

**Jacob, Melinda**

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: YIMBY Law Letter to City of Berkeley  
**Attachments:** 2555 Berkeley Avenue - HAA Letter - 04\_21\_23.pdf

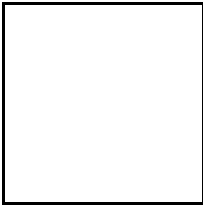
**From:** Vishnu Malhotra <vishnu@yesinmybackyard.org>  
**Sent:** Friday, April 21, 2023 11:05 AM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>  
**Subject:** YIMBY Law Letter to City of Berkeley

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Zoning Adjustments Board,

Please find the attached letter from YIMBY Law regarding the City of Berkeley's legal obligation to approve the development project located at 2555 College Avenue in order to remain in full compliance with California law ahead of the Zoning Adjustment Board's vote on 4/27/23.

Best,  
**Vishnu Malhotra** he/him  
Legal Intern  
352-340-7399



YIMBY Law

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YIMBY LAW

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4/21/2023

Berkeley Zoning Adjustments Board  
Via email: [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info)

Re: 2555 College Avenue  
Project ID: ZP2022-0019

Dear Berkeley Zoning Adjustments Board,

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). As you know, the Zoning Adjustments Board has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

CITYSPACE® 2555 College is located in the upper Southside on College Avenue, it is a 7-minute walk to the UC Berkeley campus. This 4-level project has 12 two, three and four bedroom apartments. It includes 16 secure bike parking spaces, as well as a private courtyard and an on-site laundry room.

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. 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,

A handwritten signature in black ink that reads 'Anja Trauss'. The signature is written in a cursive, flowing style with a large initial 'A'.

Sonja Trauss  
Executive Director  
YIMBY Law