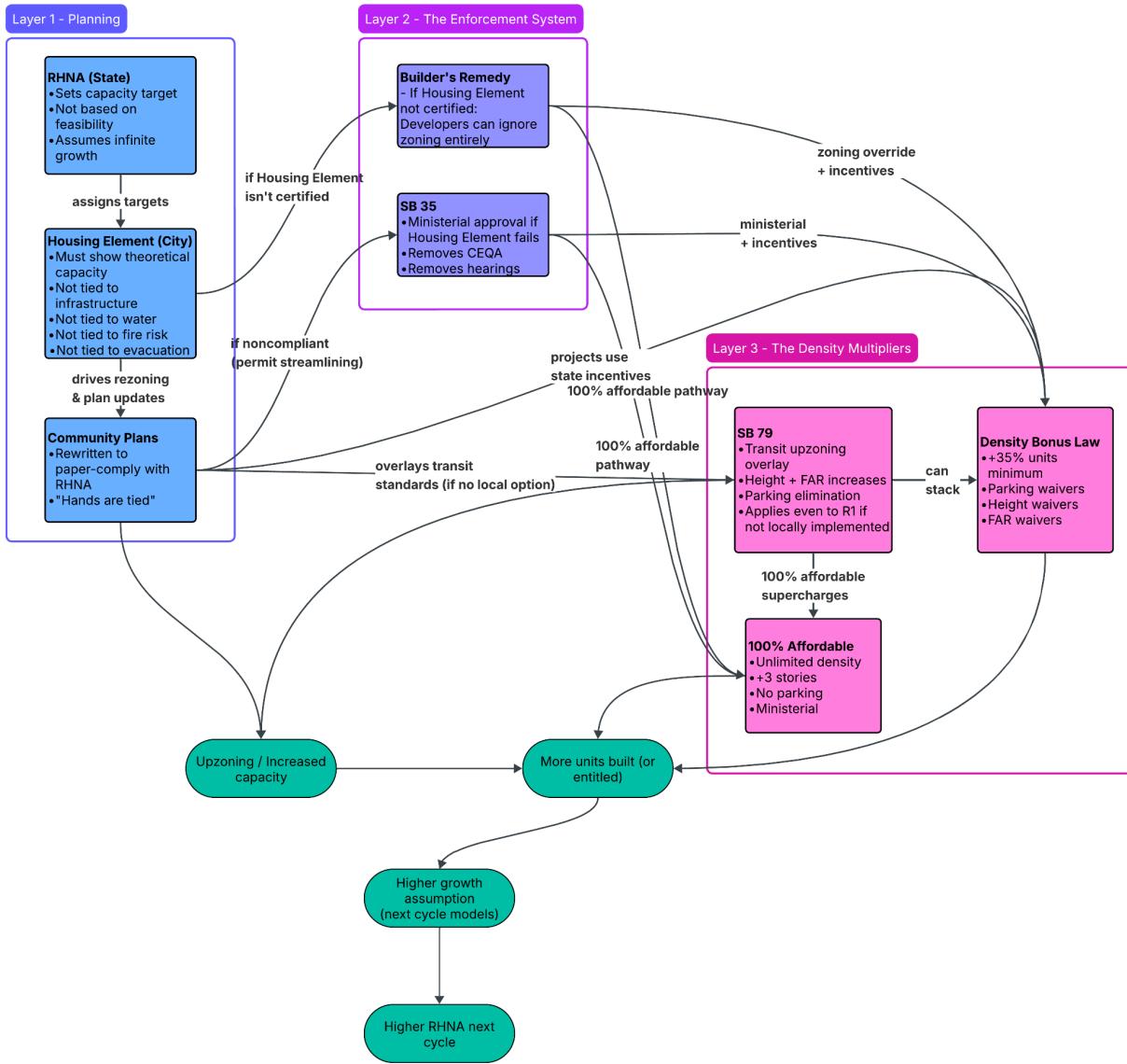


Planning Timeline & Feedback Diagram

1969–1970s		Birth of RHNA and Density Bonus Law RHNA created to estimate housing need. Density Bonus Law created to incentivize affordability. Originally: advisory planning tools with no enforcement.
1986		Prop U (LA) and Growth cap era LA voters impose citywide growth cap. Symbol of local control era. Later blamed for constraining housing supply.
2012		CA Supreme Court rulings and Planning abandons feasibility review Courts rule cities cannot reject Housing Elements based on infrastructure, water, traffic, fire risk. LA Planning abandons real-world capacity analysis.
2017		SB 35 (Wiener) State enforcement begins First real enforcement law. Introduces ministerial approval + CEQA limits for cities out of compliance.
2013–2021		RHNA 5th Cycle, LA target ~82k units, Built ~143k units LA exceeds its zoning target. Instead of being credited, growth becomes justification for higher future targets.
2021–2029		RHNA 6th Cycle, LA target ~456k units Largest RHNA target ever assigned to a US city. Assumes continued growth regardless of constraints.
2025		SB 79 (Wiener) passed and State transit upzoning State transit upzoning overlay. Overrides local zoning near transit. Applies even to R1 if not locally implemented.
2026–2030		Local implementation window or state override Cities can adopt alternative plans or delayed implementation — but on a short clock. Failure = state standards apply automatically.
2029+		RHNA 7th Cycle and Likely even higher target RHNA has no "we're full" mechanism. Each cycle assumes more growth capacity. No off-ramp.



Regional Housing Needs Assessment

1. What is RHNA?

RHNA = Regional Housing Needs Assessment

RHNA is a state-mandated planning process created in **1969** as part of California's Housing Element Law.

Its original purpose was simple:

Ensure every city plans for its share of housing growth so the state can accommodate population, jobs, and economic growth.

Every 8 years:

- The State (HCD) calculates how many homes California needs.
- Regional agencies (SCAG in Southern California) distribute that number to each city.
- Cities must update their Housing Elements and Community Plans to show where those homes *could* theoretically be built.

Important:

RHNA assigns **capacity targets** — not construction targets.

It tells cities:

"You must zone enough land to theoretically allow this many homes."

It does **not** require:

- that homes be built
- that financing exist
- that infrastructure be funded
- that water be available
- that neighborhoods be livable

2. How RHNA Numbers Are Calculated

RHNA is a two-step process:

Step 1 — State Sets Regional Housing Need (HCD)

The State Department of Housing & Community Development (HCD) calculates total housing need using:

- population growth projections
- household formation
- vacancy rates
- overcrowding rates
- cost burden
- replacement of demolished housing

This produces a regional number.

For Southern California (SCAG region), the 6th cycle total is:

1,341,827 housing units

Step 2 — Regional Agency Allocates to Cities (SCAG)

SCAG distributes that number to 197 cities based primarily on:

- **Transit access**
- **Job access**
- **Population near transit**
- **Growth projections**
- **Equity adjustments**

This is how Los Angeles ended up with:

456,643 units for the 6th RHNA cycle

3. RHNA Was Originally a Planning Tool — Not an Enforcement Tool

For decades, RHNA had **no real enforcement mechanism**.

Cities could:

- miss their targets
- underzone
- delay housing elements
- block projects

And face few consequences.

This led to:

- widespread underbuilding
- exclusionary zoning
- wealthy cities refusing growth
- sprawl into inland areas

Which Sacramento interpreted as:

"Cities can't be trusted to plan for housing."

4. The Shift: From Planning to Enforcement

2017 — SB 35 (Scott Wiener)

SB 35 introduced the first real enforcement mechanism.

If a city is behind on RHNA production:

- Projects get **ministerial approval**
- Discretionary review is removed
- CEQA review is limited
- Local zoning is overridden

This was the first major step in stripping local planning authority.

5. The Critical Distinction: Capacity vs Production

RHNA = Capacity

RHNA requires cities to **zone** for housing.

SB 35 = Production Enforcement

SB 35 punishes cities for not **permitting** housing.

These are two different systems:

- RHNA measures theoretical zoning
- SB 35 measures actual approvals

Which means:

- Cities can meet RHNA but fail SB 35
- Cities can meet SB 35 but fail RHNA
- Cities can comply on paper while nothing gets built

The result is a regulatory maze where:

- zoning is divorced from feasibility
- production is divorced from planning
- infrastructure is ignored entirely

6. Why LA's RHNA Number Exploded

5th Cycle (2013–2021)

- RHNA target: **~82,000 units**
- Actual construction: **~143,000 units**

LA exceeded its goal by 75%.

6th Cycle (2021–2029)

- RHNA target: **456,643 units**

A 5× increase.

Why?

Because RHNA assumes:

If growth happened once, it can happen forever.

There is no mechanism to recognize:

- land constraints
- water limits
- fire zones
- evacuation limits
- infrastructure aging
- political feasibility
- social stability

RHNA assumes **infinite urban elasticity**.

7. Why the Goal Will Keep Growing Forever

RHNA is recursive.

Each cycle:

- Growth becomes the new baseline

- Density becomes the new expectation
- Capacity becomes the new minimum
- Production becomes the new enforcement target

So if LA meets 456,643 units:

→ 7th cycle will be higher
→ 8th cycle higher still
→ and so on

There is no finish line.

Cities are treated as infinite containers.

What LA City Planning Used to Do — and What It Does Now

1. What City Planning Was Traditionally Responsible For

Historically, LA City Planning functioned as a **real planning agency**, not just a zoning office.

Its core role was to balance:

- population growth
- housing demand
- infrastructure capacity
- transportation
- water and sewer systems
- fire and emergency access
- schools and parks
- environmental constraints
- neighborhood form and livability

The traditional planning model was:

“Given how many people we expect, what can the city actually support?”

That meant planning departments were expected to:

- assess existing density
- model future growth
- evaluate infrastructure constraints
- phase development over time
- coordinate with utilities and public works
- ensure new growth was physically serviceable

This is what “planning” meant in the 20th century.

Zoning was just one tool in a larger system of city-building.

2. How Planning Was Supposed to Interact with RHNA

Under the original Housing Element law:

RHNA would assign a housing need number →
City Planning would then evaluate:

- where housing could go
- whether infrastructure could support it
- what tradeoffs were necessary
- how growth should be phased
- what neighborhoods could absorb change
- where investments were required

The idea was:

RHNA sets the target.
Planning figures out how to meet it responsibly.

This is how planning departments in most countries still operate.

3. What Changed Around 2012

In the late 2000s and early 2010s, cities across California — including LA — were sued repeatedly over Housing Element compliance.

Advocacy groups and the state argued that cities were:

- using infrastructure constraints to block housing
- using CEQA to delay development
- downzoning after Housing Elements were approved
- slow-walking rezonings
- identifying infeasible sites

The state increasingly viewed local planning departments as **bad-faith actors**.

In response, courts began tightening standards:

- Housing Elements had to be “objective”
- Site inventories had to be “realistic”
- Capacity assumptions had to be conservative
- Infrastructure constraints could not be used to block zoning

The key shift:

Planning departments were no longer allowed to say:

“We don’t have the infrastructure for this.”

Instead, they were told:

“Zone first. Infrastructure will follow.”

4. LA Planning’s Institutional Pivot

Around 2012–2014, LA City Planning fundamentally restructured its approach.

It moved away from:

- growth modeling
- infrastructure coordination
- density saturation analysis
- service capacity evaluation
- population planning

And moved toward:

- pure zoning capacity modeling
- parcel-level upzoning
- site inventories
- theoretical buildout math
- compliance documentation

In practice, this meant:

Planning stopped asking:

- Can the sewer system handle this?
- Can the fire department serve this?
- Can evacuation routes support this?
- Can LADWP supply water?
- Are schools overcrowded?
- Are parks accessible?
- Is this neighborhood already saturated?

And started asking only:

- How many units could fit under zoning?

5. Why Planning Abandoned Infrastructure Analysis

Three forces pushed this change:

A) Legal pressure

Courts and the state made it clear:
Infrastructure constraints could not be used to limit RHNA compliance.

B) Political pressure

Sacramento accused cities of weaponizing planning to block housing.

C) Institutional self-protection

Planning departments realized:
If they continued doing capacity analysis, they would be sued.

So they stopped.

6. What LA City Planning Does Now

Today, LA City Planning is essentially a **zoning compliance agency**.

Its primary functions are:

- ✓ Writing Housing Elements
- ✓ Updating Community Plans
- ✓ Mapping zoning capacity
- ✓ Producing site inventories
- ✓ Calculating theoretical buildup
- ✓ Filing compliance reports
- ✓ Defending plans in court

It does **not**:

- ✗ Model infrastructure capacity
- ✗ Model water availability
- ✗ Model evacuation capacity
- ✗ Model fire risk vs density
- ✗ Model school capacity
- ✗ Model park access
- ✗ Model hospital capacity
- ✗ Model population saturation
- ✗ Model neighborhood stability

Those responsibilities have been:

- politically stripped
- legally discouraged
- institutionally abandoned

7. Why You Can't Find Present-Day Density Maps

This is not an accident.

Modern planning no longer tracks:

- current residential density by neighborhood
- actual population distribution
- infrastructure load by service area
- service saturation

Because doing so would raise questions the department is no longer empowered to answer.

Instead, the city tracks:

- parcels
- zoning
- entitlements
- permits
- approvals

Not livability.

8. The Resulting System

LA City Planning now operates in a framework where:

- Growth is assumed to be infinite
- Infrastructure is assumed to adapt
- Markets are assumed to solve feasibility
- Density is assumed to be good everywhere
- Transit is assumed to justify everything
- Unit count is the only metric that matters

The department no longer plans a city.

It manages a housing mandate.

What Is Builder's Remedy?

Builder's Remedy is a state law enforcement mechanism that allows developers to bypass local zoning when a city is out of compliance with state housing law.

It is not a housing program.

It is not a planning tool.

It is a **penalty**.

It exists to punish cities that fail to adopt a compliant Housing Element under RHNA.

The Legal Origin

Builder's Remedy comes from the **Housing Accountability Act (HAA)**, strengthened in recent years by Sacramento.

The rule is simple:

If a city does not have a state-certified Housing Element, it loses the ability to deny qualifying housing projects.

When that happens:

- zoning no longer matters
- height limits no longer matter
- density limits no longer matter
- community plans no longer matter

The only real restriction left is basic health and safety.

What Triggers Builder's Remedy?

Builder's Remedy applies when:

1. A city fails to adopt a compliant Housing Element
2. OR the state rejects the city's Housing Element
3. OR the city falls out of compliance during a RHNA cycle

When that happens, the city enters a **noncompliance window**.

During that window, any developer can file a Builder's Remedy project.

What Qualifies as a Builder's Remedy Project?

To qualify, a project must include affordable housing:

- Either **20% low-income units**
- Or **100% moderate-income units**

If it qualifies, then:

- ✓ The city **must approve it**
- ✓ Zoning limits are overridden
- ✓ Density limits are overridden
- ✓ Height limits are overridden
- ✓ Parking requirements are waived
- ✓ Community plans are irrelevant

The city can only deny the project if it proves:

- a specific, objective health or safety threat
- with written findings

That bar is extremely high.

What Builder's Remedy Allows

A Builder's Remedy project can be built:

- On parcels never zoned for apartments
- In single-family neighborhoods
- In low-density zones
- In commercial zones
- In industrial zones
- Near transit or far from transit

It can exceed:

- height limits
- FAR limits
- density limits
- parking rules
- neighborhood plan rules

It is essentially **state zoning** imposed on the city.

Why Builder's Remedy Exists

Sacramento created Builder's Remedy because it believed:

- cities intentionally blocked housing
- cities ignored RHNA
- cities slow-walked rezoning
- cities protected exclusionary neighborhoods

So the state said:

“If you won’t plan for housing, developers will.”

It is a nuclear option.

Why It Matters Now

Builder's Remedy is no longer theoretical.

It is already happening in:

- Santa Monica
- Beverly Hills
- Redondo Beach
- La Cañada
- Huntington Beach
- Palo Alto
- San Jose
- San Diego
- Marin County cities

And LA is skating very close to noncompliance.

How It Fits Into the Bigger Picture

RHNA sets zoning targets.

SB 35 enforces permitting.

Builder's Remedy enforces compliance.

SB 79 overrides zoning entirely.

They are all parts of the same system:

State takeover of local land use.

Why It's So Disruptive

It replaces planning with:

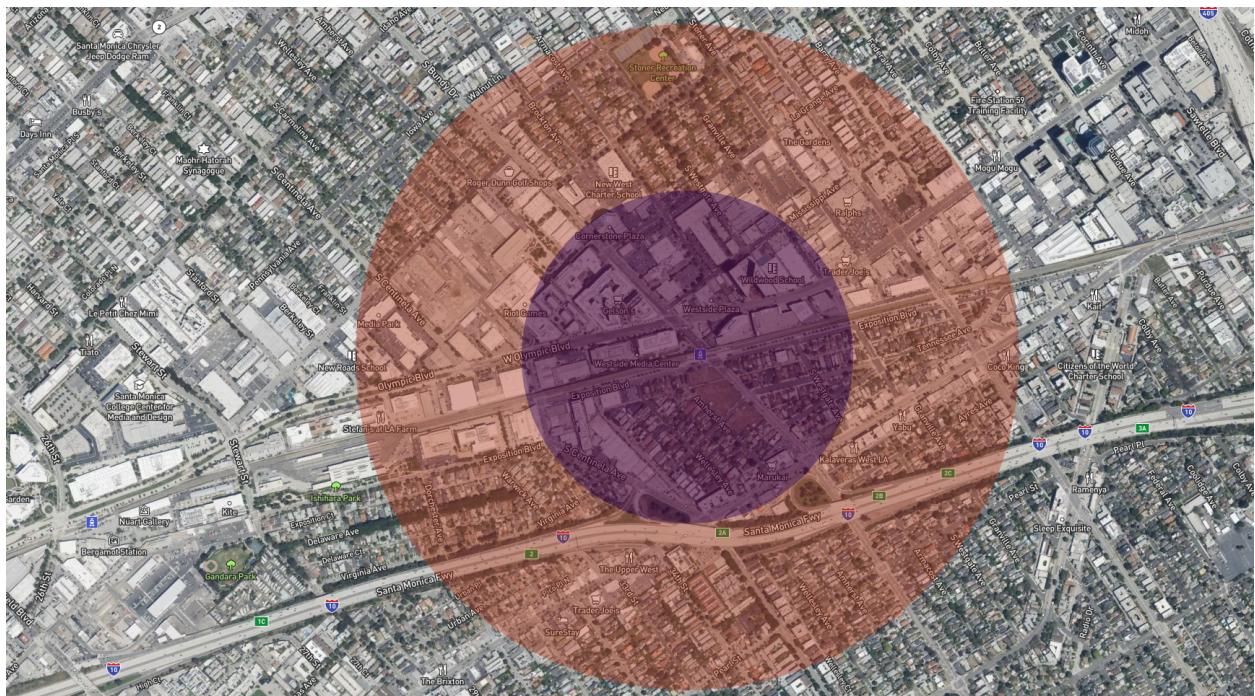
- opportunistic development
- land speculation
- financial feasibility
- cheapest-land targeting

It does not:

- fund infrastructure
- build schools
- add parks
- upgrade sewers
- expand water supply
- widen roads
- improve evacuation routes

It simply lets developers build.

What SB 79 Does in West Sawtelle (Tier 2)



SB 79 is a **state upzoning law**, pushed through by Scott Wiener (same senator as SB 35). It overrides local zoning near transit and replaces it with a state zoning code.

For parcels within **1/4–1/2 mile of a major transit stop** (Tier 2), SB 79 establishes:

Tier 2 Base Zoning Standards

Rule	SB 79 Tier 2 Standard
Base Density	80 dwelling units per acre
Maximum Height	55 feet
Parking	No minimum required by way of AB 2097
FAR	2.5

Applying This to a Typical West Sawtelle Lot

A very realistic example:

Lot size: 6,766 square feet

Let's convert that into acres:

1 acre = 43,560 sq ft

$6,766 \div 43,560 = 0.155$ acres

SB 79 allows:

80 dwelling units per acre

So:

$0.155 \text{ acres} \times 80 \text{ units/acre} = 12.4 \text{ units}$

Result:

→ **12 units by right**

(Projects typically round down unless density bonus applies.)

Tier 2 allows:

Maximum height: 55 feet

That generally means:

- 5 stories (typical 10–11 ft per floor)
- possibly 6 stories with compact floorplates

This is **apartment-scale**, not duplex or triplex.

What That Means in Real Terms

On a formerly single-family lot in West Sawtelle, SB 79 allows:

- a **5–6 story apartment building**
- **~12 units by right**
- **zero parking required by way of AB 2097**
- no discretionary review
- no zoning hearings
- no community plan compliance
- no CEQA review
- no neighborhood veto

And that's **before** any density bonus.

With Density Bonus

If the project includes affordable units, the developer can use:

- State Density Bonus Law
- ED1 (if 100% affordable)
- SB 35 (if ministerial)
- Builder's Remedy (if city is out of compliance)

Which can push density to:

- **15–20+ units on the same lot**
- **65–75 feet tall**

- even more relaxed setbacks

The Core Shift

Before SB 79:

- zoning was set by Community Plans
- density followed neighborhood planning
- infrastructure was at least theoretically considered

After SB 79:

- zoning is dictated by distance to a bus stop or rail stop
- density is automatic
- planning is ministerial
- infrastructure is irrelevant
- feasibility is the only real constraint

The City's Only Off-Ramp: Alternative Plans & Delayed Implementation

SB 79 gives cities **one narrow escape hatch** from automatic state upzoning:

They can propose **local alternative plans** or request **delayed implementation** — but only if they move fast and meet strict requirements.

The Default: Automatic State Zoning

If the City does nothing, then on **July 1, 2026**:

SB 79 automatically applies statewide zoning to all qualifying parcels near transit.

The Only Way to Avoid That: Certified Local Plans

The City can attempt to replace SB 79 zoning with a **local Transit-Oriented Development Alternative Plan (TODAP)**.

But the bar is very high.

To qualify, the City must prove its plan:

- Allows **equal or greater housing capacity** than SB 79
- Meets **fair housing (AFFH)** requirements
- Concentrates density near transit
- Is legally enforceable
- Is adopted on a fixed timeline
- Is approved by HCD (the state housing department)

The Timeline Is Extremely Short

From the Council File (25-1083):

- **By Dec 1, 2025**
City Administrative Officer must report on staffing and funding needed for SB 79 implementation
- **By Jan 5, 2026**
City Planning must publish a full impact report on SB 79
- **By July 1, 2026**
SB 79 takes effect unless a certified alternative plan is approved

That leaves **barely 18 months** for:

- modeling
- mapping
- plan drafting
- community outreach
- environmental review
- adoption
- and state certification

For comparison:

Community plan updates normally take **5–7 years**.

Option 1: Alternative TOD Plans (TODAPs)

The City can propose **Transit-Oriented Development Alternative Plans** for station areas.

These can:

- shift density to certain corridors
- protect historic districts
- avoid very high fire zones
- avoid substandard hillside streets
- prioritize sidewalked areas
- integrate with Community Plans

But again:

The total capacity must still match or exceed SB 79.

So if West Sawtelle loses height on one block, it must gain height somewhere else.

Option 2: Delayed Implementation

The City can also request **delayed effectuation** for specific station areas.

This allows:

- temporary delay of SB 79 zoning
- while local plans are finalized

But delays are:

- discretionary
- temporary
- politically fragile
- subject to state approval

They are not permanent exemptions.

What This Means for West Sawtelle

West Sawtelle is already:

- transit-rich
- centrally located
- politically easy to upzone
- outside coastal and hillside overlays
- full of small lots ideal for redevelopment

So it is a prime SB 79 target.

Unless the City:

- writes an alternative TOD plan
- gets it certified by the state
- within 18 months

Then on July 1, 2026:

SB 79 becomes the zoning code for Sawtelle.

A Short History of Density Bonuses in California

1. The Original Density Bonus Law (1979)

California's Density Bonus Law was first enacted in **1979**.

The original intent was narrow and pragmatic:

If a developer includes a certain percentage of affordable units, the city must allow them to build more units than zoning normally allows.

This was meant to:

- incentivize affordable housing
- offset the financial loss of below-market rents
- avoid cities quietly blocking mixed-income projects

It applied statewide and overrode local zoning.

At the time, it was modest:

- typically +25% density
- limited incentives
- applied mostly to larger projects

2. Expansion Era (1990s–2010s)

Over the decades, the legislature kept expanding it:

Each housing crisis → more incentives

Each local resistance → more preemption

By the 2010s, Density Bonus Law had become:

- Mandatory (cities cannot deny it)
- Ministerial (no discretion)
- Stackable with other state laws
- Combined with parking reductions
- Combined with height waivers
- Combined with setback waivers

- Combined with open space reductions

And crucially:

Cities must approve density bonuses even if the project exceeds every local zoning limit.

3. The 2017–2023 Supercharging (Wiener Era)

Starting with SB 35 (2017), then SB 330, SB 8, SB 9, AB 2011, and now SB 79:

Density bonuses were no longer just a tool.

They became a **structural feature of the housing system**.

Now bonuses can be stacked with:

- Transit-Oriented Communities (TOC)
- State Density Bonus
- Affordable Housing Density Bonus
- Parking waivers
- Height waivers
- State streamlining
- CEQA exemptions

Which means:

The legal zoning envelope is no longer the real envelope.

4. What Density Bonuses Actually Do in Practice

In theory:

- Zoning says: “You can build 20 units.”
- Density bonus says: “You may build 30.”

In practice:

- Zoning says: “You can build 20.”
- TOC says: “You can build 35.”
- Density Bonus says: “You can build 52.”
- Parking waivers let you fit more
- Height waivers let you stack more
- Setback waivers let you widen more

Result:

Unit counts routinely **double** what base zoning allows.

This is now normal in Los Angeles.

5. Why This Breaks Capacity Planning

RHNA requires cities to prove they have **realistic development capacity**.

But capacity must be:

- legally defensible
- financially plausible
- technically feasible
- and not speculative

Density bonuses create a paradox:

If the City assumes developers *won't* use bonuses →
HCD says the capacity is understated.

If the City assumes developers *will* use bonuses →
Opponents argue the capacity is speculative and not guaranteed.

So cities are forced into a legal fiction:

- Count bonuses
- But pretend they're optional
- While knowing nearly all projects use them

This is why Housing Element site inventories often say things like:

“Assumes base FAR with conservative density bonus utilization.”

Which is planner-speak for:

We guessed.

6. Why Density Bonuses Usually Double Unit Counts

Because bonuses stack multiplicatively, not additively.

Example:

A parcel zoned for:

- 20 units by right

Developer uses:

- 35% State Density Bonus → 27 units
- TOC Tier bonus → 35 units
- Parking waivers → space for more units
- Height waiver → extra floor
- Setback waiver → wider footprint

Suddenly:

- 20 → 40+ units

And this is now standard underwriting.

Banks expect bonuses.

Appraisers assume bonuses.

Architects design for bonuses.

Cities approve bonuses.

Zoning without bonuses is irrelevant.

7. The Legal Consequence

Because density bonuses are:

- mandatory
- ministerial
- non-discretionary
- judicially enforceable

Cities cannot rely on zoning as a real control mechanism anymore.

Which means:

Planning departments no longer control density.

They only document it.

The Core Problem

Density bonuses were designed as an incentive.

They have become a substitute for planning.

They were meant to fill gaps.

They now define the system.