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Planning and Land Use Management Committee
Los Angeles City Council
City of Los Angeles
200 N. Spring Street, Room 532
Los Angeles, CA 90012

Re: September 3, 2020 Committee Hearing, Item 11, 2467-2471 South Lincoln Boulevard (CF 20-0858)

Honorable Members of the Planning and Land Use Management Committee:

We are writing on behalf of our client, the Venice Community Housing Corporation ("VCHC"), which is the applicant for the above-referenced permanent supportive housing project (the "Project"). The Project responds to the continuing and escalating housing crisis by providing much needed affordable housing and associated services to serve young adults experiencing homelessness and those experiencing chronic homelessness. On May 28, 2020, the City Planning Commission unanimously approved the Project, and found the Project to be statutorily and categorically exempt from the California Environmental Quality Act ("CEQA"). We respectfully request that the PLUM Committee recommend that the City Council deny all appeals and sustain the unanimous determination of the City Planning Commission approving the Project.

The City Planning Commission's determination approving the Project is based on substantial evidence in the record, as set forth in the findings and the administrative record. As noted by staff in its response to the appeals, none of the information provided in support of the appeals has established that the City Planning Commission erred or abused its discretion.

While all appeals should be denied as recommended by City staff, we provide the following additional analysis for the Committee's consideration, and ask that the City Council adopt the following additional findings in support of the Commission's Project approval:

1. The Project is a Supportive Housing Project within the meaning of Government Code Section 65651(a) and is subject to the statutory protections of Government Code Section 65650 et seq.
2. The City may only require the Project to comply with written, objective, standards and policies. Government Code Section 65651(b)(1).

3. Government Code Section 65653(a) mandates that local government shall approve a supportive housing development that complies with the applicable requirements of Government Code Sections 65650 – 65656.

4. Government Code Section 65654 prohibits local government from imposing any minimum parking requirements for the units occupied by supportive housing residents if the supportive housing development is located within one-half mile of a public transit stop. The Project is located on Venice Boulevard and is well within the required one-half mile of a public transit stop.

The Project is Protected by State Law (Government Code Sections 65650 – 65656)

The Project is a Supportive Housing Project entitled to the protections of Government Code Section 65950 et seq. The State legislature enacted Government Code Section 65650 et seq. to address homelessness by facilitating and expediting the delivery of permanent supportive housing. Among other things, this statute establishes permanent supportive housing as a “by right” use that is subject only to *objective* standards and policies. Under the statute, “[s]upportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses where the requirements of §65651(a) are met.”

Significantly, Section 65653 expressly states that local governments “shall approve a supportive housing development that complies with the applicable requirements of this article.” Moreover, in light of the dire statewide need for supportive housing, Section 65653 mandates that local government, such as the City, complete their review of applications for supportive housing projects of 50 or fewer units (such as Project) within 60 days after an application is deemed complete. In this regard, and while appreciate the hard work of City staff and the unique problems created by the COVID-19 pandemic, the City’s approval of the Project has not met the timelines and is overdue.

While the City may impose standards and policies on permanent supportive housing projects, those standards must be objective. The City “may require a supportive housing development subject to this article to comply with objective, written development standards and policies; provided, however, that the development shall only be subject to the objective standards and policies that apply to other multifamily development in the same zone.” Gov. Code § 65651(b)(1) (emphasis added). In addition, the objective standards cannot “[p]reclude or limit the ability of a developer to seek a density bonus, including any concessions, incentives, or waivers of development standards, from the local government pursuant to Section 65915.” Gov. Code § 65655.

While, as discussed below, the City Planning Commission’s findings regarding the Project’s compatibility with other properties and uses are supported by substantial evidence, state law prohibits the City from applying subjective standards to the Project, or from denying it based on subjective standards. Therefore, as a matter of law, the City Council is precluded from overturning the City Planning Commission’s determination based on appellant’s subjective arguments regarding “compatibility” with other properties or uses.

State Law Prohibits the City From Requiring Parking for Permanent Supportive Housing Units

Not only is the Project's proposed parking waiver supported by the facts set forth in City Planning Commission's findings, but Government Code Section 65654 provides, "[i]f the supportive housing development is located within one-half mile of a public transit stop, the local government shall not impose any minimum parking requirements for the units occupied by supportive housing residents." The Project is located on Venice Boulevard and is well within the required one-half mile of a public transit stop. As noted in the City Planning Commission's findings, the Project is within *one-quarter mile* of a public transit stop, and thus, pursuant to Government Code Section 65654, the City is prohibited from imposing any minimum parking requirement on the Project's permanent supportive housing units.

The Project Is Exempt from CEQA Pursuant to Public Resources Code Section 21080.27(b)(1)

Appellant Roman Catholic Archdiocese of Los Angeles (the "Archdiocese") asserts that the Project is not exempt under Public Resources Code Section 21080.27(b)(1) because "the project is a mixed use project containing a social service and referral center providing services to a broad range of clients in the community beyond the residents of the permanent supportive housing." This narrow reading of the exemption is entirely unsupported by the statute. Public Resources Code Section 21080.27(b)(1) broadly provides: "This division does not apply to *any activity approved by . . . the City of Los Angeles in furtherance of providing . . . supportive housing* in the City of Los Angeles." There is no dispute that the project meets the definition of "supportive housing," which definition requires, among other things, that the housing be "linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community." Health & Safety Code 50675.14(b)(2). Nothing in Public Resources Code Section 21080.27(b)(1) provides that the City's approval of the Project would cease to be "in furtherance of providing . . . supportive housing" because it also extends services to individuals who do not live on-site. There is no basis to conclude that the City erred in finding the Project exempt pursuant to Public Resources Code Section 21080.27(b)(1).

The Planning Commission's Findings Are Supported by Substantial Evidence

While the City is precluded by Government Code Section 65650 et seq. from applying subjective standards to the Project or from disapproving the Project based on substantial evidence, the appeals provide no compelling basis for the City Council to overturn the City Planning Commission's unanimous approval. The appeals repeatedly rely on subjective arguments that the Project is not "compatible" or "harmonious" with adjacent or surrounding areas and would "adversely affect" other uses. In addition to the fact that these arguments are not supported by substantial evidence, these arguments rely on purely subjective assertions, which as discussed above cannot provide the basis for denial.

Conclusion

For all of the foregoing reasons, we respectfully request that the City Council reject the appeals, uphold the Commission's unanimous approval of this much needed Project, and adopt



the additional supportive findings set forth in this letter. We appreciate your consideration and look forward to answering any questions at the September 3rd PLUM Committee hearing.

Sincerely,



Allan J. Abshez
Partner

Enclosures

cc: Hon. Mike Bonin
Len Nguyen
Juliet Oh