

## Communication from Public

**Name:** Sarah Tuft

**Date Submitted:** 10/27/2025 03:27 PM

**Council File No:** 25-1037

**Comments for Public Posting:** Please see attached REQUEST THAT APPLICANT BE REQUIRED TO CONDUCT—FOR REVIEW—A SECOND SET OF GEOLOGY/SOIL STUDIES OF THE SITE FOLLOWING SEASONAL (WINTER) RAINFALL Attached includes history, consequences, and recommendations

## REQUEST THAT APPLICANT BE REQUIRED TO CONDUCT—FOR REVIEW—A SECOND SET OF GEOLOGY/SOIL STUDIES OF THE SITE FOLLOWING SEASONAL (WINTER) RAINFALL

The Applicant's geology and soils study was conducted on September 29, 2015, following approximately one inch of rainfall over the preceding six months.

Similarly, Etco Homes (developers of 728 N. Sweetzer) conducted their geology and soils testing on October 6, 2015, also following roughly one inch of rain during the prior six-month period.

However, because Etco Homes' subsequent excavation occurred in the winter of 2018—after significant rainfall and elevated groundwater levels—they struck a live aquifer, triggering a 60-foot geyser that took five hours to control.

The failure to rely on studies that reflected actual groundwater conditions resulted in:

- **Flooding of the site**, requiring several foundation re-pours, prolonging construction by four years, and causing extensive street wear from heavy construction traffic.
- **Flooding of the completed building**, leading to black mold contamination that forced condo owners to relocate for remediation.
- **Ongoing dewatering of a self-replenishing aquifer**, producing a 200-foot by 8-foot surface stream that, over seven years, has caused continuous street erosion (in violation of LAMC 62.80 "Drainage of Water Into Streets")
- **Formation of a thick layer of hazardous algae**, which, due to repeated service requests, is now being power-washed into the storm drain system—ultimately reaching the Ballona Wetlands and Santa Monica Bay ( in violation of LAMC 64.70 "Stormwater and Urban Runoff Pollution Control")
- **Measurable area-wide subsidence**, evidenced by structural cracks and misaligned doors in nearby buildings.
- **Repeated failure of enforcement** on the part of Street Services to enforce LAMC 62.80 and 64.70.

Given the considerable consequences of a miscalculation, it is imperative that new studies provide an accurate, season-round depiction of groundwater levels to ensure a sustainable and structurally sound development. Specifically:

- The **below-grade walls** must be designed to resist the hydrostatic pressure that would occur if groundwater rose to the surface.
- Permanent dewatering cannot be permitted if the **basement floor slab** lies below the current groundwater level—making a full seasonal evaluation essential.
- The site is underlain by potentially **liquefiable soils**, introducing a seismic risk that has not yet been fully evaluated but must be.

## Communication from Public

**Name:** James Lloyd

**Date Submitted:** 10/27/2025 04:29 PM

**Council File No:** 25-1037

**Comments for Public Posting:** The California Housing Defense Fund (“CalHDF”) submits the attached letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 90-unit housing development project at 8251-8271 West Melrose Avenue, which includes 10 very low-income units.



**Oct 27, 2025**

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

**Re: Proposed Housing Development Project at 8251-8271 West Melrose Avenue,  
CPC-2024-3202-DB-PR-VHCA / 25-1037**

**To: submitted electronically via Council file system**

**Cc: Nashya Sadono-Jensen, City Planning Associate  
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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 City of its obligation to abide by all relevant state laws when evaluating the proposed 90-unit housing development project at 8251-8271 West Melrose Avenue, which includes 10 very low-income units. These laws 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, subds. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id.* at subd. (d)) or reduce the project's density (*id.* at subd. (j)) unless, again, such written findings are made. 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. 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 HAA's protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct "a thorough analysis of the economic, social, and environmental effects of the action." (*Id.* at subd. (b).)

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[www.calhdf.org](http://www.calhdf.org)**

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 and concessions with respect to floor area ratio, height, and open space. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings 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. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) 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.)

Furthermore, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to section 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 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. The project is likely also eligible for a statutory exemption from CEQA pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). 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 affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on

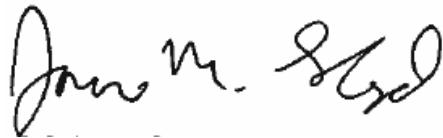
transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City 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](http://www.calhdf.org).

Sincerely,



Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations