



Dec 2, 2024

**City of Los Angeles
City Council
200 North Spring Street
Los Angeles, CA 90012**

**Re: Proposed Housing Development Project at 1185-1247 W Sunset Blvd,
CPC-2023-5528-DB-SPR-MCUP-HCA, Council File 24-1054**

To: Submitted electronically to the Council

**Cc: Esther Ahn, City Planner, esther.ahn@lacity.org; City Clerk's Office,
clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org**

Dear Los Angeles City Council PLUM Committee,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Council of its obligation to abide by all relevant state laws when evaluating the proposed 327-unit housing development project at 1185-1247 West Sunset Boulevard, which includes 41 units for very low-income households. These laws include the Housing Accountability Act ("HAA") and the Density Bonus Law ("DBL").

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Notwithstanding the appellants' arguments, increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers

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and concessions with respect to floor area ratio, height, stories, and open space, unless it makes written findings as required by Gov. Code, § 65915, subd. (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (Gov. Code, § 65915, subd. (p).) In addition to the relief provided by the DBL, AB 2097 exempts the project from accessory parking requirements given that it is located within ½ mile of a major transit stop. (Gov. Code, § 65863.2.) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

CalHDF is aware that the project’s environmental review has been appealed to the Council. Be aware that requiring additional environmental study or failing to adopt a negative declaration qualifies as a disapproval of a housing development project, pursuant to the HAA. (Gov. Code, § 65589.5, subds. (h)(6)(D) and (E).) In order to disapprove a housing development project, the Council must make health and safety findings as discussed above. Furthermore, as noted in the record, there is more than sufficient support for the City Planning Commission’s decision to approve the project on the basis of the Sustainable Communities Environmental Assessment. Overturning that approval runs afoul of rules governing CEQA approvals, as projects that are eligible for streamlined CEQA approval on the basis of previously certified environmental review must generally be granted that streamlined approval. (See *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890 [penalizing county for refusal to approve project that was eligible to rely on program environmental impact report].)

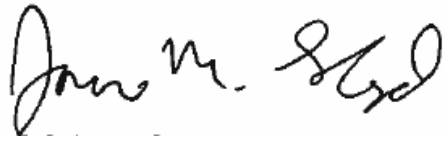
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will bring new customers to local businesses; it will grow the City’s tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Council to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal flourish extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal flourish extending to the right.

James M. Lloyd
CalHDF Director of Planning and Investigations