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Silver Lake
Neighborhood Council

**SILVER LAKE
NEIGHBORHOOD COUNCIL**

c/o Dept. of Neighborhood Empowerment
3516 N. Broadway
Los Angeles, CA 90031

TELEPHONE: (866) LA-HELPS
FAX: (323) 224-2312

SLNC TELEPHONE: (323) 663-3996
FAX: (323) 663-3311

July 8, 2004

**Los Angeles City Council
City Hall
200 N. Spring Street
Los Angeles, CA 90012**

RE: Council File # 04-0637, et al. INCLUSIONARY ZONING

To the Honorable Members of the Los Angeles City Council:

The Silver Lake Neighborhood Council supports the goal of the proposed Inclusionary Zoning Ordinance. It is essential to create affordable housing in Los Angeles by providing developers with incentives, thereby making it profitable to build affordable units along with market rate housing. Silver Lake might be seen as a model for how Inclusionary Zoning can work, as the neighborhood already features a high proportion of rental units mixed in with owner-occupied units. While such housing developed organically in Silver Lake, the net effect has been to create a socioeconomic diversity which has become the hallmark of our community. We are proof that it is possible to co-exist and thrive.

However, the “one size-fits-all” approach of the current proposed ordinance does not take into account the unique planning and land use needs of specific communities in the city, such as Silver Lake. Our narrow hillside streets will require particular attention and exceptions in any plan for development. In addition, the stakeholders of Silver Lake have long shown a desire and a capability for determining the course of development in our historic neighborhood. According to the City Charter, the primary purpose of neighborhood councils is “to promote more citizen participation in government and make government more responsive to local needs.” The SLNC cannot, then, support any policy which serves to create, wholesale, a new set of developer entitlements, thereby decreasing local discretionary action. With regard to development, we believe that a strong measure of self-determination is essential for all communities in the City of Los Angeles.

While we agree with the goal of the Inclusionary Zoning Ordinance, the Silver Lake Neighborhood Council opposes the program elements (i.e. “the matrix”) as currently written.

Following are our recommendations for amendments to the Inclusionary Zoning Ordinance (hereafter referred to as “the IZO”).

I. General Points and Recommendations

A. Impact on the Silver Lake-Echo Park-Elysian Valley Community Plan Update

The nearly-complete Silver Lake-Echo Park-Elysian Valley Community Plan already provides generous bonuses and variances for mixed-use development as a means of encouraging new housing construction. Development of the Community Plan has taken years of work on the part of City Planning and has included an enormous amount of input from the community and from the three Neighborhood Councils within the Plan area. The IZO grossly overrides and exceeds height limits of the well thought-out guidelines of the Community Plan Update, specifically the current 1VL height designation. The Community Plan Update attempted to resolve this issue by concentrating higher FARs on main thoroughfares like Sunset, Glendale and Hyperion.

Recommendations:

- We insist Inclusionary Zoning be implemented within the height limits, density and FAR bonuses already provided for mixed-used development within the Plan Update.
- All developer requirements within Design Overlay Zones should continue to be recognized, and discretionary action maintained.
- Height variances beyond the current 1VL limit should continue to be a discretionary action.
- All development in Hillside areas should continue to be governed by the Hillside Ordinance and subject to discretionary actions for deviations from the zone and HO.
- Offer bonuses only on lots fronting major transit corridors.

B. CEQA

The blanket entitlements in the proposed IZO will open the way for public safety threats in older urban hillside communities, like Silver Lake.

The LAFD has designated Silver Lake a *Very High Fire Hazard Safety Zone*. Silver Lake is a very densely populated, older, urban hillside community with exceptionally narrow, substandard hillside streets. Accommodating a growing population should increase, not lessen, the need to maintain environmental quality and public safety.

Silver Lake already has a great deal of multi-family zoning on substandard hillside streets. The greater the existing environmental problems, the lower the threshold should be for treating a proposed project's contribution to the cumulative impacts as significant.

Recommendation:

- Development in Hillside areas should continue to be governed by the Hillside Ordinance and subject to discretionary actions for deviations from the HO.
- Application of CEQA guidelines/environmental review should not be suspended for development under 100 units in development requiring discretionary action.

C. Automatic Allowance vs. Discretionary Action

The broad scope of new entitlements in the IZO eliminates local discretionary action in a manner that will cripple our ability to preserve the character and quality of life of our community. The proposed ordinance effectively rezones neighborhoods and redefines height limits without local input. It is essential that safeguards be incorporated into the ordinance to protect the character of our neighborhoods.

- All development in Hillside areas should continue to be governed by the Hillside Ordinance and subject to discretionary actions for deviations from the zone and HO.
- Offer bonuses only on lots fronting major transit corridors.

II. Response to Specific Items in the IZO Matrix dated April 6, 2004

2.6 Waiver of Inclusionary Units: This waiver clause is far too vague in its intent and language. As such it does not clearly outline the conditions for granting developers a waiver of requirements or what requirements might be waived. It appears to provide a huge, variably interpretable loophole to IZ requirements.

Recommendation: Clarify intent and language.

3.2, 3.4 Owner-occupied units, documenting resale: The very goal of the Inclusionary Zoning ordinance is to provide a measure of economic stability to lower-income residents. The current measure essentially penalizes homeowners for their economic standing and prevents them from building significant equity in their own homes. It removes the incentive for homeowners to invest in their community. It also removes the incentive for owners of affordable units to maintain and improve such units. In addition to mortgage tax credits, homeowners generally have the incentive to maintain and improve their homes in order to obtain eventual profit from the sale of their home at an increased market rate. All residents deserve the opportunity to participate in the American Dream of upward economic mobility.

Recommendation: Allow for sale of an affordable unit at market rate after owner occupancy of 10 - 15 years.

4.3 Off-site Construction: We oppose the allowance of off-site construction of affordable housing units. This provision reinforces the segregation of socioeconomic groups and, in particular, encourages poor neighborhoods to stay poor. It will doom certain areas of the city to become (or remain) ghettos, while contributing to the economic and sociopolitical expansion of others. Again, Silver Lake is proof that it is possible to co-exist happily. Standard hillside demographics condensed in a small area with a high proportion of rental units mixed in with owner-occupied units combine in creating a socio-economically diverse community that is Silver Lake.

Recommendation: Require affordable units be included on-site with market rate units. Drop the off-site option.

5.6 Parking: As an older neighborhood with substandard hillside streets and development predating current on-site parking requirements, Silver Lake already suffers a lack of on-street parking. Allowing reduced parking space will further exacerbate this severe community problem.

Recommendation: Parking requirements for Inclusionary Zoning developments should not be reduced. At the very least, all development in Hillside areas should continue to be governed by the Hillside Ordinance and subject to discretionary actions for deviations from the zone and HO.

5.7.1 Open space waiver: Smaller unit sizes for affordable units combined with higher density imply a *greater* need for common open space, not lesser. In a city that is trying to address its need for additional parks and open space, these should not be luxuries available only to certain economic classes. Common open space should not be based on the ability to pay.

Recommendation: Do not waive common open space requirements for inclusionary units.

5.7.2-4 Floor area ratios, building height: A specific FAR is not identified. Height variances are excessive and grossly out of scale to the existing neighborhood. We feel that these allowances will encourage the destruction of existing architecture and will allow inappropriate development which destroys the character of our community.

Recommendations:

- Limit FAR and height limits to those set forth for mixed-use development in the Silver Lake-Echo Park-Elysian Valley Community Plan Update.
- Community Design Overlay District guidelines must be applied to any IZ developments.
- Development in Hillside areas should continue to be governed by the Hillside Ordinance and subject to discretionary actions for deviations from the HO.
- Offer FAR bonuses only on lots fronting major transit corridors

5.9 Expedited Processing: Expedited processing for discretionary actions undermine the community's ability to evaluate and respond to these requests. Again, this is not in keeping with the voter's intent in passing the revised Charter.

Recommendation: Neighborhood Councils must be given full access to the information which City Planning receives from prospective applicants. City Planning should require an extra copy of the full application documentation, submitted by the applicant, solely for NC's use. The NCs must be allowed a minimum of 45 days to respond discretionary action request.

Conclusion

The Silver Lake Neighborhood Council encourages development of solutions to address the need for affordable housing in Los Angeles. We feel that the Inclusionary Zoning Ordinance as proposed by Councilmembers Reyes, Garcetti, et. al has provided an excellent starting point for discussion and applies appropriate urgency to finding solutions.

We also believe it is imperative that development of affordable housing in Los Angeles not be mandated in such a way as to threaten public safety or destroy the quality of life or the unique characteristics of any community. Incorporating the above recommendations will ensure this goal.

Sincerely,

Jason Lyon
Co-Chair, Governing Board
Silver Lake Neighborhood Council

Elizabeth Bougart Sharkov
Chair, Urban Design & Preservation Committee
Silver Lake Neighborhood Council

Roberto Haraldson
Chair, Governmental Affairs Committee
Silver Lake Neighborhood Council