

## Communication from Public

**Name:** James Lloyd

**Date Submitted:** 11/05/2024 12:47 PM

**Council File No:** 23-0796-S1

**Comments for Public Posting:** 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 appeals against the following projects: 184-unit mixed-income building - 3601 - 3615 Mission Road, 23-0796-S1 30-unit building - 1114 North Heliotrope Drive, 24-1083 30-unit building - 1115 North Berendo Street, 24-1084 12 small lots homes at 1904 - 1906 South Preuss Road, 24-1126 These laws and regulations include the Housing Accountability Act (“HAA”) and California Environmental Quality Act (“CEQA”) guidelines. The HAA provides the projects with 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. (Id.) As development with at least two-thirds of their floor area devoted to residential uses, the projects fall within the HAA’s ambit, and they comply with local zoning code and the City’s general plan. Notwithstanding the appeals, the Council cannot reject the projects without violating the HAA, unless it makes the written findings described above. Additionally, the projects are 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 projects are 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 developments occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project sites have no value as habitat for endangered, rare or threatened species; approval of the projects would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the sites can be adequately served by all required utilities and public services. Granting any of these appeals constitutes a disapproval of the project pursuant to the HAA (Gov. Code, § 65589.5, subd. (h)(6)(D)), which the Council may only do if it makes health and safety findings. (Id. at subd. (j).) Granting the appeals without

these findings is a violation of the HAA and an abuse of CEQA. Recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (Hilltop Group, Inc. v. County of San Diego (2024) 99 Cal.App.5th 890, 911.) 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 new housing, both market-rate and affordable, these projects will mitigate the state's homelessness crisis; they will bring new customers to local businesses; they will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. These projects 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 developments are a step in the right direction. CalHDF urges the Council to approve these projects, 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](http://www.calhdf.org). Sincerely, Dylan Casey CalHDF Executive Director James M. Lloyd CalHDF Director of Planning and Investigations



**Nov 5, 2024**

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

**Re: Housing Accountability Act and CEQA Appeals**

**By email: City Clerk's Office, [clerk.cps@lacity.org](mailto:clerk.cps@lacity.org)**

**Cc: City Attorney's Office, [cityatty.help@lacity.org](mailto: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 appeals against the following projects:

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- 12 small lots homes at 1904 - 1906 South Preuss Road, 24-1126

These laws and regulations include the Housing Accountability Act ("HAA") and California Environmental Quality Act ("CEQA") guidelines.

The HAA provides the projects with 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. (*Id.*) As development with at least two-thirds of their floor area devoted to residential uses, the projects fall within the HAA's ambit, and they comply with local zoning code and the City's general plan. Notwithstanding the appeals, the Council cannot reject the projects without violating the HAA, unless it makes the written findings described above.

Additionally, the projects are 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 projects are 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 developments occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project sites have no value as habitat for endangered, rare or threatened species; approval of the projects would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the sites can be adequately served by all required utilities and public services.

Granting any of these appeals constitutes a disapproval of the project pursuant to the HAA (Gov. Code, § 65589.5, subd. (h)(6)(D)), which the Council may only do if it makes health and safety findings. (*Id.* at subd. (j).) Granting the appeals without these findings is a violation of the HAA and an abuse of CEQA. Recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

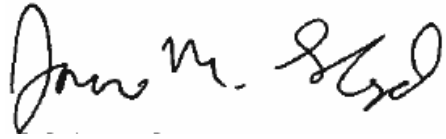
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing new housing, both market-rate and affordable, these projects will mitigate the state's homelessness crisis; they will bring new customers to local businesses; they will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. These projects 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 developments are a step in the right direction. CalHDF urges the Council to approve these projects, consistent with its obligations under state law.

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Sincerely,

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

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd". The signature is written in a cursive, flowing style.

James M. Lloyd  
CalHDF Director of Planning and Investigations