

PRESS RELEASE

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MIKE@FIXTHECITY.ORG**FIX THE CITY WINS LAWSUIT PRESERVING AFFORDABLE HOUSING,
ENFORCEMENT OF SPECIFIC PLANS**

Westwood -- Fix The City, a nonprofit focused on public safety and infrastructure, won a lawsuit which requires the City to replace Rent Stabilized apartments in order to qualify for density bonuses and incentives.

The lawsuit challenged a TOC project proposed for 10757 Wilkins Avenue in Westwood which resulted in a net loss of affordable units. The project had three rent-stabilized units and the City allowed a project with only two affordable units – a net loss of one affordable unit.

The lawsuit also enforced the Westwood Multi-Family Residential Specific Plan's development standards for height, open space and side yards. A copy of the court order is attached.

"The city is actually losing affordable housing in the name of increasing affordable housing. This lawsuit was filed to replace those affordable units in a TOC project so that Westwood would gain, not lose, affordable apartments," said Laura Lake, FTC board member.

"Only if affordable RSO units are replaced can a TOC project qualify for a density bonus and incentives," she concluded. As a result of failing to replace the RSO units, a project that should have provided a total of 5 affordable units (3 RSO replacement units and 2 affordable units required by TOC), only provided 2 affordable units, shortchanging the community of three affordable units.

Mike Eveloff, President of Fix The City explained that the lawsuit stops a practice that critically impacted the affordable housing crisis and the livability of communities. "All we asked for was that the City obey its own laws, which call for affordable RSO units to be replaced for projects seeking density bonuses and incentives, and that the City obey a Westwood Specific Plan for multi-family housing."

The City attempted to argue that the units were not rental units and thus did not have to be replaced. But Fix The City produced proof that the three units were registered with HCID as RSO units and were required to be replaced in the project as affordable units. The judge agreed.

Additionally, the Wilkins project sought several incentives that violated the height, open space and sideyard requirements of the Westwood Multi-Family Residential Specific Plan, part of the General Plan, and adopted by ordinance. The City argued that TOC projects were not bound by the Specific Plan. Judge Beckloff disagreed and stated that the TOC Guidelines lack the force of law (as they were never adopted by ordinance).

"Hopefully this ruling ends the City's practice of approving TOC projects that actually result in a net loss of affordable units and/or violate established Specific Plans," said Eveloff.

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