

RECEIVED ON: August 22, 2022

Council Meeting: 08/23/2022  
Agenda Item No. 13.C

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**Subject:** Public Comments on Whittier Housing Element  
**Date:** Monday, August 22, 2022 10:28:12 PM  
**Attachments:** [2022-08-22 - Whittier Housing Element Comment Letter - Homes For Whittier.pdf](#)

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Dear Director Velasquez,

Attached please find public comments on the Whittier Housing Element update. The comments were prepared by Homes For Whittier. A subsequent draft of this plan will be considered by the Whittier City Council on 8/23/2022.

Sincerely,  
David J. Barboza, AICP (he/him)  
Co-Founder  
[Homes For Whittier](#)

CC: CM; ACM; CA; Council; Original to CC; Public Binder; Department



August 22, 2022

Gustavo Velasquez, Director  
California Department of Housing & Community Development (HCD)  
2020 West El Camino Avenue, Suite 500  
Sacramento, CA 95833

Dear Director Velasquez:

Thank you for the opportunity to comment on the process of updating the Housing Element of the City of Whittier's general plan. We are writing on behalf of **Homes For Whittier** regarding Whittier's 6th Cycle Housing Element (HE). **Homes For Whittier** is a network of volunteers working to help solve Whittier's housing affordability crisis and is a local chapter of **Abundant Housing LA**.

We support reforms to legalize more homes, make homes easier to build, increase funding for affordable housing, and protect tenants, which are all needed to make housing more affordable, improve access to jobs and transit, promote greater environmental sustainability, and advance racial and economic equity.

We have engaged in Whittier's public engagement processes around the HE update, particularly around the time of the plan's original adoption in October of 2021.

On [6/30/2021](#), [9/28/2021](#) and [10/11/2021](#), Abundant Housing LA, Homes For Whittier and YIMBY Law shared letters with Whittier and HCD, regarding drafts of the HE, providing comments on how Whittier should fulfill both the letter and the spirit of housing element law.

On [1/13/2022](#), HCD sent a letter to Whittier regarding its adopted 6th Cycle HE, identifying corrections that need to be made to obtain certification of the plan. A subsequent draft HE was prepared and will be considered by the Whittier City Council at their meeting on [8/23/2022](#). The purpose of this letter is to provide our comments on the new subsequent draft HE.

**We have reviewed the City's subsequent draft HE, and urge HCD not to certify the plan until it is revised to fully comply with the letter and spirit of state housing element law.**

This letter will provide comments on certain chapters of the plan: governmental constraints, housing resources and the housing plan.

### **Governmental Constraints**

1. Minimum unit sizes should be eliminated or at least lowered. Micro-units make sense for some people in some situations and they are a more affordable form of housing.

2. Holding municipal elections during April, not aligned with larger elections, is proven to suppress voter turnout and thus reduces the ability of the public to participate in the planning process.
3. The amount of time the plan has been available for review should be increased given the length and technical nature of the document.
4. Like many other cities in California, over the past 50 years, Whittier has down zoned much of the city. The state's RHNA requirements became necessary because every city wanted to be an exclusive enclave for wealthy residents, expecting their low-wage workers to live "somewhere else." Massive homelessness has resulted because such constraints made housing unavailable or unaffordable to thousands of residents, local workers, and the children and grandchildren of the very residents who put those policies in place. Housing in California has become a "tragedy of the commons" that only state action, in the form of numerous housing bills curtailing "local control" could change. Whittier needs a change in mindset that welcomes denser housing to accommodate the pent-up demand. However, organized opposition has been evident toward all or nearly all large housing development proposals in Whittier this year, resulting in developers reducing the number of units in their developments or changing their plans from low-income to above-moderate income price points.

### **Housing Resources**

1. The likelihood of these resources being developed within the next 7 years is questionable (considering the fact that one year of the 8-year period has already gone by). There still is no substantial evidence that the strip mall sites along Whittier Blvd east of Whittwood are likely to be redeveloped within the next 7 years. While the Plan explains how they are "ripe for redevelopment," there is no indication that the owners of these properties have been consulted about their willingness or interest in redeveloping within this RHNA period. Sites along Whittier Blvd designated for housing in previous RHNA periods have not been redeveloped, so what substantial evidence supports the projection that a large percentage of the older strip malls in East Whittier will be redeveloped within 7 years? Also, well-organized groups in Friendly Hills oppose all multi-family development in East Whittier. The La Serna project that was recently approved was reduced in the number of units from the original proposal due to complaints from these groups. The fact that plans are likely at least to need to be revised to reduce the number of units due to such groups' opposition in all discretionary processes makes it imperative that discretionary processes be further reduced. Similarly, the Lutheran Church development on Floral was originally intended to be all or partially low-income housing, but was changed to market rate housing due to organized opposition.
2. Other sites discussed in this section include new TOD around PIH in anticipation of the L line. However, the L line is not projected to be built during this RHNA cycle. Rezoning now in anticipation of transit is good, but projecting additional housing during this cycle is not realistic. The former First Christian Church is still mentioned as a potential site for

100 low-income units, although that site has been sold to another church that is not interested in converting the property to housing.

3. The Resources section projects new moderate income housing through increased ADU production and SB9 implementation. Programs to affirmatively promote ADU development in cooperation with local businesses and housing advocacy organizations have not happened due to COVID, but should be scheduled within the next year. Will the city commit city staff and facilities to conduct and promote one or more one-stop ADU fairs within the next year, where property owners can consult with architects, contractors, and city staff in one location? The city is currently litigating to invalidate SB9. The city's unfriendliness to gentle densification in R-1 areas makes these projections disingenuous. Homes for Whittier hopes we will exceed this projection and that it will increase due to SB9, but this would require effort on the part of the city to promote such development, drop its opposition to SB9, enact enabling ordinances for SB9, and actively promote such development, rather than discourage it.
4. In summary, redevelopment projections continue to fail the state-required "substantial evidence" test.
5. Leaving aside these criticisms, some assumptions could be more hopeful with additional effort on the part of city government, including those that indicate lot consolidation is necessary for redevelopment. Constraints to higher-density redevelopment on small lots are created by a myriad of regulatory issues that make redevelopment by small-scale small developers difficult. Whittier could take steps to encourage smaller property owners to redevelop mixed-use properties, as was the most common urban infill development pattern throughout human history until the mid-20th century. Strong Towns, among other organizations, advocates removing obstacles to redevelopment that could include one or two storefronts with apartments above, particularly in Uptown<sup>1</sup>.

## **Housing Plan**

1. Program 1.1 incorrectly states the overall RHNA number as 3,429. It is actually 3,439<sup>2</sup>. The densities contemplated in this program are modest, topping out at 60 units per acre in Mixed Use 3, and should be increased. This program states the rezoning is to be complete by the third quarter of 2025, but the law requires this process to be completed by February of 2025<sup>3</sup>.
2. Program 1.3 makes a vague commitment to consider revising development standards such as parking requirements and minimum lot sizes. These standards must be made less burdensome. On the same Council agenda at which this plan will be considered a developer is requesting relief from parking requirements in order to make a modest apartment building feasible<sup>4</sup>. The city should expand by-right approval procedures based

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<sup>1</sup> See, for example, Klinkenberg, "Savor Your Small Parcels, and Create More of Them" <https://www.strongtowns.org/journal/2019/2/14/savor-your-small-parcels-and-create-more-of-them>

<sup>2</sup> Whittier 8/5/2022 Subsequent Draft Housing Element, Housing Plan, page 4.

<sup>3</sup> [Senate Bill 197](#), Chapter 70, Statutes of 2022.

<sup>4</sup> [Whittier City Council Agenda for 8/23/2022. Item 13.A.](#)

on objective standards beyond the bare minimum state law requires (for 20% affordable projects on certain sites identified in previous HEs).

3. Program 1.4 provides some helpful incentives for Accessory Dwelling Units (ADUs), such as pre-approved plans, but should go farther, by extending subsidized loans to people who want to build ADUs.
4. Program 2.2 contemplates the use of development agreements in order to obtain deed-restricted affordable units<sup>5</sup>. It is critical to specify objective standards for this process in order to ensure demands on homebuilders are not arbitrary and do not act as constraints on housing development.
5. Program 3.4 contains a vague commitment to review fees to see if they are constraints<sup>6</sup>. There's no substance here. We need specifics.
6. Program 5.1 seeks to Affirmatively Further Fair Housing (AFFH). The proposed actions aren't particularly meaningful. They don't fundamentally challenge the status quo of exclusionary zoning that exacerbates de facto segregation in Whittier. Getting rid of single-family zoning would be a much more meaningful AFFH action<sup>7</sup>.
7. The quantified objectives for new construction are set below the RHNA<sup>8</sup>. This is unacceptable and a sign that more meaningful governmental constraint removal programs are needed.

## **Conclusion**

Whittier must put forward a meaningful local housing plan if we are to have any hope of addressing the housing affordability crisis locally and produce adequate housing at all income levels. HCD should send this draft back with a correction list.

We request the opportunity to meet with you and your colleagues to address the concerns raised in this letter. Thank you for your time and consideration.

Sincerely,

*David J. Barboza*

David J. Barboza, AICP  
Co-founder  
Homes For Whittier

## **Acknowledgements**

Thanks to Susan Cameron, Andrew Bunk, Atkia Sadia and Mahdi Manji for providing suggestions that have aided in the preparation of this letter.

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<sup>5</sup> Whittier 8/5/2022 Subsequent Draft Housing Element, Housing Plan, page 9.

<sup>6</sup> Whittier 8/5/2022 Subsequent Draft Housing Element, Housing Plan, page 13.

<sup>7</sup> Whittier 8/5/2022 Subsequent Draft Housing Element, Housing Plan, page 18.

<sup>8</sup> Whittier 8/5/2022 Subsequent Draft Housing Element, Housing Plan, page 26.

## **Letter Recipients**

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