

Communication from Public

Name: James Lloyd

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Council File No: 24-0832

Comments for Public Posting: The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Council of its obligation to abide by all relevant state housing laws when evaluating the the proposed 11-unit housing development project at 10756 West Wilkins Avenue, CPC-2023-5876-CU-DB-DRB-SPP-VHCA, which includes two units for Very Low Income Households. These laws and regulations include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and California Environmental Quality Act (“CEQA”) guidelines. 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, except for waivers and concessions under the DBL, it complies with local zoning code and the City’s general plan. The Council cannot reject the project without violating the HAA, unless it makes the written findings described above. 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).) The DBL offers the project certain benefits. (See Gov. Code, § 65915.) The Council must respect these benefits. Specifically, given that the project is a proposed mixed-income building with 18% affordable housing, the Council must grant the developer’s requested concessions and waivers with respect to FAR, building height, setbacks, and open space. And, as mentioned above, these waivers and concessions do not impede the HAA’s application to the project. Pursuant to the DBL, the project is also entitled to a relaxed accessory parking requirement. (Id. at subd. (p).) Furthermore, 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.) Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Additionally, the demolition of the single-family dwelling currently on the property is exempt from environmental review pursuant to § 15301, subd. (l)(1) of the CEQA Guidelines. Finally, the project satisfies the housing replacement requirements of SB 330 via the two Very Low-Income housing units that will be developed as part of the project. 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 housing very low-income residents, 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.



Aug 27, 2024

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

**Re: Proposed Residential Project at 10756 West Wilkins Avenue,
CPC-2023-5876-CU-DB-DRB-SPP-VHCA**

**By email: candy.rosales@lacity.org, trevor.martin@lacity.org,
daniel.luna@lacity.org; clerk.plumcommittee@lacity.org**

Cc: kevin.fulton@lacity.org; clerk.cps@lacity.org; cityatty.help@lacity.org

Dear Los Angeles City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Council of its obligation to abide by all relevant state housing laws when evaluating the the proposed 11-unit housing development project at 10756 West Wilkins Avenue, CPC-2023-5876-CU-DB-DRB-SPP-VHCA, which includes two units for Very Low Income Households. These laws and regulations include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and California Environmental Quality Act (“CEQA”) guidelines.

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, except for waivers and concessions under the DBL, it complies with local zoning code and the City’s general plan. The Council cannot reject the project without violating the HAA, unless it makes the written findings described above. 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).)

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Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Additionally, the demolition of the single-family dwelling currently on the property is exempt from environmental review pursuant to § 15301, subd. (l)(1) of the CEQA Guidelines.

Finally, the project satisfies the housing replacement requirements of SB 330 via the two Very Low-Income housing units that will be developed as part of the project.

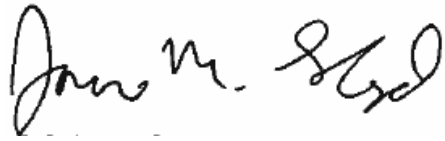
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by housing very low-income residents, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; it will grow the 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.

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Sincerely,

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

Dylan Casey
CalHDF Executive Director

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

James M. Lloyd
CalHDF Director of Planning and Investigations