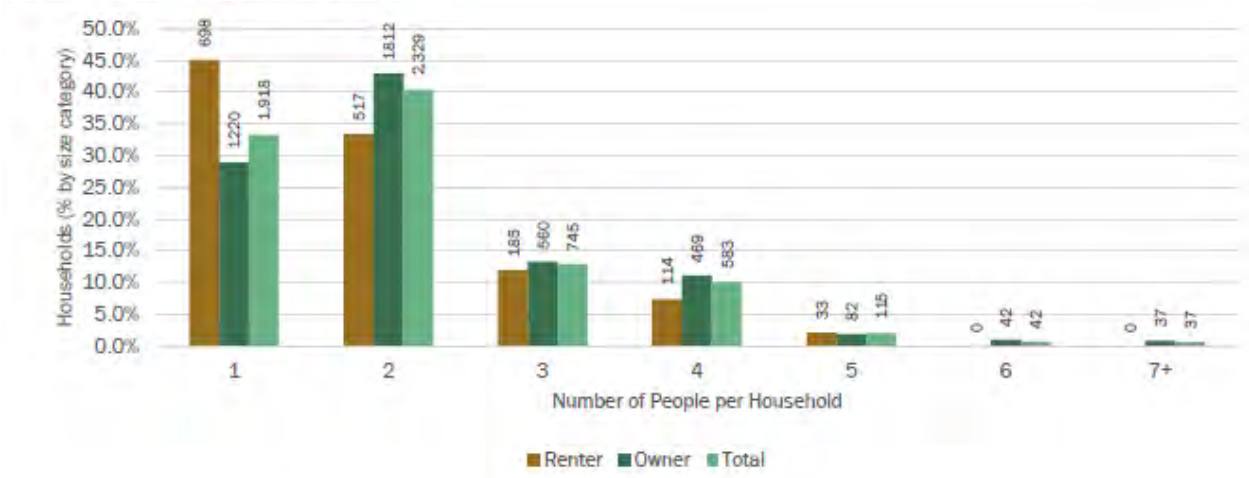
7.2.2 Household Characteristics

7.2.2(a) Household Composition and Size

Household characteristics are important indicators of the type and size of housing needed in a city. The Census defines a "household" as all persons occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing a single unit. Persons in group quarters such as dormitories, retirement or convalescent homes, or other group living situations are included in population totals, but are not considered households by the Census Bureau.

Table 7.2-3 illustrates the range of household sizes in Malibu for owners, renters, and overall. The most commonly occurring household size is of two people (40.4%) and the second-most commonly occurring household is of one person (33.2%). Malibu has a higher share of single-person households than the SCAG region overall (33.2% vs. 23.4%) and a lower share of 7+ person households than the SCAG region overall (0.6% vs. 3.1%).

Table 7.2-3
Household Size - Malibu

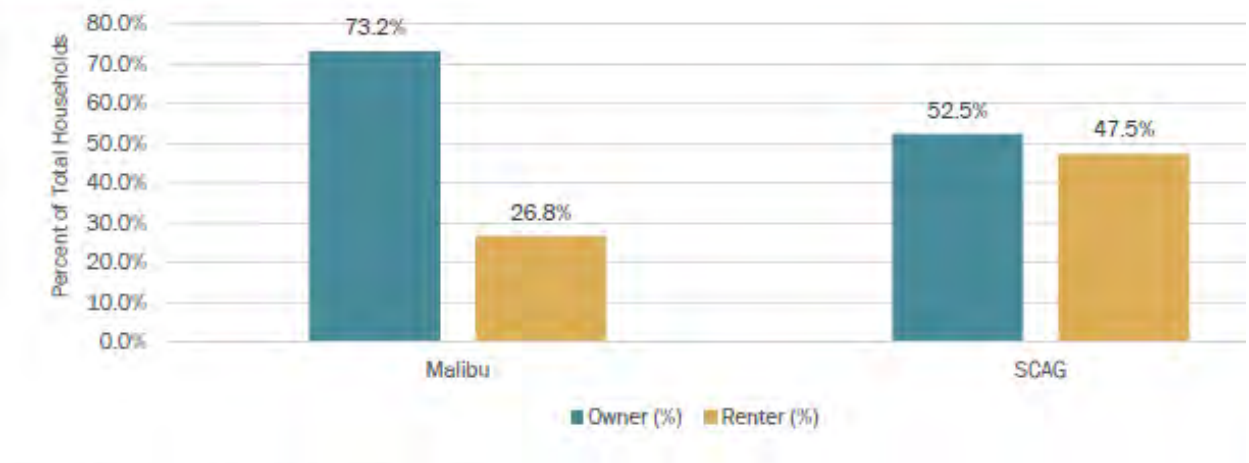


American Community Survey 2014-2018 5-year estimates.

7.2.2(b) Housing Tenure and Vacancy

Housing tenure (owner versus renter) is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and for sale in order to accommodate a range of households with varying income, family size and composition, and lifestyle. As shown in Table 7.2-4, Malibu's housing stock consists of 5,769 total units, 4,222 of which are owner-occupied and 1,547 of which are renter-occupied. The share of renters in Malibu is lower than in the SCAG region overall.

Table 7.2-4
Household Tenure

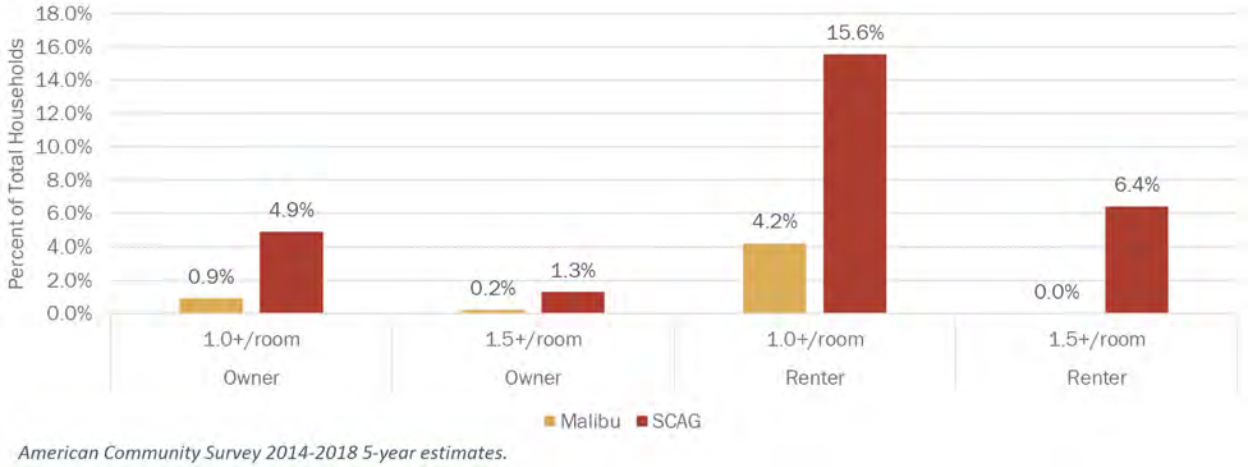


American Community Survey 2014-2018 5-year estimates.

7.2.2(c) Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 occupants per room. Table 7.2-5 summarizes overcrowding for the City of Malibu. In Malibu, 39 owner-occupied and 65 renter-occupied households had more than 1.0 occupants per room, which meets the ACS definition for overcrowding. 10 owner-occupied households and renter-occupied households had more than 1.5 occupants per room, which meets the ACS definition for severe overcrowding.

Table 7.2-5
Overcrowding by Tenure – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

The high cost of housing in Malibu is the primary cause of overcrowding. Several programs in the Housing Plan (Section 7.5) that are designed to address housing affordability will also help to alleviate overcrowding. These programs include: Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Ensure Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

7.2.2(d) Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. Overpayment for lower-income homeowners can lead to deferred maintenance or repairs due to limited funds, which can lead to deterioration. For lower-income renters, severe cost burden can require families to double up resulting in overcrowding. As shown in Table 7.2-6, the majority of lower-income households, both owners and renters, in Malibu are paying over 50% of their gross incomes for housing.

Table 7.2-6
Overpayment by Income Category and Tenure – Malibu

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	75	75	225
Household Income >30% to less-than or= 50% HAMFI	75	75	75
Household Income >50% to less-than or= 80% HAMFI	110	85	170
Household Income >80% to less-than or= 100% HAMFI	50		115
Household Income >100% HAMFI	135	30	960
Total	445	265	1,545
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	220	195	320
Household Income >30% to less-than or= 50% HAMFI	215	100	240
Household Income >50% to less-than or= 80% HAMFI	110	90	180
Household Income >80% to less-than or= 100% HAMFI	145	115	185
Household Income >100% HAMFI	680	210	3,295
Total	1,370	710	4,220

The high cost of housing in Malibu is the primary cause of overpayment for lower-income households. Several programs in the Housing Plan designed to address housing affordability will also help to alleviate overpayment. These programs include Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 4.1 Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

Extremely-Low-Income Households

Extremely-low-income (ELI) is defined as household income less than 30% of area median income. Households with extremely low incomes have a variety of housing problems and needs.

According to ACS data reported by SCAG (Table 7.2-7) the race/ethnicity with the highest share of extremely-low-income households in Malibu is Asian and other, non-Hispanic (47% compared to 13% of the total population). In the SCAG region, the highest share of extremely-low-income households is Black, non-Hispanic (27.1% compared to 17.7% of total households).

As shown previously in Table 7.2-6, ELI households (both owners and renters) experience much higher rates of overpayment than households at higher income levels.

Table 7.2-7
Extremely-Low-Income Households by Race and Tenure – Malibu

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	5,070	590	11.6%
Black, non-Hispanic	50	0	0.0%
Asian and other, non-Hispanic	200	94	47.0%
Hispanic	264	40	15.2%
TOTAL	5,584	724	13.0%
Renter-occupied	1,645	325	19.8%
Owner-occupied	3,945	400	10.1%
TOTAL	5,590	725	13.0%

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

A disproportionately high percentage of elderly households (family households with two or more persons aged 62 years old or older and non-family householders aged 62 years old or older) are ELI households. According to 2012-2016 ACS estimates, approximately

37% of ELI households (270 households) in Malibu are elderly but only 28% of the population are elderly. However, it is likely not all elderly ELI households in Malibu are experiencing housing problems or in need of financial assistance. Some ELI households are homeowners with paid or low mortgages and are retired; therefore, they do not have a high annual income as reflected in the HUD data.

Resources for Extremely-Low-Income Households

Many extremely low-income households seek rental housing and may face cost burden, overcrowding, or substandard housing conditions. Some extremely low-income households could have physical or mental disabilities and/or other special needs. ELI households may require specific housing solutions such as deeper income targeting for subsidies, housing with supportive services, single-room occupancy, or rent subsidies. As shown in Table 7.2-7, there are 725 ELI households in Malibu, of which 325 are renters. There are no subsidized low-income housing units in the city. Affordable housing opportunities for ELI households can be expanded for households through the Los Angeles County Development Authority Section 8 Housing Choice Voucher (HCV) program. As of 2023, one household in Malibu receives an HCV from the Los Angeles County Development Authority and two households are on the waiting list. This meets the housing needs of less than one percent of the city's 325 households that are ELI renters. Housing Plan Program 3.1 describes actions the City will take to promote the use of HCVs.

Additional resources for ELI households include senior housing and transitional and supportive housing, which are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive housing is permitted in all residential zones, except for the Mobilehome Residential District, which is designated for mobile home parks. The City will also support the development of affordable housing (Housing Plan Program 3.1), provide financial assistance for housing repairs (Housing Plan Program 1.3), and support services for special housing needs populations such as seniors, persons with disabilities, and persons experiencing homelessness (Housing Plan Program 3.3).

Past Actions for Housing for Extremely-Low-Income Households

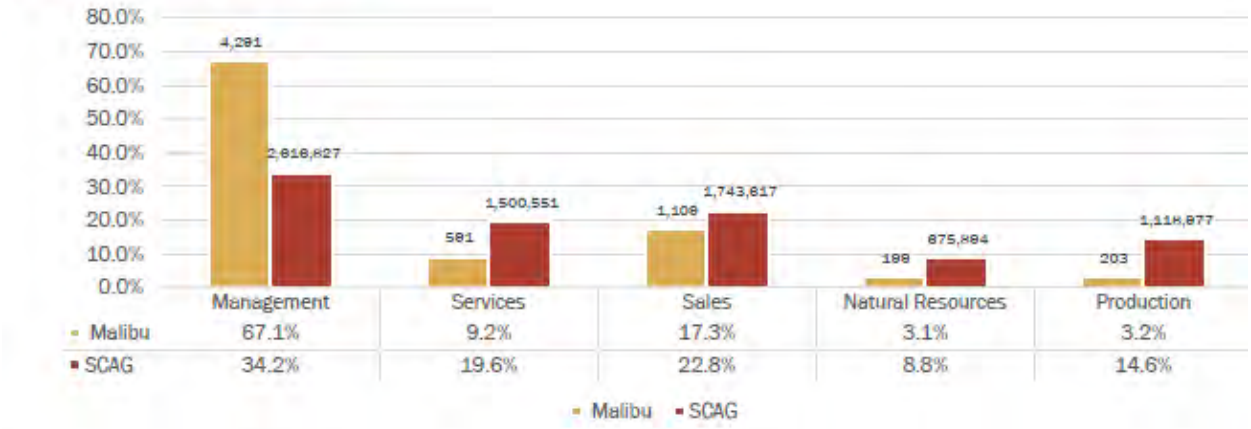
In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH) to bring professional services to Malibu's homeless population, and through this effort successfully moved 72 homeless residents into permanent housing. Although this program has assisted ELI residents who are experiencing homelessness, additional actions are needed to support ELI residents at risk of homelessness or who are experiencing housing problems.

7.2.3 Employment

Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford.

According to recent Census data (Table 7.2-8) Malibu has 6,393 workers living within its borders who work across 13 major industrial sectors. The most prevalent industry is Professional Services with 1,419 employees (22.2% of total) and the second most prevalent industry is Education & Social Services with 1,314 employees (20.6% of total).

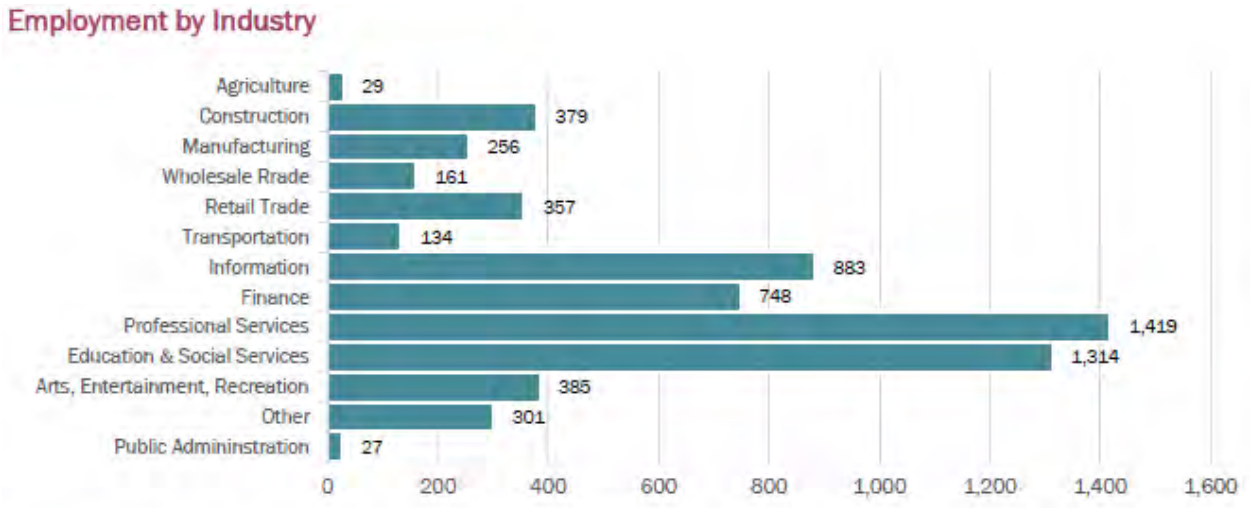
Table 7.2-8
Employment by Occupation – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

Table 7.2-9 shows employment by industry for Malibu's workforce. The most prevalent occupational category in Malibu is Management, in which 4,291 (67.1% of total) employees work. The second-most prevalent type of work is in Sales, which employs 1,109 (17.3% of total) in Malibu. In high-cost areas like Malibu accessory dwelling units provide an important option for low-wage workers, such as caregivers and other household employees. Program 4.1 in the Housing Plan describes the City's strategy for expanding the availability of accessory dwelling units.

Table 7.2-9
Employment by Industry – Malibu



American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.

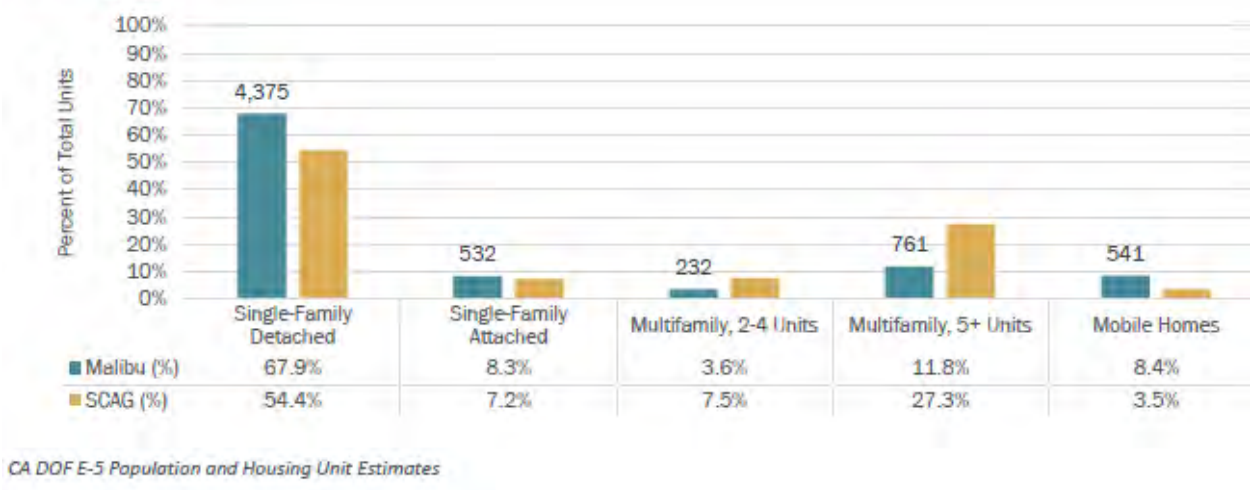
7.2.4 Housing Stock Characteristics

This section presents an evaluation of the community's housing stock and helps in identifying and prioritizing needs. The factors evaluated include the type of housing units, vacancy rates, age and condition, tenure, housing costs and affordability. A housing unit is defined as a house, apartment, mobile home, or group of rooms, occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

7.2.4(a) Housing Type and Vacancy

According to recent Census data, the housing stock in the City was comprised mostly of single-family detached homes, which made up about 68% of all units, while multi-family units comprised about 24% of the total. Mobile home units comprised about 8% of the total (Table 7.2-10).

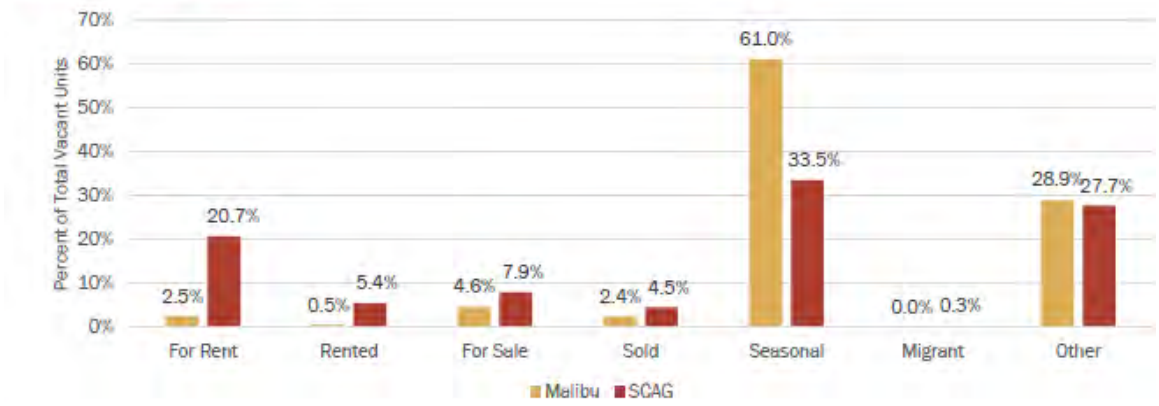
Table 7.2-10
Housing by Type –
Malibu vs. SCAG Region



CA DOF E-5 Population and Housing Unit Estimates

Recent Census estimates (Table 7.2-11) reported a 24.1% total vacancy rate in Malibu, with the most prevalent type of vacancy being units held for seasonal use (i.e., second homes).

Table 7.2-11
Vacant Housing by Type – Malibu vs. SCAG Region



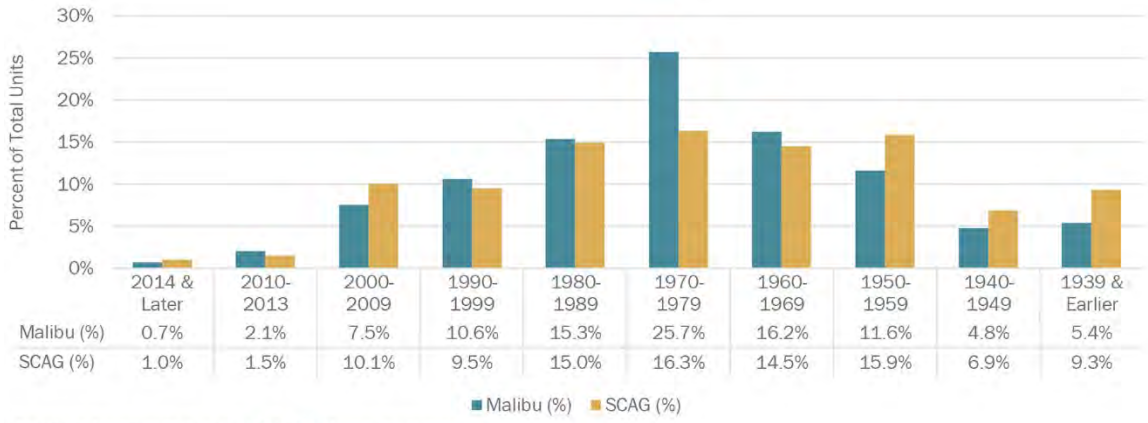
American Community Survey 2014-2018 5-year estimates.

7.2.4(b) Housing Age and Conditions

Housing age is often an important indicator of housing conditions. Housing units built prior to 1978, before stringent limits on the amount of lead in paint were imposed, may have interior or exterior building components coated with lead-based paint. Table 7.2-12 shows the age distribution of the housing stock in the City compared to the SCAG region as a whole.

This table shows that about 79% of the units in the City were constructed prior to 1990. These units are more than 30 years old and may have some need for rehabilitation, which is typical of most jurisdictions in Southern California.

Table 7.2-12
Age of Housing Stock – Malibu vs. SCAG Region



	2014 & Later	2010-2013	2000-2009	1990-1999	1980-1989	1970-1979	1960-1969	1950-1959	1940-1949	1939 & Earlier
Malibu (%)	0.7%	2.1%	7.5%	10.6%	15.3%	25.7%	16.2%	11.6%	4.8%	5.4%
SCAG (%)	1.0%	1.5%	10.1%	9.5%	15.0%	16.3%	14.5%	15.9%	6.9%	9.3%

American Community Survey 2014-2018 5-year estimates.

In general, the quality of housing is exceptional in the City. At a minimum, most dwelling units are well-maintained, especially with respect to the harsh environmental conditions to which they are subject. There are areas where older housing units exist, such as along Pacific Coast Highway in the eastern portion of the City. However, even these units are maintained due to high property values. The Building & Safety Division estimates that approximately 10 housing units are in need of rehabilitation and four housing units are beyond the point of repair citywide. This estimate does not include the estimated 500 housing units that were destroyed in the 2018 Woolsey fire.[2] Since the Woolsey fire, approximately 144 single-family homes and 12 multi-family housing units have been rebuilt. The City has issued permits for reconstruction of an additional 272 single-family homes and 6 multi-family housing units that have not yet been completed.[3] Concentrated areas of substandard housing in Malibu are in in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon.

A goal of the City's Building & Safety Division as well as Code Enforcement staff is to proactively address housing concerns before they become serious problems. Staff has helped to reduce structural deterioration by identifying problems and informing residents of programs to assist with improvements. In addition, the City addresses issues related to lead-based paint and asbestos removal through adding standard conditions of approval to include Best Management Practices for all projects that include the demolition or remodeling of older structures.

7.2.4(c) Housing Cost

Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the County's area median income ("AMI"): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above-moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to the U.S. Department of Housing and Urban Development ("HUD") and the California Department of Housing and Community Development ("HCD"), housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas (such as Los Angeles County), these income limits may be increased to adjust for high housing costs.

Table 7.2-13 shows affordable rent levels and estimated affordable purchase prices for housing in Los Angeles County[4] by income category. Based on State standards, the maximum affordable monthly rent for extremely-low-income households is $886, while the maximum affordable rent for very-low-income households is $1,478. The maximum affordable rent for low-income households is $2,365, while the maximum for moderate-income households is $2,400.

[2] City of Malibu. 2020. City of Malibu Marks Annual Day of Preparedness and the Two-Year Anniversary of the Devastating Woolsey Fire with Community Emergency Preparedness Competition. https://www.malibucity.org/DocumentCenter/View/27058/11-09-2020_Woolsey2Year_PreparednessCompetition_PressRelease?bidId=

[3] City of Malibu. 2023. Rebuilt Statistics. https://malibupermits.ci.malibu.ca.us/WoolseyRebuildStats.aspx#

[4] Affordable rent and purchase prices are based on the county median income.

Maximum purchase prices are more difficult to determine due to variations in mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, property insurance rates, etc. With this caveat, the maximum home purchase prices by income category shown in Table 7.2-13 have been estimated based on current conditions.

Table 7.2-13
Income Categories and Affordable Housing Costs – Los Angeles County

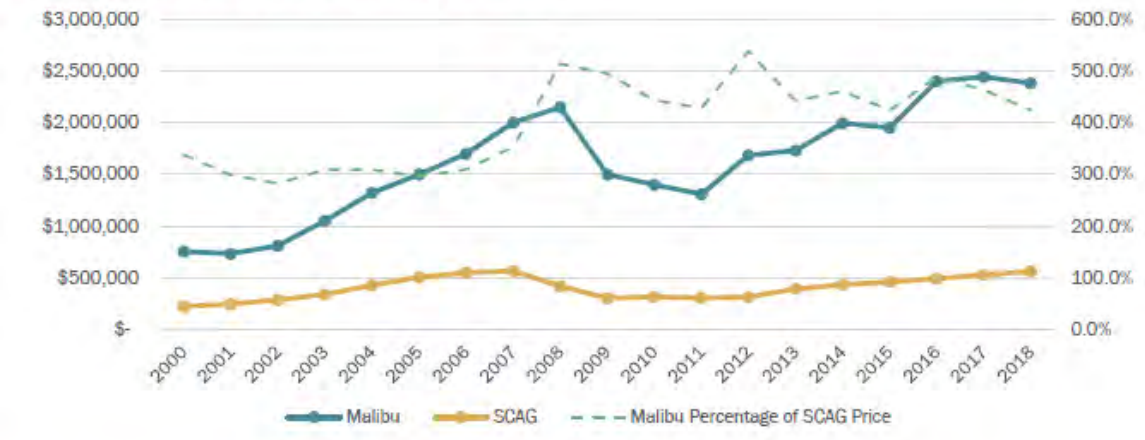
Income Category (% of median income)	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	$35,450	$886	*
Very Low (31-50%)	$59,100	$1,478	*
Low (51-80%)	$94,600	$2,365	*
Moderate (81-120%)	$96,000	$2,400	$375,000
Above moderate (120%+)	>$96,000	>$2,400	>$375,000

Assumptions:
-Based on a family of 4 and 2021 income limits
-30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
-10% down payment, 3.75% interest, 1.25% taxes & insurance, $350 HOA dues
* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

For-Sale Housing

Between 2000 and 2018, median home sales prices in Malibu increased 215% while prices in the SCAG region increased 151%. 2018 median home sales prices in Malibu were $2,380,000 and the highest experienced since 2000 was $2,443,000 in 2017. Prices in Malibu have ranged from a low of 282.4% of the SCAG region median in 2002 and a high of 537.7% in 2012 (Table 7.2-14).

Table 7.2-14
Median Sales Price for Existing Homes – Malibu vs. SCAG Region

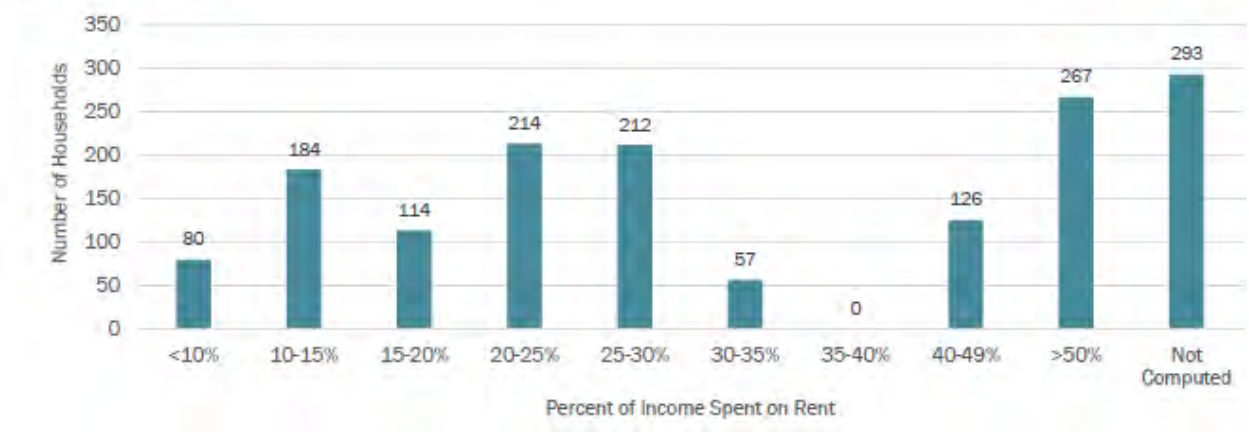


SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

Rental Housing

Across Malibu's 1,547 renter households, 450 (29.1%) spend 30% or more of gross income on housing cost, compared to 55.3% in the SCAG region. Additionally, 267 renter households in Malibu (17.3%) spend 50% or more of gross income on housing cost, compared to 28.9% in the SCAG region (Table 7.2-15). Housing units in Malibu posted for rent[5] ranged from $1,895/month for a studio to $15,000/month for a single-family house.

Table 7.2-15
Percentage of Income Spent on Rent – Malibu



[5] Source: Rent.com, October 2021

7.2.5 Special Needs

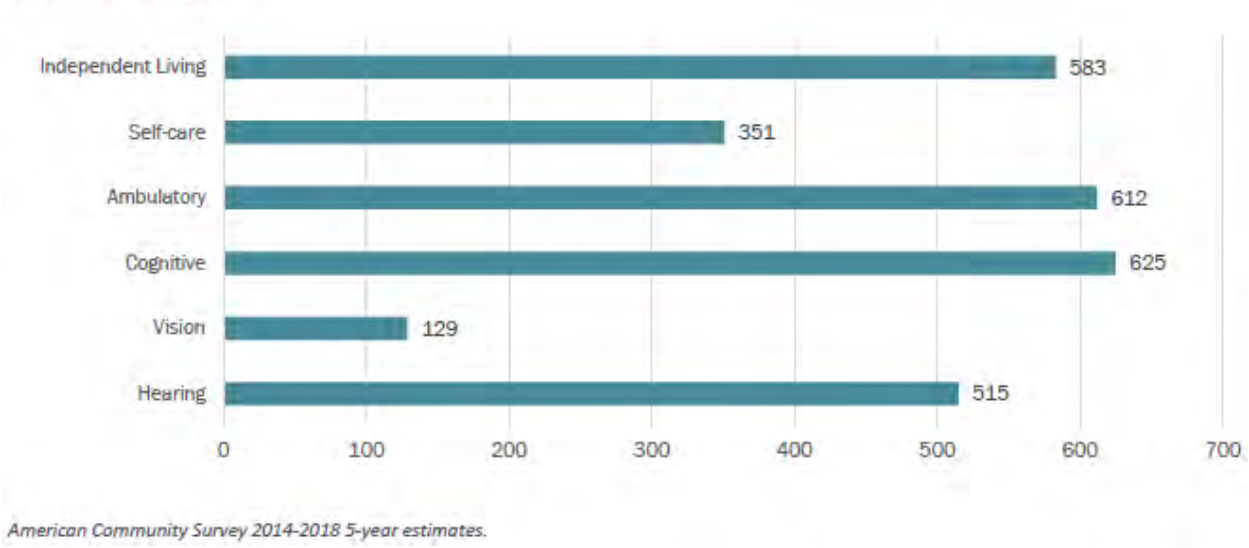
Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances related to one's employment and income, family characteristics, age, disability, or other conditions. As a result, some of the City's residents may experience a higher prevalence of overpayment, overcrowding, or other housing problems.

State Housing Element law defines "special needs" groups to include persons with disabilities, the elderly, large households, female-headed households, homeless people, and farmworkers. This section contains a discussion of the housing needs facing each of these groups.

7.2.5(a) Persons with Disabilities

Recent Census data (Table 7.2-16) estimated that the most prevalent types of disabilities among Malibu residents included cognitive, ambulatory, and independent living disabilities. Housing opportunities for those with disabilities can be maximized through housing assistance programs, supportive housing, and by providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

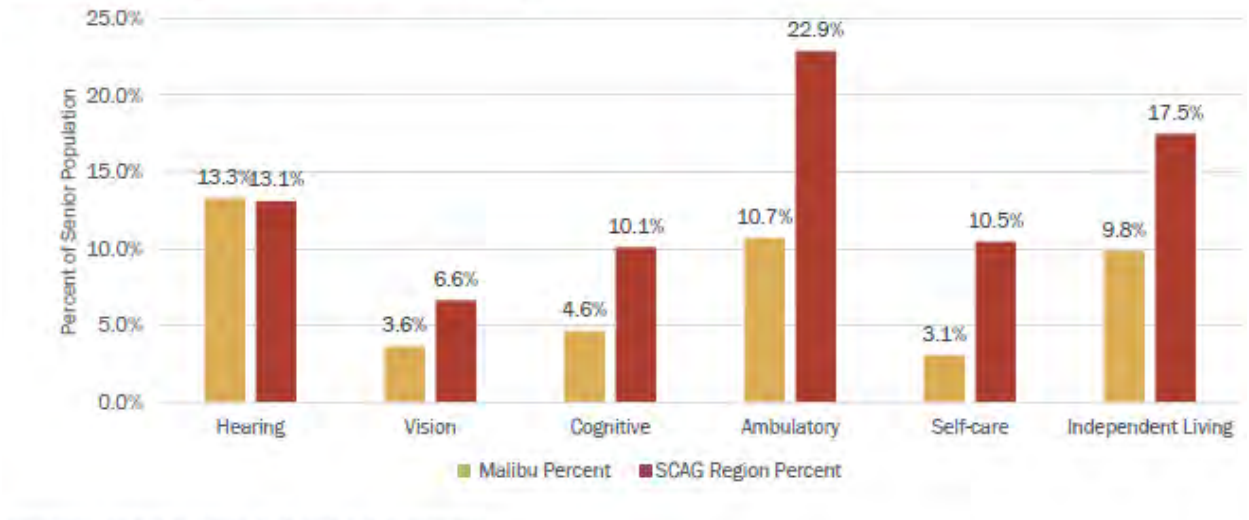
Table 7.2-16
Disabilities by Type – Malibu



American Community Survey 2014-2018 5-year estimates.

In Malibu, the most commonly occurring disability among seniors 65 and older was a hearing disability, experienced by 13.3% of Malibu's seniors and 13.1% of seniors in the SCAG region (Table 7.2-17).

Table 7.2-17
Disabilities by Type for Seniors 65+ – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

As shown in Table 7.2-18, 40% of Malibu residents with a disability were employed. In addition to enforcing Building Code accessibility requirements, the City's Municipal Code establishes procedures to allow reasonable accommodation for persons with disabilities pursuant to State law.

Table 7.2-18
Disabilities by Employment Status – Malibu

	With a Disability	Percent of Total	No Disability	Percent of Total
Employed	259	40%	4,866	68%
Unemployed	0	0%	278	4%
Not in Labor Force	382	60%	1,985	28%
TOTAL	641		7,129	

American Community Survey 2014-2018 5-year estimates

Residential care facilities for six or fewer persons are permitted in the Rural Residential (RR) District, Single Family Density Residential (SF) District, Multiple Family Residential (MF) District, and Multifamily Beach Front (RBF) District, and residential care facilities for seven or more persons is permitted with a conditional use permit in the Commercial General (CG) District. There are two senior residential care facilities in Malibu. The City of Malibu does not have any City-initiated programs aimed at housing people with disabilities and defers to Los Angeles County programs. As stated in Housing Plan Program 2.4.b, the City

will review and revise the LIP and MMC to allow residential care facilities for seven or more persons in similar to other residential uses of the same type in the same zone with an administrative permit or without discretionary review, for persons of any age, and allow operation by for-profit agencies as well as non-profit agencies, and ensure that the ~~CUP~~ findings of the administrative permit are based on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process. Developmental Disabilities

As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 18;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency;
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Census does not record developmental disabilities as a separate category of disability. According to the California State Council on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.58%.[6] Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) currently provides community-based services to persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Westside Regional Center (WRC) located in Culver City (http://www.westsiderc.org/) provides services for people with developmental disabilities in Malibu. The WRC is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

There is no charge for diagnosis and assessment for eligibility. Once eligibility is determined, most services are free regardless of age or income. There is a requirement for parents to share the cost of 24-hour out-of-home placements for children under age

[6] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

18. This share depends on the parents' ability to pay. There may also be a co-payment requirement for other selected services.

Regional centers are required by law to provide services in the most cost-effective way possible. They must use all other resources, including generic resources, before using any regional center funds. A generic resource is a service provided by an agency that has a legal responsibility to provide services to the general public and receives public funds for providing those services. Some generic agencies may include the local school district, county social services department, Medi-Cal, Social Security Administration, Department of Rehabilitation and others. Other resources may include natural supports. This is help that disabled persons may get from family, friends or others at little or no cost. According to the latest available WRC Performance Report[7], the Center served approximately 9,130 individuals during 2020. Based on the California State Council on Developmental Disabilities' estimate that 1.58% of the population can be defined as having a developmental disability, 172 residents in Malibu are likely to have a developmental disability.[8]

Other community resources for persons with development disabilities include the Esperance Center in Malibu and Best Buddies International in the neighborhood of Westwood in the City of Los Angeles. The Esperance Center offers a variety of workshops, job assistance, and outings and activities for persons with developmental disabilities. It also operates a residential facility with six adults with developmental disabilities. Best Buddies International is a nonprofit organization working to create employment and development opportunities for persons with intellectual and developmental disabilities. The Best Buddies Living Program in Westwood is an independent inclusive living program near the University of California Los Angeles that provides housing and services to three residents that attend the university.

In addition to the services provided by the WRC, City housing programs that respond to the needs of this population include Program 2.4.c, which directs the City to remove or increase the individual capacity limit and revise parking regulations for emergency shelters, (and Program 3.1.d, which promotes the use of HCVs throughout the city.

7.2.5(b) Elderly

Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Recent HUD data (Table 7.2-19), estimated that of Malibu's 2,198 such households, 12.3% earn less than 30% of the surrounding area income, (compared to 24.2% in the SCAG region), 22.2% earn less than 50% of the surrounding area income (compared to 30.9% in the SCAG region). Many elderly persons are dependent on fixed incomes or have disabilities. Elderly homeowners may be physically unable to maintain their homes or cope with living alone. The housing needs of this group can be addressed through smaller units, accessory dwelling units, shared living arrangements, congregate housing, and housing assistance programs. The city does not have any deed restricted or affordable housing units dedicated to seniors.

The Malibu Senior Center offers programs for citizens who are independent and can care of their own personal needs. The Center is not a day care facility and medical staff is not

[7] https://westsiderc.org/wp-content/uploads/2021/06/WRC-Performance-Contract-Year-End-Report-for-2020.pdf
[8] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

employed by the City nor are there any medical professionals onsite; however, Senior Center staff members are trained in CPR and first aid. Participants are welcome to bring an attendant or caregiver with them in order to enjoy all of the services and programs.

Programs for seniors and active adults are offered in the City's 1,200-square-foot Senior and Active Adult Center, located in Malibu City Hall. The Center offers a wide variety of recreational, fitness, cultural, and educational programming, social events, and excursions to give seniors and adults opportunities to maintain and improve physical and mental well-being, life skills, and active social lives.

Courses and lectures offered in partnership with outside agencies include AARP driver safety, health screenings, smart money planning, downsizing your house, computer skills, and Alzheimer's awareness. Dial-a-Ride and Meals on Wheels resources are also available to seniors.

Table 7.2-19
Elderly Households by Tenure – Malibu

		Owner	Renter	Total	Percent of Total Elderly Households:
Income category, relative to surrounding area:	< 30% HAMFI	200	70	270	12.3%
	30-50% HAMFI	200	19	219	10.0%
	50-80% HAMFI	145	14	159	7.2%
	80-100% HAMFI	135	0	135	6.1%
	> 100% HAMFI	1,250	165	1,415	64.4%
	TOTAL	1,930	268	2,198	

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

7.2.5(c) Large Households

Large households are defined as those with five or more members. A lack of larger apartments in a community's rental housing stock may result in overcrowded conditions for large households. As seen previously (Table 7.2-3) approximately 161 owner households (4%) and 33 renter households (2%) in Malibu (194 total households, or 3.5% of total households) have five or more members. This distribution indicates that the need for large units with four or more bedrooms is expected to be significantly less than for smaller units. As Malibu has a higher share of senior residents than the region, it is likely that some large households include multigenerational living arrangements and/or live-in caregivers. Malibu has 1,423 housing units with four or more bedrooms, 88% of which are owner-occupied (1,249 housing units) as opposed to 11% renter-occupied (174 housing units). The inventory of large units (1,423) can sufficiently house the City's large households (194). However, the mismatch between adequately sized housing units and affordability is a factor that contributes to housing cost burden and overcrowding. Few resources are available for large low-income households as no deed restricted housing units exist in the city.

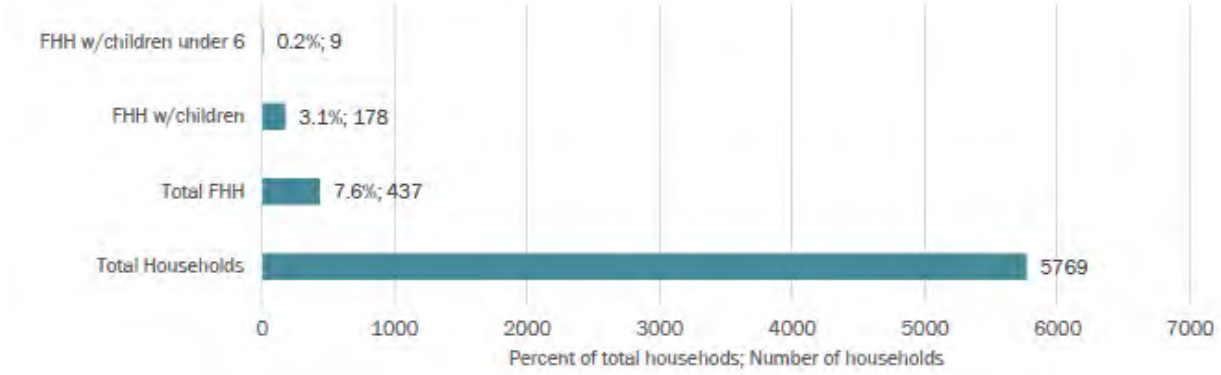
Several programs in the Housing Plan (Section 7.5) are designed to provide housing opportunities for large households and alleviate overcrowding. These programs include Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; Program 3.3. Housing for Persons with Special Needs, and Program 5.2 – Fair Housing Community Outreach.

7.2.5(d) Female-Headed Households

Of Malibu's 5,769 total households, 7.6% are female-headed (437 households) compared to 14.3% in the SCAG region, 3.1% are female-headed and with children (178 households) compared to 6.6% in the SCAG region, and 0.2% are female-headed and with children under 6 (22 households)compared to 1.0% in the SCAG region (Table 7.2-20). Female-headed households in Malibu are more likely to own than rent their home; 87% are homeowners (380 households) and 13% are renters (57 households). Female-headed households, especially those with children, often require special consideration and support due to their greater need for affordable housing, accessible childcare, healthcare, and other essential services. These households often find challenges in balancing parental duties and employment obligations while only having one source of income. This may lead to female-headed households to live below the poverty line. In Malibu, approximately 19% of single-parent, female-headed families in Malibu earn an income below the poverty level (36 households), while no female-headed households without children present earn an income below the poverty level. The percentage of single-parent female-headed households earning an income below the poverty line (19%) is higher than the percentage of the overall city population earning an income below the poverty line (13%). Single-parent female-headed households earning an income below the poverty line comprise approximately 5% of all households in poverty. Because no deed-restricted housing units exist in the city, there are few resources for these households. Organizations in Malibu and western Los Angeles County that assist single-parent households and lower-income households include The People Concern, St. Joseph Center, and the Westside Food Bank.

The City responds to the needs of female-headed households through the following Housing Plan programs: housing rehabilitation education and financial assistance to lower-income, elderly, and/or disabled households and homeowners; preservation of existing mobile home parks; annual monitoring of the replacement of affordable housing in the Coastal Zone; ensuring adequate capacity to accommodate housing needs; providing incentives to encourage mixed-use; providing education on available resources for the development of accessory dwelling units; and providing referral information to persons in need of assistance. Lower-income female-headed households can access housing choice vouchers if they qualify. However, there are no subsidized housing units in the city which limits housing options for lower-income female-headed renter households.

Table 7.2-20
Female Headed Households – Malibu



American Community Survey 2014-2018 5-year estimates.

7.2.5(e) Farmworkers

Farmworkers are traditionally defined as persons whose primary income is from seasonal agricultural work. Agricultural activities in the City are limited to small-scale horticultural businesses on approximately 25 acres of land scattered throughout the City, with some of these small farms doubling as event centers and places for family activities. These horticultural activities are not a significant source of employment and do not generate a demand for permanent farm worker housing. Recent Census estimates published by SCAG estimated a total of 29 persons Malibu residents employed in the agricultural industry. According to the United States Department of Agriculture, there were 3,266 farmworkers in Los Angeles County in 2017, 1,044 of which were seasonal farmworkers. Farming in the region is mostly in and near Oxnard, Camarillo, Thousand Oaks, and other cities and Ventura County lands to the north and east of Malibu. It is unlikely that employees of agricultural operations in these areas would commute from Malibu due to the distance from employment and the relatively high cost of housing in Malibu. The needs of agricultural employees are addressed by City regulations allowing agricultural employee housing in residential and agricultural zones consistent with the Employee Housing Act.

7.2.5(f) Homeless Persons

Throughout the country, homelessness has become an increasing problem. Factors contributing to the rise in homelessness include the general lack of housing affordable to lower-income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public assistance for the poor, and the de-institutionalization of the mentally ill.

The McKinney-Vento Homeless Assistance Act of 1986[9] defines a "homeless" person as an individual who lacks a fixed, regular, and adequate nighttime residence, or an individual whose primary nighttime residence is:

[9] 42 U.S.C. §11301, et seq.

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Federal agencies, such as the U.S. Department of Housing and Urban Development (HUD), interprets the McKinney-Vento definition to include only those persons who are on the streets or in shelters and persons who face imminent eviction (within a week) from a private dwelling or institution and who have no subsequent residence or resources to obtain housing.[10]

People are also at risk of homelessness when they experience a sudden drop in income or a rise in housing costs, and/or they do not have the skills necessary to manage their limited resources. According to the National Coalition for the Homeless (NCH), most individuals at risk of homelessness are on a fixed income or are marginally employed and have few ties to family and friends.

The 2022 Greater Los Angeles Homeless Count (latest available data) found that there were 81 people experiencing homelessness in Malibu, all of whom were unsheltered; 45% were counted as residing on the street or in makeshift shelters, while 65% were counted as residing in vehicles. The count did not include people who may be residing at the homes of friends or relatives. . The needs of the homeless vary by subpopulation. Mentally ill persons require housing supported by mental health care and counseling. Alcohol and drug abusers require treatment facilities and medical and social support services. Victims of domestic violence need shelter and social services to assist in the transition to independent living. Runaway and recently emancipated youths require shelter, combined with counseling and social services, in order to reintegrate them with their families or enable them to live independently. According to The People Concern, a social service agency offering homeless services, Malibu's homeless population has a disproportionately high prevalence of mental health issues and substance use compared to the general population.

State law (Section 65583(1) (6)) requires municipalities to address the special needs of persons experiencing homelessness within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD), describes an individual (not imprisoned or otherwise detained) who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
  - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - An institution that provides a temporary residence for individuals intended to be institutionalized; or

[10] "Who is Homeless?" 2009. Published by the National Coalition for the Homeless, July 2009. p. 1.

- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition does not include persons living in substandard housing (unless such housing has been officially condemned), persons living in overcrowded housing, persons discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends).

Facilities such as emergency shelters, low barrier navigation centers, transitional housing and supportive housing address the needs of the homeless and those at risk of becoming homeless. The City's Zoning Ordinance permits transitional and supportive housing in the Rural Residential District (RR), Single Family Density Residential District (SF), Multiple Family Residential District (MF), and Multifamily Beach Front District (RBF) and currently permits emergency shelters in the Commercial General District and Institutional District.

As stated in Housing Plan Program 2.4.c, the City will amend the LIP and MMC to remove individual capacity limits for emergency shelters to meet the requirements of AB 2339, and to revise parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583. The City will also amend the LIP and MMC as needed to allow transitional and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone, as specified in Housing Plan Program 2.4.a.

In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH), an independent organization of community volunteers, to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH entered into an agreement with The People Concern to bring two full-time outreach workers to Malibu daily in order to locate, engage, and build relationships with homeless individuals. The City continues to partner with The People Concern and contracts two outreach workers to assist with the City's homelessness programs and services. Since the program began, 72 individuals in Malibu have been placed in permanent housing.

Persons experiencing homelessness in Malibu can access housing assistance through various shelters and programs, including the following:

- **The People Concern**, based in Santa Monica, provides fully integrated "wraparound" services to chronically homeless individuals, people dealing with severe mental or physical illness or substance addiction, victims of domestic violence, and challenged youth. The People Concern assists individuals in need in obtaining subsidized permanent housing and provides interim housing for persons transitioning out of homelessness.
- **Project Homeward Bound** works directly with homeless individuals who find themselves stranded in Malibu without sufficient funds to support themselves, providing them with funds to return to their family and friends in other states where they can get a fresh start.
- **St. Joseph Center** provides permanent supportive housing services to homeless residents throughout Los Angeles County and provides short-term rental assistance and supportive services to those in need.

- The City's **Outreach Team** and **Housing Navigator** work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing.
- The City provides funding to the SHIELDS **Rapid Re-Housing for Adults and Veterans (RRAV)** program which connects individuals experiencing homelessness to permanent housing rental and provides move-in assistance, case management, and linkage and referral services.[12]

7.2.6 Assisted Housing at Risk of Conversion

State law requires that the Housing Element identify any residential projects in the City that are under an affordability restriction, along with those housing projects that are at risk of losing their low-income affordability restrictions within the ten-year period from 2021-2031. According to the SCAG, the California Housing Partnership Corporation and City records, there are no assisted low-income units in the City, and therefore, no housing units at risk of losing their low-income affordability.

7.2.7 Housing Constructed, Demolished or Converted within the Coastal Zone

California Government Code §65588(d) requires that the Housing Element update take into account any low- or moderate-income housing provided or required in the Coastal Zone pursuant to §6590 (the Mello Act[13]). State law requires that jurisdictions monitor the following:

- The number of new housing units approved for construction within the Coastal Zone (after January 1, 1982);
- The number of low- or moderate-income units required to be provided in new developments either within the Coastal Zone or within three miles of the Coastal Zone;
- The number of existing housing units in properties with three or more units occupied by low- or moderate-income households that have been authorized for demolition or conversion since January 1, 1982; and
- The number of low- or moderate-income replacement units required within the Coastal Zone or within three miles of the Coastal Zone.

Table 7.2-21 provides City statistics for housing units in the Coastal Zone through 2020.

Table 7.2-21
Malibu Coastal Zone Housing Units – 1982-2020

	Units
Number of new units approved for construction in the Coastal Zone after January 1, 1982	503
Number of new units for low- and moderate-income households required to be provided either within the coastal zone or within three miles of it	0

[12] City of Malibu. 2023. Homelessness. https://www.malibucity.org/865/Homelessness
[13] The Mello Act requires, in part, the replacement of affordable units demolished or converted within the coastal zone.

Number of units occupied by low- and moderate-income households and authorized to be demolished or converted	0
Number of units for low- and moderate-income households required either within the coastal zone or within three miles of it in order to replace those demolished or converted	0

Source: City of Malibu, 2021

7.2.8 Future Housing Needs

7.2.8(a) Overview of the Regional Housing Needs Assessment (RHNA)

The RHNA is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the period from June 30, 2021, to October 15, 2029. Local governments then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by SCAG in 2021. Future housing needs are determined by the forecasted growth of households in a community and also by "existing needs" due to overpayment and overcrowding. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, existing need, vacancy need, and replacement need – determines the new housing need for a community. Total housing need is then distributed among four income categories on the basis of the County's income distribution, with adjustments to avoid an over-concentration of low-income households.

7.2.8(b) 2021-2029 Housing Needs

The additional housing need assigned to Malibu for the 2021-2029 planning period is shown in Table 7.2-22.

Table 7.2-22
Regional Housing Needs - Malibu

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Source: SCAG 2021

Notes:

1. Includes the Extremely-Low-Income (ELI) category.
2. 14 units are assumed to be ELI pursuant to *Government Code* §65583.a.1

A discussion of the City's inventory of suitable sites to accommodate the City's housing need is provided in Section 7.4 – Resources and Opportunities, and Appendix B.

7.2.9(a) State and Federal Resources

Community Development Block Grant Program (CDBG) – The City does not have any housing that qualifies for CDBG funding. The City receives approximately $60,000 a year in CDBG funding. Of this total, 15% is spent on administration and program services (e.g., Malibu Community Labor Exchange).

Low-Income Housing Tax Credit Program – The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 in order to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income.

Mortgage Credit Certificates (MCC) – This program provides a federal tax credit for income-qualified homebuyers that is equivalent to 15% of the annual mortgage interest. Generally, the tax savings are calculated as income in order to help buyers qualify to purchase a home. Using an MCC, first-time homebuyers can save between $700 and $2,500 a year on their annual federal tax bill. The program is initiated by the homebuyer applying through a participating lender, who then submits an application to the Los Angeles County Development Authority (LACDA). The City is not involved in administering this process or approving loans.

7.2.9(b) Local Resources

The City does not have a housing department. The only local revenue source for affordable housing is through the City's approval of the Patriot Homes Overlay condominium project. The City Council resolution approving the project requires an in-lieu payment of $30,000 per unit, required at the time of the close of escrow, to be used for programs consistent with the City's Housing Element. An Affordable Housing Trust Fund, which contains in-lieu funds generated through development agreements, was established in 2013 (Ordinance No. 375). As of October 2023, the Trust Fund has a balance of $194,140. According to the City's Affordable Housing Ordinance, the Trust Fund can be used for the following[15]:

- Assistance to housing development corporations;
- Equity participation loans;
- Grants;
- Pre-home ownership co-investment;
- Predevelopment loan funds;
- Participation leases;
- Other public-private partnership arrangements;
- The acquisition of property and property rights;

[15] City of Malibu. 2023. Municipal Code, Affordable Housing. https://library.qcode.us/lib/malibu_ca/pub/local_coastal_program/item/local_implementation_plan-chapter_3-3_7

- Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;
- Costs of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk of deterioration;
- Other costs associated with the construction or financing of affordable housing;
- Reasonable administrative charges or related expenses; and
- Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

Contents

Appendices

Appendix F - Affirmatively Furthering Fair Housing

Appendix F – Affirmatively Furthering Fair Housing (AFFH)

The following section is new text subsequent to City Council adoption on January 10, 2022 and has not been denoted with formatting (underlines, strikethroughs, highlighting) to improve readability.

Introduction

Government Code § 8899.50 requires local agencies to affirmatively further fair housing (AFFH). Under California law, AFFH means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." California law requires Housing Elements to include an assessment of fair housing that addresses the following components:

- A summary of fair housing issues and assessment of the jurisdiction's fair housing enforcement and outreach capacity
- An analysis of segregation patterns and disparities in access to opportunities
- An assessment of contributing factors
- An identification of fair housing goals and actions.

Analysis of Fair Housing Methodology

Government Code Section 65583(c)(10)(A)(ii) requires the City of Malibu to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.

Resources

To conduct this analysis, the City utilized data from a variety of sources, including Housing and Community Development's (HCD) AFFH Viewer, Urban Displacement Project (UDP), CalEnviroScreen, California Tax Credit Allocation Committee (TCAC), and the 2018 Analysis of Impediments to Fair Housing Choice (AI) for the Community Development Commission and Housing Authority of the County of Los Angeles.

Housing and Community Development's AFFH Viewer

The AFFH Data Viewer is a tool developed by HCD that features census block group and tract level data from an expansive collection of sources including the American Community Survey (ACS), US Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), TCAC, and Urban Displacement Project (UDP). The Data Viewer tool serves as a resource for local and regional governments and provides the ability to explore spatial data patterns concerning fair housing enforcement, segregation, and integration, racially and ethnically concentrated areas of poverty, and disparities in access to opportunities and housing. The Data Viewer is intended to assist in the creation of policies that alleviate disparities, combat discrimination, and increase access to safe and affordable homes.

Urban Displacement Project (UDP)

The UDP was developed as a research initiative by the University of California, Berkeley in partnership with the University of California, Los Angeles. The tool was developed to track neighborhood change and identify areas that are vulnerable to gentrification and displacement in California. Indicators of gentrification and displacement are measured at the census tract level based on data from the 2017-2021 ACS. UDP indicators examine census tracts to identify areas that qualify as disadvantaged neighborhoods. Additionally, census tracts qualifying as disadvantaged neighborhoods per UDP's criteria are further analyzed to explore changes in the percentage of college educated residents, non-Hispanic white population, median household income, and median gross rents over time to determine levels of gentrification and displacement risk.

CalEnviroScreen

The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution. This tool is called the California Communities Environmental Health Screening Tool (CalEnviroScreen). CalEnviroScreen utilizes existing environmental, health, and socioeconomic data to rank census tracts based on 20 distinct indicators. In general, the higher the score, the more impacted a community is by pollution burdens and population vulnerabilities. Designated disadvantaged communities are those communities that scored within the highest 25 percent of census tracts across California (CalEnviroScreen percentile scores of 75 or higher).

California Tax Credit Allocation Committee (TCAC)

To assist in the analysis of integration and segregation in the context of race and income status, HCD and TCAC convened the California Fair Housing Task force to "provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD)." The Task force created opportunity maps to identify resource levels across the state to accompany new policies aimed at increasing access to high opportunity areas. These opportunity maps are made from composite scores of three different domains (economic, environmental, and education) with each including a set of indicators. Table F-1 shows the full list of indicators. The opportunity maps include a measure or "filter" to identify areas with poverty and racial segregation. To identify these areas, census tracts were first filtered by poverty and then by a measure of racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of the population under the federal poverty line
- Racial Segregation: Tracts with location quotient higher than 1.25 for Black, Hispanic, Asian, or all people of color in comparison to the county

Table F-1
Domains and List of Indicators for Opportunity Maps

Domain	Indicator
Economic	Poverty, Adult Education, Employment, Job Proximity, Median Home Value
Environmental	CalEnviroScreen 3.0 pollution Indicators and Values
Education	Math proficiency, Reading proficiency, High school Graduation Rates, Student Poverty Rates

Source: California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Maps, December 2020

2018 Analysis of Impediments to Fair Housing Choice for the Community Development Commission and Housing Authority of the County of Los Angeles

As part of the Community Development Block Grant (CDBG) program certification process, participating jurisdictions must prepare an analysis of impediments to fair housing choice every five years (See Appendix E). This analysis and the AI provide an assessment of the regional laws, ordinances, statutes, and administrative policies, as well as local conditions that affect the location, availability, and accessibility of housing. This analysis also considers the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing and provides solutions and measures that will be pursued to mitigate or remove identified impediments. The AI assesses the extent of housing needs among specific income groups and evaluates the availability of a range of housing choices for residents. Regionally, the AI identifies the following contributing factors to fair housing pertaining specifically to the cities located within Los Angeles County:

- Barriers to mobility
- Lack of affordable housing in a range of sizes
- Lack of sufficient accessible housing in a range of unit sizes
- Lack of sufficient publicly supported housing for persons with HIV/AIDS
- Land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general
- Presence of lead poisoning exposure
- substandard housing when compared to the total population
- Noise pollution due to plane traffic from Los Angeles International Airport
- Poor land use and zoning
- Sources of pollution and environmental hazards near housing
- Access to quality healthcare
- Food insecurity – Access to healthy and nutritious food options
- Location and access to local businesses, especially in economically depressed areas

Approach to Analysis

Appendix F is an assessment that evaluates fair housing issues. An assessment of fair housing identifies and analyzes patterns, trends, conditions, and practices that result in less fair housing choice. This Appendix F was prepared consistent with HCD's *Affirmatively Furthering Fair Housing Guidance for All Public Entities and for Housing Elements* (AFFH Guidance Memo).[1] The AFFH Guidance Memo was prepared in response to Assembly Bill 686, which amended Government Code § 8899.50 to require housing elements to include an assessment of fair housing. Government Code § 8899.50 stipulates that an assessment of fair housing include the following components:

i. A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
ii. An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
iii. An assessment of the contributing factors for the fair housing issues identified under clause (ii).
iv. An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
v. Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Appendix F provides a fair housing assessment organized along the following topics:

1. Fair Housing Enforcement and Outreach Capacity
2. Integration and Segregation Patterns and Trends
3. Racially and Ethnically Concentrated Areas of Poverty
4. Disparities in Access to Opportunity
5. Disproportionate Housing Needs
6. Local Data and Knowledge
7. Other Relevant Factors, including historical disinvestment, lack of infrastructure improvements, and presence of older affordable housing units that may be at risk of conversion to market-rate housing.

1 HCD, AFFH Guidance, p 7. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf#page=23

For each topic, trends are presented at the regional scale and locally at the city scale. Trends for overlapping issues were noted in the discussion for each topic and are referenced geographically by area or by census tract (see Figure F-1 for census tracts and neighborhoods within the city). Fair housing priorities, goals and actions are also provided specific to Malibu to address as implementation actions for the Housing Element. The goals and actions address the contributing factors for each theme itemized above.

Malibu's city boundaries overlap with six census tracts: 8004.06, 8004.10 8004.11, 8004.12, 8005.04, and 8005.06. Most of these census tracts contain unincorporated county areas outside of the city boundary. Since the Census data for each census tract aggregates data from all households in the census tract regardless of jurisdictional boundaries, the Census data may not accurately reflect data that pertains only to Malibu households. This analysis considers that discrepancy and noted where appropriate.

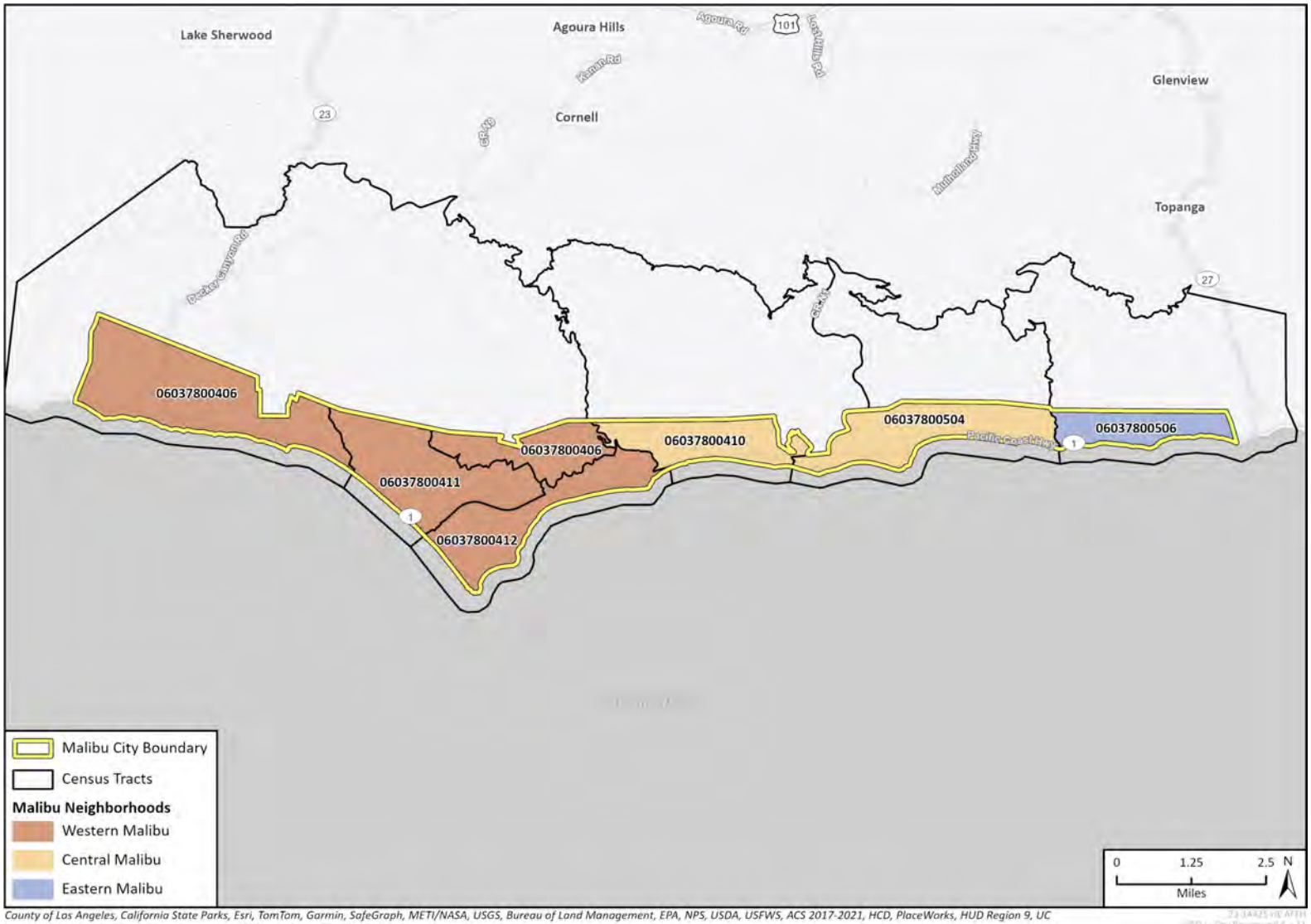
The neighborhoods and census tracts that make up Malibu include:

- Western Malibu: Consists of portions of Census Tracts 8004.06, 8004.11, and 8004.12. Census Tracts 8004.06 is primarily comprised of unincorporated land and extends approximately three miles past the city's boundaries into the Santa Monica Mountains. Census Tract 8004.12 encompasses the community of Point Dume.
- Central Malibu: Consists of portions of Census Tracts 8004.10 and 8005.04. These census tracts are primarily comprised of unincorporated land and extend approximately 2.5 and 1.5 miles into the Santa Monica Mountains, respectively.
- Eastern Malibu: Consists of a portion of Census Tract 8005.06, which is primarily comprised of unincorporated land and extends approximately 1.5 miles into the Santa Monica Mountains.

Fair Housing Enforcement and Outreach Capacity

Fair housing enforcement and outreach capacity relates to the ability of public jurisdiction and fair housing entities to disseminate information related to fair housing and provide outreach and education to assure community members are informed of fair housing laws and tenants' rights. In addition, enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

Figure F-1
City of Malibu Census Tracts and Neighborhoods



County of Los Angeles, California State Parks, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Regionwide Fair Housing Services

Throughout the County of Los Angeles, there are a variety of organizations that provide fair housing services (see Table F-2). These organizations helped to coordinate the development of the Los Angeles County Consolidated Plan for 2018 – 2023 (organizations shown in Table F-2). The Consolidated Plan assesses the county's affordable housing and community development needs by analyzing housing markets; articulating priorities, goals, and strategies to address identified needs; and describing the actions that need to be taken to implement strategies for affordable housing.

Table F-2
Organizations Active in Los Angeles County

Organization	Activities and Capacity
1736 Family Crisis Center	Outpatient services and emergency shelters
Housing Rights Center	Fair housing services
Helpline Youth Counseling	Individual and community wellness services
Shelter Partnership, Inc.	Affordable housing services
YWCA of Greater Los Angeles	Health related wellness services
Affordable Living for the Aging	Senior living housing services
Quality of Life center	Mental health services
Volunteers of East Los Angeles	Community wellness services
East Los Angeles Women's Center	Individual and community wellness services
WINTER	Education and career development services
St. Joseph Center	Educational and vocational services

Source: Los Angeles County Consolidated Plan 2018 – 2023.

Enforcement

The Housing Rights Center (HRC) is a large non-profit civil rights organization dedicated to securing and promoting fair housing. HRC services all of Los Angeles County, including Malibu. HRC investigates housing discrimination and offers free, confidential housing counseling to assist tenants with housing discrimination issues, rent increases, notices and evictions, repairs, security deposits, disability accommodations, and other fair housing concerns.

Fair housing testing and enforcement services are also provided by the State of California's Department of Fair Employment and Housing (DFEH), which has the authority to investigate and prosecute violations of state civil rights laws on a state-wide basis, including the use of discriminatory language in housing advertisements. Fair housing testing is a technique used to uncover evidence of discrimination in rental housing. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws. Enforcement actions may be taken when investigations yield evidence of a pattern or practice of illegal housing discrimination. Testing may be initiated following

the filing of a specific housing discrimination complaint or, as is the case when testing for disability discrimination, as part of an overall effort to determine whether the design or architectural features of a specific rental facility comply with state and federal accessibility requirements. In Los Angeles County, fair housing testing is used to identify unlawful housing discrimination practices based on the race, color, religion, sex, national origin, disability, familial status, marital status, age, ancestry, sexual orientation, and source of income of prospective renters.

HUD's Office of Fair Housing and Equal Opportunity maintains a record of all housing discrimination complaints filed. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status and retaliation. Between January 5, 2010, and June 26, 2020, 2,881 housing discrimination cases were filed within Los Angeles County by the Office of Fair Housing and Equal Opportunity. Overall, disability-related discrimination was the most reported—comprising 53 percent of all cases. Other complaints concerned race (21 percent), retaliation (15 percent), and familial status (16 percent).

Outreach

HRC organizes an annual fair housing conference and resource fair for housing providers. Housing rights workshops are offered to landlords, property managers, and community members. Information on federal and state fair housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability is presented to workshop participants. Bilingual media outlets (primarily English and Spanish) and social media platforms are used to promote the conference and scheduled workshops and provide general information on fair housing. Information on rental housing options gathered from various classified and rental property sources is published on a monthly basis and distributed to the public and to social services representatives throughout Los Angeles County. Individual assistance is provided to landlords and tenants, with a focus on low- and moderate-income households.

Local Enforcement and Outreach

The City of Malibu is a participating city in the Los Angeles Urban County, which is a consortium of 48 cities that was formed to be eligible to receive HUD entitlement grants. The Los Angeles County Development Authority (LACDA) administers the Los Angeles County's CDBG programs for the Los Angeles Urban County. The CDBG programs include fair housing assistance programs through the Housing Rights Center, including legal counseling, discrimination complaints investigation, and landlord/tenant counseling. Services are provided throughout the County.

Enforcement and Compliance with Existing Fair Housing Laws

The City of Malibu is subject to state and federal laws related to fair housing. These laws include the following:

- Fair Housing Act; Title VI of the Civil Rights Act of 1964. The City complies by ensuring its actions related to housing are not discriminatory through City

protocols, decision-making procedures, and adhering to non-discrimination requirements of federal funding programs.

- Rehabilitation Act of 1973. See Fair Housing Act; also, the City complies through its accessibility protocols, administered and enforced by the City's ADA Coordinator. See https://www.malibucity.org/DocumentCenter/View/29478/ADA-Grievance-Form?bidId=
- American Disabilities Act. The City complies with the ADA through building permit review and issuance and as described in this Housing Element.
- California Fair Employment and Housing Act (FEHA) Regulations. The City complies with FEHA and its regulations through established City protocols decision making, legal counsel and advisement.
- Government Code Section 65008. The City Zoning Code is written to ensure that the City's actions regarding the development of housing for persons and families of very low, low, moderate, and middle incomes, or emergency shelters for the homeless, are not discriminatory. Programs have been included in this Housing Element to remove constraints and facilitate housing for all households, including protected classes (e.g., programs regarding residential care facilities, emergency shelters, etc.)

  Government Code Section 8899.50. Appendix F of this Housing Element documents compliance with Affirmatively Furthering Fair Housing requirements.
- Government Code Section 11135 et seq. The City complies with anti-discrimination requirements through the City's Human Resources programs and the City's procurement protocols.

  Density Bonus Law (Gov. Code, Section 65915.). The City will update its density bonus ordinance to comply with the new provisions as part of the updates to the Zoning Ordinance (Program 3.4).
- Housing Accountability Act (Gov. Code, Section 65589.5.). The City has documented compliance with the Housing Accountability Act as described in Chapter 7.4, Housing Constraints.
- No-Net-Loss Law (Gov. Code, Section 65863). The City has documented compliance with sufficient capacity for RHNA and will ensure compliance with no-net loss via required annual reporting to HCD.
- Least Cost Zoning Law (Gov. Code, Section 65913.1). The City includes programs in this Housing Element to ensure that sufficient land is zoned with appropriate standards to accommodate its RHNA.
- Excessive subdivision standards (Gov. Code, Section 65913.2.). The City's subdivision standards are typical or not excessive in compliance with the Government Code.
- Limits on growth controls (Gov. Code, Section 65302.8.). The City complies as it has no growth control measures.
- Housing Element Law (Gov. Code, Section 65583, esp. subds. (c)(5), (c)(10).). This Housing Element documents compliance with Housing Element Law.

The City of Malibu complies with these laws through the City's daily operations. The City complies with the California Fair Employment and Housing Act (FEHA), prohibiting discrimination based on marital status, ancestry, source of income, sexual orientation, and arbitrary discrimination in addition to the groups protected under federal fair housing legislation. The City does not have local ordinances that relate to fair housing.

As a participant of the Los Angeles Urban County program for CDBG funds, the City is served by the HRC, which provides fair housing services countywide under a contract with the LACDA. The City refers requests for services to HRC. Any complaints or requests for services are referred to the HRC for investigation and action. According to HUD data, the City had three fair housing discrimination cases between 2013 and 2022. One complaint was on the basis of disability, one on the basis of sex, and one on the basis of retaliation. HRC did not receive calls from Malibu residents from July 2022 through June 2023.[2] The City is unaware of any past or current fair housing lawsuits.

Outreach

The City advertises fair housing services through the placement of fair housing service brochures at the public counter and at the Malibu Senior Center. Apartment owners and managers are provided with current information about fair housing issues, rights and responsibilities. The Apartment Association of Greater Los Angeles conducts seminars on state, federal and local fair housing laws and compliance issues. The City website does not provide fair housing information. Program 5.1 requires the City to provide more information and resources on fair housing, and Program 5.2 Fair Housing Community Outreach aims to provide community outreach to increase participation from all sectors in the community in developing the City's housing policies and overall planning process. Specifically, outreach for affordable housing opportunities will extend beyond city limits to include workers who work but do not live in the City.

Integration and Segregation Patterns and Trends

To inform priorities, policies, and actions, the housing element must include an analysis of integration and segregation, including patterns and trends, related to people with protected characteristics. Integration generally means a condition in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area. As defined in Title 24 Code of Federal Regulations (CFR) Section 5.151, segregation generally means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. In order to adequately assess the patterns of both integration and segregation, trends at the regional scale are presented for the greater Los Angeles region and at the local scale for the City of Malibu.

[2] Communication with Javier Beltran, HRC. September 2023.

Race and Ethnicity

The ethnic and racial composition of a region relates to fair housing concerns such as household size, locational preferences, and economic opportunity.

Regional Trends

In the Southern California region, Hispanic/Latino populations are most concentrated in and around South Los Angeles, to the north of Los Angeles near the City of San Fernando, and in central Orange County near the City of Santa Ana. Asian American populations are most prevalent in Downtown Los Angeles, East Los Angeles, near the cities of Alhambra, Monterey Park, and Chino Hills, and in Orange County near the cities of Cerritos, Westminster, and Irvine. The largest concentration of Black/African American populations is in South Los Angeles and the nearby unincorporated county communities of Athens-Westmont and View Park/Windsor Hills. White populations tend to have highest prevalence near the coast, including in Malibu, and along the Interstate 210 Corridor south of the San Gabriel Mountains. Los Angeles County has the one of the highest percent of non-white population in the Southern California Association of Governments (SCAG) region, second to Imperial County.[3]

The areas with highest percentage of non-white residents in the region are in South Central Los Angeles, near the city of San Bernadino, eastern San Fernando Valley, and in central Orange County near the city of Garden Grove. These areas have at least 80 percent of non-white residents, as shown in Figure F-2. Comparatively, the less urbanized areas of the region and along the coast have a significantly lower percentage of non-white populations.

HUD utilizes the racial/ethnic dissimilarity index to measure segregation levels across a defined geographic boundary. The racial/ethnic dissimilarity index ranges from 0-100, where 0 represents perfect integration between racial groups and 100 representing perfect segregation.[4] According to the most recent HUD data, segregation levels in Los Angeles County are roughly similar to the Los Angeles-Long Beach-Anaheim region (as defined by HUD). Over the past three decades, the racial/ethnic segregation index score in Los Angeles County fluctuated (Table F-3). Since 2010, segregation increased between non-white and white residents; and between Asian American/Pacific Islander, Hispanic/Latino, and /white residents. Segregation between Black/African American and white residents decreased during this time.

Table F-3
Racial Dissimilarity Index Values for Segregation (Los Angeles County and Los Angeles-Long Beach-Anaheim Region)

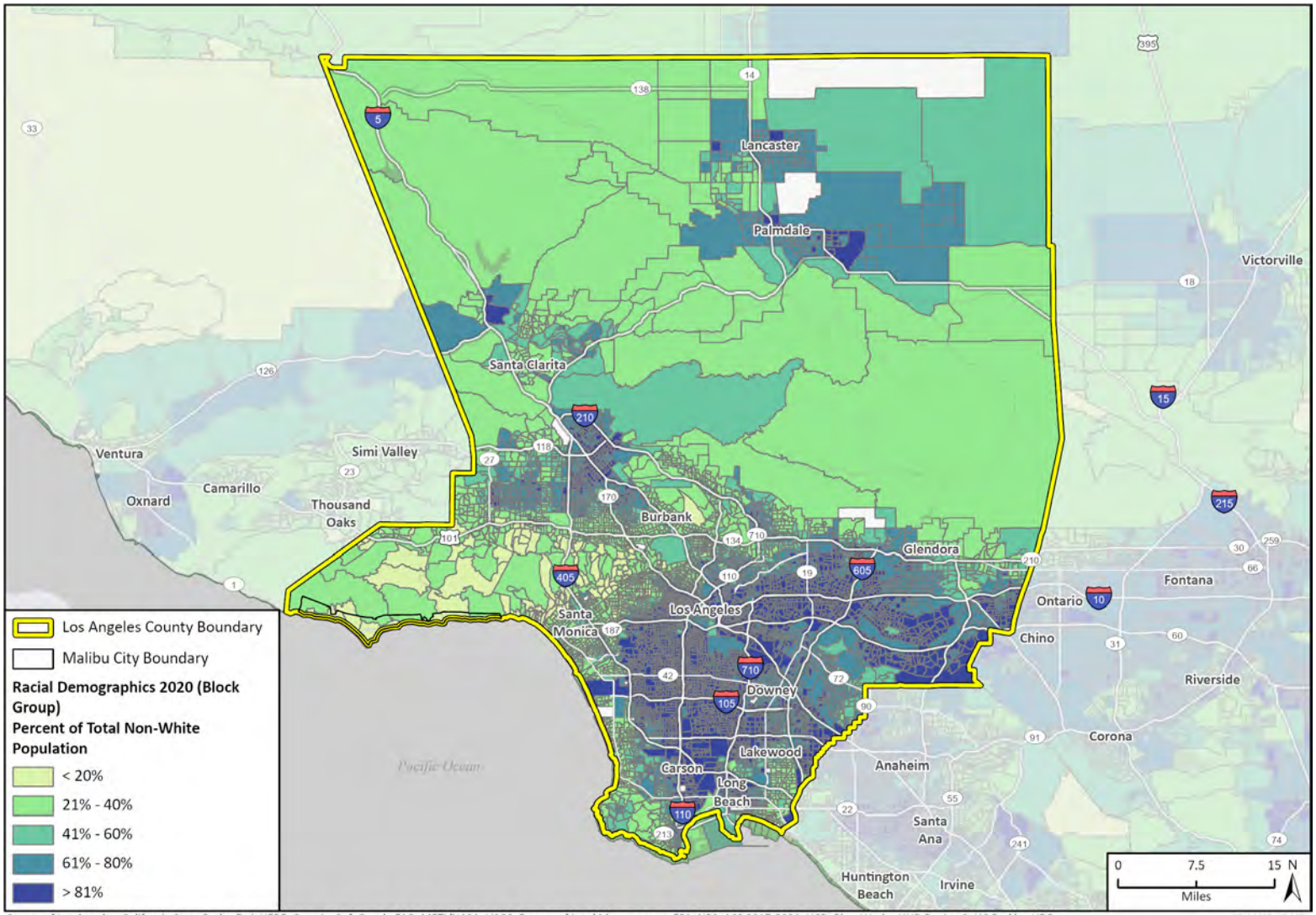
	Los Angeles County				Los Angeles-Long Beach-Anaheim Region			
Race	1990	2000	2010	Current	1990	2000	2010	Current
Non-White/White	53.33	53.62	53.85	55.87	55.32	55.50	54.64	56.94

[3] SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf#:~:text=People%20of%20color%20currently%20comprise,2024%20RTP%2FSCS%20Projection), accessed August, 2023.
[4] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf

Black/White	68.29	63.51	60.24	64.21	72.75	68.12	65.22	68.85
Hispanic or Latino/White	62.81	64.99	64.38	65.12	60.12	62.44	62.15	63.49
Asian or Pacific Islander/White	41.58	48.57	49.62	52.79	43.46	46.02	45.77	49.78

Source: HUD, 2023, Table 3 – Racial/Ethnic Dissimilarity Trends

Figure F-2
Percentage Total Non-White Population (Los Angeles County)



Source: AFFH Viewer, 2023

Local Trends

According to the 2020 Census, white residents comprised the most prevalent racial/ethnic group in Malibu. Table F-4 shows the population by racial category for Malibu in 2010 and 2020 and compares the 2020 population to the composition of the Southern California region in 2020. Malibu's racial composition has a higher percentage of white, non-Hispanic residents than the Southern California region and a lower percentage of non-white residents. Approximately 77 percent of Malibu's population is non-Hispanic white compared to approximately 30 percent of the Southern California regional population. The percentage of Hispanic/Latino residents in Malibu is 12 percent, compared to approximately 47 percent of the Southern California regional population.

Malibu's population has become more diverse during the past decade, but most of the city is designated an area of high white segregation by HUD, as shown in Figure F-3. The areas that are not designated high white segregation do not have available data.

The concentration of non-white residents by census tract is shown in Figure F-4. The figure shows that areas with 20 percent non-white residents are located in the area neighborhood of Point Dume and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu. The figure also shows that certain areas of the city are 21-40 percent non-white. However, these areas are primarily located within the census tracts that contain large areas of unincorporated Los Angeles County (Census Tracts 8004.06, 8004.10, and 8005.06) . This overlap with County land may affect the census data concerning racial composition within the boundaries of Malibu and may not accurately reflect the population in the city. Given local knowledge of City staff, it is likely that the racial composition of Census Tracts 8004.06, 8004.10, and 8005.06 are similar to other areas of the city with 20 percent non-white residents.

Table F-4
Share of Population by Racial/Ethnic Group, City of Malibu and the Southern California Region

Race	Malibu (Percent of Population)		Southern California Region (Percent of Population)
	2010	2020	2020
Hispanic/Latino	6.7	12.0	46.7
Non-Hispanic White	82.0	77.1	30.3
Black/African American	1.4	0.5	6.2
Asian American/Pacific Islander	4.5	2.8	13.5
Other or Multiple Races	0.0	0.5	3.1

Source: US Census, 2020. ACS Demographic and Housing Estimates, Table DP05; SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf

Figure F-5 shows the predominance of white populations in the city. White residents are the predominant racial/ethnic group in all census tracts in the city.

Figure F-3
Neighborhood Segregation (Malibu)



Source: AFFH Viewer, 2023

Figure F-4
Percent of Total Non-White Population (Malibu)



Source: AFFH Viewer, 2023.

Figure F-5
Predominant Populations (Malibu)



Source: AFFH Viewer, 2023

Persons with Disabilities

Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or make it difficult to care for oneself. Disabled persons often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. The living arrangement of persons with disabilities depends on the severity of the disabilities and the available resources. Many people with disabilities live at home in an independent arrangement or with other family members. To maintain independent living, people living with disabilities may need assistance. Four factors – affordability, design, location, and discrimination – significantly limit the supply of housing available to households of people with disabilities.

Regional Trends

According to 2021 ACS estimates, 1,004,632 Los Angeles County residents have one or more disabilities, or 10.1 percent of the total population. Most of this population are seniors: 4.7 percent are aged 18 or younger, 13.8 percent are between the ages of 18 and 64, and 73.7 percent are 65 and older. Figure F-6 shows the percent of population living with a disability for each census tract in Los Angeles County. In most of the county, less than 20 percent of the population has one or more disabilities. There are small areas with more than 40 percent of the population with a disability in Long Beach, Santa Monica, and Downtown Los Angeles.

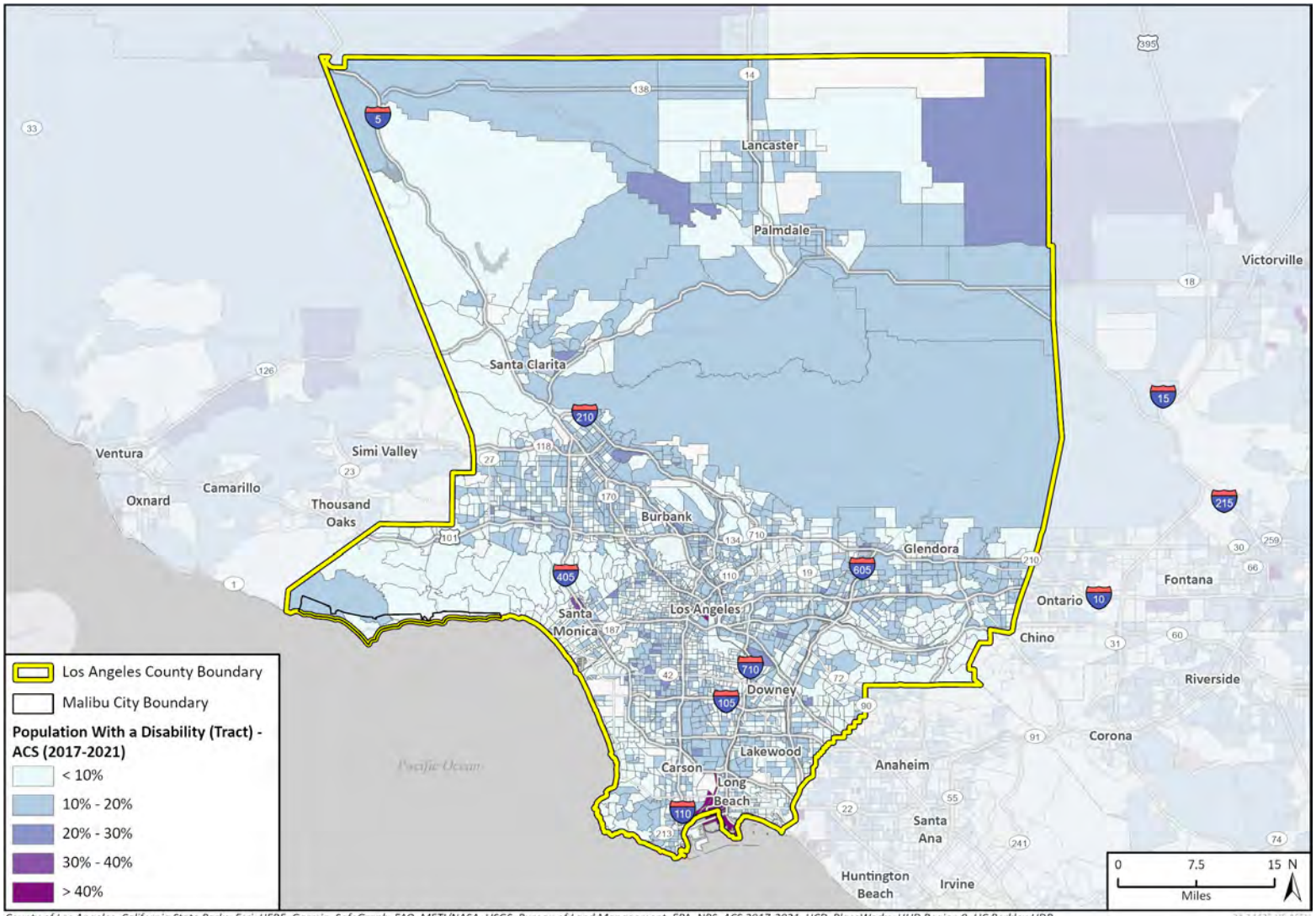
Local Trends

Approximately 883 residents (8.1 percent) of Malibu's population live with one or more disabilities. This is lower than the county average of 10.1 percent. According to 2021 ACS estimates shown in Figure F-8, cognitive difficulty was the most common disability reported by Malibu residents.

Figure F-7 shows the percentage of the population living with one or more disabilities in the city by census tract. In most areas of the city, less than 10 percent of residents live with a disability. The census tract that makes up the majority of Western Malibu and the area north of Point Dume (Census Tract 8004.06) has between 10 to 20 percent of residents reporting living with one or more disability. This census tract also has a high percentage of residents who are over 65 years of age (29 percent). However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. Residents in Western Malibu live further away from resources such as grocery stores, retail, and community facilities than residents in Central and Eastern Malibu. Combined with a lack of transit options, this distance creates a disproportionate burden on residents with disabilities in Western Malibu, particularly those who do not have access to or ability to drive a vehicle.

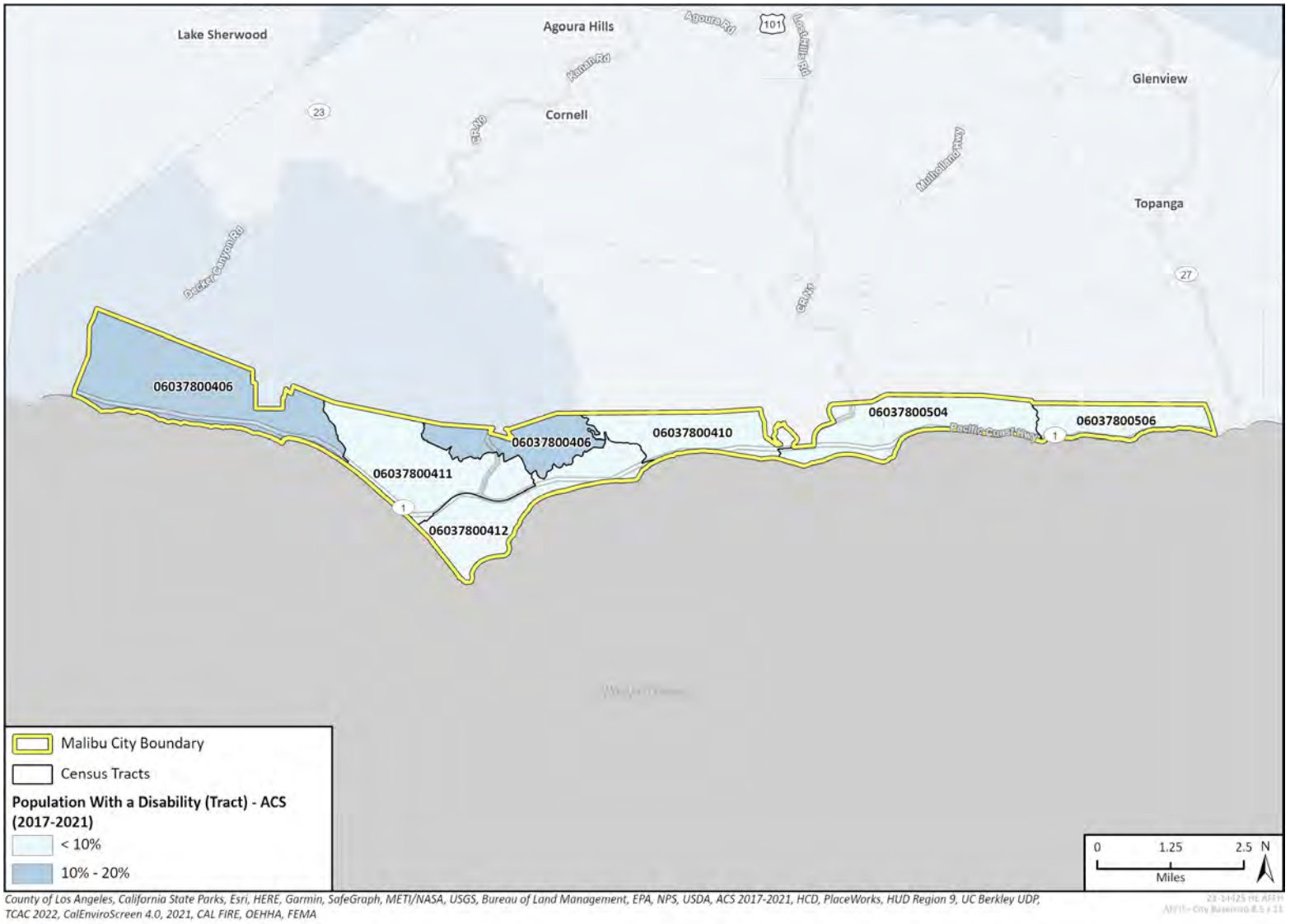
As noted in Chapter 7.2, *Housing Needs Assessment*, there are two senior residential care facilities in Malibu, but there is no housing specifically for people with disabilities. The City will implement Program 2.4b to remove constraints to the development of residential care facilities.

Figure F-6
Percent of Population with a Disability (Los Angeles County)



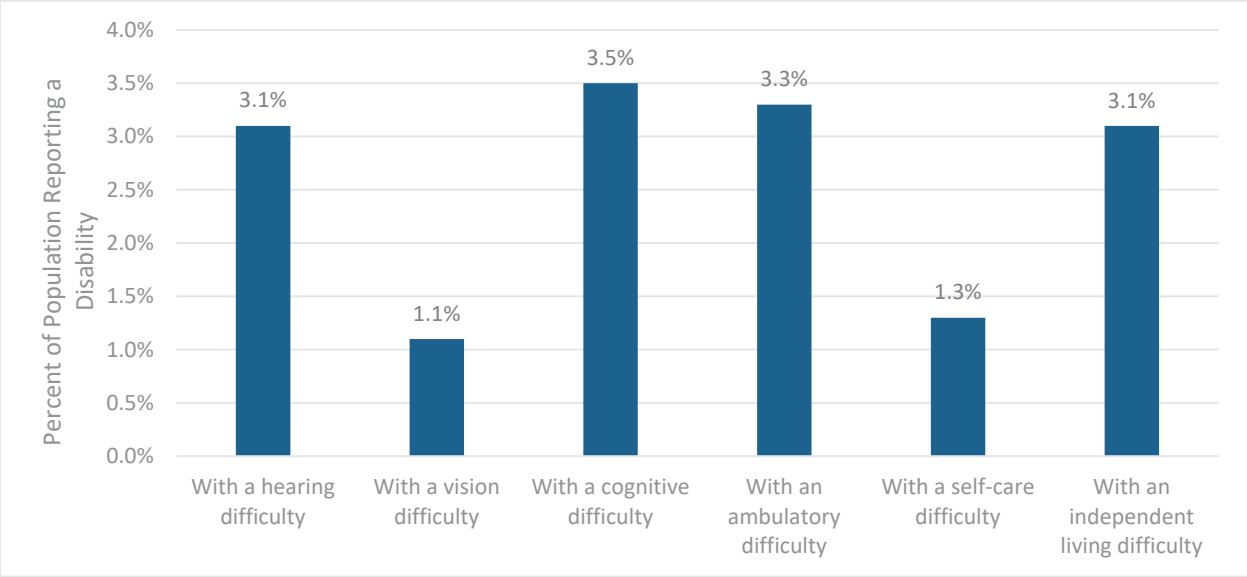
Source: AFFH Viewer, 2023

Figure F-7
Percentage of Population with One or More Disabilities (Malibu)



Source: AFFH Viewer, 2023

Figure F-8
Disability by Type (Malibu)



Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.
Source: U.S. Census Bureau, American Community Survey 1-Year Estimates (2021), Table S1810

Familial Status

According to the Fair Housing Act, familial status refers to the presence of children under the age of 18 in a household with a legal guardian or designee of such guardian.[5] HUD provides examples of familial discrimination as (a) refusing to rent to families with children; (b) evicting families once a child joins the family through, e.g., birth, adoption, custody; (c) requiring families with children to live on specific floors or in specific buildings or areas; (d) imposing overly restrictive rules about children's use of the common areas (e.g., pools, hallways, open spaces); and (e) advertising that prohibits children.[6] Single parent households are protected by Government Code § 65583(a)(7). Because of their relatively lower incomes and higher living expenses, single-parent households can have limited options for affordable, decent, and safe housing. As a result, single parents are considered to be among the groups most at risk of experiencing poverty.

In addition to barriers to fair housing for single-parent households, large families can also experience housing discrimination as property owners impose occupancy limitations that can preclude large families with children. HUD data shows that familial status discrimination ranks third in discrimination of protected classes, behind discrimination due to disability and race.[7]

[5] 42 U.S. Code sections 3601, *et seq*., the Fair Housing Act.
[6] https://www.hud.gov/program_offices/fair_housing_equal_opp/discrimination_against_families_children#_Who_Is_Protected?
[7] U.S. Department of Housing and Urban Development. "Annual Report on Fair Housing FY 2017."

Regional Trends

About 35 percent of all households within Los Angeles County are family households, consisting of two or more individuals who are related by birth, marriage, or adoption, although they also may include other unrelated people. Non-family households consist of people who live alone or who share their residence with unrelated individuals. Approximately 15 percent of households are characterized as female-headed, single-parent households, as shown in Figure F-9. There are areas with a higher concentration of households with children who reside in female-headed, single-parent households in the neighborhoods of South Central and San Pedro in Los Angeles, and the cities of Inglewood and Huntington Park.

Table F-5 shows a breakdown of each household type in the county. Countywide, 58.4 percent of owner-occupied households are married couple families while 23.3 percent are categorized as non-family households. In contrast, non-family households constitute the majority of renter-occupied households, with 41.9 percent as non-family households and 30.3 percent as married-couple families. Figure F-10 highlights the percentage of children residing in married-couple households. There are greater percentages of children in married-couple households in relatively less urbanized communities of the county. Highly urbanized neighborhoods within and surrounding the City of Los Angeles have lower percentages of children in married-couple households compared to cities near the coastal region and the county periphery.

Additionally, 12.0 percent owner-occupied households are headed by a female-headed householder with children present, while 6.1 are headed by a male-headed householder with children present. Approximately 17.1 percent of renter-occupied households are female-headed compared to 8.6 percent that are male-headed household.

Table F-5
Household Type by Tenure (Los Angeles County)

	Owners		Renters	
Household Type	Households	Percent	Households	Percent
Married couple family	917,264	58.4%	548,495	30.3%
Male householder, no spouse present	96,698	6.1%	157,039	8.6%
Female householder, no spouse present	188,337	12.0%	309,816	17.1%
Non-family households	365,710	23.3%	792,228	41.9%
Total Households	1,568,009	100.0%	1,807,578	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

Local Trends

Table F-6 shows household type by tenure in the City of Malibu. Owner-occupied households are predominantly married-couple households. Approximately 68 percent of owner-occupied households in Malibu are family households, slightly less than the Southern California region. Thirty percent are categorized as non-family households, which is higher than the Southern California region. The higher percentage of non-family

households in the city may be due to the city's proximity to Pepperdine University and college students residing in off-campus housing as roommates. Only 60 percent of undergraduate students reside on campus; therefore, 40 percent reside off-campus and likely in Malibu.[8] The higher percentage may also be due to a higher percentage of single-person households and seniors living alone.

Of the family households, 57.8 percent of owner-occupied households in Malibu are married-couple families. In contrast, family households comprise 49.6 percent of renter-occupied households, while non-family households comprise 50.1 percent. Of the family households, married-couple families comprise 40.5 percent of renter-occupied.

Of all owner-occupied households, female-headed households comprise approximately 6.3 percent male-headed households comprise 3.7 percent. Of all renter households, female-headed comprise 4.9 percent and male-headed households comprise 4.2 percent. As shown in Figure F-11, children in female-headed households comprise less than 20 percent of all households with children present in all areas of the city. Female-headed households do not appear to be segregated from other populations in Malibu. The percentage of households in Malibu that are single-parent households for both renter- and owner-occupied households is less than in the Southern California region.

As shown in Figure F-12, the east Malibu has a higher percentage of children in married couple households than western Malibu.

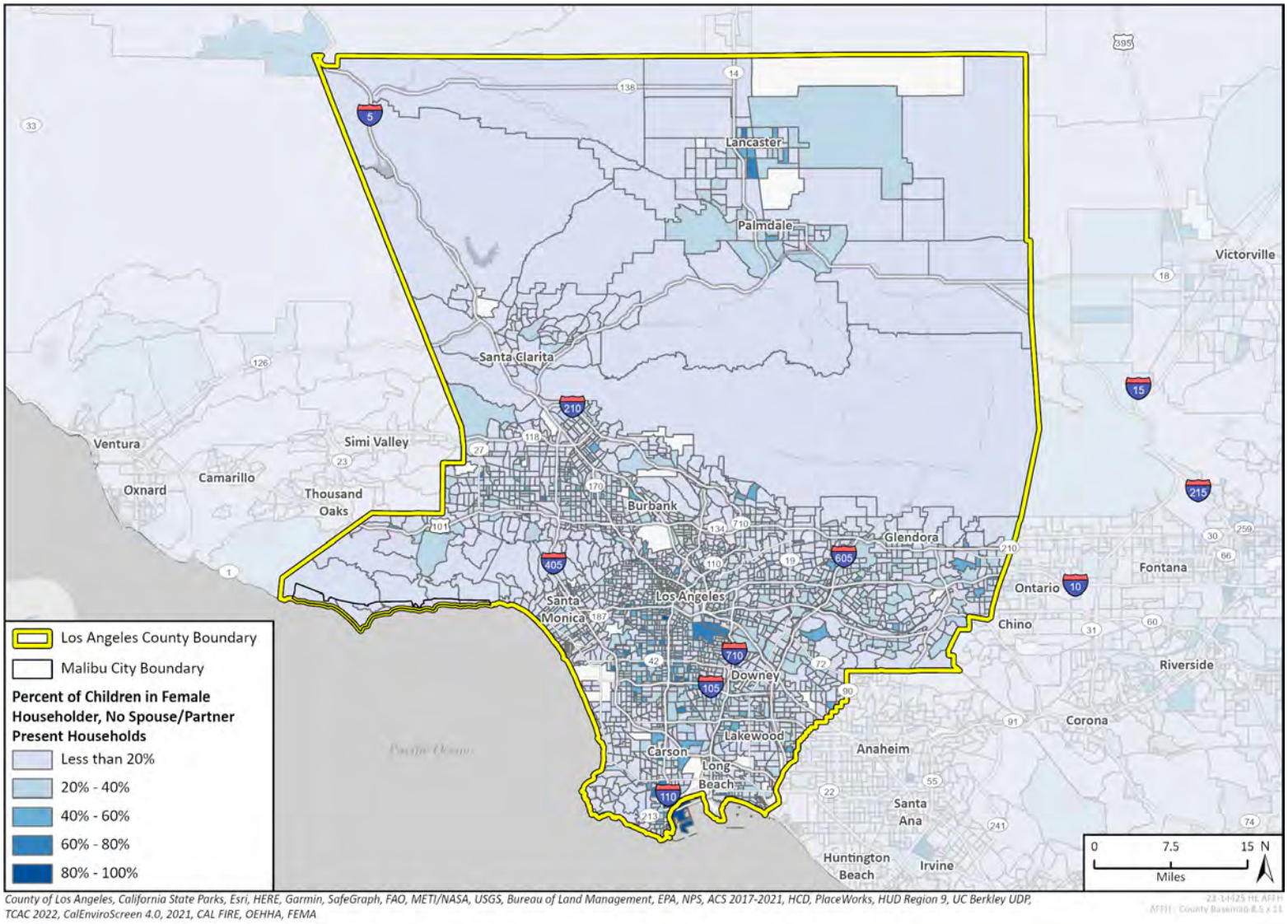
Table F-6
Household Type by Tenure (City of Malibu)

Household Type	Owner		Renter	
	Households	Percent	Households	Percent
Married couple family	1,965	57.8%	425	40.5%
Male householder, no spouse present	128	3.7%	45	4.2%
Female householder, no spouse present	215	6.3%	52	4.9%
Non-family households	1,087	32.0%	525	50.1%
Total Households	3,395	100.0%	1,047	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

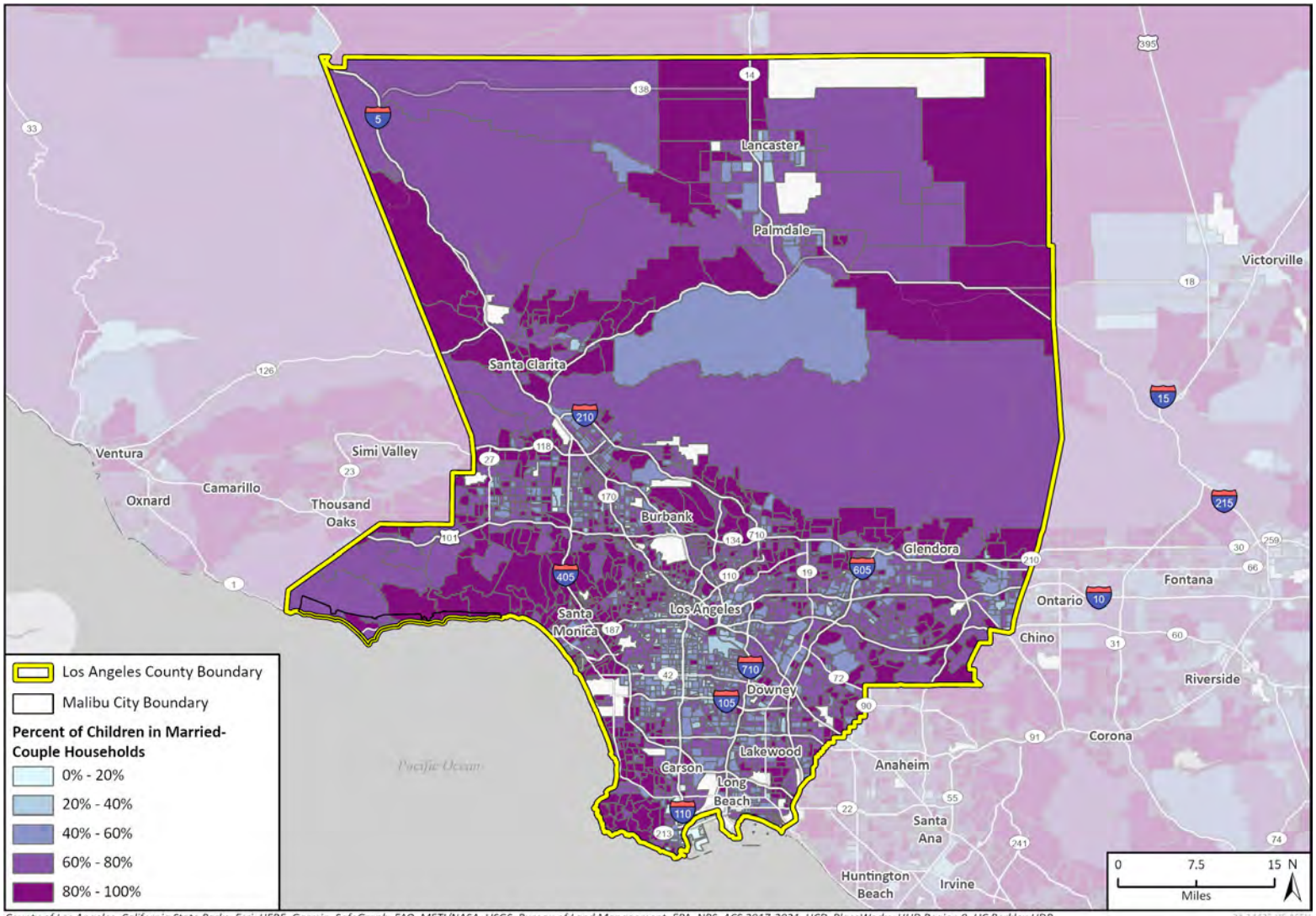
[8] Pepperdine University. 2018. https://www.pepperdine.edu/oie/content/pdf/housing_residence_life_program_review_2018.pdf

Figure F-9
Female Headed Households with Children, No Spouse/Partner Present (Los Angeles County)



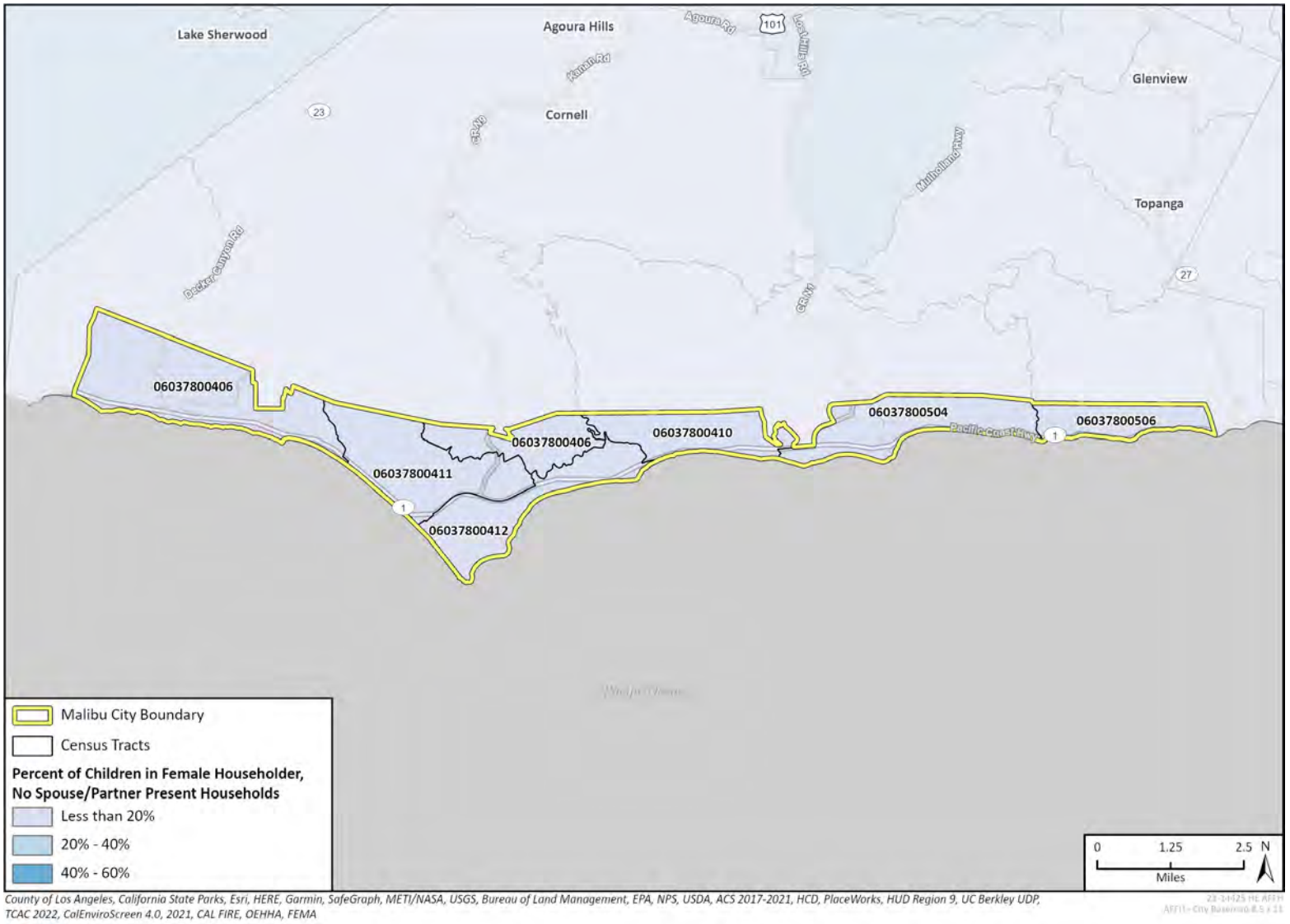
Source: AFFH Data Viewer, 2023

Figure F-10
Percent of Children in Married-couple Households (Los Angeles County)



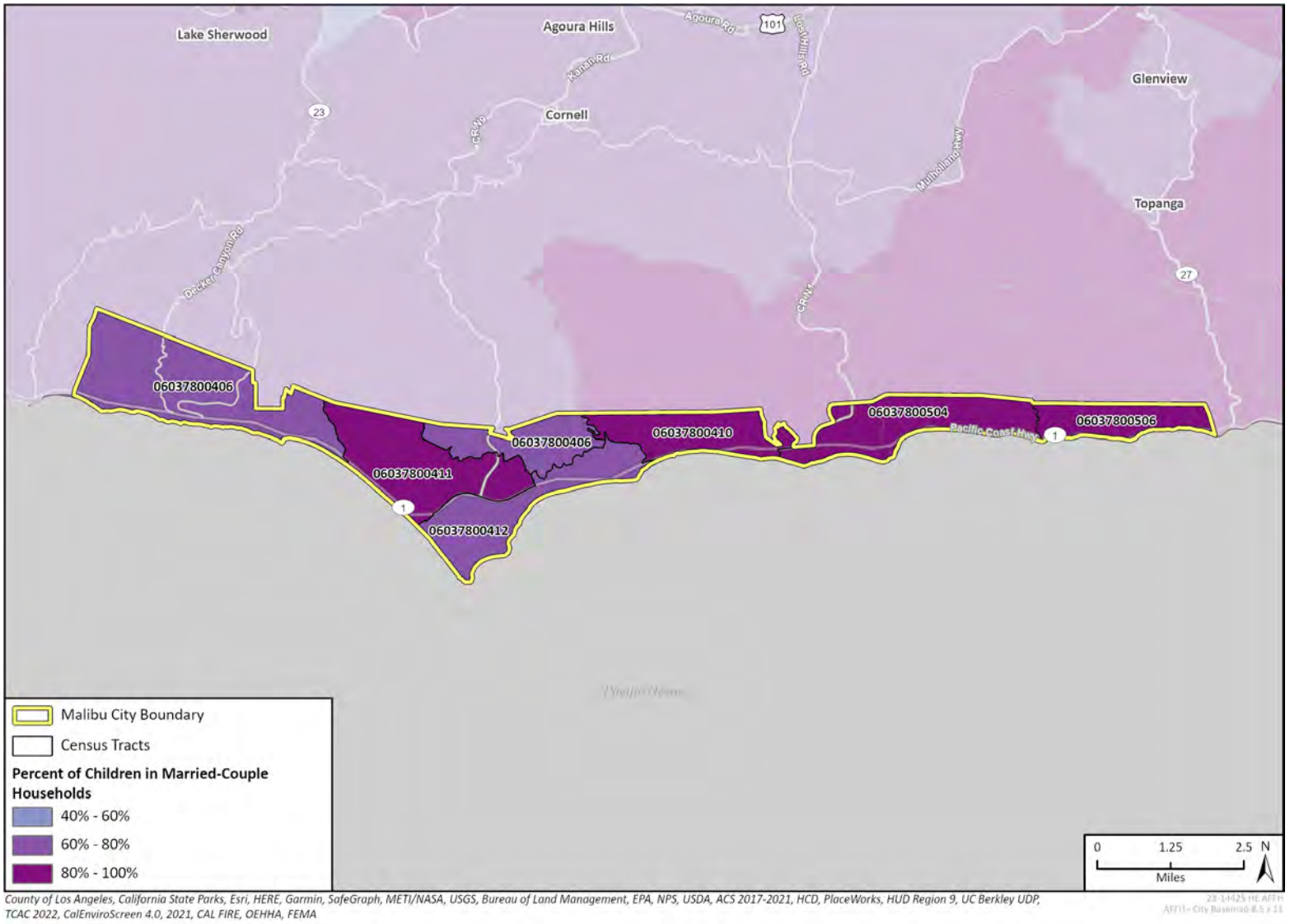
Source: AFFH Data Viewer, 2023

Figure F-11
Female Headed Households with Children, No Spouse/Partner Present (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-12
Percent of Children in Married-couple Households (Malibu)



Source: AFFH Data Viewer, 2023

Household Income

Household income is directly connected to the ability to afford housing. Higher-income households are more likely to own rather than rent housing. As household income decreases, households tend to pay a disproportionate amount of their income for housing and the number of persons occupying unsound and overcrowded housing increases. To achieve fair housing objectives, people in low-income households must have a choice in housing opportunities—that is, when they are able to locate units that are affordable and well maintained in all parts of a jurisdiction and region.

This section identifies household income disparities using data based on median household income and low or moderate income (LMI) geographies. HUD defines an LMI area as a census tract or block group where over 51 percent of the population is LMI. The definition of low or moderate income is based on HUD income definitions of up to 80 percent of the AMI.

Regional Trends

According to 2021 ACS estimates, Los Angeles County has a median household income of $77,456, which is similar to the Southern California regional median household income of $77,430.

As shown in Figure F-13, there are concentrations of low and moderate income (LMI) households throughout Los Angeles County, centered within and around the City of Los Angeles and scattered throughout cities in the San Fernando Valley and San Gabriel Valley. The largest concentration of LMI households is in the Downtown and South-Central neighborhoods of the City of Los Angeles. In most of these areas, between 75 and 100 percent of households are LMI households. Regionally, coastal cities such as Malibu generally have a lower percentage of LMI households (less than 25 percent), except for the cities of Long Beach and Santa Monica.

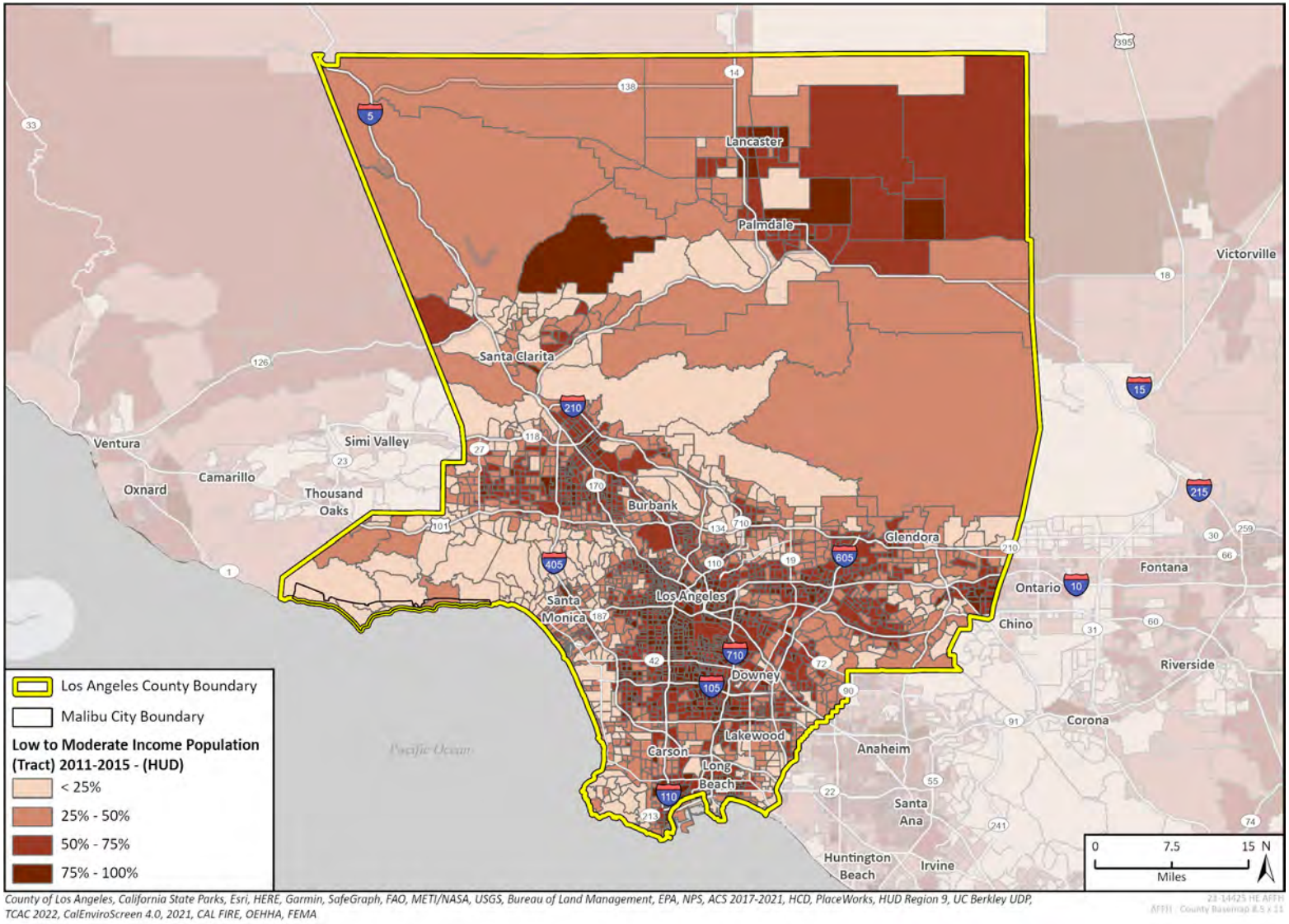
Local Trends

According to 2021 ACS estimates, Malibu has a median household income of $178,594, approximately 230 percent higher than Los Angeles County's median income of $77,456. Figure F-14 shows the median household income in Malibu by census tract. Eastern Malibu and the census tract north of Point Dume (Census Tract 8004.11) have the highest median annual household income in the city (greater than $175,000).

Figure F-15 shows the percent of households that are LMI households, by census tract. The percentage of LMI households is low throughout most of the city, but there is an LMI household concentration between 25 and 50 percent in Census Tract 8005.04, which includes the Civic Center in Eastern Malibu. This area has a higher concentration of commercial uses and is in proximity to Pepperdine University. While the campus is not within Malibu city limits, it is located within the same census tract. On-campus student housing does not factor into census-designated households. However, as noted previously, approximately 40 percent of students live off campus, and likely reside close to the university. It is possible that a higher number of students live in this census tract than other census tracts, accounting for the higher percentage of LMI households. This census

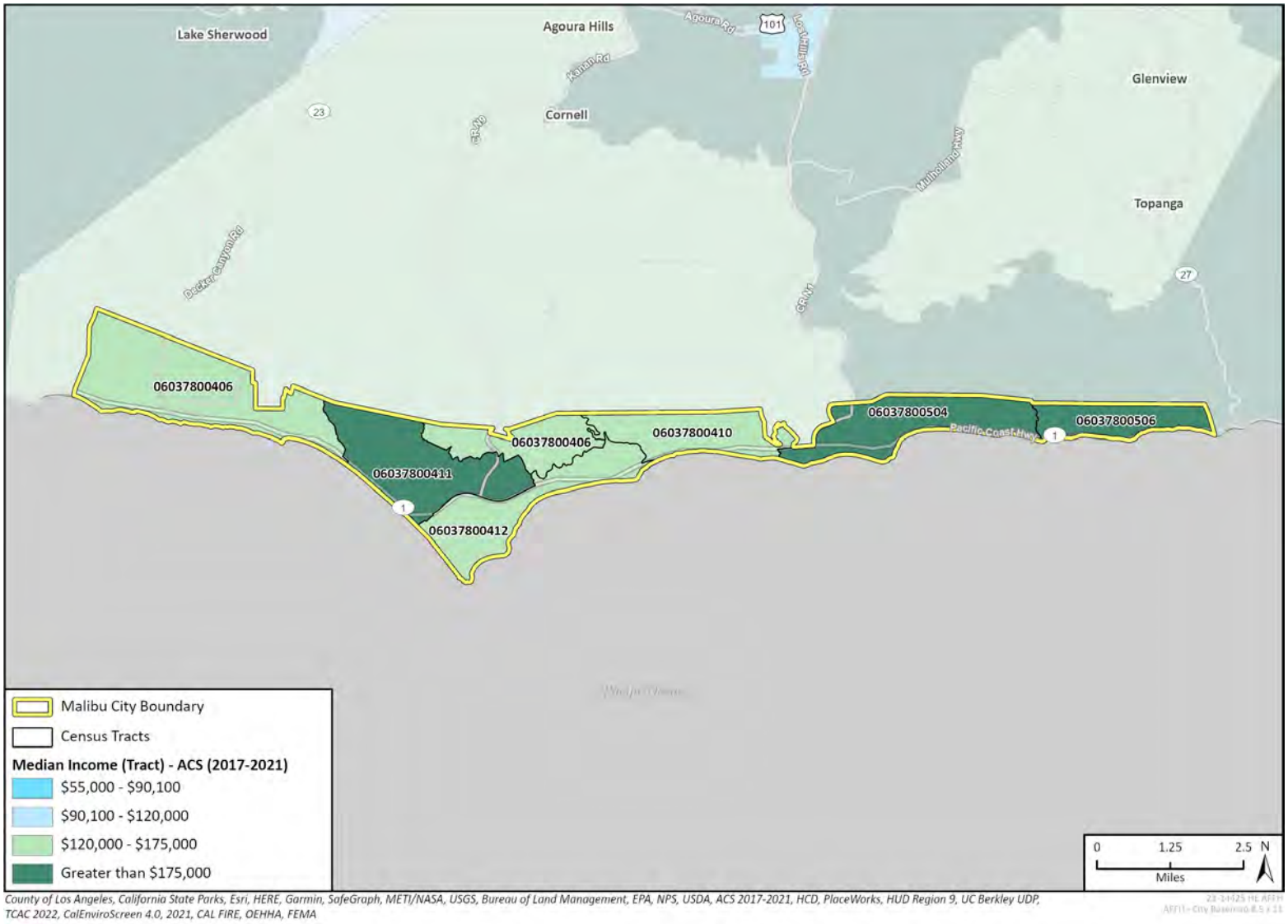
tract also contains a significant amount of unincorporated land, which could affect the data and may not accurately reflect the household income levels of residents within Malibu's city limits. Of the total housing units in Census Tract 8005.04, 32 percent are multifamily, the highest percentage of multifamily units compared to other census tracts that overlap with the city limits. No census tract within the city qualifies as a LMI area (with 51 percent or more LMI households). The city's high-cost real estate makes it difficult for a low-income household to live within city limits. Therefore, Malibu is economically segregated from the region.

Figure F-13
Low to Moderate Income Population (Los Angeles County)



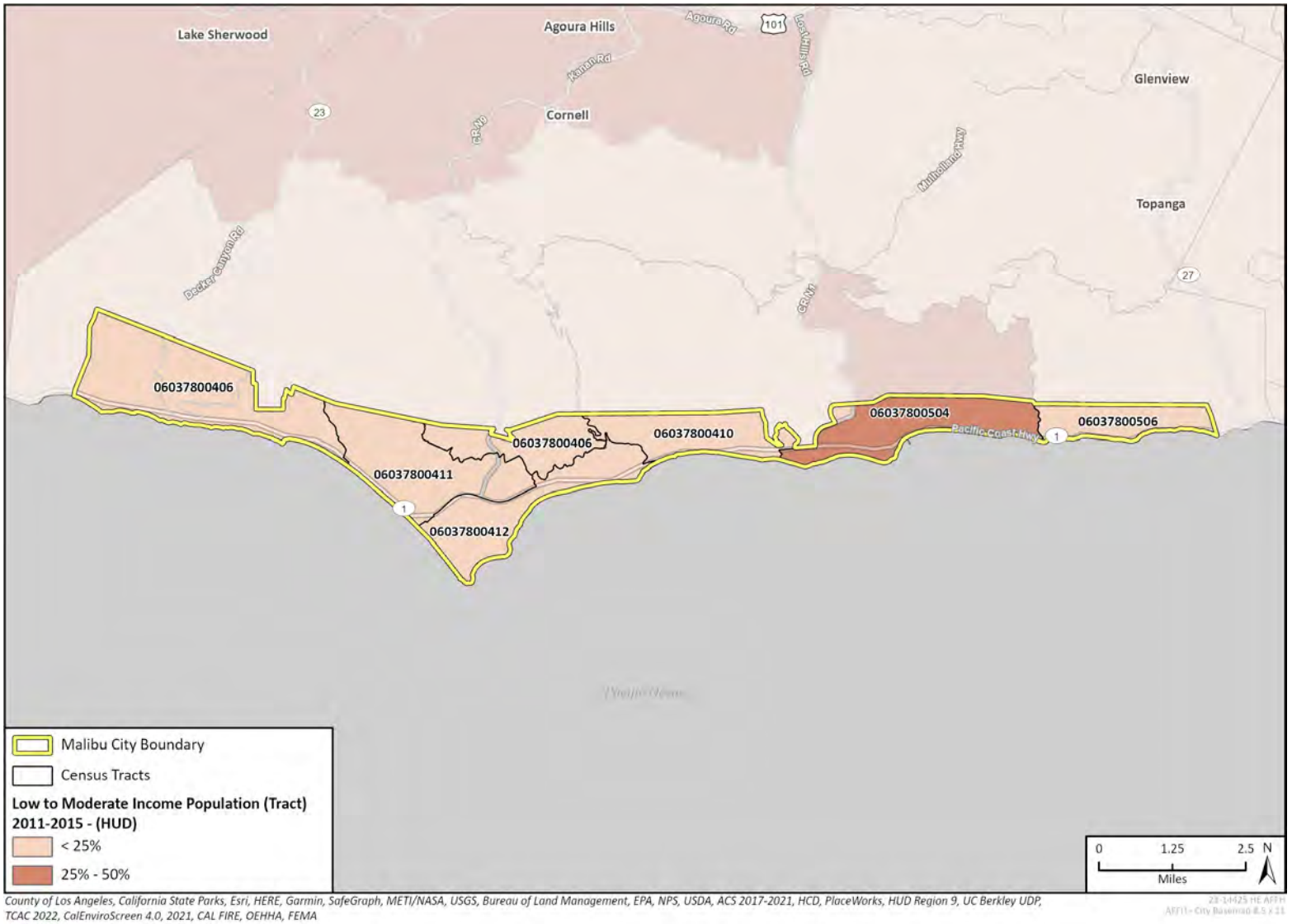
Source: AFFH Viewer, 2023.

Figure F-14
Median Household Income (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-15
Low to Moderate Income Population (Malibu)



Source: AFFH Data Viewer, 2023

Table F-7 displays income level by household type. According to 2017-2021 ACS data, married-couple families in Malibu have significantly higher incomes than non-family households. Approximately 85.3 percent of married couple families earn an income above $100,000 per year, compared to 48.4 percent of nonfamily households and 71.4 percent of total households. Approximately 24 percent of all households earn an annual income of less than $75,000 per year (approximately the County median household income). More than 40 percent of households in Malibu earn an annual income of $200,000 or more.

Table F-7 Income Level by Household Type (Malibu)

Income Level	Total Households	Married-Couple Families	Nonfamily Households
Less than $10,000	7.5%	5.9%	9.7%
$10,000 to $14,999	0.7%	0.0%	2.0%
$15,000 to $24,999	4.3%	0.0%	11.8%
$25,000 to $34,999	3.6%	1.4%	6.3%
$35,000 to $49,999	1.9%	1.0%	3.3%
$50,000 to $74,999	5.9%	3.5%	8.5%
$75,000 to $99,999	4.8%	2.8%	10.0%
$100,000 to $149,999	11.6%	11.8%	13.0%
$150,000 to $199,999	16.6%	17.9%	11.5%
$200,000 or more	43.2%	55.6%	23.9%
Median income	$178,594	$129,862	$58,271

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table S1901, Income in the Past 12 Months (Inflation-Adjusted Dollars), 2017-2021 Estimates

Racially and Ethnically Concentrated Areas of Poverty

To identify racially and ethnically concentrated areas of poverty (known as R/ECAPs), TCAC includes a poverty concentration and racial segregation filter that aligns with HUD's R/ECAP methodology but is intended to reflect the level of racial and ethnic diversity more effectively. TCAC categorizes census tracts that have both a poverty rate of over 30 percent and that are designated as being racially segregated (overrepresentation of people of color relative to the region) as areas of high segregation and poverty.

Poverty and Segregation

Regional Trends

Countywide, concentrations of poverty and segregation may exasperate existing impediments to fair housing such as lending discrimination and overcrowded housing conditions. Approximately 14 percent of the population in Los Angeles County earns an income below the poverty line, higher than the state average of 12.2 percent. Figure F-16 shows areas of high segregation and concentrated poverty in Los Angeles County. The most prominent areas of high segregation and poverty are in the South-Central area of

the City of Los Angeles and East Los Angeles. Areas of high segregation and poverty are also present in the San Fernando Valley in the neighborhoods of Panorama City, Pacoima, and Van Nuys. In North Los Angeles County, high segregation and poverty areas are present within the cities of Palmdale, Lancaster, and Victorville.

Local Trends

Areas of high segregation and poverty are not present within the city of Malibu. Therefore, Malibu does not have census tracts that meet the HUD definition of a R/ECAP. However, Malibu does have residents that experience poverty. Approximately 8.6 percent of the population of Malibu earns an income below the poverty line. As shown in Figure F-17, there is a higher percentage of residents in poverty within census tracts located south of the Pacific Coast Highway in the neighborhood of Point Dume, and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu (Census Tracts 8004.12 and 8004.10). Census Tract 8004.10 is primarily made up of unincorporated land, which may affect the data and may not accurately reflect the households within Malibu's city limits. In these areas, between 10 and 20 percent of residents earn an income below the poverty line. As confirmed by City staff, it is likely that many low-income households in Malibu are retired elderly households who are "income-poor" but "asset-rich", as home values in these census tracts are comparable to citywide home values[9] and it is difficult for a low-income household to afford the real estate prices in city limits.

Concentrated Areas of Affluence

While R/ECAPs have long been the focus of fair housing policies, racially concentrated areas of affluence (RCAAs) must also be analyzed. RCAAs are defined as affluent, white communities.[10] According to a policy paper published by HUD, white residents are the most racially segregated group in the United States and typically more affluent than majority non-white communities. RCAAs have not been studied extensively, nor has a standard definition been adopted by HCD or HUD. Therefore, this assessment uses the percent white population and median household income as thresholds to identify potential RCAAs. In addition to having a higher median income, areas of affluence typically experience less overcrowding, less housing cost burden on renters, and are generally less susceptible to displacement compared to areas of high segregation and poverty.

HCD's AFFH Data Viewer identifies RCAAs as census tracts that have a white population that is 1.25 times higher than the county and a household median income 1.5 times higher than the county AMI.

[9] Zillow. https://www.zillow.com/ Accessed 16 November 2023
[10] Goatz, Damanio and Williams, 2019. https://www.huduser.gov/portal/periodicals/cityscpe/vol21num1/ch4.pdf

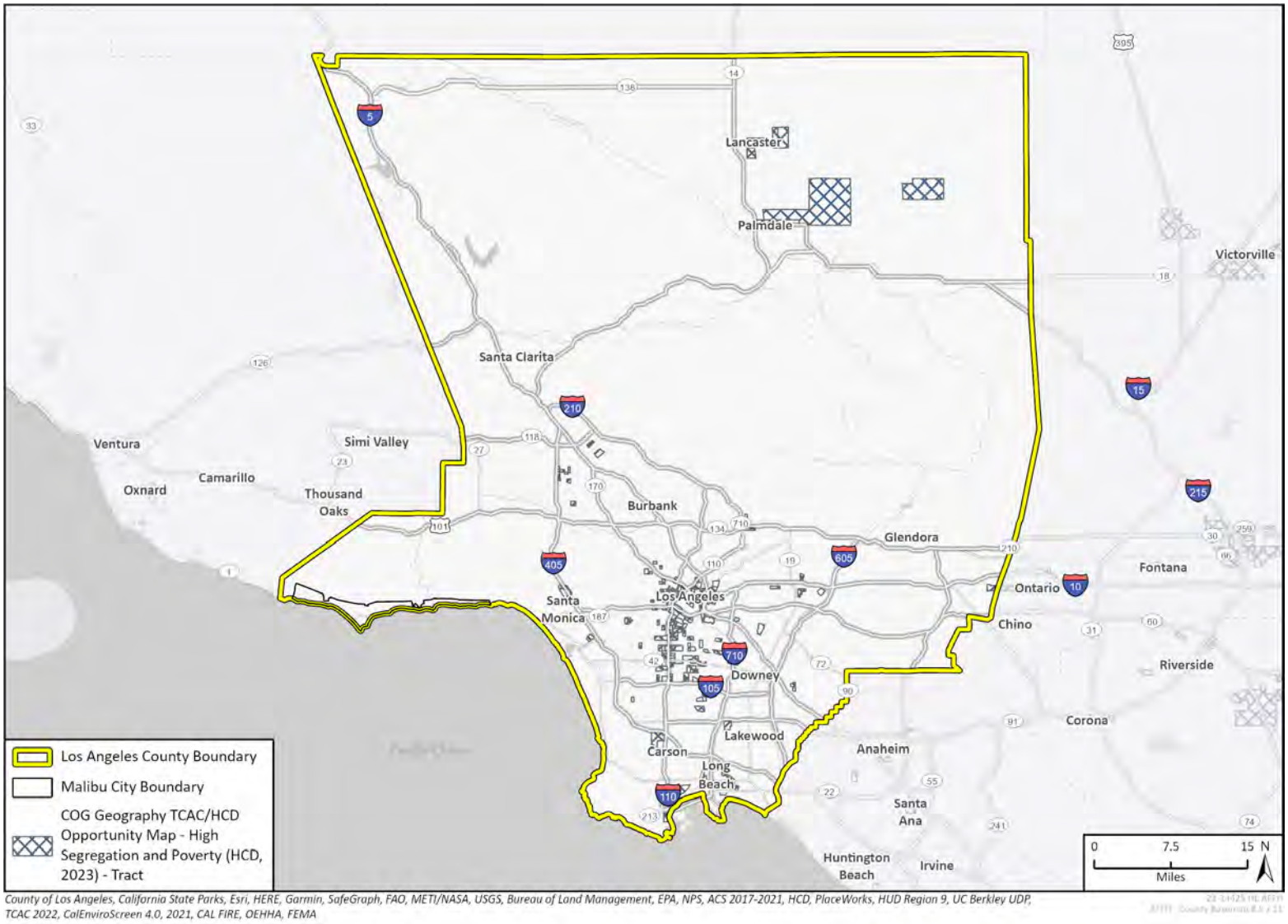
Regional Trends

The areas characterized as RCAAs in Los Angeles County are shown in, Figure F-18,and are located throughout the county. Many coastal cities, including the cities of Malibu, Santa Monica, Redondo Beach, and Rancho Palos Verdes, as well as the cities of Pasadena, Burbank, and Monrovia in eastern Los Angeles County. The communities of Palos Verdes Peninsula, Hollywood Hills, Santa Monica Mountains, and La Canada/Flintridge are also characterized as RCAAs.

Local Trends

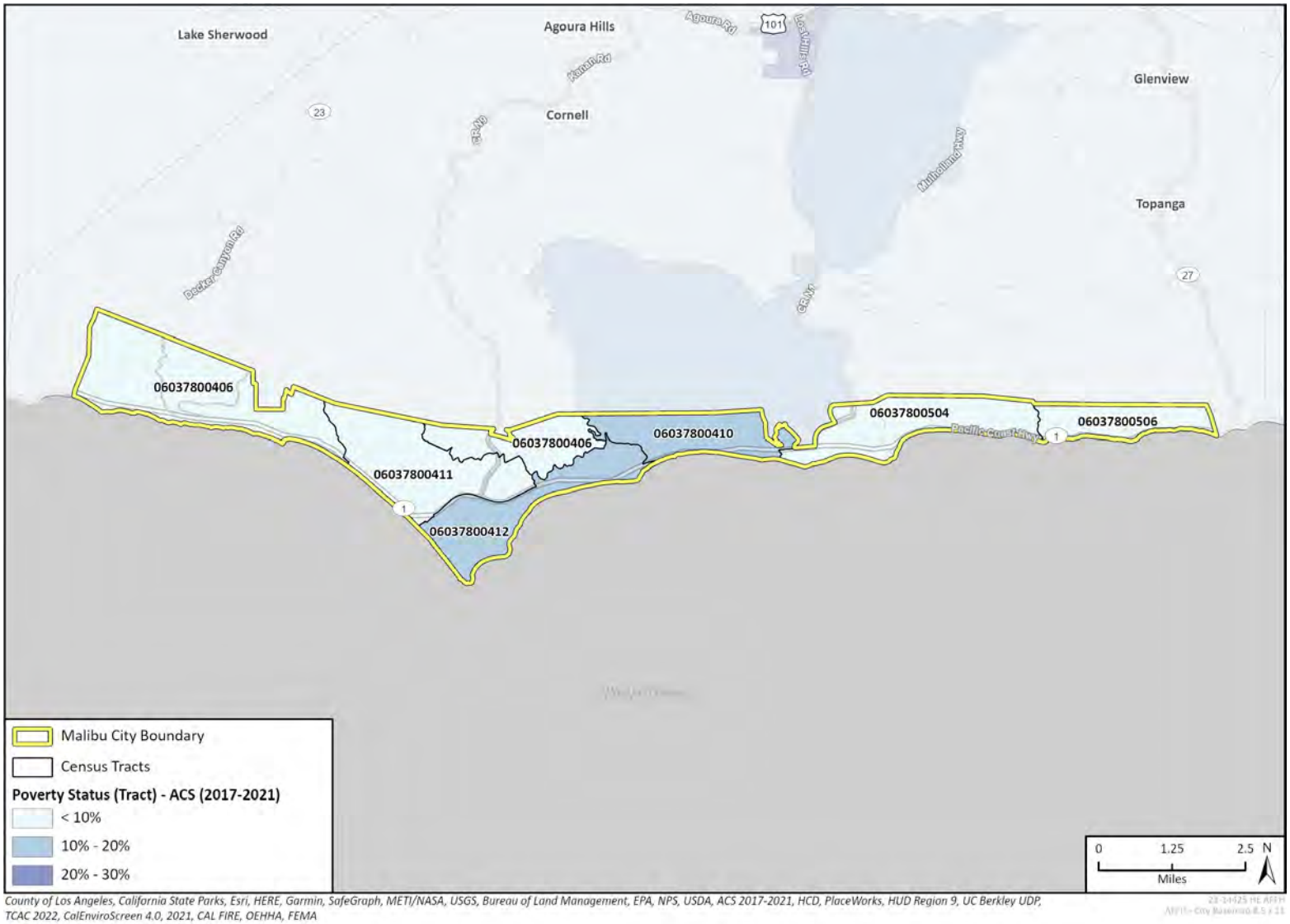
The entire city of Malibu is designated as RCAA as shown in Figure F-19. While the entire city is classified as a RCAA, Census Tract 8005.04 in Eastern Malibu has a higher concentration of both affluent and white-dominant communities compared to other areas of the city. The city has a large proportion of white residents and a median income that is more than double the median income of Los Angeles County. The city's economic and racial segregation is likely due to redlining practices and racial covenants practiced between the 1930s and 1970s that promoted exclusion on the basis of race, as discussed in *Local Knowledge*. The City was not incorporated until 1991, after land use patterns were already established. By that time, Malibu had long been established as an enclave for higher-income households with mostly single-family homes. As a result, white, affluent households are significantly more prevalent in Malibu, and non-white and low-income households have faced difficulty accessing housing in the city due to availability and affordability. Program 5.1 and Program 5.2 aim to provide fair housing services and community outreach to decrease segregation within the city.

Figure F-16
Areas of High Segregation and Poverty (Los Angeles County)



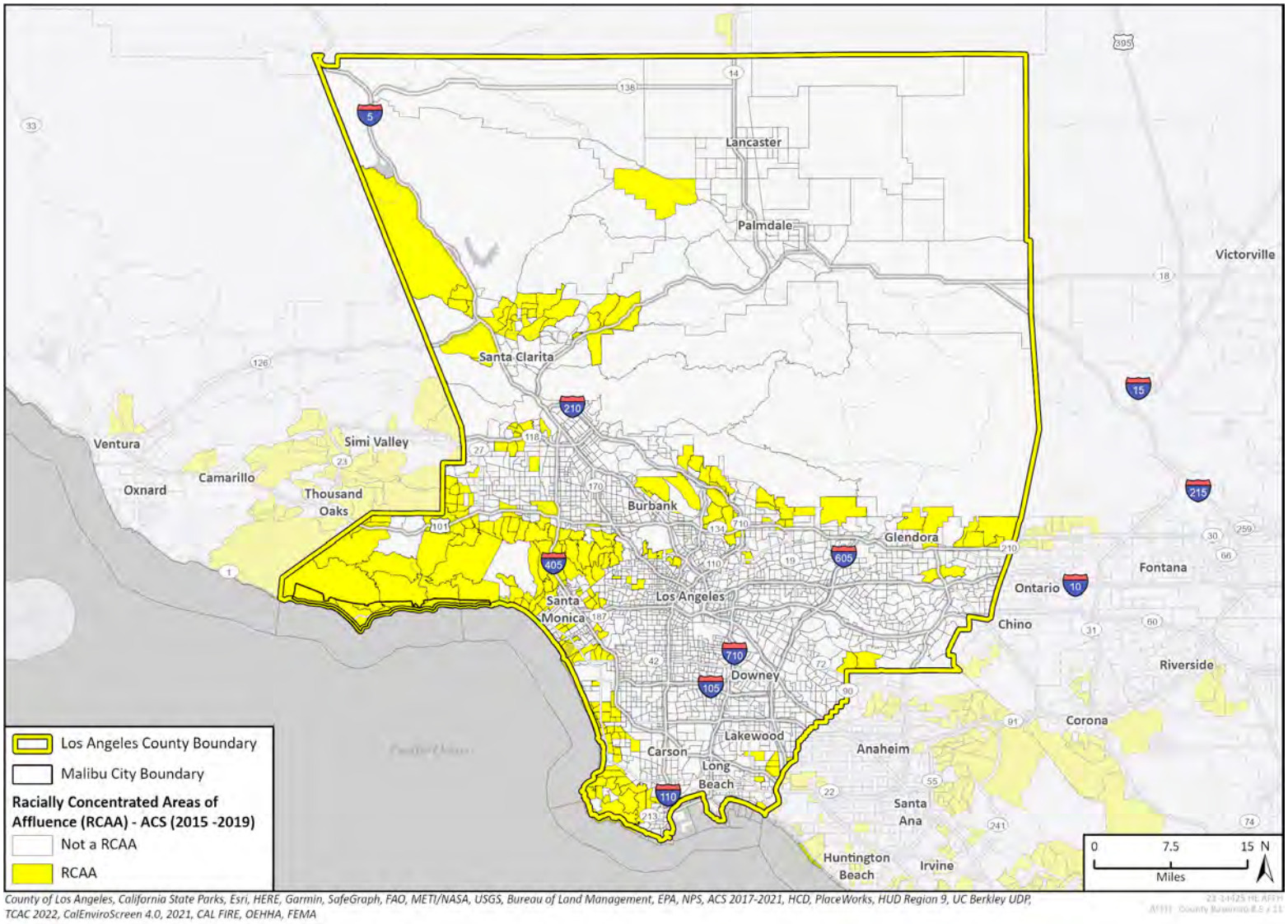
Source: AFFH Data Viewer, 2023

Figure F-17
Poverty Status (Malibu)



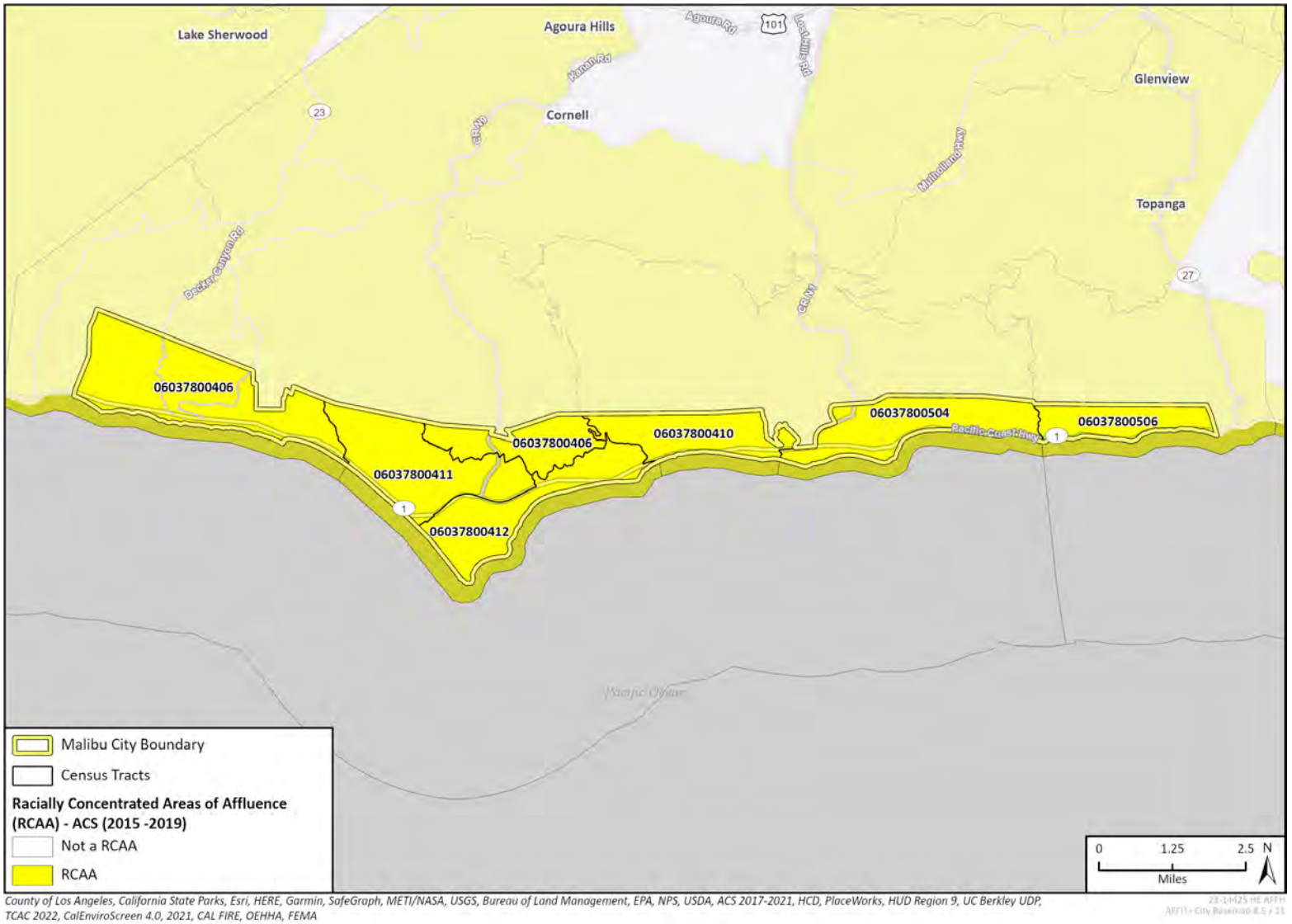
Source: AFFH Data Viewer, 2023

Figure F-18
Concentrated Areas of Affluence (Los Angeles County)



Source: AFFH Data Viewer, 2023

Figure F-19
Concentrated Areas of Affluence (Malibu)



Source: AFFH Data Viewer, 2023

Disparities in Access to Opportunity

Access to opportunity, including access to education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, recreation, and food and healthy environment (including clean air and water, safe neighborhoods, safety from environmental hazards, and access to social services and cultural institutions) influences health and economic outcomes. According to the California Fair Housing Taskforce, a group convened by HCD, "opportunity," can be thought of as pathways leading to better lives, including through health, education, and employment.[11] Improving access to opportunity can include supporting low-income communities with mobility and access to neighborhoods considered by TCAC to be 'high resource.'[12]

HUD's Opportunity Indices were created to inform communities about racial/ethnic segregation and disparities in access to opportunity.[13] Indicator index scores range from 0-100, with 100 representing the most positive outcomes). Measured at the neighborhood level, the index scores are intended to inform communities about segregation and disparities in access to opportunity in their jurisdiction and compare the opportunity indicators rankings across racial/ethnic groups. Generally, higher index scores are indicative of greater access to opportunity. For example, the "low poverty index" captures the poverty rate within a given neighborhood; the higher the index score means the less exposure to poverty. A higher "jobs proximity" score means that residents have greater accessibility to employment locations within the larger region.[14] Each index is measured using the following variables:

- Economic Opportunity Index: a composite of poverty rate by census tract, percentage of adults with a bachelor's degree, percentage of adults employed, and number of jobs for persons without a bachelor's degree that fall within a given radius of each census tract.
- Environmental Opportunity Index: exposure to pollution burden shown in CalEnviroScreen.
- Educational Opportunity Index: the percentage of fourth-grade students testing proficient in reading and math within three miles of a census block group.
- Low Transportation Cost Index: the cost of transportation and proximity to public transportation by neighborhood.
- Transit Index: How often low-income families in a neighborhood use public transportation.

[11] California Fair Housing Task Force. 2020. Methodology for the 2020 TCAC/HCD Opportunity Map. June 2020. https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf
[12] Ibid.
[13] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf
[14] Urban Institute, 2018. https://www.urban.org/sites/default/files/publication/98674/place_and_opportunity_brief_3.pdf

Transit

Access to public transit is of paramount importance to lower-income households. Limited transportation options reduce access to jobs, public spaces (such as parks, plazas, and campuses), and goods and services.

Regional Trends

Mass transportation in Los Angeles County consists of regional bus systems, city bus systems, ADA paratransit services, heavy rail, light rail, and subways. Service operations include:

- Los Angles Metro: Multiple commuter rail lines connecting to cities located throughout the greater Los Angeles Region
- San Fernando Valley Transit Services: Antelope Valley Transit, Burbank Bus, Glendale Beeline, LADOT Dash/Commuter Express, La Canada Flintridge Shuttle, Pasadena Transit, Santa Clarita Transit, Simi Valley Transit
- San Gabriel Valley Transit Services: Alhambra Community Transit, Baldwin Park Shuttle, Commerce Municipal Bus, Duarte Transit, El Monte Transit, Glendale Beeline, Glendora Mini Bus, La Puente LINK, LADOT DASH, Monterey Park Spirit, Omnitrans, OCTA, Pasadena Transit, Rosemead Explorer, Go West / West Covina, Foothill Transit
- South Bay, Gateway Cities and Central/West Side Los Angeles Transit Services: Long Beach Transit, Torrance Transit, Gardena G-Trans, Norwalk Transit, Montebello Bus Lines, Santa Monica Big Blue Bus, Culver CityBus, Foothill Transit
- Metrolink Line: multiple Commuter rail lines connecting to cities located throughout the greater Los Angeles Region and cities within the Counties of Ventura, Orange, San Bernardino and Riverside
- Amtrak: Interstate train service serving coastal and inland areas of California

Transit use is higher in parts of the Los Angeles region where the greatest investment in transit service has been made, including the north coastal, central, and south bay regions of Los Angeles. Almost all major employment centers in Los Angeles County are served by some form of public transit. However, low-income employees, especially female heads of household with children, have unique travel patterns that may prevent them from obtaining work far from home, regardless of access to public transit. Generally, women are disproportionately responsible for household-supporting activities such as trips to grocery stores or accompanying young children to and from schools and day care.

According to 2021 ACS data 70 percent of county residents drive alone to work and 4.9 percent used public transportation. Furthermore, county residents have a longer average commute time (29.2 minutes) than the statewide averages (27.6 minutes).

Local Trends

AllTransit is an online database that provides details on transit opportunity throughout the United States. The website uses metrics to understand the social and economic impact

of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to Alltransit.com, Malibu has an overall performance score of 3.1, suggesting a low combination of trips per week and number of jobs accessible enabling few people to take transit to work. There is one bus route that runs along the Pacific Coast Highway (Route 134). The 134 bus (Malibu-PCH-Trancas) has 36 stops from Olympic Boulevard/7th Street in Santa Monica to Trancas Canyon/Pacific Coast Highway in Malibu. The bus takes about one hour from the Olympic Boulevard/7th Street in Santa Monica to the commercial center of Malibu, which is a constraint to lower-income employees who do not have access to a vehicle but work in Malibu.

Figure F-20 shows areas of the city within a one-half mile to transit. The eastern portion of Malibu has greater transit access than the western portion. The areas with lower transit access have a higher concentration of people with a disability (Figure F-7). Local organizations have reported that accessible transit is an issue in the city, particularly for lower-income and public sector employees who commute to the city from elsewhere in the region (see the Loal Knowledge section of this analysis).

The City provides paratransit services, called Dial -A-Ride, to Malibu seniors (60 years and older) and disabled residents through the City's contracted service provider, Ventura Transit Systems. The Dial-A-Ride service provides transportation to the Malibu Senior Center, various locations in the city, and the neighboring cities of Agoura Hills, Calabasas, and the neighborhood of Westwood in Los Angeles. The program has two vans in service and provides approximately 25 to 30 rides, or 60 hours of service per month. The program is currently meeting the demand of residents and does not have a waitlist. To promote the program, the City displays banners in the Senior Center, advertises in the newspaper, provides give-a-ways with program information, and gives presentations and announcements at social and recreation programs. Program 3.3, Housing for Persons with Special Needs, directs the City to fund and promote transportation services available to seniors.

According to 2021 ACS data, 1.7 percent of residents used public transportation to commute to work, 59.8 percent drove alone, and 29.6 percent worked at home. Compared to Los Angeles County, Malibu has a lower percentage of residents that drive alone and use public transportation when commuting to work, and a higher percentage of residents who work from home. According to the Healthy Places Index, a platform that provides open data on health equity indicators, Western Malibu has a higher rate of active commuting than central or eastern Malibu.[15]

The Environmental Protection Agency (EPA) has a walkability index that ranks Census block groups.[16] The EPA walkability map, shown in Figure F-21, shows that most of the city has a walkability score below the national average, but the area surrounding Point Dume and the southeastern corner of the city have an above average walkability score.

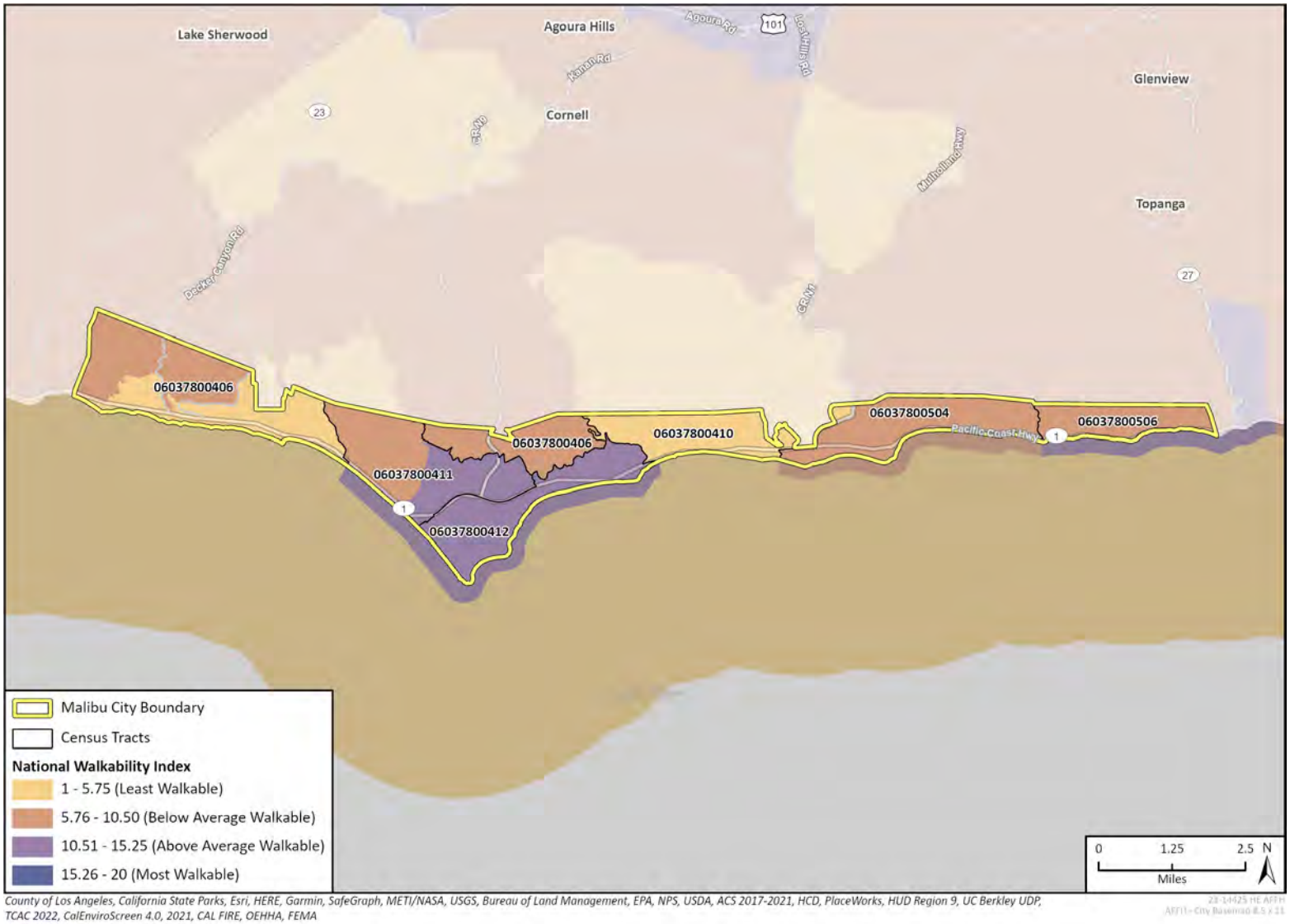
[15] California Healthy Places Index. Active Commuting Indicator. https://map.healthyplacesindex.org/?redirect=false, accessed March 29, 2024.
[16] EPA, 2021. https://www.epa.gov/smartgrowth/national-walkability-index-user-guide-and-methodology

Figure F-20
Access to Transit Within a Quarter Mile (Malibu)



Source: County of Los Angeles, 2023.

Figure F-21
Walkability Index (Malibu)



Source: National Walkability Index, 2023.

Educational Opportunity

Economics literature has consistently found about a 10 percent increase in wages/salary with each additional year of education.[17] Therefore, educational attainment is directly linked to housing opportunities. To assess educational opportunities by geography, this analysis uses TCAC education domain scores, which incorporate a variety of indicators including math and reading proficiency scores, high school graduation rates, and student poverty rates at the census tract level.

Regional Trends

An overview of education outcomes across Los Angeles County is illustrated in Figure F-22. Educational outcomes vary across Los Angeles County. In general, urban areas within Central Los Angeles, Long Beach, and northwestern areas of the county, including the cities of Lancaster and Palmdale, had less positive education outcomes compared to the rest of the county. The coastal communities, including the cities of Santa Monica, Malibu, and Rancho Palos Verdes, as well as areas northeast of Downtown Los Angeles, and the northeastern portion of Los Angeles County, have higher educational outcomes.

According to Kidsdata.org, a data compilation program of the Lucile Packard Foundation for Children's Health, Los Angeles County had a high school graduation rate of 82.4 percent. High school graduation rates were highest among Asian-American and Filipino students (94 percent) and white, non-Hispanic students (87 percent). American Indian/Alaska Native students (63 percent) and African American/Black students (73 percent) had lower graduation rates.[18]

Local Trends

Public schools in Malibu are part of the Santa Monica-Malibu Unified School District (SMMUSD). The SMMUSD serves 8,820 students in grades K-12 in the cities of Malibu and Santa Monica. In addition to Malibu High School (grades 9-12) and Malibu Middle School (grades 6-8), which share a campus, Malibu has two public elementary schools (grades K-5): John L Webster Elementary School and Malibu Elementary School. According to the California School Dashboard, Malibu Elementary School located in Western Malibu has a higher percentage of socioeconomically disadvantaged[19] students (16 percent) and English learners (11 percent) compared to Webster Elementary School, located in Eastern Malibu (10 percent and five percent, respectively). The Santa Monica-Malibu Unified School District had an overall high school graduation rate of 96.1 percent in 2021, higher than the county average.[20] According to the California School Dashboard, Asian American, English learners, Hispanic/Latino, and socioeconomically disadvantaged students had lower graduation rates than Black/African American, white, or students of

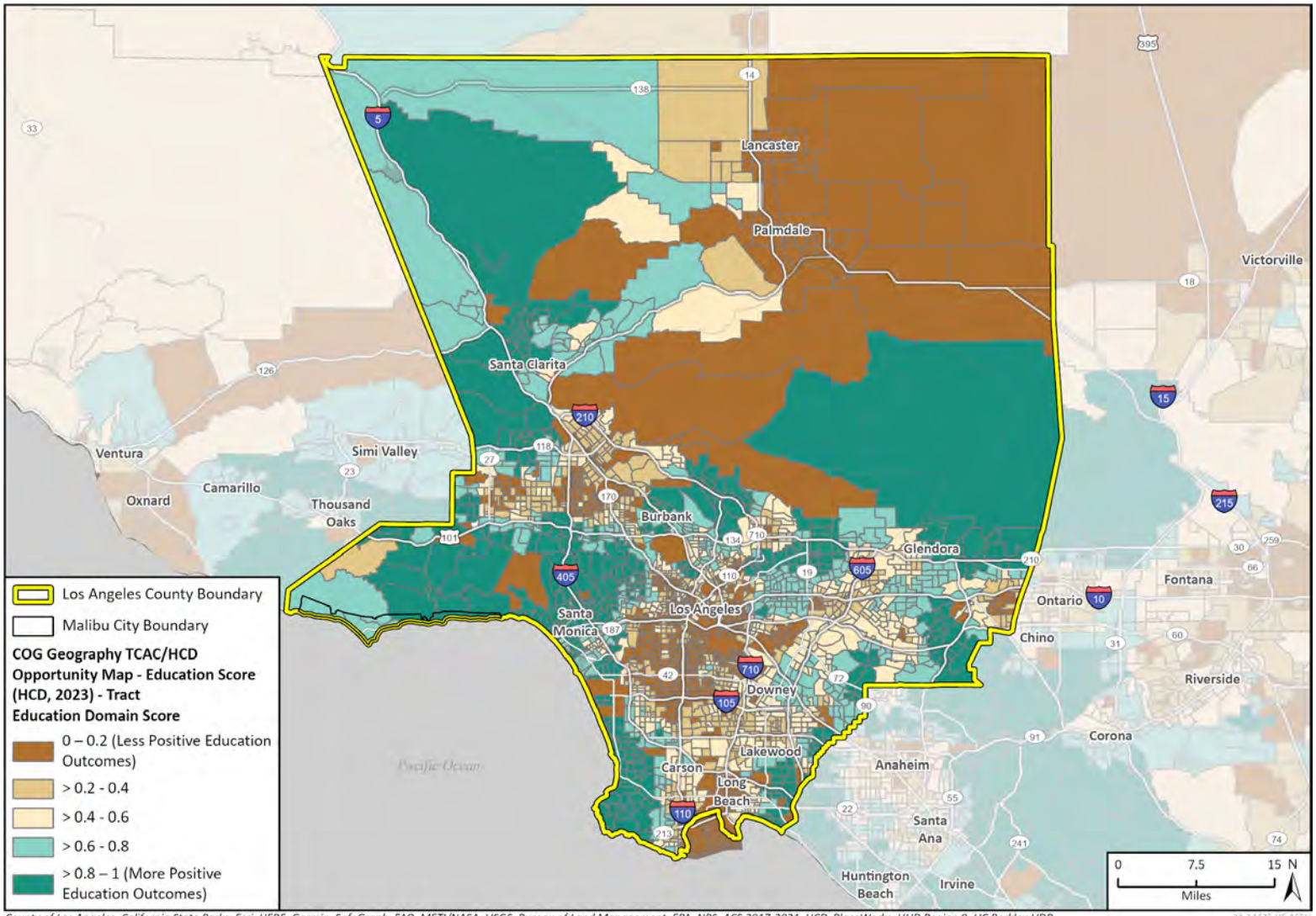
[17] Annual Disability Statistics Compendium, 2020. https://disabilitycompendium.org/annualreport
[18] Kids Data. 2021. All Data: Los Angeles County. https://www.kidsdata.org/region/364/los-angeles-county/results#ind=&say=&cat=18
[19] Students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.
[20] Kids Data. 2021. All Data: Malibu. https://www.kidsdata.org/region/720/malibu/results#ind=&say=&cat=18

two or more races.[21] Approximately 26 percent of all students in the district are socioeconomically disadvantaged. According to GreatSchools, an online database that provides data on school quality, Malibu High School has above average test scores and levels of college readiness.[22] The GreatSchools equity indicators show that underserved students at Malibu High School perform better than the state average on tests and college readiness. However, there are differences within the school based on race and ethnicity and household income. Malibu High School is reported as 76 percent white, 14 percent Hispanic/Latino, five percent two or more races, two percent Black/African American, two percent Asian American, and less than one percent Native American/Pacific Islander. Twelve percent of students are from low-income households. At Malibu High School, Hispanic/Latino students and students from lower-income households are less likely to be eligible for state college or university upon graduation than white students and students from higher-income households. Students with disabilities that attend Malibu High School have higher rates of absenteeism compared to the state average.[23]

While all areas in Malibu have positive educational outcomes, Eastern Malibu has slightly higher positive educational scores than Western Malibu, as shown in Figure F-19. However, this data may be impacted by the inclusion of unincorporated land in this census tract and may not accurately represent conditions in the city. Eastern Malibu also has the highest percentage of children in married couple households (Figure F-12), as well as households with the highest median incomes, suggesting that educational opportunity is segregated by income and family composition. Disparities in access to educational opportunity for low-income households is exacerbated by the lack of housing options in the city due to the high cost of owner and rental housing. Program 5.1 identifies actions the City will take to increase housing mobility, which will increase access to greater educational opportunities.

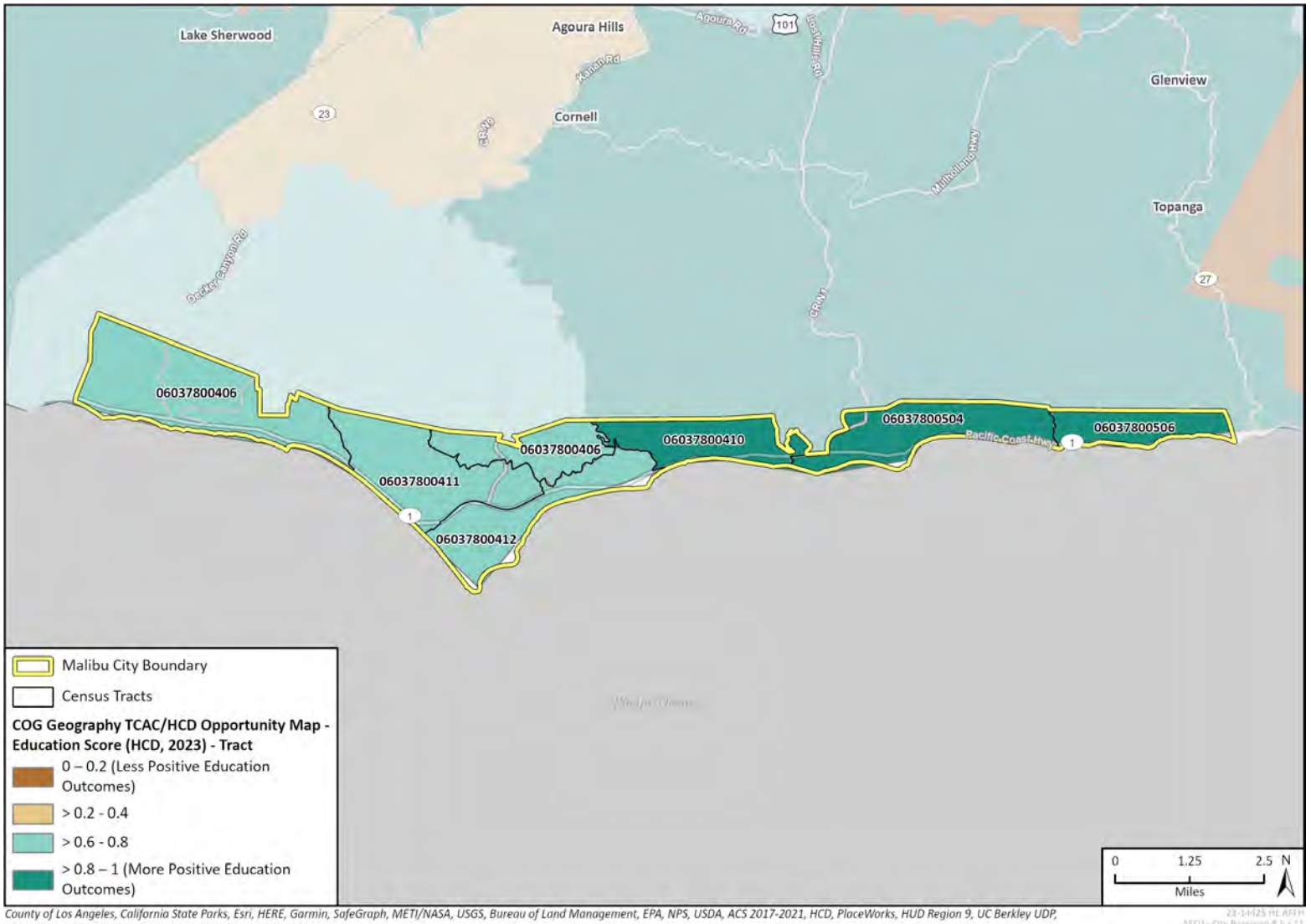
[21] California School Dashboard. Santa Monica-Malibu Unified: Academic Engagement. https://www.caschooldashboard.org/reports/19649800000000/2023/academic-engagement#graduation-rate, accessed March 29, 2024.
[22] GreatSchools. Malibu High School. https://www.greatschools.org/california/malibu/2925-Malibu-High-School/#Equity_overview, accessed March 29, 2024.
[23] Ibid.

Figure F-22
TCAC Opportunity Areas – Education Outcomes (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-23
TCAC Opportunity Areas - Education Outcomes (Malibu)



Source: AFFH Viewer, 2023

Employment

Housing opportunities are directly related to economic opportunities. Access to high quality employment close to desired and affordable housing results in more housing opportunities and shorter commute times. The analysis for economic opportunities uses TCAC economic indicators, employment participation data from the ACS and the HUD Jobs Proximity Index.

TCAC economic opportunities are measured by census tract and considers poverty, adult education, employment, job proximity, and median home values. A higher economic index score reflects more positive economic outcomes. The HUD Jobs Proximity Index assesses the accessibility to job opportunities at the census block group level.

Regional Trends

Economic outcomes vary across Los Angeles County as shown in Figure F-24. Areas with more positive economic outcome scores were identified along the coastal communities and portions of east Los Angeles County. Conversely, similar to educational outcomes, the urban areas in Central Los Angeles, Long Beach, and northwestern areas of the county had less positive economic outcomes.

According to 2021 ACS estimates, Los Angeles County has an employment rate of 90.8 percent, a decrease of two percent from 2019. Table F-8 shows employment status by disability status estimates for Los Angeles County for ACS 2015-2019 and 2017-2021. Overall, the percentage of all employed residents aged 16 remained the same, but unemployment increased slightly.

Table F-8 Employment Status by Disability Status (Los Angeles County)

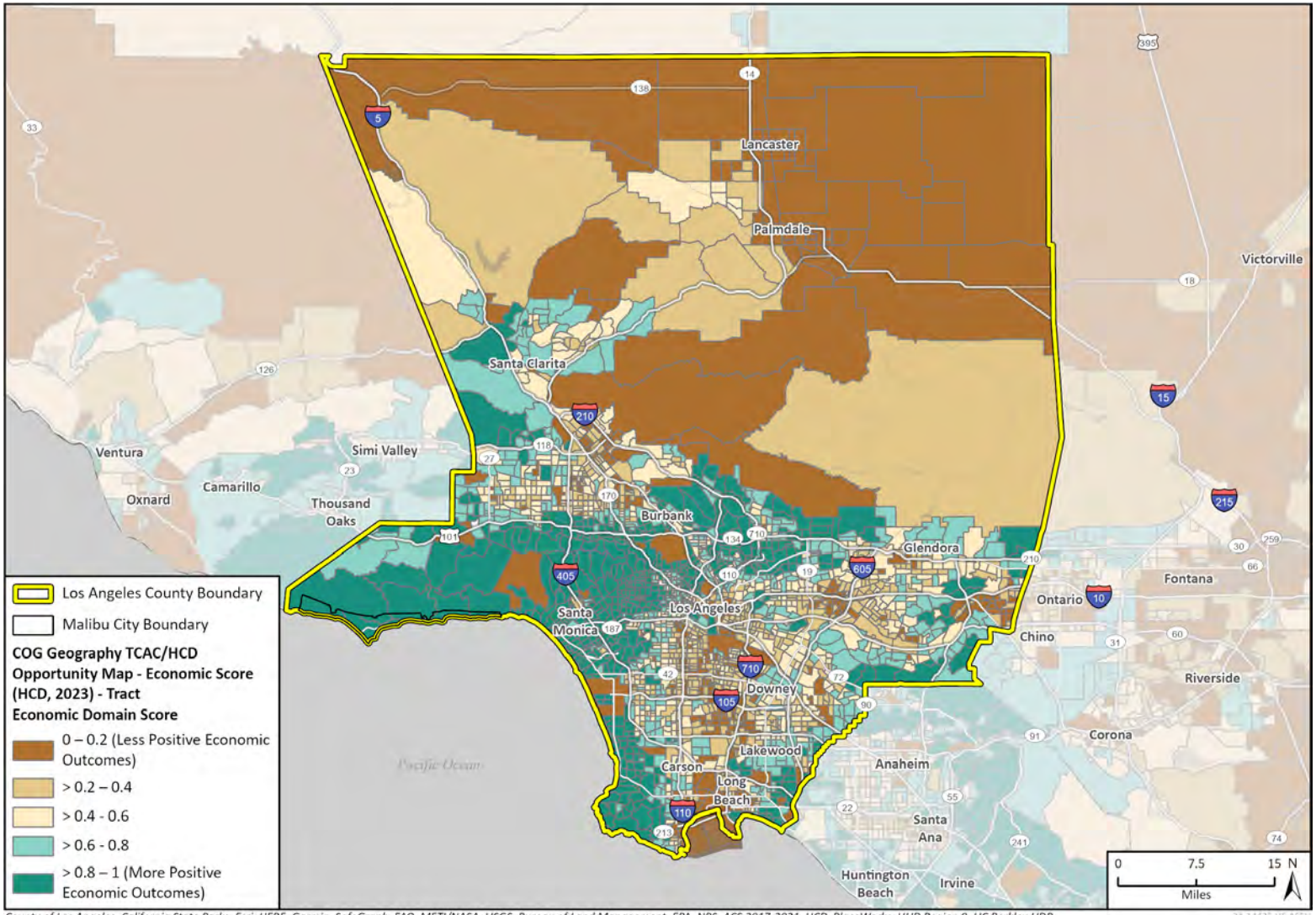
Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,502,627 (96.4%)	274,277 (91.5%)	4,187,832 (95.5%)	396,066 (87.7%)
With a Disability	169,322 (3.6%)	25,535 (8.0%)	197,504 (3.2%)	45,578 (8.0%)
Total	4,671,949 (93.9%)	299,812 (6.0%)	4,385,336 (90.8%)	441,644 (9.2%)

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Local Trends

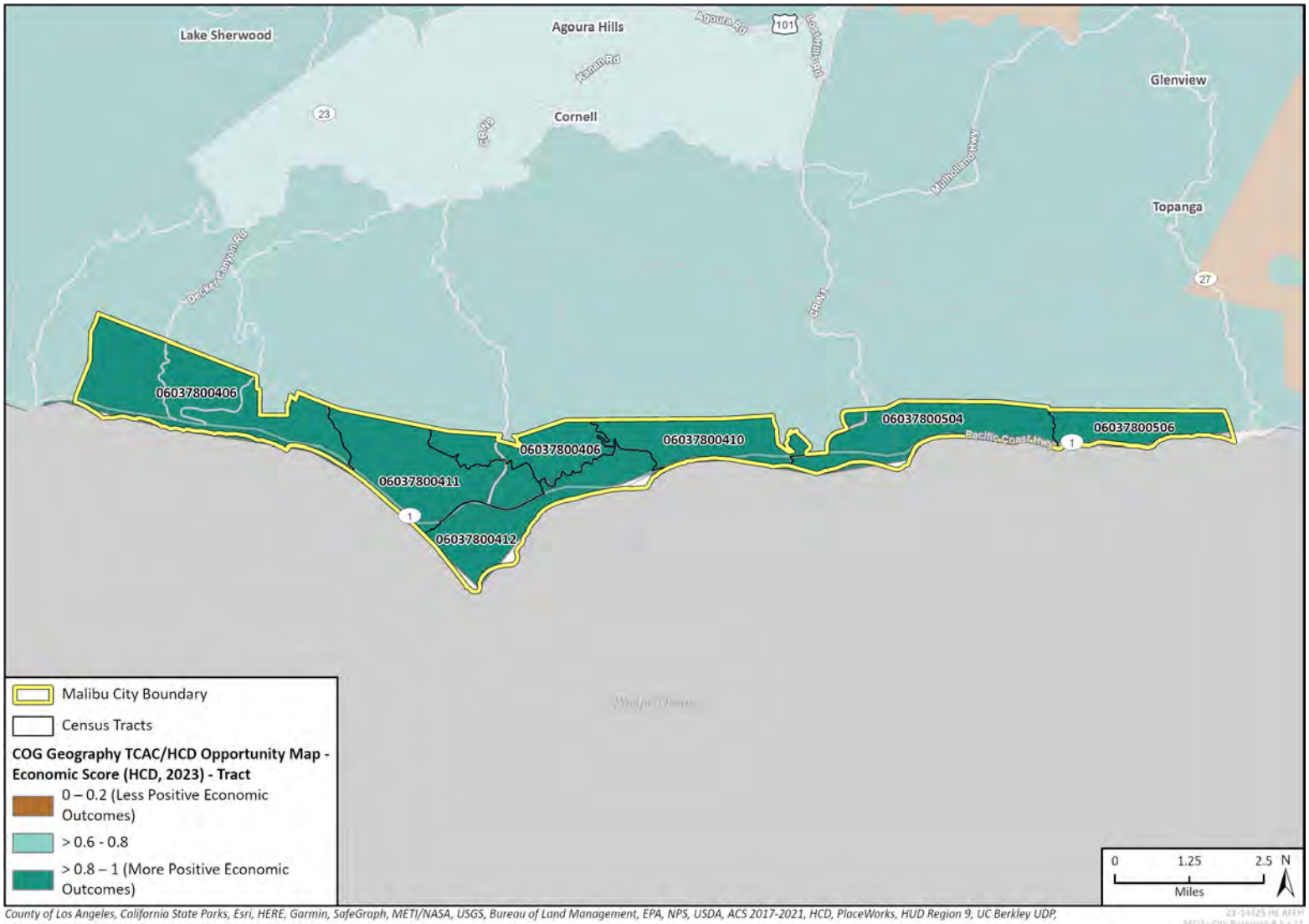
Economic outcomes are positive throughout Malibu, as shown in Figure F-25. As of 2021, the employment rate in Malibu is 94.4 percent, slightly higher than the County employment rate. In 2021, the largest industries for employees in Malibu are professional, scientific, and management, and administrative and waste management services (25 percent of employed population); educational services, and health care and social assistance (17 percent); and finance and insurance, and real estate and rental leasing (13 percent).

Figure F-24
TCAC Opportunity Areas - Economic (Los Angeles County)



Source: AFFH Viewer, 2023.

Figure F-25
TCAC Opportunity Areas – Economic (Malibu)



Source: AFFH Viewer, 2023

Employment status by disability status estimates is provided in Table F-9. The labor participation rate of residents aged 16 and older decreased by approximately two percent, similar to the county's rate of change. The number of employed residents with a disability decreased by almost three percent, while employment for residents without a disability increased. However, the number of unemployed residents with a disability remained the same at zero percent. The total unemployment rate (2.9 percent) in 2021 is lower than the county (3.9 percent) and the Southern California region (9.3 percent).

Table F-9
Employment Status by Disability Status (Malibu)

Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,772 (96.0%)	205 (100%)	3,907 (97.9%)	236 (100%)
With a Disability	249 (4.9%)	0 (0%)	83 (2.1%)	0 (0%)
Total	5,021 (96.1%)	205 (3.9%)	3,990 (94.4%)	236 (5.6%)

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Healthy Environment

Healthy Environment in AFFH addresses disparities in access to environmentally healthy neighborhoods by protected class groups. An assessment of environmentally healthy neighborhoods can include air and water quality, safety, environmental hazards, social services, and cultural institutions. Recent California laws—Assembly Bill (AB) 1550, Senate Bill (SB) 535 and SB 1000 emphasize the importance of environmental justice as a fair housing issue. Environmental Justice, according to HUD, means ensuring that people have equal access to safe and healthy housing. HUD requires all entitlement jurisdictions to conduct reviews under the National Environmental Protection Act to determine if a proposed project creates adverse impacts due to environmental conditions. It furthers the requirement that human health deserves equal protection for all people regardless of race, color, national origin, or income. Under Executive Order 12898, Federally assisted projects may also target funding to communities that have disproportionately high and adverse human health impacts on minority and low-income populations due to environmental conditions.[24] The California Office of Environmental Health Hazard Assessment developed CalEnviroScreen, a mapping tool that uses spatial data collected by various regulatory agencies (e.g., air quality indicators from South Coast Air Quality Management District, water quality indicators from Orange County Water District, monitored chemical releases into the air or water table from Environmental Protection Agency, HUD socio-economic indicators, etc.). The dataset uses a methodology to identify communities disproportionately burdened by exposures to pollution, environmental effects of existing pollutants in communities, among other indicators of sensitive populations or socioeconomic factors. Residents in census tracts with high

[24] HUD, 2022. https://www.hudexchange.info/programs/environmental-review/environmental-justice/

CalEnviroScreen scores (shown as percentiles) are disproportionately burdened by pollution and are more vulnerable to related effects.

Regional Trends

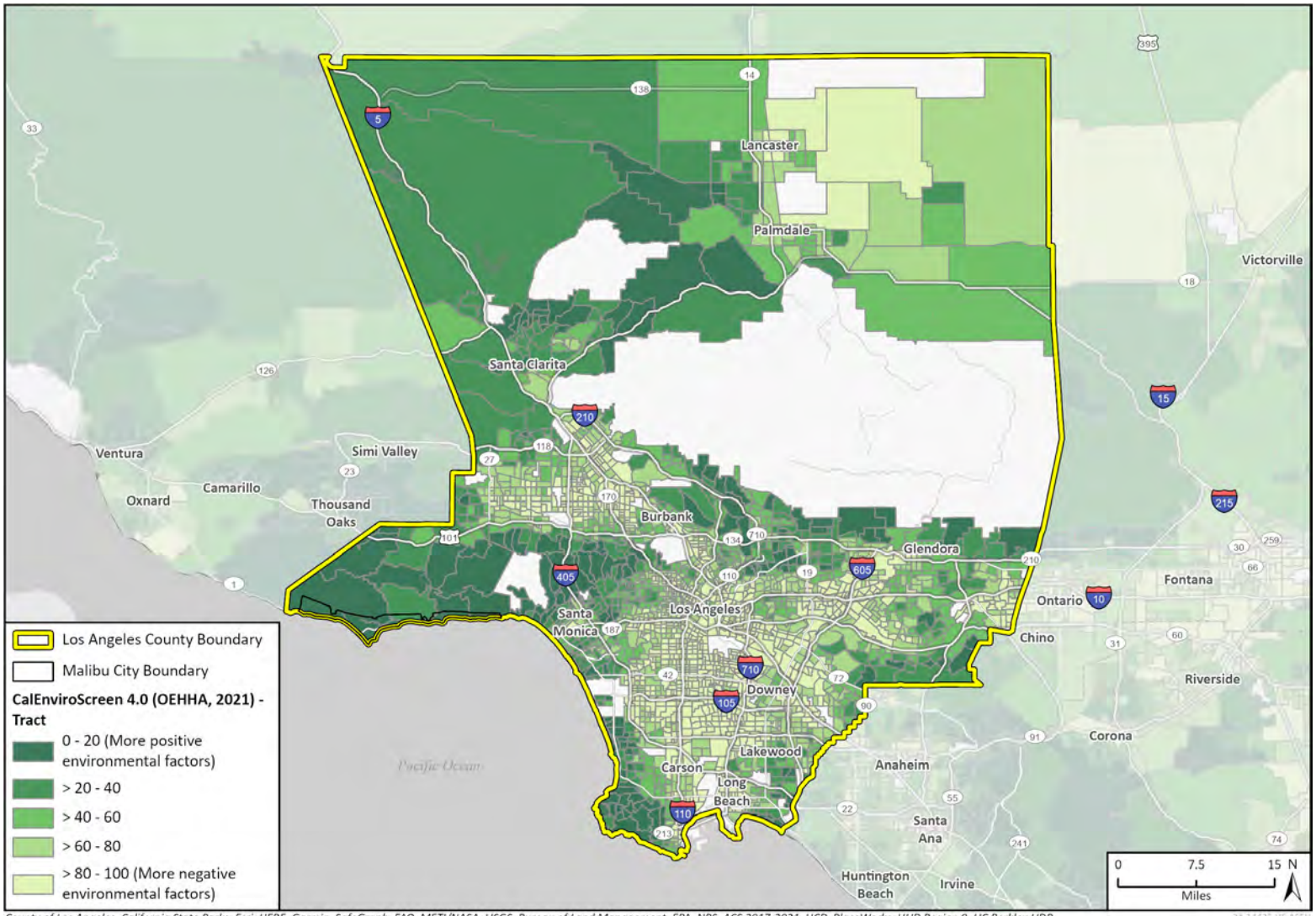
According to CalEnviroScreen data, areas with higher pollution percentiles are generally urban areas with higher proportions of LMI and overcrowded households. Areas experiencing the highest pollution percentile scores in the Los Angeles region are as the cities of Baldwin Park, El Monte and South El Monte in the San Gabriel Valley, neighborhoods and cities located south of Downtown Los Angeles, and in the Pacoima and Sylmar neighborhoods of the San Fernando Valley (Figure F-26). The areas of Los Angeles County with lower scores (i.e., low exposure to pollution and high household income) are near the county boundaries and along the coast.

Local Trends

The City of Malibu has a low environmental pollution burden. This is likely due to the lack of industrial uses and the lack of truck routes through Malibu that generate pollutants in other areas in Southern California. Pacific Coast Highway has a permanent truck ban from Topanga Canyon Road (Route 27) to Decker Road (Route 23).

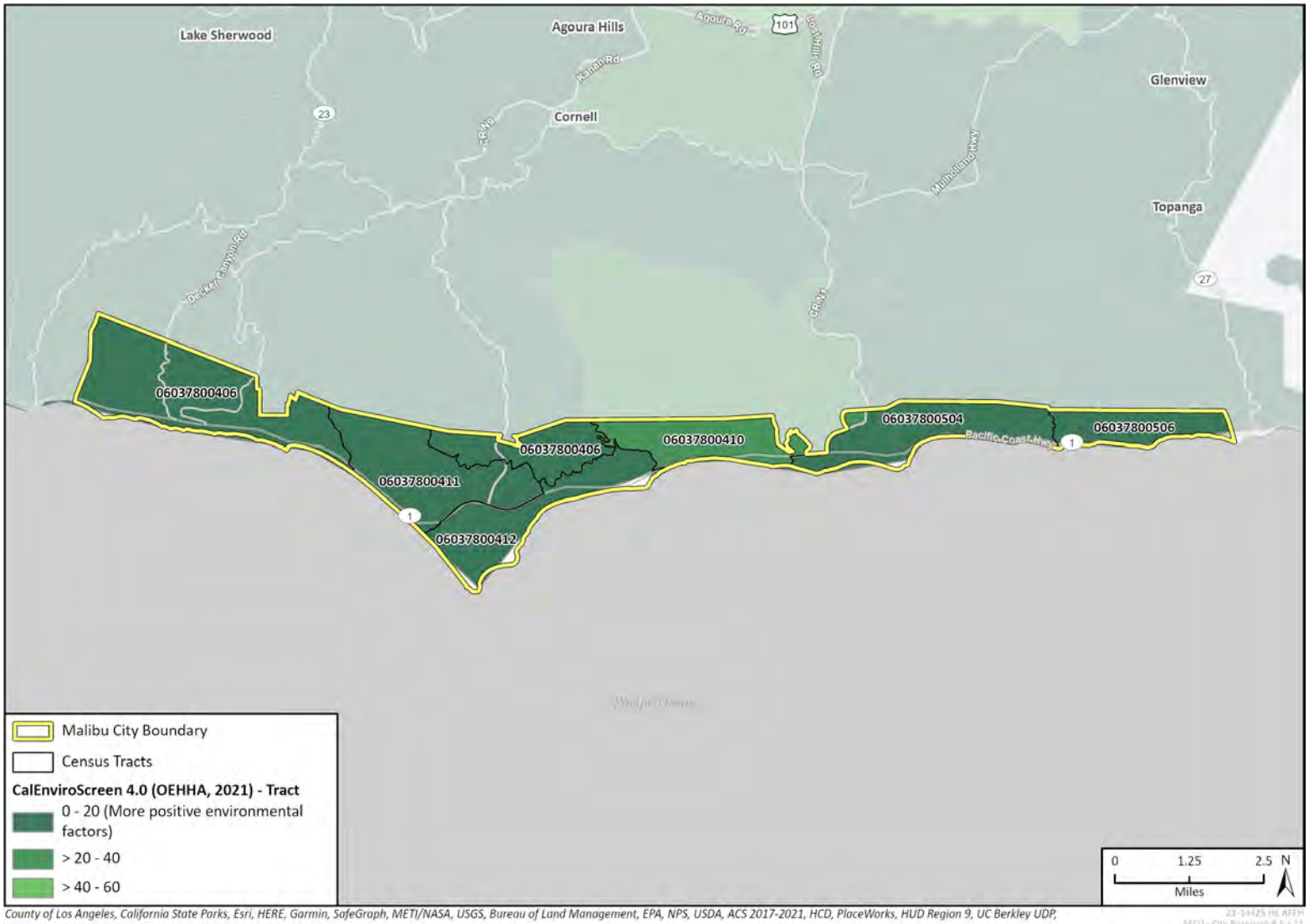
Throughout the entire city, the CalEnviroScreen score percentile ranges between zero and 30. The majority of the city scores below the 20th percentile, while a small portion of city between Malibu Canyon Road and Latigo Canyon Road scores between the 20th and 40th percentile, as shown in Figure F-27. This area overlaps with the TCAC Opportunity Areas data for environmental outcomes, with the central portion of the city having less positive environmental outcomes than the western and eastern portion of the city (Figure F-28). The TCAC environmental outcomes map shows that Census Tract 8005.04 has the lowest environmental outcomes of all census tracts that overlap with the city boundaries. This area has more multifamily housing and commercial uses than other areas of the city, which could account for lower environmental outcomes due to traffic congestion and/or regional smog. This Census Tract also has the highest concentration of LMI residents (Figure F-15), which suggests that lower-income households may be more likely to reside in areas with less positive environmental outcomes.

Figure F-26
CalEnviroScreen 4.0 Percentile Scores (Los Angeles County)



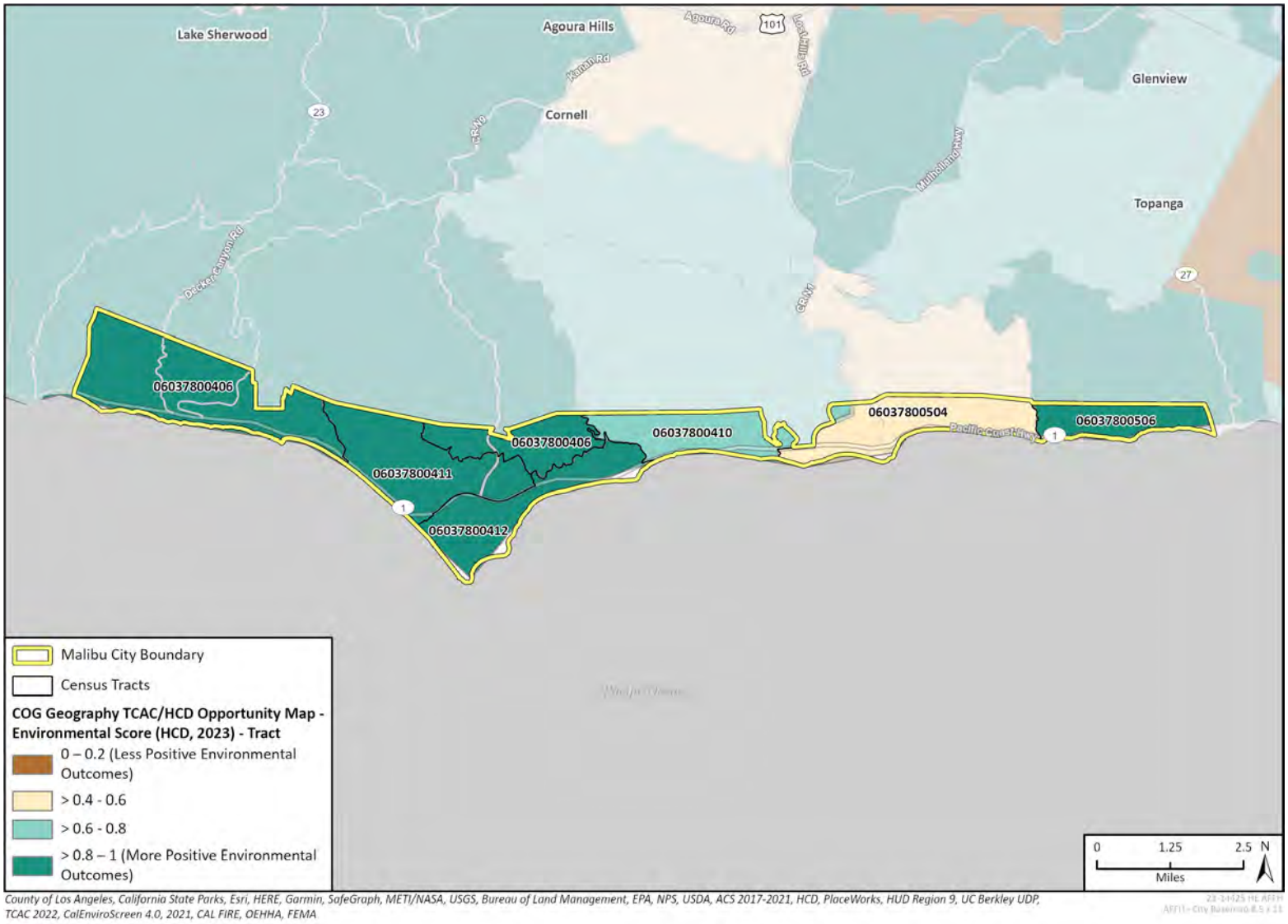
Source: AFFH Data Viewer, 2023

Figure F-27
CalEnviroScreen 4.0 Percentile Scores (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-28
TCAC Opportunity Areas – Environment (Malibu)



Source: AFFH Data Viewer, 2023

Disproportionate Housing Needs

Disproportionate housing needs refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need, or the total population experiencing that category of housing need in the applicable geographic area. To analyze the extent of disproportionate housing needs in Malibu, this section reviews data on housing cost burden and severe housing cost burden, overcrowding, homelessness, and substandard housing conditions. Information for this section relies on the HUD CHAS data.

Housing Cost Burden

Housing cost burden is defined as the proportion of a household's total gross income spent on housing costs. Households that spend at least 30 percent of their total gross income on housing costs (rent, mortgage, utilities, and other housing-related costs) are considered "cost burdened," and households spending over 50 percent on housing costs are considered "severely cost burdened." The higher the housing cost burden, the more likely residents are to live in overcrowded and substandard conditions and are less likely to afford to relocate. Low-income households and persons in protected classes disproportionately experience severe housing problems.

Regional Trends

According to HUD CHAS estimates, 33.7 percent of owner-occupied households and 52.8 percent of renter-occupied households are burdened by housing costs.

Figure F-29 shows areas of Los Angeles County where renter households experience housing cost burden (spending more than 30 percent of household income on housing costs). As shown, paying more than 30 percent of gross income on rent is widespread across Los Angeles County. There are many areas where between 40 and 80 percent of renter households are housing cost burdened. Neighborhoods in South-Central City of Los Angeles have census tracts where at least 60 percent of renter households are burdened by housing costs. In contrast, renter households in coastal areas, where median incomes tend to be higher, generally experience less housing cost burden. Overpayment amongst homeowners is also widespread across the county, as shown in Figure F-30. Housing cost burden among homeowners is most prevalent in South-Central City of Los Angeles and in eastern Los Angeles County, especially in the cities of Industry, El Monte, and Huntington Park

Local Trends

According to HUD CHAS estimates, 34.9 percent of residents are cost burdened, and 20.2 percent are severely cost burdened, as shown in Table F-11. Cost burden is significantly higher among low-income households than high-income households.

Table F-10
Housing Cost Burden by Income Level (Malibu)

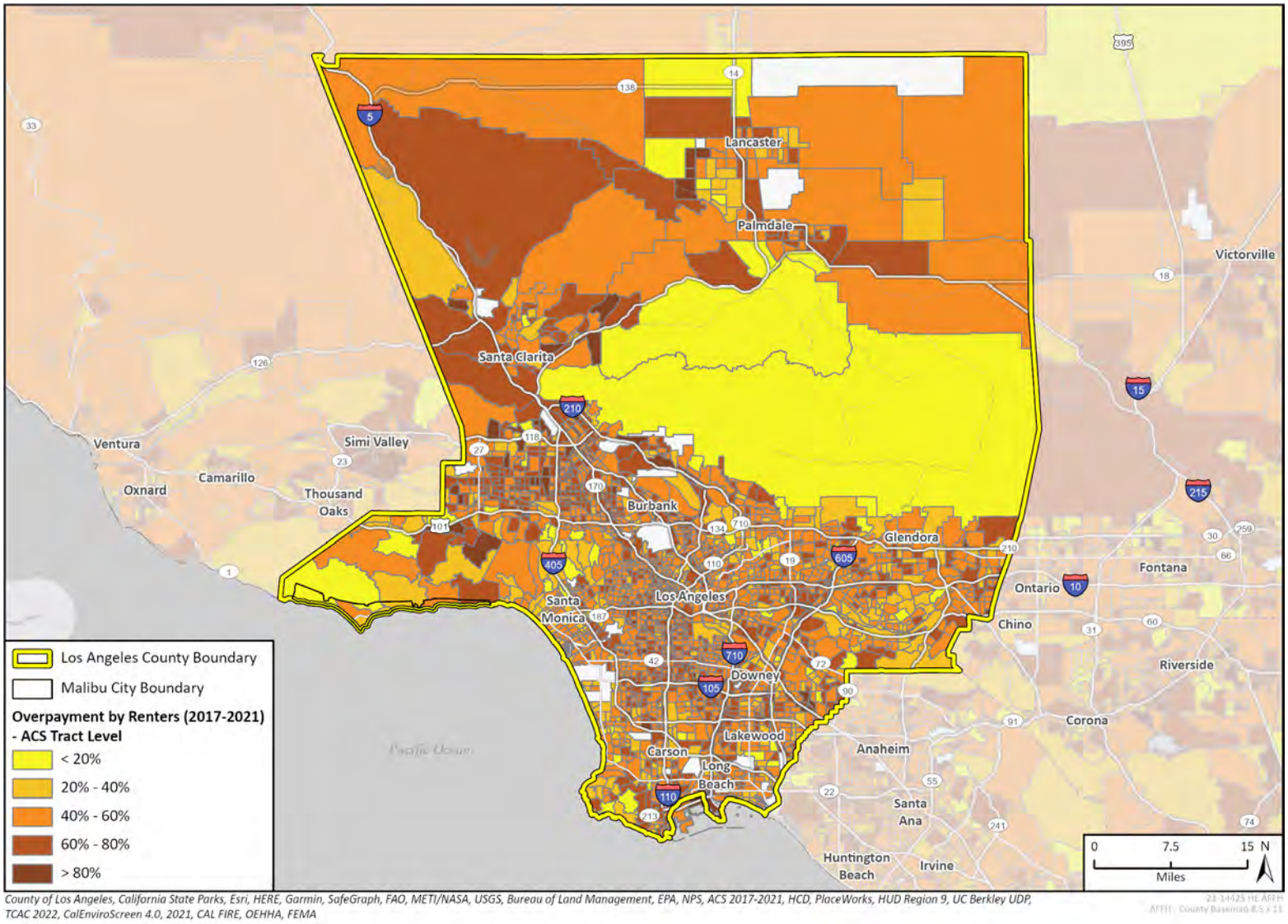
Household Income	Cost Burden >30%	Cost Burden >50%	Total
<30% AMI	500 (64.1%)	465 (59.6%)	780 (100%)
>30% to <50% AMI	210 (79.2%)	180 (67.9%)	265 (100%)
>50% to <80% AMI	190 (60.3%)	125 (39.7%)	315 (100%)
>80% to <100% AMI	165 (60.0%)	50 (18.1%)	275 (100%)
>100% AMI	740 (20.9%)	230 (6.5%)	3,530 (100%)
Total	1,805 (34.9%)	1,045 (20.2%)	5,170 (100%)

Source: U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2016-2020 Estimates.

Of owner-occupied units, 32.8 percent of owner-occupied are cost-burdened and 30.2 percent of renter-occupied households are burdened by housing costs.

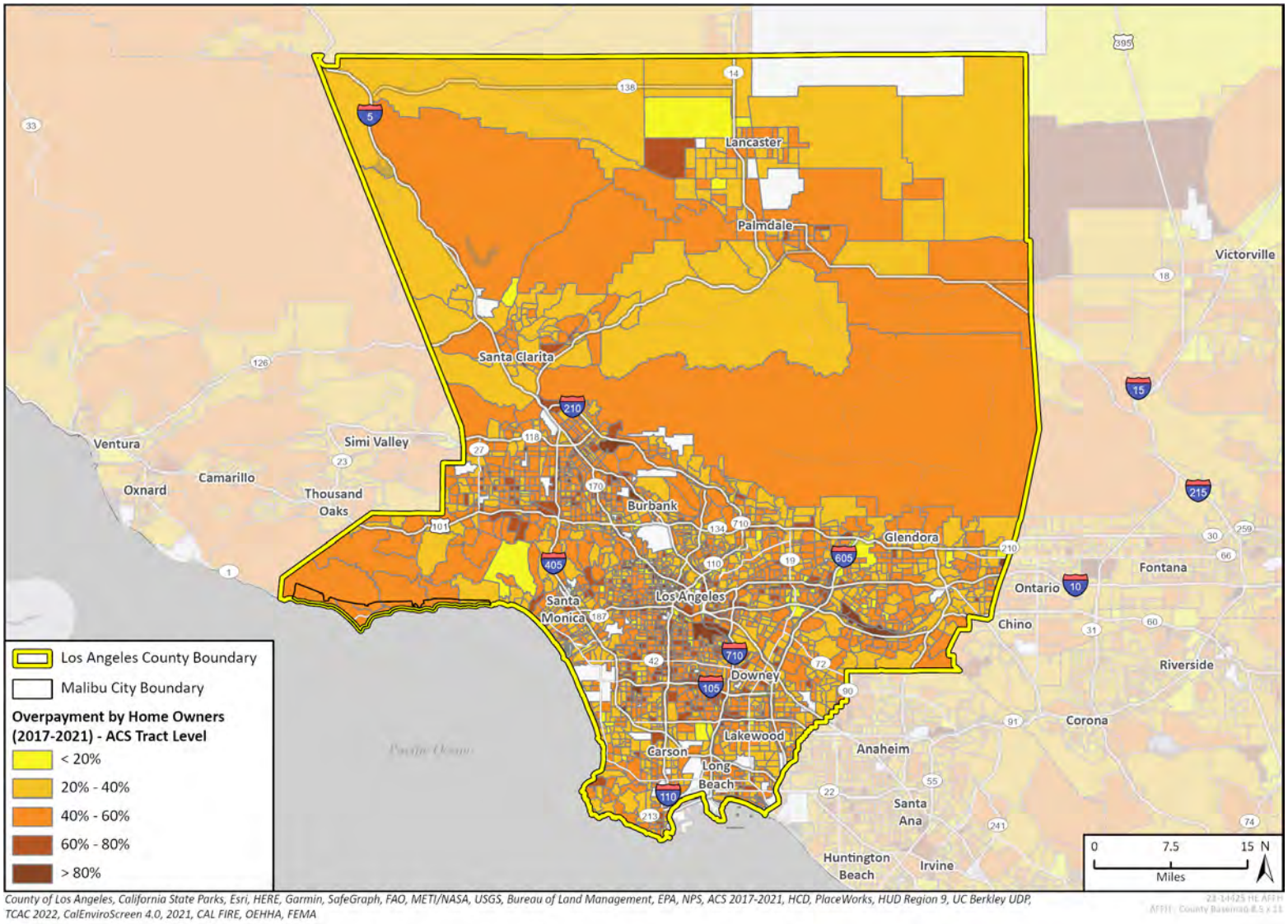
As shown in Figure F-31, the area with the highest levels of renter cost burden is in the in the eastern potion the city east of Las Flores Canyon Road, where between 60 and 80 percent of renters are burdened by housing costs. However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. The western portion of the city has the lowest levels of cost burden by renters, with less than 20 percent of renter households experiencing cost burden. These areas in the western portion of the city also have the highest population with a disability (Figure F-7). Conversely, housing cost burden by homeowners is lowest in the eastern portion of the city, where 20 to 40 percent of homeowners are cost burdened. This area also has some of the highest median incomes in the city (Figure F-14). West of Las Flores Canyon Road, between 40 to 60 of homeowners are cost burdened, as shown in Figure F-32.

Figure F-29
Overpayment by Renters (Los Angeles County)



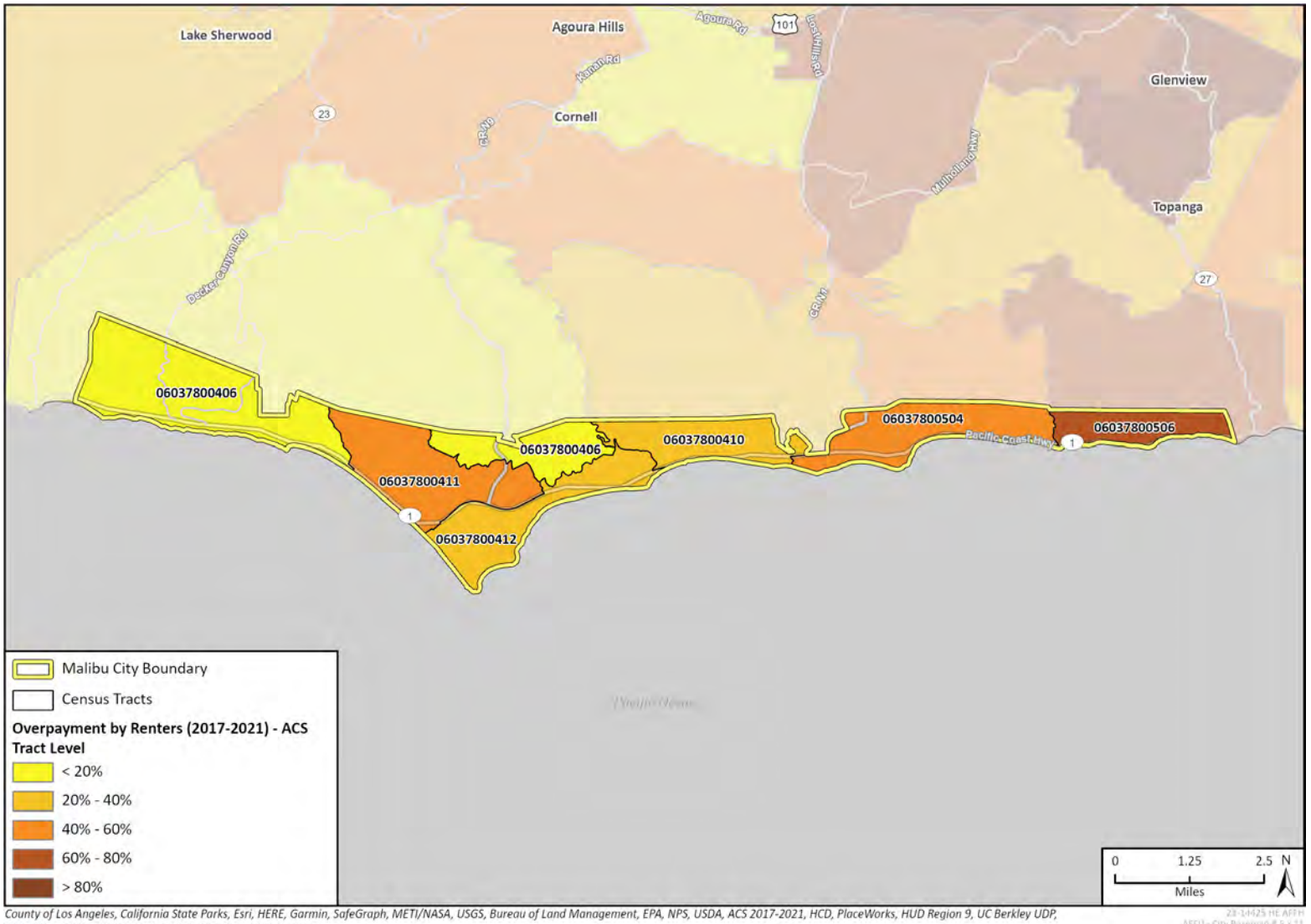
Source: AFFH Viewer, 2023

Figure F-30
Overpayment by Homeowners (Los Angeles County)



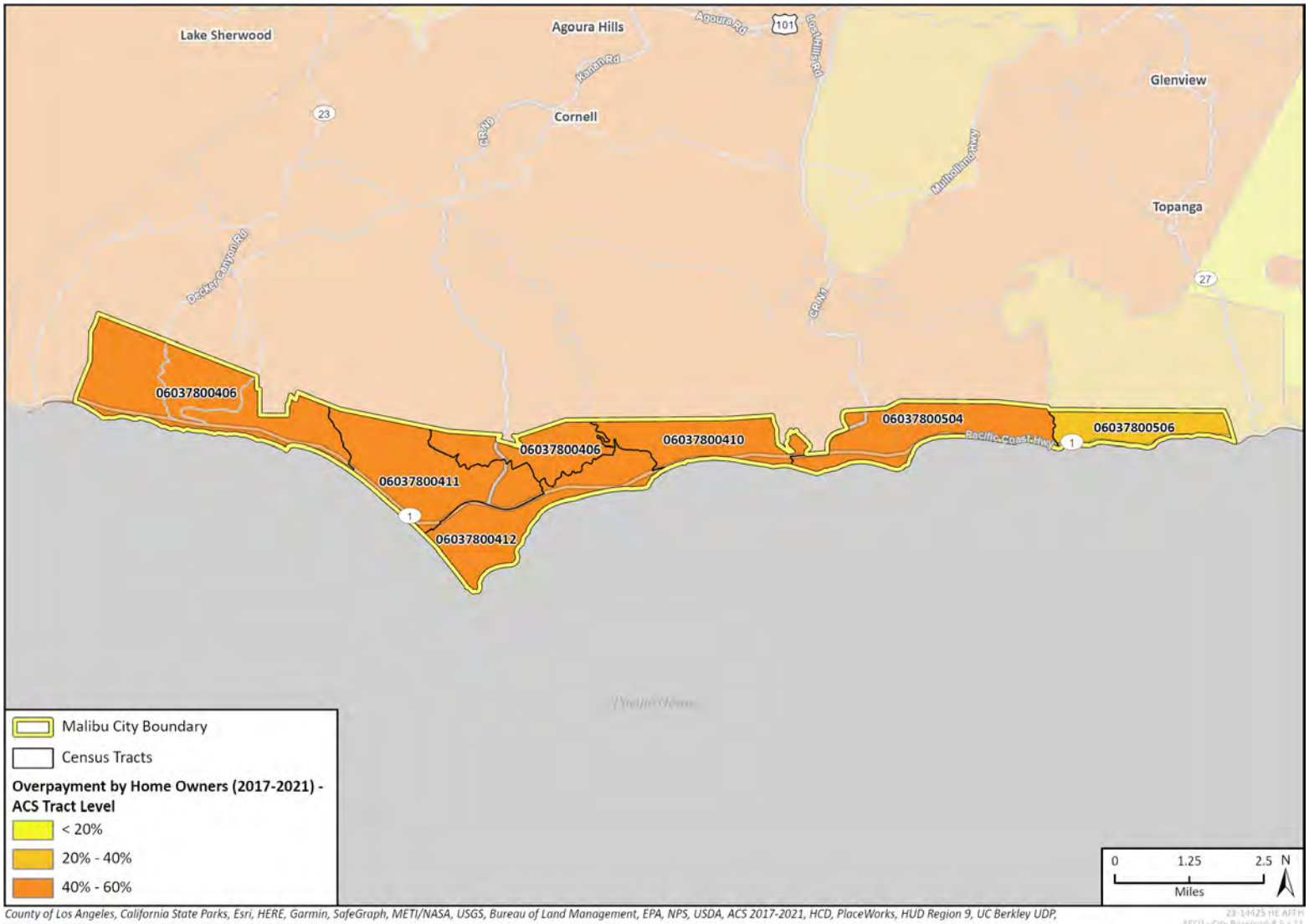
Source: AFFH Viewer, 2023

Figure F-31
Overpayment by Renters (Malibu)



Source: AFFH Viewer, 2023

Figure F-32
Overpayment by Homeowners (Malibu)



Source: AFFH Viewer, 2023

Overcrowding

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen) while severe overcrowding refers to more than 1.5 persons per room. Overcrowding is a measure to understand the needs of large families, defined as five or more persons per household. Generally, large households have special housing needs due to lower per capita income and the need for housing with three or more bedrooms.

Some large households may not be able to accommodate high-cost burdens for housing and accept housing with too few rooms. Potential fair housing issues emerge if non-traditional households are discouraged or denied housing due to a perception of overcrowding. Household overcrowding reflects various living situations, including housing units that are inadequately sized to meet a household's needs; the necessity or desire to have extended family members reside in an existing household; or unrelated individuals or families that share a single housing unit.

Not only is overcrowding a potential fair housing concern, but it can also potentially strain electrical systems in older housing that have not been updated or contribute to a shortage of parking. As a result, some property owners/managers may be more hesitant to rent to large households, thus making access to adequately sized housing even more difficult. Fair housing issues may arise from policies aimed to limit overcrowding that have a disparate impact on specific racial or ethnic groups with different preferences for housing size and/or ability to pay according to the household size standards identified.

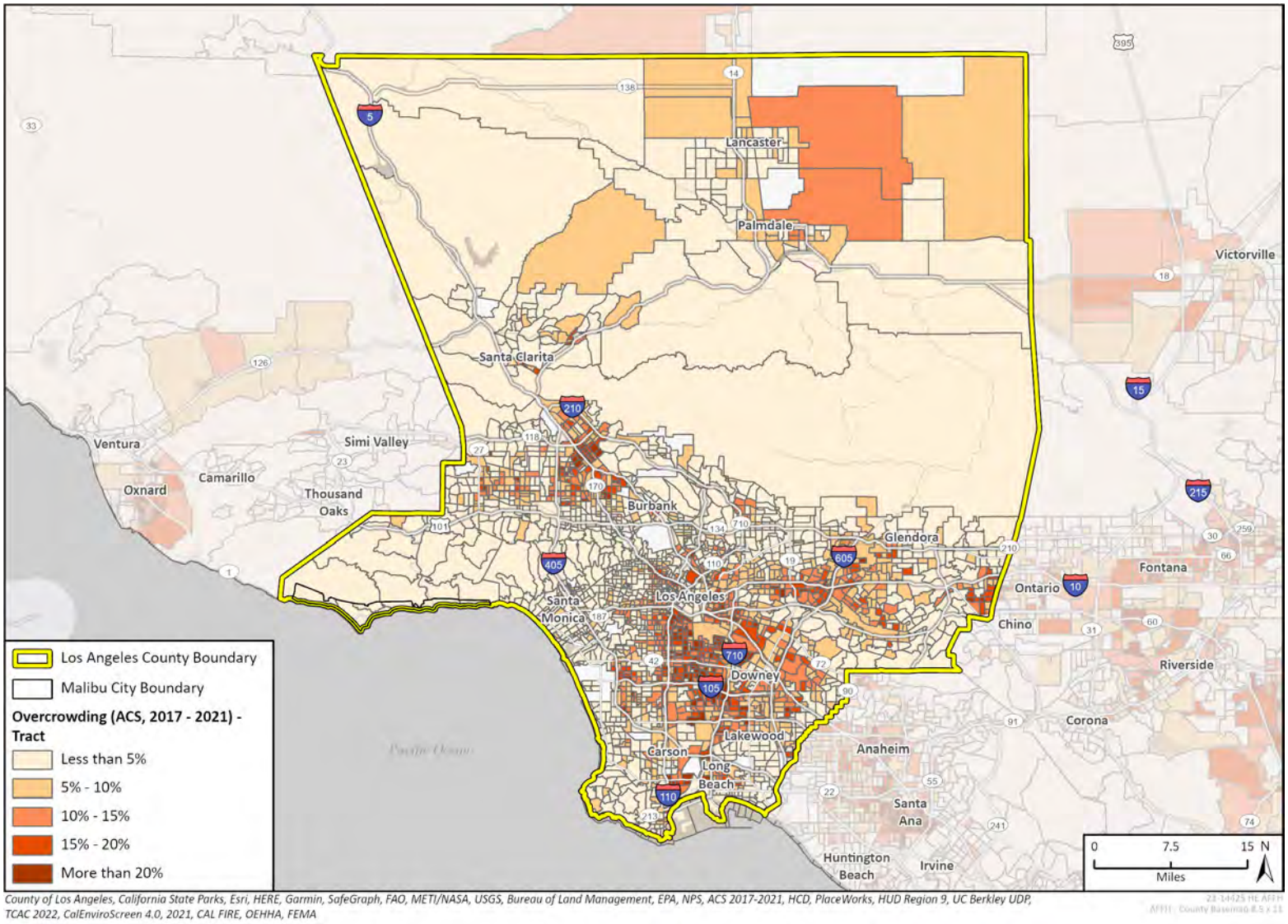
Regional Trends

According to ACS 2021 estimates, approximately 11 percent of households in the county are overcrowded and five percent are severely overcrowded. Overcrowding is present throughout the county, particularly in the communities of South-Central Los Angeles, in eastern Los Angeles County near the cities of El Monte and Baldwin Park, and in the San Fernando Valley. Coastal areas tend to have lower rates of overcrowding, as shown in Figure F-33.

Local Trends

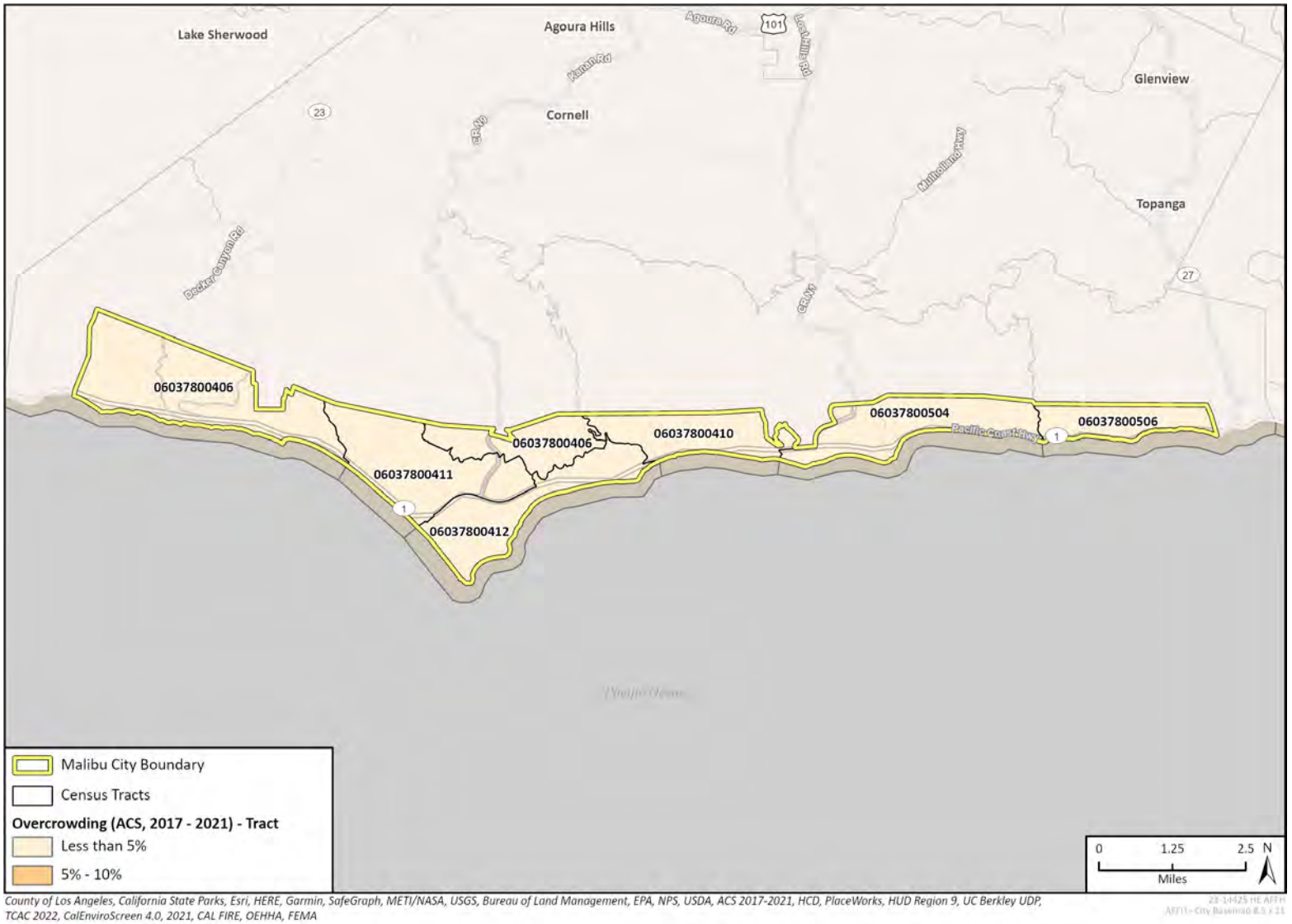
The rate of overcrowding is low throughout the City of Malibu. Figure F-34 shows overcrowded households in Malibu. Approximately one percent of all households in the city are overcrowded, and less than one percent are severely overcrowded. All overcrowding in the city is experienced in owner-occupied households.

Figure F-33
Overcrowded Households (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-34
Overcrowded Households (Malibu)



Source: AFFH Viewer, 2023

Housing Problems

HUD considers housing units to be "standard units" if they are in compliance with local building codes. Many federal and State programs use the age of housing as a factor to determine a community's housing rehabilitation needs. Housing age can be an important indicator of housing condition in a community. Like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Typically, housing over 30 years old is more likely to have rehabilitation needs that may include replacing plumbing, roof repairs, foundation work, and other repairs. Housing units built before 1978 may have health risks such as lead-based paint and asbestos. Housing issues prompted by disrepair such as mold may elevate health conditions such as asthma.

Regional Trends

Housing problems are defined as units having incomplete kitchen facilities, incomplete plumbing facilities, more than one person per room, and households with a cost burden greater than 30 percent. Severe housing problems are defined as all of the above and with a cost burden greater than 50 percent.[25]

Approximately 50 percent of households in Los Angeles County experience housing problems, and 32 percent experience severe housing problems.

A housing unit is considered substandard by the ACS if it lacks complete plumbing or kitchen facilities. According to the 2017-2021 ACS, 0.5 percent of occupied housing units in Los Angeles County lack complete plumbing facilities and 1.6 percent lack complete kitchen facilities.

Seventy-three percent of Los Angeles County's housing stock was built prior to 1980. Only 3.4 percent of the county's current housing stock was constructed in the last decade. These units are potentially in need of repair and modernization improvements. Additionally, lead-based paint was banned from residential uses in 1978. All houses constructed before 1978 are therefore considered at risk for containing lead-based paint.

Local Trends

According to 2021 ACS estimates, approximately 34 percent of households in Malibu experience housing problems and 19 percent of total households experience severe housing problems. These rates are significantly lower than the percentages of households experiencing housing problems in the county.

According to the 2017-2021 ACS, 0.7 percent of all occupied housing units in Malibu lack complete plumbing facilities and 0.9 percent lack complete kitchen facilities.

[25] HUD, 2021. https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Sixty-four percent of Malibu's housing stock was built prior to 1980. Only 2.4 percent of the city's current housing stock was constructed in the last decade. As noted in Chapter 7.2, Housing Needs Assessment, the majority of units are well-maintained due to high property values, although it is estimated that 10 units are in need of rehabilitation. Additionally, the 2018 Woolsey fire destroyed approximately 488 homes. Concentrated areas of substandard housing in Malibu are in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon. Program 1.3 Housing Rehabilitation Assistance directs resources to households that need rehabilitation assistance.

Persons Experiencing Homelessness

Nationally and in Los Angeles County, homelessness has become an increasingly significant issue. Many factors are identified as contributing to the increase in homeless populations.

State law (Section 65583(a)(7)) requires municipalities to address the special needs of persons experiencing homelessness within their boundaries. "Homelessness," as defined by HUD, describes the condition of an individual, who is not imprisoned or otherwise detained, who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
  - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Regional Trends

The 2023 Greater Los Angeles Point-in-Time (PIT) Summary by the Los Angeles Homeless Services Authority (LAHSA) provides the most recent evaluation of people experiencing homelessness in the county. According to the 2023 PIT count, there are 75,518 people experiencing homelessness in Los Angeles County (sheltered and unsheltered), an increase of 6,374 people (nine percent) from 2022. Approximately 26 percent of individuals in this count are sheltered adults and youth, 70 percent are unsheltered adults, and three precent are unsheltered youth.[26] Thirty percent reported a substance abuse issue, and 25 percent are experiencing serious mental illness.

The proportion of Black/African American persons experiencing homelessness in Los Angeles County (31.7 percent) far exceeds their relative proportion in the county's population (7.1 percent). American Indian/Alaskan Native residents and Native

[26] Los Angeles Homeless Services Authority. 2023 Greater Los Angeles Homeless Count Deck. 2023. https://www.lahsa.org/documents?id=7232-2023-greater-los-angeles-homeless-count-deck, accessed August, 2023.

Hawaiian/Other Pacific Islander residents are also overrepresented in the homeless population count compared to the respective county population share.

Los Angeles voters passed Proposition HHH in 2016, which enabled City officials to issue $1.2 billion in bonds for the development of permanent supportive housing units for people experiencing homelessness. In addition to funding permanent supportive housing development, the bonds can be used to help build temporary shelters.[27]

Local Trends

The preliminary data from the January 2024 homeless survey[28] conducted by LAHSA showed 51 people experiencing homelessness in Malibu, the lowest number since 2016, when the City began participating in the count, and a 30 percent decline since the 2023 count. The data follows reports from the City's Homeless Outreach Team through The People Concern that they helped 51 people in Malibu exit homelessness in 2023 through placement in permanent and interim housing, or family reunification.

Detailed information about persons experiencing homelessness is unavailable for the most unsheltered persons resided on the street (43 percent) and in vans (approximately 20 percent). The remaining unsheltered persons resided in cars (18 percent), in RVs/Campers (12 percent), and in tents/makeshift shelters (seven percent). Malibu represents 0.11 percent of the county's population but has 0.14 percent of the county's population experiencing homelessness (2022 data). Therefore, Malibu has a disproportionately higher percentage of the county's unhoused population.

Demographic data from the homeless survey conducted by LAHSA is compiled by LASHSA Service Planning Area (SPA). Malibu is in SPA 5 West Side, which includes Bel Air, Beverly Hills, Beverly Crest, Beverly Glen, Brentwood, Century City, Culver City, Holmby Hills, Laurel Canyon, Malibu, Mar Vista, Marina Del Rey, Manchester, Pacific Palisades, Palms, Rancho Park, Santa Monica, South Robertson, Venice, Westchester, and Westwood. Demographic data for SPA 5 is available for the 2023 survey, which estimated 5,712 total unhoused individuals (unsheltered and sheltered). Most (68 percent) were male. Nine percent were under the age of 18 and eight percent were over the age of 65.

In terms of race and ethnicity, 24 percent were Hispanic/Latino, one percent was American Indian/Alaska Native, three percent Asian, 30 percent were Black/African American, one percent was Native Hawaiian/Other Pacific Islander, 37 percent were white, and four percent were multiple races. In comparison, Malibu's population is eight percent Hispanic/Latino, 81 percent white alone (not Hispanic/Latino), three percent Asian, one percent Black/African American, five percent multiple races, and less than one percent American Indian/Alaska Native or Native Hawaiian/Other Pacific Islander.[30] While comparison between the unhoused population of SPA 5 and the population of

[27] Local Housing Solutions. 2024. https://localhousingsolutions.org/housing-policy-case-studies/los-angeles-proposition-hhh/
[28] City of Malibu, https://www.malibucity.org/homelessness, accessed April, 2024
[30] U.S. Census data. 2023. Table P9. https://data.census.gov/table/DECENNIALDHC2020.P9?t=Race%20and%20Ethnicity&g=160XX00US0645246

Malibu is not a direct comparison, it can be assumed that Black/African American and Hispanic/Latino racial and ethnic categories are likely overrepresented among the unhoused residents in Malibu. This data suggests that Black/African American and Hispanic/Latino residents are at higher risk for displacement compared to other racial and ethnic groups.

For adult individuals over the age of 18 in SPA 5, 23 percent had a substance abuse disorder, two percent reported having HIV/AIDS, 26 percent reported a serious mental illness, 10 percent had a developmental disability, and 22 percent had a physical disability. In comparison, nine percent of all Californian residents met the criteria for a substance abuse disorder (2022 data), and less than one percent of all Californian residents live with diagnosed HIV infection (2021 data), which implies overrepresentation of these characteristics among the unhoused residents in SPA 5.[31] In addition, 48 percent of individuals in SPA 5 reported having experienced domestic/intimate partner violence and 11 percent reported being homeless due to fleeing a domestic/intimate partner violence situation. [32]

Malibu partners with The Malibu Community Assistance Resource Team (CART) and The People Concern to bring resources to people experiencing homelessness in the city. Malibu CART provides ongoing dinner and lunch programs, vaccinations, mobile eye clinics, home transition supplies, shelter transport, and hygiene items for people experiencing homelessness. Additionally, Our Lady of Malibu Church and other local churches and synagogues provide a Monday Afternoon Community Meal, collect and distribute clothing, offer shower and support services, and host thanksgiving dinner. Standing on Stone (S.O.S.) partners with local churches to host dinners for the homeless.

There are no emergency shelters within city limits. According to local service providers, there is a concentration of people experiencing homelessness within the Civic Center and Legacy Park. A significant portion of the unhoused population are older individuals who have been homeless for decades and desire to remain in the city. Most of the population experiencing homelessness did not live in Malibu before becoming homeless but have arrived in the area for various reasons. However, some individuals resided in Malibu before becoming homeless, but lost their housing during the Woolsey Fire. In these circumstances, it is common that these residents resided on another resident's property in a guest home or trailer. Although housing vouchers were provided after the fire to all residents, not all displaced residents participated in the assistance program.

In February 2024, according to the latest report by The People Concern, the total number of contacts made by the Homeless Outreach Team was 258, with 72 unduplicated contacts. Fourteen individuals were contacted in permanent or temporary housing. Of the 54 unduplicated contacts currently residing on the streets, two were new contacts, with one of them becoming a repeat contact. There are currently 29 contacts considered in various stages of engagement, and 25 are currently refusing services. The

[31] California Health Care Foundation. 2022. California Health Care Almanac; California Department of Public Health. 2023. The California HIV Surveillance Report https://www.chcf.org/wp-content/uploads/2022/01/SubstanceUseDisorderAlmanac2022.pdf

[32] LAHSA. 2023 Greater Los Angeles Homeless Count – SPA 5. https://www.lahsa.org/documents?id=7685-spa-5-hc2023-data-summary

outreach team continues to contact these individuals with the goal of getting them engaged in the housing process.[33]

To address the issue of homelessness in Malibu, the City has maintained a proactive, service-driven approach that strategically bridges outreach and enforcement while considering impacts on the community. Some of those measures include the development of a strategic plan, increased collaboration with stakeholders throughout Los Angeles County, establishing a Homelessness Task Force, securing interim shelter bed opportunities for people experiencing homelessness in Malibu, and the formation of a working group to strengthen cooperation between the various agencies and organizations providing assistance within the community. The City currently provides funding for an Outreach Team and a Housing Navigator who work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing. City staff conduct routine field checks to prevent the formation of new encampments, address public safety concerns related to homeless encampments in partnership with the Los Angeles County Sheriff's Department, and properly assist those who are experiencing homelessness in the city.[34] There are no interim beds in Malibu. The closest shelter is in Santa Monica, where the City contracts for three beds available to Malibu residents. As a result, the Malibu Library is an unofficial base to provide services to those experiencing homelessness. Service providers acknowledged that while there is a beneficial working relationship between the providers, the Sheriff's Department, City staff, and community volunteers, the lack of interim or emergency housing in the city creates challenges to providing adequate service coordination for their clients.

The City adopted and is currently implementing the Homelessness Strategic Plan to help guide and coordinate efforts to prevent and alleviate homelessness in Malibu. The Malibu Homelessness Working Group, comprised of City staff, outreach workers, the faith community, and residents, meets monthly to review community and City efforts to execute the Plan. The City funds two dedicated, full-time outreach workers from The People Concern to conduct outreach and offer services to the homeless population in Malibu. These outreach workers engage with and perform outreach to homeless individuals and families on the streets, hillsides, and beaches of Malibu and provide case management services. The outreach workers assess the needs of these individuals and connect them with, or provide referrals to, local services, housing, and resources. The Outreach Team performs its activities eight hours per day, five days a week, beginning in the early morning when homeless individuals are most likely to be engaged. The Outreach Team operates throughout the city and focuses outreach where homeless individuals are likely to be, such as within the Civic Center and Legacy Park.

Additionally, the Las Virgenes-Malibu Council of Governments (COG), comprised of the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake village, was awarded Los Angeles County Measure H funds to hire a homelessness outreach worker to serve the five cities. The COG outreach worker coordinates with other service providers operating

[33] The People Concern. February 2024. https://www.malibucity.org/ArchiveCenter/ViewFile/Item/716
[34] City of Malibu. 2024. https://www.malibucity.org/homelessness

in Malibu through joint operations in the field and through the Malibu Homelessness Working Group.

Given the low number of people experiencing homelessness relative to the extensive level of services provided by service organizations and the City, adequate services exist to serve people experiencing homelessness, and there are no gaps in providing services locally.

Displacement

Displacement, as defined by HCD, is used to describe any involuntary household move caused by landlord action or market changes. Shifts in neighborhood composition are often framed and perpetuated by established patterns of racial inequity and segregation. Movement of people, public policies, and investments, such as capital improvements and planned transit stops, and flows of private capital can lead to displacement. Displacement is fueled by a combination of rising housing costs, rising income inequality, stagnant wages, and insufficient market-rate housing production. Decades of disinvestment in low-income communities, coupled with investor speculation, can result in a rent gap or a disparity between current rental income of the land, and potentially achievable rental income if the property is converted to its most profitable use. These processes can disproportionally impact people of color, as well as lower income households, persons with disabilities, large households, and persons at-risk or experiencing homelessness.[35]

Regional Trends

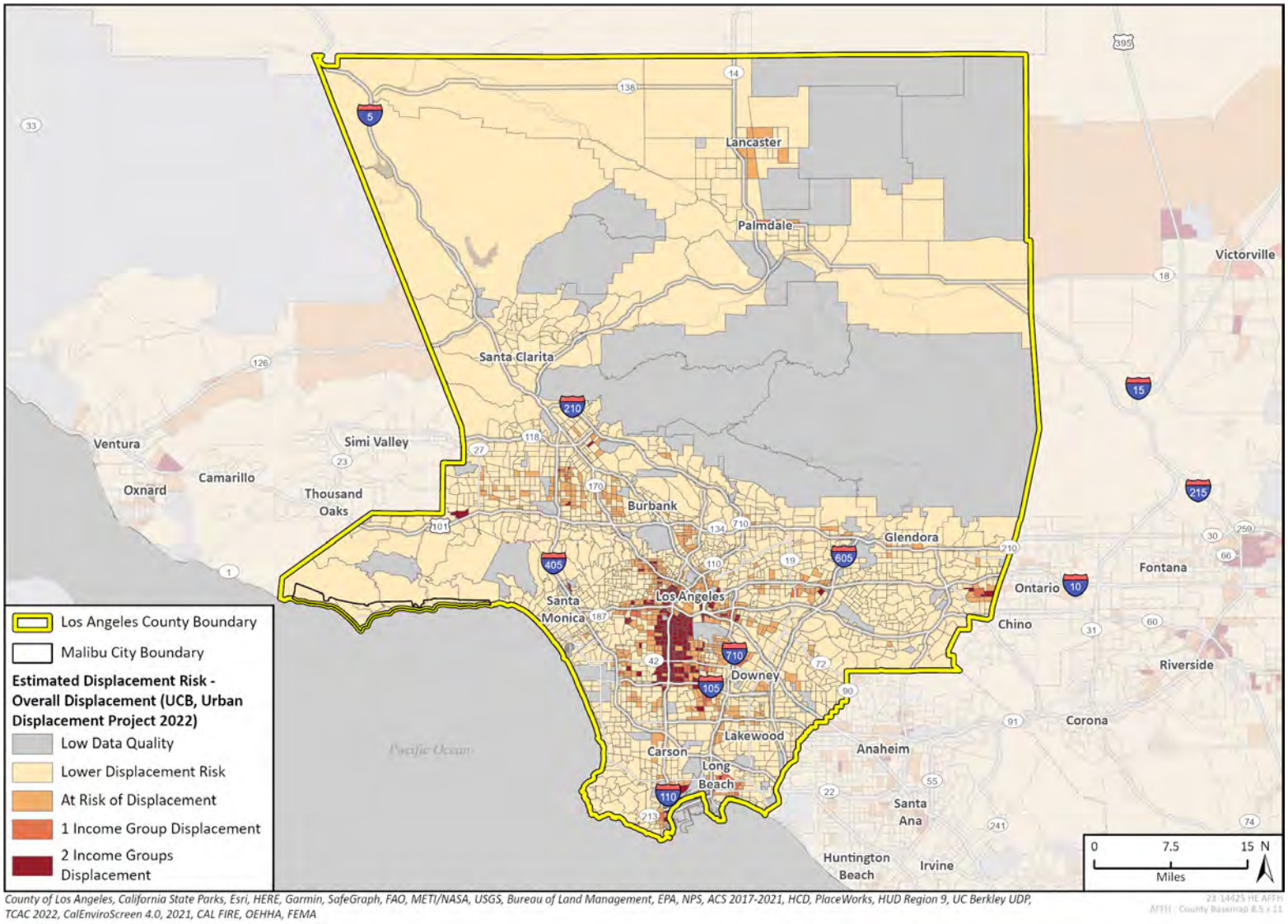
Regionally, much of Los Angeles County is considered vulnerable to displacement due to increases in housing costs combined with disparities in earned income and access to opportunity. Within the City of Los Angeles, most neighborhoods in the South-Central area and East Los Angeles experience high displacement risk. Within the San Gabriel Valley, cities such as El Monte and Montebello have high displacement risk. Most of the suburban, rural, and coastal communities have lower displacement risk, as shown in Figure F-35.

Local Trends

According to UDP, all of Malibu has a low risk of displacement, as shown in Figure F-36.However, those with high cost burden, particularly low-income households are at risk for displacement as there is no rent restricted housing within the city and no use of HCVs. Some households have been displaced in recent years by environmental disasters, such as the Woolsey Fire in 2018. Some have been unable to return due to the high cost of land and rebuilding. According to input from service providers, there is an upward trend of more women and more seniors becoming homeless.

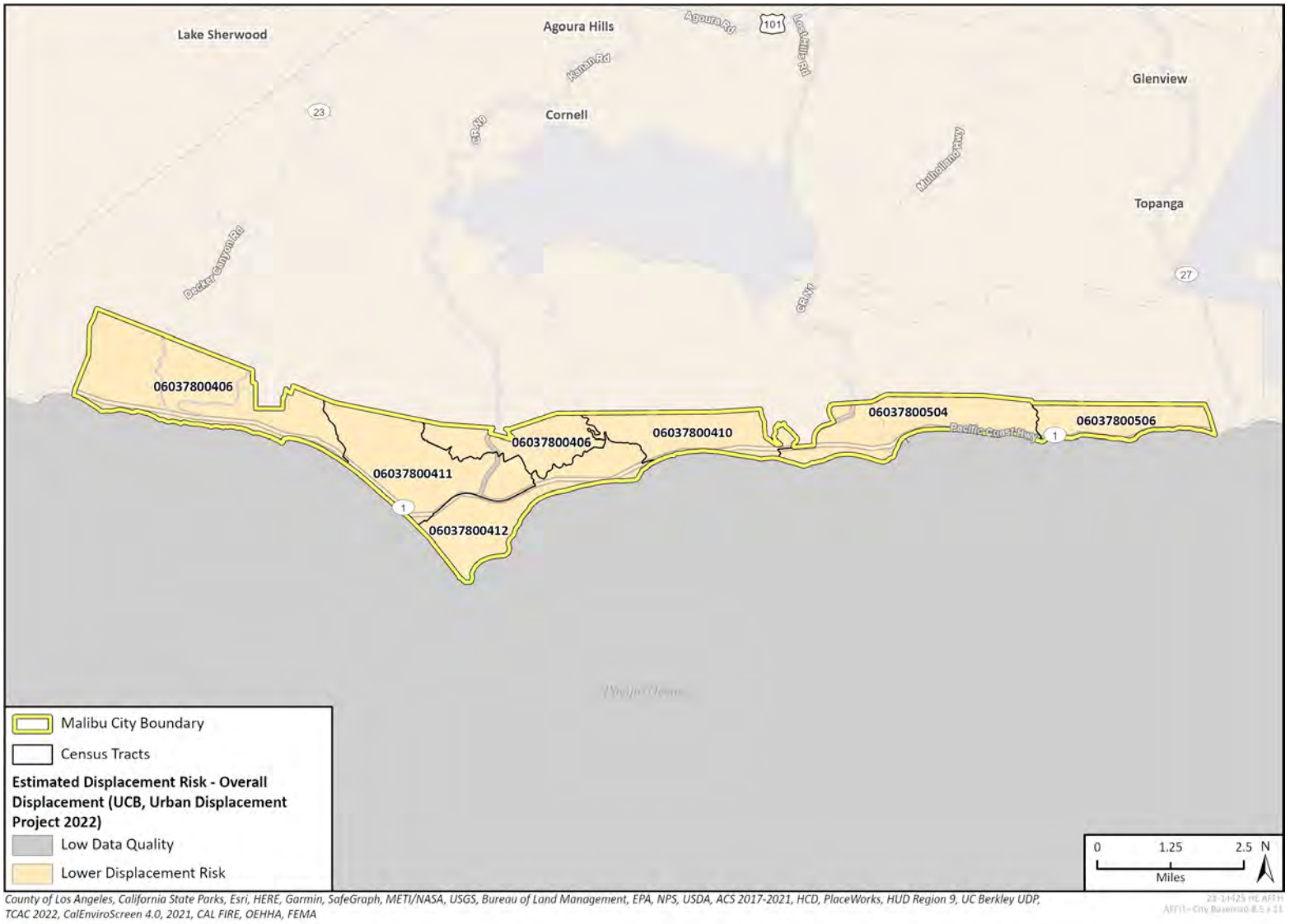
[35] HCD. 2021. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Figure F-35
Displacement Risk (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-36
Displacement Risk (Malibu)



Source: AFFH Viewer, 2023

Lower-income residents, who may have had lower rent in private homes or apartments are vulnerable to displacement due to rental increases or changes in ownership. Residents in non-family households may be most at risk. Service providers acknowledged that displaced residents may lack knowledge of housing resources and/or may feel uncomfortable reaching out for assistance. To provide more housing opportunities in the city for low- and moderate-income households, the City will allow up to two Junior ADUs (JADUs) per single-family lot (Program 4.1.f). JADUs are a maximum of 500 square feet in size and are contained in the existing or proposed single-family structure. Allowing up to two JADUs may provide relatively affordable rental options in private homes.

Local Data and Knowledge

Regional

Patterns of racial segregation are the byproduct of local and federal policies, private housing discrimination, and community prejudice. To understand present challenges to fair housing, it is necessary to review the history of actions that have led to regional patterns of segregation.

Starting in the 1930s, communities in the Los Angeles region were impacted by redlining, which is the practice of discriminating against loan borrowers based on the racial or socioeconomic status of the neighborhood in which a property is located. Redlining, a government-sponsored system of denying mortgage loans and services to finance the purchase of homes in specific areas, served as a tool to limit homeownership opportunities, as federally insured and long-term mortgages were routinely denied to persons seen as "undesirable," often non-white persons. Redlining directed both public and private capital to white households and away from Black/African American, non-white, immigrant, and Jewish households. As homeownership is one of the most significant means of intergenerational wealth building in the United States, these redlining practices had long-term effects in creating wealth inequalities.[36]

A federal agency called the Home Owners' Loan Corporation created residential security maps in the 1930s throughout American cities to support the Federal Housing Administration and its new mortgage program. These maps designated certain neighborhoods as desirable or not worth investment based on several factors. These included housing age, condition, and value, as well as proximity to services, amenities, and transportation. "Security" levels were color-coded from green (least risk), blue, yellow, and red (highest level of risk). Problematically, the key factors in determining risk were race and ethnicity. Neighborhoods with a multicultural community, recent immigrants, or families of color were severely downgraded or redlined. Areas that saw the majority populations of white residents were either left unmarked or were given a high-desirability rating. These maps documented the perceived risk of lending and determined the lending practices of banks and other mortgage lenders administering the federal loans. This led to disinvestment in cities and a loss of wealth building for generations of American families. This practice of racial exclusion from homeownership

[36] Mapping Inequality: Redlining in New Deal America. https://dsl.richmond.edu/panorama/redlining/#loc=14/34.067/-118.143&city=los-angeles-ca&area=C127

allowed white Americans to accumulate wealth through government backed homeownership while minority communities were excluded and marginalized. Over eighty years later, 74 percent of neighborhoods color coded red are low to moderate income today and nearly 64 percent are minority neighborhoods now.[37]

Local

Malibu was first settled by the Chumash peoples. Spanish explorers reached the canyon now known as Malibu Creek in approximately 1776 and Rancho Malibu was established.

In 1904, the Southern Pacific Railroad applied to the Interstate Commerce Commission to build tracks linking the Long Wharf in Santa Monica with the northern tracks that ended in Santa Barbara through the area of Malibu. To prevent a public railroad from going through the land, the owner of the land (the Rindge family) built a private railroad that extended near the eastern boundary of the ranch near Las Flores Canyon and ended near Yerba Buena Canyon in Ventura County. Efforts by the Rindge family to prevent development on the ranch continued with a battle over the Pacific Coast Highway. After several lengthy court battle that lasted 25 years, the Roosevelt Highway (now called the Pacific Coast Highway) opened to the public in 1929.[38] Despite the Rindge's efforts to keep their land isolated from the public, with the establishment of the highway, a large labor force from Santa Monica became accessible, as did the transportation to and from rail and shipping centers in Santa Monica, Los Angeles, and San Pedro. In 1968, the Rindge family donated 138 acres to Pepperdine University for the construction of the school's new campus near present-day Malibu. The first students of the Malibu Campus entered school on September 6, 1972, with an incoming class of 867 students.

Prior to the development of the roadway network, Malibu was mainly used for grazing cattle or transversing the beach to travel to other areas of the county. The urban development of Malibu started with the sale of the La Costa area in 1928 for the establishment of the Malibu Movie Colony. Land was leased and later sold to movie stars. Today, the Malibu Movie Colony is a gated community. While Malibu was not included in the HOLC maps, the Malibu Movie Colony (now Malibu Colony) had racial covenants attached to the sale of the land, prohibiting occupation or use by any non-white person.[39] In 1948, the United States Supreme Court ruled that racial covenants were unconstitutional (Shelley v. Kraemer). In 2022, Assembly Bill 1466 was enacted to redact unlawfully restrictive covenants from all property records in the State of California.

The City was incorporated in 1991, long after urbanization and low-density land use patterns, exclusive nature, and single-family homes had been established. By then, Malibu had long been famous for its beaches, surfing and celebrity culture, and high-profile houses. Large-scale multi-family residential development has been, and continues to be, limited by geographic limitations, including steep slopes and infrastructure

[37] HOLC "Redlining Maps," The persistent Structure of Segregation and Economic Inequality, NCRC, Bruce Mitchell, PhD. Accessed: January 5, 2022, https://ncrc.org/wp-content/uploads/dlm_uploads/2018/02/NCRC-Research-HOLC-10.pdf
[38] Doyle, W.T, Doyle T., Laubach, C., May, F., Merrick, J. Pfeifer, L., Rindge, R., Ringer, J.. The Story of Malibu. https://www.malibucity.org/106/History-of-Malibu, accessed August, 2023.
[39] History News Network. *The Racist History of Malibu.* 2009. https://historynewsnetwork.org/article/118349, accessed August, 2023

concerns, mainly the ability to provide septic systems with sufficient capacity or connect to the City's limited wastewater system.

The high price of real estate, limited transportation options, and lack of accessibility due to the topography and environmental constraints has prevented lower-income non-white populations from moving into the city. These challenges have exacerbated segregation by race and income between Malibu and the rest of Los Angeles County.

Stakeholder Input

As part of the Housing Element update, the City held a virtual workshop and two public meetings in the summer of 2021. Notices were sent to non-profit housing providers, housing advocates, and fair housing organizations. The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Consideration of the exceptional constraints on housing development in Malibu including high fire hazards, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply, lack of a communitywide wastewater system, limited roadway access, and problems caused by sea level rise.

In April 2024, the City held meetings with two social service organizations: The People Concern and Malibu CART, both of which work primarily with people experiencing homelessness and lower-income residents. The following issues were raised at the meetings:

- Lower-income and moderate-income employees in the city have difficulty commuting into the city, especially via public transit, and cannot afford housing in the city. The long commute time has led to high staff turnover for public sector and lower-income positions. Lower-income employees working temporary jobs (for example, in construction) sometimes choose to sleep in their vehicles on the street rather than commute the long distance home every day.

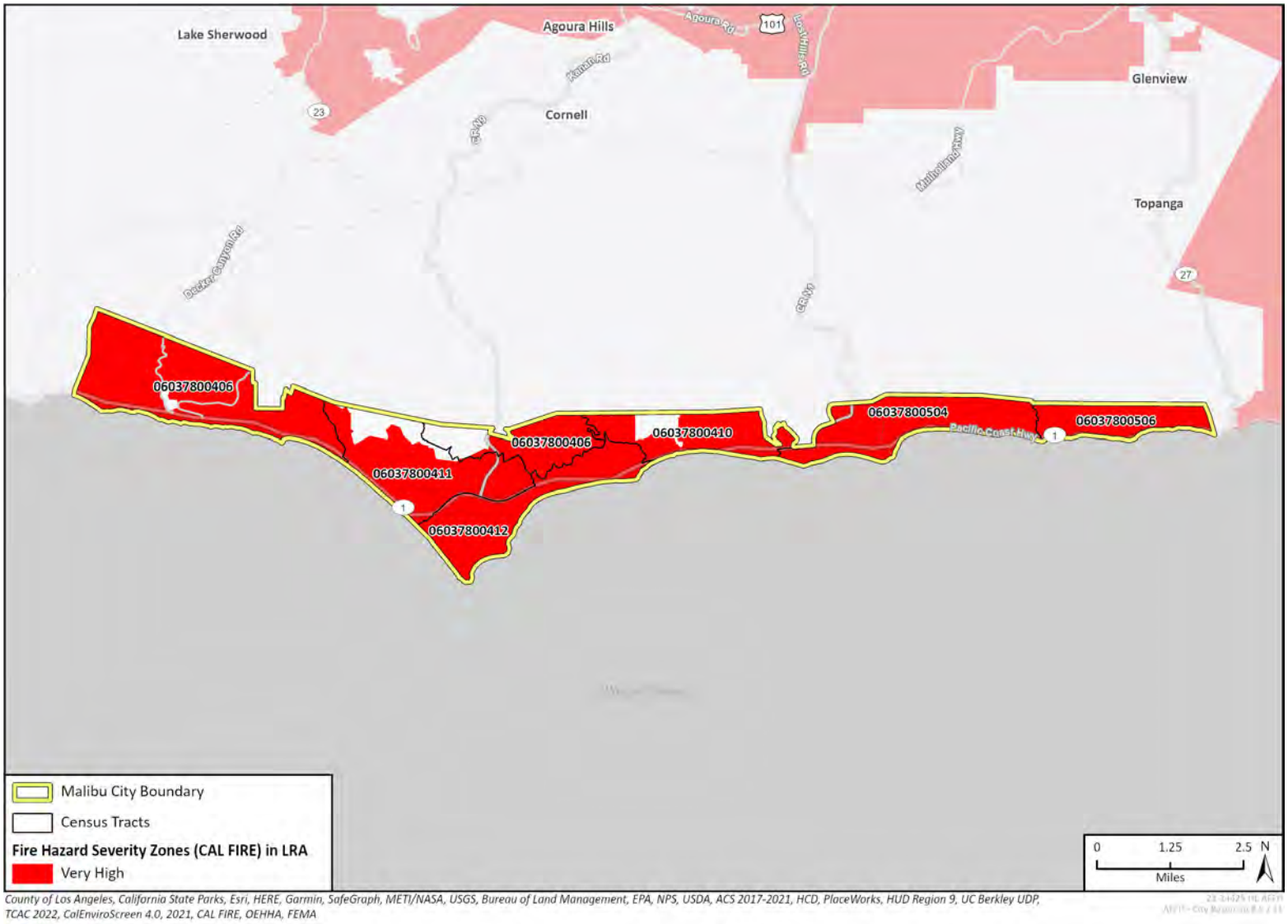
- Unhoused residents without vehicles have difficulty locating shelter and accessing services.

Other Relevant Factors

Other factors to fair housing issues in Malibu that have not been previously discussed in this analysis include lack of infrastructure and environmental factors. Development within the city is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. Although the city is characterized by a large amount of vacant land, only a small portion of that land is suitable for development due to these natural constraints. As

shown in Figure F-37, almost the entire city is within a Very High Fire Hazard Severity Zones. Approximately 488 homes in the city were lost in the Woolsey Fire in 2018.

Figure F-37
Fire Hazard Severity Zones (Malibu)



Source: AFFH Viewer, 2023

Development in steeply sloping properties requires substantial modification to the natural terrain, which significantly adds to the cost of development. Development on the steep hillsides also adds to erosion and landslide potential.

Additionally, the entire city lies within the Coastal Zone as defined by the California Coastal Act of 1976[40]. All new single-family residences and multi-family residential development in the city require a Coastal Development Permit pursuant to the development requirements of the LCP, which limits grading on steep slopes and encroachment into environmentally sensitive habitat areas (ESHAs). Development is also constrained by federal and state laws (e.g., Federal Emergency Management Agency floodplain regulations, Clean Water Act, Endangered Species Act; and California Fish and Game Code and Alquist-Priolo Earthquake Fault Zoning Act). Because of these constraints, a large portion of the city remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system. The majority of the housing stock is served by private onsite wastewater treatment systems.

Access to Home Ownership

To understand current racial/ethnic disparities among homeownership opportunities, this analysis reviews mortgage application filing and acceptance by race using the latest available data. As shown in Table F-11, there were 1,381 mortgage applications filed in Malibu in 2021. Of the racial/ethnic categorization of mortgage applications, almost half were filed by non-Hispanic white residents. In comparison, Hispanic/Latino and Asian American/API applicants comprised approximately three percent each, and Black/African-American, Native Hawaiian/Other Pacific Islander, and American Indian or Alaskan Native applicants comprised less than one percent of total mortgage loan applications combined.

No racial population were representative for mortgage applications relative to proportion of population. Asian American residents were overrepresented for mortgage applications (3.1 percent of applications, 2.8 percent of population), as were Black/African American residents (0.7 percent of applications, 0.5 percent of population), and Other/Unknown (48 percent of applications, 0.5 percent of population. Hispanic/Latino residents were underrepresented for mortgage applications (2.6 percent of applications, 12 percent of population), as were non-Hispanic white residents (47.7 percent of applications, 77.1 percent of population).

[40] California Public Resources Code, Division 20.

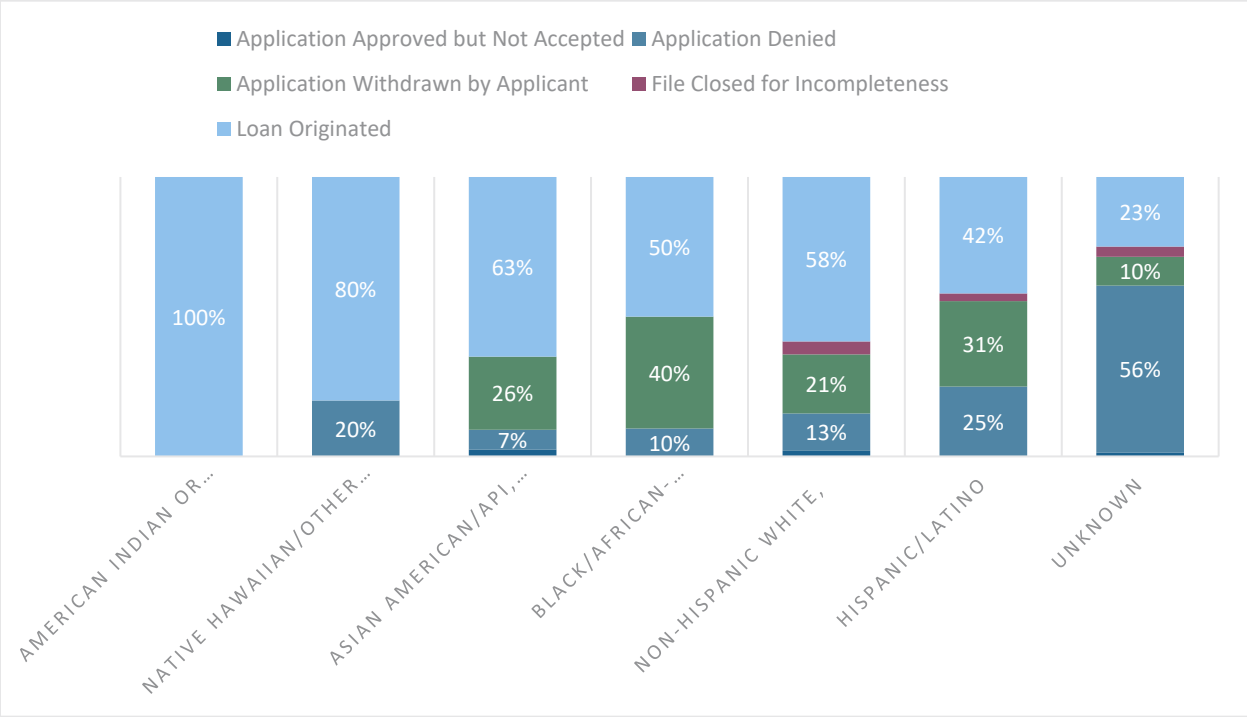
Table F-11
Mortgage Applications and Acceptance by Race, 2021

Racial/ Ethnic Group	Application Approved but Not Accepted	Application Denied	Application Withdrawn by Applicant	File Closed for Incompleteness	Loan Originated	Other Action	Total Applications
American Indian or Alaska Native, Non-Hispanic	0	0	0	0	1	0	1 (0.1%)
Native Hawaiian/Other Pacific Islander	0	1	0	0	4	0	5 (0.4%)
Asian American/API, Non-Hispanic	1	3	11	0	27	1	43 (3.1%)
Black/African-American, Non-Hispanic	0	1	4	0	5		10 (0.7%)
Non-Hispanic White	13	87	137	30	382	10	659 (47.7%)
Hispanic/Latino	0	9	11	1	15	0	36 (2.6%)
Other/Unknown	8	373	64	23	155	40	663 (48%)
Total	22	465	216	53	574	51	1381

Notes: "Loan originated" means that the application was accepted a loan was made by a financial institution to the applicant. "File incomplete or withdrawn" means a loan was not originated because the application was withdrawn before a credit decision was made or the file was closed for incompleteness. "Application denied" means a loan was not originated because the financial institution did not approve the mortgage application. "Application approved but not accepted" means the financial institution approved the loan application but the applicant did not complete the transaction and a loan was not originated. Other categories of application actions were not included in this analysis, such as purchased loan, preapproval request denied, and preapproval request approved but not accepted. For the purposes of this graph, the "Hispanic or Latino" racial/ethnic group represents those who identify as having Hispanic/Latino ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latino ethnicity.
Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

As shown in Figure F-38, 100 percent of American Indian or Alaska Native applicants, 80 percent of Native Hawaiian/Other Pacific Islander applicants, 63 percent of Asian American/API applicants, 58 percent of non-Hispanic white, and 50 percent of Black/African American applicants had their loans originated. Only 42 of Hispanic/Latino applicants had their loans originated. Black/African American and Hispanic/Latino applicants had the highest denial rates at 40 and 31 percent, respectively.

Figure F-38
Mortgage Rates and Acceptance by Race (Malibu)



Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

Subsidized Housing

The Housing Authority of the County of Los Angeles (Housing Authority) serves in Los Angeles County, administering both the Section 8 Housing Choice Voucher (HCV) and Public Housing programs. The HCV provides assistance to rent-burdened residents and will continue to seek opportunities to increase rental assistance and reduce overpayment. The HCV program currently assists approximately 23,000 families through a partnership with over 13,000 property owners. The Public Housing program manages 3,229 units of public and other affordable housing throughout Los Angeles County.

According to the California Housing Partnership, there are no subsidized or public housing units within the City of Malibu.[41] There is no data available on the number of HCV recipients in the city.

Site Inventory

This section provides an analysis of how the site inventory impacts fair housing in the city. The housing element must demonstrate that there are adequate sites zoned for the development of housing for households at each income level sufficient to

[41] California Housing Partnership. Affordable Housing Map and Benefits Calculator. https://affordablehomes.chpc.net/?view=34.033807,-118.81921,12&rural=1,0&funding=hud,usda,lihtc,hcd,calhfa&selected=city,125, accessed August, 2023.

accommodate the number of new housing units needed at each income level as identified in the RHNA. In the context of AFFH, the site identification requirement involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Housing Sites by TCAC Opportunity Areas

For purposes of evaluating fair housing, resource levels designated by TCAC/HCD denote access to economic and educational opportunities such as low-cost transportation, jobs, and high-quality schools and the quality of environmental factors in the area such as proximity to hazards and air quality. TCAC has a composite opportunity score for each census tract. The entire City of Malibu is within census tracts designated by TCAC as highest resource, indicating that each neighborhood of the city is associated with positive economic, educational, and health outcomes for low-income families – particularly long-term outcomes for children – when compared to other neighborhoods in the same region.

The City's site inventory can accommodate 111 units on three sites. Figure F-39shows the housing opportunity sites by TCAC-designated resource area, all within highest resource areas. The "appropriateness" of sites for various affordability levels -- whether the sites could accommodate housing appropriate for low-, moderate-, or above moderate-income households -- is dictated by state housing element law and HCD guidance and includes allowable density, size of site, realistic capacity, existing use(s), and other factors. More information about the sites and income designations is available in Appendix B, Residential Land Inventory.

A portion of the City's RHNA will be satisfied by planned and approved projects. All planned and approved projects and housing opportunity sites are in areas designated as highest resource.

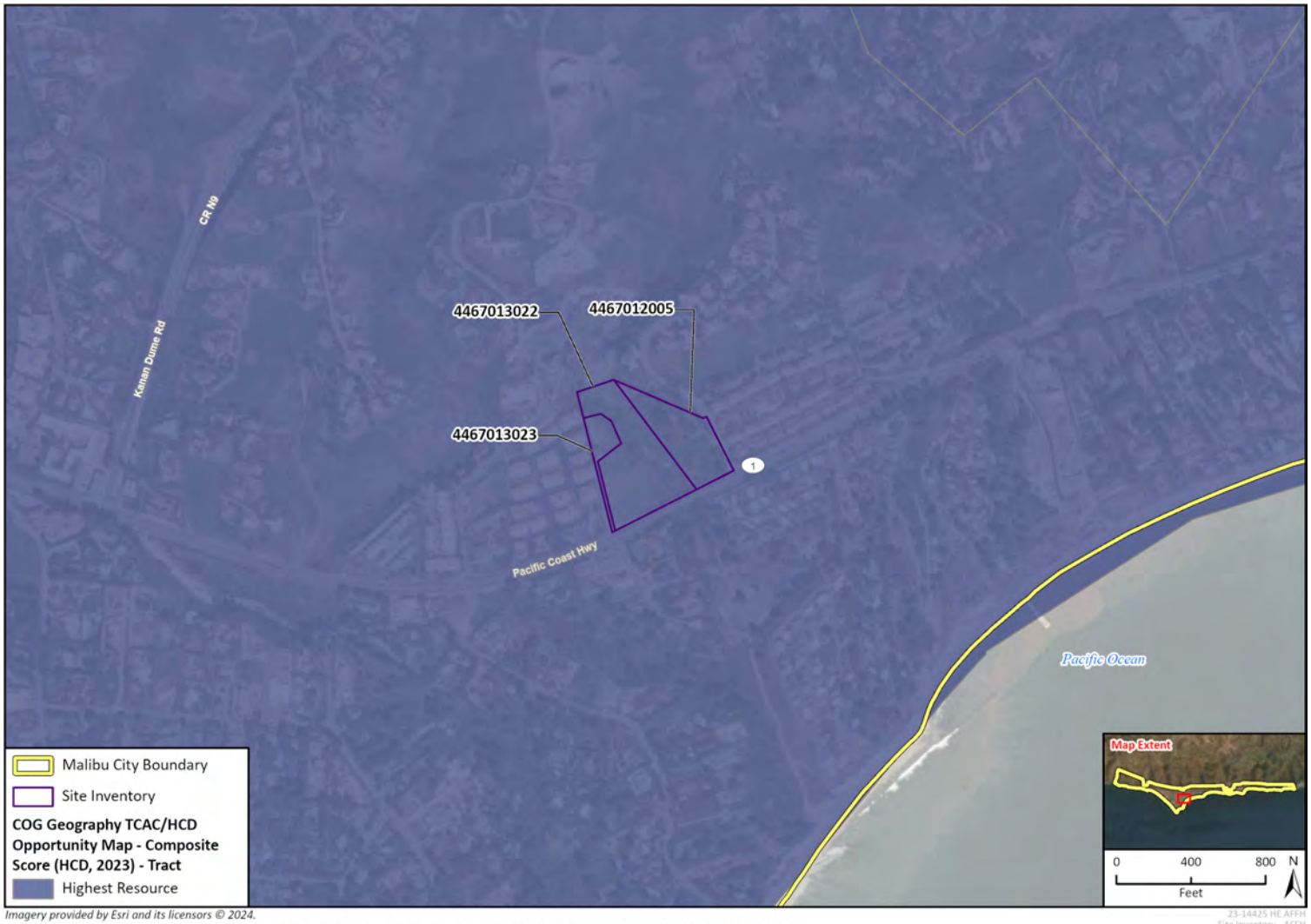
Total Units by Resource Area

All 111 proposed housing units identified in the site inventory are in highest resource areas: 32 percent of those units (36 units) will be lower-income units, 20 percent (22 units) will be moderate-income units, and 48 percent (53 units) will be above moderate-income units. Due to the geographic constraints as discussed in detail in Chapter 7.4, *Housing Constraints*, the site inventory was limited in available opportunity sites for higher-density housing that could accommodate units for lower and moderate-income households. The AHO sites are the only sites in the city with sufficient area and zoning for higher-density housing, as well as proximity to transit and community amenities. As a result, all units proposed in the site inventory are limited to three neighboring AHO sites located within one census tract that is designated by TCAC as highest resource in Western Malibu. As discussed in Chapter 7.5, *Housing Plan*, the City will implement several programs to support affordable housing development and housing options throughout the city, such as Program 3.1. Facilitate Affordable Housing Development and Housing Assistance Opportunities, Program 3.2. Affordable Housing Development Incentives, and Program 4.1. Support Development of Accessory Dwelling Units. These programs will increase

housing access and mobility for lower- and moderate-income households and reduce displacement risk for vulnerable residents.

.

Figure F-39
Location of Site Inventory in Relation to TCAC/HCD Opportunity Areas



Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Sites by Income Population

Malibu does not contain areas with high levels of poverty relative to the region. Two census block groups in Western Malibu have a share of LMI households between 25 to 50 percent. The other census block groups in Malibu have a share of LMI households below 25 percent. All of the housing sites (84 percent of total units) are in the block groups with a share of LMI households between 25 to 50 percent. Figure F-40 shows the housing opportunity sites by percentage of LMI populations. LMI households in the city will benefit from the development of affordable units. The site inventory will improve the mixture of housing opportunities by income level in the city and will not exacerbate segregation by income. Program 5.2, *Fair Housing Community Outreach* will increase access to housing for lower income residents and provide housing mobility.

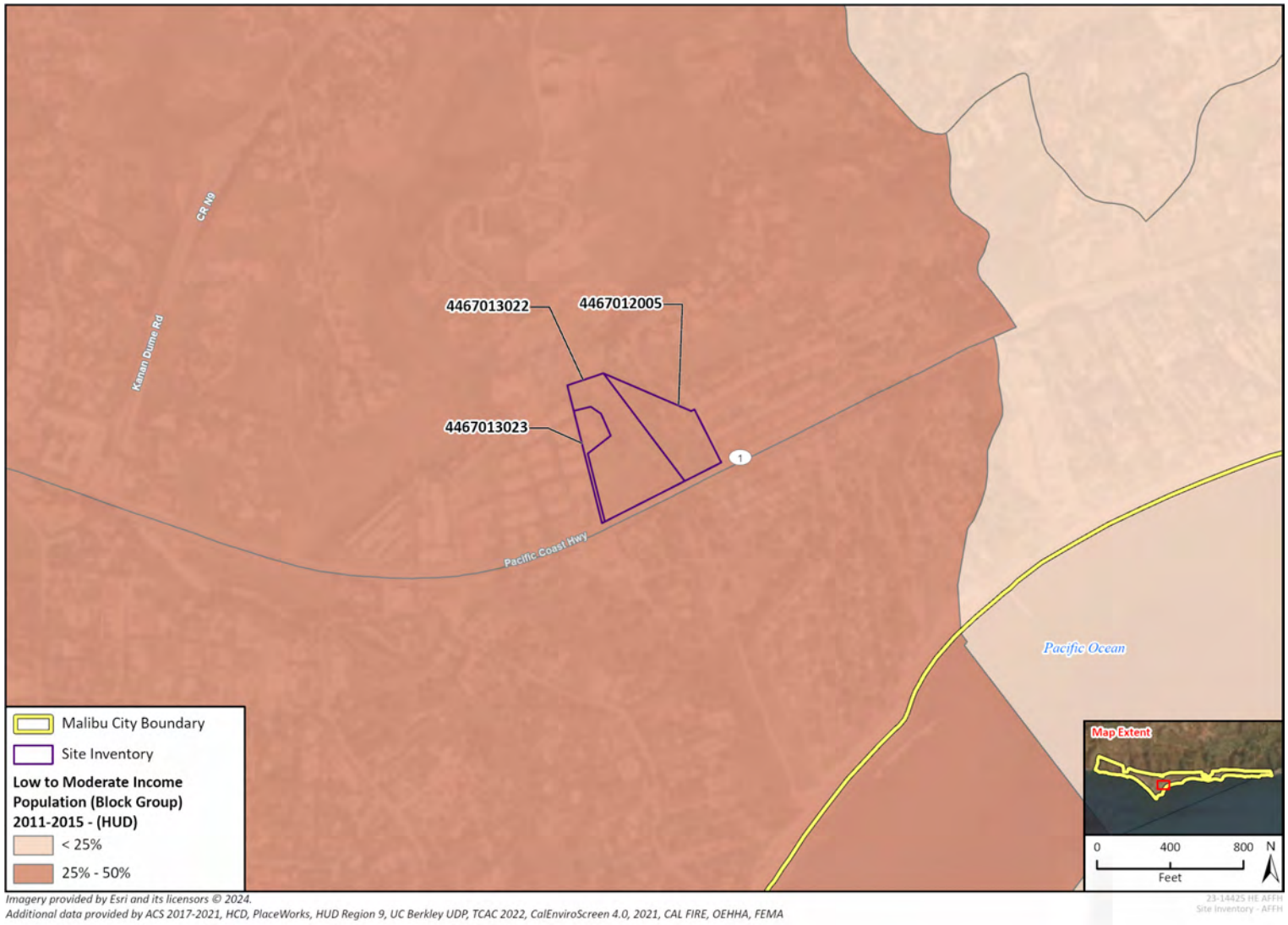
Sites by Overcrowded Households

Rates of overcrowding are less than five percent throughout Malibu (Figure F-41, , and). The sites with units affordable to lower- and moderate-income households will provide opportunities for households that may otherwise need to rent smaller units or double with another household to afford the same opportunities.

Sites by Overpayment by Renters

In most of the city, between 40 to 60 percent of renter households overpay for housing costs, as shown in Figure F-42. Eastern Malibu has the highest percentage of renters overpaying on housing costs (60 to 80 percent), but due to the availability of opportunity sites, all sites included in the Site Inventory are located in Western Malibu where rates of overpayment are 47 percent. This area can accommodate a mix of income levels, including 36 units appropriate for lower-income households, 22 units appropriate for moderate-income households, and 53 units appropriate for above moderate-income households. Housing units affordable to low- and moderate-income households will likely be rental units. The site inventory will not exacerbate overpayment by renters but will add affordable housing opportunities in areas that need them.

Figure F-40
Housing Opportunity Sites by Income Population (Western Malibu)

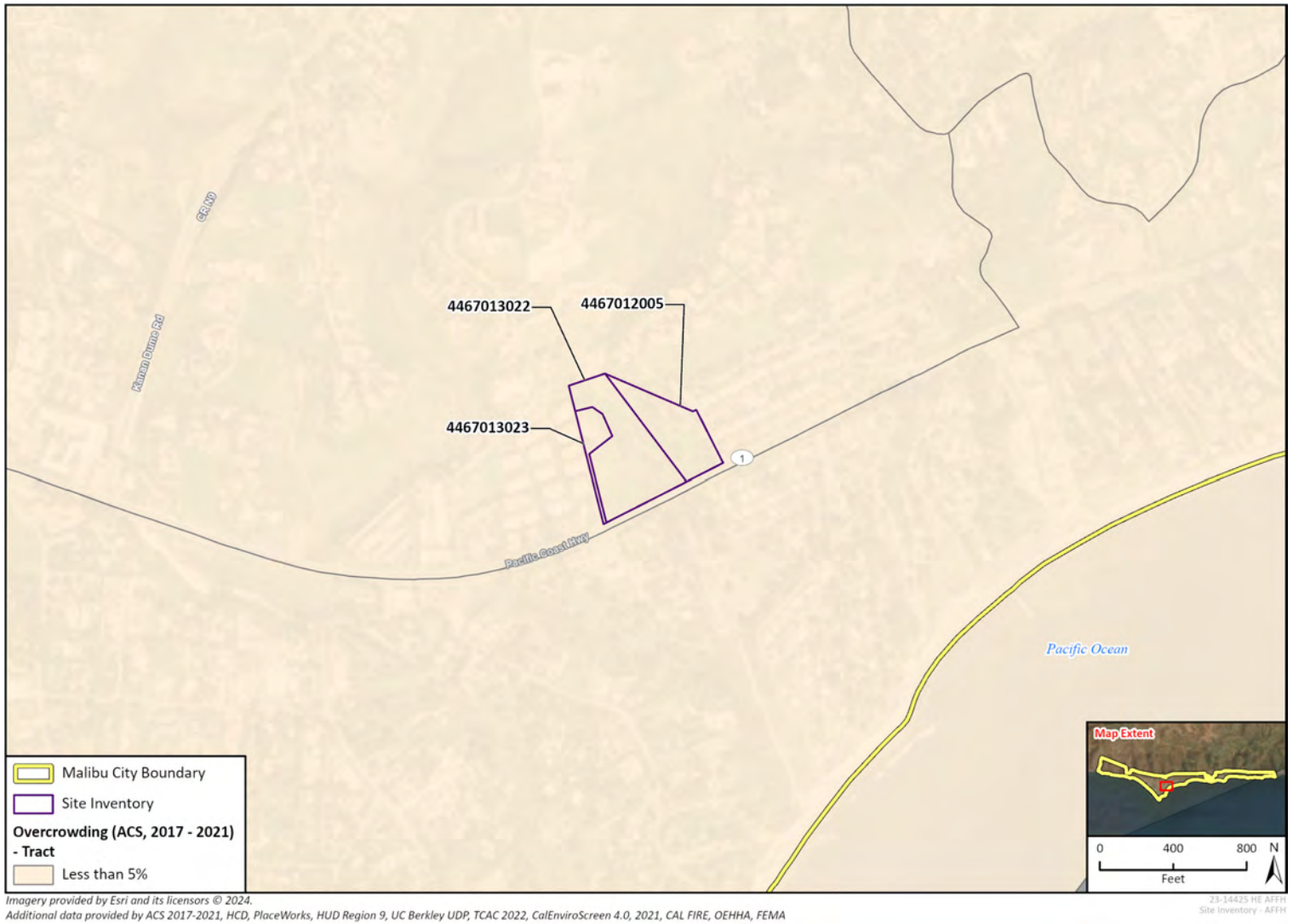


Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Figure F-41
Housing Opportunity Sites by Overcrowding (Western Malibu)

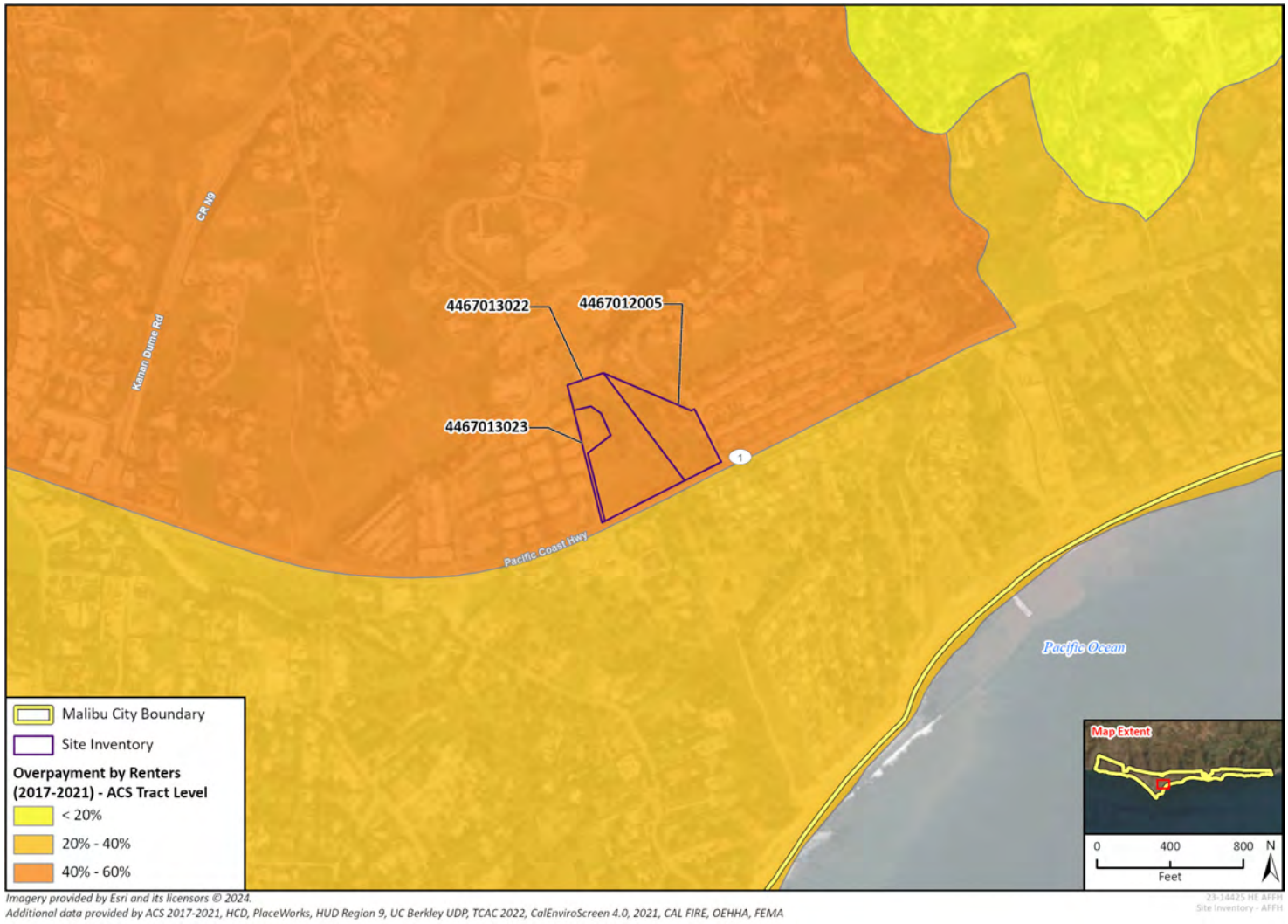


Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Figure F-42
Housing Opportunity Sites by Overpayment by Renters (Western Malibu)



Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Sites by Areas of Integration and Segregation

Malibu does not have any areas designated by TCAC as high segregation and poverty, and there are no R/ECAPs in the city. The entire city is designated an RCAA. Compared to the region, Malibu has high levels of white segregation. The census tract that encompasses Central Malibu has a higher percentage of non-white residents (30 percent) than other portions of the city. Sites by areas of non-white population are shown in Figure F-43. Housing sites in Central Malibu can accommodate five units appropriate for above moderate-income households. The site inventory will not contribute to segregation based on race/ethnicity or income level within the city. Regionally, the site inventory will add affordable housing opportunities in an RCAA.

Regionally, Malibu has a low rate of residents with one or more disabilities. For persons with disabilities who live independently or with other family members, independent living can be supported with special housing features, financial support, and in-home supportive services. The location of housing is also an important factor for people with mobility restrictions who rely on public transportation for travel. The development of the AHO sites on Pacific Coast Highway will include units affordable to low- and moderate-income households located within a quarter mile of public transit. Development on these sites will create opportunities for residents with disabilities to live in Malibu.

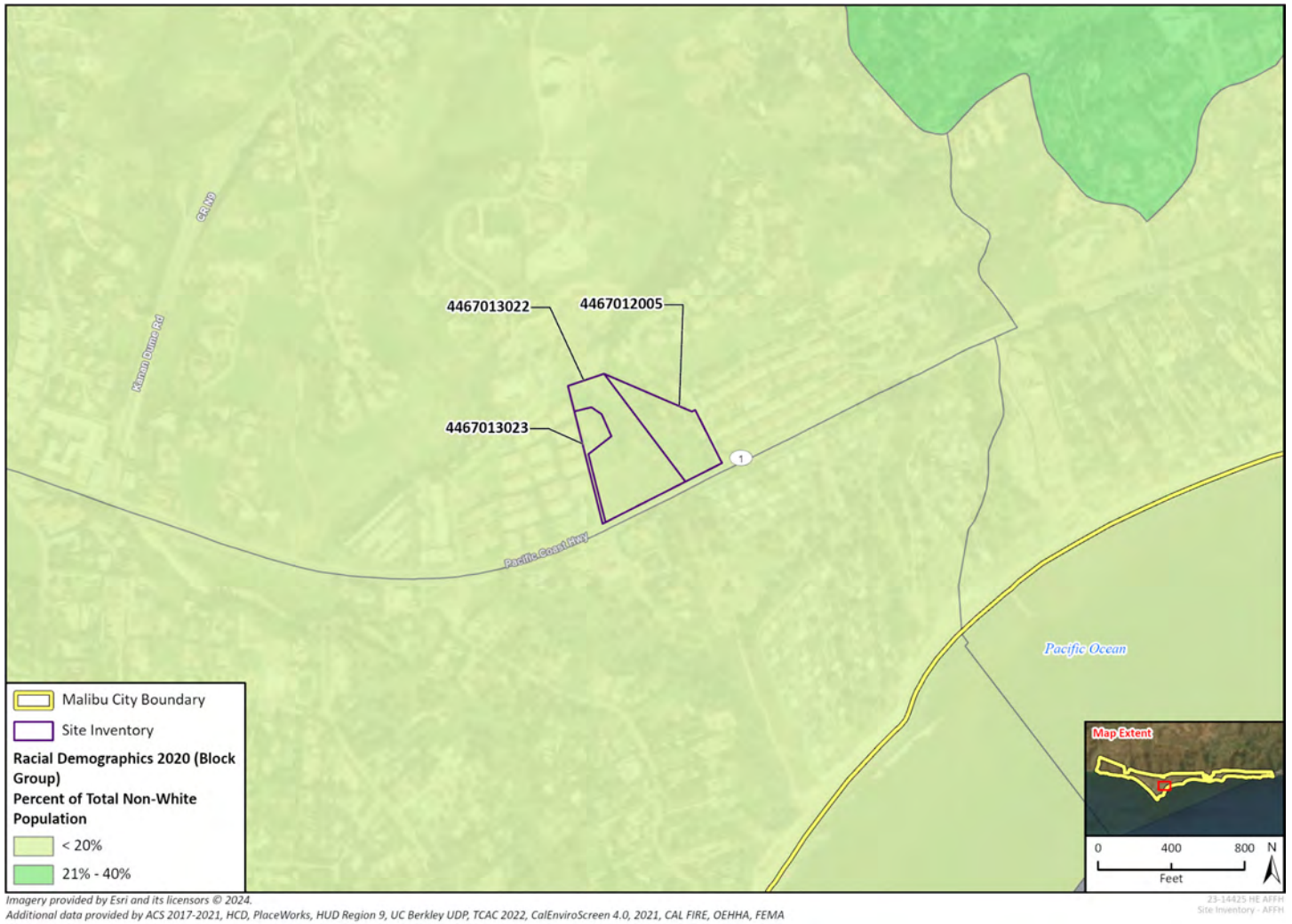
Sites by Communities Vulnerable to Displacement

The City of Malibu has a lower displacement risk as determined by the UDP. All lower-income and moderate-income housing sites proposed in the city are not in areas considered at risk of displacement, as seen in Figure F-44. Therefore, the site inventory will not increase segregation by risk of displacement.

Sites by CalEnviroScreen Score

Malibu has a low CalEnviroscreen score compared to the region. Figure F-45 shows the housing opportunity sites by CalEnviroScreen score. The site inventory would not concentrate lower-income sites in areas of higher pollution burden. The site inventory will add affordable housing opportunities in an area with better environmental outcomes.

Figure F-43
Housing Opportunity Sites by Total Non-White Population

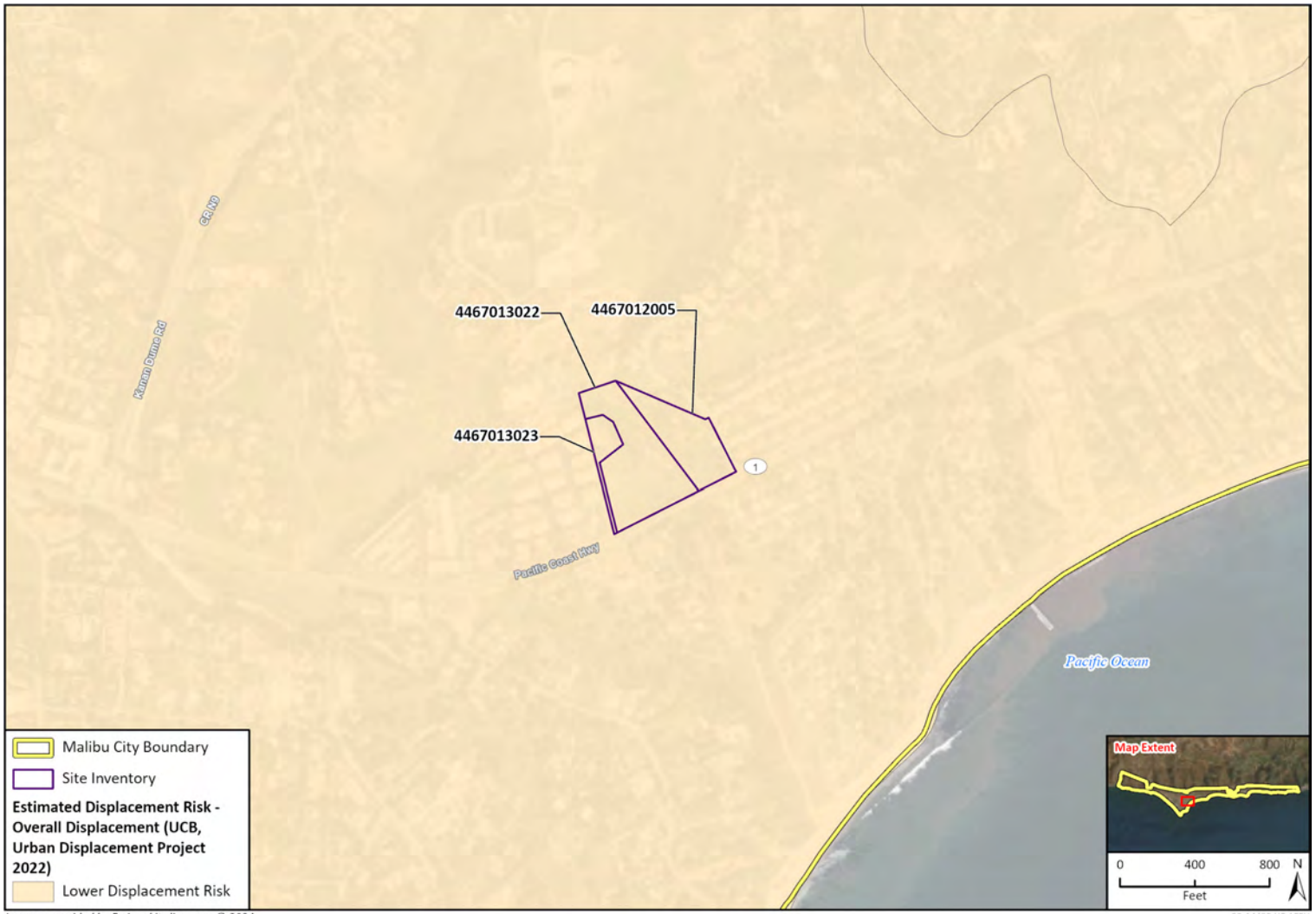


Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Figure F-44
Housing Opportunity Sites by Displacement Risk



Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Figure F-45
Housing Opportunity Sites by CalEnviroScreen Percentile Score



Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Source: AFFH Data Viewer, 2023

Sites Analysis Summary Data

Table F-12 summarizes the site inventory by development priority area, sites, number of units by income level, and census tract characteristics.

Contributing Factors and Meaningful Actions

State law (AB 686) requires the identification and prioritization of contributing factors to fair housing issues based on all the previously required analysis. This identification and prioritization must give highest priority to factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights. AB 686 also requires identification of metrics or quantified objectives and milestones for determining what fair housing results will be achieved. Meaningful actions must be taken in concert with each other and address the following:

- Significant Disparities in Housing Needs and in Access to Opportunity
- Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns
- Transforming R/ECAP into Areas of Opportunity
- Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws[42]

This section lists contributing factors that create, perpetuate, or increase the severity of one or more fair housing issues that were identified in community outreach and the analysis in this document. Table F-13 summarizes the identified fair housing issues, contributing factors to these issues, and meaningful actions the City will undertake to affirmatively further fair housing for special needs, racial/ethnic minority, and low-income residents.

Fair Housing Enforcement and Outreach Capacity

The following contributing factors to inadequate fair housing enforcement and outreach include:

- Lack of local fair housing outreach and enforcement
- Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns.
- Lack of property owners/landlord education

Although Malibu is served by the Housing Rights Center, fair housing resources are limited to available funding. In order to meet the needs of residents of a large and diverse county, local fair housing agencies and organizations require greater levels of resourcing.

[42] HCD. 2021. Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Table F-12 Site Inventory by Census Tract Characteristics

Census Tract Number	Number of Existing Households	Site Inventory Capacity (Units)			AFFH Indicators							
		Low-Income	Moderate-Income	Above Moderate-Income	Percent Non-White	Percent LMI Residents	Median Household Income	TCAC Opportunity Area	Percent Overpayment by Renters	Percent Overcrowded Households	Displacement Sensitivity	CalEnviroScreen Percentile
Western Malibu												
06037800411	1,069	36	22	53	16%	33%	$243,125	Highest Resource	47%	0%	Lower Displacement Risk	2%
Total		36	22	53								

Source: California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2023); U.S. Census Bureau, American Community Survey 5-Year Data (2017-2021)

The City works with the Southern California Housing Rights Center, which provides fair housing services countywide. However, the City does not provide fair housing information on the City's website. A local public enforcement agency would have the potential to be more responsive to victims of discrimination.

State law protects against discrimination based on source of income. However, as noted in Appendix C, Public Participation Summary, public comments revealed that property owners and managers in Malibu routinely deny applications from voucher holders. Denial of housing vouchers impedes voucher holders from utilizing their assistance in areas of opportunity and indicates a greater need for outreach education to property owners and managers to enhance housing mobility. Information on housing rights and responsibilities, including source of income protection, should be disseminated to both landlords and residents, as well as mobility assistance and strategies for voucher holders. As stated in Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities, the City will work with LACDA and other local organizations that help to connect residents throughout LA County to housing choice vouchers and other affordable housing services in areas of opportunity.

Segregation and Integration

Contributing factors to segregation and integration patterns in Malibu include:

- Community opposition
- Lack of public investments
- Location, type, and supply of affordable housing
- Lack of housing vouchers

Malibu has historically been segregated by income and race/ethnicity compared to the region. Although the City has completed rezoning efforts to allow multi-family development, higher-density housing development is limited by infrastructure constraints and geographic conditions, such as lack of ability to install a central wastewater system, steep slopes, and protected environmental habitats (see Chapter 7.3, Constraints). Housing in Malibu is some of the costliest in the region and unaffordable to most households. Economic disparities have been exacerbated by the high cost of housing in recent years in Malibu and Los Angeles County. These disparities have been worsened by the lack of housing available for low- and moderate-income households and have resulted in significant segregation by race and ethnicity and income levels.

There is no regulated affordable housing in the City of Malibu and a very low number of units that accept housing vouchers. Additionally, the lack of transportation options and relative geographic isolation of Malibu have created barriers to lower-income, non-white residents from moving into the city.

As discussed in the analysis of the sites, the City will accommodate units affordable to low- and moderate-income households on three parcels on Pacific Coast Highway. As outlined in Program 2.1: Adequate Sites to Accommodate Regional Fair Share of Housing Growth, the City will encourage development of new affordable housing on these sites to ensure implementation of the RHNA for very low-, low-, and moderate-income

residents. The City will also support the development of ADUs affordable to low- and moderate-income households through Program 4.1: Support Development of Accessory Dwelling Units. Additionally, the City will implement Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities and Program 3.3: Housing for Persons with Special Needs to expand affordable housing to residents of all incomes, disability status, and race. Furthermore, the City will implement place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Significant Disparities in Housing Needs and Access to Opportunity

The following contributing factors to disparities in access to opportunities in Malibu include:

- Location, type, and supply of affordable housing
- Land use and zoning laws
- Lack of supportive housing
- Lack of transportation options

Approximately eight percent of residents in Malibu have a disability, lower than several other areas of the region. The areas with the lowest access to transportation have the highest percentage of persons with a disability. The ability for persons with disabilities to reside in Malibu is limited by barriers to mobility, such as access to public transit and lack of supportive housing and services in the city.

There are limited resources for lower-income households in the city, for reasons previously discussed. These limiting factors have contributed to disparities in opportunity for lower-income households to reside in the city. For residents already residing in Malibu, those who rent are often impacted by housing cost burden.

Meaningful Actions to Address Fair Housing Issues

This assessment of fair housing issues identifies factors that contribute to fair housing issues in Malibu, identified in Table F-13. The meaningful actions are incorporated into programs and actions in Chapter 7.5, *Housing Plan*. Based on community feedback and data analysis, it was determined that high-priority issues in the city are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. These programs are Program 1.3 Housing Rehabilitation Assistance, 3.1 Facilitation of Affordable Housing Assistance (specifically actions 3.1.c and 3.1.d), Program 3.3. Housing for Persons with Special Needs, 4.1 Support Development of Accessory Dwelling Units (specifically action 4.1.f), and 5.2 Fair Housing Community Outreach. See quantified objectives in Table 7.5-1 in Chapter 7.5 Housing Plan.

Table F-13 Meaningful Actions to Address Fair Housing Issues

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
Fair housing enforcement and outreach	• Lack of local fair housing outreach and enforcement (Moderate Priority) • Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns (High Priority)	Promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling, mediation, and testing. Advertise available fair housing services. (Program 5.1.a)	At least once annually starting in 2025, provide information on fair housing services available to Malibu residents and property owners via the City's social media, flyers at the planning counter and at community locations, and/or posting in the local newspaper. When possible, provide information in English and Spanish.
		Provide informative materials on fair housing resources with ADU applications. (Program 5.1.b)	Provide materials with ADU applications by December 2025.
		Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility. Create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources including links to the HCV and Home Ownership Program resources through Los Angeles County Development Authority, Mortgage Credit Certificate through the Golden State Finance Authority, and the California Homeownership Downpayment Assistance Program through the California Housing Finance Agency.. (Program 5.2.b)	Create webpage by January 2025
Lack of housing affordable to lower- and moderate-income and special needs households	• Community Opposition • Location, type, and supply of affordable housing • Land use and zoning laws • Lack of housing vouchers	Proactively promote affordable housing development on AHO sites. Prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. (Program 3.1.a)	Coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives. Support the development of 47 lower-income units and 17 moderate-income units.
		Identify funding available through LACDA, HCD, and HUD and have a list of options available for interested developers and homeowners and post the list on the City's website by July 2025. Potential funding programs may include single- and multi-family affordable housing rehabilitation programs and homeownership programs administered by the California Housing Financing Agency (CHFA). (Program 3.1.c)	Identify at least three different types of funding and post on the City's website by July 2025 and monitor funding on an ongoing basis.
		Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used. (Program 3.1.d)	Establish a list of property owners and managers of multi-family units and ADUs and mail information about the Housing Choice Voucher program and state fair housing law regarding discrimination based on source of income by December 2025 and again by December 2027.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services. (Program 3.2.a)	Annually, through the budgetary process, allocate available funding to support affordable housing development.
		Prioritize AHTF assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs. (Program 3.3.a)	Subject to the availability of funds, support at least five affordable housing units during the planning period.
		Support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices. (Program 3.3.b)	Allocate $127,500 in FY 2023-24 to the Ventura Transit Systems for Dial-A-Ride services to seniors (60 years and older) and disabled residents. Annually consider allocations and continue the service throughout the planning period as funding allows. Organize a senior resource fair at least once annually that promotes housing and transportation services available to seniors, including the Dial-A-Ride service. Provide informational lectures on housing resources at the Senior Center including the application process and funding options for assisted living. Promote shared housing programs such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners. Post information on shared housing programs on the City's website by June 2025 and invite the ALA and/or similar organizations to attend the City's senior resource fair as a vendor. Provide services throughout the planning period. Post information on shared housing programs on the City's website by June 2025.
		Inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. (Program 3.4.b)	Communicate with at least two different affordable housing developers annually informing them about the City's density bonus program.
		Provide technical assistance to developers on how to use the Density Bonus incentives. (Program 3.4.c)	Maintain current information on the City's website. Refresh annually. Publish an informational bulletin for developers on the City's density bonus program by June 2025. Review annually and edit to include new information as necessary.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Pursue mechanisms to facilitate the construction of at least 28 ADUs by the end of the planning period, including but not limited to: • Create pre-approved standards for ADU foundation plans or prefabricated plans. • Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs. • Expand or extend fee waivers for ADUs beyond state law. (Program 4.1.a)	Apply for funding to create pre-approved plans by June 2024. Publish pre-approved plans for ADUs by December 2025.
		Review ADU trends and commit to adjustments if the City is not on track to meet target development. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap, including increased public outreach efforts to increase ADU development. (Program 4.1.b)	Review ADU trends every two years starting in 2023 and implement additional incentives and public outreach within one year of review, and if necessary, pursue other strategies to meet the RHNA, including rezone of sites..
		Publish resources on City's website on building ADUs and JADUs. (Program 4.1.c)	Publish material on the City's website by January 2025.
		Create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. (Program 4.1.d)	Adopt an ADU Amnesty Program Ordinance by 2028.
		Allow up to two JADUs on single-family lots. (Program 4.1.f)	Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population, extending outreach to nearby communities in Los Angeles County and Ventura County, especially to workers in the city who do not live in the city. These affirmative marketing materials will include contact information for housing service providers (such as the home share programs) and non-profit housing organizations that serve lower-income tenants in the surrounding region. (Program 5.2.a)	By January 2025, require implementation of an Affirmative Fair Marketing Plan.
		Enter into a contract with HRC or other fair housing service providers to host an annual fair housing workshop to educate residents and landlords on fair housing laws, HCVs and housing rights and resources. (Program 5.1.c)	Once annually starting in 2025, partner with HRC to host a fair housing workshop.
		In collaboration with the Housing Authority, provide education to property owners and managers to expand awareness of the HCV program to increase acceptance of tenant-based HCVs and to facilitate mobility and provide choices for lower-income households throughout the city. Identify and address challenges that property owners/managers have with existing or prospective HCV holders. (Program 5.1.d)	Starting in 2025, annually conduct one workshop for landlords on the HCV program, for a total of seven workshops during the planning period, targeting property owners/managers in eastern Malibu.
		Subject to available funding, offer grants of up to $10,000 per applicant from the Affordable Housing Trust Fund to construct ADUs that are rent-restricted to lower income households (using County AMI thresholds (Program 5.2.c)	By January 2025, implement grant program for rent-restricted ADUs. By June 2025, promote the grant opportunity on the City's website and provide one grant by the end of the planning period.

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EXHIBIT L

AGN. NO.

MOTION BY SUPERVISORS LINDSEY P. HORVATH AND KATHRYN BARGER January 10, 2023

Proclamation of a Local Emergency for Homelessness in the County of Los Angeles

As of early 2022, Los Angeles County had 69,144 unhoused residents, including 70% (48,548) that were unsheltered, the highest number of unsheltered persons in the Country. This crisis is not new and has significantly accelerated over the last decade. Since 2015, the number of unhoused individuals in Los Angeles County has increased by 55%, from 44,359 to 69,144. The residents of Los Angeles County see this crisis play out daily and desire an effective and compassionate solution.

The reasons individuals become unhoused are complicated and often multifaceted. Those that become unhoused are frequently rent-burdened, live paycheck-to-paycheck, and many report suffering from serious mental illness or substance abuse issues. One-time events such as job loss, medical incidents, significant unforeseen costs, and no-fault evictions, also often lead individuals to become unhoused. Because the reasons individuals become unhoused are complicated and multifaceted, the approach

- MORE -

MOTION

SOLIS	_____
MITCHELL	_____
HORVATH	_____
BARGER	_____
HAHN	_____

to assisting them must be the same. This approach requires the commitment of both local cities and the County, because each entity is responsible for different aspects of the solution with the County primarily responsible for mental health, general health, and social services.

On July 27, 2021, the Board of Supervisors (Board) approved a motion by Supervisors Kathryn Barger and Hilda L. Solis, to create a Blue-Ribbon Commission on Homelessness (BRCH) to assess existing structures and systems and provide recommendations on reforms to help Los Angeles County and its 88 cities solve homelessness. At the time, Supervisor Barger stated: “Homelessness is a major crisis affecting our communities at every level and it’s time for sweeping changes to the system. This Blue-Ribbon Commission will be critical to help the County, in partnership with our 88 cities, identify the reforms and changes needed and to move forward with actions that can finally help our vulnerable residents who are suffering on the streets.”

The BRCH outlined a variety of recommendations with many of them focused on the restructuring of the governance response to homelessness with a focus on simplification, urgency, and equity. Generally, the BRCH recommend establishing a single County entity to lead the response to homelessness; establishing multi-year funding for local jurisdictions; streamlining and improving Los Angeles Homeless Services Authority (LAHSA) operations; simplifying the governance of the Greater Los Angeles Continuum of Care; utilizing data and metrics; and creating an executive-level action team. These recommendations were designed to streamline and expediate the response to homelessness and were adopted by the Board of Supervisors on May 3, 2022.

On December 12, 2022, Los Angeles Mayor Karen Bass declared a local

emergency, in the City of Los Angeles, to address homelessness. In response to Mayor Bass's emergency declaration, Supervisor Janice Hahn introduced a motion on December 20, 2022, to provide County support for the City of Los Angeles' emergency declaration. This motion directed key County staff to work with the City of Los Angeles to implement their emergency declaration. Additionally, on December 21, 2022, Long Beach Mayor Rex Richardson asked Long Beach city officials to draft an emergency declaration on homelessness, stating that "the crisis that we have requires us to move faster and with urgency." The Long Beach City Council will hold a vote on their emergency declaration on January 10, 2023. Together the cities of Los Angeles and Long Beach represent nearly one-half of the population of Los Angeles County, but two-thirds of the unhoused population. While Los Angeles and Long Beach represent the two largest cities in Los Angeles County, many other smaller cities in the County are also struggling to address homelessness. These smaller cities can permit new affordable housing in their jurisdictions through their land use powers, but in many cases rely on the County for funding and homelessness services. Without a coordinated effort between cities and the County we will not be able to effectively address homelessness.

Los Angeles County has experienced other emergencies over the decades, including earthquakes, wildland fires, civil unrest, and the COVID-19 pandemic. Each of these emergencies were unique and required different responses. Homelessness is a specific and prolonged emergency that is impacting more individuals than other emergencies. For example, the Northridge earthquake, one of the most significant local emergencies in recent history, killed approximately 60 individuals and displaced between 20,000-25,000 persons from their homes. By comparison, there are currently 69,000

unhoused individuals living in Los Angeles County, with nearly 2,000 of them passing away each year, which has been the status quo for several years.

These unfortunate numbers and trends are not acceptable as the status quo. The County of Los Angeles, as a major provider of services to unhoused individuals, must also proclaim a local emergency, in order to accelerate the response to homelessness throughout the County.

Los Angeles County may proclaim a local emergency when there is the "existence of conditions of disaster, or of extreme peril to the safety of persons and property within the territorial limits of the County," and when these conditions "are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined forces of other political subdivisions to combat." Homelessness meets these requirements for a local emergency. Conditions of extreme peril to the safety of persons exist on the basis of pervasive and pernicious homelessness in Los Angeles County. In this regard, 69,000 individuals are presently unhoused in the County, and critically 2,000 of those unhoused individuals die each year. Additionally, solving homelessness is beyond the scope of County resources. Homelessness is a complicated and multifaceted issue that requires, among other things, the development of new affordable housing, including land-use policy decisions to permit such housing, which is a function of cities and of the County in unincorporated areas. The provision of services for unhoused individuals requires substantial County resources, in coordination with cities. Coordination, collaboration, and the combined forces of different jurisdictions are imperatively needed to combat the current conditions of homelessness. For these reasons it is necessary for Los Angeles County to proclaim a local emergency regarding

homelessness.

The County provides critical services to unhoused individuals, including general health, mental health, and substance abuse treatment services. Additionally, the County oversees significant portions of the criminal justice system. All of these services are an important part of the overall response to homelessness. Many of these services, provided by LAHSA and paid for by Measure H, have been working effectively; over the last four years more than 20,000 unhoused individuals have been placed into housing each year with nearly 90% remaining in housing. However, at the same time, tens of thousands of new individuals have become unhoused. While we have many solutions that are working, the scale and speed at which these solutions are being implemented needs to be expanded and expedited, respectively.

Proclaiming a local emergency to address this critical crisis will provide the County with additional tools to accelerate and expand its response through the Homeless Initiative and in collaboration with our city partners. These additional tools include, accelerated hiring of additional employees to address homelessness and mental health, the more effective and efficient use of funds, an expedited procurement of critical items, a faster and more streamlined creation of housing, expanded services, and the ability to request additional resources from the State and Federal governments. Initiatives to reduce vacancies in key County service departments will be critical to accelerating the response to homelessness, as detailed in a recent Los Angeles Times article titled "*Burned Out LA County Mental Health Workers Weigh Options*". [1] The proposed emergency proclamation is intended to facilitate and expediate County hiring by

[1] Burned out L.A. County mental health workers weigh options - Los Angeles Times (latimes.com)

potentially offering bonuses, special step placements, higher salary schedules, and loan repayment programs.

The Chief Executive Office-Homeless Initiative (CEO-HI) is the central coordinating body for Los Angeles County's ongoing effort to expand and enhance services for people experiencing homelessness or at risk of becoming homeless. Under the new CEO-HI framework, adopted by the Board in May 2022, CEO-HI's efforts are driven by five actions - coordination, prevention, connection, housing, and stability through work with three key partners - the rehousing system, mainstream County government systems, and partnerships with cities and Councils of Governments (COGs). The response to other declared emergencies, such as natural disasters, would typically be led by the OEM, however, the CEO-HI is best suited to lead the overall coordination of the emergency response for this declaration.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Proclaim a local emergency for homelessness in the County of Los Angeles. This proclamation of local emergency shall remain in effect until its termination is proclaimed by the Board.
2. Approve and execute the attached proclamation of existence of local emergency for homelessness in the County of Los Angeles.
3. Direct the Chief Executive Office (CEO), Homeless Initiative (HI), and Office of Emergency Management (OEM), and all other County Departments to take necessary steps for the protection of life, health, and safety of people experiencing homelessness in the County of Los Angeles including:
    a. Contracting and Procurement: Leveraging the lessons learned during the

COVID-19 pandemic, direct the CEO and relevant County Departments to take appropriate steps to expedite the procurement and contracting processes for materials, equipment, and services necessary to respond rapidly to the homelessness crisis.

b. Hiring: Direct the Department of Human Resources and relevant County Departments to expedite recruitment and hiring for positions necessary to respond to the homelessness crisis including any actions needed to quickly reduce vacancy levels for positions providing mental health, substance use disorder, health, and case management services directly to people experiencing homelessness.

c. Housing: Direct CEO-HI and relevant County Departments to accelerate timelines for the creation of licensed beds, interim housing, and permanent housing for people experiencing homelessness and placement of clients in these housing resources, increase funding for local rental subsidies, and coordinate with local cities regarding the construction of permanent supportive housing (including funding).

d. Services: Direct CEO-HI and relevant County Departments to work directly with outreach teams and interim housing providers to provide accelerated access to mainstream County services, including but not limited to the Department of Mental Health (DMH), the Department of Public Health-Substance Use Prevention and Control (DPH-SAPC), the Department of Health Services (DHS), the Department of Public Social Services (DPSS), and the Department of Children and Family Services (DCFS), to sheltered and unsheltered people

experiencing homelessness Countywide.

e. Spending: Direct CEO and all relevant County Departments to identify strategic uses of restricted funding in order to alleviate the crisis among unhoused individuals and any State and Federal legislative relief required to use restricted funding as proposed and report back to the Board in 60 days on all available options.

f. Communication and Outreach: Direct the CEO, HI, OEM, and Countywide Communications to develop and implement a communication plan to interact with Los Angeles County cities and the public on the local emergency proclamation, including how the County will coordinate and work with cities, and how solutions will be implemented.

4. Direct CEO-HI to lead the overall coordination of the emergency response and to coordinate efforts with the State and Federal governments, and the cities within the County. Direct the CEO to report back in 14 days with the authorities needed, and requisite changes to implement the foregoing.

5. Direct CEO to enable the HI to immediately assume a leadership role in managing the local emergency proclamation until the County entity responsible for homelessness is finalized and concurrently establish the infrastructure to maintain the efforts initiated under this local emergency proclamation. Report back to the Board in 21 days on necessary organizational changes, and resources required.

6. Direct the CEO to report back in six months with an update on the local emergency proclamation, including data demonstrating the effectiveness of County efforts and if the efforts should in any way be modified.

7. Direct the CEO to report back in one year regarding whether the local emergency proclamation should be terminated, extended, or modified. Such recommendations shall be supported by data demonstrating the effectiveness of County efforts.
8. Direct the CEO-HI to develop a process for providing periodic reporting (at a minimum quarterly) to the Board on the expenditure of Measure H funds, in order to more accurately assess the effectiveness of the use of Measure H funds in conjunction with the local emergency proclamation and the overall coordinated response to homelessness.

S:JL/Proclamation of a Local Emergency for Homelessness in the County of Los Angeles

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY FOR HOMELESSNESS BY THE LOS ANGELES COUNTY BOARD OF SUPERVISORS

WHEREAS, Chapter 2.68 of the Los Angeles County Code provides that the Los Angeles County Board of Supervisors (Board) may proclaim the existence of a "local emergency," as defined in Government Code section 8558(c), in pertinent part, as follows: "'[l]ocal emergency' means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county . . . caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, deenergization event . . . plant or animal infestation or disease . . . or an earthquake, or other conditions . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat . . . ."; and

WHEREAS, as of January 10, 2023, conditions of extreme peril to the safety of persons exist on the basis of pervasive and pernicious homelessness in Los Angeles County. In this regard, 69,000 individuals are presently unhoused in the County, and critically 2,000 of those unhoused individuals pass away each year. Additionally, solving homelessness is beyond the scope of County resources. Homelessness is a complicated and multifaceted issue that requires, among other things, the development of new affordable housing, including land use policy decisions to permit such housing. The provision of services for unhoused individuals requires substantial County resources, in coordination with cities. Coordination, collaboration, and the combined forces of different jurisdictions are imperatively needed to combat the current conditions of homelessness; and

WHEREAS, the mobilization of local resources, and the ability to coordinate interagency response, accelerate procurement of vital supplies, and use mutual aid, will be critical to successfully responding to the homelessness emergency; and

WHEREAS, these conditions warrant and necessitate that the County proclaim the existence of a local emergency.

NOW, THEREFORE, THE BOARD FINDS THAT conditions of extreme peril to the safety of persons exist on the basis of pervasive and pernicious homelessness in Los Angeles County within the meaning of Government Code section 8558(c), and such conditions are or will likely be beyond the control of the services, personnel, equipment, and facilities of the County, and require the combined forces of other political subdivisions to combat; and

IT IS HEREBY ORDERED AND PROCLAIMED by the Board that a local emergency exists in the County; and

IT IS FURTHER ORDERED AND PROCLAIMED that, during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the County shall be those prescribed by State law, by ordinances, and resolutions of the County.

The foregoing proclamation was, on the 10th day of January 2023, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES

By Janice Hahn
Chair

APPROVED AS TO FORM

DAWYN R. HARRISON
Interim County Counsel

By: _____
Deputy

CELIA ZAVALA
Executive Officer
Board of Supervisors

By: LaChelle Smitherman
Deputy

HOA.103975173.1

EXHIBIT M

May 17, 2022

REVISED COUNTY OF LOS ANGELES HOUSING ELEMENT (2021-2029)

May 17, 2022

County of Los Angeles, Board of Supervisors

Hilda L. Solis, First Supervisorial District
Holly J. Mitchell, Second Supervisorial District
Sheila Kuehl, Third Supervisorial District
Janice Hahn, Fourth Supervisorial District
Kathryn Barger, Fifth Supervisorial District

County of Los Angeles, Regional Planning Commission

Yolanda Duarte-White, First Supervisorial District
David W. Louie, Second Supervisorial District
Laura Shell, Third Supervisorial District
Elvin W. Moon, Fourth Supervisorial District
Pat Modugno, Fifth Supervisorial District

County of Los Angeles, Department of Regional Planning

Amy J. Bodek, AICP, Director
Dennis Slavin, Chief Deputy Director
Bianca Siegl, Deputy Director, Advance Planning Division (former)
Connie Chung, AICP, Deputy Director, Advance Planning Division
Tina Fung, Supervising Regional Planner
Ayala Scott, Senior Regional Planner
Elsa M. Rodriguez, Senior Regional Planner
Richard Marshalian, Senior Regional Planner
Heather Anderson, AICP, Regional Planner (former)
Zoe Axelrod, Regional Planner
Leon Freeman, AICP, Regional Planner
Tahirah Farris, AICP, Regional Planner
Dan Hoffman, GISP, Principal GIS Analyst
Liza Markey, Senior GIS Analyst
Christopher J. Morneau, GISP, Senior GIS Analyst

County of Los Angeles Contributing Agencies

Beaches and Harbors
Chief Executive Office
Department of Consumer and Business Affairs
Department of Health Services
Department of Mental Health
Department of Public Health
Department of Parks and Recreation
Los Angeles County Development Authority
Los Angeles Homeless Services Authority
Public Works
Treasurer and Tax Collector
Workforce Development, Aging and Community Services

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I. INTRODUCTION

USER GUIDE

Purpose

The Housing Element is one of the required elements of the General Plan. This Sixth Revision to the County of Los Angeles Housing Element complies with the California Government Code, beginning at Section 65583. This Housing Element Update covers the planning period of October 15, 2021 through October 15, 2029.

The Housing Element serves as a policy guide to address the comprehensive housing needs of the unincorporated Los Angeles County. The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents, including those with special needs. The Housing Element has been updated to also include a focus on equitable development to counter historical residential segregation and environmental injustice in many of the County's underserved neighborhoods and communities.

The Housing Element includes the following actions:

- Determines the existing and projected housing needs.
- Establishes goals, policies, and implementation programs that guide decision-making on housing needs.
- Sets forth implementing actions that encourage the private sector to build and improve housing; ensure that government policies do not serve as unnecessary constraints to housing production, preservation, and improvement; and ensure that government policies counter the historical patterns of segregation and environmental injustice for communities of color.

General Plan Consistency

The State law requires the elements of the General Plan to be consistent. Section 65583(c)(7) of the Government Code requires that a local jurisdiction's housing element describe "the means by which consistency will be achieved with other general plan elements and community goals." The County has established procedures to ensure internal consistency between the Housing Element and other General Plan elements. Developed concurrently with the Sixth Revision Housing Element is an update to the Safety Element in compliance with State law. As other individual elements are updated, the County has a process in place to review the other General Plan elements (including the Housing Element) for internal consistency.

Housing Element policies presented herein are shaped by other existing General Plan policies, with particular focus on hazard avoidance (i.e., fire hazard areas, Hillside Management Areas, flood zones, seismic zones, etc.); resource protection (i.e., Significant Ecological Areas and major recreational areas); avoidance of irritating noise sources; and the cost of providing and maintaining additional infrastructure, such as for water and sewers, to undeveloped areas. Likewise, the County has

developed policies that support planned housing units near transit and near employment centers. Therefore, several elements of the County's General Plan may influence housing development strategies because they govern natural or man-made factors that impact the County's ability to safely and appropriately accommodate housing, or because they provide opportunities to develop housing with readily available access to transit or employment centers. It is with an eye toward these other contributing factors that the County has determined where and how it can accommodate its planned allocation of housing units.

Document Organization

The Housing Element is comprised of the following sections:

Introduction: This section includes a user's guide to the Housing Element and highlights major housing characteristics and trends, major housing constraints, and an executive summary of the Sites Inventory for future residential development.

Housing Strategy: This section contains the seven key strategies that serve as the organizing framework for the Housing Element Goals and Policies and Implementation Programs chapters.

Background: This section contains the Housing Needs Assessment, Constraints Analysis, and Resources Analysis chapters, including a discussion of natural, safety, infrastructure, and market constraints. The analyses in this section provide the basis for the Housing Element goals, policies, and implementation programs.

Appendices: The appendices contain the Sites Inventory, the Sites for Rezoning, Review of Past Accomplishments, Public Participation Efforts, Affirmatively Furthering Fair Housing Analyses, and the List of Affordable Housing Providers (Qualified Entities).

EXECUTIVE SUMMARY

Strategies to Accommodate the RHNA

The County of Los Angeles is required to ensure the availability of residential sites, at adequate densities and appropriate development standards, in the unincorporated Los Angeles County to accommodate its share of the regional housing need--also known as the Regional Housing Needs Allocation (RHNA). Unincorporated Los Angeles County has been assigned a RHNA of 90,052 units for the 2021-2029 Housing Element planning period, which is subdivided by level of affordability as follows:

RHNA 2021-2029	Affordability				Total
	Extremely Low[1]/ Very Low (<50% AMI[2])	Lower (50 - 80% AMI)	Moderate (80 - 120% AMI)	Above Moderate (>120% AMI)	
	25,648	13,691	14,180	36,533	90,052

Notes:

1. Pursuant to State law, the projected need of extremely low income households can be estimated at 50% of the very low income RHNA. Therefore, the County's projected extremely low income can be estimated at 12,824 units. However, for the purpose of identifying adequate sites for RHNA, no separate accounting of sites for extremely low income households is required.
2. AMI = Area Median Income

The County's Housing Element is organized around seven key strategies, within which the County has developed goals and policies. The goals and policies directly relate to the programs developed to address the County's housing needs. The seven key strategies include housing availability and housing affordability; stabilizing housing supply against demand; facilitating construction and maintenance of quality housing to ensure livability of neighborhoods; ensuring housing equity; ensuring sustainability in housing production; and ensuring compliance with local, state, and federal requirements through program implementation and monitoring.

The Sites Inventory (Appendix A) is comprised of vacant and underutilized sites within unincorporated Los Angeles County that are zoned at appropriate densities and development standards to facilitate housing development. The Sites Inventory was developed specifically for the County of Los Angeles, and has built-in features that filter sites based on specific criteria, including access to transit, protection from environmental hazards, and other criteria unique to unincorporated Los Angeles County. Other strategies used within the Sites Inventory analysis to accommodate the County's assigned RHNA of 90,052 units include projected growth of ADUs, specific plan capacity, selected entitled projects, and capacity or planned development on County-owned sites within cities. This accounts for approximately 38 percent of the RHNA. The remaining 62 percent of the RHNA is accommodated by sites to be rezoned to accommodate higher density housing development (Appendix B).

Programs

The Housing Element includes proposed and ongoing programs that reduce regulatory barriers and provide incentives for private development. Programs are categorized into: Short-Term; Medium-Term; Long-Term; and Ongoing programs.

Housing Constraints

Governmental Barriers to Housing Development

In recent years, the County has made significant progress in improving its development review process and procedures, as well as modifying development standards to facilitate residential development. While the land use controls are not considered unreasonable or substantial constraints on development, there remain additional opportunities to remove barriers from the Zoning Code to accommodate the changing housing needs for unincorporated Los Angeles County. Another barrier is the entitlement process itself, which the County has helped to streamline through ordinance amendments, organizational change, technology, and increased efficiencies in case processing. A significant governmental barrier to the production of housing development, however, still remains and is not within the control of the County--compliance with the California Environmental Quality Act (CEQA) can result in lengthy delays to housing production, and the process can also be used by housing opponents to slow or stop residential projects. While CEQA reform is not within the purview of the County, it has proposed several procedural modifications to the review process for environmental documentation that will streamline the process.

Natural, Hazard, and Resource Constraints

Unincorporated Los Angeles County encompasses 2,618.13 square miles; of that area, 86.31%, or 2,259.80 square miles are excluded from the Sites Inventory and the Rezoning Program due to natural, hazard, or resource constraints. These physically hazardous areas include Very High Fire Hazard Severity Zones, and the environmentally sensitive areas include areas containing Western Joshua Trees and other endangered, listed, candidate species or species of concern, and/or areas lacking in basic infrastructure, particularly access to water supplies. Additional areas within unincorporated Los Angeles County are designated within the Coastal Zone, or are designated as national recreation areas or national forests. These designations further constrain the ability to develop housing. Efforts to manage environmentally sensitive habitats and protect lives and property from physical hazards have made development infeasible in many but not all of these areas. For certain areas, the County has previously planned for housing in unincorporated Los Angeles County through County-approved specific plans and area plans and analyzed the potential environmental impacts of such planned housing under the California Environmental Quality Act. The County continues to encourage housing in these designated areas.

Land and Construction Costs

High land costs are one of the major contributing factors to housing prices and rents throughout greater Los Angeles County. The urban areas of unincorporated Los Angeles County are substantially built out, with little or no vacant land available for development. The shortage of developable land further drives up the demand and cost of housing construction. As part of the Sixth Revision of Housing Element, the County has identified underutilized sites for rezoning, which helps mitigate the cost of housing development with the increased economies of scale.

Limited Public Resources for Housing

The Los Angeles County Community Development Authority (LACDA) sponsors the development of affordable and special needs housing in unincorporated Los Angeles County and 48 cities that participate in the Urban County Program. State and federal funding for LACDA has fluctuated in recent years, but generally in a declining trend. The County has developed local sources of funding including a local ballot tax measure known as Measure H and an annual allocation of $100 million, which is used in conjunction with SB 2 funds (Permanent Local Housing Allocation). However, even with the infusion of local funds, the demand for these financial resources is greater than the available supply, and unincorporated Los Angeles County must compete with the other cities for these funds.

Mortgage Financing

Interest rates on a 30-year mortgage have been low over the past decade, generally below three percent in the past five years. The 2020 median home price for a single-family home in Los Angeles County is $643,000, having nearly doubled since the Housing Element was last updated in 2014 when Los Angeles County was emerging from a recession. Even with historically low mortgage rates, the approval rates for mortgages among very low income households remain significantly lower than the rates for other income groups, as shown in Table III-34.

Demographic and Housing Statistics for the Unincorporated Los Angeles County

The following is a summary of demographic information and housing statistics. For more detailed information, please refer to the Housing Needs Assessment in Section III.

Demographics

Population: As of 2020, the population was 1,034,689, which accounted for 11 percent of the total population of Los Angeles County.

Race and Ethnicity: According to HUD CHAS data, about 50 percent of the households identify as Hispanic. Approximately 23.7 percent identify as White (non-Hispanic), 11.2 percent identify as Black (non-Hispanic), and 15.1 percent identify as Asian or another ethnicity (non-Hispanic).

Seniors: According to the 2014-2018 ACS, seniors account for 13 percent of the population. Approximately 24 percent of households are headed by seniors. Of the senior-headed households, approximately 78 percent are homeowners and 22 percent are renters.

Persons with Disabilities: Nearly 20 percent of the total population experience a disability. According to the 2014-2018 ACS, 32 percent of persons with a disability are employed compared to 71 percent of persons with no disability.

Homelessness: In 2020, there were an estimated 6,088 people experiencing homelessness in unincorporated Los Angeles County.

Commuting Patterns: Approximately 76 percent of commuters in Los Angeles County, including the unincorporated Los Angeles County, drive 30 minutes or more to get to work. Over 30 percent drive more than an hour.

Housing Characteristics

Housing Supply: Between, 2000 and 2020, the total number of single-family residential units increased 5.1 percent and multifamily residential units increased 11.7 percent.

Housing Stock: A majority of the housing stock is comprised of single-family homes. Multifamily housing accounts for approximately 21 percent of housing units.

Age of Housing: The largest share of housing units were built between 1950 and 1959. Nearly 90 percent of the housing stock was built before 1990, over 30 years of age.

Household Size: Approximately 20 percent of households have five or more people as of 2018.

Overcrowding: "Overcrowded" is defined as 1 to 1.5 persons occupying a room, excluding bathrooms, kitchens, hallways, and porches. Overcrowding is more common among renter-occupied units, at 19.3 percent with over 1 person per room, as compared with owner-occupied units, at 6.8 percent with over 1 person per room.

Housing Cost: The median home price in unincorporated Los Angeles County was $625,000 in 2018

Rental Cost: About 55 percent of all renter-households paid more than 30 percent of their income on rent.

Homeownership Rate: Nearly 61 percent of unincorporated Los Angeles County households own their homes.

III. BACKGROUND

HOUSING NEEDS ASSESSMENT

This housing needs assessment determines the existing housing inventory and market trends that can be used to inform housing policies for unincorporated Los Angeles County. The analysis of existing conditions includes a review of population, employment, households, and housing characteristics. Additionally, the housing needs assessment addresses special circumstances, such as populations with special needs and limitations on resources.[1]

Data Limitations

Unincorporated Los Angeles County is a complex geography for the purpose of compiling socioeconomic data. The Census Bureau does not recognize unincorporated Los Angeles County as a single entity. To obtain specific data for unincorporated Los Angeles County, the methodology often involves subtracting data for cities from the county level data. With American Community Survey (ACS) data being sample data with margins of error, this process may be appropriate for small county jurisdictions, but becomes a complex and highly inaccurate method for a jurisdiction as large as unincorporated Los Angeles County. Furthermore, much of the housing data is sourced from HUD's Comprehensive Housing Affordability Strategy (CHAS). CHAS data is available only for cities that are entitlement jurisdictions with a population 50,000 or more, or collectively for "Urban County" jurisdictions that are comprised of unincorporated areas and cities with less than a population of 50,000. This Needs Assessment relies on data provided by SCAG in the Pre-Approved Local Housing Data, and is supplemented with other data that may be available at the Urban County level.

County Overview

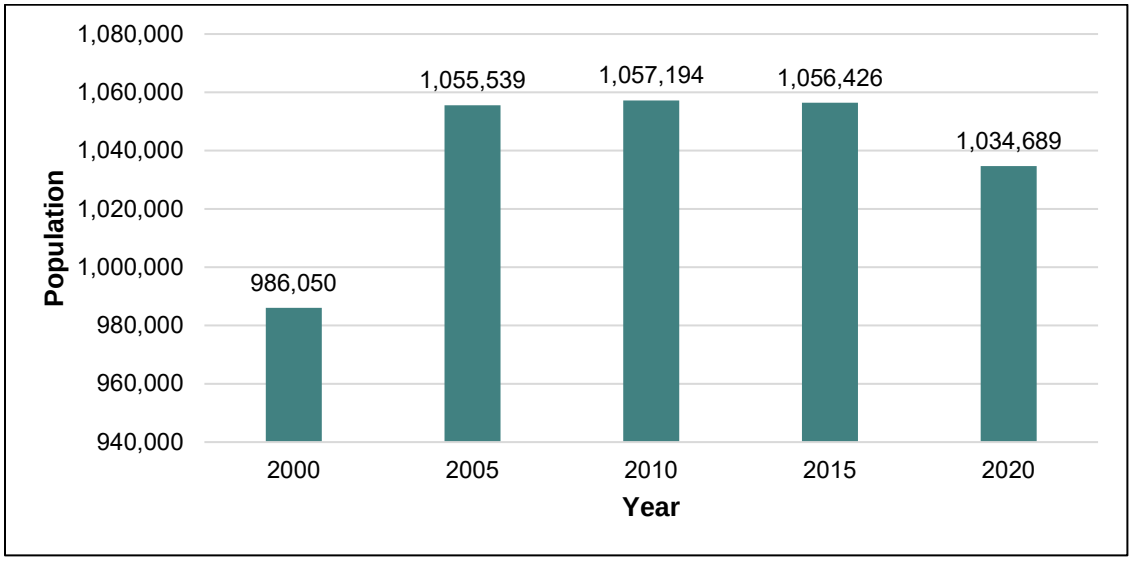
Almost 65 percent of the land area in Los Angeles County, or about 2,600 square miles, is unincorporated (see **Figure III-2**). With a population of nearly 10 million people, Los Angeles County is the most populous county in the United States. Roughly 11 percent of Los Angeles County's total population, or approximately 1,034,689 people, live in more than 125 unincorporated communities.

Unincorporated Los Angeles County Population Growth Trends: 2000-2020

The majority of Los Angeles County's growth occurred in the post-war years, and growth has slowed in the decades since 1960. Despite the declining growth rate, unincorporated Los Angeles County added 48,639 new residents between 2000 and 2020 (**Figure III-1**). During this period, unincorporated Los Angeles County had an annual growth rate of 0.2 percent, compared to 0.7 percent in the Southern California Association of Governments (SCAG) region.

[1] This section utilizes various data sources, including sample data and projections; therefore, depending on the source, some data totals may differ slightly.

Figure III-1: Population Trend - Unincorporated Los Angeles County (2000-2020)



Source: CA DOF E-5 Population and Housing Unit Estimates 2000, 2005, 2010, 2015, 2020.

Figure III-2: Unincorporated Los Angeles County

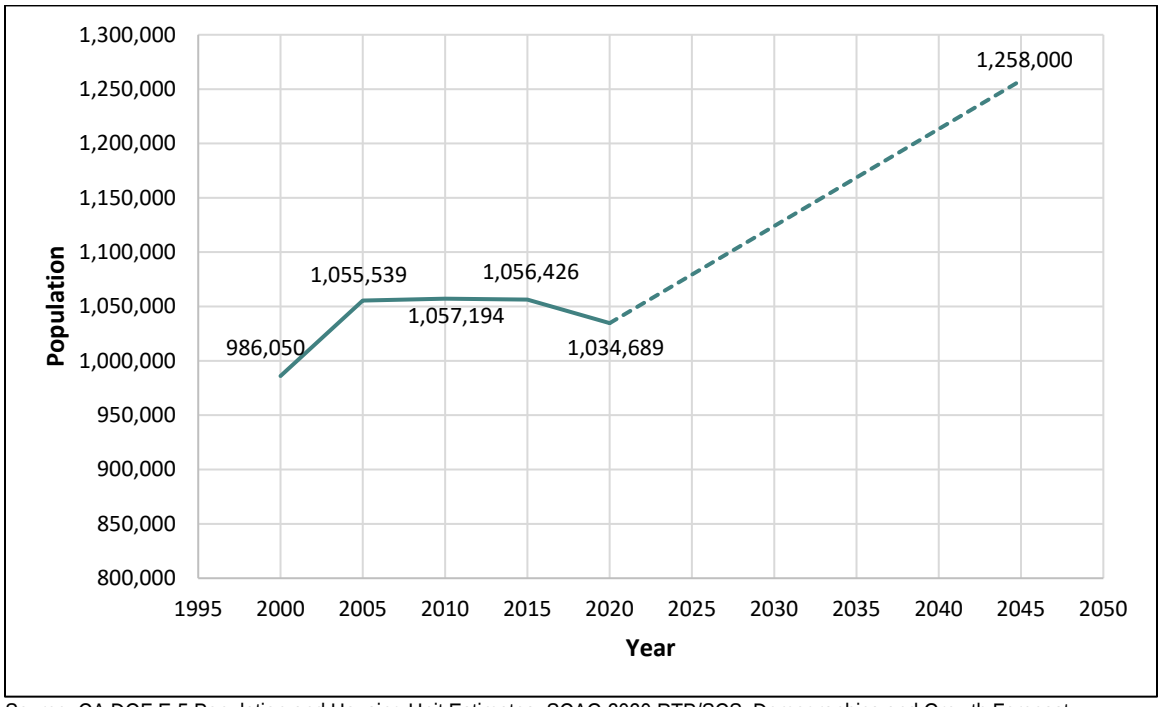


Projections

Population Projections

SCAG includes a reasonable growth forecast for local jurisdictions as reported in the 2020 Regional Transportation Plan/Sustainable Communities Strategy.[2] According to SCAG, by 2045, the population in unincorporated Los Angeles County is expected to increase by 22 percent (**Figure III-3**).

Figure III-3: Population Projections - Unincorporated Los Angeles County (2000-2045)



Source: CA DOF E-5 Population and Housing Unit Estimates; SCAG 2020 RTP/SCS: Demographics and Growth Forecast.

Household Projections: 2016-2045

According to SCAG, from 2016 to 2045, the number of households in unincorporated Los Angeles County is projected to grow by approximately 42 percent.

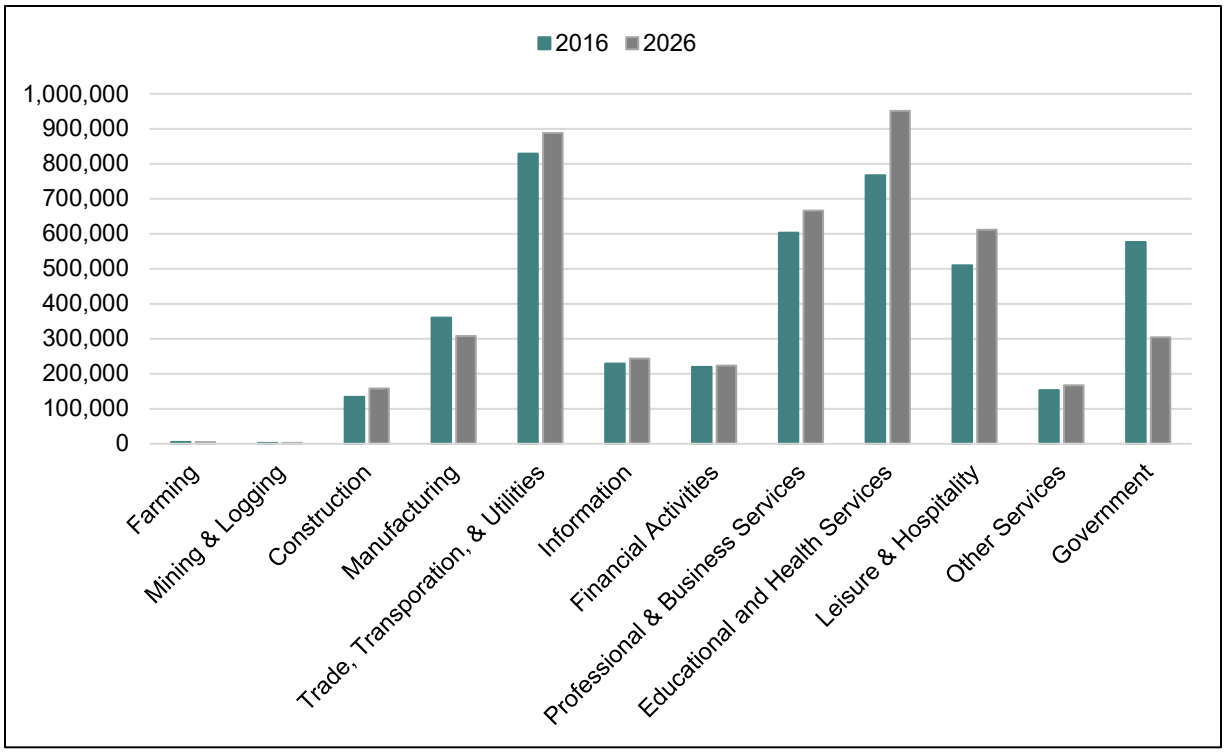
Employment Projections

According to SCAG, employment in unincorporated Los Angeles County is expected to grow by 19% from 2016 to 2045. While sector-specific projections for unincorporated Los Angeles County are not available, the State Employment Development Department (EDD) projects growth in some higher paying sectors in Los Angeles County as a whole by 2026, including educational and health services, professional and business services, and trade, transportation and utilities (**Figure III-4**). These sectors

[2] Southern California Association of Governments (SCAG). 2020. Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579. Accessed July 2021.

have the potential for higher wages, which can contribute to the overall strengthening of the economy, although they may require higher educational attainment. Attracting new target industries, the need for more workforce development, and the lack of higher paying jobs continue to be concerns for economic development.

Figure III-4: Employment Trends - Los Angeles County (2016-2026)



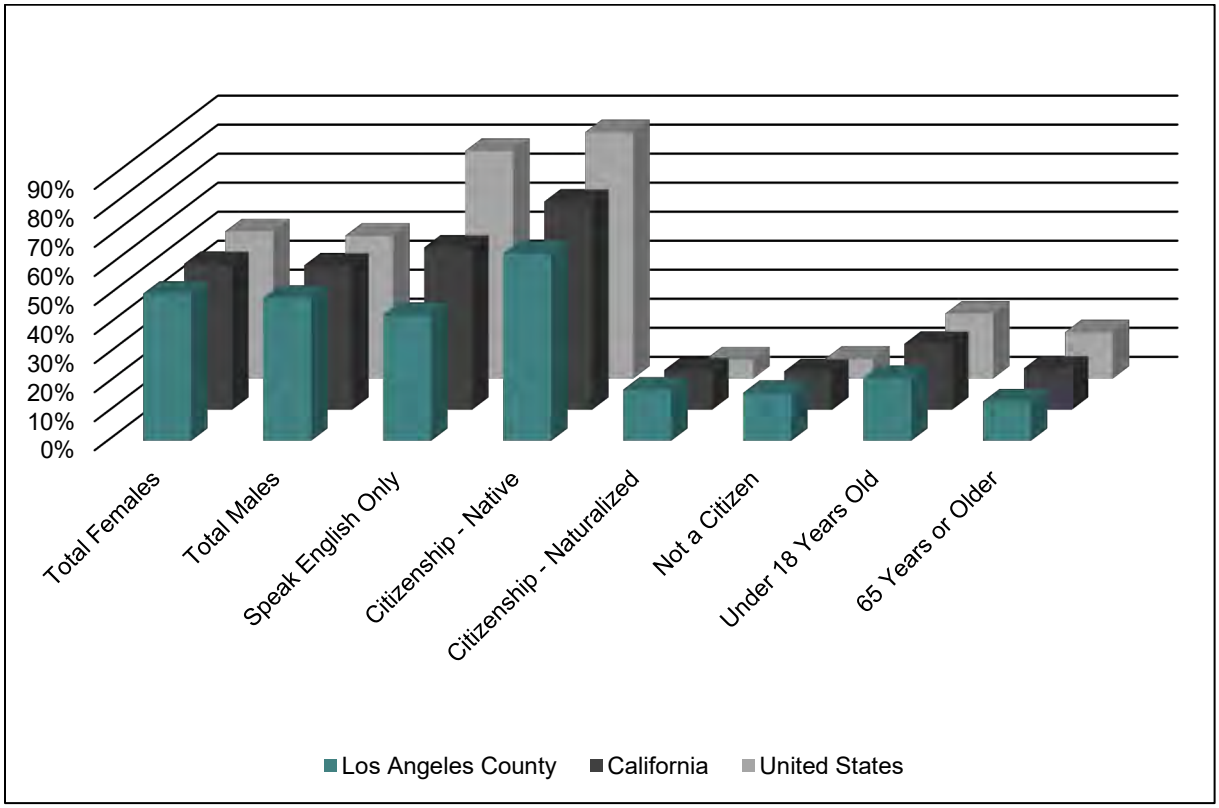
Source: California Employment Development Department (EDD). 2020. 2016-2026 Employment Projections. https://www.labormarketinfo.edd.ca.gov/data/employment-projections.html. Accessed August 2020.

Population Characteristics

Assessing the profile of a community can indicate the current and projected needs for housing types. Typically, a community with more households, larger households, and households with children need and/or desire larger units and ownership units. Communities that have a higher percentage of single people or younger people, on the other hand, typically need and/or desire smaller, rental units. Communities with a higher percentage of seniors typically need and/or desire smaller, accessible, and affordable units.

In general, the population trends of unincorporated Los Angeles County reflect those of Los Angeles County as a whole. **Figure III-5** compares the population profile of Los Angeles County with California and the rest of the country.

Figure III-5: Population Characteristics - Los Angeles County (2018)



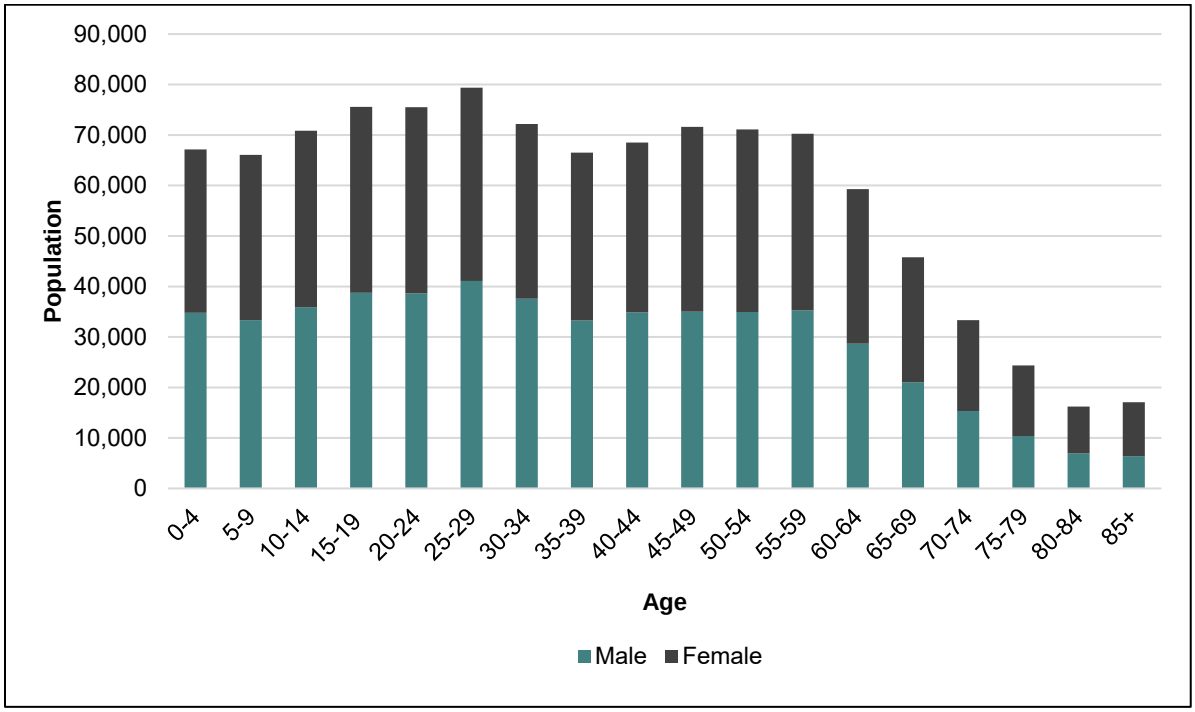
Source: ACS 2014-2018, Tables B05001, S0101, S1601.

Age of Residents

The age of the population is useful for determining the types of housing that will be required during the Housing Element planning period. Younger people living alone (between 20 and 34) and seniors over 65 typically need and/or desire apartments, condominiums, and smaller, more affordable housing units, while the population between 35 and 65 years makes up the majority of the market for single family houses and condominiums.

According to the 2014-2018 American Community Survey (ACS), residents under the age of 18 make up 23.7 percent of the population in unincorporated Los Angeles County. Seniors (65 years and older) make up 13 percent of the population and represent the smallest percentage of the population. The 25 to 29 years age group accounts for the highest percentage of residents (**Figure III-6**). The large population of younger people creates a demand for smaller, more affordable housing, while the middle-aged population will continue to demand more variety in housing choices.

Figure III-6: Population by Age and Sex - Unincorporated Los Angeles County (2018)



Source: ACS 2014-2018 (5-year estimates).

Race and Ethnicity of Residents

Race and ethnicity can potentially reflect cultural preferences regarding housing needs. For example, certain cultures may be accustomed to living with extended family members and need larger units. Therefore, planning for communities with high concentrations of certain racial/ethnic groups should consider the unique housing needs of these groups.

Table III-1 shows that 50 percent of the households in unincorporated Los Angeles County identify as Hispanic. Approximately 23.7 percent identify as White (non-Hispanic), 11.2 percent identify as Black (non-Hispanic), and 15.1 percent identify as Asian or another ethnicity (non-Hispanic).

Table III-1: Households by Race and Ethnicity - Unincorporated Los Angeles County (2016)

Race/Ethnicity	Households	Percent
White, non-Hispanic	62,761	23.73%
Black, non-Hispanic	29,705	11.23%
Asian and other, non-Hispanic	39,807	15.05%
Hispanic	132,210	49.99%
Total	264,483	100%

Source: HUD CHAS 2012-2016.

Persons with Special Needs

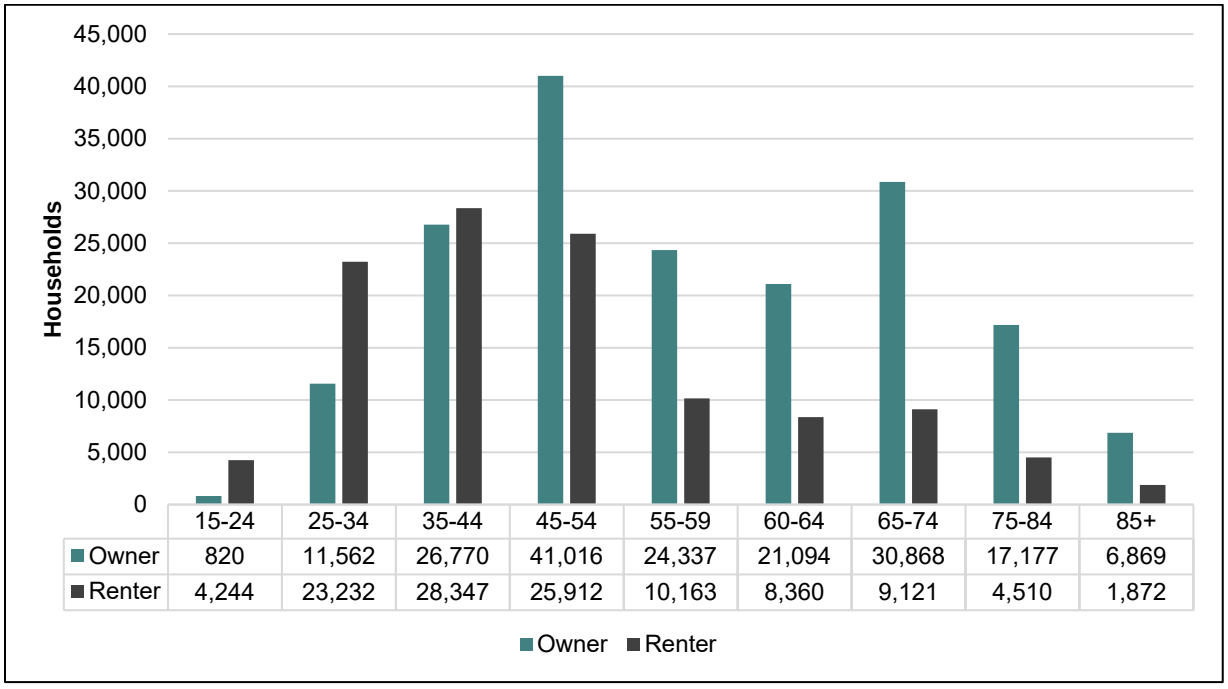
In addition to affordability and access issues that affect all populations in unincorporated Los Angeles County, those with special needs face greater challenges in finding available housing. Special needs groups include seniors, farmworkers, female-headed households, large households, people experiencing homelessness, and persons with disabilities. An analysis of these special needs populations is provided in the following sections. For a discussion on special needs resources, please see the section "Resources for Special Needs Housing."

Seniors

The Census defines the elderly, or seniors, as the population 65 years and older. As a general population group, seniors are at a disadvantage for housing. This is due to an increased likelihood of being on fixed or low incomes, having disabilities, or having different living preferences than families or younger, single people.

According to the 2014-2018 ACS, seniors account for 13 percent of the population of unincorporated Los Angeles County. Approximately 24 percent of unincorporated Los Angeles County households are headed by seniors. Of the senior-headed households, approximately 78 percent are homeowners and 22 percent are renters, as shown in **Figure III-7**.

Figure III-7: Housing Tenure by Age - Unincorporated Los Angeles County (2018)



	15-24	25-34	35-44	45-54	55-59	60-64	65-74	75-84	85+
Owner	820	11,562	26,770	41,016	24,337	21,094	30,868	17,177	6,869
Renter	4,244	23,232	28,347	25,912	10,163	8,360	9,121	4,510	1,872

Source: ACS 2014-2018 (5-year estimates).

Elderly (senior) households are defined as households consisting of two or more persons over 61 years. **Table III-2** shows that 28.4 percent of elderly households in unincorporated Los Angeles County earn less than 30 percent of the surrounding area median income, and 46.5 percent of elderly households earn less than 50 percent of the surrounding area median income.

Table III-2: Elderly Households by Income and Tenure - Unincorporated Los Angeles County

Income Category	Owner	Renter	Total	Percent of Total Elderly Households
<30% HAMFI	8,439	7,775	16,214	28.40%
30-50% HAMFI	7,687	2,638	10,325	18.10%
50-80% HAMFI	8,017	2,290	10,307	18.00%
80-100% HAMFI	3,669	781	4,450	7.80%
>100% HAMFI	13,773	2,054	15,827	27.70%
Total	41,585	15,538	57,123	100%

Note: HAMFI refers to Housing and Urban Development Area Median Family Income.
Source: HUD CHAS 2012-2016.

According to the DOF, a substantial increase in the number of seniors will occur by 2050. The senior population in Los Angeles County in 2050 is projected to be nearly twice as large as in 2019.[3] Similar trends are expected in unincorporated Los Angeles County. As the number of seniors and life expectancies increase, the demand for a variety of senior housing options will also increase.

In addition to traditional facilities that offer independent living units, it is likely that the demand for intermediate care and assisted living will also increase, as well as the demand for facilities offering a full range of living arrangements. The Housing Element addresses the needs of seniors through various programs, such as the Density Bonus Ordinance, which provides regulatory incentives for senior citizen housing developments.

Persons with Disabilities

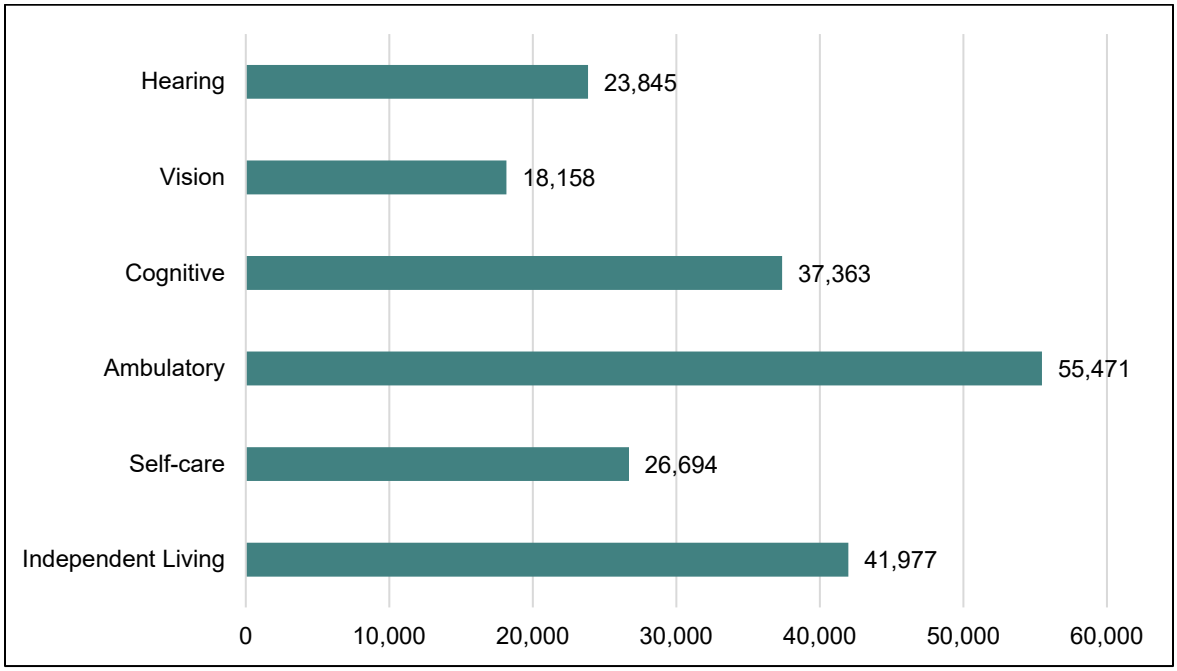
Persons with disabilities often have different preferences and accessibility needs when choosing housing. Additionally, as many persons with disabilities do not have the means of earning a living, their options may be narrowed by income. Ambulatory, independent living, and cognitive disabilities are the most commonly occurring disabilities in unincorporated Los Angeles County. As shown in **Figure III-8**, 55,471 residents in unincorporated Los Angeles County experience an ambulatory disability, 41,977 experience an independent living disability, and 37,363 experience a cognitive disability. Seniors typically have higher disability rates compared to other age groups.[4] Nearly 20 percent of the total population experience a disability; however, calculating disability as a percentage of total population may not be accurate because some disability types are not recorded for children below a certain age.

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[3] DOF. 2020. Projections. http://www.dof.ca.gov/Forecasting/Demographics/Projections/. Accessed August 2020.

[4] Disability Characteristics, American Community Survey 2018. https://data.census.gov/cedsci/table?q=S1810%3A%20DISABILITY%20CHARACTERISTICS&hidePreview=true&tid=ACSST1Y2018.S1810

Figure III-8: Disability by Type - Unincorporated Los Angeles County (2018)



Note: Disability types are only recorded for populations above a certain age.
Source: ACS 2014-2018 (5-year estimates).

Of the population with a disability, 62 percent are not part of the labor force. According to the 2014-2018 ACS, 32 percent of persons with a disability in unincorporated Los Angeles County are employed compared to 71 percent of persons with no disability (**Table III-3**).

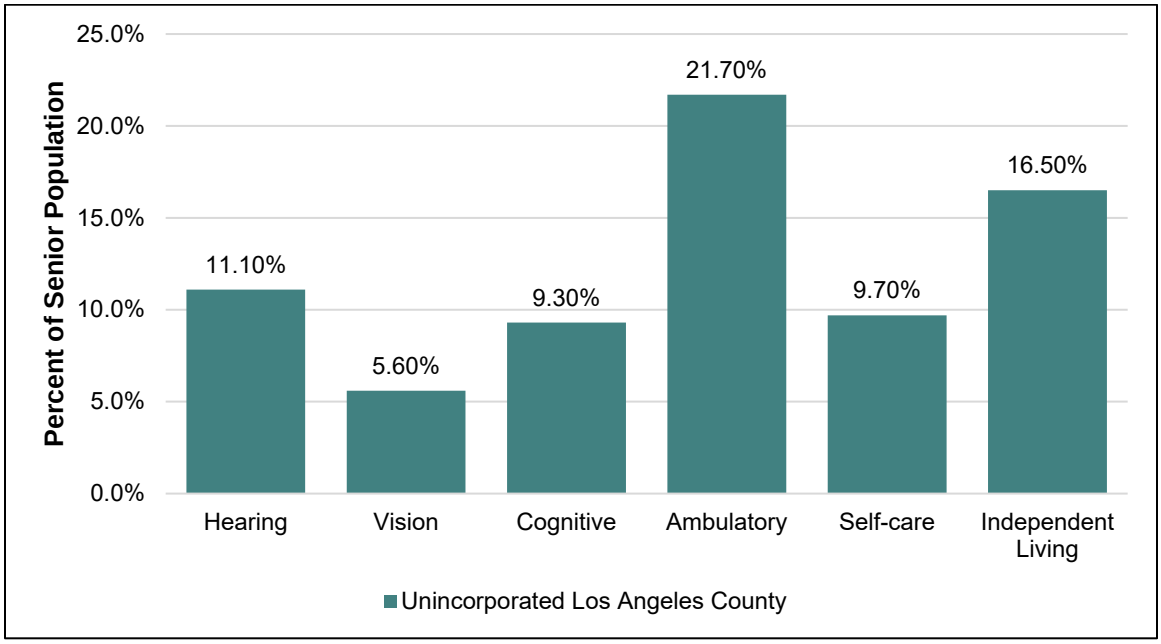
Table III-3: Disability by Employment Status - Unincorporated Los Angeles County (2018)

Employment Status	With a Disability	Percent	No Disability	Percent
Employed	15,449	32%	434,671	71%
Unemployed	2,759	6%	32,615	5%
Not in Labor Force	29,925	62%	141,915	23%
Total	48,133	100%	609,201	100%

Source: ACS 2014-2018 (5-year estimates).

In addition to the problems associated with fixed or low incomes, many seniors are faced with various disabilities. As shown in **Figure III-9**, 21.7 percent of seniors in unincorporated Los Angeles County experience an ambulatory disability. Ambulatory disabilities are the most commonly occurring disability among seniors in unincorporated Los Angeles County, followed by independent living (i.e., people with selfcare limitations), and hearing disabilities.

Figure III-9: Disability by Type - Seniors (65 and over)



Source: ACS 2014-2018 (5-year estimates).

Persons with disabilities face unique problems in obtaining affordable and adequate housing. State and federal laws require that all new multifamily construction be accessible to persons with disabilities, but older units built prior to 1989 are rarely accessible to persons with disabilities. Furthermore, once a regular unit is completed, modifications are expensive and not always feasible. Older units, particularly in older multifamily structures, are expensive to retrofit for persons with disabilities because space is rarely available for elevator shafts, ramps, wider doorways, etc. This population needs low-cost, conveniently located housing that is adapted for disability access. In some cases, they may also require supportive services.

Developmental Disabilities

According to Section 4512 of the Welfare and Institutions Code, a developmental disability means:

> *"a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual, which includes mental retardation, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature."*

The State Department of Developmental Services (DDS) provides community-based services to over 330,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers. The regional centers are private, non-profit organizations that contract with the State to offer a wide range of services. The developmental centers and the two locked facilities are state-owned and operated.

Los Angeles County is served by the following seven regional centers that provide point of entry services and ongoing support for persons with developmental disabilities.

- Eastern Los Angeles Regional Center
  Areas Served: Eastern Los Angeles County, including the communities of Alhambra and Whittier

- Frank D. Lanterman Regional Center
  Areas Served: Central, Glendale, Hollywood-Wilshire, and Pasadena Health Districts.

- Harbor Regional Center
  Areas Served: Bellflower, Harbor, Long Beach, and Torrance Health Districts

- North Los Angeles County Regional Center
  Areas Served: East Valley, San Fernando, and West Valley Health Districts

- San Gabriel/Pomona Regional Center
  Areas Served: Foothill, El Monte, and Pomona Health Districts

- South Central Los Angeles Regional Center
  Area Served: Compton, San Antonio, South Los Angeles, Southeast Los Angeles, and Southwest Los Angeles Health Districts

- Westside Regional Center
  Areas Served: Inglewood and Santa Monica West Health Districts.

As shown in **Table III-4**, 47,507 persons in unincorporated Los Angeles County experience a developmental disability. Developmental disabilities are more common among children (0 to 17 years old). In unincorporated Los Angeles County, 18,760 persons under the age of 18 experience a developmental disability, compared to 9,987 persons 18 years and older. Most residents with a developmental disability reside in the home of a parent, family member, or guardian.

Table III-4: Developmental Disabilities - Unincorporated Los Angeles County (2019)

Employment Status	With a Disability	Disabled Persons
By Residence	Home of Parent/Family/Guardian	15,608
	Independent/Supported Living	1,027
	Community Care Facility	1,016
	Intermediate Care Facility	349
	Foster/Family Home	601
	Other	159
By Age	0-17 Years	18,760
	18+ Years	9,987
Total		47,507

Note: Totals may not match as counts below 11 individuals are unavailable and some entries were not matched to a ZIP code necessitating approximation.
Source: CA DDS consumer count by CA ZIP, age group and residence type for the end of June 2019. Data available in 161/197 SCAG jurisdictions.

Persons with developmental disabilities can live and work independently or with support within a conventional housing environment. One important principle, which is derived from the Americans with Disabilities Act (ADA) and the Supreme Court decision in *Olmstead vs. Zimring*, and which applies to housing for persons with disabilities, is that of integration and full inclusion. County efforts to provide housing for persons with disabilities will take into account the need to provide a continuum of housing types for persons with disabilities that provides them with opportunities to live in the most integrated setting, and not in segregated housing or communities. Housing opportunities include market-rate and affordable housing (single family and multifamily) without supports; shared housing; housing with individualized supports, such as supported living services or independent living services; supported housing with services available through the housing provider on- or off-site; group housing; and licensed housing for individuals with greater service needs.

The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the considerations that are important in serving this special needs group. Incorporating "barrier-free" design in all new multifamily housing (as required by state and federal fair housing laws) is especially important in providing the widest range of choices for persons with developmental disabilities.

Resources for Persons with Disabilities

The County addresses the housing needs of persons with disabilities by allowing a variety of housing types. For example, the Zoning Code considers licensed adult residential homes (serving six or fewer persons on a 24-hours-a-day basis) as a residential use that is permitted in all residential zones. Licensed adult residential homes for more than six persons are conditionally permitted in most residential and commercial zones. In addition, the Zoning Code also allows for small family homes for six or fewer children with mental, developmental, or physical disabilities and who require special care and supervision as a result of such disabilities. Furthermore, in November 2011, the Board of Supervisors adopted the Reasonable Accommodations Ordinance, which creates an administrative procedure for persons with disabilities to request reasonable accommodations from land use and zoning standards or procedures, when those standards or procedures serve as barriers to equal housing access, pursuant to state and federal fair housing laws and the State Housing Element Law.

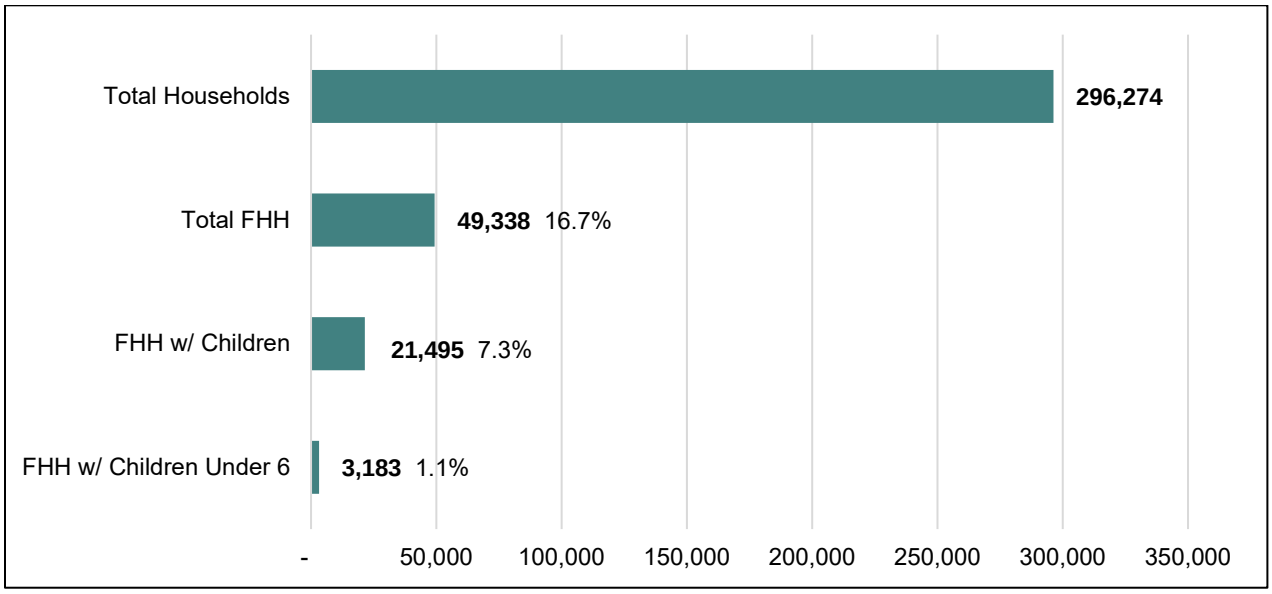
The County offers a home improvement program, which targets assisting persons with disabilities. Additionally, LACDA's NOFA/RFP process encourages applicants to incorporate supportive services for special needs groups into their projects. Rating criteria within the RFP process award additional points for the incorporation of special needs housing and associated supportive services.

Female-Headed Households

Single parent households, particularly female-headed households, often experience difficulty in finding adequate housing due to the lack of affordable housing. They may also have additional needs for day care, health care, and other services that can augment their ability to support their household. Many female-headed households are one-wage-earner households, and therefore tend to have lower incomes, which places them at a disadvantage for housing. Data to estimate the number of female-headed households with incomes below the poverty level for unincorporated Los Angeles County is not available.

In Los Angeles County, single parent households account for approximately 22 percent of all households.[5] Approximately 16.7 percent of households in unincorporated Los Angeles County are female-headed, and 7.3 percent of households in unincorporated Los Angeles County are female-headed with children (**Figure III-10**). In the previous housing element cycle, single parent households accounted for 25% of households. While this may appear like the number of single parent households have been reduced, it is more likely due to limitations inherent in the data related to margins of error. The County's Ownership Housing Rehabilitation Assistance Program, Family Self-Sufficiency Program, and other programs, including those related to the preservation, construction, and rehabilitation of affordable housing target the needs of single parent households.

Figure III-10: Female Headed Households (FHH) - Unincorporated Los Angeles County (2018)



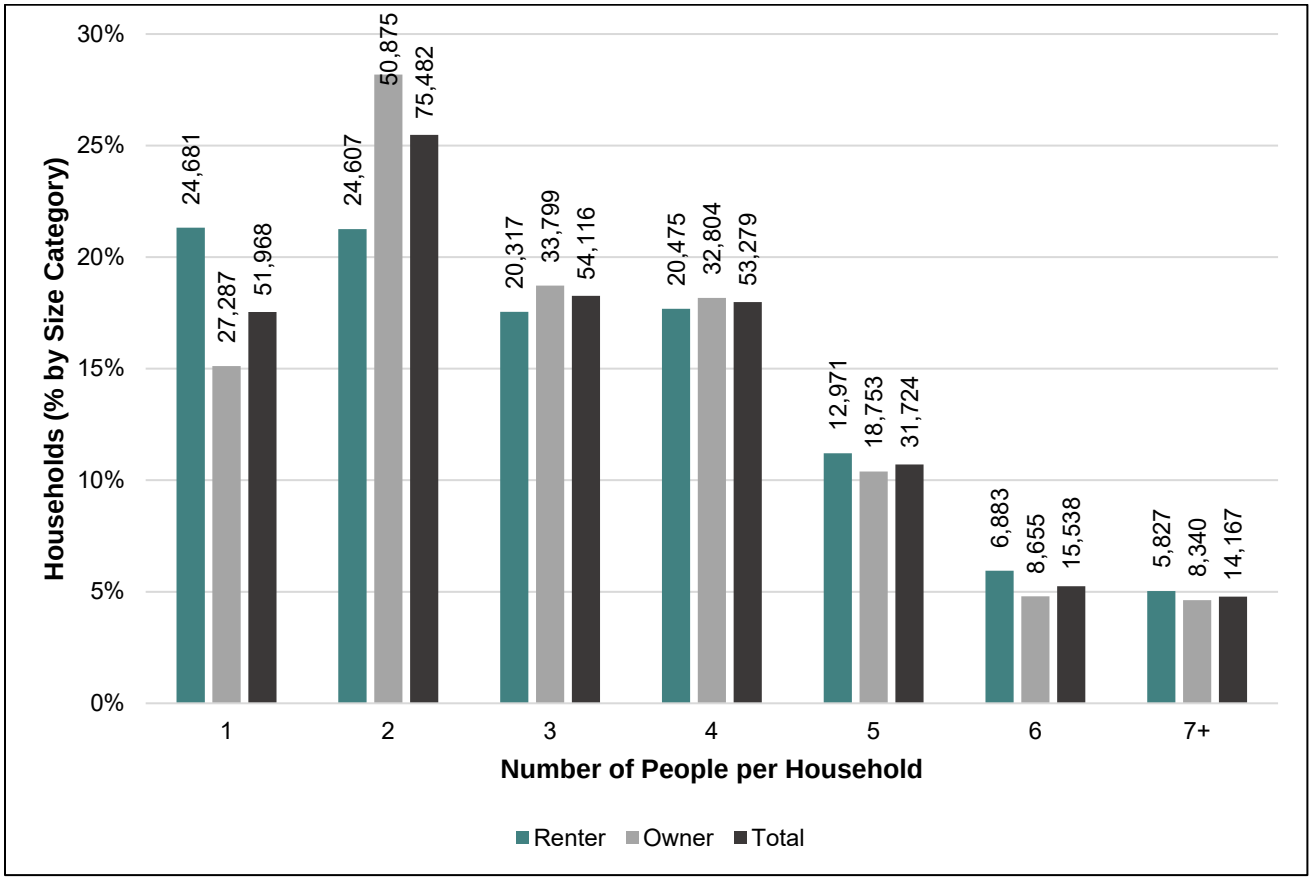
Source: ACS 2014-2018 (5-year estimates).

Large Households

Large households are generally identified as those having five or more people. They are characterized as a special needs group because they may include one or more families sharing housing, especially extended families, and can indicate a lack of affordable housing and increased overcrowding. Due to a limited supply of adequately sized units to accommodate large households, large households experience more difficulty securing adequately sized and affordable housing. When larger units are available, they generally cost significantly more than smaller units. Large households can also put a physical strain on the housing stock, which results from the greater wear-and-tear that more inhabitants can have on a unit. **Figure III-11** shows that over 20 percent of the households in unincorporated Los Angeles County have five or more people. A larger percentage of renter-occupied households have five or more people compared to owner-occupied households.

[5] ACS 2014-2018, Table DP02.

Figure III-11: Large Households - Unincorporated Los Angeles County (2018)



Source: ACS 2014-2018 (5-year estimates).

The lack of supply, compounded with the low incomes of large households, results in many large households living in overcrowded conditions. According to HUD,[6] 11,738 renter-occupied large households and 16,614 owner-occupied large households have an AMI of 80% or less, and are housing cost burdened. Among the renter-occupied large households, 5,926 extremely low income and 4,255 very low income households are housing cost burdened in excess of 30%. Among owner-occupied large households, 3,927 extremely low income and 2,654 very low income households are housing cost burdened in excess of 30%. Furthermore, 4,998 renter-occupied and 1,185 owner-occupied, households are housing cost burdened in excess of 50%

Due to the varied nature of development in unincorporated Los Angeles County and the way bedroom count data is collected, there is a data gap in estimating the number of dwelling units with three or more bedrooms. However, the number of housing cost burdened large households speaks to the need for more affordable larger units. As with other special needs groups, large households would benefit from innovative multifamily housing development near jobs and public transit with childcare facilities and opportunities for recreation.

[6] https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Farmworkers

Los Angeles County has seen a significant decrease in agricultural workers. State EDD data shows that between 2000 and 2016, the number of farmworkers countywide decreased by nearly 50 percent, from 7,700 to 3,910 farmworkers.[7] As shown in **Table III-5**, the USDA estimates there are 1,241 farmworkers in unincorporated Los Angeles County. Of those, 315 are seasonal workers (those who work less than 200 days/year), 402 are year-round farmworkers living off-farm, and 546 are year-round farmworkers living on-farm. Existing farmworkers in Southern California are usually able to work year-round, but their earnings are typically in the extremely low-income household category. Farmworkers typically move from farm to farm to find work, which points to the need for migrant farmworker housing.

To address the housing needs of farmworkers, the County established the Farmworker Housing Ordinance in 2010. It allows farmworker housing in all zones where agricultural uses are permitted (exclusive of environmentally sensitive and/or hazard areas) with no special or added layer of administrative review. Agricultural practices no longer account for a significant sector of Los Angeles County's economy, and as more agricultural land is converted for non-agricultural uses, this sector will continue to decline.

Table III-5: Farmworkers by Occupation - Unincorporated Los Angeles County (2017)

Category	Number of Employees
Total Farmworkers	1,241
Seasonal Farmworkers	315
Year-round Farmworkers living off-farm	402
Year-round Farmworkers living on-farm	546

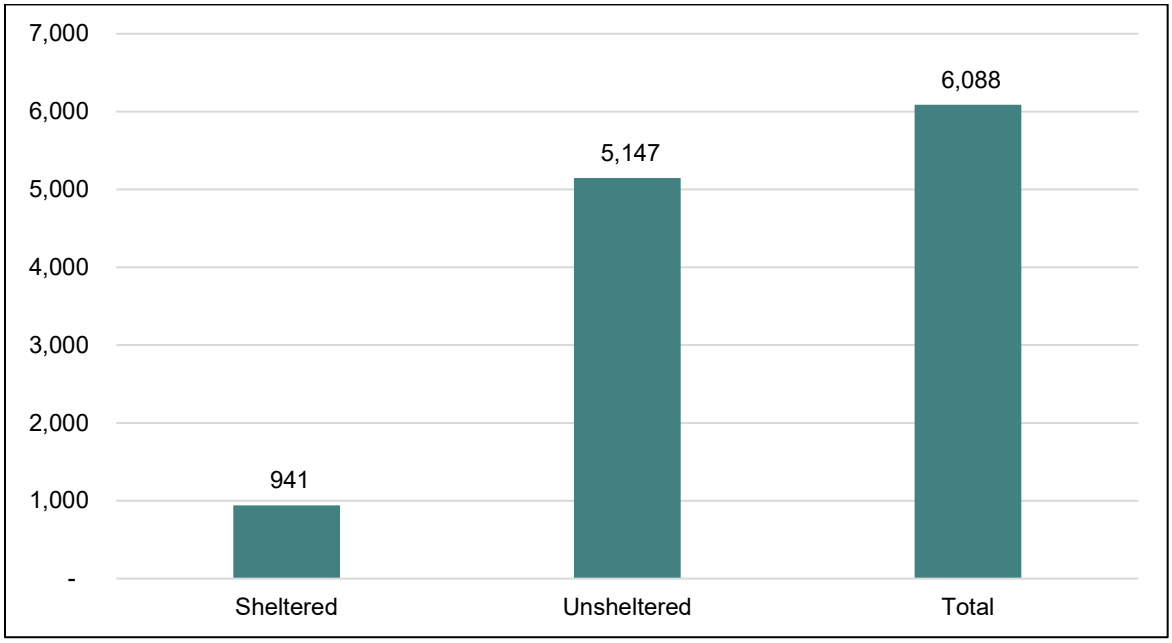
Estimated figures do not sum. Source: https://www.nass.usda.gov/AgCensus/

People Experiencing Homelessness

In 2020, there were an estimated 6,088 people experiencing homelessness in unincorporated Los Angeles County. **Figure III-12** shows a majority of those experiencing homelessness are unsheltered (85 percent) and 15 percent are sheltered.

[7] DOF. 2020. Projections. http://www.dof.ca.gov/Forecasting/Demographics/Projections/. Accessed August 2020.

Figure III-12: People Experiencing Homelessness - Unincorporated Los Angeles County (2020)



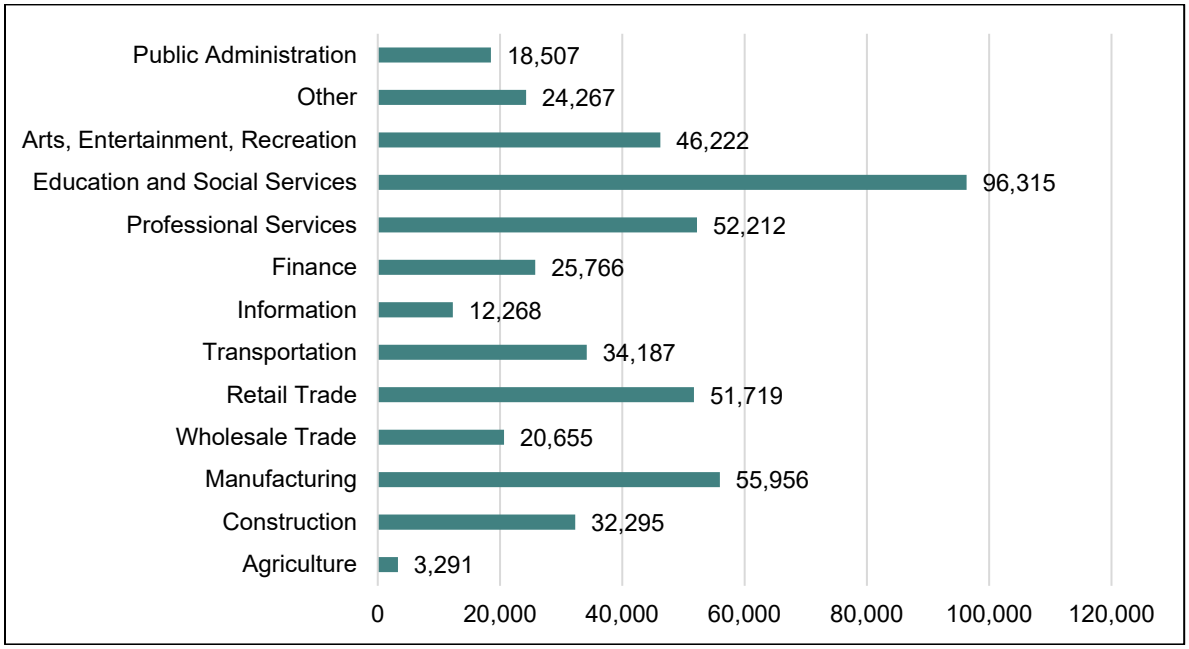
Source: Los Angeles Homeless Services Authority (LAHSA) Greater Los Angeles Homeless Count - Unincorporated Areas, 2020.

"Chronic homelessness" describes those who have experienced homelessness for over a year and have a disabling condition. These individuals often have the most severe disabilities, including mental disabilities and substance abuse issues. People experiencing homelessness move across local jurisdictions countywide to obtain food resources, safer temporary accommodations, and other services and resources to meet their immediate needs. While there is a data gap in demographic information for people experiencing homelessness unique to unincorporated Los Angeles County, the County is tackling the problem on a countywide basis. On February 9, 2016, the Board of Supervisors approved an unprecedented action plan as part of the County's Homeless Initiative to prevent and combat homelessness, and to create an ambitious, but achievable path forward. In March 2017, voters approved Measure H, which is a ¼ percent increase to the County's sales tax to provide an ongoing revenue stream – an estimated $355 million per year for ten years — to fund services, rental subsidies, and housing to combat homelessness. For more information on shelters, interim housing, and supportive housing, please refer to the Zoning and Subdivision Code section of the Housing Constraints Chapter.

Employment Characteristics

Los Angeles County hosts a diverse economy, but its composition has changed substantially over the past several decades and continues to transition. Although Los Angeles County is still one of the largest manufacturing centers in the United States, since the 1970s, the manufacturing industry has declined steadily and substantially. The education and social services sector accounts for the highest number of employees in unincorporated Los Angeles County, followed by manufacturing and professional services (**Figure III-13**).

Figure III-13: Employment by Industry - Unincorporated Los Angeles County (2018)

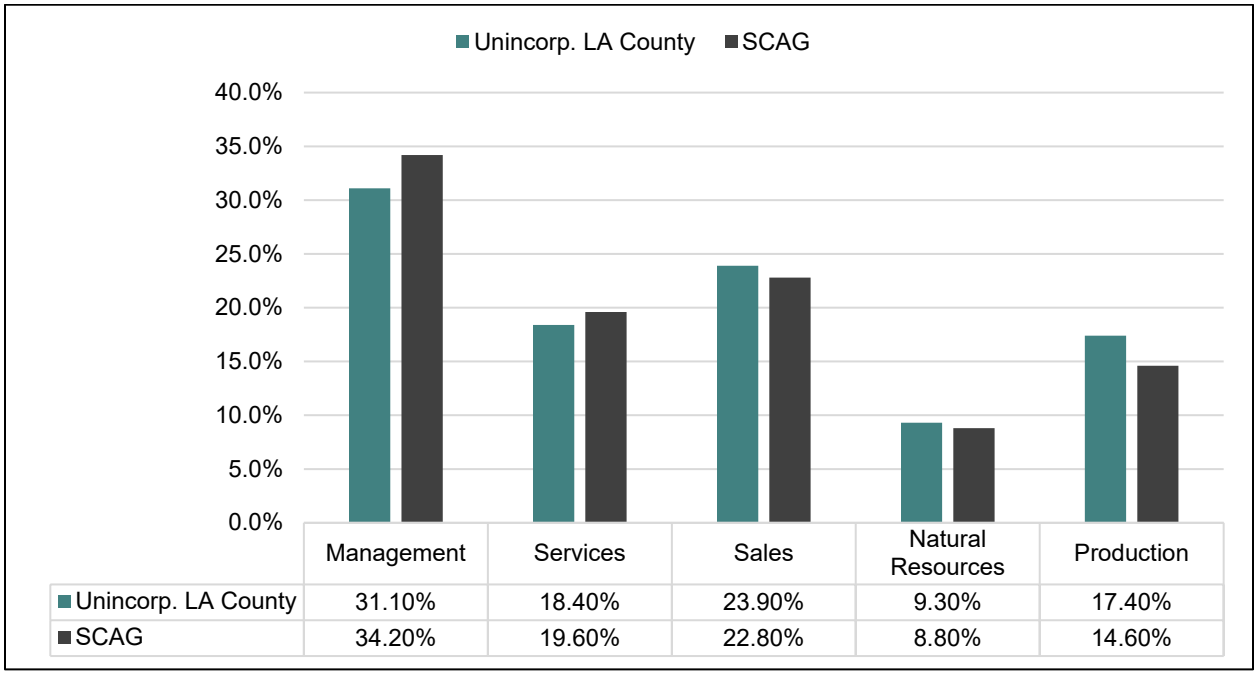


Source: ACS 2014-2018 (5-year estimates using groupings of 2-digit NAICS codes).

The employment base in Los Angeles County has continued to shift since 2000. The most substantial losses were in manufacturing, which lost nearly 240,000 jobs between 2000 and 2010. Since 2010, the number of employed in the manufacturing industry has decreased further from 379,200 to 339,200 employed countywide.[8] Between 2010 and 2019, the employment in the data processing industry more than doubled countywide. Non-store retailer, health practitioner, and courier/messenger sectors also saw large job increases. Apparel manufacturing, book/news stores, and mining/logging industries saw the highest rate of job loss between 2010 and 2019. As shown in **Figure III-14**, unincorporated Los Angeles County employs a slightly higher proportion of residents in the production sector and natural resources sector than the region.

[8] EDD. 2020. Industry Employment – Official Monthly Estimates (CES). https://www.labormarketinfo.edd.ca.gov/cgi/dataanalysis/AreaSelection.asp?tableName=Ces. Accessed August 2020.

Figure III-14: Employment by Occupation (2018)



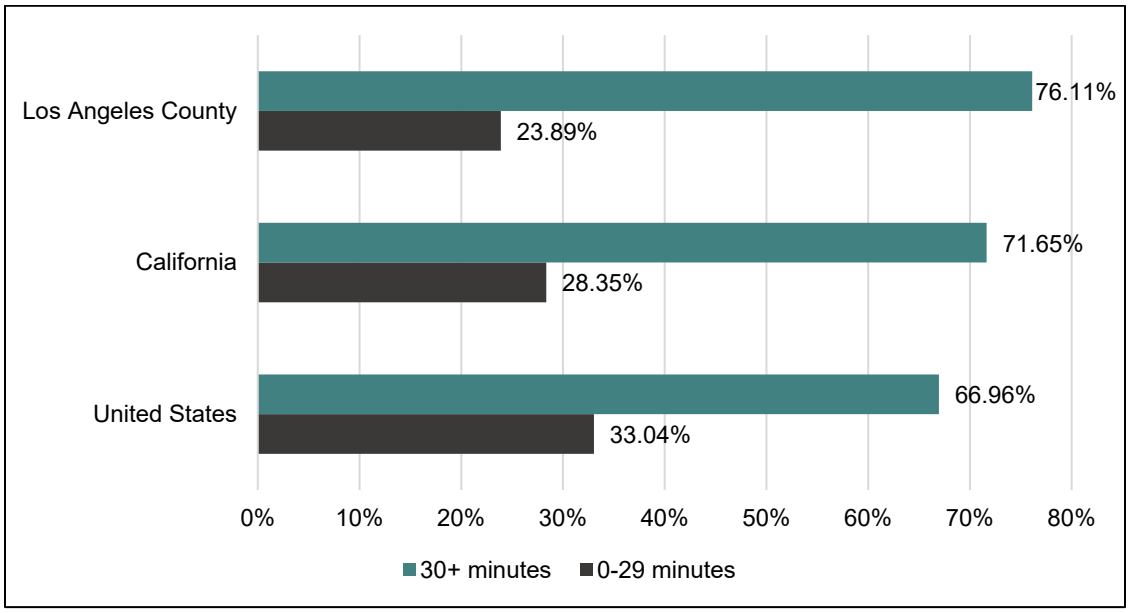
	Management	Services	Sales	Natural Resources	Production
Unincorp. LA County	31.10%	18.40%	23.90%	9.30%	17.40%
SCAG	34.20%	19.60%	22.80%	8.80%	14.60%

Source: ACS 2014-2018 (5-year estimates using groupings of SOC codes).

Commuting Patterns

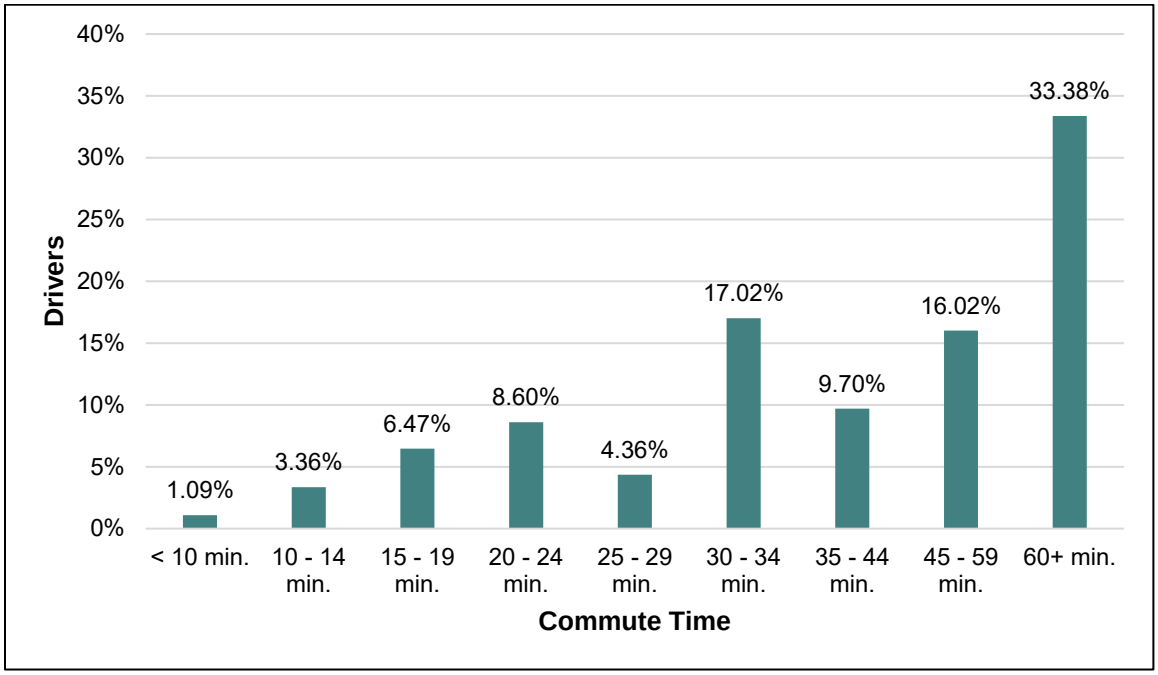
Ideally, housing should be located within a short distance of employment to alleviate congestion on roadways. However, residents throughout Los Angeles County commute long distances to get to work. **Figure III-15** and **Figure III-16** show that approximately 76 percent of commuters in Los Angeles County drive 30 minutes or more to get to work. Over 30 percent drive more than an hour.

Figure III-15: Drive Time to Work (2018)



Source: ACS 2014-2018, Table B08135.

Figure III-16: Drive Time to Work (Detail) - Los Angeles County (2018)

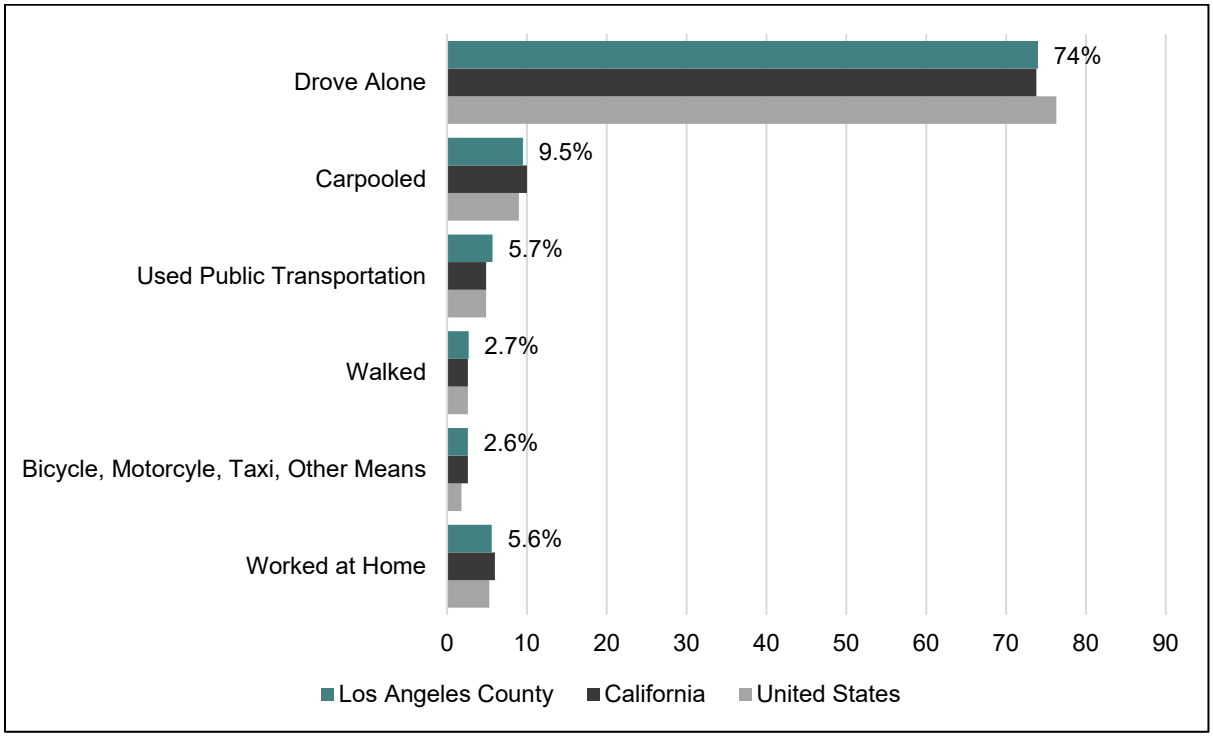


Source: ACS 2014-2018, Table B08135.

The transportation modes to get to work in unincorporated Los Angeles County heavily favor automobile trips. In Los Angeles County, 80 percent of trips to work are made by automobile, with 74 percent of commuters driving alone and 9.5 percent carpooling. The remaining 16.6 percent of non-automobile trips to work are made using alternative transportation, such as transit, biking, walking, or telecommuting. Due to the COVID-19 pandemic, the County will likely experience a significant increase in telecommuters during the 2021-2029 Housing Element planning period.

Figure III-17 shows that most Americans drive to work alone. However, California has a higher rate of telecommuters and Los Angeles County has a higher rate of public transit use. Notably, Los Angeles County has a higher rate of commuters who carpool compared to the rest of California and the country.

Figure III-17: Methods of Commuting (2018)



Source: ACS 2014-2018, Table S0801.

Household Characteristics

Existing Households

There are approximately 296,274 households in unincorporated Los Angeles County, which is a decrease of 3,084 households since 2010.[9] Between 2010 and 2018, the number of households in unincorporated Los Angeles County decreased by approximately one percent. The decrease is likely a result of annexations rather than actual decrease in the number of households.

Household Size and Composition

The size of a household determines the type of housing unit that is needed. As shown in **Table III-6**, in unincorporated Los Angeles County, the most common household size is the two-person household, which accounts for 25.5 percent of all households. Households of three or more make up about 57 percent of all households in unincorporated Los Angeles County.

The presence of large households in unincorporated Los Angeles County is significant to the Housing Element. HCD defines a large household to be a household of five or more people. Over 20 percent of the households in unincorporated Los Angeles County need a housing unit with at least three bedrooms that can accommodate a large household (**Table III-6**).

[9] Southern California Association of Governments (SCAG). 2020. Local Housing Data for Unincorporated Los Angeles County.

Table III-6: Households by Household Size - Unincorporated Los Angeles County (2018)

Household Size	Renter	Renter Percent	Owner	Owner Percent	Total	Total Percent
1	24,681	21.32%	27,287	15.12%	51,968	17.54%
2	24,607	21.26%	50,875	28.18%	75,482	25.48%
3	20,317	17.55%	33,799	18.72%	54,116	18.27%
4	20,475	17.69%	32,804	18.17%	53,279	17.98%
5	12,971	11.20%	18,753	10.39%	31,724	10.71%
6	6,883	5.95%	8,655	4.79%	15,538	5.24%
7+	5,827	5.03%	8,340	4.62%	14,167	4.78%
Total Large Households (5+)	25,681	22.18%	35,748	19.80%	61,429	20.73%
Total Households	115,761	100%	180,513	100%	296,274	100%

Source: ACS 2014-2018 (5-year estimates).

The composition of households also determines the type of housing that is needed. As shown in **Table III-7**, families account for 67 percent of households countywide, with nearly one-quarter headed by single parents. Fifteen percent of households are single-parent, female-headed.

Table III-7: Households by Household Type - Los Angeles County (2018)

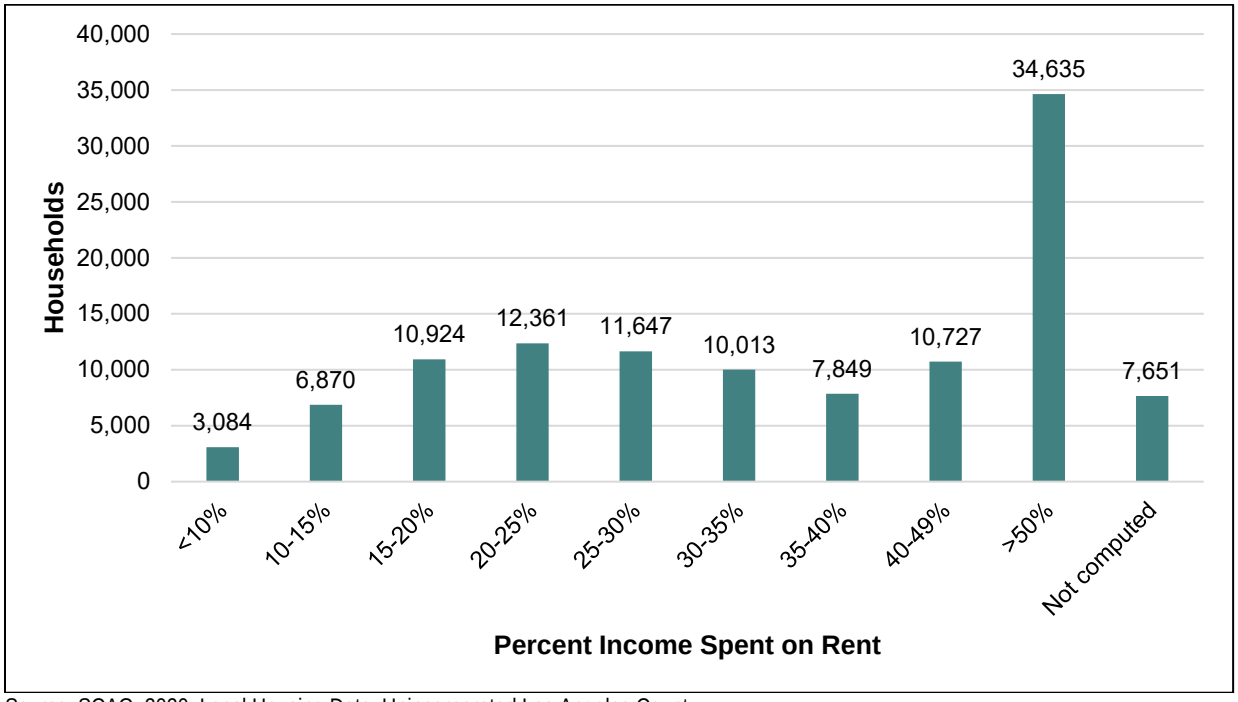
Household Type	Percent
Family households (families)	66.80%
With own children of the householder under 18 years	28.80%
Male householder, no wife present, family	6.80%
Female householder, no husband present, family	15.00%
Nonfamily households	33.20%
Householder living alone	25.60%

Note: Percentages reflect entire County.
Source: ACS 2014-2018, Table DP02 (5-year estimates).

Household Income

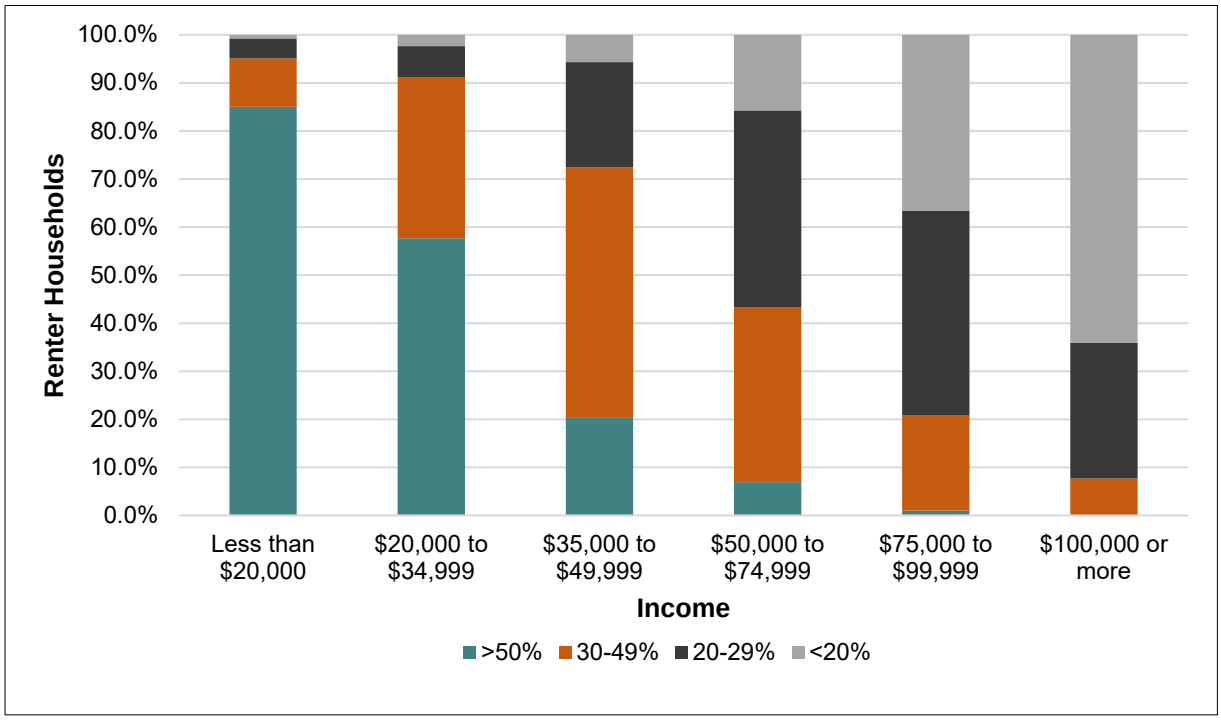
Area Median Income (AMI) is an important indicator of a household's access to housing. While above moderate income households have more discretionary income to spend on housing, low and moderate income households are more limited to the range of housing that they can afford. As shown in **Figure III-18**, the largest segment of households spend over 50 percent of their income on housing. Approximately 55 percent of renter households spend 30 percent or more of gross income on housing and 30 percent spend 50 percent or more on housing. Lower income households tend to pay a larger percentage of their income in rent compared to median or high income earners (**Figure III-19** and **Table III-8**). For low income households especially, spending 30 to 50 percent of income on housing costs is a tremendous financial burden. Lower income households tend to have less savings as their safety net. Any unexpected loss of employment or income or additional expenses would render these households at risk of becoming homeless. As evidenced by the impacts of the current COVID-19 crisis, the risk of eviction is imminent among many lower income renter households.

Figure III-18: Spending on Rent - Unincorporated Los Angeles County (2020)



Source: SCAG. 2020. Local Housing Data: Unincorporated Los Angeles County.

Figure III-19: Spending on Rent by Income - Unincorporated Los Angeles County (2018)



Source: ACS 2014-2018 (5-year estimates).

Table III-8: Spending on Rent by Income - Unincorporated Los Angeles County (2018)

	<$20,000	$20,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 to $99,999	$100,000 or more
<20%	157	489	982	2,918	4,398	11,934
20-29%	863	1,358	3,785	7,613	5,130	5,259
30-49%	2,092	6,971	8,981	6,735	2,377	1,433
>50%	17,677	12,013	3,535	1,288	122	0

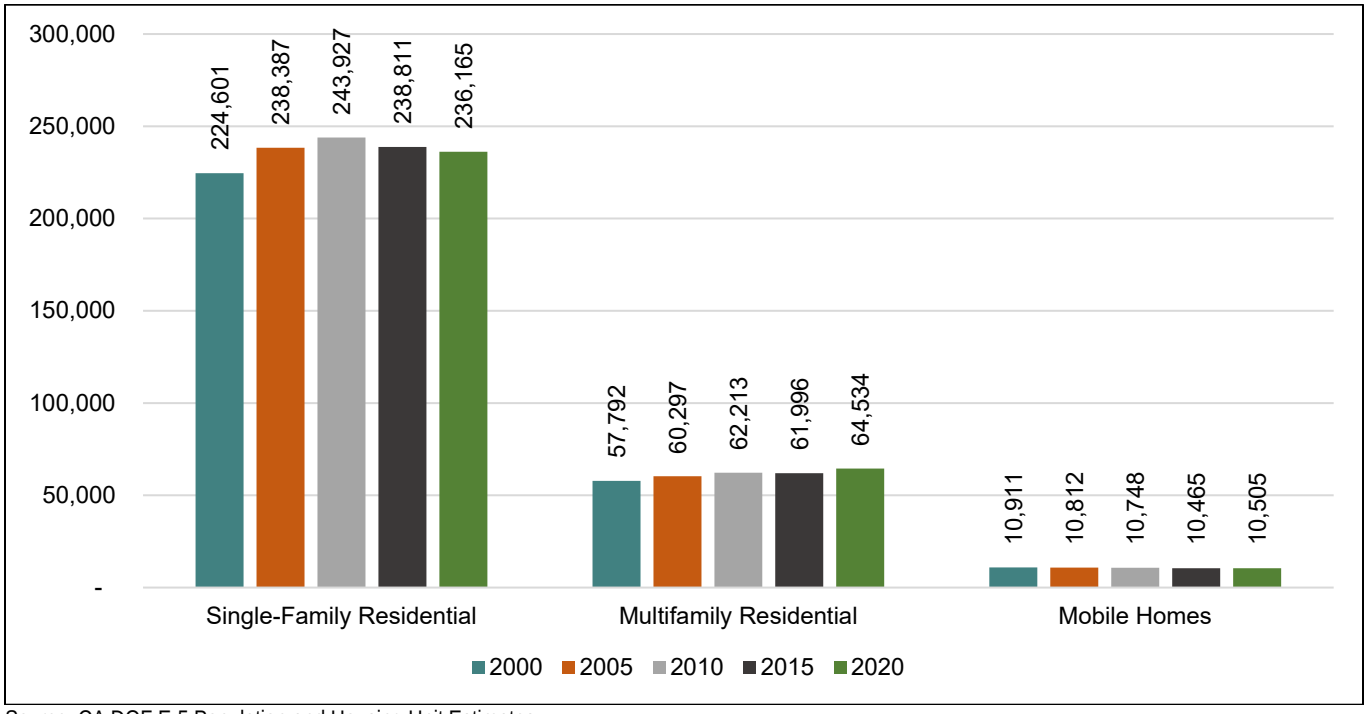
Source: ACS 2014-2018 (5-year estimates).

Housing Supply

Housing Units Added

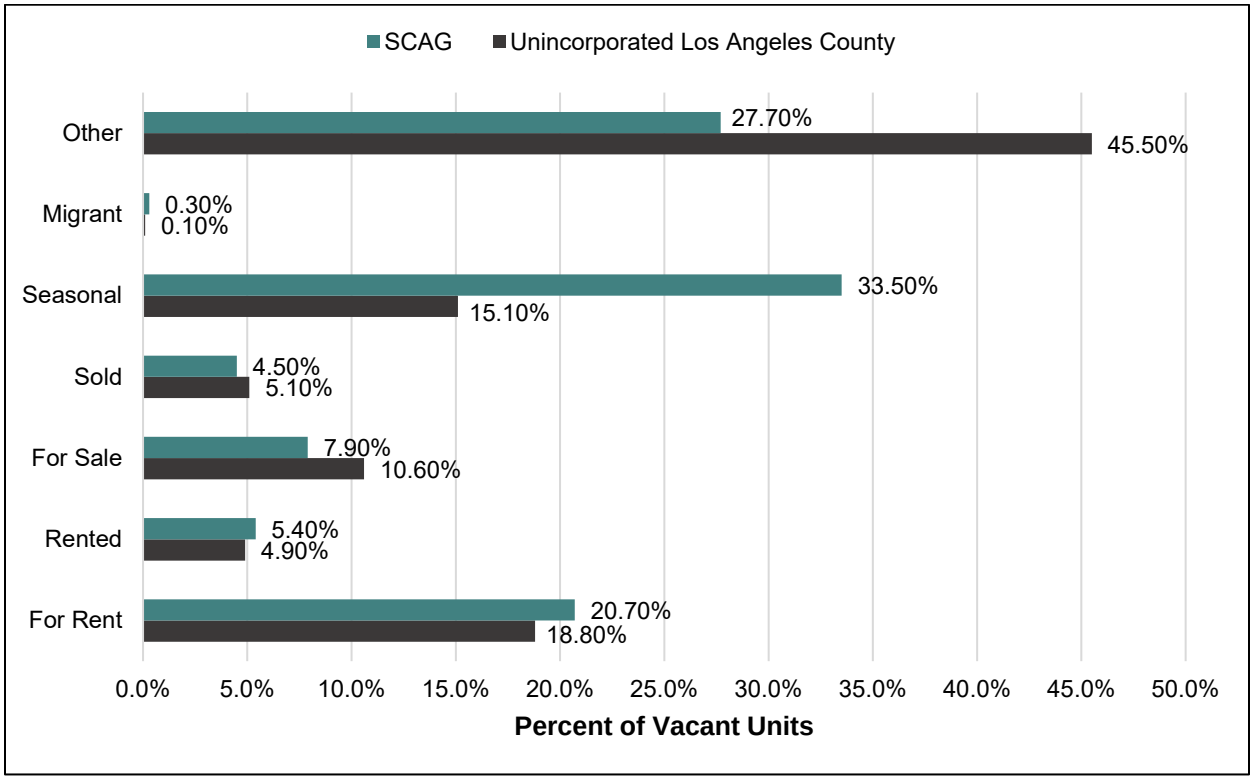
In unincorporated Los Angeles County, between, 2000 and 2020, single family residential units increased by 11,564 units (5.1 percent), multifamily residential units increased by 6,742 units (11.7 percent), and mobilehome units decreased by 406 units (**Figure III-20**). As shown in **Figure III-21**, vacancy rates for rental and for-sale properties in unincorporated Los Angeles County are comparable to rates in the SCAG region. However, unincorporated Los Angeles County experienced a higher rate of vacancy for "Other" types of housing (45.5 percent) compared to the SCAG region (27.7 percent). Housing units are classified as "Other" vacant when it does not fit into any year-round vacant category. "Other" vacant housing units may include units not for sale or rent, units being used for storage, units being repaired or renovated, units being held for settlement of an estate, etc.

Figure III-20: New Housing - Unincorporated Los Angeles County (2000-2020)



Source: CA DOF E-5 Population and Housing Unit Estimates.

Figure III-21: Vacant Units by Type (2018)



Source: ACS 2014-2018 (5-year estimates).

Types of Housing

As shown in **Table III-9**, a majority (75.8%) of the housing stock in unincorporated Los Angeles County are single family homes. Multifamily housing accounts for approximately 20.8 percent of housing units in unincorporated Los Angeles County, with mobilehomes making up the remainder (3.4%) of housing units. The lack of housing diversity is a common theme found throughout many communities in unincorporated Los Angeles County.

Table III-9: Housing Type - Unincorporated Los Angeles County (2020)

Housing Type	Units	Percent
Single Family, detached	218,735	70.30%
Single Family, attached	17,430	5.60%
Multifamily, 2-4 units	17,999	5.80%
Multifamily, 5+ units	46,535	15.00%
Mobilehomes	10,505	3.40%
Total	311,204	100%

Source: CA DOF E-5 Population and Housing Unit Estimates.

In addition to the type of housing, the size of the unit has implications on affordability and access. As shown in **Table III-10**, in general, renter-occupied units typically have higher rates of crowding. This makes rental units more likely to be affordable, but they may not be ideally sized for larger households. Owner-occupied units are less likely to have rooms with more than one person, which is appropriate for larger households. However, these units tend to be less affordable.

Table III-10: Crowding by Extent and Tenure - Unincorporated Los Angeles County (2018)

	Owner-Occupied	Percent of Total Households	Renter-Occupied	Percent of Total Households
1.0+ per room	12,363	6.80%	22,334	19.30%
1.5+ per room	3,627	2.00%	9,048	7.80%

Source: ACS 2014-2018 (5-year estimates).

The lack of housing choices for low income households is largely a function of the residential marketplace. In general, single family homes are desired by most owner-occupied households and can command higher profit for developers. This market trend inherently overlooks disadvantaged or low income households.

Substandard Housing

Table III-11 shows approximately two percent of households in unincorporated Los Angeles County have no telephone service, 0.4 percent lack plumbing facilities, and one percent lack complete kitchen facilities.

The Los Angeles County Department of Public Health, Environmental Health Division, conducts regular studies and inspections on the degree of substandard housing in unincorporated Los Angeles County. Apartments and condominiums with five or more units are regularly inspected; however, single family homes are only inspected if a complaint is issued for that property. The Environmental Health Division issues code violations for substandard properties. When issued citations, building owners are regularly referred to LACDA when applicable programs can provide rehabilitation assistance.

Table III-11: Substandard Housing - Unincorporated Los Angeles County (2018)

Substandard Housing Factor	Units	Percent of Total Units
No Telephone Services Available	5,942	2.01%
Lacking Plumbing Facilities	1,146	0.39%
Lacking Complete Kitchen Facilities	3,013	1.02%

Source: ACS 2014-2018 (5-year estimates).

In order to understand the habitability needs of rental housing units in unincorporated Los Angeles County, the County gathered data from the existing code enforcement programs and conducted a rental housing habitability survey. LACDA, DRP, DPH, and DPW each provided data on inspections and violations cited in FY 2017-2018.

LACDA conducted 8,639 Housing Quality Standards (HQS) inspections on 4,824 rental housing units in unincorporated Los Angeles County and found violations across 1,818 units. The majority of violations were minor deficiencies. DPH conducted inspections of 15,000 rental units and identified violations in 685 units. DRP inspected 145 units and 118 units were found to have violations, mainly from unpermitted units.

The Code Enforcement Workgroup (comprising of LACDA, DRP, DPH, and DPW) also conducted a rental housing habitability survey of renters residing in cities and unincorporated Los Angeles County from July 2, 2019 to August 2, 2019. The workgroup received 618 responses, of which 70 rented in unincorporated Los Angeles County. About 40% of respondents living in unincorporated Los Angeles County stated they had experienced uninhabitable, unsanitary, or unsafe conditions in their home within the previous two years. Of that 40%, 66% indicated that the conditions were never resolved.

Habitability in rental housing units in unincorporated Los Angeles County would be better served if there was a centralized, systematic, and proactive code enforcement program to address habitability issues. The snapshot of data the workgroup collected primarily demonstrates violations where someone filed a complaint. Without regular inspections of all units, it is difficult to truly understand the baseline conditions of the housing stock in unincorporated Los Angeles County. As such, the number of housing units in need of rehabilitation and replacement cannot be quantified. It is also difficult to monitor change over time and identify areas to target for non-compliance. Additionally, the workgroup recognizes the need to provide a mechanism to address habitability issues without requiring tenants or neighbors to file a complaint, and to provide strategies to increase access for inspectors. This will be addressed in Program 40: Systematic Code Enforcement.

Estimate of the Number of Housing Units Needing Rehabilitation and Replacement

To estimate of the number of housing units that may need rehabilitation or replacement in unincorporated Los Angeles County, a variety of housing and demographic characteristics were considered. One consideration is that more than 90% of all the housing units in unincorporated Los Angeles County are more than 30 years old. This is the age when significant repairs and rehabilitation are usually needed. Another consideration is that younger homeowners living in older homes who have not yet built a nest egg and elderly homeowners who may be living on a fixed income are more likely to defer maintenance and put off repairs. Another consideration is that single-parent households face additional expenses and responsibilities that may cause minor repairs to go unnoticed until they become a major distressing expense. Furthermore, another consideration is that large households and over-crowded households put additional stresses on structures and systems that were not designed to accommodate large capacities.

There are some aspects we cannot know, for example, the quality of construction of each unit or when it was last updated or remodeled. However, we can determine the financial circumstances of individual householders by looking at Overpayment. Overpayment is when a household spends more than 30% of its income on housing costs and is generally recognized as an indicator that housing is not affordable. Households in Overpayment would likely have less money available for basic necessities, repairs, or emergencies. While homeowners benefit from owning an asset, renters have less housing security when large financial expenses are incurred. Households with these characteristics that are also in Overpayment are more likely to live in a unit that needs rehabilitation or replacement. For owner occupied housing, it is estimated that 13,885 single family units and 4,433 multifamily units are likely to be in need of rehabilitation or replacement. For renter households, it is

likely that 12,522 single family units and 3,998 multifamily units are in need of rehabilitation or replacement.

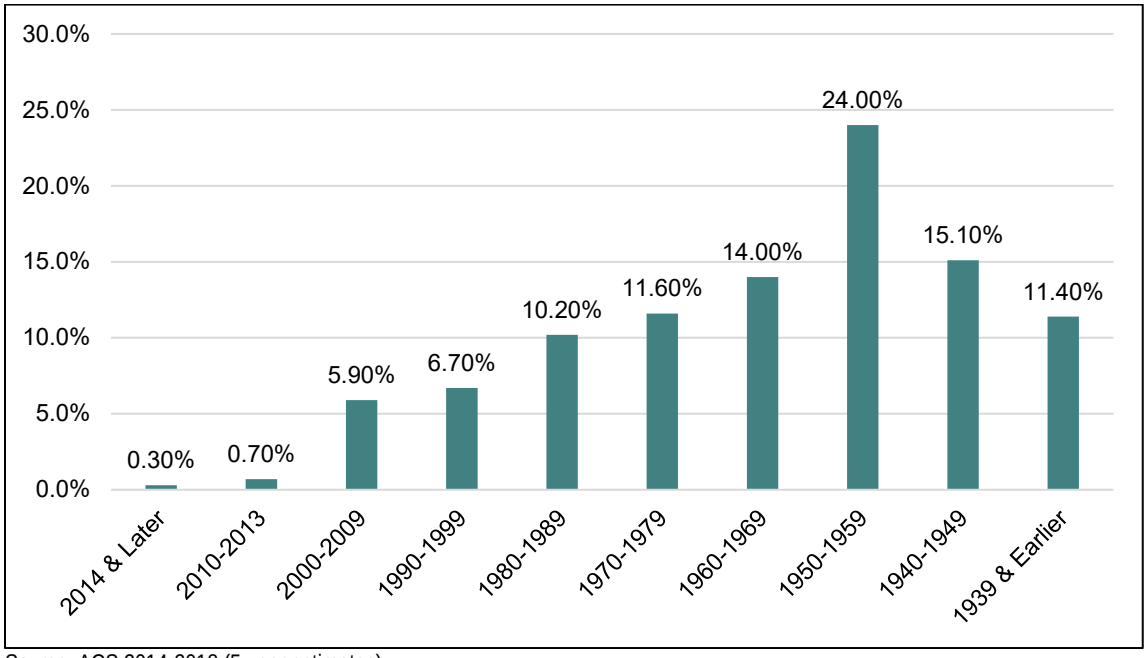
While these estimates may appear precise, it is important to note that they are informational. There were data limitations that resulted in some unavoidable overcounting. Additionally, this analysis does not account for households not in overpayment and with or without these characteristics that may be living in a unit that needs rehabilitation or replacement. Even with these limitations, this analysis further supports the need for more affordable housing options in unincorporated Los Angeles County.

Age of Housing Stock

The age of the housing stock is commonly used by state and federal programs to estimate rehabilitation needs. Typically, most homes begin to require major repairs or rehabilitation at 30 or 40 years of age. Features, such as electrical capacity, plumbing, kitchen features, and roofs usually need updating if no prior replacement has occurred.

Rehabilitation, maintenance, and replacement could become critical issues in unincorporated Los Angeles County within the Housing Element planning period. **Figure III-22** depicts the age of the housing stock in unincorporated Los Angeles County. The largest share of housing units in unincorporated Los Angeles County were built between 1950 and 1959. Nearly 90 percent of the housing stock in unincorporated Los Angeles County was built before 1990. The County may need to address the preservation of aging housing units susceptible to deterioration in the near future.

Figure III-22: Housing Units by Year Structure Built - Unincorporated Los Angeles County (2018)



Source: ACS 2014-2018 (5-year estimates).

Housing Supply and Demand Indicators

Tenure

According to the 2010 Census, 60.9 percent of households in unincorporated Los Angeles County own their homes. Historically, Los Angeles County has had the lowest homeownership rate in California, and within the country. This is in part due to its large transitory and immigrant populations, but also due to the lack of affordable housing options.

Overcrowding

"Overcrowded" is defined as 1 to 1.5 persons occupying a room, excluding bathrooms, kitchens, hallways, and porches. "Severely overcrowded" is defined as more than 1.5 persons occupying a room. Overcrowding usually results from a lack of appropriate housing, either in affordability or adequacy in size. Overcrowding is more common among renter-occupied units, at 19.3 percent with over 1 person per room, as compared with owner-occupied units, at 6.8 percent with over 1 person per room (**Table III-10**).

Overpayment

According to the 2010 Census, many low income households in Los Angeles County pay a high percentage of their income toward rent, which indicates a lack of affordable housing. Households that pay more than 30 percent of their income on rent or mortgage payments have less money to spend for other necessities and emergencies. This can be a financially precarious situation for many, especially for renters who do not have any of the security afforded by homeownership, and can easily fall into homelessness if an unexpected financial hardship were to occur.

Income directly affects a household's access to housing, as shown in **Table III-12**. Households with lower incomes are more likely to rent than own a home.

Table III-12: Extremely Low Income Households by Tenure - Unincorporated Los Angeles County (2016)

Tenure	Total Households	Extremely Low Income	Share of Extremely Low Income
Renter-Occupied	108,935	34,798	31.9%
Owner-Occupied	155,635	17,049	11.0%
Total	264,570	51,847	19.6%

Source: HUD CHAS 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

Housing Cost

According to Corelogic, the median home price in Los Angeles County in 2020 was $643,000, compared to $618,000 in 2019 (four-percent increase).[10]

[10] Corelogic. 2020. California Home Sale Activity by City. https://www.corelogic.com/downloadable-docs/dq-news/dq-news-monthly-charts/ca-home-sale-activity-by-city-june-2020.pdf. Accessed August 2020.

Housing affordability emerged as a common theme from stakeholders during the Housing Element outreach process. Stakeholders indicate that contributing factors to housing affordability include the lack of housing diversity, lack of developable land, a lengthy entitlement process, and disproportionate fees/permitting costs.

Rental Cost

The foreclosure crisis and economic recession in past years have resulted in high foreclosures and job losses throughout unincorporated Los Angeles County that have created impacts that are still felt today. This has created a higher demand for affordable housing and, in particular, rental housing. The shortage of affordable housing has increased rents and further reduced housing choices for the region's low income households. As a result, rental cost is one of the largest expenses for households in unincorporated Los Angeles County.

Over half of all renter-households in unincorporated Los Angeles County pay more than 30 percent of their income on rent (**Figure III-18**). As shown in **Figure III-23** and **Table III-13**, 55 percent of renter-households in unincorporated Los Angeles County make less than $50,000 a year. A household earning $50,000 a year needs to spend over 30 percent of their income to afford a fair market rent two-bedroom apartment in Los Angeles County.[11]

Extremely Low Income Housing Needs

Most households and individuals receiving public assistance, such as social security or disability insurance, are considered extremely low income households. A household supported by a worker earning minimum wage is also considered an extremely low income household. For extremely low income households, the largest share of their income is directed toward housing costs, making continued affordability uncertain.

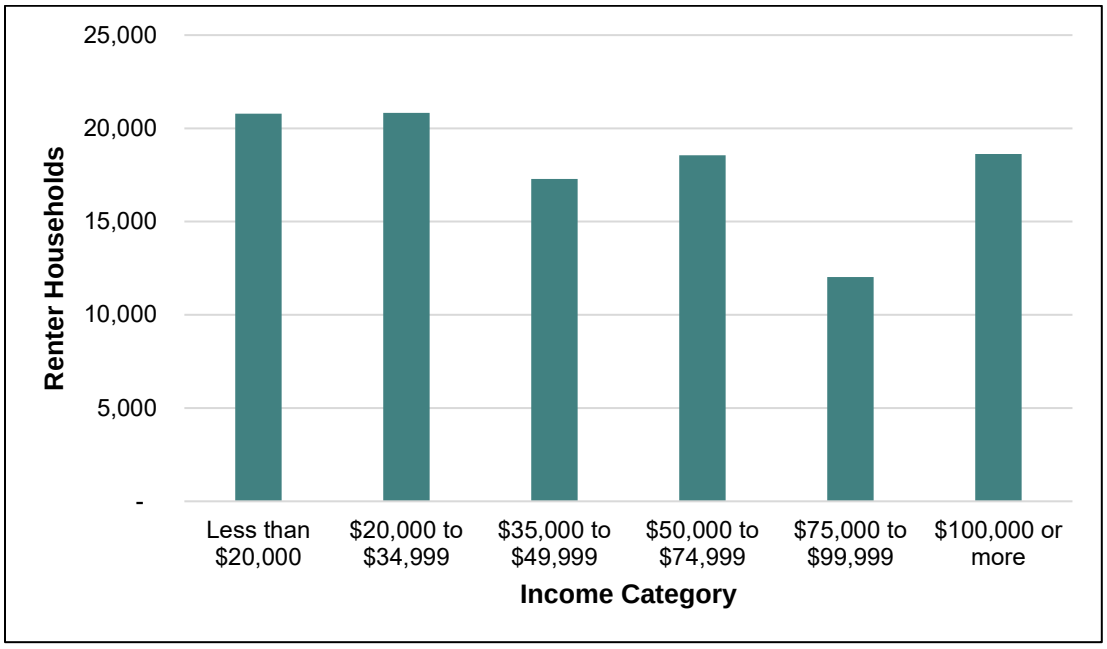
Housing extremely low income households (below 30% of area median income) can be especially challenging. In unincorporated Los Angeles County, 19.6% (51,887) of all households are extremely low income households. Of those households, 31.9% (34,798) are renter-occupied households and 11% (17,049) owner-occupied households. Approximately 3,220 extremely low income renter-occupied households and approximately 255 extremely low income owner-occupied households are severely overcrowded. There is a need for larger units with three or more bedrooms for extremely low income households. Limitations on data available for unincorporated Los Angeles County do not support projecting the number of extremely low income households into the future; however, their housing needs are expected to remain critical.

The primary resources available to extremely low income households are affordable housing projects that are deed restricted for lower income use. Another key resource is the Housing Choice Vouchers (HCV) program that requires 70% of the new vouchers be allocated to extremely low income households. Given the amount of subsidies required to provide affordable housing for this group, the lack of funding is the most significant challenge in service residents at this income level.

Note: Single family residences, condos, and new homes are included in the median home price calculation.

[11] HUD. FY 2021 Fair Market Rent. https://www.huduser.gov/portal/datasets/fmr.html#2021_query. Accessed October 2020.

Figure III-23: Renter Income - Unincorporated Los Angeles County (2018)



Source: ACS 2014-2018 (5-year estimates).

Table III-13: Renter Income - Unincorporated Los Angeles County (2018)

Less than $20,000	$20,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 to $99,999	$100,000 or more
20,789	20,831	17,283	18,554	12,027	18,626
19.23%	19.27%	15.99%	17.16%	11.12%	17.23%

Source: ACS 2014-2018 (5-year estimates).

Affordable Housing Inventory

Affordable Housing Developments

LACDA uses a variety of funding sources to facilitate the development of affordable housing. Oftentimes, multiple layers of funding sources are required for the development of affordable housing. As shown in **Table III-14**, there are a total of 2,609 units deed-restricted as rental housing for low income households in unincorporated Los Angeles County. However, there may be additional deed-restricted units that are not included that are not publicly subsidized and therefore do not appear in inventories monitored by HUD, HCD, or the County.

Affordable Rental Housing at Risk of Converting to Market-Rate

The State Housing Element Law requires that local jurisdictions evaluate the potential conversion of deed-restricted housing for low income households into market-rate housing within the next 10 years. As shown in **Table III-14**, 72 affordable units are at very high risk of converting to market-rate, 142 affordable units are at high risk of converting to market-rate, and 291 affordable units are at moderate risk of converting to market-rate.

Table III-14: Assisted Rental Units at Risk of Conversion

Risk Level	Definition	Low-income units	Percent
Very High	Affordability expires in less than a year	72	2.8%
High	Affordability expires between one and five years	142	5.4%
Moderate	Affordability expires between five and ten years	291	7.4%
Low	Affordability expires in ten or more years	2,104	84.4%
Total		2,609	100%

Source: Los Angeles County Department of Regional Planning, July 2021.

Privately-funded units are typically the most at risk, as these units do not receive ongoing public assistance and therefore would potentially realize the biggest increase in rents when converted to market-rate housing. HOME-funded projects are often developed by non-profit organizations. Projects owned by non-profit organizations are more likely to remain as affordable housing even after the affordability controls expire. The publicly subsidized affordable rental housing inventory in unincorporated Los Angeles County is shown in **Table III-15**. This inventory does not include other affordable housing projects that are not publicly subsidized. Among the projects in Table III-15, 505 affordable units within 14 projects are potentially at risk of converting to market-rate housing.

Table III-15: Affordable Rental Housing Inventory - Unincorporated Los Angeles County

Site Address	Total Units	Assisted Units	Funding Source	Income Target (% of AMI)	Potential Expiration of Affordability
2691 North Lincoln Avenue, Altadena, CA 91001	5	5	HUD	80%	2021
3739 Hubbard Street, Los Angeles, CA 90023	6	6	HUD	80%	2021
6415 S. Makee Street, Los Angeles, CA 90001	51	51	HUD	80%	2021
11481 Walnut Street, Whittier, CA 90606	11	10	HUD	80%	2021
8906-8908 Elm Street, Los Angeles, CA 90002	2	2	HOME	80%	2022
19525 Covina Boulevard, Covina, CA 91724	44	44	HUD	80%	2024
20420 E Arrow Highway, Covina, CA 91724	96	96	HUD	80%	2025
2013 E 92nd Street, Los Angeles, CA 90002	37	37	HUD	80%	2026
6570 W Avenue L-12 Lancaster, CA 93536	503	101	MFR Bond	50%	2027
13232 S. Avalon Blvd, Los Angeles, CA 90061	42	41	CDBG; HOME	Manager;40%	2029
3807 Percy St, Los Angeles, CA 90023	7	2	CDBG; HOME	Other Affordable;50%;80%;65%	2029
2010 E El Segundo Blvd, Los Angeles, CA 90222	11	11	HOME; Industry	Manager;50%	2030
12612 S Wilmington Ave, Compton CA 90222	24	24	HOME; Industry	35%; 40%; 45%; 50%	2031
23700 San Fernando Rd Santa Clarita, CA 91321	75	75	Section 8	50%	2031
151 N. Sunol Drive, Los Angeles, CA 90063	75	74	HUD	80%	2032
1746 E. 117th St, Los Angeles, CA 90059; 2216 E. El Segundo Blvd, Los Angeles, CA 90222	46	31	Bond Fees; HOME	50%; 60%	2032
31990 Castaic Rd, Castaic, CA 91384	150	11	Bond; HOME	50%	2033
11718-11740 Willowbrook Avenue, Los Angeles, CA 90059	8	8	HOME	50%;80%	2034
4704 Dozier Avenue, Los Angeles, CA 90022	24	23	CDBG	50%/80%	2035
29890 Bouquet Canyon Rd, Saugus, CA 91390	6	6	--	80%	2036
21218 Mariposa Ave, Torrance, CA 90502; 1435 W 223rd Street, Torrance, CA 90501; 1418 W 216th Street, Torrance, CA 90501	1	1	HOME	50%	2036
13900 Marquesas Way, Marina del Rey 90292	437	35	Land Use	50%	2037
13953 Panay Way, Marina del Rey 90292	99	10	DB	60%	2037

Table III-15: Affordable Rental Housing Inventory - Unincorporated Los Angeles County

Site Address	Total Units	Assisted Units	Funding Source	Income Target (% of AMI)	Potential Expiration of Affordability
2129 E. El Segundo Blvd, Los Angeles, CA 90222	12	12	Homeless; Industry; HOME; CDBG	50%;35%	2037
13679 Telegraph Rd, Whittier, CA 90604	75	74	HOME	50%	2038
337 N Mednik Ave, Los Angeles, CA 90022	51	50	CDBG	50%	2038
4170 Admiralty Way, Marina del Rey 90292	172	15	DB	50%	2039
4201-4261 Via Marina, Marina del Rey 90292	544	54	Land Use	50%, 120%	2041
690 & 730 Herbert Ave, Los Angeles, CA 90063	20	19	CDBG	50%	2046
895 Bonnie Beach Place, Los Angeles, CA 90063	31	30	HOME; CDBG	Manager;50%	2046
1301-1309 Potrero Grande Dr, San Gabriel, CA 91770	53	52	Industry; Bond Fees; HOME	50%;60%	2050
3929 E. 1st Street, Los Angeles, CA 90063	85	83	HOME; Bond	Manager;30%;60 %	2050
815 E. Calaveras St, Altadena, CA 91001	22	11	Bond Fees; CDBG; HOME	50%;50%;60%;60 %	2050
1011 W 91st Street, Los Angeles, CA 90044	30	11	CDBG; HOME; HOME	40%	2052
1800 E 85th Street, Los Angeles, CA 90001	6	6	Industry; HOME	50%	2053
2418-2434 El Segundo Blvd, Los Angeles, CA 90222	21	21	HOME	50%	2053
10228-10230 S Van Ness Ave Los Angeles CA 90047	2	2	HOME; CDBG	50%	2054
2121 W 103rd St Los Angeles, CA 90047	2	2	CDBG	50%	2056
4245 E Alondra Blvd, Compton, CA 90221	18	11	HOME; Bond Fees; Bond Defeasance; Industry	Other Affordable;40%;6 0%	2056
952 S Record Ave, Los Angeles, CA 90023	11	11	CDBG; CDBG; HOME; Industry; HOME; CDBG	50%;45%	2056
1307 W 105th St, Los Angeles, CA 90044	41	40	HOME; HOME; Bond Fees; Bond; HOME; Industry	Manager;50%	2057
10038 S Van Ness Ave Los Angeles, CA 90047	2	2	HOME	50%	2058
12322 Clearglen Ave, Whittier, CA 90604	5	2	HOME; HOME	50%	2058
15554 Gale Ave, Hacienda Heights, CA 91745	75	74	HOME; Industry; Bond Fees	Manager;50%;60 %	2058
10631 Haas Ave, Los Angeles, CA 90047	2	2	HOME	50%	2059
1074 S. Rowan Ave, Los Angeles, CA 90023; 1063-1073 Eastman Ave, Los Angeles, CA	25	24	CDBG; HOME; Industry	Manager;40%;50 %	2059

Table III-15: Affordable Rental Housing Inventory - Unincorporated Los Angeles County

Site Address	Total Units	Assisted Units	Funding Source	Income Target (% of AMI)	Potential Expiration of Affordability
90023					
14126 Marquesas Way, Marina Del Rey 90292	400	62	Land Use	50%;80%;120%	2061
1515 N. Orange Ave, La Puente, CA 91744	53	52	HOME	Manager;50%	2061
15787 S. Atlantic Avenue, Compton, CA 90221;	70	69	HOME; Homeless; Condo Conversion; To Be Determined; Homeless; CDBG; Industry	Manager;30%;50%;45%	2061
1707-1717 E. 61st Street, Los Angeles, CA 90001	30	29	Bond Fees; HOME; Industry	Manager;50%	2061
4242 Via Marina, Marina Del Rey 90292	585	47	Land Use	50%	2061
1025 S Kern Los Angeles 90020	75	15	Bond	50%	2062
11410 Santa Gertrudes Avenue Whittier, 90604	89	18	Bond	50%	2062
20644 E. Arrow Hwy, Covina, 91724	64	13	Bond	50%	2062
4400 & 4500 Via Marina, Marina del Rey 90292	112	18	Land Use	80%	2062
10426 S Normandie Ave Los Angeles, CA 90044	62	61	HOME; Industry	30%;45%;50%	2063
15601 Frailey Avenue, Compton, CA 90221	84	32	HOME; Industry	Manager;50%;50%;35%	2063
5051 E 3rd Street, Los Angeles, CA 90022	60	59	HOME; Other; Tax Incentives; CDBG; Industry	Manager;30%;40%;50%	2063
11818-11820 Robin Street, Los Angeles, CA 90059	2	2	NSP	50%	2064
6709 W. Avenue M., Quartz Hill, CA 93536	75	74	HOME	Manager;50%	2064
9215-9221 S Hooper Ave, Los Angeles, CA 90002; 9216-9234 S Belhaven St, Los Angeles, CA 90002	35	34	Industry; Other	Manager;50%	2064
1345 W 105th Street, Los Angeles, CA 90044	62	61	Homeless; Industry; HOME; Bond	Manager;30%;50%;45%	2066
13218-13224 S. Avalon Blvd, Los Angeles, CA 90061	55	37	HOME	Manager;30%	2068
1218-1256 W. Imperial Highway, Los Angeles, CA 90044;	72	71	HOME	Manager;30%;50%;45%	2069
658-676 S. Ferris Ave., Los Angeles, CA 90022	21	20	HOME; Other; Bond	Manager;50%	2069
4125 Whittier Blvd., Los Angeles, CA 90023	25	24	County General Funds; HOME; Homeless; First 5	30%;50%	2070
12701,12709, & 12627 S. Willowbrook Avenue, Compton,	61	31	Homeless; HOME; County General	30%	2072

Table III-15: Affordable Rental Housing Inventory - Unincorporated Los Angeles County

Site Address	Total Units	Assisted Units	Funding Source	Income Target (% of AMI)	Potential Expiration of Affordability
CA 90222; 2213 E. El Segundo Blvd., Compton, CA 90222			Funds		
7301,7311,7233 Santa Fe Avenue; 7306 & 7308 Marbrisa Avenue, Huntington Park, CA 90255	36	35	Homeless	Manager;30%;40 %	2072
11775-11737 Wilmington Avenue, Los Angeles, CA 90059	105	22	HOME; County General Funds	30%	2073
10800-10828 Laurel Avenue, Whittier, CA 90605;	50	48	HOME; CDBG; Bond	40%;50%;60%; 35%	2073
1248-1314 W. 105th Street, Los Angeles, CA 90044	73	37	HOME; CDBG; County General Funds; Industry	30%	2074
14558 Francisquito Avenue, La Puente, CA 91746	54	27	HOME; County General Funds	30%	2074
6218 Compton Avenue, Los Angeles, CA 90001	30	29	HOME; County General Funds	30%;30%	2074
931 E. Avenue, Q-12, Palmdale, CA 93550	80	40	County General Funds	30%	2074
1763 West Imperial Highway, Los Angeles, CA 90047	39	38	County General Funds	Manager;30%	2075
14733 South Stanford Avenue, Los Angeles, CA 90220; 14739 South Stanford Avenue, Los Angeles, CA 90220; 14803 South Stanford Avenue, Los Angeles, CA 90020	85	53	MHHP; HOME; CDBG	30%	2076
7321 S. Miramonte Boulevard, Los Angeles, CA 90001	44	43	HOME	Manager;30%;50 %	2076
11128 S. Osage Ave., Lennox, CA 90304	21	20	HOME; CDBG; Bond	40%;50%;60%; 35%	Perpetuity
2200,2242,2346 E. El Segundo Blvd, Los Angeles, CA 90222	25	25	To Be Determined; HOME	50%;60%	Perpetuity
11015 S Budlong Ave, Los Angeles, CA 90044	51	51	LIHTC	81%	Perpetuity
TOTAL	5,850	2,609			

Source: Los Angeles County Department of Regional Planning, July 2021.

Preservation Options

Table III-16 estimates the rent subsidies required to preserve the affordability of the 505 at-risk units. Based on the estimates and assumptions shown in this table, approximately $3.6 million in rent subsidies would be required annually. Assuming a 40-year duration of affordability, the total subsidy is about $220 million.

Table III-16: Rent Subsidies Required

Total At-Risk Affordable Units	505
Estimated Monthly Rent Assuming 50% Lower and 50% Very Low Income	$735,785
Estimated Monthly Fair Market Rent	$1,039,290
Monthly Subsidies Required	$303,505
Annual Subsidies Required	$3,642,060
20-Year Subsidies Required	$88,492,479
40-Year Subsidies Required	$219,987,647

To receive credits for RHNA, at-risk units preserved must extend affordability covenant for 40 years.
20- and 40-year of subsidies required estimated on the future values of the current annual subsidies required with a 2% inflation annually.
Source: HUD Fair Market Rent Documentation System, 2020; LACDA Utility Allowance Schedule, 2020; VTA 2020.

Through a variety of funding sources, tenant-based rent subsidies, such as Section 8 vouchers, could be used to preserve the affordability of at-risk housing. Another preservation option for at-risk units is to transfer the ownership to a non-profit organization or purchase similar units by a non-profit organization. The cost of transferring ownership depends on a number of factors, including market conditions, occupancy rate, and physical conditions of the building and units.

The rent subsidies analysis in **Table III-16** assumes the following:

- Half of the at-risk units are affordable to very low income households and half to lower income households.
- All at-risk units are assumed to be two-bedroom, three person units.
- The monthly affordable rental cost limits are based on the 2020 Los Angeles County Income and Affordable Rent/Housing Cost Limits.

The level of subsidy required to preserve the at-risk units is estimated to equal the 2020 FY HUD Los Angeles County fair market rent for a two-bedroom unit, which is $2,058, minus the housing costs affordable to very low and lower income households.

Replacement Options

Replacement as a strategy to preserve or replenish the affordable housing inventory requires financial resources, as well as non-profit developer participation, and the availability of vacant/underutilized properties or existing properties that can be purchased at a reasonable price.

The cost of developing new housing depends on a variety of factors, such as density, size of units, location and related land costs, and type of construction. Assuming an average development cost of $339,014 per unit for multifamily rental housing, the replacement of 505 at-risk units (worst-case scenario) would require approximately $171.2 million.[12] This cost does not include the ongoing rent subsidies that may still be required.

Resources available to preserve and replace at-risk housing units, including financial and administrative (non-profit participation) resources, are presented in the Resources section of this document.

[12] Economic and Planning Systems, Inc. (EPS). Los Angeles County Affordable Housing Replacement Fee Study, June 2020. Note: Cost of replacement was assumed to be the average cost of all submarkets in the County.

EXHIBIT N

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 9
Author: Atkins (D), Caballero (D), Rubio (D) and Wiener (D), et al.
Amended: 8/16/21
Vote: 21

SENATE HOUSING COMMITTEE: 7-2, 4/15/21
AYES: Wiener, Caballero, Cortese, McGuire, Skinner, Umberg, Wieckowski
NOES: Bates, Ochoa Bogh

SENATE GOVERNANCE & FIN. COMMITTEE: 5-0, 4/22/21
AYES: McGuire, Nielsen, Durazo, Hertzberg, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SENATE FLOOR: 28-6, 5/26/21
AYES: Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener
NOES: Bates, Borgeas, Jones, Melendez, Ochoa Bogh, Wilk
NO VOTE RECORDED: Allen, Glazer, Kamlager, Limón, Newman, Stern

ASSEMBLY FLOOR: 45-19, 8/26/21 - See last page for vote

SUBJECT: Housing development: approvals

SOURCE: Author

DIGEST: This bill requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both.

Assembly Amendments provide that a local agency may deny a housing project otherwise authorized by this bill if the building official makes a written finding based upon the preponderance of the evidence that the housing development project would have a specific, adverse impact upon health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; provides that a local agency shall require an applicant for an urban lot split to sign an affidavit stating that they intent to occupy one of the housing units as their principle residence for a minimum of three years, unless the applicant is a community land trust or a qualified nonprofit corporation; and removes the sunset.

ANALYSIS:

Existing law:

1) Governs, pursuant to the Subdivision Map Act, how local officials regulate the division of real property into smaller parcels for sale, lease, or financing.

2) Authorizes local governments to impose a wide variety of conditions on subdivision maps.

3) Requires a local jurisdiction to give public notice of a hearing whenever a person applies for a zoning variance, special use permit, conditional use permit, zoning ordinance amendment, or general or specific plan amendment.

4) Requires the board of zoning adjustment or zoning administrator to hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance.

5) Establishes the California Environmental Quality Act (CEQA), which generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible. CEQA applies when a development project requires discretionary approval from a local government. (See "Comments" below for more information.)

6) Requires ministerial approval by a local agency for a building permit to create an accessory dwelling unit (ADU) provided the ADU was contained within an existing single-family home and met other specified requirements. Requires a local agency to ministerially approve an ADU or junior accessory dwelling unit (JADU), or both, as specified, within a proposed or existing structure or

within the same footprint of the existing structure, provided certain requirements are met.

7) Requires each city and county to submit an annual progress report (APR) to the Department of Housing and Community Development (HCD) and the Office of Planning and Research that provides specified data related to housing development.

This bill:

1) Requires a city or county to ministerially approve either or both of the following, as specified:
   a) A housing development of no more than two units (duplex) in a single-family zone.
   b) The subdivision of a parcel zoned for residential use, into two approximately equal parcels (lot split), as specified.

2) Requires that a development or parcel to be subdivided must be located within an urbanized area or urban cluster and prohibits it from being located on any of the following:
   a) Prime farmland or farmland of statewide importance;
   b) Wetlands;
   c) Land within the very high fire hazard severity zone, unless the development complies with state mitigation requirements;
   d) A hazardous waste site;
   e) An earthquake fault zone;
   f) Land within the 100-year floodplain or a floodway;
   g) Land identified for conservation under a natural community conservation plan, or lands under conservation easement;
   h) Habitat for protected species; or
   i) A site located within a historic or landmark district, or a site that has a historic property or landmark under state or local law, as specified.

3) Prohibits demolition or alteration of an existing unit of rent-restricted housing, housing that has been the subject of an Ellis Act eviction within the past 15 years, or that has been occupied by a tenant in the last three years.

4) Prohibits demolition of more than 25% of the exterior walls of an existing structure unless the local ordinance allows greater demolition or if the site has not been occupied by a tenant in the last three years.

5) Authorizes a city or county to impose objective zoning, subdivision, and design review standards that do not conflict with this bill, except:
   a) A city or county shall not impose objective standards that would physically preclude the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. A city or county may, however, require a setback of up to four feet from the side and rear lot lines.
   b) A city or county shall not require a setback for an existing structure or a structure constructed in the same location and to the same dimensions as the existing structure.

6) Prohibits a city or county from requiring more than one parking space per unit for either a proposed duplex or a proposed lot split. Prohibits a city or county from imposing any parking requirements if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or if there is a car share vehicle located within one block of the parcel.

7) Authorizes a city or county to require a percolation test completed within the last five years or, if the test has been recertified, within the last 10 years, as part of the application for a permit to create a duplex connected to an onsite wastewater treatment system.

8) Authorizes a local agency to deny a housing project otherwise authorized by this bill if the building official makes a written finding based upon the preponderance of the evidence that the housing development project would have a specific, adverse impact upon health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact

9) Requires a city or county to prohibit rentals of less than 30 days.

10) Prohibits a city or county from rejecting an application solely because it proposes adjacent or connected structures, provided the structures meet building code safety standards and are sufficient to allow separate conveyance.

11) Provides that a city or county shall not be required to permit an ADU or JADU in addition to units approved under this bill.

12) Requires a city or county to include the number of units constructed and the number of applications for lot splits under this bill, in its APR.

13) Requires a city or county to ministerially approve a parcel map for a lot split only if the local agency determines that the parcel map for the urban lot split meets the following requirements, in addition to the requirements for eligible parcels that apply to both duplexes and lot splits:
    a) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal size, provided that one parcel shall not be smaller than 40% of the lot area of the original parcel.
    b) Both newly created parcels are at least 1,200 square feet, unless the city or county adopts a small minimum lot size by ordinance.
    c) The parcel does not contain rent-restricted housing, housing where an owner has exercised their rights under the Ellis Act within the past 15 years, or has been occupied by tenants in the past three years.
    d) The parcel has not been established through prior exercise of an urban lot split.
    e) Neither the owner of the parcel, or any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split.

14) Requires a city or county to approve a lot split if it conforms to all applicable objective requirements of the Subdivision Map Act not except as otherwise expressly provided in this bill. Prohibits a city or county from imposing regulations that require dedicated rights-of-way or the construction of offsite improvements for the parcels being created, as a condition of approval.

15) Authorizes a city or county to impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this bill. A city or county may, however, require easements or that the parcel have access to, provide access to, or adjoin the public right-of-way.

16) Provides that a local government shall not be required to permit more than two units on a parcel.

17) Prohibits a city or county from requiring, as a condition for ministerial approval of a lot split, the correction of nonconforming zoning conditions.

18) Requires a local government to require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principle residence for a minimum of three years from the date of the approval of lot split, unless the applicant is a community land trust, as defined, or a qualified nonprofit corporation, as defined.

19) Provides that no additional owner occupancy standards may be imposed other than those contained within 18) above, and that requirement expires after five years.

20) Allows a city or county to adopt an ordinance to implement the urban lot split requirements and duplex provisions, and provides that those ordinances are not a project under CEQA.

21) Allows a city or county to extend the life of subdivision maps by one year, up to a total of four years.

22) Provides that nothing in this bill shall be construed to supersede the California Coastal Act of 1976, except that a local government shall not be required to hold public hearings for a coastal development permit applications under this bill.

Background

Cities and counties enact zoning ordinances to implement their general plans. Zoning determines the type of housing that can be built. In addition, before building new housing, housing developers must obtain one or more permits from local planning departments and must also obtain approval from local planning commissions, city councils, or county board of supervisors. Some housing projects can be permitted by city or county planning staff ministerially, or without further approval from elected officials. Projects reviewed ministerially require only an administrative review designed to ensure they are consistent with existing general plan and zoning rules, as well as meeting standards for building quality, health, and safety. Most large housing projects are not allowed ministerial review; instead, these projects are vetted through both public hearings and administrative review. Most housing projects that require discretionary review and approval are subject to review under CEQA, while projects permitted ministerially generally are not.

Comments

1) *Modest density can result in large-scale housing production.* This bill could lead to up to four homes on lots where currently only one exists. It would do so by allowing existing single-family homes to be converted into duplexes; it would also allow single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot. According to the University of California, Berkeley Terner Center for Housing Innovation, this bill has the potential to allow for the development of nearly 6 million new housing units. Assuming only five percent of the parcels impacted

by this bill created new two-unit structures, this bill would result in nearly 600,000 new homes.

2) *Historic preservation versus housing production.* As part of their general police powers, local governments have the authority to designate historic districts, which set specific regulations and conditions to protect property and areas of historical and aesthetic significance. While well-intentioned, academics and others have pointed out that there are negative impacts of historic districts on housing supply and racial equity. For example, in 2017, the Sightline Institute noted that, in relation to Seattle's historic preservation efforts, "rules for historic preservation can sabotage housing affordability just like any other cost, red tape, permitting delay, or capacity limits imposed on homebuilding." It made recommendations such as educating historic preservation board members on how the historic review process and resulting preservation mandates can impede homebuilding and harm affordability; raising the bar for justifying landmark designations in order to counteract local anti-development sentiment; and even prohibiting historic preservation restrictions from limiting new construction to less than the height or capacity that zoning allows.

   Sites within a historic district are categorically exempt from the provisions of this bill. While the committee understands the desire to protect the integrity of historic districts from an aesthetic perspective, it is unclear that allowing small multi-unit construction in historic districts — which would be subject to objective historic design standards — would undermine the integrity of the historic districts. In addition, exempting historic districts from bills designed to increase multi-unit housing supply could lead to fair housing challenges. This committee is aware of several California cities — including neighborhoods in Eastern San Francisco, Los Angeles, and San Jose — that have not excluded historic districts when performing rezonings.

   This bill also contains a very broad definition of what kinds of historic districts are automatically exempt from this bill. The historic district exemption, similar to exemptions included in other pending bills in the Senate, does not require a historic district to be on a federal or state historic registry. Instead, a city can designate a zone as historic without the typical rigorous historic designation process required for a historic district to be placed on a federal or state registry. Certain NIMBY groups are already discussing use of this broad exemption as a tool to exempt communities from state housing laws. If a historic district exemption is needed, a more focused and rigorous exemption — for example,

similar to what the Governance and Finance Committee placed in SB 50 (Wiener, 2019) — should be considered.

3) *Senate's 2021 Housing Production Package.* This bill has been included in the Senate's 2021 Housing Production Package and is virtually identical to SB 1120 (Atkins, 2020). For key differences, see the Senate Housing Committee analysis.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

1) HCD estimates costs of $89,000 (General Fund) annually for 0.5 Personnel Years of staff time to provide technical assistance and outreach education to local agencies and affordable housing developers.

2) Unknown state-mandated local costs to establish streamlined project review processes for proposed duplex housing developments and tentative maps for urban lot splits, and to conduct expedited design reviews of these proposals. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

SUPPORT: (Verified 8/27/21)

AARP
Abundant Housing LA
ADU Task Force East Bay
All Home
American Planning Association, California Chapter
Bay Area Council
Bridge Housing Corporation
Cal Asian Chamber of Commerce
California Apartment Association
California Asian Pacific Chamber of Commerce
California Association of Realtors
California Building Industry Association
California Chamber of Commerce
California Hispanic Chamber of Commerce
California YIMBY
Casita Coalition
Central Valley Urban Institute

Chan Zuckerberg Initiative
Circulate San Diego
Cities of Alameda, Oakland, San Diego
Council Member Jon Wizard, City of Seaside
Council Member Zach Hilton, City of Gilroy
Council of Infill Builders
County of Monterey
East Bay for Everyone
Eden Housing
Facebook, INC.
Fathers and Families of San Joaquin
Fieldstead and Company, INC.
Generation Housing
Greenbelt Alliance
Habitat for Humanity California
Hello Housing
Hollywood Chamber of Commerce
Housing Action Coalition
Inland Empire Regional Chamber of Commerce
Innercity Struggle
League of Women Voters of California
LISC San Diego
Livable Sunnyvale
Local Government Commission
Long Beach YIMBY
Los Angeles Business Council
Los Feliz Neighborhood Council
Mayor Darrell Steinberg, City of Sacramento
Midpen Housing
Midpen Housing Corporation
Modular Building Institute
Mountain View YIMBY
National Association of Hispanic Real Estate Professionals
Natural Resources Defense Council
Non-profit Housing Association of Northern California
North Bay Leadership Council
Northern Neighbors
Orange County Business Council
Palo Alto Forward
Peninsula for Everyone

People for Housing - Orange County
Pierre Charles General Construction
Plus Home Housing Solutions
San Diego Housing Commission
San Diego Regional Chamber of Commerce
San Fernando Valley YIMBY
San Francisco Bay Area Planning and Research Association
San Francisco YIMBY
Sand Hill Property Company
Santa Barbara Women's Political Committee
Santa Cruz YIMBY
Schneider Electric
Share Sonoma County
Silicon Valley @ Home
Silicon Valley Leadership Group
South Bay YIMBY
South Pasadena Residents for Responsible Growth
Streets for People Bay Area
TechEquity Collaborative
Tent Makers
Terner Center for Housing Innovation at the University of California, Berkeley
The Greater Oxnard Organization of Democrats
The Two Hundred
TMG Partners
United Way of Greater Los Angeles
Urban Environmentalists
YIMBY Action
YIMBY Democrats of San Diego County
Zillow Group
94 Individuals

OPPOSITION: (Verified 8/27/21)

Adams Hill Neighborhood Association
Aids Healthcare Foundation
Alameda Citizens Task Force
Albany Neighbors United
Berkeley Associated Neighbors Against Non-affordable Housing
Brentwood Homeowners Association
Burton Valley Neighborhoods Group
California Alliance of Local Electeds

California Cities for Local Control
California Contract Cities Association
Catalysts
Cities Association of Santa Clara County
Citizens Preserving Venice
Cities of Arcata, Azusa, Bellflower, Belmont, Beverly Hills, Brea, Brentwood, Burbank, Calabasas, Camarillo, Carpinteria, Carson, Cerritos, Chino, Chino Hills, Clayton, Clearlake, Clovis, Colton, Corona, Costa Mesa, Cupertino, Cypress, Del Mar, Diamond Bar, Dorris, Downey, Dublin, Eastvale, El Segundo, Escalon, Fillmore, Fortuna, Foster City, Fountain Valley, Garden Grove, Glendora, Grand Terrace, Half Moon Bay, Hesperia, Hidden Hills, Huntington Beach, Indian Wells, Inglewood, Irvine, Irwindale, Kerman, King, La Canada Flintridge, La Habra, La Habra Heights, La Mirada, La Palma, La Quinta, La Verne, Lafayette, Laguna Beach, Laguna Niguel, Lakeport, Lakewood, Lancaster, Lawndale, Lomita, Los Alamitos, Los Altos, Malibu, Martinez, Maywood, Menifee, Merced, Mission Viejo, Montclair, Monterey, Moorpark, Murrieta, Newman, Newport Beach, Norwalk, Novato, Oakdale, Ontario, Orinda, Pacifica, Palm Desert, Palo Alto, Palos Verdes Estates, Paramount, Pasadena, Pinole, Pismo Beach, Placentia, Pleasanton, Poway, Rancho Cucamonga, Rancho Palos Verdes, Rancho Santa Margarita, Redding, Redondo Beach, Ripon, Rocklin, Rohnert Park, Rolling Hills, Rolling Hills Estates, Rosemead, San Buenaventura, San Carlos, San Clemente, San Dimas, San Fernando, San Gabriel, San Jacinto, San Marcos, San Marino, Santa Clara, Santa Clarita, Santa Monica, Santa Paula, Saratoga, Signal Hill, Simi Valley, South Gate, South Pasadena, Stanton, Sunnyvale, Temecula, Thousand Oaks, Torrance, Tracy, Upland, Vacaville, Ventura, Visalia, Vista, West Covina, Westlake Village, Whittier, Yorba Linda, Yuba City
Coalition for San Francisco Neighborhoods
Coalition to Save Ocean Beach
College Street Neighborhood Group
College Terrace Residents Association
Committee to Save the Hollywoodland Specific Plan
Community Associations Institute - California Legislative Action Committee
Comstock Hills Homeowners Association
Culver City Neighbors United
D4ward
Durand Ridge United
Encinitas Neighbors Coalition
Friends of Sutro Park
Grayburn Avenue Block Club

Hidden Hill Community Association
Hills 2000 Friends of The Hills
Hollywood Knolls Community Club
Hollywoodland Homeowners Association
Howard Jarvis Taxpayers Association
Kensington Property Owners Association
LA Brea Hancock Homeowners Association
Lafayette Homeowners Council
Lakewood Village Neighborhood Association
Las Virgenes-Malibu Council of Governments
Latino Alliance for Community Engagement
League of California Cities
League of California Cities Central Valley Division
Linda Vista-Annandale Association
Livable California
Livable Pasadena
Los Altos Residents
Los Angeles County Division, League of California Cities
Los Feliz Improvement Association
Marin County Council of Mayors and Councilmembers
Menlo Park United Neighbors
Miracle Mile Residential Association
Miraloma Park Improvement Club
Mission Street Neighbors
Montecito Association
Mountain View United Neighbors
Neighborhood Council Sustainability Alliance Trees Committee
North of Montana Association
Northeast Neighbors of Santa Monica
Pacific Palisades Community Council
Planning Association for The Richmond
Riviera Homeowners Association
San Gabriel Valley Council of Governments
Save Lafayette
Seaside Neighborhood Association
Shadow Hills Property Owners Association
Sherman Oaks Homeowners Association
South Bay Cities Council of Governments
South Bay Residents for Responsible Development
South Shores Community Association

Southwood Homeowners Association
Sunnyvale United Neighbors
Sunset-Parkside Education and Action Committee
Sustainable Tamalmonte
Tahoe Donner Association
Temecula Valley Neighborhood Coalition
Towns of Apple Valley, Colma, Fairfax, Los Altos Hills, Mammoth Lakes, Ross, Truckee, Woodside
Tri-Valley Cities of Dublin, Livermore, Pleasanton, San Ramon, and Town of Danville
United Neighbors of Assembly District 24
United Neighbors of Senate District 13
Ventura Council of Governments
Verdugo Woodlands West Homeowners Association
West Pasadena Residents' Association
West Torrance Homeowners Association
West Wood Highlands Neighborhood Association
Westside Regional Alliance of Councils
Westwood Hills Property Owners Association
Westwood Homeowners Association
Wilshire Montana Neighborhood Coalition
Windsor Square Association
290 Individuals

ARGUMENTS IN SUPPORT: According to the author, "Senate Bill 9 promotes small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot. SB 9 strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood scale development that benefits the broader community. To that end, the bill includes numerous safeguards to ensure that it responsibly creates duplexes and strategically increases housing opportunities for homeowners, renters, and families alike. At a time when many Californians are experiencing economic insecurity caused by the pandemic, this bill will provide more options for families to maintain and build intergenerational wealth – a currency we know is crucial to combatting inequity and creating social mobility. SB 9 provides flexibility for multigenerational housing by allowing homeowners to build a modest unit on their property so that their aging parent or adult child can have an affordable place to live. Building off the successes of ADU law, SB 9 offers solutions that work in partnership with a number bills included in the Senate's Housing Package, 'Building Opportunities For All' aimed at combating the State's housing crisis."

ARGUMENTS IN OPPOSITION: According to the League of California Cities, "SB 9 as currently drafted will not spur much needed housing construction in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by [HCD]."

ASSEMBLY FLOOR: 45-19, 8/26/21
AYES: Aguiar-Curry, Arambula, Berman, Calderon, Carrillo, Cervantes, Chiu, Cooley, Cooper, Megan Dahle, Flora, Fong, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Jones-Sawyer, Kalra, Lackey, Lee, Low, Mathis, Mayes, Medina, Mullin, Quirk, Quirk-Silva, Ramos, Reyes, Robert Rivas, Rodriguez, Salas, Stone, Ting, Valladares, Villapudua, Ward, Akilah Weber, Wicks, Wood, Rendon
NOES: Bauer-Kahan, Bigelow, Bloom, Boerner Horvath, Daly, Davies, Frazier, Friedman, Gabriel, Irwin, Levine, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Seyarto, Smith, Voepel, Waldron
NO VOTE RECORDED: Bennett, Bryan, Burke, Chau, Chen, Choi, Cunningham, Kiley, Maienschein, McCarty, Nguyen, Patterson, Luz Rivas, Blanca Rubio, Santiago

Prepared by: Alison Hughes / HOUSING / (916) 651-4124
8/28/21 11:32:51

****** END ******

EXHIBIT O

West's Annotated California Codes
Government Code (Refs & Annos)
Title 7. Planning and Land Use (Refs & Annos)
Division 1. Planning and Zoning (Refs & Annos)
Chapter 4.2. Housing Development Approvals (Refs & Annos)

This section has been updated. Click here for the updated version.

West's Ann.Cal.Gov.Code § 65913.4

§ 65913.4. Submission of application for development subject to streamlined, ministerial approval process; notice of intent; satisfaction of objective planning standards; documentation of conflict with objective planning standards; design review or public oversight; parking standards; duration of approval; modification to approved development

(a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit if the development complies with subdivision (b) and satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) It is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3)(A) The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than the following periods of time:

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(i) Fifty-five years for units that are rented.

(ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions implementing this paragraph for each parcel or unit of real property included in the development.

(4) The development satisfies subparagraphs (A) and (B) below:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does either of the following:

(I) The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(II)(ia) If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (I), dedicates 20 percent of the total number of units to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 120 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the area median income shall not exceed 30 percent of the gross income of the household.

(ib) For purposes of this subclause, “San Francisco Bay area” means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

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(ii) The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the area median income, that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(C)(i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, provided that the development proponent complies with the applicable requirements in the state or local law.

(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

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(C) It is the intent of the Legislature that the objective zoning standards, objective subdivision standards, and objective design review standards described in this paragraph be adopted or amended in compliance with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or

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action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

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(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

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(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B)(i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(ii) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

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(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

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(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b)(1)(A)(i) Before submitting an application for a development subject to the streamlined, ministerial approval process described in subdivision (c), the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1, as that section read on January 1, 2020.

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

(iii) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

(I) The local government shall provide a formal notice of a development proponent's notice of intent to submit an application described in clause (i) to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:

(ia) A description of the proposed development.

(ib) The location of the proposed development.

(ic) An invitation to engage in a scoping consultation in accordance with this subdivision.

(II) Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.

(III) If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

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(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

(ii) The development proponent and its consultants engage in the scoping consultation in good faith.

(iii) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements:

(i) Subdivision (r) of Section 6254.

(ii) Section 6254.10.

(iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

(iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.

(v) Any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to a scoping consultation conducted pursuant to this subdivision.

(2)(A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and

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the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in subdivision (c). The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in subdivision (c).

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.

(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(3) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development pursuant to subparagraph (A) of paragraph (2).

(D) A scoping consultation between a California Native American tribe and the local government has occurred in accordance with this subdivision and resulted in agreement pursuant to subparagraph (B) of paragraph (2).

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(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

(5)(A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in subdivision (c) for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:

(i) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project, as described in subparagraph (A) of paragraph (4).

(ii) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2) and subparagraph (B) of paragraph (4).

(iii) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development, as described in subparagraph (C) of paragraph (4).

(B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the local government.

(6) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.

(7) For purposes of this subdivision:

(A) “Consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between local governments and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty.

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Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the "State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by the Office of Planning and Research.

(B) "Scoping" means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(8) This subdivision shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before the effective date of the act adding this subdivision.

(c)(1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d)(1) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

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(B) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).

(e)(1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f)(1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project satisfies both of the following requirements:

(A) The project includes public investment in housing affordability, beyond tax credits.

(B) At least 50 percent of the units are affordable to households making at or below 80 percent of the area median income.

(2)(A) If a local government approves a development pursuant to this section, and the project does not satisfy the requirements of subparagraphs (A) and (B) of paragraph (1), that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, “in progress” means one of the following:

(i) The construction has begun and has not ceased for more than 180 days.

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(ii) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

(B) Notwithstanding subparagraph (A), a local government may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If the development proponent requests a modification pursuant to subdivision (g), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

(4) The amendments made to this subdivision by the act that added this paragraph shall also be retroactively applied to developments approved prior to January 1, 2022.

(g)(1)(A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (c) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (*l*) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

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(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact,as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(C)(i) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(ii) The amendments made to clause (i) by the act that added clause (i) shall also be retroactively applied to modification applications submitted prior to January 1, 2022.

(4) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(h)(1) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(2)(A) A local government shall issue a subsequent permit required for a development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (c). Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. The local government shall consider the application for subsequent permits based upon the objective standards specified in any state or local laws that were in effect when the original development application was submitted, unless the development proponent agrees to a change in objective standards. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a “subsequent permit” means a permit required subsequent to receiving approval under subdivision (c), and includes, but is not limited to, demolition, grading, encroachment, and building permits and final maps, if necessary.

(B) The amendments made to subparagraph (A) by the act that added this subparagraph shall also be retroactively applied to subsequent permit applications submitted prior to January 1, 2022.

(3)(A) If a public improvement is necessary to implement a development that is subject to the streamlined, ministerial approval pursuant to this section, including, but not limited to, a bicycle lane, sidewalk or walkway, public transit stop, driveway, street

paving or overlay, a curb or gutter, a modified intersection, a street sign or street light, landscape or hardscape, an above-ground or underground utility connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining wall, and any related work, and that public improvement is located on land owned by the local government, to the extent that the public improvement requires approval from the local government, the local government shall not exercise its discretion over any approval relating to the public improvement in a manner that would inhibit, chill, or preclude the development.

(B) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall do all of the following:

(i) Consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted.

(ii) Conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive ministerial or streamlined approval pursuant to this section.

(C) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall not do either of the following:

(i) Adopt or impose any requirement that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(ii) Unreasonably delay in its consideration, review, or approval of the application.

(i)(1) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(2) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(j) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(1) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used

for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(k) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

(2)(A) Subject to the qualification provided by subparagraph (B), "affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (A) and "affordable rent" for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(5) "Completed entitlements" means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(6) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(7) "Moderate income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(8) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(9) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(10) "Subsidized" means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(11) "Reporting period" means either of the following:

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(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(12) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(*l*) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(m) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a "project" as defined in Section 21065 of the Public Resources Code.

(n) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.

(*o*) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Credits

(Added by Stats.2017, c. 366 (S.B.35), § 3, eff. Jan. 1, 2018. Amended by Stats.2018, c. 92 (S.B.1289), § 119, eff. Jan. 1, 2019; Stats.2018, c. 48 (S.B.850), § 1, eff. June 27, 2018; Stats.2018, c. 840 (S.B.765), § 2, eff. Jan. 1, 2019; Stats.2019, c. 159 (A.B.101), § 8, eff. July 31, 2019; Stats.2019, c. 663 (A.B.1485), § 1, eff. Jan. 1, 2020; Stats.2019, c. 844 (S.B.235), § 5.3, eff. Jan. 1, 2020; Stats.2020, c. 370 (S.B.1371), § 178, eff. Jan. 1, 2021; Stats.2020, c. 166 (A.B.168), § 3, eff. Sept. 25, 2020; Stats.2020, c. 194 (A.B.831), § 1.5, eff. Sept. 28, 2020; Stats.2021, c. 615 (A.B.474), § 215, eff. Jan. 1, 2022, operative Jan. 1, 2023; Stats.2021, c. 160 (A.B.1174), § 1, eff. Sept. 16, 2021.)

Editors' Notes

REPEAL

<For repeal of this section, see its terms.>

West's Ann. Cal. Gov. Code § 65913.4, CA GOVT § 65913.4
Current with urgency legislation through Ch. 764 of 2025 Reg.Sess., and Governor's Reorganization Plan No. 1 of 2025. Some statute sections may be more current, see credits for details.

End of Document

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EXHIBIT P

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, pending before the State legislature is SB 9 (Atkins) introduced on December 7, 2020, which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right') approval of a housing development containing two residential units (a duplex), and a parcel map dividing a lot in to two equal parts ('lot split'), for residential use; and

WHEREAS, enactment into law of SB 9 would eliminate public hearings by the Planning Department and public notice, inasmuch as the proposed projects would only require administrative review, and proposes to provide ministerial approval of a parcel map (four or less parcels) for a lot split, and thereby amend sections of the Subdivision Map Act by extending from 12 to 24 months the additional time period of an approved or conditionally approved Tentative Map; and

WHEREAS, SB 9 would exempt these projects from environmental review as required by the California Environmental Quality Act (CEQA) by establishing a ministerial review process, without discretionary review or a public hearing, thereby undermining community participation and vetting by local legislative bodies; and

WHEREAS, SB 9 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built, and would prohibit a local agency from imposing regulations that require dedications of rights-of way or the construction of offsite and onsite improvements for parcels created through a lot split; and

WHEREAS, enactment into law of SB 9 would undermine the Subdivision Map Act, which vests the authority to regulate and control the design and improvement of subdivisions by the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final (five or more parcels), and parcel maps (four or less parcels), and the modification of those maps;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program OPPOSITION to SB 9 (Atkins), which if enacted into law would require cities and counties, including charter cities, to provide for the ministerial ('by right) approval of a housing development containing two residential units (a duplex), and a parcel map dividing a lot into two equal parts ('lot split'), for residential use; and exempts environmental review; and would approve these projects without discretionary review, or a public hearing; thereby undermining local land use control and the concept of 'Home Rule' by the imposition of State legislation on local government agencies, including charter cities.

PRESENTED BY: _____
PAUL KORETZ, Councilmember, Fifth District

SECONDED BY: _____
PAUL KREKORIAN (verbal)
Councilmember, 2nd District

DEC 15 2020

EXHIBIT Q

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Legislature is considering SB 330 (Skinner) which would place a moratorium on 'down-zoning' parcels , that is, reducing the number of units that can be built on a parcel until January 1, 2025, and prohibit cities and counties, including charter cities, from imposing parking requirements within one-quarter mile of a rail stop, and freeze nearly all project related fees once a project applicant submits a 'preliminary application,' and

WHEREAS, SB 330 would arbitrarily limit how cities address community growth impacts by allowing project applicants to submit a 'preliminary application', which are known to contain too little information for a city to determine the scope of a proposed project or the type of California Environmental Quality Act clearance needed and its true potential environmental impacts; and

WHEREAS, SB 330 would place a limit on the number of public hearings needed to vet a proposed project; and

WHEREAS, SB 330 would place a ban on housing fees once a project applicant submits a 'preliminary application', thereby constraining the ability of cities to determine which fees apply to a proposed project, inasmuch as 'preliminary applications' lack all the necessary information to properly evaluate a proposed project; and

WHEREAS, SB 330 would prohibit project specific fees which cannot be determined until a city fully analyzes the project in its entirety; and

WHEREAS, SB 330 does not require any cost savings associated with the abovementioned limitations to be passed on to the renter or purchaser of a housing unit; and thereby project applicants would simply enhance their profit margin, while not producing affordable housing– which is vastly needed Statewide; and

WHEREAS, the passage of SB 330 would impede local land use control and diminish the City's ability to gather community input by placing a cap as to the number of public hearings, and

WHEREAS, SB 330 aims to do a version of what Los Angeles' Transit Oriented Communities (TOC) program is doing without respecting the integrity of single family zoning; and

WHEREAS, authority over land use planning and zoning laws is the most fundamental of local issues and the City must maintain the ability to make decisions that make sense for local communities and neighborhoods, but the City cannot do this if the State asserts a one-size fits-all for every City and County in the State;

NOW THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-20 State Legislative Program OPPOSITION to SB 330 (Skinner), which would place until January 1, 2025 a moratorium on 'down-zoning' parcels, that is, reducing the number of units that can be built on a parcel, and in addition prohibit cities and counties, including charter cities, from imposing parking requirements within one-quarter mile of a rail stop, and freeze nearly all project related fees once a project applicant submits a 'preliminary application,' inasmuch as it undermines local land use control, and ultimately, the principle of home rule.

PRESENTED BY: _____
PAUL KORETZ
Councilmember, 5th District

JUN 0 5 2019

SECONDED BY: _____

rrm

ORIGINAL

EXHIBIT R

PETTY F. SANTOS
INTERIM CITY CLERK

VACANT
EXECUTIVE OFFICER

City of Los Angeles

CALIFORNIA

KAREN BASS
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER
CLERK.LACITY.GOV

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 25-0002-S19

Council Meeting Date: August 19, 2025

Agenda Item No.: 44

Agenda Description: CONSIDERATION OF RESOLUTION (LEE - PARK) relative to establishing the City's position on Senate Bill (SB) 79 (Wiener), which would establish new state zoning standards around train stations and major bus stops that allow for multi-family housing with up to seven stories.

Council Action: RESOLUTION (LEE - PARK) - ADOPTED URGENT FORTHWITH

Council Vote:

ABSENT	Blumenfield	NO	Harris-Dawson	NO	Hernandez
YES	Jurado	YES	Hutt	YES	Lee
YES	McOsker	ABSENT	Nazarian	YES	Padilla
YES	Park	NO	Price Jr.	NO	Raman
YES	Rodriguez	NO	Soto-Martínez	YES	Yaroslavsky

PETTY F. SANTOS
INTERIM CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 231(h)

FILE SENT TO MAYOR	08-19-2025
LAST DAY FOR MAYOR TO ACT	08-29-2025

APPROVED

8/20/2025

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, the City of Los Angeles recognizes the importance of addressing the availability of affordable housing in a fair, equitable, and community-focused manner; and

WHEREAS, existing law under SB 375 (Steinberg, 2005) encourages coordination of housing and transportation policy, with greater land use intensity and more housing near transit. Additionally, under AB 2097 (Friedman, 2022) and AB 2011 (Wicks, 2022), existing law preempts certain local land use restrictions that limit housing near transit and allows greater densities near transit; and

WHEREAS, SB 79 establishes new state zoning standards around train stations and major bus stops (bus rapid transit stops) that allow for multi-family homes up to seven stories near immediately surrounding major transit stops, with lower height standards extending up to half a mile away from such stops; and

WHEREAS, while the intent of SB 79 may be to address issues around the supply of housing, the bill's provisions further undermines local governance, circumvents local decision-making processes, and imposes unintended burdens on communities; and

WHEREAS, the City of Los Angeles has a strong interest in maintaining, what little remains, of local control over land use and zoning laws to best serve the needs of its residents, ensure community input, and protect the unique character of its neighborhoods while still complying with state housing needs.

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2025-26 State Legislative Program OPPOSITION for SB 79 (Wiener) unless amended to exempt municipalities with a state-approved and compliant Housing Element.

PRESENTED BY _____
JOHN S. LEE
Councilmember, 12th District

MAR 28 2025

SECONDED BY _____

ORIGINAL

DATE SIGNED

Adopted Report(s)Title
Resolution (Lee - Park) dated 3-28-25

EXHIBIT S

Introduced by Councilmember Hampton

ORDINANCE NO 7384

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9

WHEREAS, in September of 2020, the State Legislature enacted Senate Bill 9, Housing development: approvals ("SB 9"), which will take effect on January 1, 2022. In summary, SB 9 requires that local agencies must ministerially approve certain subdivisions of one single-family residential lot into two without discretionary review, and requires a local agency to ministerially approve a proposed two-unit development project on a lot in a single-family residential zone without discretionary review (whether the project is the building of two new units or adding a second one); and

WHEREAS, prior to the passage of SB 9, on August 26, 2021 the City of Pasadena submitted a letter in opposition to SB 9, noting that "Pasadena is acutely aware of the statewide housing crisis, and acknowledges that significant steps must be taken to address housing affordability." The letter also noted that the legislation was "being undertaken without serious study or consideration of the potential impacts related to traffic, greenhouse gas emissions, air quality, and other environmental factors." The City did not seek to undermine the entirety of SB 9 and its goals, but rather requested that the Legislature "consider

accommodations or exemptions for good actors like Pasadena that would allow us to achieve the same worthy goals of this bill in a manner that is rooted in community participation and thoughtful planning principles." Despite the City's expressed opposition, the City is seeking to comply with SB 9; and

WHEREAS, the California Environmental Quality Act does not apply ministerial actions, so any of the new lots and new construction undertaken pursuant to SB 9 would not be subject to environmental review; and

WHEREAS, pursuant to SB 9, local agencies may adopt objective standards for the mandatory, ministerial lot splits and two-unit development projects so that the standards take effect before January 1, 2022. Pasadena must act quickly to address the numerous shortcomings of SB 9 through the adoption of such objective standards, as set forth in Exhibits 1-3; and

WHEREAS, even with the adoption of the objective standards set forth in Exhibits 1-3, City staff needs adequate time to study the full impact of SB 9, to understand whether there may be additional objective standards warranted to offset the negative impacts of SB 9 and at the same time to achieve the purported Legislative goals of providing increased housing, particularly increased affordable housing, and to complete the public hearing process for potential Pasadena Municipal Code revisions; and

WHEREAS, the City Council finds that the City of Pasadena's land use planning efforts to provide well thought-out high density residential housing in

appropriate areas of the City can be undermined each time an SB 9 lot split and/or project is undertaken; and there is a current and immediate threat to public health, safety and welfare because without this urgency ordinance, unfettered SB 9 lot splits and/or projects could occur without consideration for the environmental and land use impacts thereof; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure, an interim ordinance regulating any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"SUMMARY

Ordinance No. 7384 enacts objective standards applicable to mandatory, ministerial lot splits and two-unit development projects that may be undertaken pursuant to Senate Bill 9 (Housing development: approvals). This ordinance may be extended after a duly noticed public hearing.

Ordinance No. 7384 shall take effect upon publication."

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22 (Residential Zoning Districts); Article 4, Chapter 17.40 (General Property Development and Use Standards); and Article 8, Chapter 17.80 (Glossary of Specialized Terms and Land Use Types) is amended as shown in Exhibit 1, attached hereto and incorporated by reference.

SECTION 3. Pasadena Municipal Code, Title 8, Chapter 8.52, Section 8.52.025 (Applicability) is amended as shown in Exhibit 2, attached hereto and incorporated by reference.

SECTION 4. Pasadena Municipal Code, Title 16, Chapter 16.08, Section 16.08.240 (Urban Lot Split) is amended as shown in Exhibit 3, attached hereto and incorporated by reference.

SECTION 5. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 days period following its date of adoption.

SECTION 6. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such land uses.

SECTION 7. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it

would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 8. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 9. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of adoption, in accordance with California Government Code Section 65858.

Signed and approved this 13th day of December, 2021.

Victor M. Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 13th day of December, 2021, by the following vote:

AYES:	Councilmembers Hampton, Kennedy, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo
NOES:	None
ABSENT:	None
ABSTAIN:	None

Date Published:

Mark Jomsky
City Clerk

APPROVED AS TO FORM:

Theresa E. Fuentes
Assistant City Attorney

17.22.040 - RS and RM-12 Residential Districts General Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-3, in addition those in Section 17.22.050 (RS and RM-12 District Additional Development Standards), and the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

FOR RESIDENTIAL ZONING DISTRICTS						
LAND USE (1)	PERMIT REQUIREMENT BY ZONE					Specific Use Standards
	RS (2)	RM-12	RM-16 (3)	RM-32	RM-48	
RESIDENTIAL USES						
Accessory Dwelling Unit	P	P(6)	P(6)	P(6)	P(6)	17.50.275
Boarding houses	-	-	-	P	P	17.50.065
Dormitories	-	-	-	P	P	
Fraternities, sororities	-	-	-	P	P	
Home occupations	P	P	P	P	P	17.50.110
Multi-family housing	P(5)	P	P(7)	P(7)	P(7)	17.22.050.G, H
Residential accessory uses and structures	P	P	P	P	P	17.50.210, 250
Residential care, limited	P	P	P	P	P	
Residential care, general	-	-	C(4)	C(4)	C(4)	
Single-family housing	P(8)	P(6)	P(6)	P(6)	P(6)	
Transitional housing	-	P(9)	P(9)	P(9)	P(9)	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Clubs, lodges, private meeting halls	-	-	-	-	C(4)	
Cultural institutions	C(4)	C(4)	C(4)	C(4)	C(4)	
Park and recreation facilities	C	C	C	C	C	
Religious facilities	C(4)	C(4)	C(4)	C(4)	C(4)	17.50.230
with columbarium	MC(4)	MC(4)	MC(4)	MC(4)	MC(4)	17.50.230
with temporary homeless shelter	C	C	C	C	C	17.50.230
Schools – public and private	-	C(4)	C(4)	C(4)	C(4)	17.50.270
Street fairs	P	P	P	P	P	
Tents	TUP	TUP	TUP	TUP	TUP	17.50.170
OFFICE, PROFESSIONAL & BUSINESS SUPPORT USES						
Offices – administrative business professional	-	-	MC(10)	MC(10)	MC(10)	17.50.170
RETAIL SALES						
Personal property sales	P	P	P	P	P	17.50.190
Temporary uses	TUP	TUP	TUP	TUP	TUP	
SERVICES						
Adult day care, general	C(4)	C(4)	C(4)	C(4)	C(4)	
Adult day care, limited	P	P	P	P	P	

Lodging – Bed and breakfast inns	-	-	MC(10)	MC(10)	MC(10)	17.50.140
Child day-care centers	C	C	C	C	C	17.50.080
Child day care, large, 9-14 persons	P	P	P	P	P	17.50.080
Child day care, small, 1 to 8 persons	P	P	P	P	P	
Filming, long-term	C	C	C	C	C	
Filming, short-term	P	P	P	P	P	
Medical services – Extended care	-	-	-	C(4)	C(4)	
Neighborhood garden	MC	MC	MC	MC	MC	
Public safety facilities	C(4)	C(4)	C(4)	C(4)	C(4)	
INDUSTRY, MANUFACTURING & PROCESSING USES						
Commercial growing area	C	C	C	C	C	17.50.180
TRANSPORTATION, COMMUNICATIONS & UTILITY USES						
Utility, major	C (4)	C (4)	C (4)	C (4)	C (4)	
Utility, minor	P	P	P	P	P	

Notes:

(1) See Section 17.80.020 for definitions of the listed land uses.

(2) Includes the RS district with all suffixes (e.g., RS-1 through RS-6).

(3) Includes the RM-16 districts with all suffixes (e.g., RM-16, RM-16-1).

(4) Uses established after June 30, 1985, on sites greater than two acres shall require a zone change to PS (Public and Semi-Public).

(5) Two dwellings (Duplex Units) may be developed in RS zones subject to the underlying zoning district standards as well as Section 17.22.050.G and Section 17.22.050.H. Short-term rentals of less than 30 days are prohibited. Accessory Dwelling Units and Junior Accessory Dwelling Units are prohibited in conjunction with an Urban Lot split as defined in Section 16.08.240

(6) Allowed subject to the development standards of the RS-6 district, section 17.22.040.

(7) Two units on a lot shall meet the development standards of the RM-12 district, section 17.22.040.

(8) A lot with a single-family residence may rent a maximum of two bedrooms.

(9) The maximum interior or exterior area in which support services are offered or located shall not exceed 250 sq. ft.

(10) Limited to buildings designated as a landmark or listed individually in the National Register of Historic Places.

17.22.050 - RS and RM-12 District Additional Development Standards

A. Front-yard setback measurement. The minimum front yard setback in the RS and RM-12 zoning districts shall be as follows. See also 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions).

1. Where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In calculating the blockface average, measurement shall be from the front property line to the primary structure. Building projections and unenclosed porches shall not be used as the reference point for this measurement.
2. Where less than 40 percent of the lots on a blockface within the same zoning district (excluding corner yards or reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be 25 feet.
3. For blockfaces with two or fewer lots between two reversed corner lots, the minimum front setback shall be the larger required corner yard of the reversed corner lots. See Section 17.40.160 for allowed projections into front-yard setbacks.

B. Garage and carport requirements for all districts.

1. **Garages.** A garage proposed on a blockface, including reverse corner lots, where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street and the garage shall be the closest portion of the structure to the rear property line. This requirement shall not apply within the HD (Hillside Development) overlay zone. See 17.50.250.H for additional requirements for attached garages. A garage on a corner lot in which the garage doors face the street shall be set back a minimum of 18 feet from a street property line.
2. **Carports.** Carports shall be completely screened from view from the street and shall be located between the primary structure and the rear property line, so as to not be within the view down the driveway from the street. A carport shall not be permitted on a corner lot.
3. **Exception to maximum floor area requirement.** The maximum floor area requirement in Section 17.22.040, Table 2-3, may be exceeded to accommodate the reconstruction of a garage that previously existed on the site, but only to the extent of the floor area necessary or a two-car garage in compliance with the parking space dimension requirements of Section 17.46.110 (Parking Space Dimensions).

C. Restoration of a porte cochère. A porte cochère may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochère. The porte cochère shall meet all building requirements. The Historic Preservation Commission shall review such requests in landmark districts or for designated landmarks. The Zoning Administrator shall review all other such requests.

D. Flagpoles. A flagpole can be constructed if it meets the following requirements.

1. The flagpole shall be located outside a required setback area. Flagpoles are allowed in front of a residence if located outside the required front setback.
2. The maximum height of the flagpole shall be the maximum height allowed for the principal structure.
3. The flagpole shall not be located in an encroachment plane.

E. Neighborhood Compatibility. For the purposes of neighborhood compatibility, the "neighborhood" is determined by the median square footage of all houses on properties within a 500-foot radius around the subject property. The "neighborhood" is not required to include:

- Properties located outside of the City of Pasadena;
- Properties not located in an RS district, or in a different RS district; and
- Properties separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

F. Design Standards. The following design standards are applicable to all single-family zoned properties, excluding properties in historic districts, LD (Landmark District), HD (Hillside Overlay District), HD-1 (Upper Hastings Ranch Area), and ND (Neighborhood Overlay) overlay zones:

1. Prohibited materials in all RS zones include:
    a. Unfinished concrete is prohibited as an exterior finish
    b. Architectural foam is prohibited as an exterior trim material
2. Window placement:
    a. New second-story windows shall not directly overlap with existing second story windows located within 30 feet of abutting properties. Clerestory windows and windows determined by the Building Official to be necessary for safe egress are exempt from this requirement.

G. Duplex Units in Single-Family Residential Zones. In addition to the requirements of Section 17.22.040 (Residential Districts General Development Standards), additional development and design standards related to Duplex Units (whether attached or detached) apply to all single-family zoned properties, excluding properties in historic districts, LD (Landmark District), and individually designated historic landmark properties. Duplex Units are prohibited within the aforementioned Landmark Districts and on properties with individually designated landmarks.

Proposed adjacent or connected Duplex Units shall be permitted if they meet building code standards, are designed sufficient to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed by this section, as applicable. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d). The following additional standards are for new construction of an additional dwelling, or for up to two new dwellings where no existing dwelling is present. "Existing Dwelling" includes existing Accessory Dwelling Units for the purposes of this section. In cases where the following standards preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development.

Development feature	Development Standard
Minimum lot size	Minimum lot size establishes the minimum lot size and the minimum width required for new parcels
Minimum area	1,200 square feet
Width	Per Section 17.22.040, Table 2-3
ROW Access (1)	All newly created lots are required to have access to or abut a Public Right-of-Way.
Maximum Density	Two dwellings per lot
Setbacks	Minimum setbacks required. See Section 17.40.160 for setback measurement, allowed projections and encroachments into setbacks, and exceptions to setbacks.(2)
Front – Main facade	See Section 17.22.050
Front – Garage	See Section 17.22.050
Sides	The required setback shall be no less than 4 feet.
Corner side	The required setback shall be no less than 4 feet.
Rear	The required setback shall be no less than 4 feet.
Building separation	A minimum separation of 10 feet (measured from wall to wall) shall be required between detached dwelling units located on the same site. Eaves may encroach into this building separation.
Maximum floor area	As prescribed by the underlying zoning district (3).
Exceptions to floor area	1) Habitable attic space that does not exceed 60% of the surface of the building footprint (including attached garages and porches), is not adjacent to a rooftop deck, patio attachment and/or exterior staircase and the combined width of all dormers along a roofline do not exceed 40% of the roofline. 2) An unenclosed area where only one side does not abut enclosed space (floor area), and that side is a minimum 80% open. 3) An unenclosed area where more than one side does not abut enclosed space (floor area), and each side is a minimum 60% open.

	4) Basements and uncovered patios, decks, balconies and porches.
Height limit	As prescribed by the underlying zoning district (4).
Landscaping	Minimum amount of garden space required on-site in addition to the requirements of Chapter 17.44 (Landscaping). Garden space
Required Tree Canopy	Project must include the retention of at least two existing trees of at least 19 DBH on-site. Sites without two existing trees of 19 DBH must provide at least two 24-in box trees to satisfy this requirement, selected from the City's Native and Protected Species list.
Parking	The required parking shall be one uncovered parking space per each newly constructed dwelling unit. No parking is required if the parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as expressly defined in the California Public Resources Code, or if a car share vehicle (as defined in Section 17.80.020) is located within one block of the parcel.

Notes:

(1) See Chapter 17.40 for development on substandard lots and flag lots
(2) No new setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
(3) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum size permitted is 800 square feet per dwelling unit.
(4) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum height permitted is one story, not to exceed 12 feet to the top plate and 17 feet to the highest ridgeline.

H. Garden requirements for Duplex Units in Single-Family Residential Zones Each Duplex Unit project shall have a landscaped open space area as its central focus. This space may take the form of a garden.

1. **Garden location.** The placement of a garden shall comply with at least one of the following standards. In cases where the following standards preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development
    a. The garden may be placed so that a garden on an adjacent parcel combines to create the effect of one large garden or a wider connection between two spaces.
    b. The garden may adjoin the minimum front setback line creating a deep, combined garden on the street. Decorative fences or other landscape elements shall be constructed so that the garden is visible from the street.
    c. The garden may be an internal courtyard, entirely contained within the site, but visible from the street.

d. When a site contains existing, mature trees, the garden may be placed to retain one of those trees. See also Chapter 17.44 (Landscaping).

2. **Minimum garden dimensions.** The garden shall be a rectangular shape and shall have a minimum dimension of 20 feet in either direction. In cases where the garden requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development.
3. **Garden planting and paving standards.** In cases where the garden planting and paving requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development. The garden may only occur under the following three conditions, either alone or in combination.
    a. The garden shall be at existing grade with no parking structure below, subject to the following requirements:
        i. At least 50 percent of the garden shall be planted;
        ii. Concrete may be used for walkways up to four feet in width but is not acceptable for area paving unless mandated by the Uniform Building Code. Unplanted areas with a minimum dimension of five feet or more shall be paved with unit pavers such as brick, tile or concrete or covered with decomposed granite or garden gravel.
        iii. The maximum dimension of unit pavers shall be 24 inches.
        iv. All planting shall comply with the requirements of Chapter 17.44 (Landscaping).
4. **Allowed encroachments into a garden.**
    a. Eaves may project up to three feet and fireplaces or chimneys may project up to two feet for a length of 10 feet measured parallel to the building into the garden without having to maintain the minimum 20-foot dimension. The following encroachments may occur within the garden as long as the minimum dimension in any direction of the garden is not reduced to less than 20 feet.
        i. Exterior, unenclosed building elements such as stoops, balconies and open stairs may encroach into the garden subject to the following limitations:
            1. Encroaching stairs shall be either wood or masonry and have closed risers.
            2. Unenclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the garden, and an unlimited width, measured parallel to the line defining the garden.
            3. The total area of unenclosed encroachments shall not exceed seven percent of the area of the garden.
        ii. Enclosed living space may encroach into the garden subject to the following limitations:
            1. Enclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the

garden, and maximum width of 15 feet, measured parallel to the line defining the garden.

2. There shall be a minimum separation of four feet, measured parallel to the line defining the garden, between enclosed encroachments.
3. The ground floor area of all enclosed encroachments shall not exceed 13 percent of the garden.

17.80.020 – Definitions

Acting in Concert. Means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

Adjacent Parcel. Means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

Car share vehicle. A motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.

Common ownership or control. Means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

Sufficient for Separate Conveyance. Means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold separately.

8.52.025 - Applicability.

The provisions of this chapter providing protection for specific trees shall apply as follows, unless excepted by provisions of this chapter.

A. Native and specimen trees located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts within the city.
B. Landmark trees and trees that meet the criteria for designation as a landmark as determined by the review authority.
C. Public trees located at all places within the city.
D. Mature trees in all zoning districts except for trees on properties with one primary unit in an RS zone, or properties subject to the RM-12 development standards.
    a. On RS zoned parcels, native, specimen, and mature trees are protected in all areas on sites developed with duplex units per Section 17.22.050 or subdivided through an Urban Lot Split per Section 16.08.240.

16.08.240 – Urban Lot Split.

"Urban Lot Split" refers to any parcel zoned for single-family residential uses which is created through the division of an existing lot for the purpose of development with two dwelling units (duplex units). Applications for an Urban lot Split must comply with the following requirements:

1. An Urban Lot Split is not permitted on a parcel with one or more Accessory Dwelling Units.
2. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
3. Applications for an Urban Lot Split must be submitted concurrently with an application for proposed residential development;
4. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);
5. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance;
6. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished); and
    a. Sign an affidavit, in the form approved by the City Attorney, stating that none of the proposed lot split would not require demolition or alteration of any of the following types of housing:
        i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low- or very-low income.
        ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power
        iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
        iv. Housing that has been occupied by a tenant in the last three years.
7. The owner and applicant shall sign an affidavit, in the form approved by the City Attorney, stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split;
8. Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by the [city attorney/county counsel], which shall run with the land and provide for the following:

a. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and
b. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

9. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code

EXHIBIT T

Agenda Report

December 6, 2021

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: **CONSIDERATION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9**

RECOMMENDATION:

It is recommended that the City Council:

1. **Find** that the Municipal Code Amendments are exempt from environmental review pursuant to provisions in Senate Bill 9 which explicitly state that an ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code (PRC) and State CEQA Guidelines Sections 15378 (not a project), 15301 (existing facilities) and 15303 (new construction/conversion of small structures); and

2. **Adopt** the Findings of Consistency with the General Plan (Attachment A); and

3. **Adopt** an interim urgency ordinance for single-family (RS) zoned properties pertaining to development standards for the construction of multiple primary dwellings (duplexes) pursuant to Senate Bill 9.

ADVISORY COMMISSION/BOARD/CITY COUNCIL COMMITTEE RECOMMENDATION:

The Legislative Policy Committee received an overview of Senate Bill 9 on September 28, 2021. Committee members expressed concern related to the potential impacts to the City's single-family neighborhood character and support for developing local regulations that comply with Senate Bill 9 in order to minimize possible impacts to affected neighborhoods.

The Urban Forestry Advisory Commission (UFAC) and Planning Commission both held study sessions on November 10, 2021. UFAC members discussed concerns over the bill and impacts to the City's urban forest as a result. They suggested strengthening existing provisions of the Tree Protection Ordinance to ensure that preservation of

existing trees remains a priority. The Planning Commission members discussed the issues at length and also expressed concern over the possible impacts to single-family neighborhoods and the context/character of the development patterns that exist. The Commission suggested that the following regulations be included:

- Retention of protected trees and mature trees to the maximum extent possible and supported the required planting of new trees;
- Consideration of requiring affordability requirements for the new units - this ranged from requiring all the new units to be affordable to applying the City's 20% inclusionary to SB 9 units;
- Consideration of an updated citywide historic survey and exemptions to the regulations for historic districts;
- Investigation into a citywide historic overlay;
- Consideration of requiring open space to be calculated as a percentage of lot area, not including front yard requirements;
- Consideration of exempting parcels located within Specific Plan Areas; and
- Consideration of stronger owner-occupancy requirements

BACKGROUND:

Current zoning regulations permit up to three units on a single-family zoned parcel: one primary dwelling, one Accessory Dwelling Unit (ADU) and one Junior Accessory Dwelling Unit (JADU).

Senate Bill 9 (SB 9) requires that a local jurisdiction allow ministerial approval of two units in single-family zones (duplexes), and/or the subdivision of a residentially-zoned parcel into two approximately-equal sized parcels (an "urban lot split"), each of which may contain two units. In conjunction with ADUs and JADUs, this could have the effect of increasing the number of potential units on a typical parcel from three units to eight units. SB 9 allows jurisdictions to adopt local ordinances to establish regulations that do not conflict with the Bill, including regulations that prohibit ADUs in conjunction with projects that propose lot splits with duplexes on each lot, reducing the potential number of units on a typical parcel to four. If a local jurisdiction does not adopt their own regulations, the provisions of SB 9 as adopted by the State will apply effective January 1, 2022.

Existing Regulations

The most common housing type in Pasadena consists of single-family houses, with or without garages and often with other smaller accessory structures.

ADUs may either be detached from the primary dwelling or attached through an addition to the primary dwelling or partial conversion of the primary dwelling's existing floor area. ADUs must provide living, sleeping, cooking, and sanitation facilities independent of the primary dwelling.

JADUs may only be created via conversion of existing floor area of the primary dwelling and are limited to 500 square feet in size. JADUs must include an efficiency kitchen and separate entrance, but may share a bathroom with the primary dwelling. Development of a JADU additionally requires that the property owner be an owner-occupant that lives in either the primary dwelling or the JADU. Governmental agencies, land trusts, and housing organizations are exempt from the owner occupancy requirement.

SB 9 (Atkins)

Introduced by Senator Toni Atkins on December 7, 2020 and approved by Governor Gavin Newsom on September 16, 2021, this bill will require (as of January 1, 2022) local agencies to ministerially approve up to two residential units on properties currently zoned for single-family residential uses, and/or the subdivision of a parcel zoned for residential use into two parcels of approximately equal size, each of which may contain two residential units. ADUs and JADUs would additionally be permitted under SB 9, resulting in the potential for up to eight total units occupying space currently zoned for one single-family residence. However, SB 9 allows local agencies to pass ordinances with objective development standards prior to January 1, including a prohibition on ADUs/JADUs in conjunction with an urban lot split that proposes duplex development on each lot, as long as such standards do not physically preclude the ability of a property owner to develop two residential units of at least 800 square feet in size on each lot. If the lot is not subdivided, two detached ADUs are permitted in conjunction with a duplex, again resulting in a maximum of four units on the lot.

DISCUSSION:

Pursuant to SB 9, local agencies may impose objective zoning, subdivision, and design review standards as long as such standards do not physically preclude the ability of a property owner to develop two residential units of at least 800 square feet in size. Examples of standards that may be imposed include height limits and setbacks (no more than four feet for side and rear setbacks), so long as those standards do not reduce the amount of permitted development to less than that currently permitted. Agencies cannot require new setbacks for an existing structure, or a structure built in the same location and same dimensions as an existing structure. Agencies may require owner-occupancy of a site that is not subdivided. If a lot split is proposed, an owner-occupancy affidavit is required stating that the applicant intends to live in one of the units for three years from the date of approval. Additionally, agencies may prohibit the construction of ADUs and JADUs in conjunction with the provisions of SB 9 if the proposal includes both an urban lot split and a duplex development.

Local agencies may require a maximum of one parking space per unit, unless units are within one half-mile walking distance of a transit stop, or if there is a car share vehicle located within one block of the parcel. Units created through SB 9 provisions may not be used for short-term rentals of less than 30 days.

The bill prohibits demolition or alteration of existing rent-restricted housing units, housing that has been the subject of an Ellis Act eviction within the past 15 years, or housing that has been occupied by a tenant within the last three years. Additionally, the bill prohibits demolition of more than 25% of exterior walls unless local ordinances allow greater demolition, or if the site has not been occupied by a tenant in the last three years. Certain sites, such as designated historic landmarks and properties within designated state and local historic or landmark districts, are exempt from the provisions of SB 9.

SB 9 allows local Building Officials to deny a duplex project or urban lot split only by making a written finding, based on a preponderance of evidence, that the project would have a specific adverse impact on public health and safety or the physical environment, and that there is no feasible method to mitigate or avoid such an impact. A "specific adverse impact" must be significant, quantifiable, and direct, based on an objective written public health or safety standard that existed at the time the project application was deemed complete. Inconsistency with a city's General Plan or zoning ordinance does not constitute a specific adverse impact. Staff will be reviewing these projects on a case-by-case basis to determine whether or not a specific adverse impact finding can be made.

Staff has prepared an urgency ordinance to establish interim development standards for projects involving more than one unit on RS-zoned properties, in advance of developing permanent development standards. Interim development standards recommended for approval include:

- A prohibition on ADUs and JADUs in conjunction with projects seeking to incorporate both an urban lot split and development of duplexes;
- A requirement to limit the size of new units to 800 square feet for projects that cannot comply with existing single-family development standards;
- A one-story height limitation for projects that cannot comply with existing single-family development standards;
- A requirement of one parking space per new unit created for projects that cannot comply with existing single-family development standards, with exemptions as required under SB 9;
- Requirement of an owner-occupancy affidavit for lot split applications, consistent with SB 9;
- Landscaping requirements to ensure sufficient open space including the retention of existing trees on-site or planting of new trees; and
- A prohibition on short-term rental of duplex units developed under the provisions of SB 9.

The subsequent ordinance to establish permanent regulations will evaluate whether or revised objective design standards should be added in addition to evaluating an affordability requirement.

CONCLUSION AND RECOMMENDATION:

Staff recommends adopting an urgency ordinance to amend the Zoning Code, allowing the development of attached and detached duplexes in RS zones with objective development standards, consistent with State law. Staff additionally seeks feedback from the City Council on development standards to be established in a subsequent ordinance for permanent regulations.

ENVIRONMENTAL ANALYSIS:

Senate Bill 9 includes a provision explicitly stating that an ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code (PRC). However, SB 9 does not take effect until January 1, 2022. Nonetheless, the proposed ordinance is also exempt from environmental review pursuant to State CEQA Guidelines Sections 15378 (not a project), 15301 (existing facilities), and 15303 (new construction/conversion of small structures). Section 15378 defines what constitutes a "project" under CEQA. The State Legislature intended that ordinances such as the one proposed here, adopted in order to implement state law, would not constitute a "project". Further, Section 15301 exempts from environmental review the addition of up to 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the City's General Plan and the area in which the project is located is not environmentally sensitive. All of Pasadena's single-family residential areas meet these two criteria, and it is anticipated that each project undertaken pursuant to SB 9 will not add more than 10,000 square feet of new development. Finally, Section 15303 (new construction/conversion) exempts from review the construction of up to six new residential structures in urbanized areas. Under the proposed ordinance, the maximum number of new residential structures that could be constructed pursuant to a lot split combined with new construction is less than six. Therefore, staff recommends that the City Council finds that the proposed Zoning Code amendment is not subject to further environmental review.

FISCAL IMPACT:

This action will not have a direct fiscal impact. However, indirect fiscal impacts may occur resulting from increased permit applications for additions to residences that could otherwise not be feasible without this zoning code amendment. Longer-term indirect fiscal impacts may include increased property tax revenue due to more residential units being constructed. There is no anticipated impact to other operational programs or capital projects at this time.

Respectfully submitted,

DAVID M. REYES
Director of Planning & Community
Development Department

Prepared by:

Martin Potter
Planner

Reviewed by:

David Sanchez
Principal Planner

Approved by:

CYNTHIA KURTZ
Interim City Manager

Attachments: (1)

Attachment A – Draft Zoning Code Amendment Language

EXHIBIT U

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7246
Facsimile: (916) 327-2319
E-Mail: Matthew.Struhar@doj.ca.gov

March 15, 2022

Mayor Victor M. Gordo
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 911909
(626) 744-4141
vgordo@cityofpasadena.net

RE: NOTICE OF VIOLATIONS OF GOVERNMENT CODE SECTIONS 65858, 65852.21, AND 66411.7

Dear Mayor Gordo:

It has come to our attention that the City of Pasadena has adopted an urgency ordinance designed to circumvent Senate Bill (SB) 9. Specifically, on December 6, 2021, the City adopted Urgency Ordinance No. 7384 (the "Ordinance"), which broadly prohibits the application of SB 9 to any parts of the City designated as a "landmark district."[1] Although enacted as an "urgency ordinance," the Ordinance does not satisfy the legal requirements for urgency ordinances under the Government Code because it fails to identify "a significant quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions." (Gov. Code, § 65858, subd. (c)(1).) Further, the Ordinance prohibits the development of SB 9 projects in the City's so-called "landmark districts," but the text of SB 9 does not exempt "landmark districts"—it exempts only landmarks, historic properties, or historic districts. The Ordinance is thus contrary to the plain text of SB 9 and cannot stand.

A. The City Has Not Made the Requisite Findings to Justify Adopting New SB 9 Development Standards Via Urgency Ordinance

The City's legislative body cannot "adopt or extend any interim ordinance" as an urgency measure without making legislative findings that the approval of additional development permits would pose a "current and immediate threat to the public health, safety, or welfare." (Gov. Code, § 65858, subd. (c).) And before adopting or extending an interim urgency ordinance that has the effect of denying multifamily housing projects, the City's legislative body must make specific written findings, "supported by substantial evidence on the record," that all of the following

[1] The City extended the Ordinance on January 10, 2022, by adopting a resolution (the "Extension Resolution").

conditions are present: (1) multifamily housing projects would have "a significant, quantifiable, direct, and unavoidable impact [on public health or safety], based on objective, identified written public health or safety standards, policies, or conditions"; (2) the interim ordinance is necessary to mitigate or avoid that impact; (3) there is no feasible alternative to satisfactorily mitigate or avoid that impact as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance. (*Ibid*.)

SB 9 enables the creation of multifamily housing projects—namely, duplexes on lots zoned for single-family use, with the potential for projects of up to four units on existing single-family lots through a lot split. Thus a local legislative body adopting an urgency ordinance that prevents SB 9's application must make the more specific written findings required under subdivision (c) of Section 65858 and support those findings with substantial evidence.

Nothing in the Ordinance, the staff report, or your City Attorney's December 6, 2021 letter provides written findings that SB 9 projects would have a significant adverse impact on public health or safety, let alone substantial evidence of a significant, quantifiable, direct, and unavoidable impact based on objective standards and criteria in place at the time the Ordinance was adopted. As the City Council was considering the Ordinance, the City Attorney provided only one reason for why the Ordinance was necessary: "to ensure that any development is undertaken pursuant to SB 9 does not occur without regulation intended to address the environmental and land use impacts thereof, while staff studies permanent standards." Similarly, the Extension Resolution summarily states "that there is a current and immediate threat to public health, safety, and welfare pursuant to the standards and policies set forth in the General Plan … in order to preserve the established character of such zones and allow sufficient time for staff to analyze impacts of additional density in areas that were not studied for such development under the General Plan and develop appropriate permanent regulations for such development."

These findings do not meet the requirements of subdivision (c) of Section 65858. Therefore, the Ordinance is invalid as a matter of law. (See *California Charter School Association v. City of Huntington Park* (2019) 35 Cal.App.5th 362, 365.)

B. The Ordinance Illegally Prohibits the Development of SB 9 Projects in the City's "Landmark Districts"

Under SB 9, local agencies must provide a ministerial approval process for any proposed housing development consisting of two residential units within a single-family residential zone, and for any proposed subdivision of an existing parcel within a single-family residential zone into no more than two parcels. (Gov. Code, §§ 65852.21, subd. (a), 66411.7, subd. (a).) However, SB 9 exempts some areas from its application, including areas with recognized historic value. (Gov. Code, §§ 65852.21, subd. (a)(6), 66411.7, subd. (a)(3)(E).)

The Ordinance prohibits the development of SB 9 duplexes in the City's "landmark districts." (Ordinance, ¶ G.) That is inconsistent with SB 9, which only exempts SB 9 projects "on … or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance." (Gov. Code, §§ 65852.21., subd.

(a)(6), 66411.7, subd. (a)(3)(E).) SB 9 thus exempts from its application projects on or within a site that is (1) designated or listed as a landmark, (2) designated or listed as an historic property, or (3) designated or listed as an historic district. The term "district" in subdivision (a)(6) is modified only by the word "historic." To the extent the exemption is at all ambiguous, it must be read narrowly so as to not undermine the objectives of SB 9. As a result, SB 9 cannot be read to include so-called "landmark districts" within this exemption.

This narrow exemption from SB 9 is intended to ensure that cities retain ample discretion to protect historic resources, including historic districts. But by the City's own admission, "landmark districts" are not "historic districts." According to the City's Historic Preservation Commission, "landmark district" status depends on whether a sufficient number of buildings or structures within the district "represent one or more of a defined historic, cultural, development and/*or* architectural context." (emphasis added). As the "or" makes clear in the preceding definition, "landmark districts" are not limited to historic resources, and thus the City's effort to bar SB 9 projects in the City's "landmark districts" violates the plain language of the statute.

The breadth of the City's ordinance concerning "landmark districts" compounds the SB 9 violation. Under the City's Municipal Code, a "landmark district" includes "any grouping of contiguous properties" that meet three specified criteria: (1) a simple majority of property owners in the putative district supports the designation; (2) the group of properties "represents a significant and distinguishable entity of Citywide importance and one or more of a defined historic, cultural, development, and/or architectural context(s)"; and (3) 60 percent of the properties contribute to that representation. (Municipal Code, §17.62.040, subd. (D).) Unlike the City's process for designating landmarks or historic resources, this process allows the creation of "landmark districts" without regard to their historic value. And because only 60 percent of the properties need to contribute to the characteristics of a landmark designation, any ban on SB 9 applications by virtue of a "landmark district" designation has the potential of applying to sites that do nothing to contribute to a "defined historic, cultural, development, and/or architectural context."

This is particularly concerning because, when the City first adopted its "landmark district" ordinance in 2002, there were only three locally designated historic districts in the City. Since then, the City appears to have designated 20 additional "landmark districts." Our office, moreover, is aware of local efforts to create new "landmark districts" specifically for the purpose of avoiding SB 9. We note that those who do not own property, including those who are priced out of the City, will not have any meaningful input in the City's decision to curb its housing supply through the designation of more "landmark districts." Yet those people bear the significant brunt of the impact of such decisions, leaving their grave housing insecurity concerns unaddressed, and the statewide housing crisis unabated.

Although we do not doubt the City's good faith effort to construe SB 9's exemption, the Ordinance is nevertheless inconsistent with SB 9 on its face and contrary to the law.

C. By Banning Duplex Housing in Its "Landmark Districts," the Ordinance May Also Violate the Housing Crisis Act

The Ordinance appears to prohibit, without exception, all duplex housing projects on single-family lots in "landmark districts." This provision of the Ordinance may also violate the Housing Crisis Act of 2019, codified at Government Code section 66300.

For sites "where housing is an allowable use," the City cannot enact a development policy that would have the effect of imposing "a moratorium or similar restriction or limitation on housing development … within all or a portion of the jurisdiction of" the City, "other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing." (Gov. Code, § 66300, subd. (b)(1)(B)(i).) We are unaware that the City made any such findings justifying this de facto ban on duplex housing in its "landmark districts." Even if the City did, it seems unlikely that such a ban, on duplex or other forms of multifamily housing, is necessary to protect against an imminent threat to either the health or safety of people living within a "landmark district." Note, further, that the City also would need authorization from the Department of Housing and Community Development ("HCD") before enforcing such a moratorium or restriction. (Gov. Code, § 66300, subd. (b)(1)(B)(ii).)

Given the existence of multifamily housing in bungalow courts that appear to be already designated as individual landmarks, as noted on the City Planning Commission's own website (https://www.cityofpasadena.net/planning/planning-division/design-and-historic-preservation/historic-preservation/projects-studies/bungalow-courts-in-pasadena/), it is unclear if the City intended its Ordinance to have such far-reaching implications. HCD, our sister agency, will be contacting you shortly with its own letter of inquiry, and we trust the City will fully cooperate to resolve any ambiguities with respect to this and any other issues raised by HCD.

D. The City Cannot Avoid the Application of State Law by Declaring Itself a Historic District or Exempting Specific Plan Areas

The staff report accompanying the Ordinance noted that the Planning Commission would explore creating a citywide historic overlay district. (Staff Report, p. 2.) Although local governments have discretion in identifying local landmarks, historic properties, and historic districts, the City cannot use its discretion to categorically exempt itself from SB 9. To the contrary, SB 9 contemplates exemptions solely for specific sites or districts within a city—not the entire city. (Gov. Code, §§ 65852.21, subd. (a)(6), 66411.7, subd. (a)(3)(E).) Adopting a citywide historic overlay for the purpose of evading SB 9 would be an abuse of discretion.

The staff report also noted that the Planning Commission would consider proposing to exempt specific plan areas from SB 9. (Staff Report, p. 2.) SB 9 requires the City to provide a ministerial approval for any proposal for duplex housing or a lot split on any parcel, with specific enumerated exceptions, "within a single-family residential zone." (Gov, Code, §§ 65852.21, subd. (a), 664411.7, subd. (a).) It contains no requirement that qualifying parcels be located in a

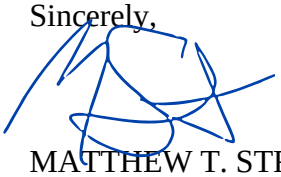
general plan area or a specific plan area. Indeed, such a requirement would render SB 9 ineffective, as it would enable local governments to evade SB 9 by simply expanding specific plan areas. This, too, would be an abuse of discretion.

***

Under the California Constitution, any restriction on housing development must bear a real and substantial relationship to the welfare of the affected region. (*Associated Home Builders etc., Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 609.) Any restriction that has the practical effect of limiting housing development, or rendering such development infeasible, "is presumed to have an impact on the supply of residential units available in an area which includes territory outside the jurisdiction of" the City. (Evid. Code, § 669.5, subd. (a).) As the City considers a permanent SB 9 ordinance, it must be mindful of its obligations under State law.

As outlined above, we have concluded that Pasadena's urgency ordinance violates both the Government Code's mandates for urgency ordinances, as well as the letter of SB 9. Accordingly, we request that the City take prompt action to repeal and/or amend the ordinance to be consistent with state law, and do so no later than 30 days from the date of this letter.

Sincerely,



MATTHEW T. STRUHAR
Deputy Attorney General

For ROB BONTA
Attorney General

Cc: City Attorney Michele Beal Bagneris
Steven Olivas, Planning Commission Chair

EXHIBIT V

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on January 7, 2025, the Palisades Fire ignited in Los Angeles County, burning over 1,200 acres as of the time this Proclamation is issued; and

WHEREAS high winds, low humidity, and dry conditions have increased the intensity and spread of the Palisades Fire, causing imminent threat to life with Red Flag warnings in effect in Los Angeles and Ventura Counties and widespread dangerous windstorm conditions with damaging wind gusts of 50 to 80 mph forecasted; and

WHEREAS the Palisades Fire and windstorm conditions threaten structures, homes, and critical infrastructure, including power lines and water tanks, and have prompted evacuation orders and warnings and impacted the access route to the Palisades Highlands community; and

WHEREAS in response to a request from the Governor's Office of Emergency Services, the Federal Emergency Management Agency approved a Fire Management Assistant Grant to assist with the mitigation, management, and control of the Palisades Fire on January 7, 2025; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to impacts of the Palisades Fire and windstorm conditions in Los Angeles and Ventura Counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the Palisades Fire and windstorm conditions, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authorities are inadequate to cope with the magnitude of the damage caused by the Palisades Fire and windstorm conditions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the Palisades Fire and windstorm conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Los Angeles and Ventura Counties due to the Palisades Fire and windstorm conditions.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.

2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of this emergency. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of this emergency.

4. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

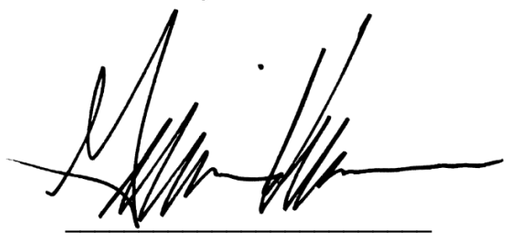
5. Adequate state staffing during this emergency is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. All other restrictions must be adhered to for retired annuitants. The Director of the California Department of Human Resources must be notified of any individual employed in state government pursuant to these suspensions. The suspension of statutes identified in this Paragraph shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to this emergency in Los Angeles and Ventura Counties. Local governmental agencies shall notify the California Public Employees' Retirement System of any individual employed by an agency pursuant to this Paragraph.

6. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is suspended for positions required for emergency response and/or recovery operations related to this emergency in Los Angeles and Ventura Counties. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of January 2025.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

EXHIBIT W

DECLARATION OF LOCAL EMERGENCY

(Updated)

By virtue of the authority vested in me as Mayor of the City of Los Angeles, pursuant to the provisions of Sections 8.27 and 8.29 of the Los Angeles Administrative Code, I hereby find the following:

WHEREAS, a declaration of local emergency was declared on January 7, 2025, due to a destructive windstorm and extreme fire danger; and

WHEREAS, the City of Los Angeles Emergency Operations Organization and the Emergency Operations Center were activated on January 7, 2025, in response to this windstorm and fire danger; and

WHEREAS, the extreme winds and extreme dry conditions resulted in destructive fires throughout Los Angeles city; and

WHEREAS, the Palisades Fire, still not fully contained, is already considered one of the most destructive fires in the history of this nation; and

WHEREAS, during the initial hours of the the fire, firefighters confronted Category 2 hurricane force gusts of wind at estimated speeds in excess of 100 mph, essentially a dry hurricane racing over parched vegetation; and

WHEREAS, the extreme winds fueled a wildfire in urban interface and residential areas causing extreme threat to life and unprecedented destruction to property; and

WHEREAS, the Palisades Fire has outpaced the Tubbs Fire to become the second most destructive fire in California history in terms of structures destroyed, including many single family and multifamily homes, and the combination of fires in Los Angeles are the most destructive in the history of the city of Los Angeles; and

WHEREAS, thousands of families, elderly and vulnerable people, and animals and pets have been displaced with more than 80,000 people remaining under evacuation orders; and

WHEREAS, in terms of financial destruction, the 2025 Fire is likely to exceed in today's dollars the costly destruction of the historic earthquake and fire of 1906 in San Francisco and exceeds a geographical area larger than San Francisco or Boston; and

WHEREAS, as of January 13, 2025, there are currently two active fires in the City Of Los Angeles in addition to those active in Los Angeles County: the Palisades and Hurst Fires:

> Palisades Fire - Burning in the Santa Monica Mountains since about 10:30 a.m. on January 7, 2025, this fire has consumed over 23,000 acres with 14% containment and over 5,000 structures damaged or destroyed.

Hurst Fire (formerly Sylmar Fire) - Burning in the Sylmar area since about 10:30 p.m. on January 7, 2025, this fire is currently at 800 acres with 95% containment; and

WHEREAS, several additional fires have been contained within the city of Los Angeles including the Kenneth Fire, Sunset Fire, Studio City and Foothills Fire; and

WHEREAS, President Biden authorized the Federal Emergency Management Agency (FEMA) to reimburse 100% of specified costs, including debris removal and lifesaving and life sustaining activities such as fire suppression, pledging his full support and partnership as L.A. recovers and rebuilds. These financial resources could ensure that Los Angeles will rebuild stronger than before, however they require swift action to help restore communities; and

WHEREAS, during the pendency of the existence of a local emergency, the Los Angeles City Council shall retain its full authority to consider City ordinances to codify the measures necessary to address this crisis.

NOW THEREFORE, I hereby incorporate and update the declaration of local emergency dated January 7, 2025, and direct all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles in addressing the windstorms, extreme fire danger, and rebuilding effort.

I REQUEST, that the City Council adopt resolutions pursuant to Charter Section 371(e)(6) and Los Angeles Administrative Code Sections 10.1.1, 10.2.1, 10.5(a)(8) and 10.5.5 to expedite the procurement and contracting process for materials, equipment, and services necessary to respond.

I ALSO REQUEST, that the Governor issue additional orders and the Legislature enact legislation as needed, to build upon the Governor's recent orders including suspension of the California Coastal Act and the California Environmental Quality Act to expedite the rebuilding of homes and businesses damaged and destroyed in these devastating fires.

I ALSO DIRECT, that as Director of the Emergency Operations Organization, I shall coordinate Citywide planning and response and direct all Los Angeles City General Managers to present action plans to rebuild and recover as soon as possible.

I FURTHER DIRECT, that the City continue to coordinate its efforts to address this declared emergency with the County of Los Angeles County, the State of California, and the federal government.

I FURTHER DIRECT, that all relevant City departments and agencies compile and deliver to the Mayor information on the impact of the windstorms and fires of 2025 and maximize opportunities for reimbursement from FEMA and state resources.

I THEREFORE FINALLY DIRECT, that this updated Declaration of Local Emergency shall take effect immediately and that notice shall be given of this updated Declaration through the most feasible means. Nothing in this updated declaration of emergency is intended to alter the original effective date of the declared emergency.

Karen Bass

KAREN BASS
Mayor

Dated at Los Angeles, California

Date: January 13, 2025

Time: 3:28 p.m.

Filed with the City Clerk

Date: January 13, 2025

Time: 4:08 p.m.

By: Melinda Nava

EXHIBIT X

Introduced by: Councilmember Hampton

ORDINANCE NO. 7444

AN INTERIM UNCODIFIED ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING CODE) OF THE CITY OF PASADENA MUNICIPAL CODE TO SUSPEND AND MODIFY DEVELOPMENT STANDARDS AND PROCEDURES, AND TO EXTEND CERTAIN LAND USE RELATED DEADLINES FOR ENTITLEMENTS AND PERMITS UNDER TITLE 17 (ZONING CODE), TITLE 16 (SUBDIVISIONS) AND TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE MUNICIPAL CODE TO SIMPLIFY THE REBUILD PROCESS AFTER THE EATON FIRE

WHEREAS, windstorms of extraordinary magnitude and widespread fires began on January 7, 2025, which included dangerous gusts of wind of over 80 miles per hour and wind-driven and destructive wildfires including the Eaton Fire and the Palisades Fire; and

WHEREAS, these conditions caused extensive damage to residential and nonresidential structures, businesses and critical infrastructure in the City of Pasadena ("City"); and

WHEREAS, the Eaton Fire specifically destroyed 185 structures in the City, displacing Pasadena residents; and

WHEREAS, the combined fires in the County of Los Angeles ("County") collectively burned over 47,900 acres, destroyed or damaged more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS, the fires displaced approximately 150,000 in the County; and

WHEREAS, on January 8, 2025, the Director of Disaster Emergency Services of the City proclaimed the existence of a local emergency; and

WHEREAS, on January 13, 2025, the City Council ratified that January 8, 2025 Declaration of Local Emergency – Windstorms and Fires, which shall be deemed to continue to exist until its termination is proclaimed by the City Council; and

WHEREAS, that Declaration of Local Emergency – Windstorms and Fires has not been terminated; and

WHEREAS, on January 15, 2025, the Health Officer for the City issued a declaration of local health emergency due to the potential public health impacts on the City by the windstorms and fires due to widespread damage to property, disruption of

services, and potential immediate and long-term health risks to City residents, which was amended and renewed on March 3, 2025; and

WHEREAS, on February 13, 2025, the Governor issued Executive Order N-20-25, which acknowledged efforts and need to provide relief to impacted communities, protect survivors, to expedite and aid recovery efforts, to enable Los Angeles to build back quickly and safer and more resilient, and to avoid unreasonable delay in rebuilding homes; and

WHEREAS, City residents are in the process of preparing for rebuild, which includes removal of hazardous waste and other debris, and there is a need to streamline rebuilding requirements to avoid exacerbating the existing threat to public health, safety, or welfare caused by the destruction of the combined fires; and

WHEREAS, under Government Code Section 8634, during a local emergency, the City Council may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, under Government Code Section 65858, the City Council may adopt by a four-fifths vote an interim zoning ordinance to protect the public safety, health, and welfare without following the procedures otherwise required prior to the adoption of a zoning ordinance; and

WHEREAS, the City provided notice pursuant to Government Code Section 65090 and held a public hearing on February 24, 2025, regarding this proposed rebuild ordinance; and

WHEREAS, the City Council finds that there is a local emergency that requires the City Council to promulgate this ordinance to protect life and property, and there is a current and immediate threat to the public health, safety and welfare and that the approvals of certain entitlements required to comply with the Zoning Code threatens the public health, safety or welfare by unreasonably delaying the rebuilding of structures damaged by the fires.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"**Summary**

This proposed ordinance amends various sections of Title 17 (Zoning Code) of the Pasadena Municipal Code, to suspend and modify development standards and procedures, and to extend certain land use related deadlines for entitlements and permits granted under Title 14, Title 16 and Title 17 of the Municipal Code to simplify rebuilding for those affected by the Eaton Fire. This ordinance permits people to rebuild structures damaged and destroyed by the Eaton Fire without a City issued land use entitlement if the project is in a similar location, is no more than 10% larger than the original floor area or footprint or 200 square feet for certain projects, and is no more than 10% taller than the original height.

Ordinance No. 7444 shall take effect immediately upon publication."

SECTION 2. Eligibility and Scope. The provisions of this ordinance shall apply to properties with structures that were red tagged by the Building Official due to the Eaton Fire ("Eligible Structures"), unless otherwise provided herein. The Director of Planning and Community Development shall determine whether a property is subject to this ordinance, and shall determine whether a project meets the requirements of this ordinance through plan check. Such determination may be based upon information provided by the applicant and other sources of information available to the City.

This ordinance modifies the requirements of the Zoning Code for Eligible Structures and projects and does not change the requirements for ineligible structures and projects except as expressly provided herein.

SECTION 3. Residential Zoning Districts (RS). The requirements of Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, RESIDENTIAL ZONING DISTRICTS, are hereby amended such that Eligible Structures in the RS district may be rebuilt without a City-issued land use entitlement if the rebuild meets the following amended requirements:

A. Location: Is located (i) in substantially the same location, or (ii) at a different location on the site provided either the relocation meets setback requirements or meets the nonconforming setback of the previous footprint without increasing the nonconformity with current development requirements.

B. Expansion: Does not exceed the previous footprint or floor area by more than 200 square feet or 10% of the previous footprint or floor area, whichever is greater. The added floor area is not subject to neighborhood compatibility review, but must meet setback requirements or meet the nonconforming setback of the previous footprint without increasing the nonconformity with current development requirements.

C. Height: Does not exceed the previous height by more than 10%.

The previous location, footprint, floor area and height shall be based off the condition of the Eligible Structure on January 6, 2025. Code requirements not specifically amended herein shall remain in effect and apply to these projects. In the event of an inconsistency between the requirements of this ordinance and the underlying code, this ordinance shall prevail.

SECTION 4. Residential Zoning Districts (RM). The requirements of Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, RESIDENTIAL ZONING DISTRICTS, are hereby amended such that Eligible Structures in the RM-16 and RM-32 districts may be rebuilt, without a City-issued land use entitlement, if the rebuild meets the following amended requirements:

A. Location: Is located (i) in substantially the same location, or (ii) at a different location on the site provided either the relocation meets setback requirements or meets the nonconforming setback of the previous footprint without increasing the nonconformity with current development requirements.

B. Expansion: Does not exceed the previous footprint or floor area by more than 10%, whichever is greater. The added floor area must meet setback requirements or meet the nonconforming setback of the previous footprint without increasing the nonconformity with current development requirements.

C. Height: Does not exceed the previous height by more than 10%.

The previous location, footprint, floor area and height shall be based off the condition of the Eligible Structure on January 6, 2025. Code requirements not specifically amended herein shall remain in effect and apply to these projects. In the

event of an inconsistency between the requirements of this ordinance and the underlying code, this ordinance shall prevail.

SECTION 5. Special Purpose Zoning Districts. The requirements of Pasadena Municipal Code, Title 17, Article 2, Chapter 17.26, SPECIAL PURPOSE ZONING DISTRICTS, are hereby amended such that Eligible Structures in the PS, OS, and PD-17 districts may be rebuilt without a City-issued land use entitlement if the rebuild meets the following amended requirements:

A. Location: Is located (i) in substantially the same location, or (ii) at a different location on the site provided either the relocation meets setback requirements or meets the nonconforming setback of the previous footprint without increasing the nonconformity with current development requirements.

B. Expansion: Does not exceed the previous footprint or floor area by more than 10%, whichever is greater. All added footprint and floor area must meet setback requirements or the setback of the previous footprint without increasing the nonconformity with current development requirements.

C. Height: Does not exceed the previous height by more than 10%.

The previous location, footprint, floor area and height shall be based off the condition of the Eligible Structure on January 6, 2025. Code requirements not specifically amended herein shall remain in effect and apply to these projects. In the event of an inconsistency between the requirements of this ordinance and the underlying code, this ordinance shall prevail.

SECTION 6. Hillside Overlay Districts. The requirements of Pasadena Municipal Code, Title 17, Article 2, Chapter 17.29, HILLSIDE OVERLAY DISTRICTS, are hereby amended such that Eligible Structures in the HD-1 overlay and HD overlay may be rebuilt without complying with HD-1 standards in Section 17.29.090 and without obtaining a City-issued land use entitlement if the rebuild meets the following amended requirements:

A. Location: Is located (i) in substantially the same location, or (ii) at a different location on the site provided either the relocation meets setback requirements or meets the nonconforming setback of the previous

footprint without increasing the nonconformity with current development requirements.

B. Expansion: Does not exceed the previous footprint or floor area by more than 200 square feet or 10% of the previous footprint or floor area, whichever is greater. All added footprint and floor area must meet setback requirements or the setback of the previous footprint without increasing the nonconformity with current development requirements.

C. Height: Does not exceed the previous height by more than 10%.

D. Stories: Does not increase a one-story Eligible Structure to two-stories.

The previous location, footprint, floor area and height shall be based off the condition of the Eligible Structure on January 6, 2025. Code requirements not specifically amended herein shall remain in effect and apply to these projects. In the event of an inconsistency between the requirements of this ordinance and the underlying code, this ordinance shall prevail.

SECTION 7. Nonconforming Uses, Structures, and Lots. The requirements of Pasadena Municipal Code, Title 17, Article 7, Chapter 17.71, NONCONFORMING USES, STRUCTURES OR LOTS, are hereby amended as follows:

A. Rebuild. Nonconforming Eligible Structures may be rebuilt and the nonconforming use may continue without obtaining a City-issued land use entitlement if the rebuild meets the requirements for the applicable zoning district as provided in this ordinance except that any footprint or floor area expansion shall not exceed 10% of the previous footprint or floor area, whichever is greater, and all added footprint and floor area must meet setback requirements or the setback of the previous footprint without increasing the nonconformity with current development requirements.

A. Use May Resume. For projects to replace Eligible Structures in accordance with subsection (A) of this Section 7, Section 17.71.070(B)(2) suspended such that the use may resume under this ordinance even if more than 75 percent of the use or Eligible Structure was razed, and Section 17.71.060(B)(1)-(2) are suspended such that the use is not considered discontinued or moved. The nonconforming use may not change.

B. Issuance of Building Permit. For projects to replace Eligible Structures in accordance with subsection (A) of this Section 7, the requirements of Section 17.71.070(B)(3) and Section 17.71.090(B)(1)(d) are hereby amended so that the Eligible Structure may be rebuilt and resumed provided that a Building Permit for the reconstruction or repair is issued within 48 months after the date of destruction and construction is pursued diligently to completion.

C. Alternations and Enlargements. For projects to replace Eligible Structures in accordance with Subsection (A) of this Section 7, the requirements of Section 17.71.080(D)-(E) shall be amended to allow alteration and enlargement of a nonconforming structure without a variance or minor variance.

Code requirements not specifically amended herein shall remain in effect and apply to these projects. In the event of an inconsistency between the requirements of this ordinance and the underlying code, this ordinance shall prevail.

SECTION 8. Replacement Building Permit Requirements. For Eligible Structures, a building permit shall not be required before issuance of a demolition permit under Section 17.62.100.

SECTION 9. General Property Development and Use Standards. Projects to replace Eligible Structures without an entitlement in accordance with this ordinance are exempt from the applicability of Section 17.40.020.

SECTION 10. Permit Extensions. The following land use entitlements and other permits issued for any properties, shall be extended or eligible for extension as provided herein. The extension(s) shall run from the current expiration date of the issued entitlement or permit.

A. The following eligible land use entitlements and permits that were active on January 7, 2025, or approved while this ordinance is in effect, shall be automatically extended one time for a period of 12 months, which shall not be counted against the maximum extensions permitted under the Code:

   i. Concept Design Review under Section 17.64.040.E.

   ii. Final Design Review, Conditional Use Permit, Minor Conditional Use Permits, Administrative Conditional Use Permits, Master Plans,

Expressive Use Permits, Variances, Minor Variances, Administrative Variances, Variances for Historic Resources, Modifications for Individuals with Disabilities, and Hillside Development Permits under Section 17.64.040.A.

iii. Planned Development Districts under Section 17.26.020.C

iv. Tentative Maps and Tentative Parcel Maps under Section 16.18.060

v. Vesting Tentative Maps under Section 16.22.070

B. Building Official permits issued under Section 14.040.020 that were active on or after January 7, 2024, until this ordinance expires, shall be automatically extended one time for a period of 12 months, which shall not be counted against the maximum extensions permitted under the Code.

C. Temporary Certificates of Occupancy issued under Section 14.040.020 that were active on or after January 7, 2024, until this ordinance expires, shall be subject to one 180-day extension as follows, which shall not be counted against the maximum extensions permitted under the Code:

i. Temporary Certificates of Occupancy for schools, religious facilities, and daycare centers that have been directly impacted by the Eaton or Palisades fires shall be automatically extended one time by 180 days.

ii. Temporary Certificates of Occupancy for all other uses may be extended for an additional 180 days as approved by the Building Official in accordance with. Such extensions shall require an application to the Building Official.

SECTION 11. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 12. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or

unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 13. This ordinance shall take effect immediately upon publication, and shall remain in effect for a period of 45 days from the date of adoption. This ordinance may be extended by City Council.

Signed and approved this 24th day of March, 2025.

Victor Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 24th day of March 2025, by the following vote:

AYES: Councilmembers Cole, Jones, Lyon, Madison, Masuda, Mayor Gordo

NOES: None

ABSENT: Councilmember Hampton, Vice Mayor Rivas

ABSTAIN: None

Date Published: March 27, 2025

Mark Jomsky
City Clerk

Approved as to form:

Caroline Monroy
Deputy City Attorney

EXHIBIT Y

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

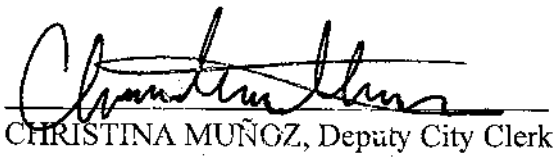
CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart



CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

EXHIBIT Z

STATEMENT OF PROCEEDINGS FOR THE

REGULAR MEETING OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF LOS ANGELES HELD IN ROOM 381B

OF THE KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

Tuesday, April 8, 2025

9:30 AM

Present:	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	Supervisor Mitchell

Video Link for the Entire Meeting (03-1075)

Attachments: Video Transcript

Invocation led by Pastor Peter Mordh, New Life Church, Palmdale (5).

Pledge of Allegiance led by Cynthia M. Godinez, Staff Sergeant, United States Marine Corps, East Los Angeles (1).

Presentation of pet(s) for the County's Pet Adoption Program, as arranged by Supervisor Barger.

I. CONSENT CALENDAR

BOARD OF SUPERVISORS 1 - 7

1. Appointments to Commissions/Committees/Special Districts

Recommendations for appointment/reappointment or removal for Commissions/Committees/Special Districts (+ denotes reappointments):
Documents on file in the Executive Office.

Supervisor Lindsey P. Horvath
Rogerio Carvalheiro+, Los Angeles County Arts Commission
John Follmer+, Los Angeles County Veterans' Advisory Commission
Armida Ornelas+, Workforce Development Board

Supervisor Kathryn Barger
Liane Weintraub+, Los Angeles County Arts Commission
Hunt Braly+, Watershed Area Steering Committee Community - Santa Clara River & Antelope Valley

Countywide Criminal Justice Coordination Committee
Jake Fisher, Commission on Alcohol and Other Drugs (25-0026)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Public Comment/Correspondence

2. Motion to Proclaim April 10, 2025 as "Dolores Huerta Day" throughout Los Angeles County, celebrate Dolores Huerta's 95th Birthday and recognize her remarkable achievements, as submitted by Supervisor Solis. (25-1978)

Dolores Huerta, Roy Humphreys, and Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

After discussion, on motion of Supervisor Solis, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Solis
Public Comment/Correspondence
Audio

3. Board of Supervisors Meeting Minutes for February 2025 and Special Districts for which the Board is the Governing Body, as recommended by the Executive Officer of the Board. NOTE: The minutes for the month of February 2025 can be found online at: https://lacounty.gov/sop/ (25-1695)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Policy Matters

The following are links to the applicable Cluster Meeting Agenda(s) and Transcript(s). (25-0008)

Attachments: Community Services Cluster Meeting Agenda
Community Services Cluster Meeting Transcript
Health and Mental Health Cluster Meeting Agenda
Health and Mental Health Meeting Transcript

4. Catalina Island Health: Preserving Los Angeles County's Only Critical Access Hospital

Recommendation as submitted by Supervisor Hahn: Approve and authorize the Director of Health Services, in consultation with County Counsel, to allocate in Fiscal Year (FY) 2024-25 $3,000,000 in one-time, available Measure B funding to be released to Catalina Island Health (CIH), to maintain emergency room operations and availability for specific, qualified Measure B purposes as allowable, execute the necessary agreements with CIH to include such approved funding for FY 2024-25, provided that, such agreements contain all provisions necessary to comply with proper reporting, monitoring, and oversight of the use of Measure B funds, and take all other necessary actions to disburse the funding to CIH; and approve an appropriation adjustment to transfer $3,000,000 in one-time funding from Appropriations for Contingencies to Private Facilities within the Measure B Special Revenue Fund Account and allow the Department of Health Services to provide funding to CIH through an approved contract agreement, in order to maintain critical medical care and emergency services on the island. **4-VOTES** (25-1724)

Interested person(s) submitted written testimony.

Supervisor Barger made a motion to amend Supervisor Hahn's motion to instruct the Director of Health Services to engage with the administration of Catalina Island Hospital and report back to the Board in writing within 90 days with an analysis of the hospital's Emergency Room operations, including a detailed breakdown of expenditures, staffing, services, and equipment; and provide technical assistance to Catalina Island Hospital regarding billing, reimbursement, and other administrative or operational needs related to the Emergency Room.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item, as amended, was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Hahn
Motion by Supervisor Barger
Report
Public Comment/Correspondence

5. Establishing a Unified Permitting Authority for the Altadena One-Stop Recovery Permitting Center

Revised recommendation as submitted by Supervisors Barger and Horvath: Direct the Chief Executive Officer, in coordination with County Counsel, and the Directors of Public Works, Regional Planning and Public Health, and the Fire Chief, to designate and establish a Unified Permitting Authority (UPA) who shall have the authority to make final determinations on residential rebuilding permit applications processed through the Altadena One-Stop Recovery Permitting Center for properties impacted by the Eaton Fire for the duration of the County's emergency declaration and recovery period, subject to the contents of the Memorandum of Understandings (MOUs) referenced below; direct the Chief Executive Officer to execute MOUs with the Departments of Public Works, Regional Planning, Public Health, and Fire, outlining the scope of delegated authority to the UPA, including authority to resolve interdepartmental permitting conflicts in real time, authority to make binding decisions on permit conditions, code interpretations, and regulatory discrepancies, and procedures for internal consultation, documentation, and appeal, if needed, with the duration of delegation of authority to be tied to the County's emergency declaration or recovery timeline; direct the Chief Executive Officer to report back to the Board in writing in 30 days with the name and qualifications of the appointed UPA, a summary of completed MOUs, and operational protocols and performance metrics for real-time decision-making, accountability, and coordination with Department staff, including public facing dashboards that provide transparency on the permitting process; and any additional recommendations that would further optimize and streamline the ability of County Departments to deliver expedited service to assist survivors with rebuilding, including any potential applicability to the Calabasas One-Stop Permitting Center; and direct all participating Departments to assign senior-level liaisons to the Altadena One-Stop Recovery Permitting Center, to support the UPA and ensure decisions are implemented without delay. (25-1960)

Scott Wilk addressed the Board. Interested person(s) also submitted written testimony.

Supervisors Barger and Horvath revised their joint motion as detailed above.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item, as revised, was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments:
Motion by Supervisor Barger (Exempt from Cluster)
Revised motion by Supervisors Barger and Horvath (Exempt from Cluster)
Revised motion by Supervisors Barger and Horvath (Exempt from Cluster)
Report
Public Comment/Correspondence
Audio

6. Proclaiming April 11, 2025 as "National Pet Day" and "Therapy Dog Appreciation Day" in Los Angeles County: Recognizing the Positive Impact of Pets on Mental Health

Recommendation as submitted by Supervisor Solis: Proclaim April 11, 2025 as "National Pet Day" and "Therapy Dog Appreciation Day" throughout Los Angeles County; instruct the Director of Mental Health to commemorate both National Pet Day and National Therapy Dog Appreciation Day and the positive impacts of pets on mental health by promoting the benefits of pets on mental health via social media, newsletter, and any other mediums available to the Department of Mental Health (DMH), including prescheduled in-person events as applicable in the days leading up to and following April 11, 2025, and including the Department of Animal Care and Control (DACC) in at least one May is Mental Health Month event in each Supervisorial District where they would provide on-site adoptions and promote this adoption opportunity broadly; and take the following actions:

Instruct the Director of Animal Care and Control to commemorate both National Pet Day and National Therapy Dog Appreciation Day by doing the following:

Uplifting the positive impact of pets on mental health via sharing content created by DMH that recognizes the benefits of pets on mental health via all avenues of external communication available to the Department, including animal care center specific social media;

Providing a discounted adoption promotion for pets 35 pounds and over in the weeks leading up to April 11, 2025 and the weeks following, as found feasible by DACC, additionally, provide a promotion for pets adopted at May is Mental Health Month events;

Elevate awareness about Backyard Breeding Policies, Pets Are Family Program, Pet Pantry service at Animal Care Centers, spay/neuter programs, and other pet ownership retainment programs across communication platforms and pre-scheduled in-person events for the April 11, 2025 commemoration and at DMH Mental Health Month events; and

Direct the Chief Executive Officer to uplift National Pet Day and National Therapy Dog Appreciation Day by promoting the adoption discount offered by DACC, and DMH messaging to County staff and to County communities by posting on social media and all other applicable communication outlets. (25-1760)

Kevin Smalley, Jennifer Elkins, Laura Lynn, Vanessa Bautista, Cindy Naveira, Mecedes Legaspi, Nathan Kruger, and Michelle Villagomez addressed the Board. Interested person(s) also submitted written testimony.

After discussion, on motion of Supervisor Solis, seconded by Supervisor Barger, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Solis
Public Comment/Correspondence
Audio

7. Amendment to the Exclusive Negotiating Agreement and Planning Document for the Expo/Crenshaw Station Site

Recommendation as submitted by Supervisor Mitchell: Authorize the Executive Director of the Los Angeles County Development Authority, to continue acting on behalf of the County, to execute an amendment to the Exclusive Negotiating Agreement and Planning Document (ENA) between the County and Expo Crenshaw Apartments II, LP, which includes the Richman Group of California Development Company LLC, an affordable housing developer, and the Housing Authority of the City of Los Angeles (collectively, Partnership), and extend the term of the ENA for one year, with a one-year extension option, if necessary; and find that the proposed actions are not a project pursuant to the California Environmental Quality Act. (Relates to Agenda No. 1-D) (25-1720)

Interested person(s) submitted written testimony.

At the suggestion of Supervisor Mitchell and on motion of Supervisor Hahn, seconded by Supervisor Horvath, this item was continued one week to April 15, 2025.

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Mitchell
Public Comment/Correspondence

ADMINISTRATIVE MATTERS 8 - 34

Chief Executive Office

8. Report on Options for Non-Pathway Home Funds

Report by the Executive Director of the Homeless Initiative, Chief Executive Office, and possible Board action, on options for non-Pathway Home Funds for remaining funding needed to restore Transitional Age Youth and Prevention items in the Fiscal Year 2025-26 Homeless Initiative Funding Recommendations after the use of $5,000,000 from Housing Acquisition, Housing Location, as requested at the Board meeting of March 25, 2025. (Continued from the meeting of 4-1-25) (25-1950)

Interested person(s) submitted written testimony.

On motion of Supervisor Barger, seconded by Supervisor Horvath, this item was continued one week to April 15, 2025.

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Report
Public Comment/Correspondence

9. Staffing Contract Amendments

Recommendation: Authorize the Alternate Public Defender, District Attorney, Fire Chief, Chief Medical Examiner, Chief Probation Officer, Public Defender, Sheriff, and the Directors of Aging and Disabilities, Animal Care and Control, Health Services, Internal Services, Mental Health, Parks and Recreation, Public Health, and Public Works, to enter into new contracts or amend existing contracts to secure supplemental personnel and other services necessary to protect the public health, safety, and welfare of County residents in the event of a labor work action or strike, including entering into new or amending existing personnel services contracts to augment existing rates of payment, waive standard contract terms and conditions such as insurance and indemnification, and take any other necessary contracting actions to ensure the continuity of critical services during a work action or strike; authorize the Director of Health Services, to negotiate payment rates that exceed those outlined in Los Angeles County Code Section 2.76.350 - Medical Care, Hospital Care and Public Assistance-Costs to Be Collected by County-Reduced-Cost/No-Cost Plans; and authorize the Director of Health Services to transfer patients to private or other suitable healthcare facilities and reimburse those providers at prevailing or market rates in anticipation of or during any work action. (Continued from the meeting of 4-1-25) (25-1773)

Interested person(s) submitted written testimony.

On motion of Supervisor Hahn, seconded by Supervisor Horvath, this item was continued one week to April 15, 2025.

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

10. Department of Public Health Lease Agreement

Recommendation: Authorize the Chief Executive Officer to execute a proposed ten-year lease with Onni Brand Limited Partnership, a Delaware limited partnership (Landlord), for the Department of Public Health's (DPH's) use of approximately 12,245 sq ft of office space and 50 on-site parking spaces located at 611 North Brand Boulevard, Suite 1150 in Glendale (5), with an estimated maximum first-year base rental amount of approximately $471,000, but with a two-month rent abatement of about $79,000, and parking costs of $60,000 will equal $452,000, and an estimated total proposed lease amount, including costs for Tenant Improvements (TIs) and low-voltage costs, of $8,823,000 over the ten-year term, the rental costs will be 100% funded by State funds that is already included in DPH's existing budget, and DPH will not be requesting additional Net County Cost; find that the proposed lease is exempt from the California Environmental Quality Act; and take the following actions:

Authorize the Chief Executive Officer to reimburse the Landlord up to $1,103,000 for the County's TI contribution, if paid in lump sum or $1,345,000, if amortized over five years at 8% interest per annum;

Authorize the Director of Public Health to contract with, and instruct the Director of Internal Services, in coordination with the Chief Executive Officer, for the acquisition and installation of telephone, data, and low-voltage systems and vendor installation (Low Voltage Items) at a total amount not to exceed $1,257,000 if paid in a lump sum, or $1,530,000, if amortized over five years at 8% interest per annum, the cost for the Low Voltage Items is in addition to the rental costs and the County's TI contribution payable to the Landlord; and

Authorize the Chief Executive Officer to execute any other ancillary documentation necessary to effectuate the terms of the proposed lease, and take actions necessary and appropriate to implement the terms of the proposed lease including, without limitation, exercising any early termination rights and options to extend the term at market rent. (25-1767)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

11. Fire Department Lease Agreement

Recommendation: Authorize the Chief Executive Officer to execute a proposed seven-year lease with PROLOGIS, LP, a Delaware limited partnership (Landlord), for the Fire Department's continued use of approximately 31,355 sq ft of office space and 124 on-site parking spaces located at 5801 South Eastern Avenue in the City of Commerce (4), at an estimated maximum first-year base rental amount of approximately $922,000, but with a four-month rent abatement of about $308,000, will equal $614,000, and an estimated total proposed lease amount of $6,769,000 over the seven-year term, the Fire Department, as a Special District, is funded independently from the County's General Fund, and relies primarily on property tax revenue to provide essential fire protection and life safety services, the proposed lease costs are already included in the Fire Department's existing budget and the Department will not be requesting additional Net County Cost; authorize the Chief Executive Officer to execute any other ancillary documentation necessary to effectuate the proposed lease, and take actions necessary and appropriate to implement the proposed lease including, without limitation, exercising any early termination rights; and find that the proposed lease is exempt from the California Environmental Quality Act. (25-1769)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

12. Department of Public Health Lease Amendment

Recommendation: Authorize the Chief Executive Officer to execute a proposed lease amendment, with 9800 La Cienega, LLC, a California limited liability company (Landlord), for the Department of Public Health's (DPH's) continued use of approximately 4,854 sq ft of office space and 27 on-site parking spaces located at 9800 La Cienega Boulevard, Suite 850 in the City of Inglewood (2), at an estimated maximum first-year base rental amount of $146,000, but with a one-month rent abatement of about $13,000, will equal $133,000, and the estimated total proposed lease amendment amount, including parking, is $566,000 over the three-year term, 100% funded by revenue generated from license and permit fees that is already included in DPH's existing budget, and DPH will not be requesting additional Net County Cost; authorize the Chief Executive Officer to execute any other ancillary documentation necessary to effectuate the terms of the proposed lease amendment and take actions necessary and appropriate to implement the proposed lease amendment; and find that the proposed lease amendment is exempt from the California Environmental Quality Act. (25-1768)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

13. Employee Retirement Contribution Rates for Public Employees' Pension Reform Act of 2013 Defined Benefit Plans Adjustments

Recommendation: Adopt the employee retirement contribution rate changes for the Los Angeles County Employee Retirement Association defined benefit plans established pursuant to the Public Employees' Pension Reform Act of 2013, effective July 1, 2025, for all represented and non-represented employees who are members of General Member Plan G or Safety Member Plan C; and instruct the Auditor-Controller to make the system changes necessary to implement the recommendations. (Relates to Agenda No. 25) (25-1766)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

County Operations

14. January 2025 Windstorm and Critical Fire Events Bi-Weekly Emergency Contracts Report

Recommendation: Review the emergency actions ordered and taken by the Director of Internal Services, under delegated authority by the Board, acting as both the County and the Governing Body of various Districts, under Board Order No. 13-C of January 28, 2025, to respond to and recover from the January 2025 Windstorm and Critical Fire Events, including the Palisades Fire, Eaton Fire, Hurst Fire, Kenneth Fire, and multiple other fires (LA County Fires) (1, 3 and 5) and actions enumerated in the aforementioned authorities (Actions), without giving notice for bids to let contracts, and determine that there is a need to continue the emergency Actions; find that there is substantial evidence that the January 2025 Windstorm and Critical Fire Events continue to constitute an emergency pursuant to Public Contract Code Section 22050, which requires that immediate action be taken to cleanup and reconstruct public property, buildings, facilities, and infrastructure because the emergency does not permit the delay resulting from a formal competitive solicitation of bids and/or proposals to procure construction, materials, equipment and services for projects and initiatives necessary to respond to and recover from the LA County Fires; and find that authority should, therefore, continue to be delegated to the Director of Internal Services to amend or extend and supplement existing as-needed or on-call contracts without giving notice for bids to let contracts related to facilities and related support services, and to award new contracts for response to and recovery from the LA County Fires, and such contracts should be issued because they are necessary to respond to the emergency. **(Internal Services Department) 4-VOTES** (25-1148)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

15. McCourtney Juvenile Justice Playground Refurbishment Project

Recommendation: Establish and approve the proposed McCourtney Juvenile Justice Playground Refurbishment Project, Capital Project No. 8A088 (Project), located at 1040 West Avenue J in the City of Lancaster (5), with a total budget of $488,000; approve an appropriation adjustment to transfer $419,000 from the Department of Children and Family Services Operating budget to the proposed Project; authorize the Director of Internal Services to deliver the proposed Project using a Board-approved Job Order Contract; and find that the proposed Project is exempt from the California Environmental Quality Act. **(Internal Services Department)** (25-1740)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Health and Mental Health Services

16. Central Fill Pharmacy and Automation System Sole Source Agreement Amendment

Recommendation: Authorize the Director of Health Services to execute an amendment to a sole source agreement (Current Agreement) with Cardinal Health Pharmacy Services, LLC, (Cardinal), to extend the term for a period not to exceed one year through April 30, 2026, with an estimated Maximum Contract Amount (MCA) of $5,329,685 for the full extension period, for the continued provision of a Central Fill Pharmacy and Automation System for the Department of Health Services' outpatient pharmacies, and effect termination of the Current Agreement upon execution of a superseding successor agreement with Cardinal (Successor Agreement); and authorize the Director to take the following actions: **(Department of Health Services)**

Execute a successor agreement with Cardinal, effective upon execution by May 1, 2026 through April 30, 2028, with two one-year extension options through April 30, 2030, with an estimated MCA of $31,500,000, which includes the estimated MCA for the full extension period of the Current Agreement plus the Successor Agreement, and terms that may deviate from County standard contractual terms including, but not limited to, terms involving indemnification, subject to the availability of adequate funding; and

Execute amendments to the Current Agreement and Successor Agreement in accordance with the respective terms of each agreement to add, delete and/or modify terms and conditions as required by law, County policy or the Board, modify the agreements, including scope of services, for operational efficiencies and to address changes in service needs or requirements, with corresponding changes to the pricing terms, if applicable, incorporate and/or revise non-substantive and administrative provisions, increase and otherwise adjust rates and fees by up to 10% annually to account for changes in technology, unanticipated work, including unexpected increases in the volume of prescription refills and direct patient mail delivery costs, and to remain competitive with market rates, with corresponding adjustments to the MCA, exercise the extension options, if any, and effect termination of each agreement. (25-1745)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

17. 9-1-1 Emergency Operating Area Services Agreements Resolution

Recommendation: Adopt and instruct the Chair to sign a resolution to support the 9-1-1 Emergency Operating Area service agreements as required by the California Health and Safety Code Section 1979.230(c). **(Department of Health Services)** (25-1746)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

18. Radiology Equipment for Los Angeles General Medical Center Sole Source Acquisition

Recommendation: Authorize the Director of Internal Services, as the County's Purchasing Agent, to proceed with the sole source acquisition to replace one current Aquilion One Prism Edition CT scanner and an additional Emergency Room CT scanner, for the Department of Health Services' Los Angeles General Medical Center (1), with a total estimated amount of $3,710,000. **(Department of Health Services)** (25-1744)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

19. Continue the Declared Local Health Emergency for the January 2025 Critical Fire Events

Recommendation: Adopt and instruct the Chair to sign a resolution to continue the local health emergency declared on January 10, 2025 due to the January 2025 Windstorm and Critical Fire Events. **(Department of Public Health)** (25-1765)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Family and Social Services

20. Los Angeles County Area Agency on Aging Fiscal Year 2025-26 Area Plan Update

Recommendation: Approve the Fiscal Year (FY) 2025-26 Area Plan Update; and authorize the Director of Aging and Disabilities to sign the letter of transmittal on behalf of the Chair, and submit the FY 2025-26 Area Plan Update to the California Department of Aging. **(Department of Aging and Disabilities)** (25-1889)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Community Services

21. January 2025 Windstorm and Critical Fire Events Bi-Weekly Emergency Contracts Report

Recommendation: Review the emergency actions ordered and taken by the Director of Public Works, under delegated authority by the Board, acting as both the County and the Governing Body of various Districts, under Board Order No. 13-C of January 28, 2025, to respond and recover from the January 2025 Windstorm and Critical Fire Events, including the Palisades Fire, Eaton Fire, Hurst Fire, Kenneth Fire, and multiple other fires (LA County Fires) (3 and 5), and actions to repair or replace public facilities, actions directly related and immediately required by the emergency, and actions to procure the necessary equipment, services and supplies for such purposes (Actions), without giving notice for bids to let contracts, and determine that there is a need to continue the emergency Actions; find that there is substantial evidence that the January 2025 Windstorm and Critical Fire Events continue to constitute an emergency pursuant to Public Contract Code Section 22050, which requires that immediate action be taken to cleanup and reconstruct public property, buildings, facilities, and infrastructure because the emergency does not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to respond to and recover from the LA County Fires; and find that authority should, therefore, continue to be delegated to the Director of Public Works to amend or extend and supplement existing as-needed or on-call contracts without giving notice for bids to let contracts, and to award new contracts for response to and recovery from the LA County Fires, and such contracts should be issued because they are necessary to respond to the emergency. **(Department of Public Works) 4-VOTES** (25-1149)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

Public Safety

22. Report on the Progress of Closing Men's Central Jail

Report by the Jail Closure Implementation Team on the progress towards closing Men's Central Jail, based on the implementation plans, as requested at the Board Meeting of April 9, 2024. (Continued from the meeting of 4-1-25) (24-0695)

Sabreen Abdulrahman, Khadijah Shavazz, Peter Eliasberg, Sadio Woods, Paloma Serna, Anthony Arenas, Debra Smith, James Nelson, Emma Rosen, Ysenia Bonilla, Helen Jones, Byron Jose, Berklee Donavan, Melissa Camacho, Vanessa Perez, and other interested persons addressed the Board. Interested person(s) also submitted written testimony.

Wilford Pinkney, Executive Director, Jail Closure Implementation Team, Chief Executive Office, made a presentation and responded to questions posed by the Board. Fesia Davenport, Chief Executive Officer, Chidinma Ume, Deputy Executive Director, Jail Closure Implementation Team, and Maggie Carter, Chief DOJ Compliance Officer, Chief Executive Office, also responded to questions.

After discussion, by Common Consent, there being no objection, the report was received and filed.

Ayes: 3 - Supervisor Solis, Supervisor Horvath and Supervisor Hahn

Absent: 2 - Supervisor Mitchell and Supervisor Barger

Attachments: Presentation
Report
Public Comment/Correspondence
Audio

23. Mandated Medi-Cal Reentry Demonstration Project Awards

Recommendation: Authorize the Chief Probation Officer and the Sheriff, to accept CalAIM Justice-Involved Initiative called the (CalAIM JI) awards from the California Department of Health Care Services, such authority includes the ability of either Department to execute agreements or other documents necessary to obtain such funding; and amend existing contracts, enter into new contracts, or terminate such contracts to use Providing Access and Transferring Health funding to advance CalAIM JI at an amount not to exceed each Department's respective funding awards. **(Probation Department and Sheriff's Department)** (25-1759)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

24. As-Needed Maintenance and Support Services Sole Source Contract Amendment

Recommendation: Approve and instruct the Chair to sign an amendment to a contract with MLQ & LO Consulting LLC, with a contract amount not to exceed $300,000, to extend the term for one year, commencing upon execution, through and including April 7, 2026, at no Net County Cost, 100% funded by revenue generated from civil-enforcement service fees mandated and earmarked by State law, for the continued provision of as-needed maintenance and support services for the Sheriff Department's Modified Automated Process and Accounting System, a 30-year old custom-built system used to support the Department's civil-enforcement functions; and authorize the Sheriff to terminate the contract for convenience, either in whole or in part, if necessary, with 10 calendar days advance written notice following the Department's successful implementation of the replacement system. **(Sheriff's Department)** *(NOTE: The Chief Information Officer recommended approval of this item.)* (25-1757)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Agreement No. 79065, Supplement 1

Miscellaneous

25. New Retirement Contribution Rates

Los Angeles County Employees Retirement Association's (LACERA) recommendation: Adopt the revised employer and employee retirement contribution rates approved by the LACERA Board of Investments, effective between July 1, 2025 and September 29, 2025; and instruct the Auditor-Controller to make the system changes necessary to implement this recommendation. (Relates to Agenda No. 13) (25-1758)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

26. Settlement of the Matter Entitled, Aaron, Malik, et al. v. Target Corporation, et al.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled, Aaron, Malik, et al. v. Target Corporation, et al., United States District Court Case No. 2:22-CV-01237 in the amount of $150,000; and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of civil rights violations, excessive force, and false imprisonment involving a Sheriff's Deputy. (25-1738)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

27. Settlement of the Matter Entitled, Olivas, Andre v. County of Los Angeles, et al.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled, Olivas, Andre v. County of Los Angeles, et al., United States District Court Case No. 2:21-CV-09509, in the amount of $750,000; and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force, unreasonable search and seizure, violation of the Bane Act, and intentional infliction of emotional distress involving Sheriff's Deputies. (25-1736)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

28. Settlement of the Matter Entitled, Lauren Millstein v. County of Los Angeles, et al.

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled, Lauren Millstein v. County of Los Angeles, et al., United States District Court Case No. 2:21-cv-02623, in the amount of $185,000; and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This class-action failure to pay overtime lawsuit concerns allegations that the Sheriff's Department failed to compensate 17 custody assistants for hours worked. (25-1756)

Eric Preven addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

29. Settlement of the Matter Entitled, Lisa Vargas v. County of Los Angeles, et al.

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled, Lisa Vargas v. County of Los Angeles, et al., United States District Court Case No. 2:19-cv-03279, in the amount of $3,000,000; and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This Federal civil rights lawsuit arises from the death of the Plaintiff's son after Sheriff's Department deputies attempted to take the decedent into custody. (25-1754)

Eric Preven, Anthony Arenas, Allison Rubinfield, Minerva Garcia, Stephanie Luna, Valerie Vargas, and Marcella Rosen addressed the Board. Interested person(s) also submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence
Audio

30. Las Virgenes Unified School District Levying of Taxes

Request from the Las Virgenes Unified School District (District): Adopt a resolution authorizing the County to levy taxes in an amount sufficient to pay the principal of, and interest on, the District's Election of 2022 General Obligation Bonds, Series B (Bonds), in an aggregate principal amount not to exceed $85,000,000; and direct the Auditor-Controller to place on the 2025-26 tax roll, and all subsequent tax rolls, taxes sufficient to fulfill the requirements of the debt service schedule for the Bonds that will be provided to the Auditor-Controller by the District following the sale of the Bonds. (25-1761)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

31. Rio Hondo Community College District Levying of Taxes

Request from the Rio Hondo Community College District (District): Adopt a resolution authorizing the County to levy taxes in an amount sufficient to pay the principal of, and interest on, the District's General Obligation Bonds 2024 Election, 2025 Series A (Bonds), in an aggregate principal amount not to exceed $230,000,000; and direct the Auditor-Controller to place on the 2025-26 tax roll, and all subsequent tax rolls, taxes sufficient to fulfill the requirements of the debt service schedule for the Bonds that will be provided to the Auditor-Controller by the District following the sale of the Bonds. (25-1755)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

Miscellaneous Additions

32. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda. (12-9995)

32-A. Establishing Financing Solutions to Support Altadena Recovery

Recommendation as submitted by Supervisor Barger: Direct the Chief Executive Officer, through the Legislative Affairs and Intergovernmental Relations Branch, to sponsor Senate Bill 782 (Perez), legislation that would amend existing Enhanced Infrastructure Financing District and Climate Resilience District law to expedite the process for establishing a district to finance disaster recovery projects and programs and address the risk of future disasters; and if the bill is amended during the legislative session to include language unrelated to the current scope, the County will remove its sponsorship. (25-2115)

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Barger (Exempt from Cluster)
Public Comment/Correspondence

32-B. Motion to Proclaim April 2025 as "County Volunteer Month" throughout Los Angeles County, as submitted by Supervisor Barger. (25-2114)

Eric Preven addressed the Board.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Motion by Supervisor Barger
Public Comment/Correspondence

II. SEPARATE MATTER 35

35. Reemploy a Retired County Employee on a Temporary Basis

Recommendation: Authorize the Director of Aging and Disabilities to immediately reemploy Mr. Jorge Merchan as a 120-day temporary employee upon Board approval, and grant an exception to the 180-day waiting period required under the California Public Employees' Pension Reform Act of 2013, as Mr. Merchan's expertise is critical; and approve the request to allow Mr. Merchan to be reemployed as a 120-day retiree at a salary level commensurate with his assignment for up to 960 total hours in each of the Fiscal Years 2024-25 and 2025-26. **(Department of Aging and Disabilities)** (25-1890)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

III. SPECIAL DISTRICT AGENDA

STATEMENT OF PROCEEDINGS FOR THE MEETING OF THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY TUESDAY, APRIL 8, 2025 9:30 A.M.

1-D. Amendment to the Exclusive Negotiating Agreement and Planning Document for the Expo/Crenshaw Station Site

Recommendation as submitted by Supervisor Mitchell: Authorize the Executive Director of the Los Angeles County Development Authority, to serve as the agent of the County, to execute an amendment to the Exclusive Negotiation Agreement and Planning Document (ENA), between the County and Expo Crenshaw Apartments II, LP, which includes the Richman Group of California Development Company LLC, an affordable housing developer, and the Housing Authority of the City of Los Angeles (collectively, Partnership), and extend the term of the ENA for one year, with a one-year extension option, if necessary; and find that the proposed actions are not a project pursuant to the California Environmental Quality Act. (Relates to Agenda No. 7) (25-1770)

Interested person(s) submitted written testimony.

At the suggestion of Supervisor Mitchell and on motion of Supervisor Hahn, seconded by Supervisor Horvath, this item was continued one week to April 15, 2025.

Ayes:	4 -	Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger
Absent:	1 -	Supervisor Mitchell

Attachments: Motion by Supervisor Mitchell
Public Comment/Correspondence

2-D. Board Budget System Application Support and Enhancement Implementation Services Contract

Recommendation: Authorize the Executive Director of the Los Angeles County Development Authority to execute a contract with Neubrain, LLC to provide Board Budget System Application Support and Enhancement Services (Services) for the Los Angeles County Development Authority's (LACDA's) Operating Budget System and related services for LACDA for a five-year term, with a maximum contract amount not to exceed $944,755.25, which is comprised of $878,524.94 for ongoing support and upgrades, and $66,230.31, for Pool Dollars for additional Services, with Pool Dollar expenditures to be authorized through issuance of change notices and/or amendments, as applicable; find that approval of a contract is not subject to the California Environmental Quality Act; and authorize the Executive Director to take the following actions: *(NOTE: The Chief Information Officer recommended approval of this item.)*

Execute amendments to the contract to add, delete, and/or change certain terms and conditions as mandated by Federal, State, or local law or regulations or as required by the Board and/or Executive Director, which are not part of the Statement of Work (SOW), internally reallocate funds between budget pools within the contract, approve assignment and delegation of the contract, resulting from acquisitions, mergers, or other changes in ownership, terminate the contract for convenience, if necessary, and make changes to the SOW as operationally necessary; and

Execute change notices or amendments to the contract to increase the maximum contract amount by no more than $85,866.84 (10%) based on any unanticipated increases in work volume or special projects. (25-1753)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

3-D. Agency Plan for the Los Angeles County Development Authority

Recommendation: Approve the Los Angeles County Development Authority's (LACDA's) Agency Plan which consists of an Annual Plan for Fiscal Year (FY) 2025-26 and a Five-Year Plan for FY's 2025-30 (Agency Plan), as required by the United States Department of Housing and Urban Development (HUD), to update LACDA's program goals, major policies and financial resources, including the Admissions and Continued Occupancy Policy for the Public Housing Program, and the Housing Choice Voucher Program Administrative Plan; adopt and instruct the Chair to sign a resolution approving the Agency Plan for submission to HUD, authorize the Executive Director of the Los Angeles County Development Authority to take all actions required for the implementation of the Agency Plan, and execute all documents required to receive HUD allocated 2025 Capital Fund Program grant funds, incorporate into the Agency Plan all public comments received and approved for inclusion by the Board, and submit the Agency Plan to HUD by April 17, 2025; and find that approval of the Agency Plan is not subject to the California Environmental Quality Act. (25-1737)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

4-D. Los Angeles County Development Authority Meeting Minutes for February 2025, as recommended. NOTE: The minutes for the month of February 2025 can be found online at: https://lacounty.gov/sop/ (25-1694)

Interested person(s) submitted written testimony.

On motion of Supervisor Horvath, seconded by Supervisor Hahn, this item was duly carried by the following vote:

Ayes: 4 - Supervisor Solis, Supervisor Horvath, Supervisor Hahn and Supervisor Barger

Absent: 1 - Supervisor Mitchell

Attachments: Board Letter
Public Comment/Correspondence

IV. CLOSED SESSION MATTERS FOR APRIL 8, 2025

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Paragraph (2) of subdivision (d) of Government Code Section 54956.9)

Significant exposure to litigation (one case).

In open session, this item was continued one week to April 15, 2025. (25-1458)

Attachments: Public Comment/Correspondence

CS-2. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency designated representatives: Fesia Davenport, Chief Executive Officer and designated staff.

Employee Organization(s) for represented employees: All individual member unions of the Coalition of County Unions, AFL CIO; SEIU, Local 721; All affiliated member unions of SEIU; All affiliated member unions of AFSCME Council 36; Los Angeles County Deputy Public Defenders Union; Program Managers Association; Child Support Attorneys; Supervising Child Support Officers; and Probation Directors.

No reportable action was taken. (25-1693)

Attachments: Public Comment/Correspondence

Report of Closed Session (CSR-25)

Attachments: Audio Report of Closed Session 4/8/25

V. GENERAL PUBLIC COMMENT 36

36. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

Emi Guzman, Roy Humphreys, Anthony Arenas, Bennie Moore, Peter Enzminger, Rosa Andreson, Carmen Roberts, Maria Torres, Mark Obrien, Vanessa Perez, Javier Garcia, James Hart, Skye Jones, Minerva Garcia, Caron Reid, Valerie Vargas, Sadio Wood, Helen Jones, Genevieve Romero, James Nelson, Janet Asante, and Rako Bunton addressed the Board. Interested person(s) also submitted written testimony. (25-2185)

Attachments: Public Comment/Correspondence
Audio

VI. ADJOURNMENT 37

37. On motions duly seconded and unanimously carried, the meeting was adjourned in memory of the following persons:

Supervisor Horvath
Val Kilmer
Joan S. Leibman
Steven Sittig
Ron Sossi

Supervisor Hahn
Billie Cahill
Nancy Bea Hefley
Reverend Earl Neal

Supervisor Barger
Anahit Babakhanyan
Hailey Marie Okula (25-2186)

CLOSING 38

38. Open Session adjourned to Closed Session at 11:08 a.m. following public comment:

CS-1
Confer with labor negotiators, pursuant to Government Code Section 54957.6

Agency designated representatives: Fesia Davenport, Chief Executive Officer and designated staff.

Employee Organization(s) for represented employees: All individual member unions of the Coalition of County Unions, AFL CIO; SEIU, Local 721; All affiliated member unions of SEIU; All affiliated member unions of AFSCME Council 36; Los Angeles County Deputy Public Defenders Union; Program Managers Association; Child Support Attorneys; Supervising Child Support Officers; and Probation Directors.

Closed Session convened at 11:10 a.m. Present were Supervisors Hilda L. Solis, Lindsey P. Horvath, Janice Hahn and Kathryn Barger, Chair presiding. Absent was Supervisor Holly J. Mitchell.

Closed Session adjourned at 12:04 p.m. Present were Supervisors Hilda L. Solis, Lindsey P. Horvath, Janice Hahn and Kathryn Barger, Chair presiding. Absent was Supervisor Holly J. Mitchell.

Open Session reconvened at 12:06 p.m. for the purpose of reporting actions taken in Closed Session. Present were Supervisors Hilda L. Solis, Lindsey P. Horvath, Janice Hahn and Kathryn Barger, Chair presiding. Absent was Supervisor Holly J. Mitchell.

On motion by Supervisor Solis, and by Common Consent, there being no objection (Supervisors Mitchell and Barger being absent), the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts, adjourned its meeting at 2:08 p.m.

The next Regular Meeting of the Board will be Tuesday, April 15, 2025, at 9:30 a.m. (25-2206)

The foregoing is a fair statement of the proceedings of the regular meeting held April 8, 2025, by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

Edward Yen, Executive Officer
Executive Officer-Clerk
of the Board of Supervisors

By _____

Adela Guzman
Assistant Chief
Board Services Division

EXHIBIT AA

Brookings Metro

OCTOBER 2023

DISASTERS AND THE RENTAL HOUSING COMMUNITY:

SETTING A RESEARCH AND POLICY AGENDA

CARLOS MARTÍN Harvard University Joint Center for Housing Studies and Brookings Institution

RACHEL DREW Enterprise Community Partners

ANTHONY ORLANDO California State Polytechnic University at Pomona

JENNIFER MOODY Georgia State Department of Community Affairs

SEVA RODNYANSKY Occidental College

BRIAN AN Georgia Institute of Technology

ANDREW JAKABOVICS Enterprise Community Partners

NOAH PATTON National Low Income Housing Coalition

MANANN DONOGHOE Brookings Institution

The research included in this report was made possible through funding by the Walmart Foundation. The findings, conclusions, and recommendations presented in this report are those of the Brookings Institution and its partners alone, and do not necessarily reflect the opinions of the Walmart Foundation.

EXECUTIVE SUMMARY

The nation's system for managing disasters is broken. Hurricanes, wildfires, earthquakes, and related emergencies caused by increasingly severe and frequent effects from fossil-fuel-induced global climate change can have massive health and financial consequences for communities. Our current disaster management system relies on local, state, and—increasingly—federal resources to support disaster preparedness and mitigation efforts before a disaster; provide evacuation, safety, and relief during; and support rebuilding and recovery after. Yet gaps in public responses to disasters hold especially true for renters, rental properties, and rental housing stakeholders. Renter conditions—the availability, affordability, and quality of rental housing units throughout this timeframe—are a key indicator of climate and disaster vulnerability. And despite renters accounting for over one-third of U.S. households, funding and programming across all disaster stages still disproportionately serve single-family homeowners.

There have been calls for "disaster justice" over the last decade, often as an offspring of environmental and housing activism. But equitable disaster processes, outputs, and outcomes have remained poorly defined. To ensure that renters' voices are at the center of any policy or evidence-building agendas, scholars and policy analysts affiliated with the Brookings Institution and Enterprise Community Partners—with generous support from the Walmart Foundation—developed an overview of the key challenges in practice, policy, and evidence on the subject of renters and the disaster continuum, from hazard relief and response through recovery to longer-term hazard mitigation and resilience. The team also hosted a full-day, invitation-only convening of local grassroots tenant organizations, rental housing providers, and regional housing advocates at the Brookings Institution in Washington, D.C. on July 20, 2023, to answer the question: How can tenants and landlords be better served in programs across the public disaster management system?

We approach this challenge comprehensively, starting by including renters at the table. We center renters' perspectives, incorporating their lived experiences into the evidence base when making recommendations about policy that affects their lives. Drawing on this experience, along with additional research, we offer recommendations for tweaks and transformations to practices among local civic organizations, disaster and housing service providers, and responsible government agencies to center the renters who form a significant portion of their resident and survivor populations. These recommendations include: 1) universal renter protections; 2) the prioritization of low-income renters of all kinds in all disaster programs; and 3) requirements for state and local governments to enforce tenant protections and support tenants and rental housing in exchange for access to federal disaster funding. This document narrates the preliminary research and agenda-setting developed for the convening, describes the convening's multiple conversations, and outlines recommendations drawn from workshop participants for improving policy and research.

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Background

When it comes to housing, renters, rental property owners and developers, and rental housing markets are the neglected sibling in our nation's disaster management policies. Insurers—including federal- and state-managed policies—prioritize real property in hazard coverage. Long-term recovery funds are overwhelmingly used to make homeowners whole, but not renters.[1] Even hazard mitigation programs have disproportionately served homeowners over renters, though renters account for over one-third of all U.S. households. The disaster policy continuum, from pre-disaster mitigation through hazard relief and response to recovery and longer-term resilience, has sorely neglected the availability, affordability, and quality of rental housing units before, during, and after disasters—even in places where they have long been a concern for advocates and policymakers.

Indeed, disaster researchers identified housing tenure—and particularly, renter status—as a key indicator of disaster vulnerability over two decades ago.[2] However, only recently has there been an increase in empirical study on the effect of disasters on this population.[3] For example, one federal study of the variation in damages across housing types in Louisiana after Hurricane Katrina estimated that 29% of units in the homeowner stock were damaged, compared with 35% of rental housing units—but 62% of damaged homeowner units and only 18% of damaged rental units were provided with disaster recovery assistance.[4]

Despite these studies of individual disasters, a clear picture of housing conditions across all types of disasters and varying segments of local housing markets eludes us. The empirical gap extends to different renters and outcomes (especially low-income households' financial well-being), for various rental properties by size and ownership structure, and in different housing markets, from tight urban regions to rural communities with few rental options. In witnessing the potentially displacing effects of disasters on renters, policymakers at all levels of government have implemented program rules and regulations to address these survivors, albeit sporadically. Local governments have often focused on evacuation and sheltering plans for multifamily housing residents, including low-income elderly tenants and residents with disabilities. States have set temporary rent price moratoria. The Department of Housing and Urban Development (HUD) also began imposing rental development requirements for federal aid in the post-Katrina era.

However, disaster relief and response strategies only partially consider how renters and rental housing providers are more likely to slip through the cracks of post-disaster assistance programs because of their reduced social, financial, and physical capital. Consequently, renters' challenges compound: The loss of rental housing to disaster impacts—along with increased demand from homeowners with damaged properties and disaster aid workers for short-term housing—leaves renters competing for a smaller supply of available housing than before the disaster. Rental property owners, meanwhile, are eligible to receive federal recovery funding, but may not be obligated to continue renting to former residents or maintain prior levels of affordability. Combined, these effects can put renters at a significant disadvantage following a disaster. With renters occupying an older housing stock than homeowners (which is even more acute for assisted and public housing residents), opportunities to mitigate for the next disaster—and make renters truly resilient throughout the disaster continuum and its cycles—are desperately needed.[5]

Defining the challenges

To address these challenges, we must first consider who and what is at stake.

RENTAL HOUSING

We begin by defining the specific outcomes of interest in the rental community, starting with the renter households themselves, then understanding the rental housing inventory in different regions, followed by the responsibilities of rental property owners, managers, and related professionals.

Renters

We include all renters regardless of housing type (single-family homes, multifamily housing of various sizes, or manufactured housing) or their units' financing and ownership structure (public, assisted, or market rate housing). The exception to this broad net is our focus on low- and moderate-income renters. We focus on housing outcomes (rental cost burdens and housing stability) along with other life outcomes such as health, children's education, and financial wealth across the disaster cycle. We adopt this focus because renters are more likely than homeowners to live in older housing, to be cost-burdened by housing, to be uninsured, and to be rejected for federal individual disaster assistance. The situation is worse for renters with more complex needs; for example, those with disabilities, who face even more acute challenges during and immediately after disaster events.[6]

Rental stock

The availability (number of rental units), affordability (pricing), and quality (structural and hazard deficiencies) of the local rental housing inventory determine a range of disaster outcomes, including whether a home can withstand a hazard, whether a tenant with a disability can be evacuated from their apartment, and how quickly a family can find new homes that meet all their needs. Geographically, we define a local rental market as the landscape of available housing that would allow a renter to maintain a similar life and livelihood, if not better, after a disaster occurs. Typically, this is the pool of rental housing in a metropolitan region. We include all segments of the rental stock by structure or ownership type and assistance status, again focusing on the stock affordable to low- and middle-income households.

Rental owners

The importance of owners maintaining their rental properties, assisting their tenants, and rebuilding or improving them to offer a fair and decent home during and after a disaster in every region of the country cannot be overstated for the well-being of renters. Like for the renter group, we are concerned with owners regardless of property type (public, assisted, and market rate) but also regardless of ownership structure and financial interest (from an individual owner-occupier through corporate rental developers, investors, and management companies).

DISASTER CYCLES

We have categorized the stages of disasters into three groups in relation to the rental housing community along the timeline before, during, and after a disaster event (Figure 1). Different state and federal resources, staffing, and programs are available at each phase.

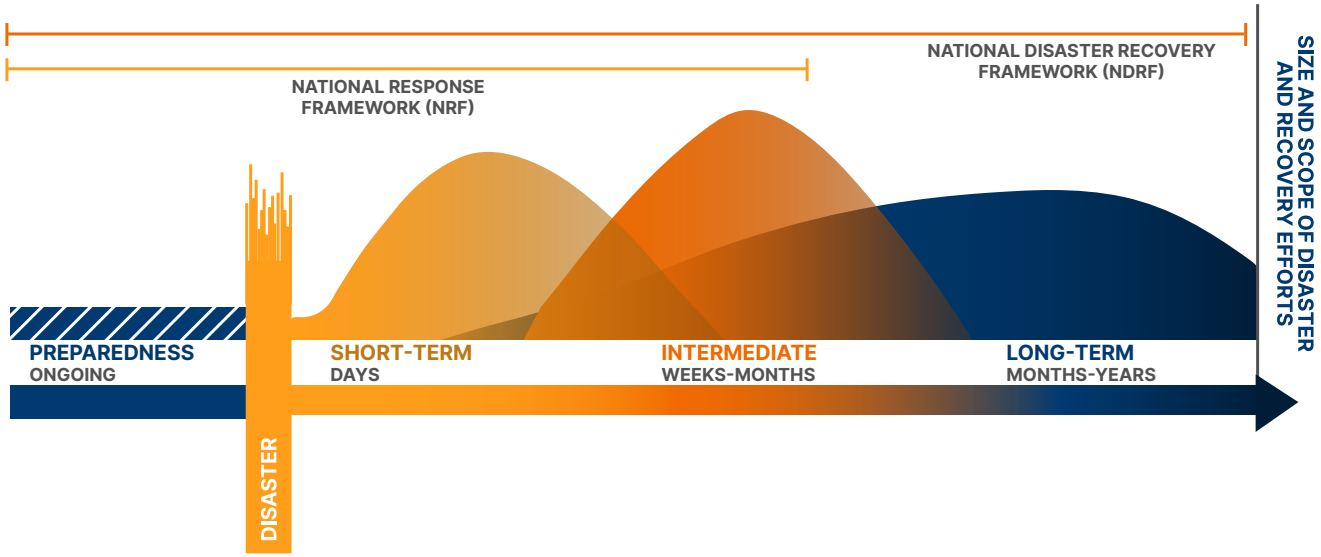
Preparedness, response, and relief

The activities that occur in rental housing immediately before, during, and up to three months after a disaster event—and the things that renters can do or are empowered to do to prepare for future disasters—will vary by place and even across individual dwellings. Evacuations,

temporary shelters, and immediate health hazards can be determined by whether the renter and the property owner have sufficient information to assist local disaster officials and have kept up with basic repairs and maintenance (including repairs from past disasters) that increase preparedness.

FIGURE 1

Disaster lifecycle timeframe



SOURCE: Authors' modification to "Recovery Continuum" Diagram in FEMA (2016). National Disaster Recovery Framework. Washington, DC: Federal Emergency Management Agency: https://www.fema.gov/sites/default/files/2020-06/national_disaster_recovery_framework_2nd.pdf

Voluntary cooperation between landlords and disaster first responders to help identify medically challenged tenants that would need special assistance for evacuation and shelter has been implemented in several high-risk areas, such as New Orleans. Other protections, such as post-disaster eviction moratoria or anti-rent-gouging laws, will often determine whether and how quickly renters can return to a semblance of normalcy, even where rental housing crises already existed. Combined with tenant and community programming that could support preparedness awareness campaigns and neighborhood social networks, these practical considerations are particularly acute for renters. This—the shortest of all disaster phases under this project—can determine life or death for a renter. It can also define a rental market for years to come, along with owners' responsibilities for assisting their tenants and enabling residents to reoccupy quickly after harm has passed.

Recovery

The primary long-term responses starting three months after a disaster and typically lasting up to four years for the rental housing community have been the repair of existing rental units (typically through owners' private building and hazard insurance claims) and the building of replacement affordable rental housing with public funds where

units have been lost. In places where there was a dearth of rental housing even before the disaster, the immediate losses contribute to longer-term housing access and affordability challenges, such as rent increases. Further, where a disaster wipes out the rental stock, repairs can take years; the building of affordable rental housing using HUD's Community Development Block Grant Disaster Recovery (CDBG-DR) program takes an average of 4.6 years after the grant award—one of the program's longest recovery activities.[7] The condition and consequence of rental properties' hazard insurance, meanwhile, is not fully known with regard to disparities from other building types in terms of levels of coverage, costs, or treatment by insurers, including for claims.

In some cases, this clock starts a full year after the event itself, given the timing of Congress' special appropriations—meaning new rental housing could take six years to come online after the disaster. At that point, the renters who suffered personal damage (including lost housing) are likely to have long since been forced to find other housing options. The local housing stock has also likely been severely hampered—if not decimated—for current renter survivors and newcomers to the local rental housing market. For several markets, compounding disasters also shorten the timeframe for landlords to repair or rebuild.

Mitigation and resilience

Disaster or hazard mitigation and resilience activities occur after recovery and before the next disaster—though in many places, these activities must now occur simultaneously given the frequency of disasters. Integrating mitigation and resilience into recovery interventions can also be advantageous. But in all cases, the need to prepare the physical, financial, and social programming that will reduce damages in the long term is an increasingly acknowledged and sometimes supported—but still under-resourced—part of the disaster continuum.

Too often, rental units—especially affordable ones—are older, built to outdated performance standards, and in locations that are more exposed to hazards than other properties.[8] Landlords are rarely required to report any possible risks to prospective tenants. They are also usually unable to afford improvements such as backup power and lighting (which can reduce damages during an event), or structural changes to reduce damages during recovery, such as wetproofing for flood events or strengthening for high-wind loads. More robust long-term renovations such as energy efficiency or improved water management for future droughts and heatwaves also tend to be cost-prohibitive.[9] Property owners' and renters' hazard insurance ostensibly cover future damages, but the take-up, coverage, price, and claims treatment vary—especially for low-income renters.

The lack of investment in long-term disaster mitigation strategies such as structural improvements and insurance poses a risk to all rental community stakeholders, including the private and public multifamily housing finance institutions and investors that may not account for hazard risks. Hazard mitigation and climate adaptation strategies provide multiple returns to owners' investments. Collectively, preventative efforts that are employed before disasters strike also ensure stability in housing markets by highlighting gaps such as insufficient rental units in safer locations, which need to be produced before the next disaster. Ultimately, and most importantly, sound hazard mitigation also reduces human suffering.

Ongoing research

Among the few prior studies we were able to identify on this topic, the evidence unambiguously points to worse impacts and outcomes for renters and rental markets following a disaster, relative to homeowners and for-sale housing markets. Recent studies have shown that renter households in particular rank among the most susceptible to experiencing negative outcomes following disasters.[10] Their lower-than-average incomes, assets, and savings rates compared to homeowners—combined with their increased vulnerability to disaster impacts due to lower housing quality and reduced physical defenses—put renters at greater risk of housing damage and instability following an event. Renters are also more likely to slip through the cracks of post-disaster public assistance programs because of their reduced social, financial, and physical capital.[11] These effects result in a vicious cycle of renters enduring worsening personal and financial outcomes—further limiting their ability to access affordable and suitable rental housing during disaster recoveries and beyond.[12]

Less well known, however, is how much renters' disparate outcomes after a disaster are exacerbated by impacts on the rental housing stock itself, including its availability, affordability, and quality. Preliminary evidence suggests that after an event, the rebuilding of rental housing takes longer to complete relative to other housing recovery activities, which constrains the number of available rental units for years after the event.[13] Consequently, renters are more likely to experience negative housing conditions such as rent gouging and longer housing searches after a hazard event.[14] They also may have lived in unregistered, informal rentals of lower quality when the disaster hit, or may seek similar accommodations afterward if their choices are limited.[15] These challenges are exacerbated when the rental housing inventory is already constrained, unaffordable, and discriminatory prior to the disaster. There may also be unintended consequences whose outcomes are either understudied or under-documented, for which more expansive research is needed; for example, in homelessness, long-term housing precarity, and household health and wealth.

Further, researchers have typically documented these effects for only a single disaster case. There is little rigorous evidence about the pattens of multiple disasters' effects on the rental housing stock, either in the immediate aftermath of an event when habitable housing is at a premium or in the long term when housing markets have absorbed public assistance and purportedly recovered. Improvements in the consistent reporting of rental properties by CDBG-DR grantees since the 2005 Hurricane Katrina allocations and the expected closing out of housing activities from multiple 2017 disaster grants therefore present both a need and opportunity to study rental market outcomes for availability, affordability, and access over time and across a range of disaster types and scales.

Despite having anecdotal information on post-disaster rental market impacts, many public interventions have been designed to mitigate these conditions. For example, state governments pass temporary anti-rent-gouging laws and eviction moratoria as part of their disaster declarations.[16] The Federal Emergency Management Agency's (FEMA) Individual Assistance program provides partial assistance for renters after any insurance claims have been paid, occasionally including temporary housing assistance. In the longer term, many municipalities have also sought to rebuild rental housing or add to their overall stock on their own to stabilize their renter populations.[17]

In addition to the above information, our literature review also uncovered a much larger set of questions for which we still lack answers. These include some identified through the limitations of existing research, such as: What impacts on

renters and rental markers are common across disasters by type, time, and place, to the extent there are different effects observed? How much of the variation can be explained by pre-disaster conditions among the renter population (by demographic or socioeconomic characteristics), the rental housing stock (by type, age, and/or quality), and the operation of rental markets themselves (how tight or loose, how affordable, etc.)? And how do these effects on renters and rental markets change over time, especially given the lags between a disaster and when most post-disaster recovery and hazard mitigation assistance is deployed?

The focus on post-disaster impacts in prior research also means little is known about the role and effectiveness of pre-disaster mitigation and preparedness strategies and policies, which have the potential to greatly influence what happens during and after an event. For example, we do not know which pre-event activities have been conducted that have had positive effects (i.e., structural upgrades and preparedness work that reduce disaster-caused damage to renters and rental housing) versus negative effects (activities that increase the cost of housing and can lead to affordability challenges and displacement, particularly for lower-income renters). There is also scant information on what both renters and property owners—alone or in collaboration—can do to prepare for a future disaster. Having this information is crucial to developing policy and programmatic solutions that will achieve more equitable post-disaster outcomes for renters.

In acknowledgement of these gaps in the literature, the research team conducted early research to illuminate two questions at the intersection of disaster policy and rental housing. First, what do we already empirically know about how renters and rental markets fare during and after a disaster? And second, what policy interventions help renters and markets mitigate these effects, and to what end? These inquiries were conducted in advance of our convening to provide participants with a level setting and some confirmation of what many have experienced. We summarize the findings from those two analyses below, and additional methodological information is in Appendix 1.

DISASTER EFFECTS ON RENTS

In this analysis, we investigate the effects of severe disasters on rental housing markets, including rental prices. We analyze impacts on effective rents across several rental markets in a variety of geographic locations, including Atlanta, Detroit, and Little Rock, Ark., as well as most major markets (metropolitan areas) in California and Florida. We use data on multifamily rents from CoStar, focusing on quarterly estimates from 2000 to 2020 of the average effective rent per unit at the ZIP code level, yielding over 180,000 observations. We then merge this data with: 1) presidential declarations of "major disasters" maintained by FEMA; 2) hand-tabulated data indicating the presence of a CDBG-DR grant for that disaster for a county, to identify local housing stocks with likely damaged rental housing; and 3) county-level characteristics reported by the U.S. Census Bureau, including total population, share of people living below the poverty line, share of renters, and share of white residents. We estimate the effect of these disasters on the effective rents, controlling for these county-level characteristics.

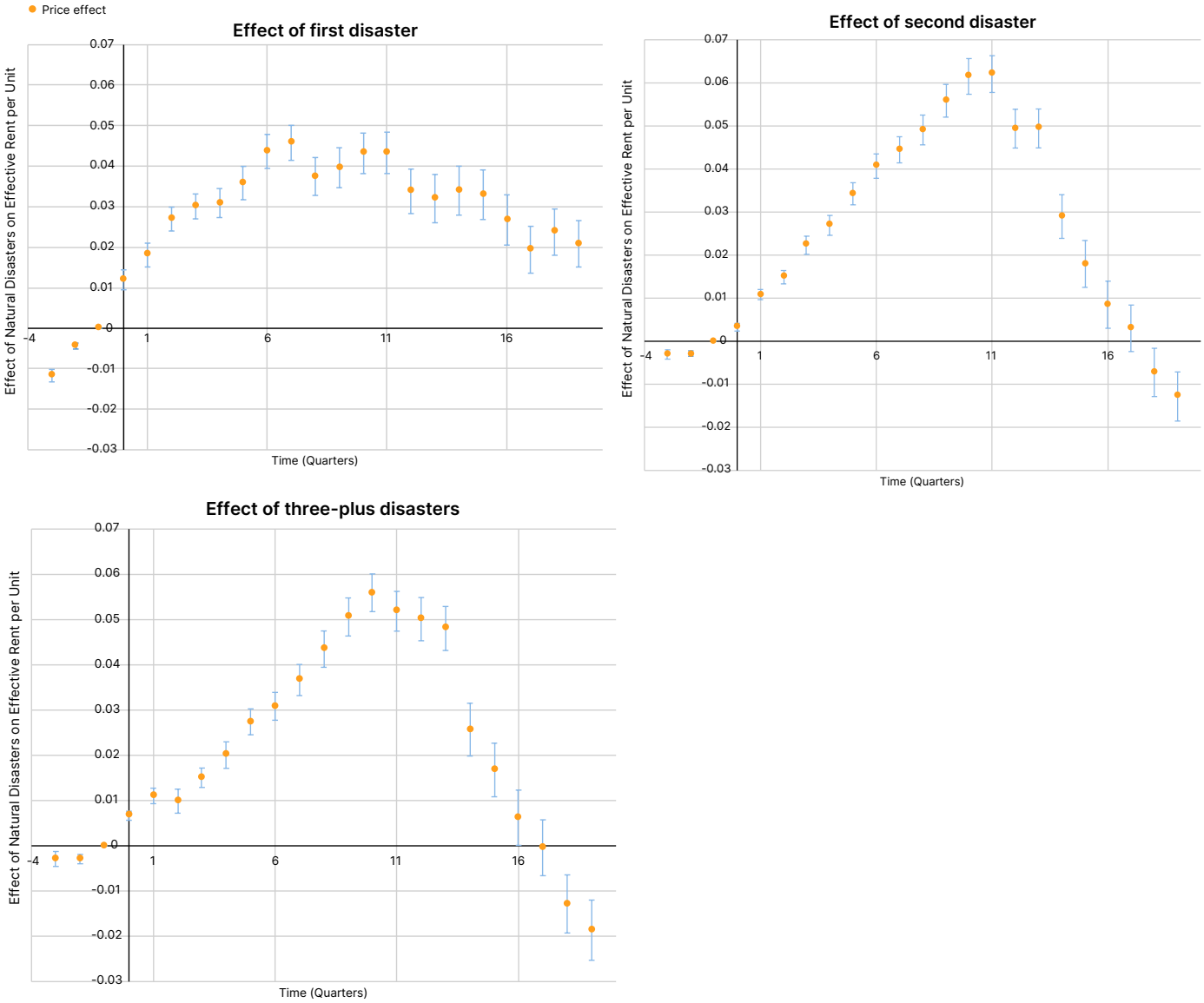
Figure 2 shows three separate estimates: the effect of a first disaster to strike a ZIP code in Panel A; the effect of a second disaster to strike that same ZIP code in Panel B; and the additional effect of three or more disasters in Panel C. X-axes indicate quarters before a disaster as less than zero, and after as greater than zero. Y-axes indicate the percentage change in effective rent per unit. In all cases, the disasters significantly increased rents, lasting for several years. On average, the first disaster increases rents by over 4% within six quarters, and rents remain elevated over five years after the disaster. The second disaster increases rents by 6%, with the effects reducing four years after the disaster. The third disaster increases rents by 5%, also diminishing after four years.

For context, the average time between disasters for a typical ZIP code in our sample is about 10

quarters (3.5 years). In Panel B, we restrict our attention to disasters that were followed by a federal CDBG-DR grant. We run the same statistical model, but here we measure the combined effect of a disaster with the provision of recovery funds. In contrast with Panel A, the effects are much smaller. Although there is a significant increase in rents, the cumulative effect of three or more disasters is only 7%, almost halving the magnitude. This suggests that either these regions which received CDBG-DR funds differ from other regions in their reaction to disaster in ways we have not directly measured in the model, or that there is a mitigating effect of the recovery aid itself—that is, it reduces the rental price appreciation after a region suffers a disaster.

FIGURE 2

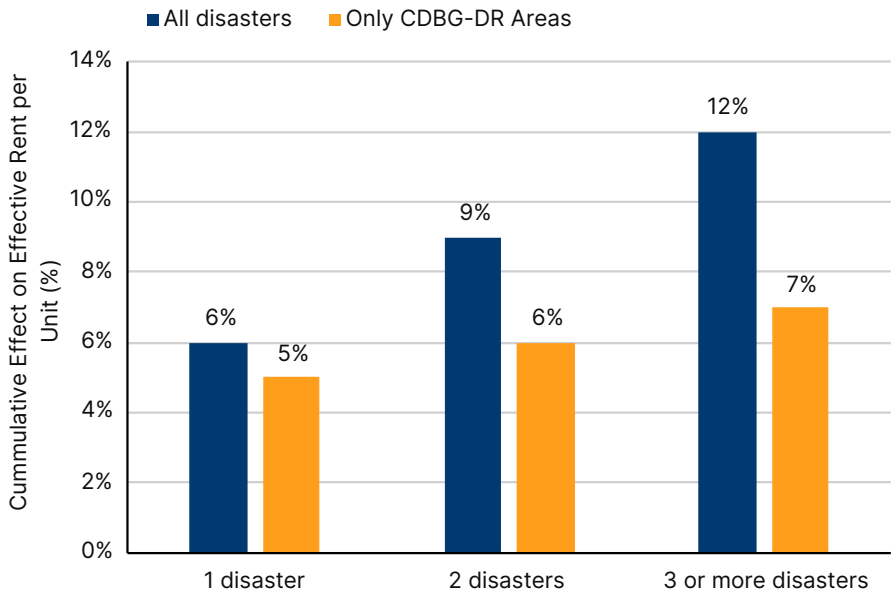
Percentage effect of sequential disasters on effective rent per unit, by quarter



SOURCE: Charts are created from authors' own analysis of data on multifamily rents from CoStar, from 2000 to 2020; Presidential declarations of major disasters from FEMA; and county-level characteristics from the U.S. Census Bureau

FIGURE 3

Average cumulative effect of multiple disasters on effective rent per unit



SOURCE: Charts are created from authors' own analysis of data on multifamily rents from CoStar, from 2000 to 2020; Presidential declarations of major disasters from FEMA; and county-level characteristics from the U.S. Census Bureau

To better understand the overall effect of these multiple disasters, we calculated an average effect on rents from disasters across all periods. Figure 3 shows how these effects build. These average effects do not necessarily describe every ZIP code, because only some regions will be exposed to multiple disasters in a given period. However, in the average ZIP code where multiple disasters do occur, we observe up to 12% higher rents due to the experience of three or more disasters. The full results of these statistical models are presented in Appendix 1.

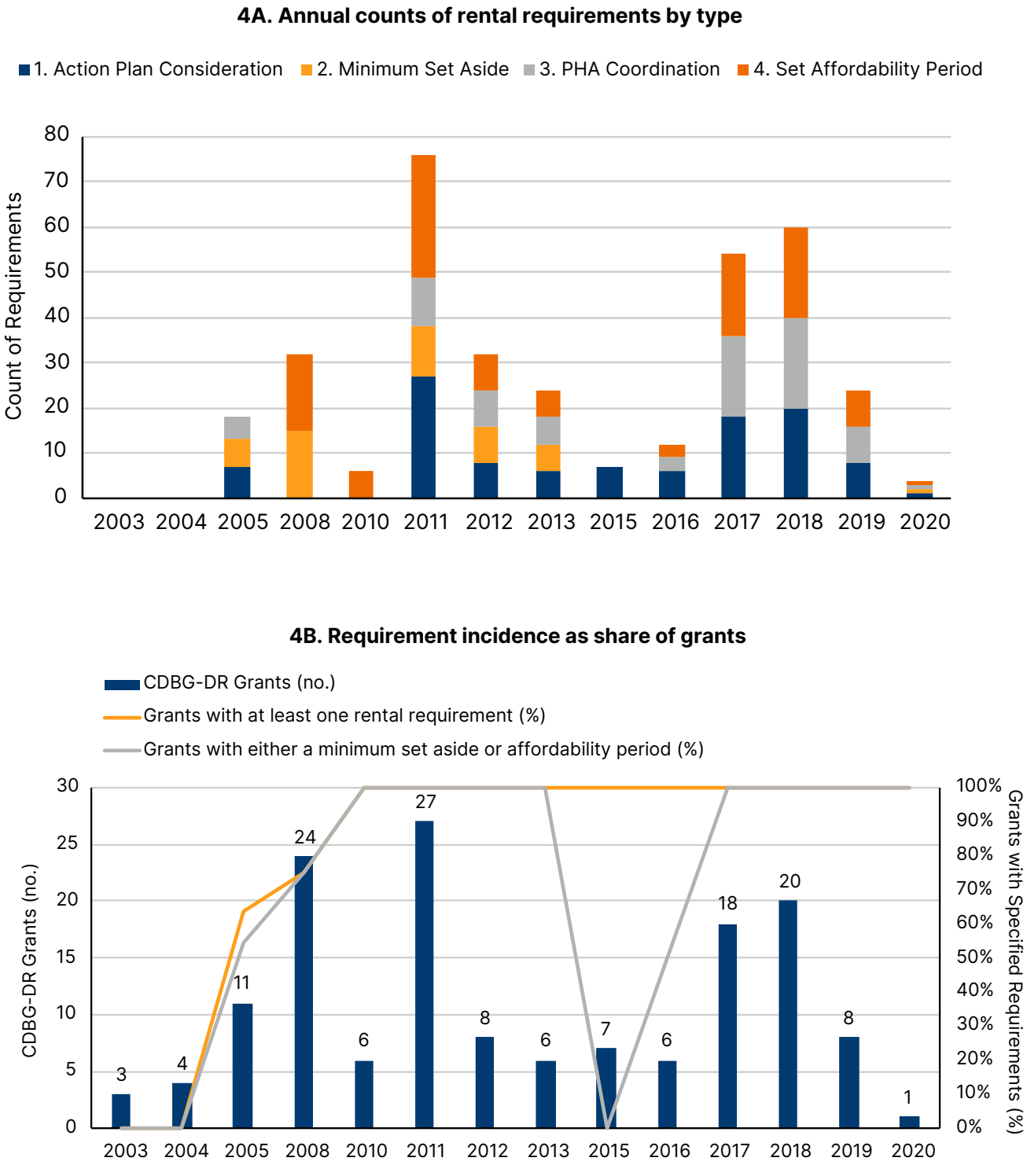
RENTAL REQUIREMENTS IN CDBG-DR GRANTS

The federal government has sometimes provided disaster recovery aid to state and local governments with conditions that focus on the recovery of rental housing in survivor communities, but these requirements have varied over time. Different congressional appropriations and program rules for rental requirements have surfaced either when an initial CDBG-DR allocation notice is issued, or more frequently, in subsequent notices published by HUD one to three years after that. We identify four major rental requirements in CDBG-DR grants: 1) general consideration of rental housing in grantees' CDBG-DR Action Plans; 2) required allocation of funds to be used for rental housing repair and construction as a proportion or absolute dollar value of a CDBG-DR grant; 3) coordination with the local public housing authority (PHA); and 4) mandates for the duration of affordability for any rental housing built with grant funds.

Congress and HUD introduced requirements for rental housing recovery after the Hurricane Katrina grants, and requirements expanded dramatically by the time of Hurricane Sandy (Figure 4A). Of the 149 CDBG-DR grants sampled between 2003 and 2020, we found 132 had at least one rental requirement. Affordability periods are the most widely used requirement, followed by Action Plan considerations of rental housing. Minimum rental set aside and grantee coordination with local PHAs have been required less often. Figure 4B shows the number of grants with requirements as a share of the total number of grants by year.

FIGURE 4

The evolution of rental housing requirements for recovery in the CDBG-DR program



SOURCE: Charts are created from authors' own analysis using data from the HUD exchange CDBG-DR, available at: https://www.hudexchange.info/programs/cdbg-dr/cdbg-dr-grantee-contact-information/#all-disasters

The Renters and Disaster Workshop

We reviewed the scholarship and current policies from the federal to local levels of government to produce this preliminary assessment of current hazard exposures and economic vulnerabilities for renter households, rental property owners, and rental housing markets. We summarize nine dimensions across each stage of the disaster continuum and each stakeholder group in Figure 5, producing a set of themes based on the literature. Yet much more work is needed to better understand how disasters affect these groups across the three phases of the disaster continuum we establish here. These themes became a guiding structure for conversation with stakeholders.

The research team coordinated a one-day workshop on July 20, 2023, to hear from stakeholders involved in rental housing of all kinds and inform an agenda for critical policy reforms and research for disasters that affect the rental housing community. The workshop was held at the Brookings Institution in Washington, D.C. Staff at Brookings and Enterprise Community Partners identified potential participants in February, and relied on trusted partners to identify key leaders among the three constituencies that have the greatest stakes and agency in improving renters' conditions in relation to disaster exposures, events, and recovery. Invitations were sent to specific local tenant and housing activists, regional and national housing and disaster equity advocates, and housing and disaster policymakers at the federal, state, and local level.

As noted in the invitations, the list of participants as well as the convening agenda were designed to ensure that renters' voices were at the center of discussion. To that end, the project sponsor, the Walmart Foundation, provided travel honoraria to eligible invitees to ensure full representation from all parties. The research team and event coordinators sent out a draft agenda with a preliminary version of this paper to ensure familiarity with the themes and the goals of producing a final version after the workshop. The final agenda is available in Appendix 2, and a list of attendees is provided in Appendix 3.

TABLE 1

Workshop themes by disaster phase and rental housing concern

	Renters	Rental housing	Property owners
	Tenants in public, assisted, and market rate units with a focus on low- to moderate-income households	Metropolitan and regional rental housing inventory quantity, quality, and affordability	Owners, managers, landlords, and related shareholders of rental properties from the range of organizational types
Preparedness, relief, and response	• Renters with disabilities • Evacuation and temporary shelter plans • Risk awareness and personal preparedness plans • Case management during disasters	• Emergency protections for renters (eviction and rent gouging moratoria) • Renters' housing stability, displacement, and relocation • Rental housing affordability immediately after disasters	• Landlord roles and opportunities for educating tenants • Landlord cooperation with emergency officials • Landlord mortgage and related operational costs during disaster
Recovery	• Renters' financial and health outcomes • Renters' housing geography and stability after displacement • Renters' life outcomes (health, wealth, children's education, etc.)	• Duration and geography of rental market effects • Federal and local policy efforts for stabilizing rental housing costs and numbers • Pre-disaster market effects	• Costs of repair versus rebuilding • Sources for financing repairs or rebuilds • Local repair and finance capacity
Hazard mitigation and resilience	• Renter displacement from building and infrastructure mitigation of hazards • Effect of hazard mitigation on rent burdens, evictions, gentrification, or other negative consequences • Renter engagement for planning and construction • Renters' insurance	• Rental housing risk profiles • Role of lenders, GSEs, SHFAs, and other multifamily financial institutions in risk-sharing • Options for building rental housing in lower-risk areas of a market	• Physical and financial feasibility of mitigating existing properties • Mitigation versus buy-out • Property owners' insurance

SOURCE: Authors' interpretation of literature

INFORMATIONAL SESSIONS

After welcoming greetings and introductions, keynote presentations and organized informational conversations set the stage for the group deliberations in the second half of the day. Marion Mollegen McFadden, the principal deputy assistant secretary for community planning and development at HUD, provided an overview of the resources the Biden administration is mobilizing to expand resilience beyond the department's disaster recovery funding (as important as it is as a lever for change).

The various programs that the department uses to support rental housing and prevent homelessness are also designed to reduce the housing vulnerabilities that are exacerbated in disaster scenarios. McFadden pointed to recent examples in which these resources were used expeditiously, including through "mega-waivers" to ensure that disaster recovery is prioritized by HUD grantees, and the more recent Rapid Unsheltered Survivor Housing (RUSH) program designed to quickly address homelessness for people who cannot access FEMA services. HUD's recent call for input to revise the CDBG-DR allocation formula and program rules to include a clearer focus on renters was another example of addressing rental gaps, but participants stressed the program's lack of permanent statutory authority from Congress as a limitation to unleashing the gamut of resources and assistance to the rental community before and after disasters.

The introductory remarks were followed by three consecutive discussions, or "mini panels," structured to introduce the perspectives of the three primary stakeholder groups, beginning with the renters themselves. Participants in this first conversation noted how the range of physical challenges that renters face in "sunny day" conditions predicts what they face during disaster events. From broken alarm systems and buildings in disrepair to unfair evictions and retaliation for organizing, tenants noted how "bad actors" in the rental housing market sowed the conditions for suffering for a range of tenants when disaster events occur. For example, participants said renters with disabilities often have little opportunity to evacuate and may choose to remain in their units afterward because of inadequate emergency accessibility. The session speakers described witnessing tenants that remained during a disaster being offered no assistance from landlords to coordinate with disaster response teams, no electrical power despite requirements for backup generation, limited or ineffective property security, and—despite these arrears—persistent rent collection.

The need for more public awareness and better-funded legal aid for tenants beyond fundamental eviction prevention were noted as gaps in disaster policy. These gaps, in turn, have placed the burden of effort entirely on renters, including efforts to organize, effectively apply for public safety nets, and prosecute bad actors. The mini-panel discussions and subsequent group comments portrayed a dire situation for renters, particularly in relation to negligent landlords.

In contrast, the second conversation introduced the systemic challenges faced by owners and developers who have committed to better serving their tenants. The affordable housing developers who participated in the event noted how current emergency procedures such as evacuation overlook the real desire that individuals often have of staying in place during a disaster, particularly given the documented fears of living in temporary shelters. These developers noted the importance of appropriately maintaining individual units, public areas, and landscaping, which can minimize damages to their organizations as well as other owners and property managers acting on good faith. They developed their own service programs for disasters, including having clear rental registries to coordinate with public disaster managers during the disaster and setting up backup power generation, temporary charging stations for phones and medical equipment, cooling areas, and social service coordinators on site afterward. As one nonprofit developer noted, "If these are

our residents 24/7, they're our residents after storms." The landlords represented on the panel clearly called out their "bad actor" peers as profit-motivated. Yet, even in nonprofit management conditions, they expressed concern about the rising costs of hazard insurance in highly disaster-exposed states. They noted how these costs are driving some owners to evacuate buildings or leave the rental housing business altogether—potentially removing units from the market for everyone.

Participants in the third mini-panel—state and local governments—waded into this challenge as well. They noted how most public efforts to secure better and safer rental housing have focused on siting and construction requirements for new rental development, with little attention or resources going to the "hardening" of existing rental units through physical retrofits or additional security and property standards enforcement. Participants noted the challenges of working across governmental siloes of housing, disaster management, environment, and health and human services—work that could better support tenants and address the persistent lack of governmental budgets that could motivate better service provision and local policy reforms.

After a presentation of the research findings described in this report, the first half of the workshop ended in a discussion with Diane Yentel, president and CEO of the National Low Income Housing Coalition (NLIHC), focusing on her organization's extensive advocacy in support of renter protections writ large as well as the growth of its disaster-focused work after Katrina. That work, which included the monitoring of renter protections and anti-rent-gouging rules after disasters as well as the promotion of additional renter-specific disaster relief and recovery assistance in the form of the Disaster Housing Assistance Program (DHAP), was especially harnessed in the aftermath of the 2017 disaster cycle.[18]

After Hurricane Harvey, Hurricane Maria, the Camp Fire, and other billion-dollar disasters, Yentel described the NLIHC's weekly public disaster assistance calls, its state and local organizing for low-income household protections, and its examination of public assistance applications and appeals. This effort culminated in the organization's workshop held in Houston on October 28-30, 2019, which gathered resident organizers, advocates, and scholars to identify the cracks in the disaster management system that low-income households—especially renters and people with disabilities—slip through.[19] They have accomplished a range of program and statutory successes because of those organizing efforts, according to Yentel. However, increased renter-focused disaster assistance resources and program changes (including CDBG-DR permanent authorization) still allude reform efforts despite bipartisan support. Just as important is the lack of ongoing comprehensive protections for renters nationally, which would mitigate poor disaster conditions and outcomes for this vulnerable population.

BREAKOUT SESSIONS

The information presented in the keynote presentations and plenary panels in the first half of the workshop provided the necessary guidance for breakout sessions in the second half. The discussions were moderated by members of the research team and conducted in five simultaneous sessions structured by the dimensions described in Figure 5, but with disproportionate attention on the various disaster stages as they affect renters (the first rental category of interest). Three groups discussed renters in various stages along the disaster continuum, with the remaining two groups focusing on rental markets and housing providers, respectively, across all stages.

The research team assigned participants to discussion groups based on their individual experiences and expertise. Moderators repeated the scope of each session and prompted discussions with scripted questions for each group to identify the core challenges in each theme (including the responsible stakeholders) and identify solutions in the form of policy changes

and additional evidence needs. The range of policy change was left for each group to decide, but could include new program formulation, regulatory reform, appropriations, enforcement, or legal recourse, among other changes. The discussion of challenges is synthesized in Figure 6, and recommendations in Figure 7.

Renters and Disaster Preparedness, Relief, and Response

This session focused on renters before and during a disaster. The group identified the need for more community awareness and preparedness for shelter-in-place and evacuation planning before disasters arrive as a first-order problem. Participants compared disaster preparedness to cruise or airplane rides; when passengers board a cruise, everyone must be convened and educated about evacuation and emergency preparedness. A similar logic should apply to tenants residing in apartment complexes, especially in high-risk areas. Landlords and tenants can be regularly educated about shelter-in-place and evacuation planning before peak disaster seasons if there are such trained personnel and resources to be deployed.

Next, participants shared concerns about a shortage of policy incentives and resources to inform and fund low-income renters' preparedness, especially vulnerable groups such as households with disabled, elderly, and non-English-speaking individuals. The focus group highlighted that local governments need frequently updated data on the population groups with disabilities, and could partner with community organizations to collect such information. More importantly, the group proposed that there should be tangible incentives targeting property owners so that rental properties have space, equipment, and medical supplies that accommodate the needs of all tenants.

Lastly, group participants agreed that the current disaster relief process does not consider low-income renters—rendering them one of the most disadvantaged groups. FEMA's current relief activities focus on real property damages, not personal property damages, which essentially works in favor of homeowners. As low-income renters typically do not have slack resources for flood and/or home insurance to cover their damages on personal property and typically lack their landlords' cooperation for documenting personal property damages, relief efforts should consider low-income renters' socioeconomic vulnerability and their personal property damages.

The focus group recommended that partnerships between nonprofit organizations and governments could strengthen community preparedness for renters. For example, certain trained personnel in the civil sector with a certificate in disaster preparedness and planning could be hired as contractors for governments to provide education and training to both landlords and tenants in a large apartment complex. Governments can take a whole-of-governance approach that proactively engages community organizations, which typically do most of the groundwork for disaster response and relief. Disaster-focused community organizations can also play a role in collecting and updating data on tenants with disabilities to assist governments in distributing support. The focus group proposed that the administrative burden for such data collection and reporting should not be imposed on tenants themselves or even their landlords, but can be contracted out to community not-for-profit organizations that have the capacity to specialize in such legwork.

Second, the focus group concluded that equitable disaster response could be achieved for all renter populations—including those with disabilities—when they reside in buildings that accommodate such characteristics in their design and operation. For instance, medically challenged groups need a space equipped with beds and medical supplies during emergencies. Our focus group proposed that tax breaks or other incentives at all levels (federal, state, and local) can target property owners to have such spaces and other emergency supplies in their buildings. While tax incentives can target owners of older buildings, building codes and standards requiring such emergency-adaptive

space can be developed and applied to new construction; participants agreed that this would be especially effective in high-risk areas. Besides, in partnership with private and nonprofit community organizations, local governments can incentivize property owners to regularly keep emergency food supplies during peak disaster seasons.

Lastly, regarding relief, the focus group generally agreed that the disaster relief process should prioritize the social vulnerabilities of impacted population groups, including rental status. FEMA's current practice of damage assessment—which is anchored on real property—often pushes renters into blind spots in their damage claim on personal property. For example, FEMA does not rely on photographic evidence since there is no geolocation, and the photos could have been taken in any residence at any time. At the very least, disaster relief authorities could utilize other technological means, such as post-disaster aerial imageries, especially in heavy rental areas, to flag areas where property damage is high. They might use platforms that can geolocate photographs and their timestamps so survivors can upload photos of their damaged personal property as evidence.

Renters and Disaster Recovery

This session focused on renters after a disaster. The group identified that a myriad of factors result in the failure of the disaster recovery system to adequately address the needs of renters. Some are components of the long-standing affordable housing crisis, magnified by the impact of a disaster; others are the result of disaster aid programs that often restrict access to short-term recovery resources and lack controls necessary to protect and expand affordable, accessible rental housing during long-term recovery.

A lack of robust tenant protections and economic incentives for landlords to better protect renters work in tandem to displace disaster-impacted renters. Assistance made available through municipal, state, and the federal government lacks a cohesive strategy for renter households (doubly so for renter households with disabilities and undocumented renter households) and fails to provide the assistance necessary to counteract these actions. Long-term recovery efforts value restoring damaged units to functionality instead of valuing the safe return or relocation of displaced renter households. Instead of creating new subsidized housing for the lowest-income renters, long-term recovery efforts often coincide with the destruction of subsidized units, relying on a trickle-down effect from constructing new market rate and middle-income housing and hoping the effects reach those at the lowest incomes. The sum of these failures is that the initial displacement of disaster survivor rental households becomes permanent, and the housing crisis in impacted areas worsens.

The group identified potential solutions to these issues that can be broken down into several sets of actions and protections. The first set inserts greater accountability and transparency in disaster recovery and encompasses two major components: 1) the actual, effective enforcement of HUD requirements regarding the use of federal funds in line with civil rights law and habitability standards; and 2) a comprehensive audit of disaster recovery spending to ascertain where and how funds are being spent.

The second set envisions a unified system of disaster response for renter households consolidated within a new federal agency devoted solely to disaster recovery. This unified approach would allow for streamlined assistance and easier implementation of longer-term assistance for renters via DHAP, as well as require that recovery funds be used to replace at least two times the number of damaged or destroyed subsidized housing units.

The third set is the enactment of significant renters' rights, including a right to organize, a right to council during eviction proceedings, post-disaster eviction prohibitions that remain in place throughout recovery efforts, post-disaster utility moratoriums, source of income nondiscrimination

protections in areas that have received disaster assistance, and the ability to anonymously request housing quality surveys.

Finally, the group agreed that disaster assistance must be fundamentally reworked around the principle of categorical eligibility. This means that assistance programs will operate on the assumption that an individual impacted by a disaster is eligible for assistance unless proven otherwise—the reverse of the current system. Under categorical eligibility, needless bureaucratic requirements designed to prevent the receipt of eligible assistance provide no purpose and must therefore be removed.

The group did not recommend the development of evidence to address specific themes or research questions that need to be answered. Rather, the discussion concluded with concerns around the research process—especially requests from researchers to extract information from vulnerable communities such as renters, which can devalue the experience and advocacy of survivors.

Renters and Disaster Mitigation and Resilience

This session focused on the renters long after a disaster and well before the next one. The group agreed that renters face an array of challenges in establishing resilience practices and mitigation. Regarding physical exposures, challenges include insufficient building codes, poor construction and materials, lack of standards around cooling, and a lack of accessibility for those with disabilities. From a governance standpoint, participants noted a lack of accountability in enforcing codes, insufficient affordability requirements in most rental housing, and balkanized tenant protections, especially for disaster-induced gentrification. The lack of accountability among rental property management for both requiring certain levels of hazard mitigation investment by the owners as well as supporting those investments was also questioned. Financially, the rising costs of insurance and of retrofitting existing buildings were cited as main motivators for mitigation investment.

Focus group participants suggested policies to address some of the resilience and hazard mitigation challenges and their effect on renters. First, enforcement of development and accessibility standards through administrative and judicial processes—including using the Rehabilitation Act of 1973, which requires that every federal dollar spent complies with accessibility requirements—could mitigate these physical challenges and build a more resilient future for all renter populations. Second, strengthening broad-based tenant protections would relieve tenant dislocation and mitigate the effects of disaster-induced gentrification. Third, participants called the development of programs and allocation of funding for existing infrastructure retrofits a critical but underfunded tool for disaster mitigation. Fourth, the group suggested insurance policies that promote climate change adaptation both on the building and community level through mitigation incentives.

Focus group participants suggested the following research is needed to address the above challenges and provide evidence for policy changes. First, there is insufficient information about the distribution of current disaster recovery and mitigation funding, which hampers ongoing adaptation and resilience work. The group asked: Where is disaster recovery funding (from FEMA, HUD, the Small Business Administration, and others) going and how can this be more transparently shared with community groups and researchers? Secondly, the group was concerned with how much CDBG-DR funding is going explicitly to rental housing. Third, we need a better understanding of the impact of climate interventions on gentrification—what, if any, are the gentrification impacts of climate interventions, at the building and neighborhood level? Fourth, little is known about how specific climate and disaster risk reduction activities affect insurance rates—specifically, what is the actuarial value of different risk reduction activities (for insurance and regulatory audiences)? Fifth, as managed-retreat programs increase in popularity, what are the lessons learned from their implementation? The group agreed that research around these questions

will significantly improve the knowledge base for policies related to renters and disaster mitigation and resilience.

Rental Markets and Policy from Preparedness to Resilience

This session focused on the rental housing markets at all stages before, during, and after a disaster. There was immediate consensus among the participants that the primary challenge is the lack of supply of rental housing units. This lack of supply—particularly for rental homes that are affordable and accessible to the most vulnerable populations—is a challenge even in the absence of disasters. As in other groups, the rising cost of insurance (driven in part by frequent disasters and increasing climate exposures) was noted as a challenge that puts upward pressure on operating costs, leading owners and operators to raise rents where the market will bear it.

Rental homes are affordable largely because of their relative age and condition, which also tend to make them more vulnerable to climate disasters and less likely to have resilient construction and infrastructure. A notable exception are subsidized properties built or retrofit with resilience as a condition for funding, but these are a relatively small segment of the housing development sector. When disasters hit, residents in impacted properties must find a new place to live, and there is limited information about other rental properties with vacancies. When disasters impact a wide area, renters must often find short- to medium-term housing further away from their communities and workplaces, and about which they have even less information. It was also noted that building codes often make it difficult to find more efficient ways of increasing supply, such as off-site construction techniques that could rapidly deliver permanent, resilient homes as part of the recovery process.

To address the information gap for renters during a disaster, focus group members suggested creating centralized, state-level databases of rental properties with information about vacancies. For example, Kentucky's housing finance agency, which oversees the state's low-income housing tax credit (LIHTC) program, took it upon itself to collect vacancy information about all its LIHTC properties—a model that could be replicated in other states. Focus group members suggested that state-level efforts would be better than localized ones because renters often need to evacuate their home communities. For recovery, focus group participants sought the integration of equity into program funding formulas, suggesting also that the required comprehensive plans informed by fair housing considerations be incorporated into the formulas (such as in the need for repairing, rebuilding, and expanding affordable rental units throughout a survivor community). Finally, participants sought widespread adoption of updated building codes that would allow innovative construction techniques to lower the cost of housing and produce more resilient homes. They noted that we do not yet know which innovations will ultimately prove most effective and efficient, but that the regulatory regime in place makes it difficult to experiment.

Rental Housing Providers from Preparedness to Resilience

The final session focused on rental housing providers and what they do at all stages before, during, and after a disaster. Participants in the convening identified several challenges to addressing resilience in the rental housing stock, many of which concerned the costs associated with proactively preparing for disasters. Recent developments in insurance markets—which are impacting both affordability and availability of coverage for providers in higher-risk markets—have further complicated the calculus for providers looking at the cost-benefit tradeoff for preparing their properties for disasters. Finally, some providers noted the need for more information and options to help residents during and after a disaster, including anticipating the decision to stay or leave (when evacuations are not mandatory) and rebuilding after a disaster while residents are still on site.

It was this last concern that drove the majority opinion about research needs—specifically, an investigation into the behavioral responses of residents to better understand and predict what their needs will be during all phases of the disaster cycle. For providers who prioritize residents, there was also demand for more information on what strategies are available and what outcomes may be expected from using them. When strategies are found to be cost-effective and beneficial to both providers and residents, such data could encourage other providers to take similar actions. Providers also want to understand the barriers their residents face in navigating public assistance following a disaster, and what steps providers can take now (or could advocate to allow in the future) to better facilitate access.

The concern identified around costs and availability of insurance also guided the group's thoughts on potential policy recommendations. One suggestion the group supported was to tie public provision of, or assistance for, insurance to affordability requirements—i.e., that providers set aside a certain portion of their units for low- or moderate-income renters in exchange for receiving subsidized or publicly provided insurance against disaster losses. The group also suggested that publicly funded disaster mitigation grants either remove or reduce cost-sharing requirements for jurisdictions that want to engage in more pre-disaster planning and preparedness, but lack the funds or capacity to contribute toward these efforts. Finally, participants advocated for greater resources and attention to exploring managed-retreat options from high-risk locations and providing rental subsidies following disasters (i.e., DHAP).

TABLE 2

Stakeholder-identified challenges

	Renters	Rental housing	Property owners
Preparedness, relief, and response	**Session 1** • Lack of support for vulnerable tenants, including the disabled, elderly, and non-English-speaking individuals • Lack of policy incentives and resources for low-income renters • Lack of community preparedness and awareness for shelter-in-place and evacuation planning	**Session 4** • Lack of supply of affordable and accessible rental homes • Rising cost of insurance • Aging and low-quality housing stock are the most affordable • Limited information on vacancies to enable relocation post-disaster • Reliance on short- to medium-term housing that is further away • Building codes make it difficult to increase housing supply and experiment with new development models	**Session 5** • Cost of proactively preparing for disasters • Less affordability and coverage of insurance in higher-risk markets • Lack of information and options to help residents, especially the decision to stay or leave and rebuilding while residents are living on site
Recovery	**Session 2** • Long-standing housing affordability crisis • Disaster recovery system designed to prevent access to short-term recovery resources • Lack of tenant protections and economic incentives for landlords to protect rentersLack of a cohesive federal response for renters, especially vulnerable ones • Emphasis on restoring damaged units to functionality over the safe return of tenants • Lack of targeted construction of low-income housing		
Hazard mitigation and resilience	**Session 3** • Insufficient building codes, including around construction, materials, and accessibility • Lack of accountability in enforcing codes • Insufficient affordability for housing projects • Insufficient and balkanized tenant protections • Prohibitive cost of insurance and retrofitting		

SOURCE: Authors' interpretation of literature

TABLE 3

Stakeholder-identified solutions

	Renters	Rental housing	Property owners
Preparedness, relief, and response	**Session 1** • Tax incentives and regulations for owners to provide power and communication for all tenants • Relief efforts should consider low-income renters' socioeconomic vulnerability and property damage • Provide education and training to landlords and tenants for community preparedness • Collect data on all tenants before disaster	**Session 4** • Create a centralized state database of rental properties with information about vacancies • Create equitable formulas for funds, including considering fair housing, long-term rent restrictions, and affordability targets • Adopt updated building codes to allow innovative construction techniques that could lower the cost of producing more resilient housing	**Session 5** • Investigate the behavioral responses of residents along the disaster continuum • Collect more and better information on strategies and expected outcomes for helping residents • Develop a better understanding of the barriers residents face in navigating public assistance post-disaster • Tie the public provision of insurance to affordability requirements • Use publicly funded hazard mitigation grants to remove or reduce cost-sharing requirements for jurisdictions that lack capacity • Generate greater resources and attention for managed-retreat options • Design post-disaster rental subsidies
Recovery	**Session 2** • Enforce requirements for federal funds in line with civil rights and habitability standards • Audit disaster recovery spending • Create a unified system of disaster response for renters under a new federal agency for disaster recovery • Enact renters' rights throughout recovery • Adopt categorical eligibility for assistance • Center renters' experiences in future research		
Hazard mitigation and resilience	**Session 3** • Enforce development and accessibility standards through administrative and juridical processes • Adopt a principle of universal design • Strengthen broad-based tenant protections • Develop programs and funds for retrofits • Use insurance policies to catalyze adaptation • Introduce a cooling standard and energy redundancy • Research the distribution of disaster recovery and mitigation money, the impact of interventions on gentrification and insurance, and lessons for relocation programs		

SOURCE: Authors' interpretation of literature

Conclusion

After the individual breakout discussions closed, participants reconvened to hear each group's descriptions of challenges and solutions, and provided general feedback on the range of solutions. The following overarching themes surfaced from this closing discussion.

First, the critical importance of having clear, universal renter protections in non-disaster periods emerged across all the groups' conversations. The potential for statutes and program requirements that enforce protections for all federal recipient communities could ensure a foundation for reducing the disproportionate suffering and unassisted damages that renters face. In fact, the solutions have as much to do with rental housing in general as they do with disaster policy. While this theme was not explicitly discussed in each group, it was an implicit thread throughout the convening and informed many of the challenges and solutions that were identified. If disaster resilience is a condition and not an end goal, addressing the current rental housing challenges that exist independent of disaster events is as critical as reforming the disaster programs that should support renters, rental providers, and rental housing markets.

Second, disaster programs should more equitably integrate renters. A focus on broader tenant protections could allow more appropriate disaster preparedness and mitigation actions to develop, and also give sorely missing attention to renters during disaster recovery. For example, this could include requiring resilience standards for new rental housing, insurance assistance, and adequate retrofit resources for supporting properties and "good actors." This prioritization of renters—households that are among the most disaster-vulnerable in communities—could also enforce the closing of current gaps in the rental housing market across the country by ensuring a stable, if not redundant, rental housing supply. A corollary to this overarching recommendation was the expressed goal of ensuring that renters' recovery after disasters is expedited and prioritized given their lack of property wealth and related assets.

Third, there was consensus around requiring the creation of significant federal sticks during disaster relief, response, and recovery to ensure that broader tenant protections are in place and enforced. Sufficient attention needs to be paid to renters and rental housing in preparedness and recovery plans that tribes and states (or, in the case of CDBG-DR, a corresponding local unit of government) control. The groups noted the dominance of state and local government regulations regarding development, renter disclosures and protections, and legal recourse—though most, if not all, household disaster aid comes from federal coffers. Thus, this requirement strikes a balance. First, federal resources to states' residents should require enforceable universal protections. But second, and relatedly, federal resources should support state and local governments' commitments to all of their residents, including those with disabilities, those without documentation, and those who are facing severe financial burdens.

Along with these overarching themes, the range of individual recommendations suggested in each group are worthy of policy exploration and further inquiries from researchers. The complexity of comprehensive reform, however, should not be the enemy of individual improvements. One participant urged the entire group to envision success by answering the question, "What does renter recovery look like?"

Ultimately, each step forward is a success, as all the informational presenters and panelists noted. This workshop was motivated by a desire to reform federal disaster policy to better serve renters. We therefore also ask, "What does healthy and equitable rental housing look like?" We believe this report and workshop highlight some early answers.

Appendix 1. Research methods discussion

DISASTER EFFECTS ON RENTS

The empirical analysis of rents in the wake of disasters follows a standard difference-in-differences methodology, which is typically used in econometrics research to assess impacts that strike a variety of areas within a larger geography during the period under investigation. This approach requires the researcher to identify two sets of areas. In this case, those are two sets of ZIP codes: a "treated" group affected by the impacts (disaster events) and a "control" group unaffected by the impacts. Therefore, we are comparing ZIP codes where disasters strike to ZIP codes where they do not strike, as determined by presidential declarations of major disaster locations.

The "diff-in-diff" approach calculates the difference between pre-disaster and post-disaster outcomes—in this case, effective rents—in each group, and then it reports the difference between the groups. In other words, it shows the difference between these pre-post differences. If it yields a significant "treatment effect," this means that the change in rents—after the disaster, compared to before the disaster—is greater in the treated areas than in the control areas. Just as a clinical trial in medicine is trying to ascertain whether the treated group's health improves after a medical treatment more or less than the control group's health improves, so our diff-in-diff calculation is trying to measure whether the ZIP codes impacted by disasters experience a change in rents that is more or less than the ZIP codes that were not impacted. In this way, it is able to distinguish between common trends that were affecting all ZIP codes—such as booms and busts in national real estate markets—from disasters that only affected the treated ZIP codes.

In statistical language, the following equation describes this regression model:

$$ln\ Rent_{zt} = \alpha + \beta\ Disaster_{zt} + \gamma_1 Population + \gamma_2 Poverty_c + \gamma_3 Renters_c + \gamma_4 White_c + \delta\chi_t + \theta\gamma_z + \varepsilon_{zct}$$

In this equation, $Rent_{zt}$ is the effective rent in ZIP code z in quarter t, $Disaster_{zt}$ indicates the post-disaster period for treated ZIP codes, $Population_c$ is the total population in the county, $Poverty_c$ is the poverty rate in the county, $Renters_c$ is the share of renters in the county's population, $White_c$ is the share of white residents in the population, χ_t controls for differences across quarters that affect every ZIP code, and γ_z controls for differences across ZIP codes that do not change over time.[20] Most importantly, the coefficient β measures the average treatment effect described above: the difference between treated and control groups in their differences between pre-disaster and post-disaster periods.

There are important limitations to this methodology. Recent research has shown that it is difficult to interpret an "average treatment effect" when there are different treatments happening at different times (i.e., "staggered treatments"). In response, researchers have developed new ways to segment the treated and control groups to see how the treatment effects change over time and across subsets of the population.[21] However, these new approaches only work when each treated unit is only treated once. In our analysis, in contrast, many ZIP codes were impacted by *multiple* disasters between 2000 and 2020. Therefore, we face an additional challenge: how to distinguish the effect of each disaster when they may interact with each other. If a ZIP code has not fully recovered from a previous disaster, it may be affected

differently by the next disaster than a ZIP code that is experiencing one for the first time.

To address this concern, we first run the regression using only the first disaster impacting each ZIP code during our period as the treatment. Then, we run the regression with the *second* disaster impacting each ZIP code as the treatment. In this specification, there are fewer treatments because some ZIP codes are only affected by one disaster; they will join the control group because they have not experienced a second disaster. Finally, we run the regression with the *third* disaster impacting each ZIP code, and any ZIP codes with only zero, one, or two disasters will fall into the control group. The full results of each regression are presented below in Table A1. Then, we can compare the effects of each disaster sequentially in Figure 3 earlier.

TABLE A1

Difference-in-differences model of effective rent per unit after disasters

	All disasters			Only CDBG-DR disasters		
	First disaster	Second disaster	Third disaster	First disaster	Second disaster	Third disaster
Disaster treatment	0.058*** (0.003)	0.030*** (0.003)	0.028*** (0.002)	0.049*** (0.003)	0.010*** (0.003)	0.006* (0.003)
Total Population	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)
Poverty rate	0.354*** (0.024)	0.0393*** (0.025)	0.396*** (0.026)	0.396*** (0.025)	0.411*** (0.026)	0.402*** (0.026)
Renter share	-0.378*** (0.070)	-0.0361*** (0.072)	-0.354*** (0.072)	-0.368*** (0.071)	-0.356*** (0.072)	-0.369*** (0.072)
White share	-0.106*** (0.046)	-0.077*** (0.049)	-0.090*** (0.048)	-0.100*** (0.047)	-0.096*** (0.049)	-0.085*** (0.049)
Constant	6.417*** (0.052)	6.344*** (0.053)	6.351*** (0.053)	6.380*** (0.051)	6.342*** (0.054)	6.337*** (0.054)
Quarter FEs?	Y	Y	Y	Y	Y	Y
ZIP code FEs?	Y	Y	Y	Y	Y	Y
Observations	176,277	176,277	176,277	176,277	176,277	176,277

NOTE: Dependent variable is natural logarithm of effective rent per unit. Statistical significance = * 5%, ** 1%, *** 0.1%.

Importantly, this graph assumes that the effects are additive. Because each regression is run separately, we cannot say that the effects always accumulate in this way, especially because some disasters occur in rapid succession while others are spaced many quarters apart. Given what we know qualitatively about disaster recovery, however, it is likely that the effects tend to accumulate. To assess whether this cumulative effect is a reasonable interpretation, we can subdivide [Equation] into multiple variables—one for each quarter—to measure the evolution of the treatment effect over time, rather than simply calculating one average over the entire post-disaster period. Figure 2 shows these coefficients, which remain significantly positive for at least four years after each disaster. Thus, the effects are persistent and likely to accumulate when multiple disasters impact a particular ZIP code.

These findings are preliminary. They offer only one of many possible ways to study the effect of disasters on rental markets. We provide them here as a starting point for future researchers. In future research, this type of model can be expanded to include more ZIP codes (both impacted and not impacted by disasters), more control variables, and more heterogeneous treatment effects distinguishing between different effects for different types of disasters, different types of buildings, different types of renters, and so on. It is also possible to imagine many robustness tests, such as propensity score matching, synthetic control methods, and other quasi-experimental approaches to ensure that the treated and control groups are as similar as possible in all aspects other than the experience of a disaster. Finally, "a disaster" is a very broad treatment that encompasses many kinds of experiences. Future models can incorporate more nuanced treatment measures that distinguish between different levels of damage, severity, and other observable impacts.

RENTAL REQUIREMENTS IN CDBG-DR GRANTS

Data collection for rental housing requirements in the CDBG-DR program involved binary classification of four requirement conditions for each grantee: action plan consideration, PHA coordination, minimum rental set aside, and set affordability period. However, each of these requirements often differs in the exact language used to set the requirement. Specifically, the minimum rental set aside and set affordability period requirements exhibited the most substantive variation by grantee.

Requirements for action plan consideration of rental housing and grantee coordination of rental housing activities with local PHAs were often stipulated together as a part of a discussion on housing needs and implementation planning. Minimum set aside amounts were set as a dollar amount, percentage of total grant, or a statement of intent to allocate some unspecified amount of grant funding to rental housing. Set affordability periods most frequently reflected necessary compliance with Uniform Relocation Assistance and Real Property Acquisition Act, which requires the provision of rental assistance payments for displaced persons to cover a period of 42 months and rental assistance payments for lower-income displaced persons to cover a period of 60 months. Rental housing supported by grant funding was sometimes subject to a longer period of affordability (up to 20 years), with accompanying recorded use restrictions or other mechanisms to ensure that rental housing remains affordable for the required period.

Owing to the mechanisms by which these requirements are set for rental housing, the restrictions placed on rental housing activities among CDBG-DR grantees are frequently amended via waivers in subsequent notices. Further analysis is needed to uncover the emergent effects of rental housing requirement waivers on rental housing markets within disaster areas.

Appendix 2. Workshop agenda

THURSDAY, JULY 20 | 8:30 A.M. – 4:00 P.M. EDT
BROOKINGS | 1775 MASSACHUSETTS AVE, NW WASHINGTON, DC 20036

8:30 a.m. **Registration and continental breakfast**

9:00 a.m. **Gathering and discussion of objectives**
Carlos Martín, Rubenstein Fellow, Brookings Metro

9:10 a.m. **Welcoming remarks**
Brooks Nelson, Senior Manager for Disaster Preparedness and Response
Walmart Foundation

9:20 a.m. **Agenda overview**
Andrew Jakabovics, Vice President for Policy Development
Enterprise Community Partners

9:30 a.m. **Keynote presentation**
Marion Mollegen McFadden, Principal Deputy Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development

10:00 a.m. **Moderated conversations**
- 10:00-10:30, The tenants' perspective
- **Robert Holley**, Texas Organizing Project
- **Lucrece Phillips**, New Orleans Renter's Rights Assembly
- **Moderator: Xavier (Xav) de Souza Briggs**, Senior Fellow, Brookings Metro
- 10:30-11:00, The providers' perspective
- **David Abbenante**, President, HRI Management
- **Crystal Jackson**, Development Manager, Tacolcy Economic Development Corporation
- **Moderator: Rachel Bogardus Drew**, Senior Research Director, Enterprise Community Partners
- 11:00-11:30, State and local government
- **Clay Kerchof**, Senior Specialist, California Department of Housing and Community Development
- **Jane Gilbert**, Chief Heat Officer, Miami-Dade County Office of Resilience
- **Moderator: Xavier (Xav) de Souza Briggs**, Senior Fellow, Brookings Metro

11:30 a.m. **Presentation of research**
Rachel Bogardus Drew, Senior Research Director, Enterprise Community Partners
Anthony Orlando, Associate Professor in the Finance, Real Estate, and Law Department, California State Polytechnic University, Pomona
Jennifer Moody, Research Assistant, School of Public Policy at Georgia Tech

12:15 p.m. **Lunch break**

12:45 p.m. **Lunch keynote conversation**
Diane Yentel, President and CEO, National Low Income Housing Coalition
Conversant: Carlos Martín, Rubenstein Fellow, Brookings Metro

1:30 p.m. **Group exercise**
- 1:30 p.m., Breakout instruction and assignments (Carlos Martín)

- Group 1: Renters and Disaster Preparedness, Relief, and Response
  Facilitator: Brian An, Assistant Professor in the School of Public Policy, Georgia Tech
- Group 2: Renters and Disaster Recovery
  Facilitator: Noah Patton, Senior Policy Analyst for Disaster Recovery, NLIHC
- Group 3: Renters and Disaster Mitigation and Resilience
  Facilitator: Seva Rodnyansky, Assistant Professor for Urban and Environmental Policy, Occidental College
- Group 4: Rental Markets and Policy from Preparedness to Resilience
  Facilitator: Andrew Jakabovics, Enterprise Community Partners
- Group 5: Rental Housing Providers from Preparedness to Resilience
  Facilitator: Rachel Bogardus Drew, Enterprise Community Partners

- 1:45-2:00 p.m., Naming the problems
- 2:00-2:30, Brainstorm of three to five policy recommendations and three to five research projects
- 2:30-2:45, Table selection of top recommendation and project

2:45 p.m. **Break and reconvene**

2:55 p.m. **Report out and consensus**
Table Facilitators: Brian An, Noah Patton, Seva Rodnyansky, Andrew Jakabovics, Rachel Bogardus Drew
Moderator: Carlos Martín

3:45 p.m. **Conclusion and next steps**
Carlos Martín and Brooks Nelson

4:00 p.m. **Adjourn**

Appendix 3. Workshop participants

David Abbenante
President
HRI Management

Brian An
Assistant Professor in the School of Public Policy
Georgia Tech

Lawrence Bowdish
Lead, Research and Innovation, Financial Health Philanthropy
Wells Fargo

Xavier de Souza Briggs
Senior Fellow
Brookings Metro

Beyssa Buil
Disability, Social, and Environmental Justice Organizer/Advocate
Struggle for Miami's Affordable and Sustainable Housing (SMASH)

Adrienne Bush
Executive Director
Homeless and Housing Coalition of Kentucky

Beatrice Camacho
Director
UndocuFund

Maria Correa
Equitable Building Decarbonization Fellow
Natural Resources Defense Council

Erin Dearborn Coryell
Program Officer, Disaster Relief and Recovery
Margaret A. Cargill Philanthropies

Elsa Dimitriadis
Executive Director
Acadiana Regional Coalition on Homelessness and Housing

Michael Donnelly
Tenant Advocacy Coordinator
Economic Action Maryland

Rachel Bogardus Drew
Senior Research Director
Enterprise Community Partners

Blake Fisher
Emergency Management Planner
Baltimore Metropolitan Council

Jane Gilbert
Chief Heat Officer
Miami-Dade County

Robert Holley
Texas Organizing Project

Godfrey Hubert
Executive Director
Texas Congregational Disaster Readiness

Crystal Jackson
Vice President
Tacolcy Economic Development Corporation

Andrew Jakabovics
Vice President for Policy Development
Enterprise Community Partners

Lynn Jennings
Vice President for Grants Management
Legal Services Corporation

Kate Judson
Equity Advisor for Resilience
Federal Emergency Management Agency (FEMA)

Clay Kerchof
Senior Specialist
California Department of Housing and Community Development

Belén Lopez-Grady
Executive Director
North Bay Organizing Project

Adrian Alberto Madriz
Co-Executive Director of Development and Infrastructure
Struggle for Miami's Affordable and Sustainable Housing (SMASH)

Ben Martin
Research Director
Texas Housers

Carlos Martín
David M. Rubenstein Fellow
Brookings Metro

Natalie Maxwell
Managing Attorney
National Housing Law Project

Marion Mollegen McFadden
Principal Deputy Assistant Secretary for Community Planning and Development
U.S. Department of Housing and Urban Development

Jennifer Moody
Research Assistant, School of Public Policy
Georgia Tech

Brooks Nelson
Senior Manager for Disaster Preparedness and Response
Walmart Foundation

Gabriela Orantes
Just Recovery Partnership Manager
North Bay Organizing Project

Julia Orduña
Southeast Texas Regional Director
Texas Housers

Anthony Orlando
Associate Professor in the Finance, Real Estate, and Law Department
California State Polytechnic University, Pomona

Chrishelle Palay
Executive Director
HOME Coalition

Noah Patton
Senior Policy Analyst, Disaster Recovery
National Low Income Housing Coalition

Katherine Payne
Director of Land Use
Fair Share Housing Center

Lucrece Phillips
New Orleans Renter's Rights Assembly

Trey Reffett
Senior Advisor for Disaster Recovery
U.S. Department of Housing and Urban Development

Jagruti Rekhi
Social Science Analyst
U.S. Department of Housing and Urban Development

Laura Roach
Senior Program Manager
Equal Justice Works

Al Roberts
Program Manager
Equal Justice Works

Seva Rodnyansky
Assistant Professor, Urban and Environmental Policy
Occidental College

Andres Rodriguez
Lead Digital Organizer
HOME Coalition

Marcie Roth
Executive Director and CEO
World Institute on Disability

Karym Sanchez
Lead Organizer
North Bay Organizing Project

Madison Sloan
Director, Disaster Recovery and Fair Housing Project
Texas Appleseed

Y. Frank Southall
Organizing and Community Engagement Manager
Jane Place Neighborhood Sustainability Initiative (New Orleans)

Eric Trefney
Equity Analyst
Federal Emergency Management Agency (FEMA)

Madeleine Vidger
Staff Attorney - Housing Law Unit
Southeast Louisiana Legal Services

David Wheaton
Economic Justice Policy Fellow
NAACP Legal Defense Fund

Diane Yentel
President and CEO
National Low Income Housing Coalition

ACKNOWLEDGMENTS

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B | Brookings Metro

END NOTES

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1775 Massachusetts Ave NW,
Washington, DC 20036
(202) 797-6000
www.brookings.edu

EXHIBIT AB

CITY OF PASADENA
City Council Minutes
September 8, 2025 – 5:00 P.M.
City Hall Council Chamber

OPENING:

Mayor Gordo called the regular meeting to order at 5:00 p.m. (Absent: Councilmembers Jones and Madison)

CLOSED SESSION

On the order of the Mayor, the regular meeting recessed at 5:02 p.m. to discuss the following closed session items:

Councilmember Madison arrived at 5:15 p.m.

Councilmember Jones arrived at 5:22 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1)
Name of Case: 615 S Catalina Ave LLC v. City of Pasadena, et al.
Los Angeles County Superior Court Case No. 24STCP02861

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Sosa, B. v. City of Pasadena
Los Angeles County Superior Court Case No. 24NNCV01149

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Ledezma v. Orozco, et. al.
Los Angeles County Superior Case No.: 23AHCV01942

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957 and CITY COUNCIL CONFERENCE with Labor Negotiator pursuant to Government Code Section 54957.6
Employee Title and Unrepresented Employee: City Manager
City Representative: Victor M. Gordo

The above closed session items were discussed, with no reportable action at this time.

CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(d)(4) (One potential case)

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding significant exposure to potential litigation pursuant to Government Code Section 54956.9(d)(2): Two (2) cases

The above closed session items were not discussed.

On the order of the Mayor, the regular meeting reconvened at 7:06 p.m. The pledge of allegiance was led by Councilmember Hampton.

ROLL CALL:

Councilmembers:

Mayor Victor M. Gordo
Vice Mayor Jessica Rivas
Councilmember Rick Cole
Councilmember Tyron Hampton
Councilmember Justin Jones
Councilmember Jason Lyon
Councilmember Steve Madison
Councilmember Gene Masuda

Staff:

City Manager Miguel Márquez
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Police Commander Sean Dawkins introduced Sergeant Richard Padilla as the new Sergeant At Arms and provided a brief overview of his career in law enforcement. Sergeant Padilla thanked Commander Dawkins and the City Council for the warm welcome, and expressed gratitude for the opportunity to serve in this capacity. Commander Dawkins thanked Sergeant Jason Van Hecke for his service as the preceding Sergeant At Arms.

Vannia De La Cuba, Liaison to the Mayor, and Pam Cantero, Recreation & Community Services Superintendent, announced upcoming events related to the celebration of Hispanic & Latino Heritage Month, highlighting the City's commitment to honoring the culture, history, and contributions of the Hispanic and Latino communities. They acknowledged that while this year's parade has been cancelled out of concern for community safety following recent federal immigration enforcement activities, other celebratory events will be expanded to support and uplift the community.

Councilmember Jones requested that the meeting be adjourned in memory of Reverand Joan Taylor, a longtime Pasadena resident who served the community throughout her life, and William Larry Edson, another longtime Pasadena resident who advocated for the City through various organizations.

Mayor Gordo requested for the meeting also be adjourned in memory of Nina Chomsky, longtime Pasadena resident and community advocate who frequently spoke up for environmentalism, preservation, architecture, planning and design, and strived to improve the quality of life for all Pasadenans.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Prior to public comment, Mayor Gordo reported that Councilmember Cole, who is a Board Member on the Fire and Police Retirement System Board, will request that the Board agendize the matter of

ethical investment policy for discussion since they have jurisdiction over their investments.

The following individuals spoke on the humanitarian crisis in Gaza, advocated for the City to divest from specific companies, and/or solemnly read names of children who lost their lives in the conflict:

Fawaz ElMasri, Pasadena resident
Hedab Tarifi, Pasadena resident
Lucinda Wills, Pasadena resident
Randall Heyn Lamb, Pasadena resident
Donelia Heyn Lamb, Pasadena resident
Bailey Payne, Pasadena resident
Paul, Altadena resident
Chalsea, Pasadena resident
Michael Bannoura, Pasadena resident
Nasser Karacew, Pasadena resident
David Bond, residence not stated
Pranit, residence not stated
Levent Akbarut, Pasadena resident
Mariam Gaada, Irvine resident

Olden Denham, Pasadena resident, provided comments on the police officer involved shooting of Anthony McClain, and requested that the matter be properly reviewed as part of an agendized discussion.

Allen Shay, Pasadena resident, provided comments related to AB392.

Simon Gibbons, Pasadena resident, expressed concerns related to the Pasadena Rental Housing Board and advocated for a more reasonable approach to managing rent control in Pasadena.

Dr. Treasure Sheppard, Pasadena resident, announced details regarding the Levitt Foundation Concert Series and advocated for an ethical investment policy for the City.

Scott Habermehl, Pasadena resident, expressed support for Pasadena Greenways project.

Ana Soulriver, Pasadena resident, expressed concerns regarding the Pasadena Department of Transportation's hydrogen bus proposal and the short-term benefits of hydrogen buses versus the long-term costs.

Michael Tucker, Pasadena resident, expressed concerns regarding federal immigration enforcements and advocated for the City to protect vulnerable communities.

Councilmember Cole requested that the meeting be adjourned in memory of all civilian victims who have lost their lives since the October 7, 2023 attack. Mayor Gordo noted ongoing conflicts in all parts of the world and advocated for the meeting to be adjourned in memory of all victims of violence.

CONSENT CALENDAR

City Manager/ Executive Director

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KELLY SPICERS, INC., DBA KELLY SPICERS STORES FOR SHEET-CUT PAPER, PARENT-SIZE PAPER, NCR, AND ENVELOPES FOR AN AMOUNT NOT-TO-EXCEED $1,226,685 (Finance Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the action proposed in the agenda report is not a "project" subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 21065 and within the meaning of Section 15378;

(2) Award contract to lowest and best bid dated July 9, 2025 submitted by Kelly Spicers, Inc., DBA Kelly Spicers Stores in response to the specifications for Sheet-cut Paper, Parent-size Paper, NCR, and Envelopes, authorize the City Manager to enter into a five-year contract for an amount not-to-exceed $1,226,685, which includes the base contract amount of $736,011 and the option for two one-year extensions or an amount not-to-exceed $490,674 whichever occurs first, at the discretion of the City Manager (Contract No. 33389); and

(3) Authorize the City Manager to approve no-cost amendments to the subject contract including durational extensions.

AUTHORIZE THE CITY MANAGER TO AMEND SUBRECIPIENT CONTRACTS NOS. 31386, 31391, AND 31392 WITH UNION STATION HOMELESS SERVICES AND SUBRECIPIENT CONTRACTS NOS. 31393 AND 31394 WITH FRIENDS IN DEED TO ADD COUNTY OF LOS ANGELES MEASURE A FUNDING (Housing Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the recommended actions in the agenda report are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption that CEQA only applies to projects that may have an effect on the environment;

(2) Authorize the City Manager to execute amendments to Contracts Nos. 31386, 31391, and 31392 with Union Station Homeless Services to add $351,962, $197,145, and $287,054 of County of Los Angeles ("County") Measure A funding respectively, thereby increasing the contract values to not-to-exceed totals of $1,781,479.19, $996,127.45, and $1,984,105.27 respectively, for the continued provision rapid rehousing, housing navigation, and emergency shelter services (Contract No. 31386-12) (Contract No. 31391-9) (Contract No. 31392-10);

(3) Authorize the City Manager to execute amendments to Contract Nos. 31393 and 31394 with The FID Group dba Friends In Deed to add $168,587 and $106,310 of County Measure A funding, respectively, thereby increasing the contract values to not-to-exceed totals of $1,028,112.75 and $712,203 respectively, for the continued provision of emergency shelter and homelessness prevention services (Contract No. 31393-10) (Contract No. 31394-8);
(4) Authorize the City Manager to execute up to five additional amendments to Contract Nos. 31386, 31391, 31392 with Union Station Homeless Services to add amounts that do not exceed the amount of any Measure A funds allocated to the City by the County of Los Angeles and to extend the contract terms for up to five (5) one-year extensions;
(5) Authorize the City Manager to execute up to five additional amendments to Contract Nos. 31393 and 31394 with Friends In Deed contracts to add amounts that do not exceed the amount of any Measure A funds allocated to the City by the County of Los Angeles and to extend the contract terms for up to five (5) one-year extensions; and
(6) To the extent the amendments to Contract Nos. 31386, 31391, 31392, 31393 and 31394 could be considered separate procurements subject to the Competitive Selection Process, grant exemptions pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served. Competitive price bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services.

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TORO ENTERPRISES, INC., FOR TRENCH REPAIR ON FAIR OAKS AVENUE AND PAVEMENT RESTORATION FOR PORTIONS OF FAIR OAKS AVENUE AND MADISON AVENUE FOR AN AMOUNT NOT-TO-EXCEED $1,907,635 (Public Works Dept.)
Recommendation: It is recommended that the City Council:
(1) Find the contract proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, and Section 15303, Class 3, and that there are no features that distinguish this project from others in the exempt classes, and therefore, there are no unusual circumstances;
(2) Authorize the City Manager to enter into a contract, as the result of the competitive bid process as specified by section 4.08.045 of the Pasadena Municipal Code, with Toro Enterprises, Inc., for Trench Repair on Fair Oaks Avenue and Pavement Restoration for Portions of Fair Oaks Avenue and Madison Avenue for an amount not-to-exceed $1,907,635 which includes the base contract amount of $1,658,813 and a contingency of $248,822 to provide for any necessary change orders. (Contract No. 33381)

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2026 CAPITAL IMPROVEMENT PROGRAM (Public Works Dept.)
Recommendation: It is recommended that the City Council:
(1) Find that the proposed actions in the agenda report are not "projects" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State CEQA Guidelines, and as such, are not subject to environmental review; and
(2) Amend the Fiscal Year 2026 Capital Improvement Program (CIP) Budget as detailed in Attachment A and B of the agenda report. (Budget Amendment No. 2026-11) (Budget Amendment No. 2026-11a)

FINANCE COMMITTEE: APPROVE THE KEY BUSINESS TERMS OF A FIRST AMENDMENT TO THE DEVELOPMENT AND LEASE AGREEMENT WITH NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA AND AMEND THE HOUSING DEPARTMENT'S FISCAL YEAR 2026 OPERATING BUDGET BY RECOGNIZING REVENUE AND APPROPRIATING $5,000,000 OF STATE LOCAL HOUSING TRUST FUNDS FOR THE CONSTRUCTION OF AN AFFORDABLE HOUSING PROJECT FOR SENIORS ON CITY-OWNED PROPERTY AT 280 RAMONA STREET (Housing Dept.)
Recommendation: It is recommended that the City Council:
(1) Find that the actions proposed in the agenda report are not a "project" subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 21065 and within the meaning of Section 15378(b);
(2) Approve the key business terms, as described in the agenda report, of the proposed First Amendment to the Development and Lease Agreement with National Community Renaissance of California (Contract No. 23,765-1);
(3) Amend the Housing Department's Fiscal Year (FY) 2026 Operating Budget recognizing revenue and appropriating $5,000,000 of state Local Housing Trust Funds in the Other Housing Fund (238) for the construction of an affordable housing project for seniors on City-owned property at 280 Ramona Street (Budget Amendment No. 2026-12); and
(4) Authorize the City Manager to execute any and all documents necessary to effectuate the staff recommendation.

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: PROPOSED AMENDMENTS TO THE CITY COUNCIL ADOPTED SPEED HUMP POLICIES AND PROCEDURES (Transportation Dept.)

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: DIRECT THE CITY ATTORNEY'S OFFICE TO PREPARE AN ORDINANCE WITHIN 60 DAYS AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE PASADENA MUNICIPAL CODE TO DEFINE ELECTRIC BICYCLES, REMOVE REGISTRATION REQUIREMENTS AND UPDATE RIDING REGULATIONS (Transportation Dept.)

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: ADOPT A RESOLUTION TO ALLOW THE UPSIZING OF NEW SOLAR CUSTOMER-GENERATOR SYSTEMS WITHIN PASADENA WATER AND POWER'S SERVICE TERRITORY (Water & Power Dept.)

City Council

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

APPOINTMENT OF SUZANNE MADISON TO THE NORTHWEST COMMISSION (District 6 Nomination)

APPOINTMENT OF RICHARD BUSSIERE TO THE PASADENA CENTER OPERATING COMPANY BOARD (Hotel Nomination)

REAPPOINTMENT OF JANE HADERLEIN TO A SECOND TERM ON THE SENIOR COMMISSION EFFECTIVE JULY 1, 2025 (Mayor Nomination)

City Clerk/ Secretary

MINUTES APPROVED

August 18, 2025 City Council
August 18, 2025 Successor Agency to the Pasadena Community Development Commission

CLAIMS RECEIVED AND FILED

Claim No.	Claimant	Claim Amount
2026-0050	Weiquan Lin	$ 35,000.00+
2026-0051	Mercury Insurance a/s/o Mark Burns	8,213.16
2026-0052	Eric Andre Lampkin II	9,000.00
2026-0053	Vivian Manuela Alegria	35,000.00+
2026-0054	Cherry Banzuela	35,000.00+
2026-0055	Daniel H. Macedo	675.00
2026-0056	Mercury Insurance a/s/o Allison Kawamoto Howard	Not stated

PUBLIC HEARING SET

September 29, 2025, 6:00 p.m. – Draft Consolidated Annual Performance and Evaluation Report (2024-2025 Program Year) for Projects Funded from Community Development Block Grant, Emergency Solutions Grant, and Home Investment Partnership Act

City Clerk Jomsky reported that the City Clerk's office received correspondence for Items 4, 5, and 8, with all letters distributed to the City Council, posted online, and made part of the public record.

MOTION:

It was moved by Councilmember Cole, seconded by Councilmember Hampton, to approve all items on the Consent Calendar with the exception of Items 6, 7 and 8. (Motion unanimously approved) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

MUNICIPAL SERVICES COMMITTEE: PROPOSED AMENDMENTS TO THE CITY COUNCIL ADOPTED SPEED HUMP POLICIES AND PROCEDURES (Transportation Dept.)
Recommendation: It is recommended that the City Council:

(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption that CEQA only applies to projects that may have an effect on the environment; and

(2) Amend the Speed Hump Policies and Procedures to the following:

a) Lower the minimum daily traffic volume eligibility requirement to 500 car trips per day from 1,000 car trips per day.

b) Revise the current 67% approval requirement for total households and remove the non-vote as equivalent to a no vote, to an approval requirement 67% of ballots returned and a minimum response rate of 50% of eligible ballots.

c) Revise the eligible street classification requirement to add City designated Greenway bike facilities from the 2015 Bicycle Transportation Action Plan (BTAP) to the current eligible street classifications of Local Residential and Access Streets Residential Only.

Transportation Advisory Commission recommendation: The proposed amendments to the Speed Hump Policies and Procedures were presented to the Transportation Advisory Commission (TAC) on June 26, 2025. TAC supported staff's recommended amendments to the current Speed Hump Policies and Procedures to provide greater applicability of speed humps.

Municipal Services Committee recommendation: The proposed amendments to the Speed Hump Policies and Procedures were presented to the Municipal Services Committee (MSC) on August 26, 2025. MSC supported staff's recommended amendments to the current Speed Hump Policies and Procedures with the suggested amendments of adding a minimum response rate of 50% for a valid vote and adding City designated Greenway bike facilities as identified in the 2015 Bicycle Transportation Action Plan (BTAP) as an eligible street classification.

Councilmember Cole expressed concerns regarding the proposed neighborhood approval threshold needed to allow speed hump installations to occur on a street. He advocated for a minimum of 50% of residents that live on the street to agree with the speed hump installation.

Mayor Gordo and Councilmember Masuda also expressed reservations regarding the impacts of speed humps, substantial permanency, and unintended consequences.

Councilmember Hampton suggested notifying residents prior to the installation of speed humps to ensure that they are aware of upcoming changes to their street and/or have an opportunity to provide their feedback.

Discussion ensued regarding the deliberations at the Municipal Services Committee and Transportation Advisory Commission meetings, the number of ballots returned by households responding to the speed hump vote, and the effective used to inform residents of the pending vote on the matter.

Councilmember Lyon expressed support for the staff recommendation, noting that Council District elections do not require a minimum threshold of participation, and that speed hump installations should follow the same standard.

Councilmember Cole expressed his support for the change in the speed hump policy, while noting that impacts of speed hump installations are substantial. He proposed that a minimum threshold of 40% participation of ballots issued be required to be returned in affirmative before a speed hump can be installed.

Councilmember Hampton and Vice Mayor Rivas offered friendly amendments advocating for City staff to conduct extensive outreach (i.e. mailers, street signage, etc.) prior to sending out ballots to ensure that residents are aware of pending speed hump initiatives and to address potential mailing issues prior to open balloting.

MOTION: It was moved by Councilmember Lyon, seconded by Councilmember Jones, to approve the staff recommendation, incorporating the friendly amendments to direct City staff to conduct extensive outreach to notify residents prior to sending out ballots for speed hump initiatives, as detailed above. (Motion unanimously approved) (Absent: None)

MUNICIPAL SERVICES COMMITTEE: DIRECT THE CITY ATTORNEY'S OFFICE TO PREPARE AN ORDINANCE WITHIN 60 DAYS AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE PASADENA MUNICIPAL CODE TO DEFINE ELECTRIC BICYCLES, REMOVE REGISTRATION REQUIREMENTS AND UPDATE RIDING REGULATIONS (Transportation Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the action proposed in the agenda report is not a "project" subject to the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21065 and within the meaning of State CEQA Guidelines Section 15378(b); and

(2) Direct the City Attorney to draft an ordinance within 60 days amending Title 10 of the Pasadena Municipal Code (PMC) Chapter 10.60 – Bicycles to amend the following items:

a. Update the definition of a "Bicycle" to include "electric bicycle" as a type of bicycle according to the California Vehicle Code (CVC);
b. Remove bicycle registration and licensing requirements as the CVC prohibits municipalities from having this requirement; and

c. Update PMC 10.60.140 - Riding Regulations with speed limits and conditions for when a bicycle may be ridden on a sidewalk.

Transportation Advisory Commission Recommendation: On May 22, 2025, the Transportation Advisory Commission (TAC) considered the proposed modifications to PMC Chapter 10.60 – Bicycles. TAC concurred with the recommendations for items (a) to update the definition of a "Bicycle" and add "electric bicycle", and (b) remove sections related to bicycle registration and licensing requirements. TAC also considered proposed modifications to item (c) Riding Regulations (Section 10.60.140), and provided recommended changes to the proposed language, which were subsequently researched and reviewed by City staff to incorporate into an updated version. In addition, TAC requested that staff further research speed regulations and speed limits for sidewalk riding and return to TAC at the next regularly scheduled meeting.
On June 26, 2025, City staff presented a recap from the May meeting and research on speed regulations and speed limits on sidewalks that informed staff's recommendations. TAC agreed with staff's recommendations and supported the proposed modifications to Section 10.60.140 and updated version of 10.60 – Bicycles (attached to agenda report).

Councilmember Cole stated that he did not have questions or remarks for the item, which was mistakenly pulled.

MOTION: It was moved by Councilmember Hampton, seconded by Councilmember Lyon, to approve the staff recommendation. (Motion unanimously approved) (Absent: None)

MUNICIPAL SERVICES COMMITTEE: ADOPT A RESOLUTION TO ALLOW THE UPSIZING OF NEW SOLAR CUSTOMER-GENERATOR SYSTEMS WITHIN PASADENA WATER AND POWER'S SERVICE TERRITORY (Water & Power Dept.)
Recommendation: It is recommended that the City Council:
(1) Find that the proposed actions in the agenda report are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption, and as such, no environmental document pursuant to CEQA is required;
(2) Adopt a resolution to authorize the Pasadena Water and Power Department ("PWP") to allow the upsizing of new solar customer-generator systems within its service territory as follows (Resolution No. 10153):

a. to allow solar customer-generator system sizing up to 150% of the customer's maximum annual historical usage within the past five years subject to localized distribution grid sufficiency, and
b. to allow solar customer-generator systems sizing greater than 150% of the customer's maximum annual historical

usage within the past five years, provided that such installations do not exceed one megawatt, if paired with an energy storage system, subject to localized distribution grid sufficiency; and

(3) Direct PWP staff to provide the Municipal Services Committee recommendations to incentivize battery storage, such as a battery rebate program, in advance of time-of-use rate implementation.

Municipal Services Committee Recommendation: Staff presented this item to the Municipal Services Committee ("MSC") on August 26, 2025, with a recommendation to direct the City Attorney to prepare and return with an ordinance within 60 days amending Pasadena Municipal Code ("PMC") Section 13.04.177, among other things. The original recommendation has been revised based on the Committee's direction, as outlined in the agenda report. Subsequently, as part of the Electric Rate Study and future required amendments to Title 13 of the PMC, relevant portions of the resolution would be codified as appropriate.

Councilmember Cole advocated to raise the proposed sizing threshold for a solar customer-generating system to 200% and for City staff to identify an incentive for residents to purchase battery storage. Councilmember Cole made a motion to adopt the Municipal Services Committee recommendation, raise the threshold from 150% to 200%, and to revisit the matter once battery storage incentives have been identified.

In response to Councilmember Madison's concerns regarding rebates for residents who produce more energy than they consume, David Reyes, General Manager of Water and Power reported that the City will be launching a rebate program for batteries and battery storage, funded by the Public Benefit Fund so that ratepayers are not affected. Councilmember Madison expressed support for the staff recommendation, noting that it provides a good balance of power generation and storage.

Councilmember Jones provided a brief recap of the Municipal Services Committee's discussion and made a substitute motion to approve the staff recommendation.

In response to Vice Mayor Rivas' inquiry regarding City staff's analysis behind the proposed 150% threshold, General Manager Reyes reported that City staff found the solar system threshold of 150% to be most balanced for most residents, accounting for enough energy for 1 electric vehicle. He noted that customers who want to go beyond the 150% threshold will need to install a battery to store excess energy. Varoojan Avedian, Assistant General Manager, added that the City proposed the 150% threshold to prevent unintended impacts of excess solar on the City's electrical grid.

Councilmember Lyon proposed a compromise of setting the solar system entitlement at 150% and requiring residents who wish to exceed that limit to either purchase battery storage or demonstrate a legitimate need beyond the 150%, which might include evidence of historic usage and/or the purchase of an additional electric vehicle.

The following individuals spoke in support of the staff recommendation and/or advocated for the City to proceed with the Optimized Strategic Plan:

Sandy Krasner, Pasadena resident
Yadi, Pasadena resident

City Clerk Jomsky reported that a revision was made to the proposed resolution on page 2, item one, second line, to remove the word "new", and have the resolution read "...permit customers to install ~~new~~ solar systems sized up to 150% of their maximum...", which would allow the resolution to be applied to existing solar power systems, and not limited to new systems only.

MOTION:

Following discussion, it was moved by Councilmember Jones, seconded by Councilmember Madison, to approve the staff recommendation and adopt revised resolution to allow upsizing of all solar systems (not limited to new systems), and to allow customers to upsize greater than the 150% maximum if they provide an energy storage system or demonstrate an actual need based on annual historical usage within the past five years or changed circumstance creating new need. (Motion unanimously approved) (Absent: None)

Mayor Gordo announced that Item 14 (PRESENTATION ON THE FIRE DEPARTMENT'S 10-YEAR OPERATIONAL AND ORGANIZATIONAL PLAN) has been pulled from the agenda and will be heard at a future date.

OLD BUSINESS

FINANCE COMMITTEE: APPROVE THE ALLOWABLE USES AND CHARACTERISTICS OF ENTITIES ALLOWED TO SUBMIT PROPOSALS FOR THE BUILDINGS WITHIN HAHAMONGNA WATERSHED PARK ANNEX AREA (PRCS Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15601(b)(3) "Common Sense" exemption;

(2) Authorize potential demolition of the six buildings in the Hahamongna Annex area;

(3) Approve, in concept, the allowable uses of the Hahamongna Annex buildings in accordance with the Hahamongna Watershed Park Master Plans and other existing legal restrictions on the property;

Mayor Gordo left the meeting at 8:57 p.m.

Mayor Gordo returned to the meeting at 9:00 p.m.

(4) Authorize the issuance of a request for proposals to utilize the Hahamongna Annex area per the allowable and legal uses; and
(5) Approve characteristics outlined in the body of the agenda report, of entities allowed to submit proposals to demolish, rebuild and operate the area of the six vacant Hahamongna Annex buildings and the Oak Woodlands Natural Open Space.

In response to Councilmember Hampton's inquiry regarding the potential demolition of the structures, Koko Panossian, Parks, Recreation, and Community Services Director, reported that the City's risk management and safety team assessed the structures and noted substantial deterioration of the structures, which led City staff to recommend demolition of the structures. Councilmember Hampton advocated for prospective bidders to include an assessment of the buildings as part of their proposals, and have the option to determine whether to include refurbishment.

Mayor Gordo left the meeting at 9:04 p.m.

Mayor Gordo returned to the meeting at 9:10 p.m.

The following individuals spoke in support of the proposed project and advocated for the City Council to amend the staff recommendation to consider authorizing the demolition of the six buildings, allow a comprehensive feasibility study to decide on the question of demolition, and expedite and shorten the proposed one-year timing of the RFP, and/or provided related comments:

Charles Thomas, representing Outward Bound Adventures
Jessica Blickley, CREEC

Brandon Hammerli, CREEC, spoke on managing the proposed project and ensuring sustainable political and financial support for the project.

The following individuals urged the City Council to amend the staff recommendation to consider selective demolition instead of outright demolition and/or adaptive reuse of the existing buildings:

Jackie Hensy, representing Stainer Architects
Tristan Walker, representing Stainer Architects
Ana Soulriver, Pasadena resident

The following individuals advocated for the City to expedite the proposed timing of the RFP and noted environmental risks of the site's current condition:

Dave Weeshoff, representing Pasadena Audubon Society
Emily Hopkins, Pasadena resident
Heavenly Hughes, My Tribe Rise

Marcus Renner, Pasadena resident, expressed support for the proposed project and noted opportunities for environmental activism and workforce development.

Marcos Aguilar, Indigenous Students and Families, expressed support for the proposed project and urged the City Council to conduct formal tribal consultation with all local tribes, in compliance with AB52, and respecting the rights of tribal self-determination and sovereignty.

In response to public comment, PRCS Director Panossian, reported that although the buildings were recommended for demolition with regards to safety priorities, the City Council may direct City staff to incorporate a feasibility study component in the RFP process to identify whether any buildings may be preserved for adaptive reuse and which ones should be demolished. He added that the onus of a feasibility study would be on the RFP awardee.

Discussion ensued regarding the various safety concerns (i.e. asbestos, lead, hazardous materials, etc.) of the existing structures and the guidelines for an open RFP for the proposed project.

In response to Councilmember Cole's concerns regarding the lack of state law requiring an RFP for a project on an agency's property, City Attorney Bagneris clarified that the City is required to have a competitive RFP process for the proposed project with respect to the City's Charter and Pasadena Municipal Code.

Councilmembers Madison and Hampton advocated for the Gabrielino-Tongva tribes to be included throughout the process of the proposed project.

MOTION:

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Lyon, to approve the staff recommendation, amended to include a feasibility study requirement paid by the awardee in the RFP to determine feasibility of the viable reuse of any of the buildings, and with direction to City staff to issue the RFP by the end of the calendar year.

AYES:	Councilmembers Cole, Hampton, Jones, Lyon, Madison, Masuda, Vice Mayor Rivas, Mayor Gordo
NOES:	None
ABSENT:	None
ABSTAIN:	None

PUBLIC HEARING

Councilmember Hampton left the meeting at 9:57 p.m.

ADOPTION OF AN INTERIM ORDINANCE PROHIBITING SENATE BILL 9 APPLICATIONS WITHIN A VERY HIGH FIRE HAZARD SEVERITY ZONE IN THE BOUNDARY OF THE EATON FIRE (Planning Dept.)

Recommendation: It is recommended that the City Council:
(1) Find that the actions proposed in the agenda report are not subject to the California Environmental Quality Act (CEQA) pursuant to Executive Order N-32-25; and

(2) Conduct first reading to adopt an interim urgency ordinance to prohibit Senate Bill 9 (SB 9) applications on sites located within a Very High Fire Hazard Severity Zone (VHFHSZ) and in the boundary of the Eaton Fire, aligning with Executive Order N-32-25, due to the threat to the public health, safety, or welfare.
(*Discussed and considered concurrently with Item No.13, including for public comment purposes.*)

City Clerk Jomsky reported that the public hearing notice was published on August 28, 2025, in the Pasadena Press and that three letters in opposition to the staff recommendation and advocating for the City to maintain implementation of SB9 applications were received by the City Clerk's office, distributed to the City Council, posted online, and made part of the public record.

The following individuals spoke in opposition to the staff recommendation, advocated for the City to maintain SB9 applications, and/or provided comments regarding potential impacts on households who may be underinsured:

Bert Newton, Pasadena resident
Andrew Slacum, Pasadena resident

In response to Vice Mayor Rivas' inquiries, Jennifer Paige, Planning Director, reported that the City did not experience the types of traffic issues related to the ingress or egress of cars in high-density areas (that occurred in the Palisades) as a result of limited points of entry/exit during the Eaton Fire. Planning Director Paige stated that the proposed restrictions of SB9 applications would affect a small portion of District 4 and that there have only been five SB9 projects to date citywide, including four pool permits and one construction permit as a result of the Eaton Fire.

Mayor Gordo expressed support for the staff recommendation, highlighting concerns about increasing housing density in high fire zones, particularly due to potential infrastructure issues related to fire hydrants.

Vice Mayor Rivas advocated to maintain SB9 applications to allow homeowners to have that option on the table as they go through the rebuild process despite the applications not being widely utilized.

Councilmember Cole suggested amending the staff recommendation to prohibit the SB9 applications for dead-end streets to prevent the potential increase of housing density in areas of limited points of entry/exit in high fire zones.
In response to Councilmember Jones' inquiry regarding public opinions on the matter, Planning Director Paige and Councilmember Masuda reported that residents have not expressed either opposition or support on the matter. Planning Director Paige reported that as

part of the interim ordinance process, City staff will return with a renewal of the interim urgency ordinance in 45 days to extend the ordinance for as long as two years, and can report back on any feedback received after informing residents of the implications of the ordinance.

MOTION: It was moved by Councilmember Lyon, seconded by Councilmember Jones, to close the public hearing. (Motion unanimously approved) (Absent: Councilmember Hampton)

SUBSTITUTE MOTION: Following discussion, it was moved by Councilmember Cole, seconded by Vice Mayor Rivas, to approve the staff recommendation, amended to limit the application of the prohibitions of SB9 to areas with limited points of entry/exit in the very high fire hazard severity zone in the boundary of the Eaton Fire.

AYES:	Councilmembers Cole, Lyon, Vice Mayor Rivas
NOES:	Councilmembers Jones, Madison, Masuda, Mayor Gordo
ABSENT:	Councilmember Hampton
ABSTAIN:	None

MOTION FAILED.

MOTION: It was moved by Councilmember Masuda, seconded by Mayor Gordo, to approve the staff recommendation.

AYES:	Councilmembers Cole, Jones, Lyon, Madison, Masuda, Mayor Gordo
NOES:	Vice Mayor Rivas
ABSENT:	Councilmember Hampton
ABSTAIN:	None

ORDINANCE – FIRST READING

Conduct first reading of "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PROHIBITING URBAN LOT SPLITS AND CONSTRUCTION OF MULTIPLE DWELLINGS PURSUANT TO SENATE BILL 9 IN VERY HIGH FIRE HAZARD SEVERITY ZONES WITHIN THE BOUNDARY OF THE EATON FIRE" (*Discussed and considered concurrently with Item No. 12, including for public comment purposes.*)

The ordinance above was introduced by Councilmember Masuda:

AYES:	Councilmembers Cole, Jones, Lyon, Madison, Masuda, Mayor Gordo
NOES:	Vice Mayor Rivas
ABSENT:	Councilmember Hampton
ABSTAIN:	None

INFORMATION ITEM

PRESENTATION ON THE FIRE DEPARTMENT'S 10-YEAR OPERATIONAL AND ORGANIZATIONAL PLAN (Fire Dept.)

As noted by the Mayor above, the item was pulled from the agenda, to be heard at a future meeting.

BRIEF REPORTS FROM REPRESENTATIVES/ REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Madison requested an agenda item to consider a formal Sister City relationship with the City of Guanajuato, Mexico at the next City Council meeting, or an item to allow the City Council to vote to agendize its consideration at a City Council meeting in the immediate future.

Mayor Gordo advocated for the City to receive input from the Sister Cities Committee on potential relationships with cities in Mexico and stated his strong preference to follow the Committee's formal process prior to agendizing for discussion.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:30 p.m. in memory of Joan Taylor, Larry Edson, Nina Chomsky, and all civilians who have lost their lives in Israel and Palestine.

Victor M. Gordo, Mayor
City of Pasadena

ATTEST:

City Clerk

EXHIBIT AC

Introduced by: Councilmember Masuda

ORDINANCE NO. 7457

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA EXTENDING ORDINANCE NO. 7455 PROHIBITING URBAN LOT SPLITS AND CONSTRUCTION OF MULTIPLE DWELLINGS PURSUANT TO SENATE BILL 9 IN VERY HIGH FIRE HAZARD SEVERITY ZONES WITHIN THE BOUNDARY OF THE EATON FIRE

WHEREAS, windstorms of extraordinary magnitude and widespread fires began on January 7, 2025, which included dangerous gusts of wind of over 80 miles per hour and wind-driven and destructive wildfires including the Eaton Fire and the Palisades Fire; and

WHEREAS, these conditions caused extensive damage to residential and nonresidential structures, businesses and critical infrastructure in the City of Pasadena ("City") and the Eaton Fire specifically destroyed 185 structures in the City, a majority of which were zoned single-family residential, displacing Pasadena residents; and

WHEREAS, the combined fires in the County of Los Angeles ("County") collectively burned over 47,900 acres, destroyed or damaged more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS, on January 8, 2025, the Director of Disaster Emergency Services of the City proclaimed the existence of a local emergency; and

WHEREAS, on January 13, 2025, the City Council ratified that January 8, 2025 Declaration of Local Emergency – Windstorms and Fires, which shall be deemed to continue to exist until its termination is proclaimed by the City Council; and

WHEREAS, on July 30, 2025, the Governor issued Executive Order N-32-25, which acknowledged that Senate Bill ("SB") 9 was not tailored for circumstances like the present situation where more than 13,000 homes were destroyed including more than 5,000 single-family homes in the Palisades Fire that fall into a designated very high fire hazard severity zone; and

WHEREAS, Executive Order N-32-25 recognizes that widespread SB 9 development concentrated in neighborhoods rebuilding from destructive fires in very

high fire hazard severity zones has the potential to crowd evacuation routes, and finds the unprecedent scale of the disaster calls for affording local governments increased discretion to ensure that SB 9 development in the rebuilding areas appropriately account for fire safety concerns, and suspends Government Code sections 65852.21 and 66411.7 in very high fire hazard severity zones within the boundaries of the Palisades and Eaton Fires to the extent they limit discretion in approval of applications for development of two units on a single-family parcel or lot split; and

WHEREAS, City residents are in the process of preparing for rebuild and rebuilding, and the City Council finds there is a need to address the current and immediate threat of overcrowding evacuation routes in very high fire hazard severity zones that are within the boundary of the destructive Eaton Fire to preserve public safety during emergencies; and

WHEREAS, approximately 185 parcels in the City of Pasadena are in the Eaton Fire Burn area and very high fire hazard severity zones and approximately 70 of those parcels were damaged or destroyed in the Eaton Fire, and the in absence of limitations on SB 9 lot splits and subdivisions, the density in this area may quadruple without corresponding changes in public facilities to ensure quick evacuation and fire response; and

WHEREAS, higher-density development may increase structure-to-structure ignitions due to closer arrangement of buildings; and

WHEREAS, the climate, topography and vegetation in Pasadena is conducive to annual wildfire events; and

WHEREAS, this area does not have a grid-type street design, and includes non-through streets including dead-ends and cul-de-sacs, meaning that residents may be limited to a single route for egress and the fire department may have a single route for ingress, which may slow evacuation and fire response; and

WHEREAS, the City has designated Michillinda Avenue as the evacuation route for this area which is within "Zone 3," and other north-south roads are less desirable for evacuation because of their narrow width and the potential to be impassable depending on emergency conditions; and

WHEREAS, this area has irregular parcel shapes some with significant grade or slope on the parcel, and topographical features like proximity to steep slopes, can present a threat to homes or developments in fire events because fire flow rate-of-spread increases as slope increase; and

WHEREAS, this area is at risk from landslides and debris flows because the hillside north of the area has been subjected to wildland fire less than a year ago, the City's mountain and foothill areas are vulnerable to slope instability has been identified as area of historic landslides, the area is located near the Sierra Madre Fault; and

WHEREAS, this ordinance is necessary to mitigate and avoid the impacts of increased density that would slow and impede quick ingress and egress to the subject area, and failing to control increased density poses an immediate threat to public health, safety and welfare and adverse impacts, particularly in fire, landslide and debris flow events; and

WHEREAS, under Government Code Section 8634, during a local emergency, the City Council may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, under Government Code Section 65858, the City Council may adopt by a four-fifths vote an interim zoning ordinance to protect the public safety, health, and welfare; and

WHEREAS, the City provided notice pursuant to Government Code Section 65090 and held a public hearing on October 20, 2025, regarding this proposed ordinance; and

WHEREAS, the City Council makes the finding as stated in the recitals herein that there is a local emergency that requires the City Council to promulgate this ordinance to protect life and property, and there is a current and immediate threat to the public health, safety and welfare and that the approvals of certain entitlements required to comply with the Zoning Code would result in a threat to the public health, safety or welfare by failing to appropriately account for fire safety concerns in the very high fire hazard severity zones in the boundaries of the Eaton Fire;

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"**Summary**

This ordinance extends Ordinance No. 7455 prohibiting urban lot splits and construction of multiple dwellings pursuant to Senate Bill 9 in very high fire hazard severity zones within the boundary of the Eaton Fire in the City of Pasadena for an additional period of 22 months and 15 days.

Ordinance No. 7457 shall take effect upon publication."

SECTION 2. This ordinance extends Ordinance No. 7455 prohibiting urban lot splits and construction of multiple dwellings pursuant to Senate Bill 9 in very high fire hazard severity zones within the boundary of the Eaton Fire in the City of Pasadena for an additional period of 22 months and 15 days.

SECTION 3. The amendments adopted under this ordinance are adopted pursuant to the Governor's Executive Order N-32-25 (July 30, 2025) and shall remain in effect until such order ceases to be effective, unless the effect of such order is adopted into law permanently.

SECTION 4. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 6. This ordinance shall take effect upon publication and shall remain in effect for 22 months and 15 days, unless terminated earlier in accordance with Section 3.

Signed and approved this 27th day of October, 2025.

Victor Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 27th day of October 2025, by the following vote:

AYES: Councilmembers Cole, Hampton, Jones, Lyon, Madison, Masuda, Mayor Gordo

NOES: Vice Mayor Rivas

ABSENT: None

ABSTAIN: None

Date Published: October 30, 2025

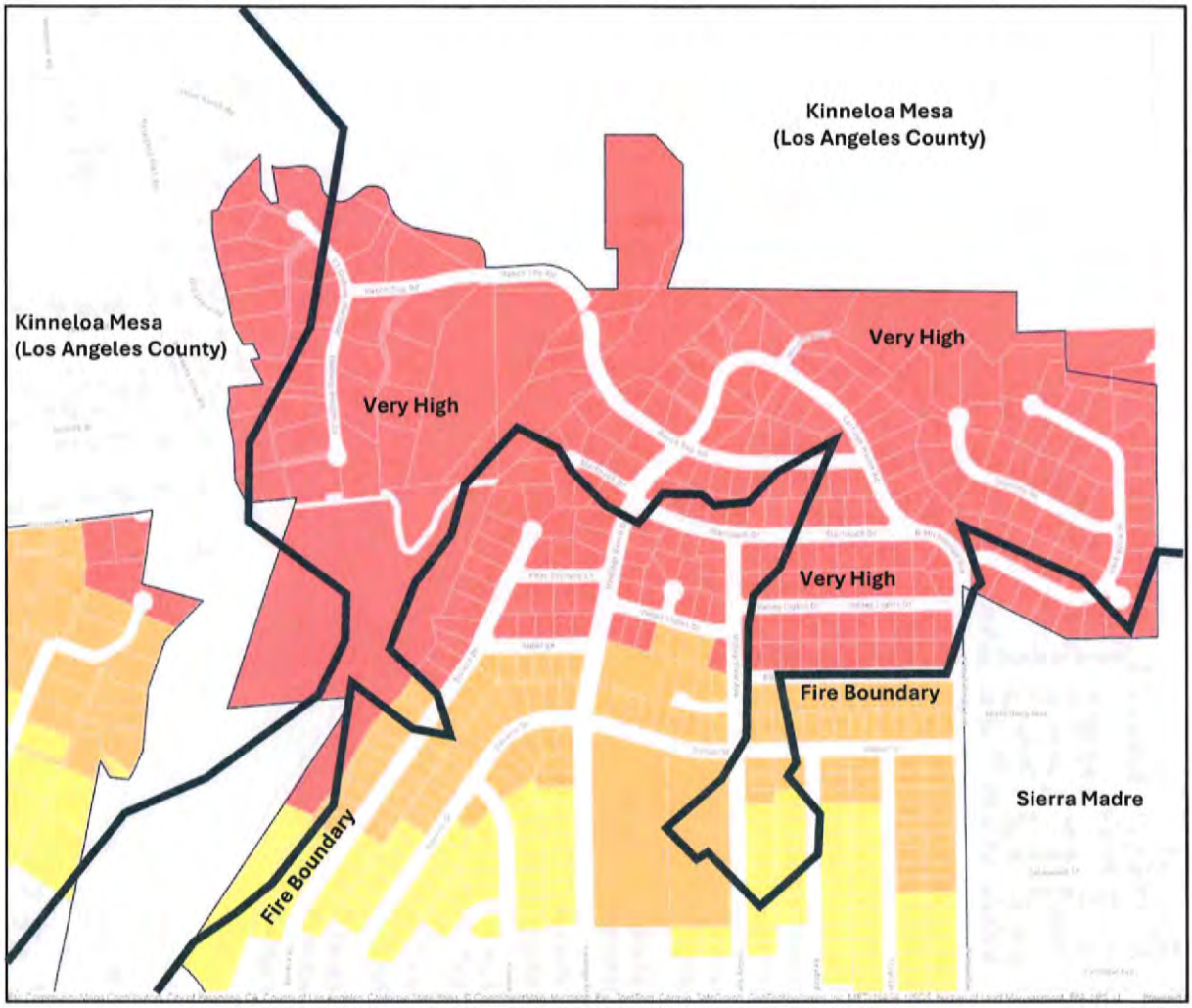
Mark Jomsky
City Clerk

Approved as to form:

Caroline Monroy
Assistant City Attorney

Attachment A

Properties in the Boundary of the Eaton Fire and within a Very High Fire Hazard Severity Zone



Fire Hazard Severity Zones

- Very High
- High
- Moderate