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10/12/2022

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

via online comment submission

Re: 1840 - 1848 West Adams Boulevard  
VTT-83081-SL-HCA-2A

Dear Los Angeles City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA), the Permit Streamlining Act, and the Housing Crisis Act of 2019. As you know, the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA, Housing Crisis Act, and CEQA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The 1840 - 1848 West Adams project proposes to develop 10 small-lot single family townhomes via a tentative tract map. These townhomes are large single family homes, and cumulatively will include 94 bedrooms. It is important to note that while these units are intended to be for sale, and may in the future foster co-living arrangements, these homes are, in-fact, single-family dwellings under the law, and are permitted by the zoning. The LAMC § 12.03 definition for "family" is "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit." A "dwelling unit" is defined as "A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes." While not conventional, large single-family homes which serve co-living arrangements like the ones proposed meet the definition of a dwelling unit despite their large bedroom count. This project proposes 10 dwelling units, well within the bounds of the applicable zoning code's maximum unit count of 35 dwelling units. These units do not meet the city's, or any definition of dormitory ("A guest room designed, intended or occupied as sleeping quarters by more than two persons"), or boarding house ("A dwelling containing a single dwelling unit and not more than five guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation"), as these are for sale units with multiple bedrooms, and there is no evidence that they will be rented to short-term lodgers.

Before you is an appeal of the CEQA determination and approvals for this project, which is being heard in an improper proceeding. Under the Housing Crisis Act, (Government Code §

65905.5), there is a five-hearing limit, *including continued hearings and hearings related to CEQA*; the city must take action by the fifth hearing. This hearing will be the project's eleventh hearing since October 27th, 2020. The city has already violated the law, and the holding of additional hearings in this matter continues to violate the Housing Crisis Act.

This project's CEQA notice of determination [NOD] was finalized on February 24, 2022. An unnecessary, improperly issued second determination letter was issued on April 5th, 2022. The city failed to act upon the project within 60 days of making its CEQA determination (by April 25th, 2022) and Under the Permit Streamlining Act, [See Gov. Code § 65950(a)(5)] the project has already been deemed approved as a matter of law. The city also failed to act upon the project within 60 days of the April 5th NOD (by June 4th, 2022) in violation of the PSA.

No timely appeal was made within 30 days of the first notice of determination by March 26th, 2022, as required by the CEQA statute of limitations [PRC § 21167]. An appeal was made on April 13th, 2022 by West Adams Neighborhood Association, after the statute of limitations expired on the February 24 NOD, regardless, the project was approved by the South Los Angeles Area Planning Commission on July 19, 2022 and the appeal was denied.

Appellants subsequently challenged the APC's July 19th approval, and again challenged the CEQA determination, arguing that the project's CEQA Exemption is not applicable due to the size of the units and/or their intended use. These arguments are entirely without merit and were properly rejected by the APC; Planning staff also have recommended finding the appeal meritless. There is no basis in fact or in law to sustain the appeal.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. You are also barred from holding another hearing on this project per the Housing Crisis Act. A decision to overturn factual determinations that underlie the analysis in an environmental review must be supported by fact and substantial evidence. If you were to unlawfully overturn the APC's approval and subject the project to additional environmental review, as has been the city's pattern and practice in similar situations where politics colors the sound judgment of the council's actions, and should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

**YIMBY Law, 57 Post Street, Suite 908, San Francisco, CA 94104**

A handwritten signature in black ink that reads "Sonja Trauss". The script is fluid and cursive, with the first name "Sonja" and last name "Trauss" clearly distinguishable.

Sonja Trauss  
Executive Director  
YIMBY Law