



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### City Planning Commission

<b>Date:</b>	January 10, 2019	<b>Case No.:</b>	ADM-2018-5752-DB-SIP
<b>Time:</b>	after 8:30 a.m.	<b>CEQA No.:</b>	N/A
<b>Place:</b>	Los Angeles City Hall Council Chambers, 3 <sup>rd</sup> Floor 200 North Spring Street Los Angeles, CA 90012	<b>Council No.:</b>	15 – Buscaino
		<b>Plan Area:</b>	San Pedro
		<b>Specific Plan:</b>	None
		<b>Certified NC:</b>	Central San Pedro
		<b>GPLU:</b>	Community Commercial
<b>Public Hearing:</b>	Public hearing to be held at January 10, 2019 City Planning Commission meeting	<b>Zone:</b>	C2-2D-CPIO
<b>Appeal Status:</b>	Streamlined Infill Project not appealable per Senate Bill 35. Off- Menu Density Bonus not appealable per LAMC.	<b>Applicant:</b>	LINC – Core San Pedro Lofts LP
<b>Expiration Date:</b>	February 28, 2019	<b>Representative:</b>	Los Angeles Housing Community Investment Department
<b>Multiple Approval:</b>	No		

**PROJECT LOCATION:** 456 West 9th Street (San Pedro)

**PROPOSED PROJECT:** The proposed project is the construction, use, and maintenance of a 6-story mixed-use development containing 91 apartment units, a 2,597 square foot residential community center, and 4,953 square feet of commercial space. The project includes 100 percent of units available for households with incomes below 80 percent Area Median Income ("AMI"), exclusive of a market-rate manager's unit, and will provide 54 dwelling units for Low Income household occupancy and 36 dwelling units for Very Low Income household occupancy. The building will have 4 residential levels over 2 levels of parking with ground-floor commercial and community center space, with a maximum building height of 75 feet. The project will encompass 111,504 square feet of floor area and have a maximum Floor Area Ratio (FAR) of 2.86:1. The project will provide 111 vehicular parking spaces, 72 long-term bicycle parking spaces, and 10 short-term bicycle parking spaces. An existing municipal surface parking lot will be demolished. The project qualifies as a Streamlined Infill Project ("SIP") pursuant to Senate Bill ("SB") 35 and California Government Code Section 65913.4.

**REQUESTED ACTION:**

1. Pursuant to Los Angeles Municipal Code ("LAMC") Section 12.22 A.25(g)(3), a Density Bonus Compliance Review, to permit the construction of a project totaling 91 dwelling units, including 54 dwelling units for Low Income household occupancy and 36 dwelling units for Very Low Income household occupancy for a period of 55 years, with the following requested incentives:
  - a. Pursuant to LAMC Section 12.22 A.25(g)(3), an Off-Menu Incentive to permit a 0 foot *westerly* side yard in lieu of the 9 foot side yard otherwise required for a 6-story building in the C2-2D-CPIO Zone.
  - b. Pursuant to LAMC Section 12.22 A.25(g)(3), an Off-Menu Waiver to permit a 0 foot *easterly* side yard in lieu of the 9 foot side yard otherwise required for a 6-story building in the C2-2D-CPIO Zone.

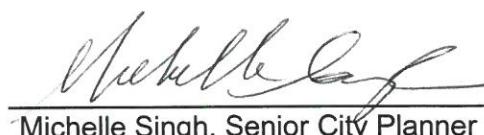
2. Pursuant to California Government Code ("Gov.") Section 65913.4, a Streamlined Infill Project for a development that satisfies all of the objective planning standards of Gov. Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b) and (c).
3. Pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1), determine based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project.

**RECOMMENDED ACTIONS:**

1. Approve a **Density Bonus Compliance Review** with two (2) **Off-Menu Incentives** in conjunction with a set-aside of 50 percent of the total density for Low Income Households:
  - a. Pursuant to LAMC Section 12.22 A.25(g)(3), an **Off-Menu Incentive** to permit a 0 foot westerly side yard in lieu of the 9 foot side yard otherwise required for a 6-story building in the C2-2D-CPIO Zone; and
  - b. Pursuant to LAMC Section 12.22 A.25(g)(3), an **Off-Menu Incentive** to permit a 0 foot easterly side yard in lieu of the 9 foot side yard otherwise required for a 6-story building in the C2-2D-CPIO Zone.
2. Determine that the project is a Streamlined Infill Project that satisfies all of the objective planning standards of Gov. Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b) and (c).
3. Determine based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1).

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## PROJECT ANALYSIS

### **PROJECT SUMMARY**

The proposed project is the construction, use, and maintenance of a 6-story mixed-use development containing 91 dwelling units, a 2,597 square foot residential community center, and 4,953 square feet of commercial space. The project will provide 54 dwelling units for Low Income household occupancy and 36 dwelling units for Very Low Income household occupancy. The building will have 4 residential levels over 2 levels of parking with ground-floor commercial and community center space, with a maximum building height of 75 feet. The project will encompass 111,504 square feet of floor area and have a maximum Floor Area Ratio (FAR) of 2.86:1. The project will provide 111 vehicular parking spaces, 72 long-term bicycle parking spaces, and 10 short-term bicycle parking spaces. An existing municipal surface parking lot will be demolished.

The Applicant proposes to utilize Los Angeles Municipal Code ("LAMC") Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus) to set aside 54 dwelling units for Low Income household occupancy and 36 dwelling units for Very Low Income household occupancy for a period of 55 years, and one (1) market-rate manager's unit, for a total of 91 dwelling units. The Density Bonus Ordinance grants an increase in density and incentives to deviate from development standards in order to facilitate the provision of affordable housing at the site. The project does not request an increase in density from code provisions. However, the Applicant requests to deviate from the side yard requirements, and proposes 0 foot westerly and easterly side yards in lieu of the 9 foot side yards otherwise required by the site's C2-2D-CPIO zone. Given the Applicant is providing over 50 percent of dwelling units to be affordable at Low Income household occupancy, the project is eligible for two (2) Off-Menu Incentives for the side yard deviations.

Pursuant to Senate Bill ("SB") 35, the project qualifies as a Streamlined Infill Project ("SIP") that satisfies all of the objective planning standards of California Government Code ("Gov.") Section 65913.4(a), and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b). In accordance with Gov. Section 65913.4(c), the City Planning Commission may conduct public oversight of the development within ninety (90) days of submittal of the development to the local government, which shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application.

### **BACKGROUND**

#### Site Description

The project site is located within the San Pedro Community Plan area, with frontages along the northern side of 9th Street and southern side of 8th Street, between Pacific Avenue on the west and Mesa Street to the east. The project site totals approximately 39,110 square feet across 11 lots that will form an irregularly-shaped through-lot, with approximately 120 feet of frontage along the north side of 9th Street and 170 feet on the south side of 8th Street. The site is relatively flat, is currently improved as surface parking, and does not contain any on-site trees. Site photos are provided in Exhibit B. The site is currently under ownership of the Los Angeles Department of Transportation ("LADOT"), and has entered into an Exclusive Negotiation Agreement ("ENA") and Joint Development Agreement ("JDA") with the Applicant for the proposed development (provided in the case file).

### Zoning and Land Use Designation

The project site is located within the San Pedro Community Plan area and is designated for Community Commercial land uses, which corresponds to the C2 Zone. The site is zoned C2-2D-CPIO, and is consistent with the land use designation. The site is located within the San Pedro Community Plan Implementation Overlay District (Ordinance No. 185,539 and Zoning Information "ZI" File ZI-2478), the Harbor Gateway State Enterprise Zone (Zoning Information "ZI" File ZI-2130), Transit Oriented Communities Tier 3, Pacific Corridor Redevelopment Project Area, and is within 500 feet of the Alliance Alice M. Baxter College-Ready High School and Anderson Memorial Senior Citizen Center park. The ZIMAS Profile Report is provided in Exhibit C.

The San Pedro Community Plan Implementation Overlay District ("CPIO") was established by Ordinance No. 185,539 and became effective on June 26, 2018 to establish supplemental development regulations tailored to the Community Plan Area to ensure that development enhances the unique architectural, environmental, and cultural qualities of the Community Plan Area, integrates improvements and enhancements to the public rights-of-way, and maintains compatible land uses and appropriate development scale, intensity, and density. The CPIO also establishes a ministerial administrative clearance process, which enables infill development that will positively impact communities in conformance with these regulations. The site falls within the Central Commercial Subarea "E", which is intended to create entryways into San Pedro, as well as pedestrian-oriented commercial districts that serve the daily needs of residents, employees, and visitors. The supplemental development regulations create an active, pedestrian-oriented street through building orientation, publicly accessible open space, facade articulation, and ground floor transparency to commercial and community uses. The project is subject to a ministerial administrative clearance process prior to the issuance of building permits.

The site's C2-2D-CPIO zoning permits unlimited building height, a floor area ratio ("FAR") of 6:1, and density at a rate of one dwelling unit per 400 square feet of lot area. With a lot area of approximately 39,112 square feet, the site's zoning would permit a base density of 98 dwelling units by-right. The CPIO prohibits 100 percent residential uses on the subject site, and permits residential uses when developed in conjunction with commercial uses and/or community facilities as defined by the CPIO.

### Surrounding Uses

The project site is located within a commercial neighborhood of Downtown San Pedro approximately one-half mile west of the harbor. Surrounding properties are zoned C2-2D-CPIO, C2-1XL-CPIO, C2-1VL-HPOZ, R2-1XL-HPOZ, R4-2-HPOZ, and RD1.5-1XL-HPOZ, and developed with commercial establishments, educational uses, multi-family and single-family residential, and surface parking. Abutting properties to the west have frontage on Pacific Avenue and are improved with a mixed-use building, retail commercial, and a vacant building, ranging from one to two stories in height, in the C2-2D-CPIO zone. Abutting properties to the east are improved with a 4-story retirement community in the C2-2D-CPIO zone along 8th Street, and a vacant building, single-story single-family homes, and vacant land in the C2-1-HPOZ zone along 9th Street. The remaining easterly portion of the block fronting along Mesa Street in the R4-2-HPOZ zone is improved with a three-story multi-family building. Across 8th Street to the north are single-story commercial uses, surface parking, a pre-school, and apartments up to three stories in height in the C2-2D-CPIO zone. Across 9th Street to the south is surface parking in the C2-1XL-CPIO zone, the Alliance Alice M. Baxter College-Ready High School and multi-family buildings in the C2-1VL-HPOZ Zone, and single-family and multi-family residential buildings up to two stories in height in the RD1.5-1XL-HPOZ zone.

In compliance with SB 35 and Gov. Code Section 65913.4(a), the site is surrounded by urban uses including commercial establishments, educational uses, multi-family and single-family residential, and surface parking. The site is not identified Environmental and Public Facilities Map (1996) or ZIMAS as being within a coastal zone, farmland, very high fire hazard severity zone, hazardous waste area, or flood zone. The California Department of Toxic Substances Control (DTSC) maintains a database (EnviroStor) that provides access to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. A review of EnviroStor did not identify any records of hazardous waste facilities on the project site. The site is located approximately 1.46 kilometers of the Palos Verdes Fault Zone, and will be subject to regulatory Building Code requirements.

#### Streets and Circulation

8th Street to the north is a Local Street - Standard and is dedicated to a right-of-way width of 60 feet with one travel lane and curbside parking in each direction, and is improved with a sidewalk, curb, and gutter.

9th Street to the south is a Local Street - Standard and is dedicated to a right-of-way width of 60 feet with one travel lane and curbside parking in each direction, and is improved with a sidewalk, curb, and gutter.

The project is within 500 feet of the intersection of Pacific Avenue and 7th Street which qualifies as a Major Transit Stop as defined by California Public Resources Code ("PRC") Section 21155(b). This intersection is served by public transit including LADOT DASH San Pedro, Metro Silver Lines 910/950, and Metro Route 246. The Metro Route 205 and LADOT Commuter Express 142 also serve the project vicinity.

#### Relevant Cases

##### Subject Property:

Case No. CPC-2009-1557-CPU, CPC-2009-1557-CPU-M1, CPC-2009-CPU-M2. On September 11, 2017, the City Planning Commission recommended the approval of the San Pedro Community Plan Update for the geography located adjacent to the Port of Los Angeles, the Pacific Ocean, and the City of Rancho Palos Verdes; generally bounded by Taper Avenue on the north; John S. Gibson Boulevard, Harbor Boulevard, the West Channel of the Port of Los Angeles, and the Cabrillo Beach on the east; the Pacific Ocean to the south; and the western border of Los Angeles within the City of Rancho Palos Verdes. The Community Plan Update became effective on May 17, 2018 under Ordinance Nos. 185,539, 185,540, and 185,541.

Case No. CPC-2000-199-CRA. On June 3, 2002, the City Planning Commission recommended the approval of the Redevelopment Plan for the Pacific Corridor Redevelopment Project Area. The Redevelopment Plan became effective by Ordinance No. 174,549. The Redevelopment Plan will expire in 2032.

##### Surrounding Properties:

Case No. CPC-2018-1012-MSM. On May 21, 2008, the Director of Planning denied a request for a waiver of three (3) parking spaces, for a change of use from single-family residential to child care center on a 5,402 square-foot lot in the C2-1 Zone, for a site located at 444 West 9th Street.

**REQUESTED ACTIONS****Density Bonus / Affordable Housing Incentives Program**

The Applicant proposes to utilize LAMC Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus) to set aside 54 dwelling units for Low Income household occupancy and 36 dwelling units for Very Low Income household occupancy for a period of 55 years, and one (1) market-rate manager's unit, for a total of 91 dwelling units. The applicant requests one (1) Off-Menu Incentive and one (1) Off-Menu Waiver to provide 0 foot westerly and easterly side yards, respectively, in lieu of the 9 foot side yards otherwise required by the site's C2-2D-CPIO zone. However, because the Applicant is providing at least 50 percent of dwelling units to be affordable for Low Income household occupancy, the project is eligible for two (2) Off-Menu Incentives.

The Density Bonus Ordinance also grants an increase in density of 35 percent up to 133 dwelling units to deviate from development standards in order to facilitate the provision of affordable housing at the site, however the Applicant is not requesting an increase in density as the proposed 91 dwelling units is below the base density of 98 dwelling units.

***Housing Replacement***

With Assembly Bill ("AB") 2222 and 2556 (Government Code Section 65915), applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated September 26, 2018 (see Exhibit D), there were no residential units built and/or demolished on the property which currently and has remained a parking lot within the last ten years, therefore, no AB 2556 replacement units are required. This is reflected in the Conditions of Approval. Refer to the Density Bonus Legislation Background section of this determination for additional information.

**Streamlined Infill Project**

California Senate Bill ("SB") 35 became effective January 1, 2018 as part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. The State Department of Housing and Community Development ("HCD") issued the Streamlined Ministerial Approval Guidelines ("HCD Guidelines") dated November 29, 2018 to provide additional guidance on procedures and implementation of SB 35. The law adds Section 65913.4 to the Government Code requiring that cities streamline the approval of certain qualified housing projects through a ministerial approval process, removing the requirement for CEQA analysis, and altering parking requirements. SB 35 applies in cities that are not meeting their state-mandated Regional Housing Need Allocation (RHNA) goals in certain categories.

On February 1, 2018, HCD released maps showing which cities and counties in California are now subject to streamlined housing development under SB 35. The information shows the City of Los Angeles has met its 2013-2021 RHNA goals for the "above market" income category; however, the City is not showing sufficient progress in meeting the RHNA for the lower income categories. Therefore, SB 35 streamlining will apply only to projects that include at least 50% of their units for lower income households (80% Area Median Income (AMI) or less). SB 35

streamlining shall remain in effect until January 1, 2026, and as of that date will be repealed per the provisions of the bill.

Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. The intent of the legislation is to facilitate and expedite the construction of housing. A qualified multifamily housing development that includes at least 50% of their units for lower income households as described above must also be at least two-thirds residential in floor area and comply with objective zoning and design review standards to qualify for streamlining. There are a host of other planning, environmental, housing and labor standards in the law that must be met to be eligible as well. These state law requirements are provided in Exhibit E.

In accordance with SB 35 and the HCD Guidelines, a development is considered consistent with objective zoning and design review standards for purposes of streamlining irrespective of any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915. SB 35 defines “objective zoning standards” and “objective design review standards” as:

*“standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances”*

As provided in the HCD Guidelines Section 300(b)(3), modifications to objective standards granted as part of a density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to Density Bonus Law, Government Code section 65915 or a local density bonus ordinance, shall be considered consistent with objective standards. Project eligibility for a density bonus, concession, incentive, parking reduction, or waiver of development standards shall be determined consistent with Density Bonus Law.

In accordance with Gov. Section 65913.4(b), the Director will therefore ministerially review an SB 35 eligible project along with any density bonus requests that are equal to or less than the on-menu incentives and concessions granted to a density bonus project pursuant to LAMC 12.22 A.25(f). A project requesting incentives not on the menu will still be subject to review by the City Planning Commission per the public oversight provisions of Gov. Section 65913.4(c) below.

*“Design Review or public oversight of the development may be conducted by the... board or commission responsible for review and approval of development projects... That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for [SB 35] streamlined projects, as well as any reasonable objective design standards... adopted... before submission of a development application... That design review or public oversight... shall not in any way inhibit, chill, or preclude the ministerial approval provided by [the law and must be concluded within certain timeframes]: within 90 days of submittal... if the development contains 150 or fewer housing units [or] within 180 days of submittal... if the development contains more than 150 housing units”.*

Projects that satisfy the objective planning standards of Gov. Section 65913.4(a) are subject to streamlined, ministerial approval provided by Gov. Section 65913.4(b) and (c). Eligible projects

are therefore ministerial and not a “project” as defined by CEQA Guidelines, Section 15378, and are not subject to CEQA environmental review. Eligible projects are also exempt from any local parking requirements in accordance with Gov. Section 65913.4(d)(1).

In accordance with SB 35 and Gov. Section 65913.4, the project qualifies as a Streamlined Infill Project (“SIP”) that satisfies all of the objective planning standards of Senate Bill (“SB”) 35 and California Government Code (“Gov.”) Section 65913.4(a), and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b) and (c).

## **ISSUES**

The following section includes a discussion of issues and considerations related to the project. These discussion points were identified in discussions with the applicant. An initial staff-level public hearing was not conducted due to the streamlined review timeline that is required by state law. No written correspondence from the public was received at the time of preparing this report.

### **Project Design**

The project has two street-facing facades along 8th Street on the north and 9th Street on the south. The building is oriented to the street by locating the ground floor facade along both lot lines. A pedestrian entrance to residential lobbies are provided along both 8th and 9th Street frontages, with additional entrances to the residential community center provided along 8th Street and entrances to the commercial spaces provided along 9th Street. Level 2 is primarily above-grade parking, however it is lined with residential dwelling units along both street-facing facades to minimize views of parking from the street. As provided in Exhibit “A”, both street-facing facades are articulated to modulate the building wall and create distinct breaks in the building plane. Although the applicant is requesting 0 foot side yards in lieu of the otherwise required 9 foot side yards, the building is configured to provide a series of courtyards that form open space on Level 3, and provide natural light and air for the residential units on upper levels. Upper residential floors are stepped back from the ground floor podium and are further articulated in the form of balconies, recesses, awnings, architectural details, and varied planes. A combination of concrete podium, cement plaster, and slat board guardrails, are utilized to provide additional visual interest to the building facades.

### **Parking and Traffic**

The site is currently improved as a municipal surface parking lot owned by the Los Angeles Department of Transportation (“LADOT”). The project involves the demolition of the existing surface parking lot for the construction of a 6-story mixed-use building. However, the project proposes to maintain the same number of parking spaces to be available to the public.

SB 35 mandates that “a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to Gov. Section 65913.4(d)(1)(A) if the development is located within one-half mile of public transit”. Therefore, as a Streamlined Infill Project that meets the provisions of Gov. Section 65913.4, the project is permitted to have zero (0) parking spaces for residential uses by the state.

The project will provide parking spaces for the commercial uses as required by LAMC Section 12.21 A.4 at the rate of one per 500 square feet, for a total of 10 parking spaces for the 4,953 square foot commercial space along 9th Street. In total, the project will provide 49 residential parking spaces, 10 commercial parking spaces, and 52 parking spaces to be used by the general public.

### San Pedro CPIO Compliance

The project site is located within the San Pedro Community Plan Implementation Overlay District (“CPIO”) Central Commercial Subarea “E”. As such, the Project is subject to the development regulations therein, including the administrative clearance process prior to the issuance of building permits. Planning staff conducted a preliminary review for compliance with the CPIO development regulations, and identified several issues that were not consistent with the CPIO requirements, related to the provision of Publicly Accessible Open Space, location of mechanical equipment and similar uses, and limitations on building signage. The applicant updated the project plans to be compliant with the identified issues and re-submitted the application materials for further review. As required by LAMC Section 13.14.G.2 and CPIO, the project will be subject to an administrative review and clearance process prior to the issuance of building permits. The Department of Building and Safety shall not issue any permit for the demolition, new construction, addition to or exterior alteration of any building or structure, signs, change of use, fences and walls, or site grading on a lot located in whole or in part within a San Pedro CPIO subarea unless the Director of Planning or their assignee has approved the Project as being in compliance with the San Pedro CPIO Ordinance.

### **CONCLUSION**

The proposed project is an infill development that provides affordable residential units with ample open space and residential community amenities to serve its residents. The project will provide 90 new affordable residential units over an existing municipal surface parking lot, and will provide much-needed housing in the San Pedro community and as intended by SB 35 and other state housing initiatives. The building design is enhanced with street-facing facades that are modulated and articulated with a variety of building planes, materials, and treatments, and provides a pedestrian-oriented ground floor frontage consistent with the CPIO requirements, and will help revitalize the community and activate this area of Downtown San Pedro.

Based on the information submitted to the record, and the surrounding uses and zones, staff recommends that the City Planning Commission approve the requested Off-Menu Incentives for the construction of the proposed 6-story mixed-use development with reduced side yards. Additionally, staff recommends that the City Planning Commission determine that the project is a Streamlined Infill Project that satisfies all of the objective planning standards of Gov. Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Gov. Section 65913.4(b) and (c), and determine that the Streamlined Infill Project is Statutorily Exempt from CEQA as a ministerial project pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1).

## CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 91 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 46 units shall be reserved as affordable units for Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). In addition to the affordable units pursuant to Density Bonus, the applicant must comply with the Determination made by the HCIDLA for replacement units. Affordable units required as replacement units, per Assembly Bill 2556, shall be an equivalent type as those units being replaced. In addition to the affordable units required under the Density Bonus program, the project shall also provide an additional 8 units for Low Income Household occupancy and an additional 36 units for Very Low Income Household occupancy for a period of 55 years.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 46 units available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. In addition to the affordable units required under the Density Bonus program, the project shall also provide an additional 8 units for Low Income Household occupancy and an additional 36 units for Very Low Income Household occupancy for a period of 55 years.
6. **Side Yard Setbacks.** The project may observe a zero (0) foot side yard setback along the westerly and easterly side yards in lieu of the nine (9) feet otherwise required for a 6-story building in the C2-2D-CPIO zone.
7. **Zoning.** The project shall comply with all other requirements of the C2-2D-CPIO zone.
8. **Senate Bill 35.** The project shall comply with all state requirements of Senate Bill 35 and California Government Code Section 65913.4. A minimum of 50 percent, that is 46 dwelling units, shall be reserved as affordable units to households making below 80 percent of the area median income.

9. **Automobile Parking.** Pursuant to California Government Code Section 65913.4(d)(1), no parking requirements shall apply for multifamily developments located within one-half mile of public transit. No residential parking spaces are required.
10. **Automobile Parking for Commercial Uses.** For the 4,953 square feet of commercial uses, the project shall provide a minimum of ten (10) automobile parking spaces, at a ratio of one space for every 500 square feet of commercial square footage, as required by LAMC Section 12.21 A.4.
11. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit for the first 25 dwelling units, and one per 1.5 dwelling units for every dwelling unit for the next 26 to 100 dwelling units. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units for the first 25 dwelling units, and one per 15 dwelling units for every dwelling unit for the next 26 to 100 dwelling units, with a minimum of two short-term bicycle parking spaces. Short-term and long-term bicycle parking for general retail stores requires one bicycle parking space per 2,000 square feet, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the number of dwelling units and commercial space, 69 long-term and 7 short-term bicycle parking spaces shall be provided onsite for residential uses, and 3 long-term and 3 short-term bicycle parking spaces shall be provided onsite for commercial uses.
13. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10% more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
14. **Prevailing Wage Requirements.** In accordance with Gov. Section 65913.4(a)(8), the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
  - a. A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
    - i. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the California Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.

- ii. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
- iii. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.
- iv. Except as provided in subclause (vi), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in Sections 1776 and 1812 of the Labor Code.
- v. Except as provided in subclause (vi), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
- vi. Subclauses (iv) and (v) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- vii. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

b. Bond. A Bond may be required to ensure compliance.

### Administrative Conditions

**15. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.

**16. Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

17. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
18. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
19. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
20. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

#### **21. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant

of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director or Commission shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director or Commission to make a finding that the requested incentive and waiver are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The requested Off-Menu Incentives would permit reduced side yard setbacks that are not expressed in the Menu of Incentives per LAMC Section 12.22-A,25(f) and, as such, are subject to the Off-Menu process in LAMC Section 12.22-A,25(g)(3).

Based on the set-aside of 50 percent, or 46 units, for Low Income households, the applicant is entitled to two incentives under both the Government Code and LAMC. Therefore, the two Off-Menu requests qualify as the proposed development's incentives.

The requested incentives would result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. The incentives support the applicant's decision to set aside 54 dwelling units for Low Income households and 36 dwelling units for Very Low Income households for a period of 55 years.

#### Requested Off-Menu Incentives:

**Side Yard Setbacks:** Pursuant to LAMC Section 12.14 C.2, no side yards are required for buildings erected and used exclusively for commercial purposes in the C2 zone; however, for all portions of buildings erected and used for residential purposes, side yards conforming to the requirements of the R4 Zone (LAMC Section 12.22 C.2) shall be provided and maintained at the floor level of the first story used in whole or in part for residential purposes. The R4 zone requires side yards of a minimum of 5 feet, and requires one additional foot in the width of the side yard for each additional story above the second story. The Project is a 6-story building containing a ground floor with grade-level parking, commercial space, and a residential community center (located at Level 1), an above-grade parking level that is lined with residential uses along the street frontages (located at Level 2), and 4 levels of residential uses (located at Levels 3 through 6). Given all levels of the project will be utilized in whole or in part by residential uses, the Project would therefore be required to provide 9-foot westerly and

easterly side yard setback on all levels of the proposed 6-story building in the C2-2D-CPIO zone. The Applicant requests a 0 foot westerly and easterly side yard setbacks in lieu of the otherwise required 9 foot side yard to allow for an expanded building envelope on all levels.

- a. **The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. As provided under CEQA Findings below, pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1), the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act (“CEQA”) as a ministerial project. Based on all of the above, there is no basis to deny the requested incentive.

### **STREAMLINED INFILL PROJECT FINDINGS**

In accordance with Gov. Section 65913.4(a), an applicant may submit an application for a development that is subject to the streamlined, ministerial approval process if the development satisfies all of the objective planning standards of Gov. Section 65913.4(a):

1. **The development is a multifamily housing development that contains two or more residential units.**

The project is a mixed-use multi-family housing development that contains 91 residential units.

2. **The development is located on a site that satisfies all of the following:**

- A. **A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.**
- B. **A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.**
- C. **A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.**

The State of California Streamlined Ministerial Approval Process Guidelines (“State Guidelines”, issued November 29, 2018) defines “urban uses” as “any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses”.

The site is located within the City of Los Angeles in an urbanized area. The site is located within Downtown San Pedro on a city block bounded by 8<sup>th</sup> Street on the north, Pacific Avenue to the west, 9<sup>th</sup> Street to the south, and Mesa Street to the east. All adjoining parcels are developed with urban uses including commercial establishments, educational uses, multi-family and single-family residential, and surface parking. The project site is located within the San Pedro Community Plan area, is designated for Community Commercial land uses, and is zoned C2-2D-CPIO. The site’s land use and zoning designation permits residential uses and density at a rate of one dwelling unit per 400 square feet of lot area. The project proposes a combination of residential and nonresidential uses, with at least two-thirds of the square footage designated for residential use.

3. **If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:**
  - A. **Fifty-five years for units that are rented.**
  - B. **Forty-five years for units that are owned.**

The 2018 State Guidelines defines “subsidized” as “units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code”.

The project is conditioned to require a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 46 units available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years for compliance with Density Bonus affordability requirements. The project is conditioned to reserve a minimum of 50 percent, that is 46 dwelling units, as affordable units to households making below 80 percent of the area median income in accordance with SB 35 and California Government Code Section 65913.4 requirements. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.

4. **The development satisfies both of the following:**
  - A. **Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality’s share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department’s determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.**
  - B. **The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:**

- i. The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.
- ii. The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.
- iii. The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

On February 1, 2018, the California Department of Housing and Community Development (HCD) released maps showing which cities and counties in California are now subject to streamlined housing development under SB 35. The information shows the City of Los Angeles has met its 2013-2021 Regional Housing Need Allocation (“RHNA”) goals for the “above market” income category; however, the City is not showing sufficient progress in meeting the RHNA for the lower income categories. Therefore, the City of Los Angeles is subject to streamlined housing development under SB 35.

5. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

- A. A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.
- B. In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

The project site is located within the San Pedro Community Plan area, is designated for Community Commercial land uses, and is zoned C2-2D-CPIO. The site's C2-2D-CPIO zoning permits unlimited building height, a floor area ratio ("FAR") of 6:1, and density at a rate of one dwelling unit per 400 square feet of lot area. With a lot area of approximately 39,112 square feet, the site's zoning would permit a base density of 98 dwelling units by-right. The requested 2.86:1 FAR and 75-foot building height is also permitted by-right. The applicant requests two (2) Off-Menu Incentives as permitted through Density Bonus Compliance Review (LAMC Sec. 12.22 A.25) for reductions in the westerly and easterly side yards, to permit side yards of 0 feet in lieu of the otherwise required 9 feet. No other concessions, incentives, or waivers of development standards are requested or granted as part of the subject determination. The site is also located within and therefore subject to the San Pedro Community Plan Implementation Overlay ("CPIO") District Central Commercial Subarea "E". The project is subject to all development regulations contained therein and will be reviewed as part of an administrative clearance process prior to the issuance of building permits.

6. The development is not located on a site that is any of the following:

- A. A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.
- B. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
- C. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- D. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- E. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

- F. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- G. Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- H. Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- I. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- J. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- K. Lands under conservation easement.
- L. The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

The site is currently developed as a municipal surface parking lot within an urbanized area in the Downtown San Pedro area of the City of Los Angeles. The site is surrounded by urban uses including commercial establishments, educational uses, multi-family and single-family residential, and surface parking. The site is not identified Environmental and Public Facilities Map (1996) or ZIMAS as being within a coastal zone, farmland, very high fire hazard severity zone, hazardous waste area, or flood zone. The California Department of Toxic Substances Control (DTSC) maintains a database (EnviroStor) that provides access to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. A review of EnviroStor did not identify any records of hazardous waste facilities on the project site. The site is located approximately 1.46 kilometers of the Palos Verdes Fault Zone, and will be subject to regulatory Building Code requirements. The Mobilehome Residency Law and related regulations are not applicable to the site.

**7. The development is not located on a site where any of the following apply:**

- A. The development would require the demolition of the following types of housing:**
  - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - iii. Housing that has been occupied by tenants within the past 10 years.
- B. The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.**
- C. The development would require the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of an application.**
- D. The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.**

The site is currently developed as a municipal surface parking lot. No residential uses exist on-site. In a memo dated September 26, 2018, the Los Angeles Housing and Community Investment Department ("HCIDLA") determined that there were no residential units built and/or demolished on the property which currently and has remained a parking lot within the last ten years. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles.

**8. The development proponent has done both of the following, as applicable:**

- A. Certified to the locality that either of the following is true, as applicable:**
  - i. The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
  - ii. If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:
    - I. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
    - II. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the

Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

- III. Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.
- IV. Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
- V. Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- VI. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

B.

- i. For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:
  - I. On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
  - II. On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

- III. On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
- IV. On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
- V. On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

- ii. For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
- iii. If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
  - I. The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
  - II. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
  - III. Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
- IV. Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

C. Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

- i. The project includes 10 or fewer units.
- ii. The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

The project is conditioned to meet the above requirements of Gov. Section 65913.4(a).

9. The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

- A. The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).
- B. The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

The applicant requests a Density Bonus Compliance Review for two (2) Off-Menu Incentives for reduced side yards, in conjunction with a Streamlined Infill Project pursuant to SB 35. There is no subdivision entitlement requested as part of the project.

Therefore, as provided above, the development satisfies all of the objective planning standards of Gov. Section 65913.4(a), and is therefore subject to the streamlined, ministerial approval process provided in Gov. Section 65913.4(b) and (c).

### **CEQA FINDINGS**

Pursuant to Senate Bill (“SB”) 35 and Gov. Section 65913.4, a project that satisfies all of the objective planning standards of Gov. Section 65913.4(a) is subject to the streamlined, ministerial approval process provided in Gov. Section 65913.4(b) and (c). Therefore, pursuant to Gov. Section 65913.4 and Public Resources Code Section 21080(b)(1), the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act (“CEQA”) as a ministerial project

## **COMMUNICATIONS**

The public hearing is scheduled for the City Planning Commission on January 10, 2019 after 8:30 a.m. No written correspondence has been received at the time of preparing this report.

ADM-2018-5752-DB-SIP

## **EXHIBIT A**

### **PROJECT PLANS**

**ADM-2018-5752-DB-SIP**

# 9th Street Lofts

San Pedro, CA



Early Concept Perspective

## New Affordable Housing Building

174,068 SF Six-Story Mixed-Use Building  
 (4) Stories Type VA Wood Frame (Residential) over  
 (2) Stories Type I Concrete Podium (Commercial with Parking Garage)

### Sheet Index

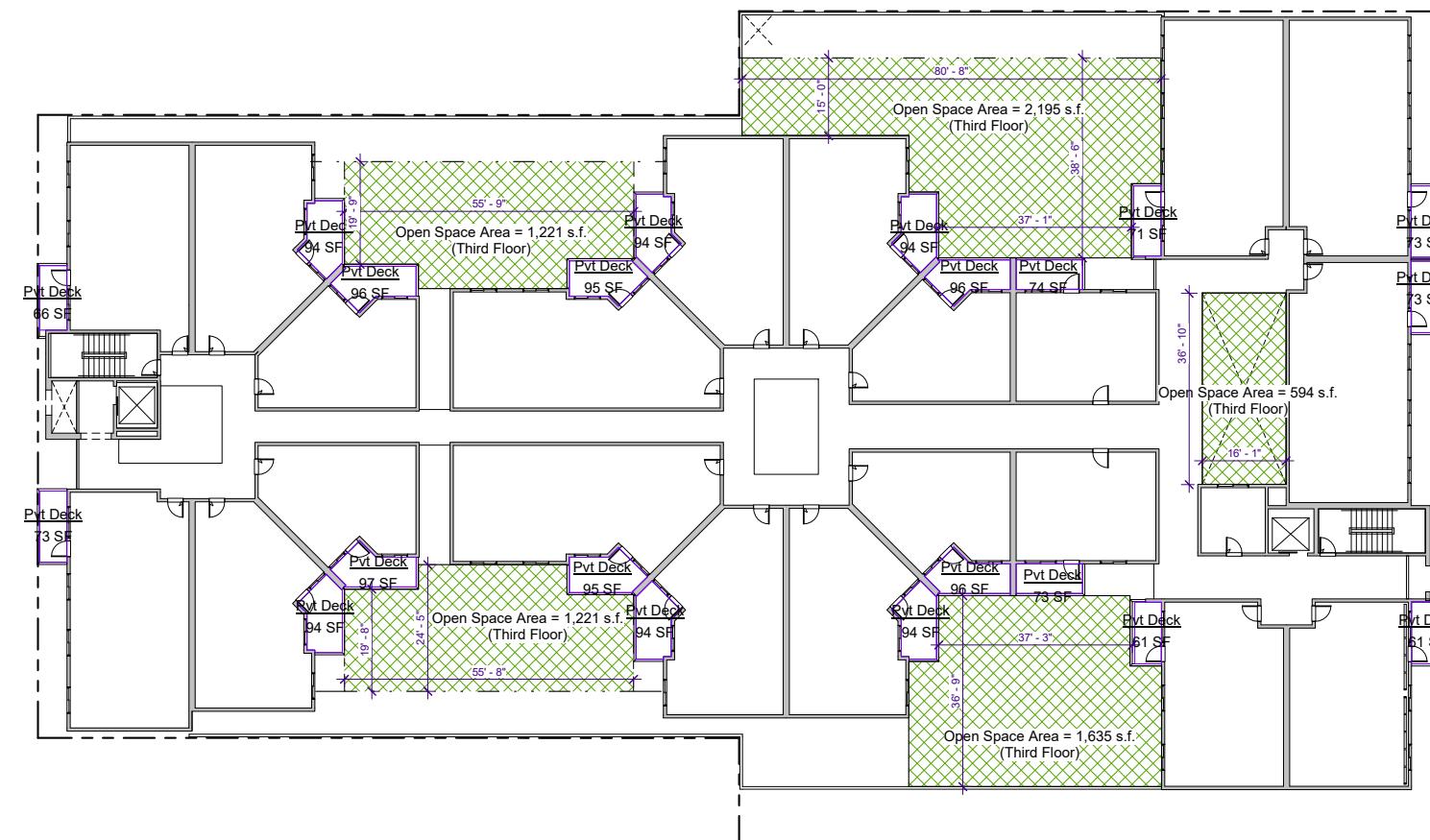
#### Architectural

A0.1	Cover Sheet
A0.2	Site Plan & Project Statistics
A0.3	Common Open Space
A1.1	Level 1 Plan
A1.2	Level 2 Plan
A1.3	Level 3 Plan
A1.4	Level 4 Plan
A1.5	Level 5 Plan
A1.6	Level 6 Plan
A1.7	Roof Plan
A2.1	Exterior Elevations
A2.2	Exterior Elevations
A3.1	Building Section
A4.1	Enlarged Unit Plans

#### Landscape

L1.1	Conceptual Landscape Plan
L1.2	Plant Palette

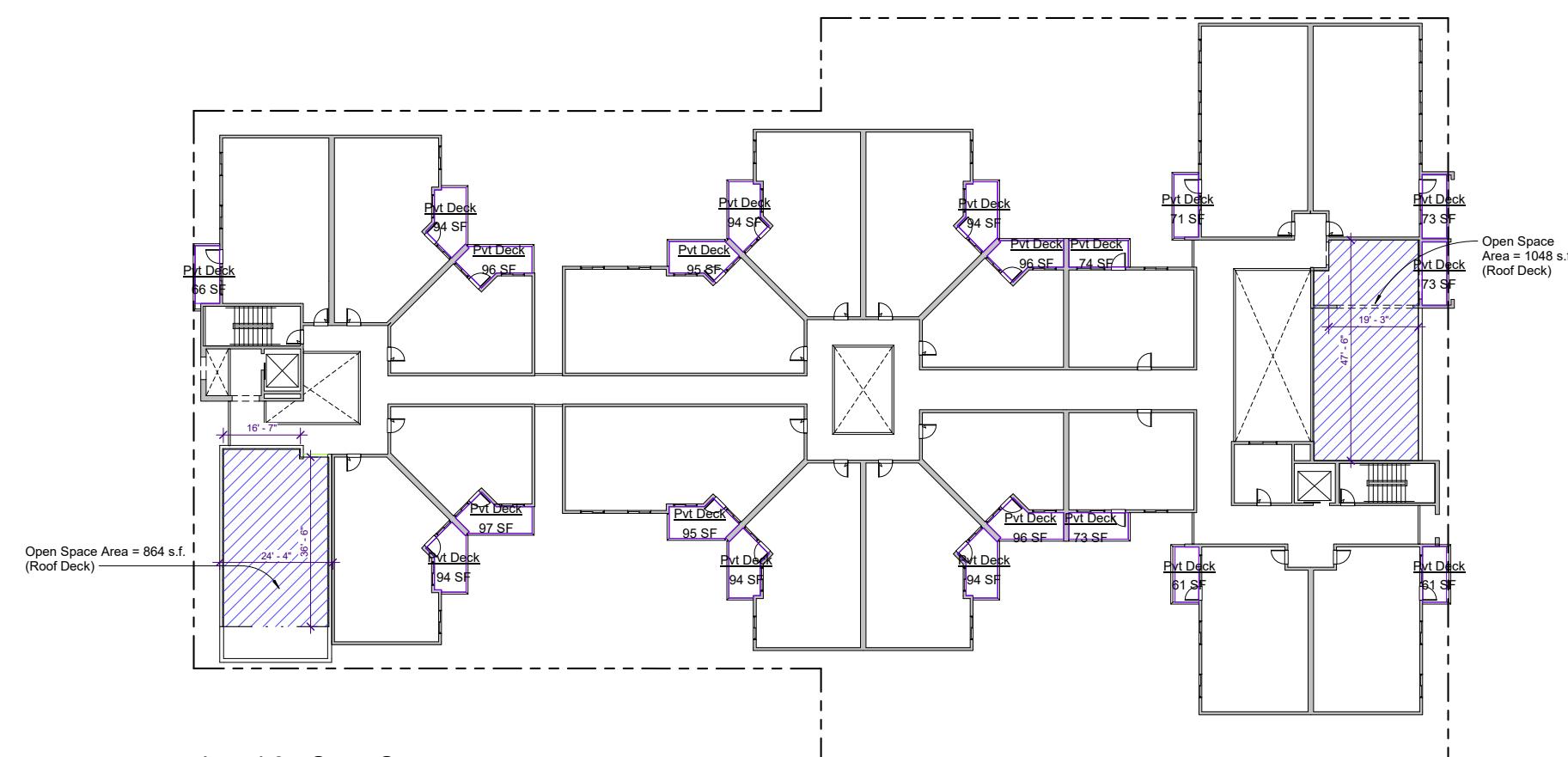



**1 Level 3 - Open Space**

SCALE: 1/16" = 1'-0"

Project Open Space Requirements:	
<b>Open Space (Required):</b>	
Studios	5 @ 100 SF = 500 SF
1 BDR	27 @ 100 SF = 2,700 SF
2BDR	36 @ 125 SF = 4,500 SF
3BDR	23 @ 175 SF = 4,025 SF
Total Required	= 11,725 SF
<b>Open Space (Provided):</b>	
Third Floor (Common Open Space*)	= 6,860 SF
Comm Area Level 6 Roof Decks	= 1,912 SF
Private Patios & Balconies	
91 units * 50 SF per Unit	4,550 SF
<b>TOTAL = 12,700 SF</b>	

\*25% of common open space to be planted.


**2 Level 6 - Open Space**

SCALE: 1/16" = 1'-0"





## RRM Design Group

10 E. Figueroa St., Suite 1  
Santa Barbara, CA 93101

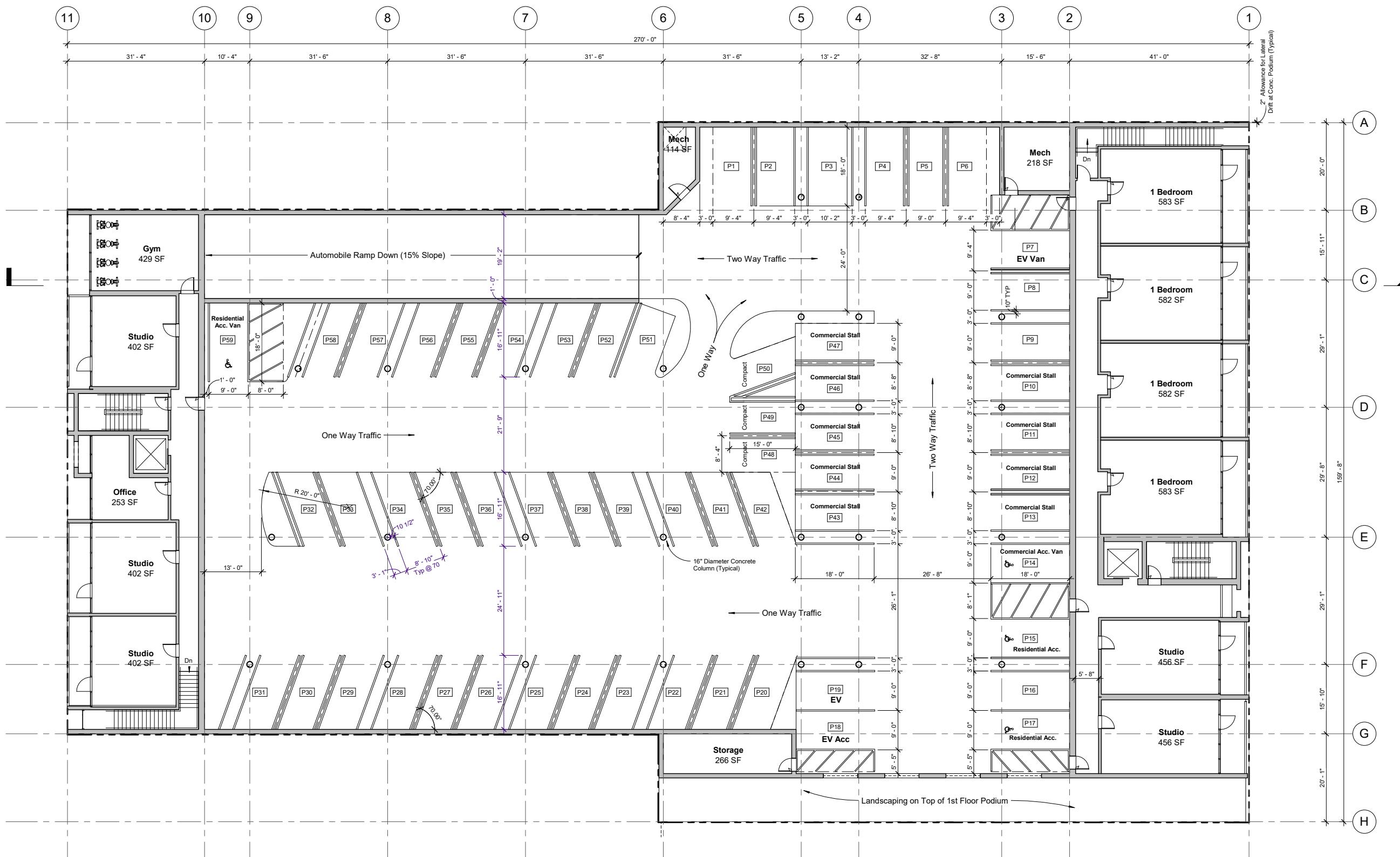
Tel: 805.963.8283  
Fax: 805.963.8184  
[www.rrmdesign.com](http://www.rrmdesign.com)



## 9th Street Lofts

100

Level 2 Plan



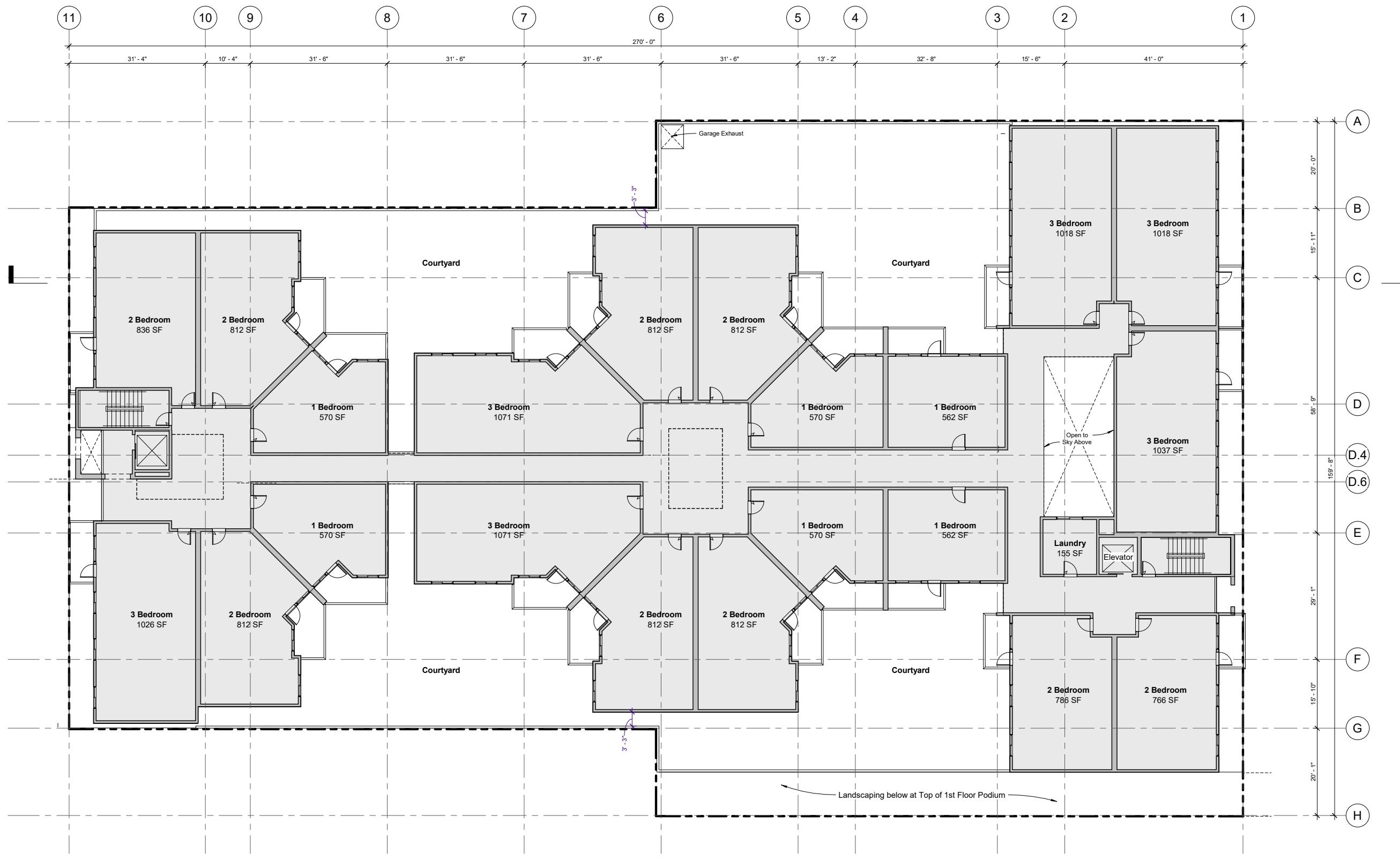
1 Level 2

SCALE: 3/32" = 1'-0"



# A1.2

11.30.2018





## RRM Design Group

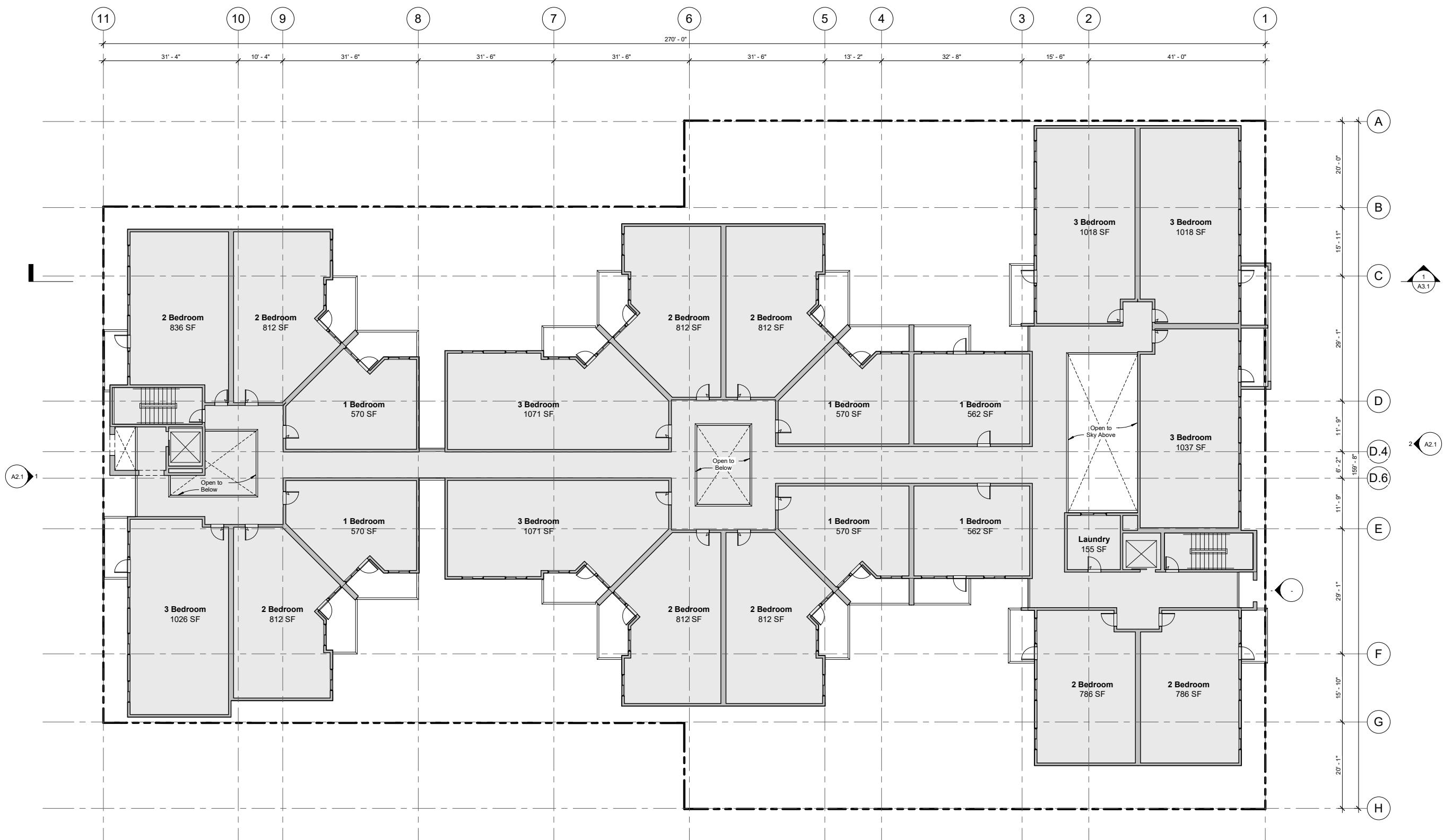
10 E. Figueroa St., Suite 1  
Santa Barbara, CA 93101

Tel: 805.963.8283  
Fax: 805.963.8184  
[www.rrmdesign.com](http://www.rrmdesign.com)



# 9th Street Lofts

Level 4 Plan



1 Level 4

SCALE: 3/32" = 1'-0"



North

# A1.4

30.2018



## RRM Design Group

10 E. Figueroa St., Suite 1  
Santa Barbara, CA 93101

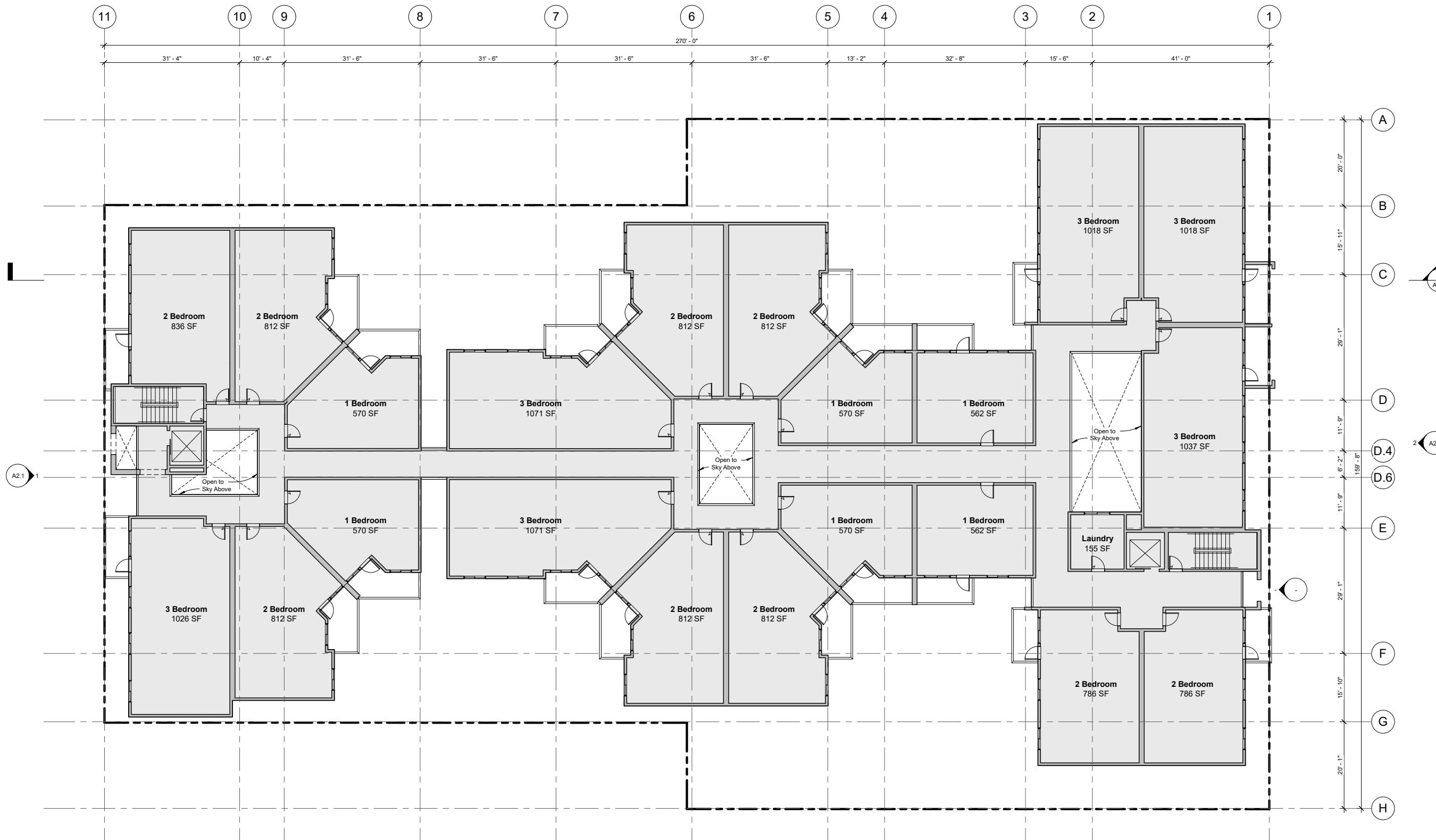
Tel: 805.963.8283  
Fax: 805.963.8184  
[www.rrmdesign.com](http://www.rrmdesign.com)



# 9th Street Lofts

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Level 5 Plan



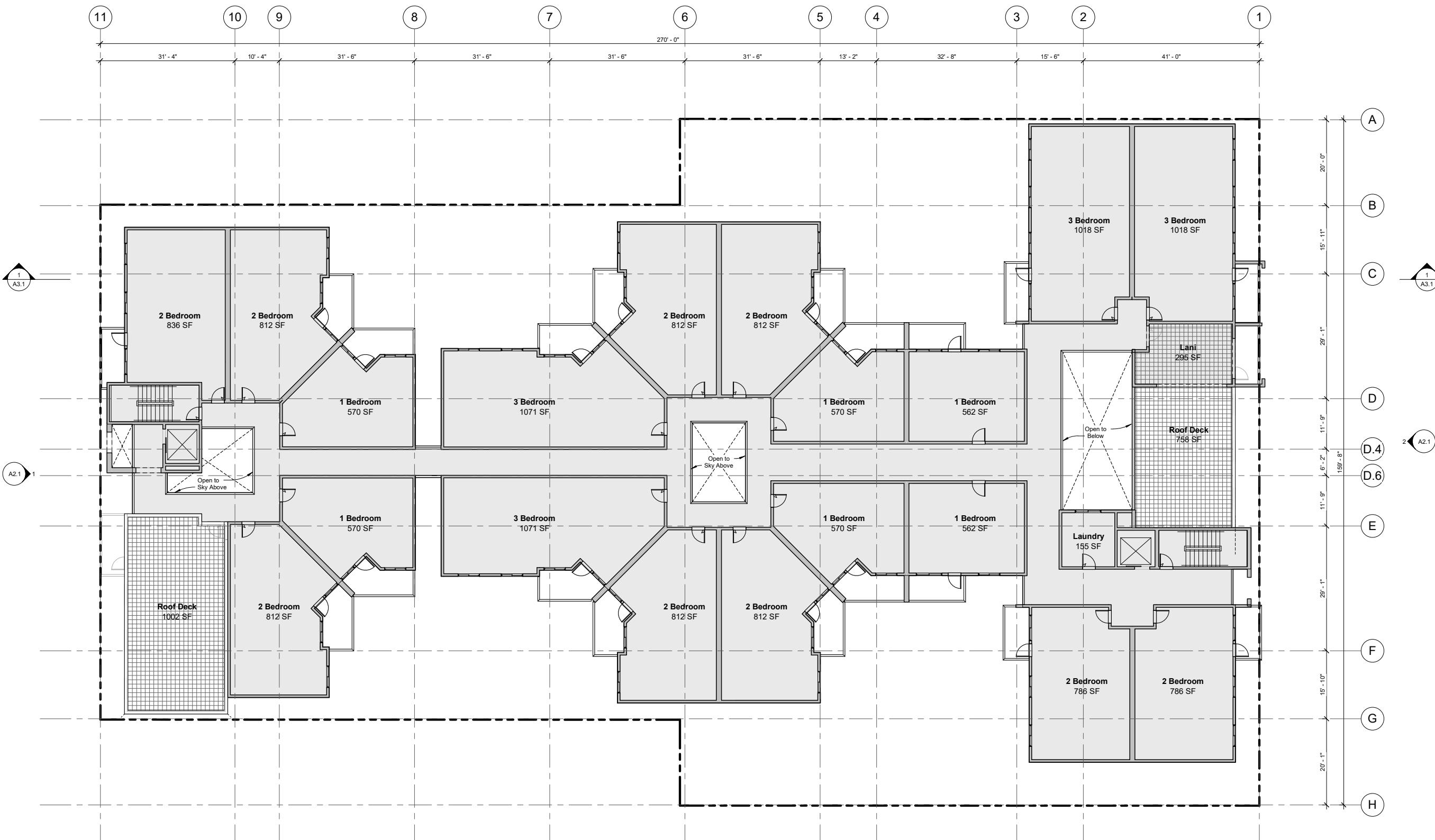
1 Level 5

SCALE: 3/32" = 1'-0"



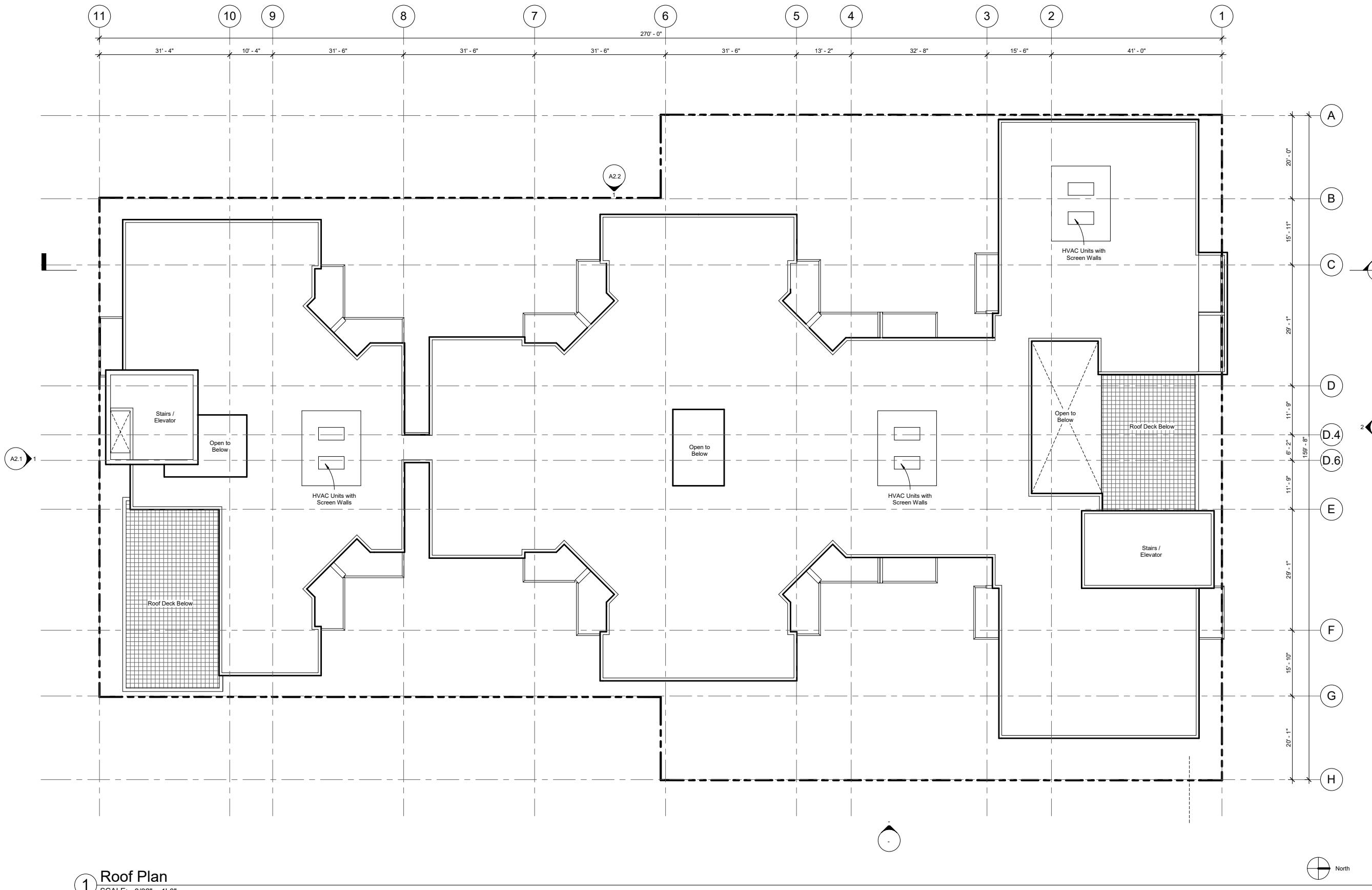
# A1.5

30.2018





# 11th Street Lofts San Pedro, CA



## 1 Roof Plan

SCALE: 3/32" = 1'-0"

A compass rose icon with a horizontal line and a vertical line intersecting at a central point, with the word "North" written to the right of the vertical line.

# A1.7

11.30.2018

**Note:**  
The total sign area of wall signs shall not exceed 1.5 square feet per each foot of building frontage, up to a maximum size of 100 square feet total. Wall signs facing alleys or parking areas shall not exceed five square feet. CPIO Section III.H.3



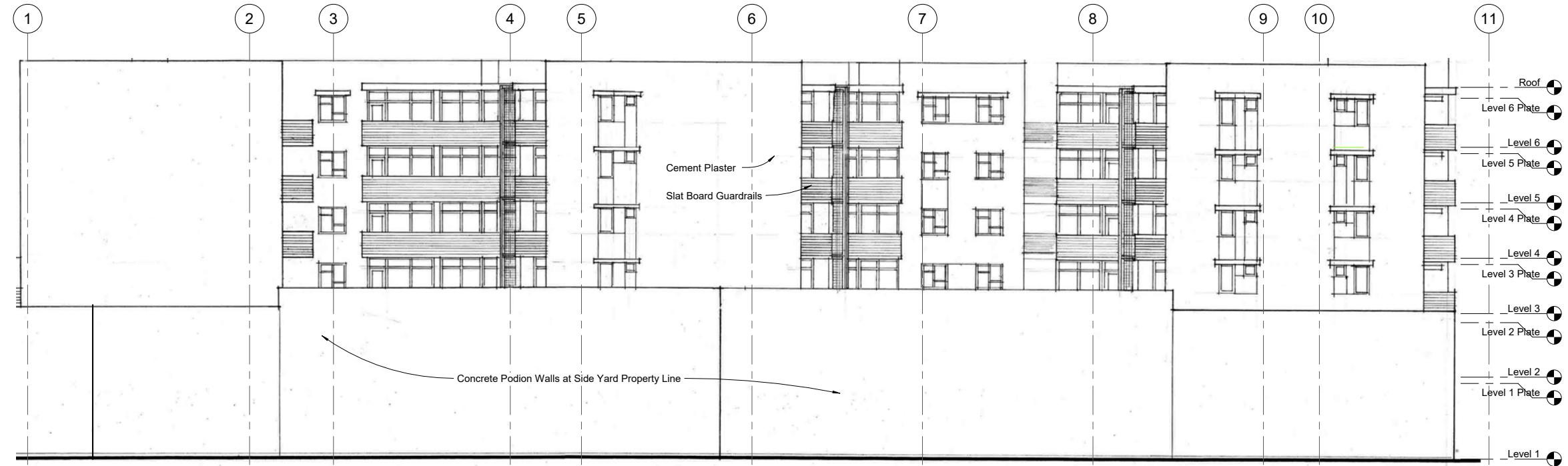
② 9th Street (North) Building Elevation

SCALE: 3/32" = 1'-0"



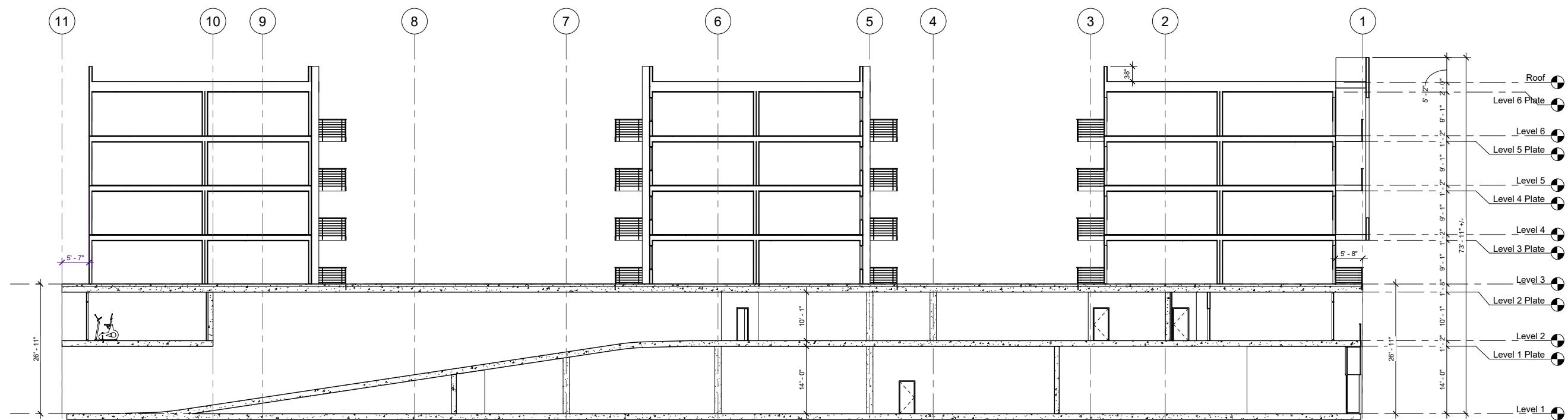
① 8th Street (South) Building Elevation

SCALE: 3/32" = 1'-0"


**1** West Building Elevation

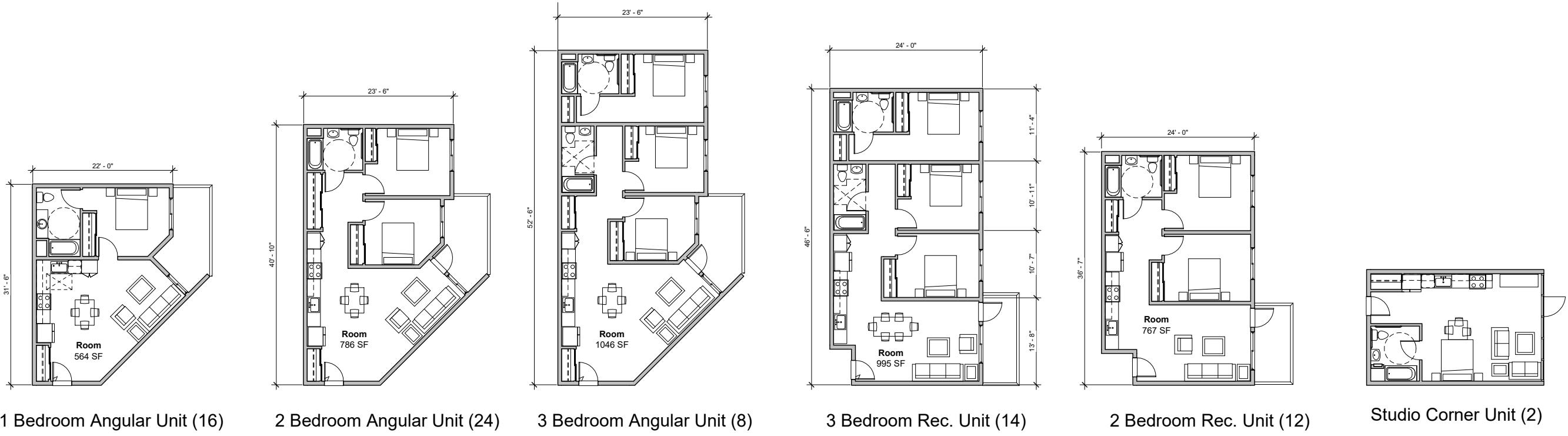
SCALE: 3/32" = 1'-0"

 9th Street Lofts  
 San Pedro, CA  
 Exterior Elevations


**1 Section 8**  
SCALE: 3/32" = 1'-0"

9th Street Lofts  
San Pedro, CA

Building Section

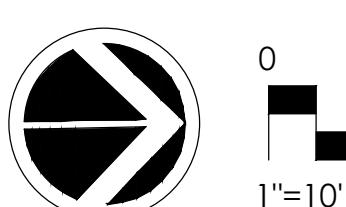

**1 Unit Plans**

SCALE: 1/8" = 1'-0"

9th Street Lofts  
San Pedro, CA  
Enlarged Unit Plans

**LANDSCAPE PLAN KEY:**

- ① SUNSET TERRACE WITH OUTDOOR SEATING AND ENTERTAINMENT SPACES
- ② 42'H RAISED PLANTER WITH SHADE TREE AND INTEGRATED WOOD BENCH
- ③ 30'H PLANTER WITH COLORFUL, LOW WATER-USE SHRUBS AND GROUNDCOVER
- ④ PEDESTRIAN-SCALE, ACCENT TREE
- ⑤ 30'H PLANTER WITH CANTILEVER WOOD BENCH
- ⑥ PLAY AREA WITH SYNTHETIC LAWN AND SMALL PLAY STRUCTURES
- ⑦ LAPTOP GARDEN WITH PRIVATE BENCHES AND POWER OUTLETS
- ⑧ PRECAST RECTANGULAR CONCRETE TILES WITH DECORATIVE PATTERN, COLOR: LIGHT GREY
- ⑨ PRECAST RECTANGULAR CONCRETE PAVERS IN RUNNING BOND PATTERN, COLOR: LIGHT BUFF
- ⑩ WOOD COUNTER WITH BARSTOOLS
- ⑪ EXPLORATION PLAYGROUND WITH RUBBERIZED SURFACING, COLORFUL RUBBER MOUNDS, AND A TUNNEL FEATURE
- ⑫ 4-STORY VINE TRELLIS SEPARATING DECKS
- ⑬ CONTAINER PLANTING
- ⑭ VEGETATIVE SCREENING ON TOP OF FIRST FLOOR PODIUM
- ⑮ EXISTING STREET TREE TO BE PROTECTED IN PLACE


 0 5 10 20 30 feet  
 1"=10'

L-1.1

08.30.2018

## PLANTING DESIGN CRITERIA:

THE PLANT PALETTE BELOW IS COMPRISED OF PLANT MATERIAL AND TREES KNOWN TO THRIVE IN THE LOCAL CLIMATE AND SOIL CONDITIONS. THE PLANT PALETTE IS COMPRISED OF PLANTS NATIVE TO MEDITERRANEAN CLIMATES. 20% OR LESS OF THE PLANT MATERIAL WILL REQUIRE MODERATE WATER, AND THE REMAINDER WILL REQUIRE LOW TO VERY LOW WATER ONCE ESTABLISHED. THIS PLANT PALETTE COUPLE WITH THE IRRIGATION SYSTEM DESCRIBED AT THE LEFT WILL MEET OR EXCEED THE STATE AND LOCAL STANDARDS FOR WATER CONSERVATION THROUGH WATER EFFICIENT LANDSCAPE IRRIGATION DESIGN.

ALL ABOVE GROUND UTILITIES WILL BE SCREENED WITH VEGETATION.

(23) TREES PROVIDED PER CITY OF LOS ANGELES REQUIREMENT.

## IRRIGATION AND PLANTING DESIGN CRITERIA:

A WEATHER SENSING, 'SMART CONTROLLER' WILL BE USED TO MONITOR THE IRRIGATION WATER AND MANAGE DAILY WATER CONSUMPTION TO THE MINIMUM REQUIREMENTS FOR EACH HYDROZONE.

ALL TREES, POTTERY, SHRUB AND GROUNDCOVER AREAS WILL BE IRRIGATED ON SEPARATE HYDROZONES WITH DRIP OR BUBBLER IRRIGATION, SO THAT ONCE ESTABLISHED, WATER CAN BE REGULATED IN A MORE EFFICIENT MANNER.

I CERTIFY THAT THIS PLANT PALETTE COUPLED WITH THE IRRIGATION SYSTEM  
DESCRIBED ABOVE WILL MEET OR EXCEED THE STATE MODEL WATER  
EFFICIENT LANDSCAPE ORDINANCE (MWELO)

x SCOTT NEIMAN  
SCOTT NEIMAN  
LANDSCAPE ARCHITECT | CA LICENSE NUMBER #6104

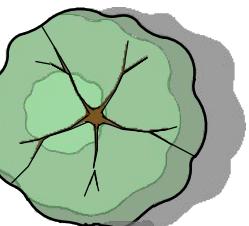
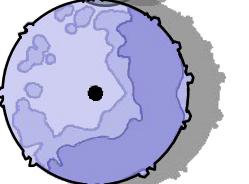
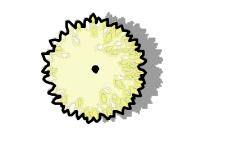
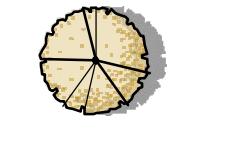
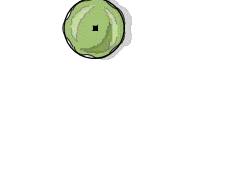
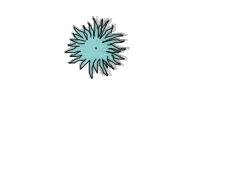
# CITY OF LOS ANGELES LANDSCAPE ORDINANCE:

## LANDSCAPE POINT SYSTEM

SQUARE FOOTAGE OF SITE: 39,112SF  
POINTS REQUIRED: 20

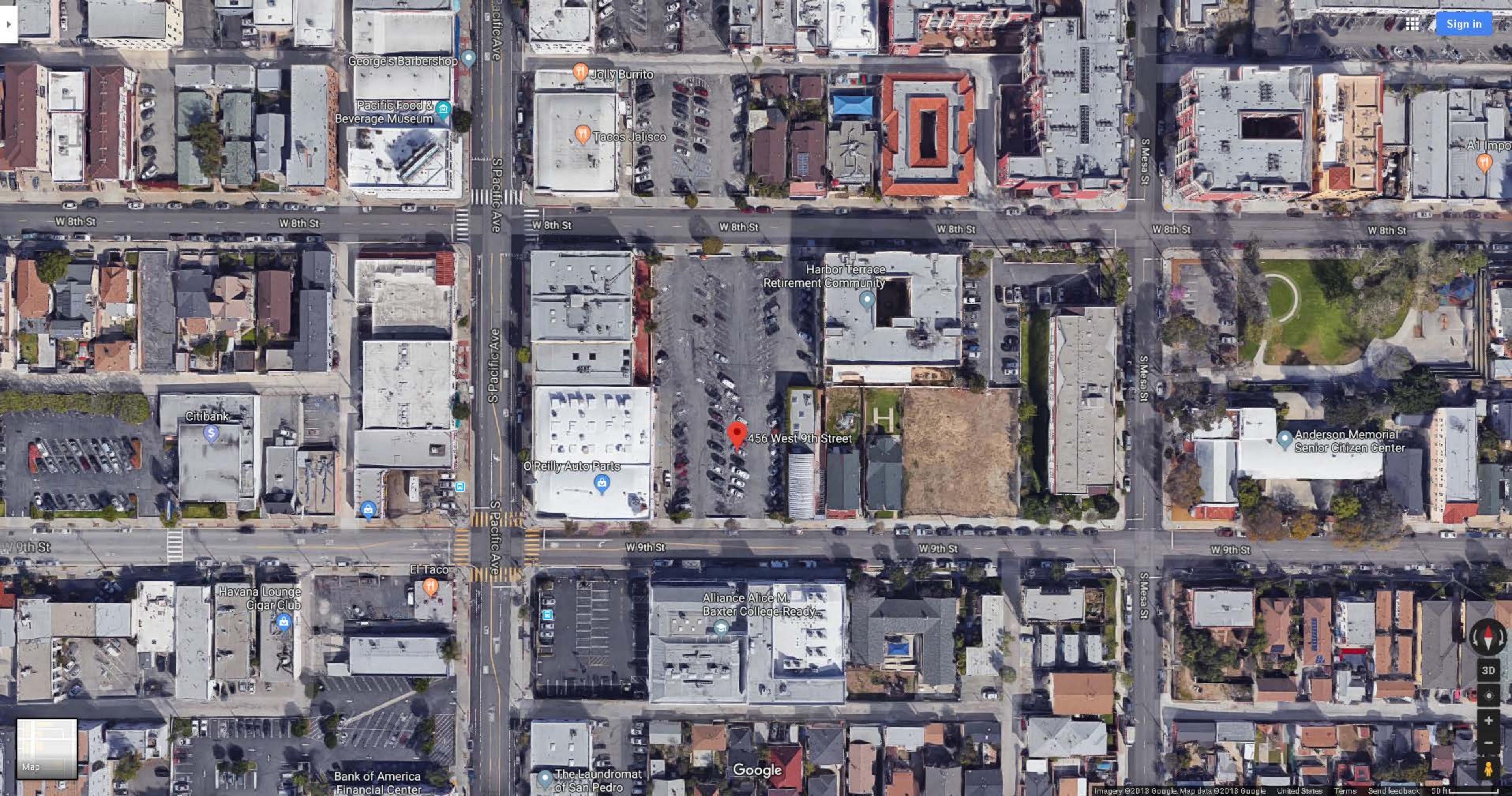
<u>TECHNIQUE</u>	<u>POINTS</u>
1.1 UNDERSTORY TREES	9 (1 PER TREE)
4.1 VINES ON WALLS/FENCES	2 (2 PER 50' OF WALL)
9.1 PROVISION OF TREES SHADING EAST AND WEST SIDES OF BUILDING	8 (2 PER 25' OF SHADE)
9.2 USE OF CLASS 1 OR CLASS 2 COMPOST IN ALL LANDSCAPE AREAS	3
<b>TOTAL:</b>	<b>22 POINTS</b>

# CONCEPT PLANT SCHEDULE

	<u>EVERGREEN TREES</u>	4
	TRISTANIA CONFERTA / BRISBANE BOX - LOW BRANCHING	36"BOX
	ULMUS PARVIFOLIA 'DRAKE' / DRAKE ELM	36"BOX
	<u>ACCENT TREES</u>	8
	LAGERSTROEMIA INDICA X FAURIEI 'ZUNI' / ZUNI CRAPE MYRTLE	36"BOX
	OLEA EUROPAEA 'MONHER' TM / FRUITLESS OLIVE TREE	36"BOX
	<u>COLUMNAR DECIDUOUS TREE</u>	9
	GINKGO BILOBA 'PRINCETON SENTRY' / PRINCETON SENTRY GINKGO	24"BOX
	<u>DECIDUOUS TREE</u>	2
	ACER PALMATUM 'SANGO KAKU' / CORAL BARK MAPLE	24"BOX
	<u>LARGE SHRUB</u>	224
	ANIGOZANTHOS X 'BUSH DAWN' / BUSH DAWN KANGAROO PAW	5 GAL
	DIETES BICOLOR / FORTNIGHT LILY	1 GAL
	LEUCADENDRON X 'SAFARI GOLD STRIKE' / YELLOW CONEBUSH	5 GAL
	LEYMUS CONDENSATUS 'CANYON PRINCE' / NATIVE BLUE RYE	1 GAL
	LOMANDRA LONGIFOLIA 'BREEZE' / DWARF MAT RUSH	1 GAL
	OLEA EUROPAEA 'LITTLE OLLIE' TM / LITTLE OLLIE OLIVE	5 GAL
	PENNISETUM SPATHIOLATUM / SLENDER VELDT GRASS	1 GAL
	PHLOMIS FRUTICOSA / JERUSALEM SAGE	1 GAL
	ROSMARINUS OFFICINALIS 'COLLINGWOOD INGRAM' / ROSEMARY	1 GAL
	SALVIA CLEVELANDII 'ALLEN CHICKERING' / CLEVELAND SAGE	5 GAL
	<u>SMALL SHRUB</u>	309
	ACACIA COGNATA 'COUSIN ITT' / RIVER WATTLE	5 GAL
	AEONIUM CANARIENSE / AEONIUM	3 GAL
	ASPARAGUS DENSIFLORUS 'MYERS' / MYERS ASPARAGUS	5 GAL
	BULBINE FRUTESCENS 'HALLMARK' / STALKED BULBINE	1 GAL
	CHONDROPELALUM TECTORUM 'EL CAMPO' / CAPE RUSH	5 GAL
	DIANELLA CAerulea 'CASSA BLUE' / CASSA BLUE FLAX LILY	1 GAL
	JUNCUS PATENS 'ELK BLUE' / SPREADING RUSH	1 GAL
	KNIPHOFIA UVARIA 'FLAMENCO' / FLAMENCO RED HOT POKER	5 GAL
	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD' / MUNSTEAD ENGLISH LAVENDER	1 GAL
	NEPETA X FAASSENII 'SIX HILLS GIANT' / GIANT CATMINT	1 GAL
	PHORMIUM TENAX 'JACK SPRATT' / NEW ZEALAND FLAX	1 GAL
	TRACHELOSPERMUM JASMINOIDES / CHINESE STAR JASMINE	5 GAL
	<u>ACCENT PLANTING</u>	118
	AGAVE ATTENUATA 'NOVA' / BLUE CLONE	5 GAL
	AGAVE X 'BLUE FLAME' / BLUE FLAME AGAVE	5 GAL
	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS	5 GAL
	CHAMAEROPS HUMILIS CERIFERA / BLUE MEDITERRANEAN FAN PALM	5 GAL
	DRACAENA DRACO / DRAGON TREE	5 GAL
	PHORMIUM TENAX 'YELLOW WAVE' / NEW ZEALAND FLAX	5 GAL
	<u>GROUNDCOVER PLANTING</u>	306
	ARCTOSTAPHYLOS X 'EMERALD CARPET' / EMERALD CARPET MANZANITA	1 GAL
	DYMONDIA MARGARETAE / DYMONDIA	1 GAL
	SEDUM X 'AUTUMN JOY' / AUTUMN JOY SEDUM	1 GAL
	SENECIO MANDRALISCAE 'BLUE CHALK STICKS' / SENEPIO	5 GAL
	<u>CLIMBING VINE</u>	12
	BOUGAINVILLEA X 'BARBARA KARST' / BARBARA KARST BOUGAINVILLEA	5 GAL
	DISTICTIS BUCCINATORIA / BLOOD RED TRUMPET VINE	5 GAL
	MACFADYENA UNGUIS-CATI / YELLOW TRUMPET VINE	5 GAL
	MASCAGNIA MACROPTERA / ORCHID VINE	5 GAL

## **EXHIBIT B**

## **SITE PHOTOS**



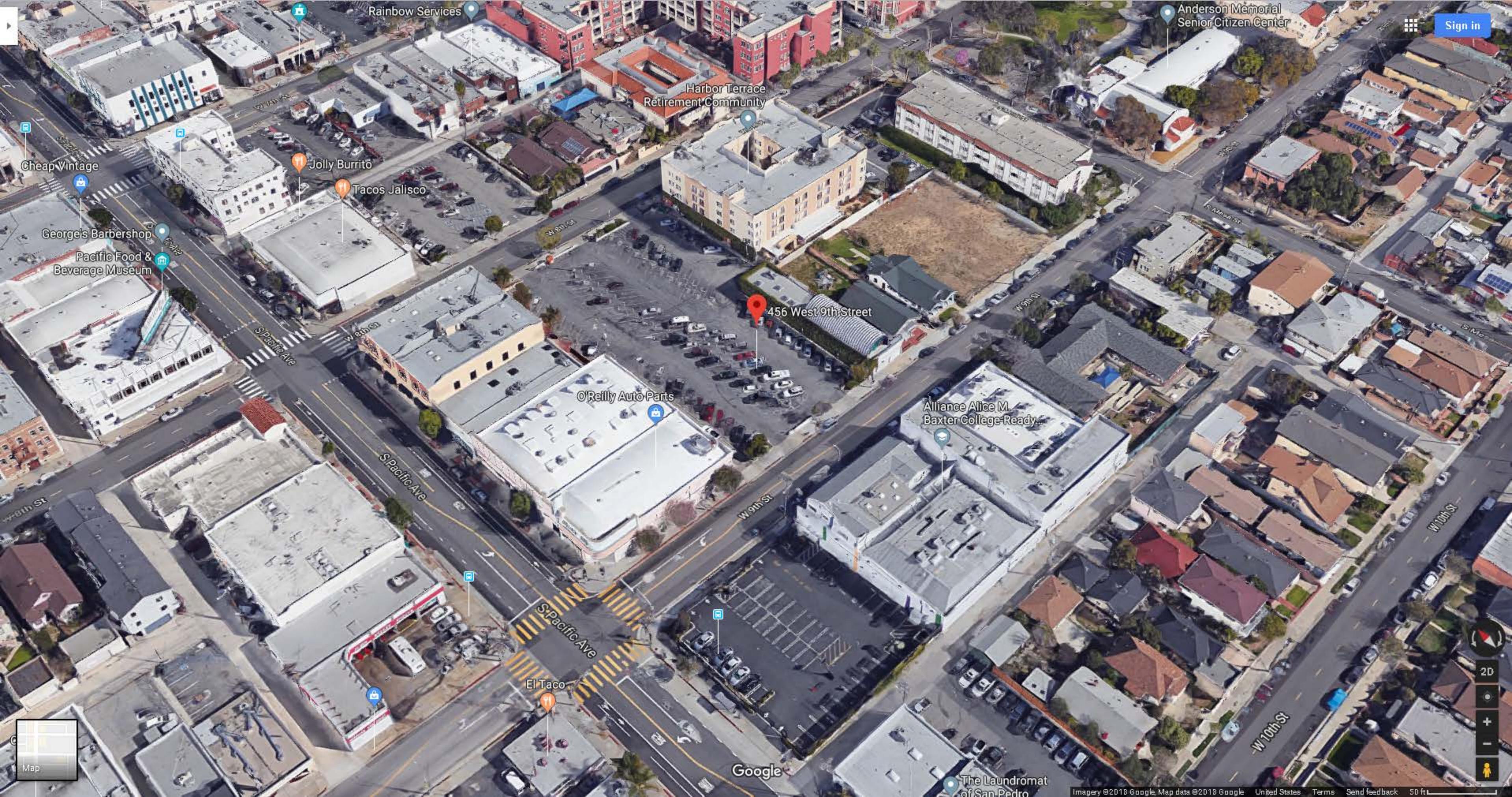
Map

3D

+

-

A



Rainbow Services

Anderson Memorial Senior Citizen Center

Sign in

Cheap Vintage

Georges Barbershop

Pacific Food & Beverage Museum

Jolly Burrito

Tacos Jalisco

Harbor Terrace Retirement Community

456 West 9th Street

Alliance Alice M. Baxter College-Ready

O'Reilly Auto Parts

S. Pacific Ave

W 8th St

W 9th St

W 10th St

El Taco

Google

The Laundromat of San Pedro

Map

2D

3D

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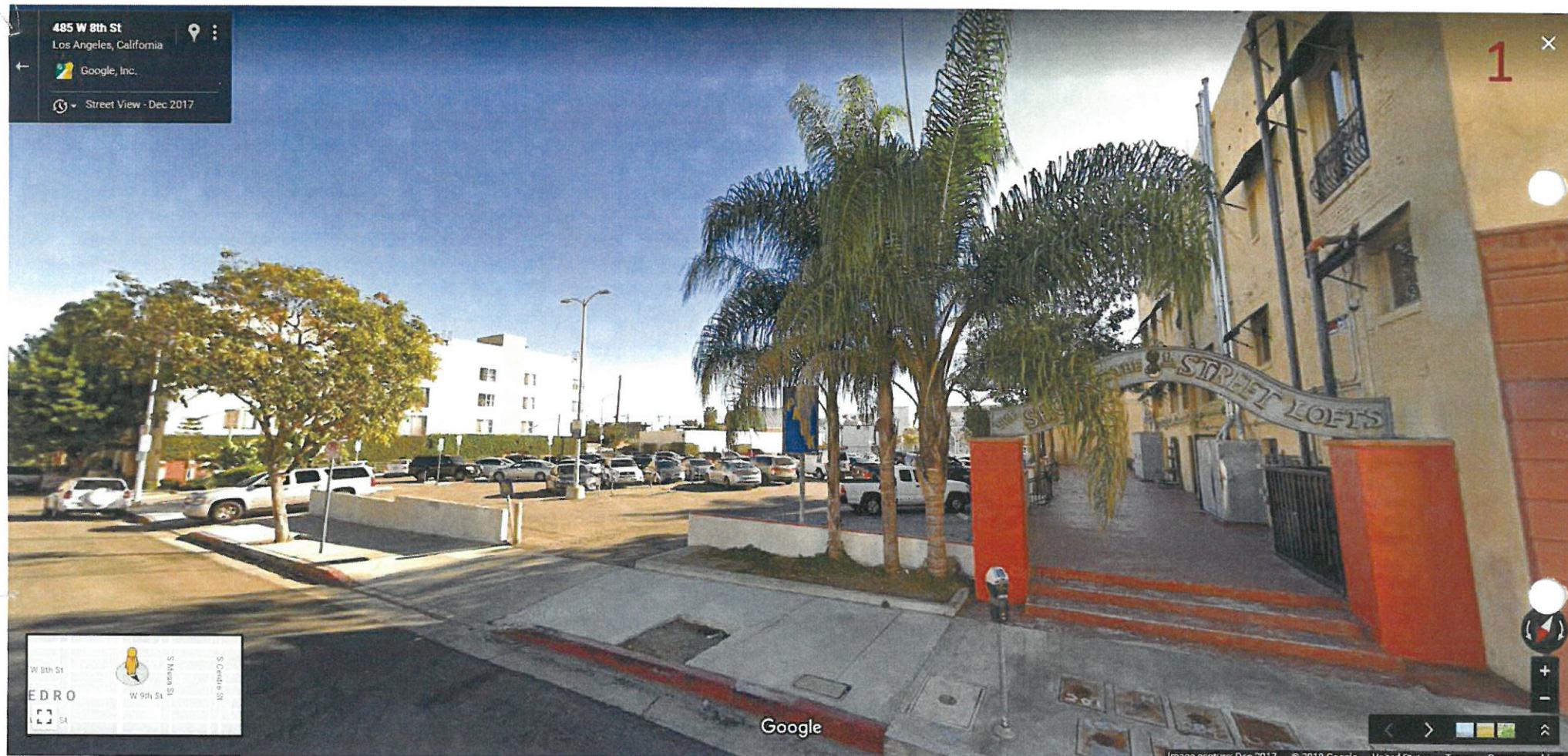
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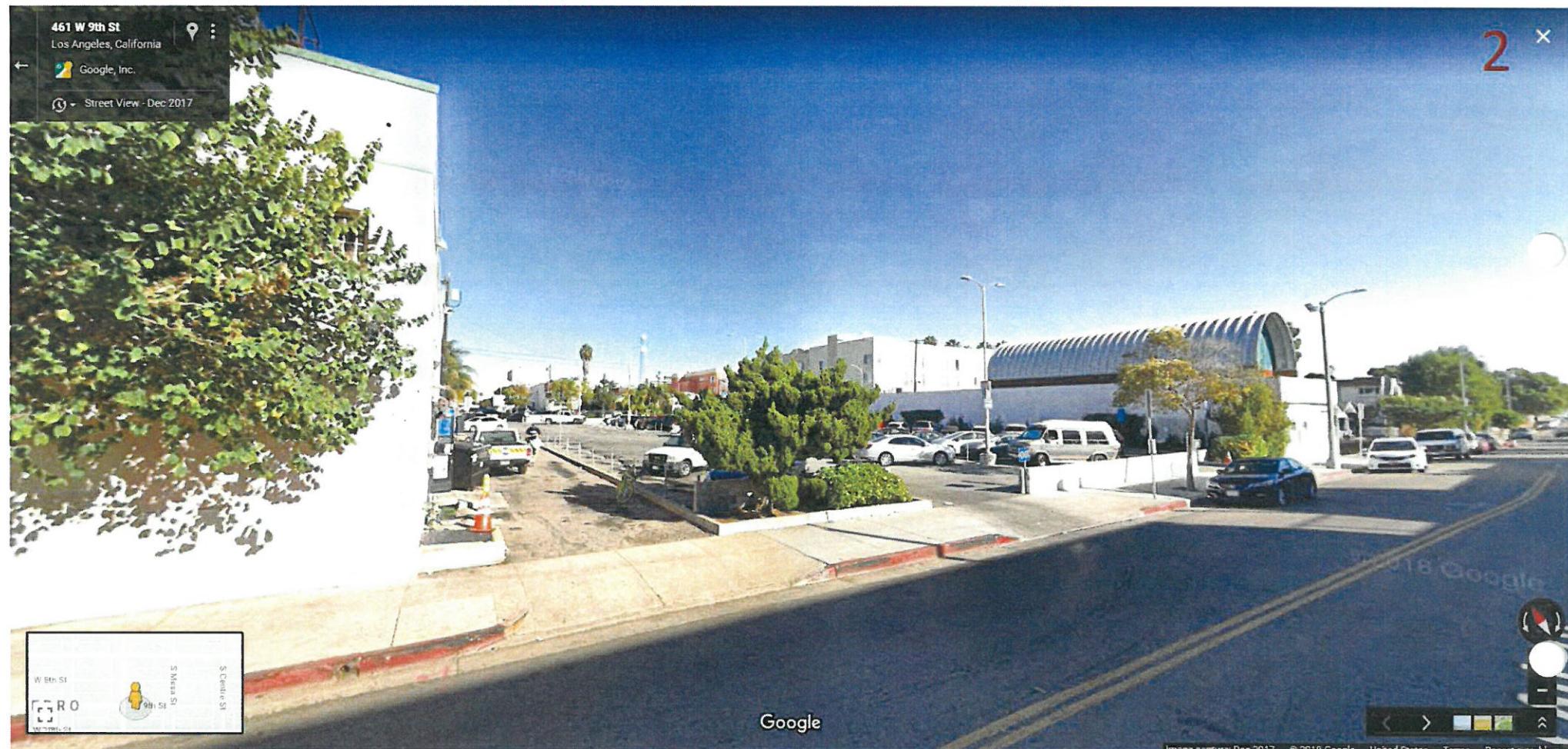
Map

Imagery ©2018 Google. Map data ©2018 Google. United States. Terms. Send feedback. 50 ft.



ADM-2018-5752











**EXHIBIT C**

**ZIMAS PROFILE REPORT**

**AND RADIUS MAP**



# City of Los Angeles Department of City Planning

10/16/2018  
**PARCEL PROFILE REPORT**

**PROPERTY ADDRESSES**

456 W 9TH ST

**ZIP CODES**

90731

**RECENT ACTIVITY**

ADM-2018-5752-DB-SIP

**CASE NUMBERS**

CPC-30672-ZC

CPC-2009-1557-CPU

CPC-2007-4053-CDO-ZC

CPC-2005-8252-CA

CPC-2000-199-CRA

ORD-185541-SA130

ORD-185540

ORD-185539

ORD-179935

ORD-158860

ENV-2017-2502-CE

ENV-2009-1558-EIR

ENV-2007-4058-ND

ENV-2005-8253-ND

MND-87-178-ZC-GPA

**Address/Legal Information**

PIN Number	015B201 332
Lot/Parcel Area (Calculated)	5,402.4 (sq ft)
Thomas Brothers Grid	PAGE 824 - GRID B5
Assessor Parcel No. (APN)	7455007902
Tract	TR 2940
Map Reference	M B 30-46
Block	None
Lot	5
Arb (Lot Cut Reference)	None
Map Sheet	015B201

**Jurisdictional Information**

Community Plan Area	San Pedro
Area Planning Commission	Harbor
Neighborhood Council	Central San Pedro
Council District	CD 15 - Joe Buscaino
Census Tract #	2971.10
LADBS District Office	San Pedro

**Planning and Zoning Information**

Special Notes	None
Zoning	C2-2D-CPIO
Zoning Information (ZI)	ZI-2130 HARBOR GATEWAY STATE ENTERPRISE ZONE ZI-2478 San Pedro Community Plan Implementation Overlay (CPIO) Subareas
General Plan Land Use	Community Commercial
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	None
Subarea	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	San Pedro
Subarea	Central Commercial E
CUGU: Clean Up-Green Up	None
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	Low

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](http://zimas.lacity.org)  
(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Non-Residential Market Area	Medium
Transit Oriented Communities (TOC)	Tier 3
CRA - Community Redevelopment Agency	Pacific Corridor Redevelopment Project
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	Active: Alliance: Alice M. Baxter College-Ready High School
500 Ft Park Zone	Active: Anderson Memorial Senior Citizen Center
<b>Assessor Information</b>	
Assessor Parcel No. (APN)	7455007902
Ownership (Assessor)	
Owner1	L A CITY
Address	456 W 9TH ST SAN PEDRO CA 90731
Ownership (Bureau of Engineering, Land Records)	
Owner	CITY OF LOS ANGELES ATTN: GEN. SRVCS., ASSET MGMT. DIV.
Address	111 E. FIRST ST. RM 201 LOS ANGELES CA 90012
APN Area (Co. Public Works)*	0.372 (ac)
Use Code	8800 - Miscellaneous - Government Owned Property
Assessed Land Val.	\$60,454
Assessed Improvement Val.	\$0
Last Owner Change	09/15/1961
Last Sale Amount	\$0
Tax Rate Area	13245
Deed Ref No. (City Clerk)	2041  1701
Building 1	No data for building 1
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
<b>Additional Information</b>	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Oil Wells	None
<b>Seismic Hazards</b>	
Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	1.4639544
Nearest Fault (Name)	Palos Verdes Fault Zone
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	3.00000000
Slip Geometry	Right Lateral - Strike Slip

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](http://zimas.lacity.org)  
(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Slip Type	Moderately Constrained
Down Dip Width (km)	13.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	90.00000000
Maximum Magnitude	7.30000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

#### **Economic Development Areas**

Business Improvement District	HISTORIC WATERFRONT DISTRICT (SAN PEDRO)
Promise Zone	None
Renewal Community	No
Revitalization Zone	San Pedro / Wilmington
State Enterprise Zone	HARBOR GATEWAY STATE ENTERPRISE ZONE
Targeted Neighborhood Initiative	None

#### **Housing**

Direct all Inquiries to	Housing+Community Investment Department
Telephone	(866) 557-7368
Website	<a href="http://hcidla.lacity.org">http://hcidla.lacity.org</a>
Rent Stabilization Ordinance (RSO)	No
Ellis Act Property	No

#### **Public Safety**

Police Information	
Bureau	South
Division / Station	Harbor
Reporting District	566
Fire Information	
Bureau	South
Battallion	6
District / Fire Station	48
Red Flag Restricted Parking	No

## CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-30672-ZC
Required Action(s):	ZC-ZONE CHANGE
Project Descriptions(s):	Data Not Available
Case Number:	CPC-2009-1557-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	SAN PEDRO COMMUNITY PLAN UPDATE
Case Number:	CPC-2007-4053-CDO-ZC
Required Action(s):	CDO-COMMUNITY DESIGN OVERLAY DISTRICT ZC-ZONE CHANGE
Project Descriptions(s):	CITY-INITIATED ESTABLISHMENT OF A COMMUNITY DESIGN OVERLAY PURSUANT TO MUNICIPAL CODE SEC. 13.08. THIS WILL BE ESTABLISHED CONCURRENT WITH THE SAN PEDRO COMMUNITY PLAN, CURRENTLY IN PROCESS.
Case Number:	CPC-2005-8252-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	AN ORDINANCE ESTABLISHING PERMANENT REGULATIONS IMPLEMENTING THE MELLO ACT IN THE COASTAL ZONE.
Case Number:	CPC-2000-199-CRA
Required Action(s):	CRA-COMMUNITY REDEVELOPMENT AGENCY
Project Descriptions(s):	PACIFIC CORRIDOR REDEVELOPMENT PLAN
Case Number:	ENV-2017-2502-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	ENVIRONMENTAL CLEARANCE
Case Number:	ENV-2009-1558-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	SAN PEDRO COMMUNITY PLAN UPDATE
Case Number:	ENV-2007-4058-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	CITY-INITIATED ESTABLISHMENT OF A COMMUNITY DESIGN OVERLAY PURSUANT TO MUNICIPAL CODE SEC. 13.08. THIS WILL BE ESTABLISHED CONCURRENT WITH THE SAN PEDRO COMMUNITY PLAN, CURRENTLY IN PROCESS.
Case Number:	ENV-2005-8253-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	AN ORDINANCE ESTABLISHING PERMANENT REGULATIONS IMPLEMENTING THE MELLO ACT IN THE COASTAL ZONE.
Case Number:	MND-87-178-ZC-GPA
Required Action(s):	GPA-GENERAL PLAN AMENDMENT ZC-ZONE CHANGE
Project Descriptions(s):	Data Not Available

## DATA NOT AVAILABLE

ORD-185541-SA130

ORD-185540

ORD-185539

ORD-179935

ORD-158860

# ZIMAS INTRANET

## Generalized Zoning

10/16/2018

City of Los Angeles  
Department of City Planning



Address: 456 W 9TH ST

APN: 7455007902

PIN #: 015B201 332

Tract: TR 2940

Block: None

Lot: 5

Arb: None

Zoning: C2-2D-CPIO

General Plan: Community Commercial



Streets Copyright (c) Thomas Brothers Maps, Inc.

# LEGEND

## GENERALIZED ZONING

- OS, GW
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, RAS, R4, R5
- CR, C1, C1.5, C2, C4, C5, CW, ADP, LASED, CEC, USC, PVSP, PPSP
- CM, MR, WC, CCS, UV, UI, UC, M1, M2, LAX, M3, SL
- P, PB
- PF

## GENERAL PLAN LAND USE

### LAND USE

#### RESIDENTIAL

- Minimum Residential
- Very Low / Very Low I Residential
- Very Low II Residential
- Low / Low I Residential
- Low II Residential
- Low Medium / Low Medium I Residential
- Low Medium II Residential
- Medium Residential
- High Medium Residential
- High Density Residential
- Very High Medium Residential

#### COMMERCIAL

- Limited Commercial
- Limited Commercial - Mixed Medium Residential
- Highway Oriented Commercial
- Highway Oriented and Limited Commercial
- Highway Oriented Commercial - Mixed Medium Residential
- Neighborhood Office Commercial
- Community Commercial
- Community Commercial - Mixed High Residential
- Regional Center Commercial

#### FRAMEWORK

#### COMMERCIAL

- Neighborhood Commercial
- General Commercial
- Community Commercial
- Regional Mixed Commercial

#### INDUSTRIAL

- Commercial Manufacturing
- Limited Manufacturing
- Light Manufacturing
- Heavy Manufacturing
- Hybrid Industrial

#### PARKING

- Parking Buffer

#### PORT OF LOS ANGELES

- General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
- General / Bulk Cargo - Hazard
- Commercial Fishing
- Recreation and Commercial
- Intermodal Container Transfer Facility Site

#### LOS ANGELES INTERNATIONAL AIRPORT

- Airport Landside / Airport Landside Support
- Airport Airside
- LAX Airport Northside

#### OPEN SPACE / PUBLIC FACILITIES

- Open Space
- Public / Open Space
- Public / Quasi-Public Open Space
- Other Public Open Space
- Public Facilities

#### INDUSTRIAL

- Limited Industrial
- Light Industrial

# CIRCULATION

## STREET

- Arterial Mountain Road
- Collector Scenic Street
- Collector Street
- Collector Street (Hillside)
- Collector Street (Modified)
- Collector Street (Proposed)
- Country Road
- Divided Major Highway II
- Divided Secondary Scenic Highway
- Local Scenic Road
- Local Street
- Major Highway (Modified)
- Major Highway I
- Major Highway II
- Major Highway II (Modified)
- Major Scenic Highway
- Major Scenic Highway (Modified)
- Major Scenic Highway II
- Mountain Collector Street
- Park Road
- Parkway
- Principal Major Highway
- Private Street
- Scenic Divided Major Highway II
- Scenic Park
- Scenic Parkway
- Secondary Highway
- Secondary Highway (Modified)
- Secondary Scenic Highway
- Special Collector Street
- Super Major Highway

## FREeways

- Freeway
- Interchange
- On-Ramp / Off- Ramp
- Railroad
- Scenic Freeway Highway

## MISC. LINES

- Airport Boundary
- Bus Line
- Coastal Zone Boundary
- Coastline Boundary
- Collector Scenic Street (Proposed)
- □ □ Commercial Areas
- Commercial Center
- Community Redevelopment Project Area
- Country Road
- DWP Power Lines
- ▲▲▲▲▲ Desirable Open Space
- — • — Detached Single Family House
- Endangered Ridgeline
- Equestrian and/or Hiking Trail
- Hiking Trail
- Historical Preservation
- Horsekeeping Area
- Local Street
- MSA Desirable Open Space
- Major Scenic Controls
- Multi-Purpose Trail
- Natural Resource Reserve
- Park Road
- Park Road (Proposed)
- Quasi-Public
- Rapid Transit Line
- Residential Planned Development
- Scenic Highway (Obsolete)
- Secondary Scenic Controls
- Secondary Scenic Highway (Proposed)
- Site Boundary
- ⊗— Southern California Edison Power
- Special Study Area
- Specific Plan Area
- Stagecoach Line
- ◊◊◊◊◊ Wildlife Corridor

## POINTS OF INTEREST

 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	 House of Worship	 Public Golf Course (Proposed)
 Bridge	 Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
 Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	 MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	 Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	 Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
DMV DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
DWP DWP	 Police Training site	 Skill Center
 DWP Pumping Station	 Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	 Private College	 Steam Plant
 Fire Supply & Maintenance	 Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	 Private Junior High School	 Utility Yard
 HeliStop	 Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	 Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	 Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

## SCHOOLS/PARKS WITH 500 FT. BUFFER

Existing School/Park Site	Planned School/Park Site	Inside 500 Ft. Buffer
 Aquatic Facilities	 Other Facilities	 Opportunity School
 Beaches	 Park / Recreation Centers	 Charter School
 Child Care Centers	 Parks	 Elementary School
 Dog Parks	 Performing / Visual Arts Centers	 Span School
 Golf Course	 Recreation Centers	 Special Education School
 Historic Sites	 Senior Citizen Centers	 High School
 Horticulture/Gardens		 Middle School
 Skate Parks		 Early Education Center

## COASTAL ZONE

## TRANSIT ORIENTED COMMUNITIES (TOC)

 Coastal Zone Commission Authority
 Calvo Exclusion Area
 Not in Coastal Zone
 Dual Jurisdictional Coastal Zone

 Tier 1	 Tier 3
 Tier 2	 Tier 4

**Note:** TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

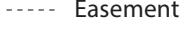
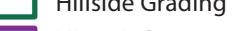
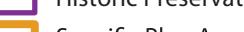
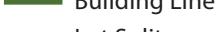
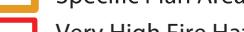
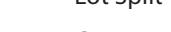
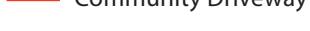
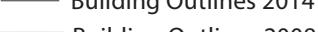
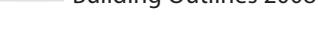
## WAIVER OF DEDICATION OR IMPROVEMENT

 Public Work Approval (PWA)
 Waiver of Dedication or Improvement (WDI)

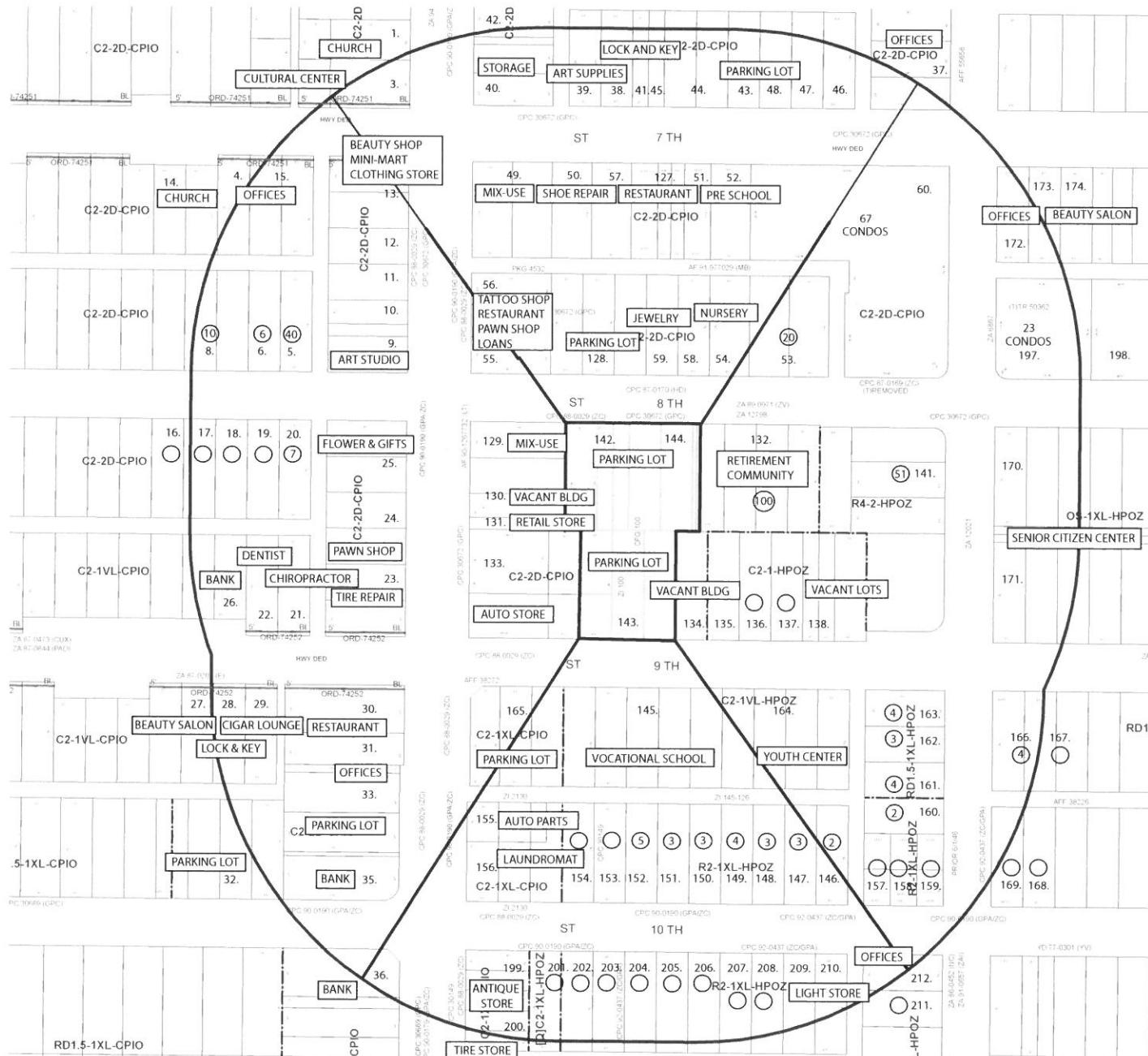
## LAMC SECTION 85.02 (VEHICLE DWELLING)

-  No vehicle dwelling anytime
-  No vehicle dwelling overnight between 9:00 PM - 6:00 AM. Must comply with all posted parking restrictions
-  Vehicle dwelling allowed. Must comply with all posted parking restrictions

## OTHER SYMBOLS

 Lot Line	 Airport Hazard Zone	 Flood Zone
 Tract Line	 Census Tract	 Hazardous Waste
 Lot Cut	 Coastal Zone	 High Wind Zone
 Easement	 Council District	 Hillside Grading
 Zone Boundary	 LADBS District Office	 Historic Preservation Overlay Zone
 Building Line	 Downtown Parking	 Specific Plan Area
 Lot Split	 Fault Zone	 Very High Fire Hazard Severity Zone
 Community Driveway	 Fire District No. 1	 Oil Wells
 Building Outlines 2014	 Tract Map	
 Building Outlines 2008	 Parcel Map	

# RADIUS MAP



## LEGEND:

- ZONE BOUNDARY LINE
- LOT LINE
- - - LOT CUT LINE
- TRACT LINE
- ■ ■ CITY BOUNDARY LINE
- SELECTED PARCEL WITH RADIUS BUFFER
- PARCEL ID
- SINGLE-FAMILY
- MULTI-FAMILY & NUMBER OF UNITS



SCALE: 1" = 100'

## SITE ADDRESS:

452-456 W 9TH ST  
LOS ANGELES CA 90731

APN:  
7455-007-900, 902, 903

## LEGAL DESCRIPTION:

LEO'S SUBDIVISION OF LOTS 1 AND 4 OF BLOCK 9 OF THE CITY OF SAN PEDRO CALIFORNIA, LEO'S SUB OF LOTS 1 AND 4 OF BLK 9 OF THE CITY OF SAN PEDRO LOT 7 AND 9.5 FT OF LOT 8. TRACT NO 2940 LOTS 3,4 AND LOT 5

Community Plan Area  
Area Planning Commission  
Neighborhood Council  
Council District  
Census Tract 4  
LADBS District Office  
San Pedro  
Harbor  
Central San Pedro  
CD 15 - Joe Buscaino  
2971.10  
San Pedro

RADIUS:  
500 FEET

PROPERTY OWNER(S):  
L A CITY  
456 W 9TH ST  
SAN PEDRO CA 90731

## NPS + ASSOCIATES

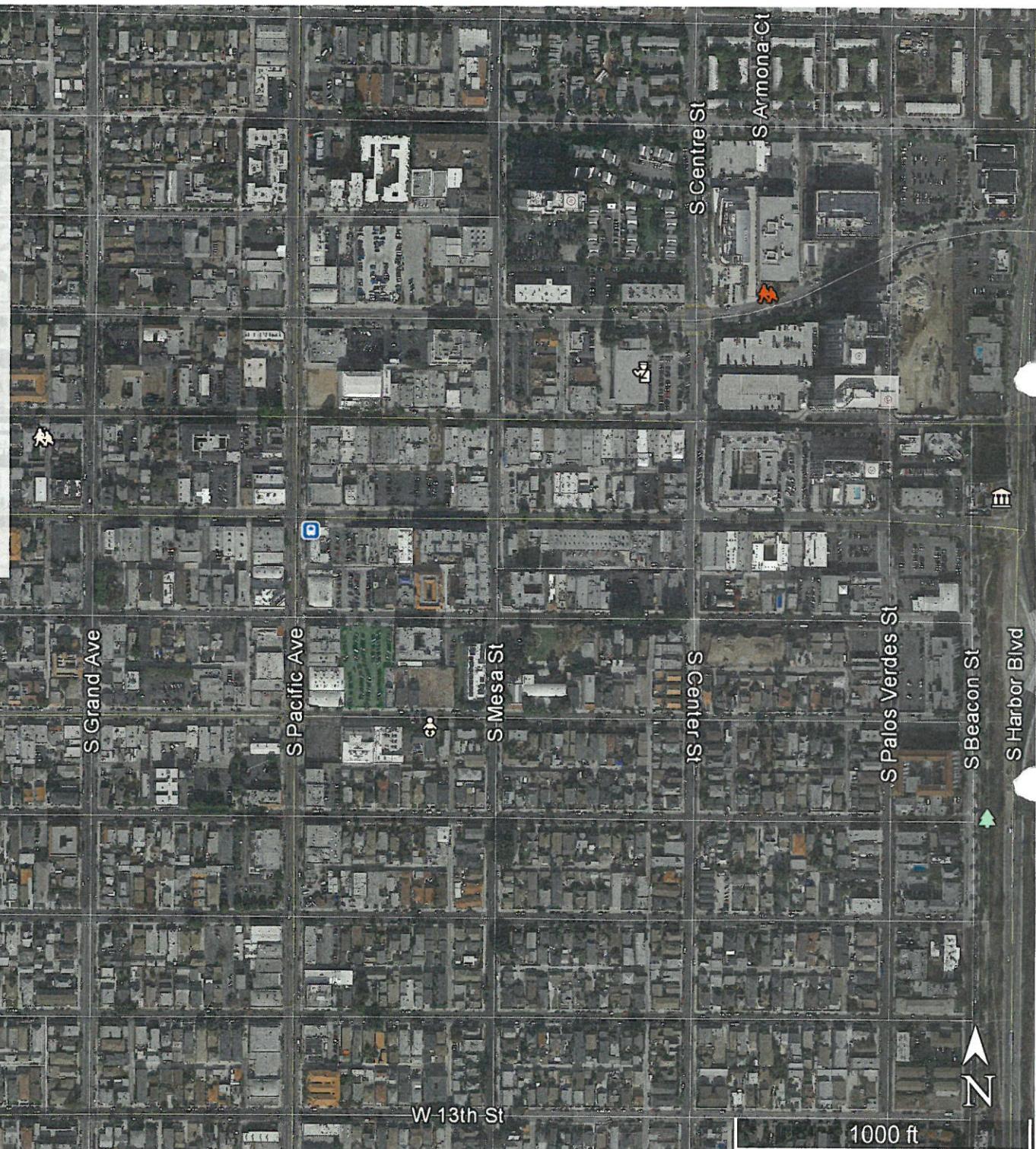
Address: 396 W. Avenue 44  
Telephone: (323) 801-6393  
Email: contact.npssassociates@gmail.com  
Website: npssassociates.com

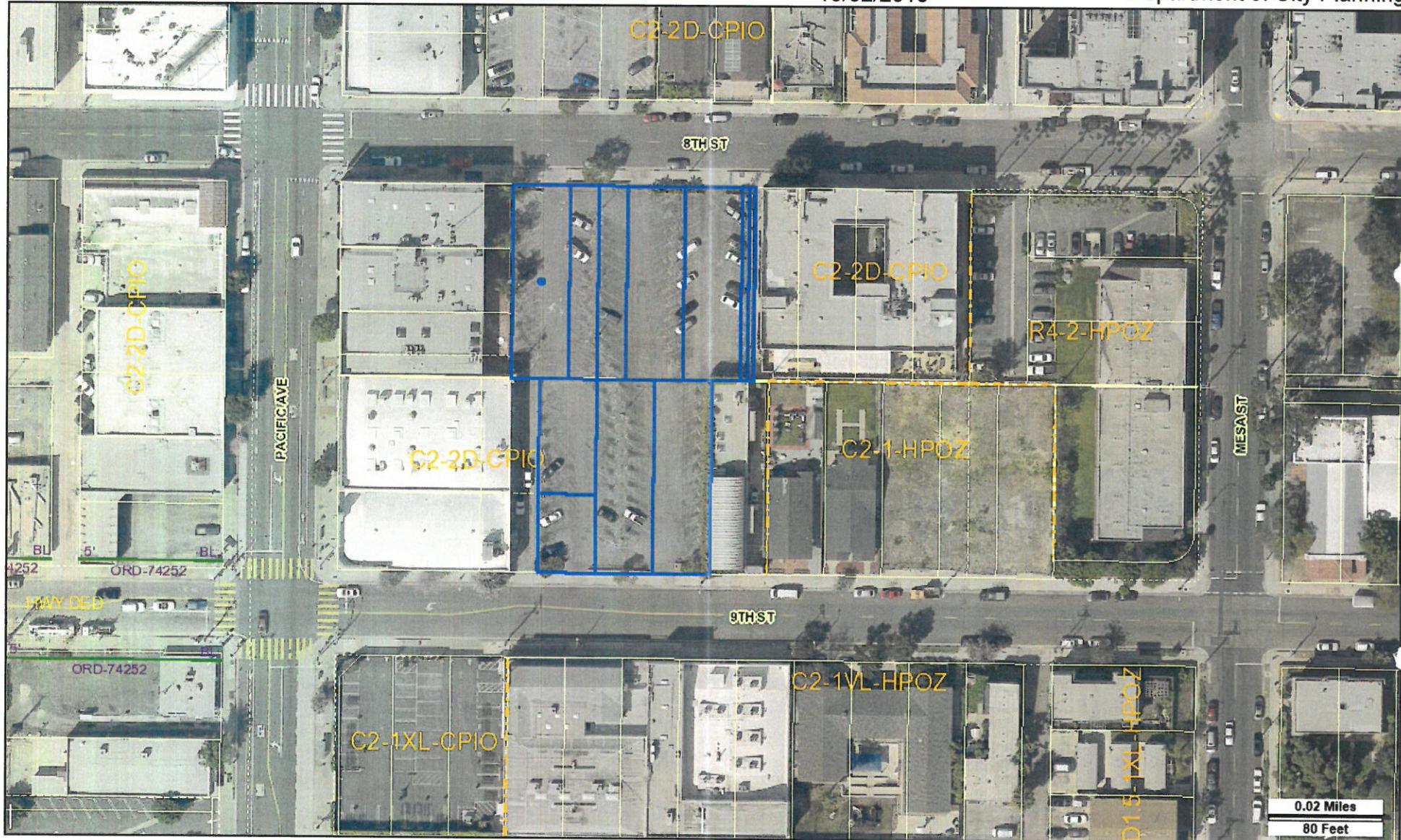
# 9th St Lofts

## Vicinity Map

### Legend

-  Cabrillo Avenue Early Education Center
-  Day Star Early Learning Center
-  Harbor Area YWCA
-  Los Angeles County Sheriff
-  Pacific / 7th
-  Port of Los Angeles High School
-  Project Site
-  San Pedro
-  San Pedro City Hall
-  San Pedro Plaza Park
-  San Pedro Regional Branch Library





Address: 473 W 8TH ST

Tract: LEO'S SUBDIVISION OF LOTS  
1 AND 4 OF BLOCK 9 OF THE CITY  
OF SAN PEDRO CALIFORNIA

Zoning: C2-2D-CPIO

APN: 7455007900

PIN #: 015B197 724

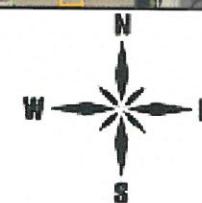
Block: None

General Plan: Community Commercial

Lot: 4

Arb: None

ADM-2018-5752



## **EXHIBIT D**

### **HCIDLA AB 2556 DETERMINATION**



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: September 26, 2018

TO: City of Los Angeles, a municipal corporation

FROM: Robert Manford, Environmental Affairs Officer  
Los Angeles Housing and Community Investment Department

SUBJECT: **AB 2556 (SB 35) Determination for**  
**457 W. 8th St., San Pedro, CA 90731**  
**461 W. 8th St., San Pedro, CA 90731**  
**463 ½ W. 8th St., San Pedro, CA 90731**  
**465 W. 8th St., San Pedro, CA 90731**  
**465 ½ W. 8th St., San Pedro, CA 90731**  
**469 W. 8th St., San Pedro, CA 90731**  
**473 W. 8th St., San Pedro, CA 90731**  
**456 W. 9th St., San Pedro, CA 90731**  
**462 W. 9th St., San Pedro, CA 90731**  
**468 W. 9th St., San Pedro, CA 90731**

Based on the Affordable Unit Determination Application submitted by the City of Los Angeles, a municipal corporation, (Owner), the Los Angeles Housing + Community Investment Department (HCIDLA) has determined no units are subject to replacement under California Government Code §65915, as amended by AB 2556 (formerly AB 2222).

Information about the existing property for ten years prior to the date of application is required to make a determination. HCIDLA received the Affordable Unit Determination Application on or about September 21, 2018, so HCIDLA must collect data from September 2008 through September 2018.

Owner acquired the following properties:

- Commonly known as 473 W 8<sup>th</sup> St., sits on lots 4, 5 (Arb 1, 2), and 6, APN 7455-007-900, on July 24, 1960 and August 3, 1960 per the Grant Deeds
- Commonly known as 456-68 W 9<sup>th</sup> St., sits on lots 3 (Arb 1, 2), 4, and 5, APN 7455-007-902 on February 7, 1961 and October 12, 1961 per the Grant Deeds
- Commonly known as 457 W 8<sup>th</sup> St., sits on lots 7 and 8 (Arb 1), APN 7455-007-903 on September 14, 1970 per the Grant Deed

Per the Los Angeles County Assessor Parcel Information (LUPAMS), Department of City Planning (ZIMAS), RealQuest, Code, Compliance and Rent Information System database (CRIS) and Internet search, the use code for the property commonly known as 473 W 8<sup>th</sup> St. is "8800 – Miscellaneous – Government Owned Property." Google Earth images ten-year historical look back show what appears to be a parking lot.

Per LUPAMS, ZIMAS, RealQuest, CRIS, and Internet search, the use code for the property commonly known as 456-68 W 9<sup>th</sup> St. is "8800 – Miscellaneous – Government Owned Property." Google Earth images ten-year historical look back show what appears to be a parking lot.

AB 2556 Determination HIMS #18-125358

ADM-2018-5752

Per LUPAMS, ZIMAS, RealQuest, CRIS, and Internet search, the use code for the property commonly known as 457 W 8<sup>th</sup> St. is “8800 – Miscellaneous – Government Owned Property.” Google Earth images ten-year historical look back show what appears to be a parking lot.

Per the statement provided by the Owner and received on September 21, 2018, Owner plans to construct a residential apartment building containing ninety-one (91) dwelling units utilizing the Density Bonus. The Owner not applied for a new building permit or demolition permit with the Los Angeles Department of Building & Safety (LADBS).

HCIDLA has determined that there were no residential units built and/or demolished on the property which currently and has remained a parking lot within the last ten years, therefore, no AB 2556 replacement units are required.

**NOTE: This determination is provisional and subject to the verification by HCIDLA'S Rent Division and applies only to rental only apartments**

cc: Los Angeles Housing and Community Investment Department File  
City of Los Angeles, a municipal corporation  
Ulises Gonzalez, Case Management Section, City Planning Department

RM:MAC:rt

**EXHIBIT E**

**SENATE BILL 35**

**BILL TEXT AND**

**STATE HCD GUIDELINES**

**Senate Bill No. 35****CHAPTER 366**

An act to amend Sections 65400 and 65582.1 of, and to add and repeal Section 65913.4 of, the Government Code, relating to housing.

[ Approved by Governor September 29, 2017. Filed with Secretary of State September 29, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 35, Wiener. Planning and zoning: affordable housing: streamlined approval process.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires the housing element portion of the annual report to be prepared through the use of forms and definitions adopted by the department pursuant to the Administrative Procedure Act.

This bill would require the housing element portion of the annual report to be prepared through the use of standards, forms, and definitions adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would also require the planning agency to include in its annual report specified information regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.

(2) Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would authorize a development proponent to submit an application for a multifamily housing development, which satisfies specified planning objective standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for three years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026.

(3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern and declare that its provisions would apply to all cities and counties, including a charter city, a charter county, or a charter city and county.

(4) By imposing new duties upon local agencies with respect to the streamlined approval process and reporting requirement described above, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would incorporate additional changes to Section 65400 of the Government Code proposed by AB 879 to be operative only if this bill and AB 879 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65582.1 of the Government Code proposed by AB 73 to be operative only if this bill and AB 73 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 65400 of the Government Code is amended to read:

**65400.** (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) or Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(D) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing, including both rental housing and housing designated for home ownership, satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the

number of for-sale housing units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier, which must include an assessor's parcel number, but may also include street address or other identifiers.

(E) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(F) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

## **SEC. 1.5.** Section 65400 of the Government Code is amended to read:

**65400.** (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Sections 65583 and 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which must include the assessor's parcel number, but may include street address, or other identifiers.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(J) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

**SEC. 2.** Section 65582.1 of the Government Code is amended to read:

**65582.1.** The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).
- (p) Streamlining housing approvals during a housing shortage (Section 65913.4).

**SEC. 2.5.** Section 65582.1 of the Government Code is amended to read:

**65582.1.** The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).
- (p) Streamlining housing approvals during a housing shortage (Section 65913.4).
- (q) Housing sustainability districts (Chapter 11 (commencing with Section 66200)).

**SEC. 3.** Section 65913.4 is added to the Government Code, to read:

**65913.4.** (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(3) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(ii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning

standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section

2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that

obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(ii) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(h) For purposes of this section:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Section 65400.

(6) "Subsidized" means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(i) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms

adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(j) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 4.** The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern, and not a municipal affair. Therefore, the changes made by this act are applicable to a charter city, a charter county, and a charter city and county.

**SEC. 5.** Each provision of this measure is a material and integral part of this measure, and the provisions of this measure are not severable. If any provision of this measure or its application is held invalid, this entire measure shall be null and void.

**SEC. 6.** (a) Section 1.5 of this bill incorporates amendments to Section 65400 of the Government Code proposed by both this bill and Assembly Bill 879. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65400 of the Government Code, and (3) this bill is enacted after Assembly Bill 879, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 65582.1 of the Government Code proposed by both this bill and Assembly Bill 73. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65582.1 of the Government Code, and (3) this bill is enacted after Assembly Bill 73, in which case Section 2 of this bill shall not become operative.

**SEC. 7.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

# **Streamlined Ministerial Approval Process**

## **(Chapter 366, Statutes of 2017)**

## **Guidelines**



**State of California  
Governor Edmund G. Brown Jr.**

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Business, Consumer Services and Housing Agency**

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**November 29, 2018**

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

*Ramirez v. Yosemite Water Co.*, 20 Cal. 4th 785, 800 (1999)

The Department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Government Code section 65913.4, subdivision (j)

Government Code section 65913.4 relates to the resolution of a statewide concern and is narrowly tailored to limit any incursion into any legitimate municipal interests, and therefore the provisions of Government Code section 65913.4, as supplemented and clarified by these Guidelines, are constitutional in all respects and preempt any and all inconsistent laws, ordinances, regulations, policies or other legal requirements imposed by any locality.

# **Streamlined Ministerial Approval Process**

## **Development Approval Process**

### **Program Guidelines**

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## INTRODUCTION

Chapter 366, Statutes of 2017 (SB 35, Wiener) was part of a 15 bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it requires the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. The intent of the legislation is to facilitate and expedite the construction of housing. In addition, as part of the legislation, the Legislature found ensuring access to affordable housing is a matter of statewide concern and declared that the provisions of SB 35 would apply to all cities and counties, including a charter city, a charter county, or a charter city and county. Please note, the Department of Housing and Community Development (Department) may take action in cases where these guidelines are not adhered to under its existing accountability and enforcement authority.

Guidelines for the Streamlined Ministerial Approval Process are organized into five Articles, as follows:

**Article I. General Provisions:** This article includes information on the purpose of the guidelines, applicability, and definitions used throughout the document.

**Article II. Determination Methodology:** This article describes the methodology for which the Department shall determine which localities are subject to the Streamlined Ministerial Approval Process.

**Article III. Approval Process:** This article describes the parameters of the approval process, including local government responsibilities, approval processes, and general provisions.

- 1) Local Government Responsibility – This section specifies the types of requirements localities can require a development to adhere to in order to determine consistency with general plan and zoning standards, including objective standards, controlling planning documents, and parking.
- 2) Development Review and Approval – This section details the types of hearings and review allowed under the Streamlined Ministerial Approval Process, timing provisions for processing and approving an application, denial requirements, and timeframes related to the longevity of the approval.

**Article IV. Development Eligibility:** This article describes the requirements for developments in order to apply for streamlining including type of housing, site requirements, affordability provisions, and labor provisions.

**Article V. Reporting:** This article describes reporting requirements specific to the Streamlined Ministerial Approval Process in the locality's annual progress report on the general plan.

## **ARTICLE I. GENERAL PROVISIONS**

### **Section 100. Purpose and Scope**

- (a) These Guidelines (hereinafter “Guidelines”) implement, interpret, and make specific the Chapter 366, Statutes of 2017 (SB 35, Wiener), and subsequent amendments (hereinafter “Streamlined Ministerial Approval Process”) as authorized by Government Code section 65913.4.
- (b) These Guidelines establish terms, conditions and procedures for a development proponent to submit an application for a development to a locality that is subject to the Streamlined Ministerial Approval Process provided by Government Code section 65913.4.
- (c) It is the intent of the Legislature to provide reforms and incentives to facilitate and expedite the construction of affordable housing. Therefore these Guidelines shall be interpreted and implemented in a manner to afford the fullest possible weight to the interest of increasing housing supply.
- (d) These Guidelines shall remain in effect until January 1, 2026, and as of that date are repealed.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65582.1 and 65913.4(l) and (m).

### **Section 101. Applicability**

- (a) The provisions of Government Code section 65913.4 are effective as of January 1, 2018.
- (b) These Guidelines are applicable to applications submitted on or after January 1, 2019. Nothing in these Guidelines may be used to invalidate or require a modification to a development approved through the Streamlined Ministerial Approval Process prior to the effective date.
- (c) These Guidelines are applicable to both general law and charter cities, including a charter city and county.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(i)(6).

### **Section 102. Definitions**

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meaning of terms described in Government Code section 65913.4

- (a) “Annual Progress Report (APR)” means the housing element annual progress report required by Government Code section 65400 and due to the Department April 1 of each year reporting on the prior calendar year’s permitting activities and implementation of the programs in a local government’s housing element.

- (b) "Application" means a submission containing such information necessary for the locality to determine whether the development complies with the criteria outlined in Article IV of these Guidelines. This may include a checklist or other application documents generated by the local government pursuant to Section 300(a) that specifies in detail the information required to be included in an application, provided that the information is only that required to determine compliance with objective standards and criteria outlined in article IV of these Guidelines.
- (c) "Area Median Income (AMI)" means the median family income of a geographic area of the state, as published annually by the Department within the State Income Limits:  
<http://www.hcd.ca.gov/grants-funding/income-limits/index.shtml>.
- (d) "Car share vehicle" is an automobile rental model where people rent cars from a car-sharing network for roundtrip or one-way where vehicles are returned to a dedicated or reserved parking location. An example of such a service is Zipcar.
- (e) "Density Bonus" means the same as Government Code section 65915.
- (f) "Department" means the Department of Housing and Community Development.
- (g) "Determination" means the published identification, periodically updated, by the Department of those local governments that are required to make the Streamlined Ministerial Approval Process available per these Guidelines.
- (h) "Development proponent or applicant" means the owner of the property, or person or entity with the written authority of the owner, that submits an application for streamlined approval..
- (i) "Fifth housing element planning period" means the five- or eight-year time period between the due date for the fifth revision of the housing element and the due date for the sixth revision of the housing element pursuant to Government Code section 65588(f)..
- (j) "Infill" means at least 75 percent of the linear measurement of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this definition, parcels that are only separated by a street or highway shall be considered to be adjoined.
- (k) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.
- (l) "Low-Income" means households earning 50 to 80 percent of AMI.
- (m) "Lower-income" means households earning 80 percent or less of AMI pursuant to Health and Safety Code section 50079.5.
- (n) "Ministerial processing or approval" means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective

design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

- (o) "Multifamily" means a housing development with two or more attached residential units. The definition does not include accessory dwelling units unless the project is for new construction of a single-family home with an attached accessory dwelling units in a zone that allows for multifamily. Please note, accessory dwelling units have a separate permitting process pursuant to Government Code section 65852.2
- (p) "Objective zoning standard", "objective subdivision standard", and "objective design review standard" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. "Objective design review standards" means only objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, which are broadly applicable to development within the jurisdiction.
- (q) "Project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- (r) "Public transit" means a site containing an existing rail transit station (e.g. light rail, Metro, or BART), a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. For purposes of these Guidelines, measurements for frequency of bus service can include multiple bus lines.
- (s) "Public works project" means developments which meet the criteria of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
- (t) "Regional housing need" means the local government's share of the regional housing need allocation as determined by Article 10.6 of the Government Code.
- (u) "Related facilities" means any manager's units and any and all common area spaces that are included within the physical boundaries of the housing development, including, but not limited to, common area space, walkways, balconies, patios, clubhouse space, meeting rooms, laundry facilities, and parking areas that are exclusively available to residential users, except any portions of the overall development that are specifically commercial space.
- (v) "Reporting period" means the timeframe for which APRs are utilized to create the determination for which a locality is subject to the Streamlined Ministerial Approval Process. The timeframes are calculated in relationship to the planning period of the housing element pursuant to Government Code section 65588 and are cumulative through the most recent calendar year.
- (w) "Skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

- (x) “Subsidized” means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code. For the purposes of these Guidelines, the word “permanently” has the same meaning described in Section 402(b).
- (y) “Tenant” means a person who occupies land or property rented or leased for use as a residence.
- (z) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
- (aa) “Very low-income” means households earning less than 50 percent or less of AMI pursuant to Health and Safety Code section 50105.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4.

## **ARTICLE II. STREAMLINED MINISTERIAL APPROVAL PROCESS DETERMINATION**

### **Section 200. Methodology**

- (a) The Department will calculate the determination, as defined in Section 102(g), based on permit data received through APRs at the mid-point of the housing element planning period pursuant to Government Code section 65488 and at the end point of the planning period.
  - (1) APRs, as defined in Section 102(a), report on calendar years, while housing element planning periods may begin and end at various times throughout the year. When a planning period begins after July, the APR for that year is attributed to the prior housing element planning period. When the planning period ends before July 1, the APR for that year will be attributed to the following housing element planning period.
- (b) The determination is based on permitting progress toward a pro-rata share of the regional housing need for the reporting period.
  - (1) Determinations calculated at the mid-point of the planning period are based upon permitting progress toward a pro-rata share of half (50 percent), of the regional housing need, while determinations calculated at the end of the planning period are based upon permitting progress towards the entirety (100 percent) of the regional housing need.
  - (2) For localities, as defined in Section 102(k), on a 5-year planning period, the mid-point determination is based upon a pro-rata share of the regional housing need for the first three years in the planning period, and 60 percent of the regional housing need.

(3) The determination applies to all localities beginning January 1, 2018, regardless of whether a locality has reached the mid-point of the fifth housing element planning period. For those local governments that have achieved the mid-point of the fifth housing element planning period, the reporting period includes the start of the planning period until the mid-point, and the next determination reporting period includes the start of the planning period until the end point of the planning period. In the interim period between the effective date of the Streamlined Ministerial Approval Process, until a locality reaches the mid-point in the fifth housing element planning period, the Department will calculate the determination yearly. This formula is based upon the permitting progress towards a pro-rata share of the regional housing need, dependent on how far the locality is in the planning period, until the mid-point of the fifth housing element planning period is reached. See example below.

Example Calculation
For a locality two years into the reporting period, the determination is calculated at two out of eight years of the planning period and will be based upon a pro-rata share of two-eighths, or 25 percent, of the regional housing need, and the following year, for the same locality, the determination will be calculated at three out of eight years of the planning period based upon a pro-rata share of three-eighths, or 37.5 percent, of the regional housing need, and the following year for the same locality the determination will be calculated at four out of eight years of the planning period based upon a pro-rata share of four-eighths, or 50 percent, of the regional housing need. At that point, the locality will reach its mid-point of the planning period and the determination, the pro-rata share, and the permitting progress toward the pro-rata share will hold until the locality reaches the end-point of the planning period.

(c) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their above-moderate income regional housing need for the current housing element planning period. If a local government has permitted less than the pro-rata share of their above-moderate income regional housing need, then the jurisdiction will be subject to the Streamlined Ministerial Approval Process for developments with 10 percent affordability.

(d) Local governments that do not submit their latest required APR prior to the Department's determination are subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households.

(e) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 50 percent of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their independent very-low and low-income regional housing need for the current housing element planning period. If a local government has permitted the pro-rata share of their above-moderate income regional housing need, and submitted their latest required APR, but has permitted less than the pro-rata share of their very-low and lower income regional housing need, they will be subject to the Streamlined Ministerial Approval

Process for developments with 50 percent affordability. For purposes of these Guidelines, as the definition of lower-income is inclusive of very low-income units. Very low-income units permitted in excess of the very low-income need can be applied to demonstrate progress towards the lower-income need. However, as the definition of very low-income units does not include low-income units. Low-income units permitted in excess of the low-income need cannot be applied to demonstrate progress towards the very low-income need.

- (f) To determine if a locality is not subject to the Streamlined Ministerial Approval Process, the permit data from the APR shall demonstrate that the locality has permitted the entirety of the pro-rata share of units for the above moderate-, low-, and very low- income categories of the regional housing need for the relevant reporting period, and has submitted the latest APR.
- (g) The Department's determination will be in effect until the Department calculates the determination for the next reporting period unless updated pursuant to Section 201. A locality's status on the date the application is submitted determines whether an application is subject to the Streamlined Ministerial Approval Process, and also determines which level of affordability (10 or 50 percent) an applicant must provide to be eligible for streamlined ministerial permitting.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a)(4).

## **Section 201. Timing and Publication Requirements**

The Department shall publish the determination by June 30 of each year, accounting for the APR due April 1 of each year, though this determination may be updated more frequently based on the availability of data, data corrections, or the receipt of new information. The Department shall publish the determination on the Department's website.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a)(4).

## **ARTICLE III. APPROVAL PROCESS**

### **Section 300. Local Government Responsibility**

- (a) A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the general public, about the locality's process for applying and receiving ministerial approval, materials required for an application as defined in Section 102(b), and relevant objective standards to be used to evaluate the application. The information provided may include reference documents and lists of other information needed to enable the local government to determine if the application is consistent with objective standards, consistent with Section 102(b). This can be through the use of checklists, maps, diagrams, flow charts, or other formats. The locality's process and application requirements shall not in any way inhibit, chill, or preclude the ministerial approval

process, which must be strictly focused on assessing compliance with the criteria required for streamlined projects in Article IV of these guidelines.

(b) Determination of consistency

(1) When determining consistency with objective zoning, subdivision, or design review standards, the local government can only use those standards that meet the definition referenced in Section 102(p). For example, design review standards that require subjective decision-making, such as consistency with “neighborhood character”, cannot be applied as an objective standard unless “neighborhood character” is defined in such a manner that is non-discretionary.

**Example Design Review**

Objective design review could include use of specific materials or styles, such as Spanish-style tile roofs or roof pitches with a slope of 1:5. Architectural design requirements such as “craftsman style architecture” could be used so long as the elements of “craftsman style architecture” are clearly defined (e.g., “porches with thick round or square columns and low-pitched roofs with wide eaves), ideally with illustrations.

(2) General plan or zoning ordinance requirements for a specific plan or another discretionary permit do not necessarily constitute objective zoning standard. A locality may not require a development proponent to meet any standard for which the locality typically exercises subjective discretion, on a case-by-case basis, about whether to impose that standard on similarly situated development proposals.

(3) Modifications to objective standards granted as part of a density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to Density Bonus Law, Government Code section 65915 or a local density bonus ordinance, shall be considered consistent with objective standards.

(4) Project eligibility for a density bonus, concession, incentive, parking reduction, or waiver of development standards shall be determined consistent with Density Bonus Law.

(5) Objective standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, the general plan, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(6) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective standards pursuant to Section 400(c) of these Guidelines if the development is consistent with the standards set forth in the general plan.

(7) Developments are only subject to objective zoning standards, objective subdivision standards, and objective design review standards enacted and in effect at the time that the application is submitted to the local government.

(8) Determination of consistency with objective standards shall be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply. For example, design review standards or other objective standards that serve to inhibit, chill, or preclude the development of housing under the Streamlined Ministerial Approval Process are inconsistent with the application of state law.

(c) Density calculation

- (1) When determining consistency with density requirements, a development that is compliant with up to the maximum density allowed within the land use element designation of the parcel in the general plan is considered consistent with objective standards. For example, a development on a parcel that has a multifamily land use designation allowing up to 45 units per acre is allowed up to 45 units per acre regardless of the density allowed pursuant to the zoning code. In addition, the development may request a density of greater than 45 units per acre if eligible for a density bonus under Density Bonus Law.
- (2) Growth, unit, or other caps that restrict the number of units allowed in the proposed development or that expressly restricts the timing of development can be applied only to the extent that those caps do not inhibit the development's ability to achieve the maximum density allowed by the land use designation and any density bonus the project is eligible for and do not restrict the issuance of building permits for the project. .
- (3) Additional density, floor area, or units granted as density bonus shall be considered consistent with maximum allowable densities.
- (4) Development applications are only subject to the density standards in effect at the time that the development is submitted to the local government.

(d) Parking requirements

- (1) Automobile parking standards shall not be imposed on a development that meets any of the following criteria:
  - (A) The development is located where any part of the parcel or parcels on which the development is located is within one-half mile of public transit, as defined by Section 102(r) of these Guidelines.
  - (B) The development is located within a district designated as architecturally or historically significant under local, state, or federal standards.
  - (C) When on-street parking permits are required, but not made available to the occupants of the development.
  - (D) When there is a car share vehicle, (i.e. a designated location to pick up or drop off a car share vehicle as defined by Section 102(d),) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.

- (2) For all other developments, the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.
- (e) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive streamlined processing.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a), (d), and (l).

## **Section 301. Development Review and Approval**

- (a) Ministerial processing
  - (1) Ministerial approval, as defined in Section 102(n), of a project that complies with Article IV of these guidelines shall be non-discretionary and cannot require a conditional use permit or other discretionary local government review or approval.
  - (2) Any ministerial design review or public oversight of the application may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate.
    - (A) Design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local government before submission of the development application, and shall be broadly applicable to development within the locality.
    - (B) Design review or public oversight shall not in any way inhibit, chill, stall, delay, or preclude the ministerial approval provided by these Guidelines or its effect.
  - (3) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards, it shall provide the development proponent, as defined in Section 102(h), written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within the timeframe specified in Section 301(b)(2) below. The local government may elect to allow the development proponent to correct any deficiencies within the timeframes for project approval specified in Section 301(b)(3) below.
  - (4) The denial of an application for streamlined processing does not preclude the development proponent from correcting any deficiencies and resubmitting an application for streamline review, or from applying for the project under other local government processes. If the application is denied and the development proponent elects to resubmit an application for streamlined review, the timeframes specified in Section 301(b) below shall commence on the date of resubmittal.

(5) Approval of ministerial processing does not preclude imposed standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality regardless of streamline approval. This includes any objective process requirements related to the issuance of a building permit. However, any further approvals, such as demolition, grading and building period or, if required, final map, on a ministerial basis is subject to the objective standards.

(A) Notwithstanding Paragraph (5), standard conditions that specifically implement the provisions of these Guidelines such as commitment for recording covenant and restrictions and provision of prevailing wage can be included in the conditions of approval.

(6) The California Environmental Quality Act (Division 13 (commencing with section 21000) of the Public Resources Code) does not apply to the following in connection with projects qualifying for the Streamlined Ministerial Approval Process :

(A) Actions taken by a state agency or local government to lease, convey, or encumber land or to facilitate the lease, conveyance, or encumbrance of land owned by the local government.

(B) Actions taken by a state agency or local government to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income.

(C) The determination of whether an application for a development is subject to the Streamlined Ministerial Approval Process.

(b) Upon a receipt of application, the local government shall adhere to the following:

(1) An application submitted hereunder shall be reviewed by the agency whether or not it contains all materials required by the agency for the proposed project, and it is not a basis to deny the project if either:

(A) The application contains sufficient information for a reasonable person to determine whether the development is consistent, compliant, or in conformity with the requisite objective standards (outlined in Article IV of these Guidelines); or

(B) The application contains all documents and other information required by the local government as referenced in section 300(a) of these Guidelines.

(2) Local governments shall make a determination of consistency, as described in Section 301(a)(3), as follows:

(A) Within 60 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.

- (B) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
- (C) Documentation of inconsistencies with objective standards must be provided to the development proponent within these timeframes. If the local government fails to provide the required documentation determining consistency within these timeframes, the development shall be deemed to satisfy the objective planning standards.

(3) Any design review or public oversight, as described in Section 301(a)(2), including resulting final approval shall be completed as follows:

- (A) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.
- (B) Within 180 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
- (C) Although design review may occur in parallel with or as part of the consistency determination set forth in paragraphs (1) and (2) above, failure to meet subjective design review standards or obtain design review approval from the oversight board shall not itself prevent or otherwise preclude a project from being approved for development pursuant to this Section if objective design review standards are met.

(c) Modifications to the development subsequent to the approval of the ministerial review but prior to issuance of a building permit can be granted in the following circumstances:

- 1) For modification initiated by the development proponent.
  - A) Following approval of an application under the Streamlined Ministerial Review Process, but prior to issuance of a building permit for the development, an applicant may submit written request to modify the development. The modification must conform with the following:
    - i. The change is consistent with the Streamlined Ministerial Approval Process Guidelines.
    - ii. The change will not modify the project's consistency with objective development standards considered as part of the project's review.
    - iii. The change will not conflict with a plan, ordinance or policy addressing community health and safety.
    - iv. The change will not result in modifications to the concessions, incentives or waivers to development standards approved pursuant to density bonus law.

- B) Upon receipt of the request, the local agency shall determine if the requested modification is consistent with the local agency's objective development standards in effect when the development was approved. Approval of the modification request must be completed within 60 days of submittal of the modification or 90 days if design review is required.

2) For modification initiated by the local agency

- A) Following approval of an application under the Streamlined Ministerial Review Process, but prior to issuance of a building permit for the development, a local agency may require one-time changes to the development that are necessary to comply with the local agency's objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes), to comply with federal or state laws, or to mitigate a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development. A "specific, adverse impact" has the meaning defined in Government Code section 65589.5(d)(2).
- B) A determination that a change is required is a ministerial action. If a revised application is required to address these modifications, the application shall be reviewed as a ministerial approval within 60 days of re-submittal of the application.

(d) If a local government approves a development under the Streamlined Ministerial Approval Process, notwithstanding any other law, the following expiration of approval timeframes apply:

- (1) If the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the AMI, then that approval shall not expire.
- (2) If the project does not include public investment in housing affordability (including local, state, or federal government assistance), beyond tax credits and at least 50 percent of the units are not affordable to households making at or below 80 percent of the AMI, that approval shall automatically expire after three years.
  - (A) That development may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.
  - (B) Approval shall remain valid for a development so long as vertical construction of the development has begun and is in progress.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a),(b), (c), (e), (h), and (k).

## **ARTICLE IV. DEVELOPMENT ELIGIBILITY**

### **Section 400. Housing Type Requirements**

To qualify to apply for the Streamlined Ministerial Approval Process, the development proponent shall demonstrate the development meets the following criteria:

- (a) Is a multifamily housing development. The development can offer units for rental or for-sale.
- (b) At least two-thirds of the square footage of the development shall be designated for residential use:
  - (1) For purposes of these Guidelines, the two-thirds calculation is based upon the proportion of gross square footage of residential space and related facilities as defined in Section 102(u), to gross development building square footage for an unrelated use such as commercial. Structures utilized by both residential and non-residential uses shall be credited proportionally to intended use. Additional density, floor area, or units granted pursuant to Density Bonus Law are excluded from this calculation.
  - (2) Both residential and non-residential components of a qualified mixed-use development are eligible for the Streamlined Ministerial Approval Process. Additional permitting requirements pertaining to the individual business located in the commercial component (e.g. alcohol use permit or adult business permit) are subject to local government processes.
  - (3) When the commercial component is not part of a vertical mixed-use structure, construction of the residential component of a mixed-use development shall be completed prior to, or concurrent with, the commercial component. .
- (c) The development is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time of the development application submittal per Section 300 of these Guidelines, provided that any modifications to density or other concessions, incentives, or waivers granted pursuant to the Density Bonus Law shall be considered consistent with such objective zoning standards, objective subdivision standards, and objective design review standards.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a).

### **Section 401. Site Requirements**

- (a) The development proponent shall demonstrate in the application that, as of the date the application is submitted, the proposed development is located on a site that meets the following criteria:
  - (1) The site is a legal parcel, or parcels, located in either:

- (A) A city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or
- (B) An unincorporated area where the area boundaries are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The site meets the definition of infill as defined by Section 102(j) of these Guidelines.

(3) The site must be zoned for residential use or residential mixed-use development, or have a general plan designation that allows residential use or a mix of residential and nonresidential uses.

- (A) To qualify for the Streamlined Ministerial Approval Process, the site's zoning designation, applicable specific plan or master plan designation, or general plan designation must permit residential or a mix of residential and nonresidential uses by right or with a use permit.

(b) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a legal parcel(s) that is any of the following:

- (1) Within a coastal zone, as defined in Division 20 (commencing with section 30000) of the Public Resources Code.
- (2) Prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that locality.
- (3) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- (4) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 4202.
  - (A) This restriction does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to Government Code section 51179(b), or sites that are subject to adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

- (B) This restriction does not apply to sites that have been locally identified as fire hazard areas, but are not identified by the Department of Forestry and Fire Protection pursuant to Government Code section 51178 or Public Resources Code section 4202.
- (5) A hazardous waste site that is currently listed pursuant to Government Code section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356.
  - (A) This restriction does not apply to sites the Department of Toxic Substances Control has cleared for residential use or residential mixed uses.
- (6) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.
  - (A) This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- (7) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
  - (A) This restriction does not apply if the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local government.
  - (B) This restriction does not apply if the development proponent can demonstrate that they will be able to meet the minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
    - i. If the development proponent demonstrates that the development satisfies either subsection (A) or (B) above and that the development is otherwise eligible for the Streamlined Ministerial Approval Process, the local government shall not deny the application for the development on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site related to special flood hazard areas.
    - ii. If the development proponent is seeking a floodplain development permit from the local government, the development proponent must describe in detail in the application for the Streamlined Ministerial Approval Process how the development will satisfy the applicable federal qualifying criteria

necessary to obtain the floodplain development permit. Construction plans demonstrating these details shall be provided to the locality before the time of building permit issuance, however construction plans shall not be required for the local jurisdiction to take action on the application under the Streamlined Ministerial Approval Process.

- (8) Within a regulatory floodway, as determined by the Federal Emergency Management Agency, in any official maps published by the Federal Emergency Management Agency.
  - (A) This restriction does not apply if the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
  - (B) If the development proponent demonstrates that the development satisfies subsection (A) above and that the development is otherwise eligible for the Streamlined Ministerial Approval Process, the local government shall not deny the application for development on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site related to regulatory floodways.
- (9) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), a habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or another adopted natural resource protection plan.
- (10) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
  - (A) The identification of habitat for protected species discussed above may be based upon information identified in underlying environmental review documents for the general plan, zoning ordinance, specific plan, or other planning documents associated with that parcel that require environmental review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- (11) Lands under conservation easement.
- (12) An existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13

of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(c) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a site where any of the following apply:

- (1) The development would require the demolition of the following types of housing:
  - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - (B) Housing that is subject to any form of rent or price control through a locality's valid exercise of its police power.
  - (C) Housing that has been occupied by tenants, as defined by Section 102(y), within the past ten years.
- (2) The site was previously used for housing that was occupied by tenants that was demolished within ten years before the development proponent submits an application under the Streamlined Ministerial Approval Process.
  - (A) When property with a building that was demolished in the past ten years has been zoned for exclusively residential use, there is a presumption that it was occupied by tenants, unless the development proponent can provide verifiable documentary evidence from a government or independent third party source to rebut the presumption for each of the ten years prior to the application date.
  - (B) When property with a building that was demolished in the past ten years has been zoned to allow residential use in addition to other uses, the developer proponent shall include in its application a description of the previous use and verification it was not occupied by residential tenants.
- (3) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of an application.
- (4) The property contains housing units that are occupied by tenants and the development would require a subdivision.

(d) A development that involves a subdivision of a parcel that is, or, notwithstanding the Streamlined Ministerial Approval Process, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land is not eligible for the Streamlined Ministerial Approval Process.

- (1) Subdivision (d) does not apply if the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

- (A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to Section 403 of these Guidelines.
- (B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used.
- (2) An application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) for a development that meets the provisions in (1) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). Such an application shall be subject to a ministerial process as part of the Streamlined Ministerial Approval Process.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a) and (c).

## **Section 402. Affordability Provisions**

- (a) A development shall be subject to a requirement mandating a minimum percentage of units be affordable to households making at or below 80 percent AMI, based on one of the following categories:
  - (1) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200, subparagraph (c), the development shall dedicate a minimum of 10 percent of the total number of units prior to calculating any density bonus to housing affordable to households making at or below 80 percent of the area median income.
    - (A) Developments of ten units or less are not subject to the 10 percent affordability provision.
    - (B) If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the AMI, that local affordable housing requirement applies.
  - (2) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200, subparagraph (e), the development shall dedicate a minimum of 50 percent of the total number of units prior to calculating any density bonus to housing affordable to households making at or below 80 percent of the AMI.
    - (A) If the locality has adopted a local ordinance that requires greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the AMI, that local affordable housing requirement applies.

- (3) In a locality that the Department has determined is subject to the Streamlined Ministerial Approval Process pursuant to Section 200, subparagraph (d), the development shall dedicate a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the AMI.
  - (A) If the locality has adopted a local ordinance that requires greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the AMI, that local affordable housing requirement applies.
- (b) A covenant or restriction shall be recorded against the development dedicating the minimum percentage of units to housing affordable to households making at or below 80 percent of the AMI pursuant to Section 402 (a)(1-3).
  - (1) The recorded covenant or restriction shall remain an encumbrance on the development for a minimum of either:
    - (A) 55 years for rental developments or
    - (B) 45 years for owner-occupied properties
  - (2) The development proponent shall commit to record a covenant or restriction dedicating the required minimum percentage of units to below market housing prior to the issuance of the first building permit.
- (c) The percentage of units affordable to households making at or below 80 percent of the area median income per this section is calculated based on the total number of units in the development exclusive of additional units provided by a density bonus.
- (d) The percentage of units affordable to households making at or below 80 percent of the area median income per this section shall be built on-site as part of the development.
- (e) If the locality has adopted an inclusionary ordinance, the objective standards contained in that ordinance apply to the development under the Streamlined Ministerial Approval Process. For example, if the locality's adopted ordinance requires a certain percentage of the units in the development to be affordable to very low-income units, the development would need to provide that percentage of very low-income units to be eligible to use the Streamlined Ministerial Approval Process.
- (f) All affordability calculations resulting in fractional units shall be rounded up to the next whole number. Affordable units shall be distributed throughout the development and shall be of comparable size, both in terms of the square footage and the number of bedrooms, and quality to the market rate units with access to the same common areas and amenities.
- (g) Affordability of units to households at or above 80 percent of the area median income per the section is calculated based on the following:
  - 1) For owner-occupied units, affordable housing cost is calculated pursuant to Health and Safety Code Section 50052.5.

- 2) For rental units, affordable rent is calculated pursuant to Health and Safety Code Section 50053.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a).

### **Section 403. Labor Provisions**

The Labor Provisions in the Streamlined Ministerial Approval Process, located in paragraph (8) of subdivision (a) of Government Code section 65913.4, contain requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of the development.

The development proponent shall certify both of the following to the locality to which the development application is submitted:

- (a) The entirety of the development is a public work project, as defined in Section 102(s) above, or if the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
  - (1) The Department of Industrial Relations posts on its website letters and decisions on administrative appeal issued by the Department in response to requests to determine whether a specific project or type of work is a “public work” covered under the state’s Prevailing Wage Laws. These coverage determinations, which are advisory only, are indexed by date and project and available at: <https://www.dir.ca.gov/OPRL/pwdecision.asp>
  - (2) The general prevailing rate is determined by the Department of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. General prevailing wage rate determinations are posted on the Department of Industrial Relations’ website at: <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>.
  - (3) Apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. To find out if an apprentice is registered in an approved program, please consult the Division of Apprenticeship Standards’ “Apprenticeship Status and Safety Training Certification” database at <https://www.dir.ca.gov/das/appcertpw/appcertsearch.asp>.
  - (4) To find the apprentice prevailing wage rates, please visit the Department of Industrial Relations’ website at: <https://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp>. If you are interested in requesting an apprentice, a list of approved programs is available at: <https://www.dir.ca.gov/databases/das/aigstart.asp>. General information regarding the state’s Prevailing Wage Laws is available in the Department of Industrial Relations’ Public Works website (<https://www.dir.ca.gov/Public-Works/PublicWorks.html>) and the Division of Labor Standards Enforcement Public Works Manual (<https://www.dir.ca.gov/dlse/PWManualCombined.pdf>).

(5) For those portions of the development that are not a public work, all of the following shall apply:

(A) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(B) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(C) All contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

i. The obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

ii. The payroll record and Labor Commissioner enforcement provisions in (C) and (C)(i), above, shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement, as defined in Section 102(q) above, that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.

(D) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Sections 511 or 514 of the Labor Code.

(b) For developments for which any of the following conditions in the charts below apply, that a skilled and trained workforce, as defined in Section 102(w) above, shall be used to complete the development if the application is approved.

## Developments Located in Coastal or Bay Counties

Date	Population of Locality to which Development Submitted pursuant to the last Centennial Census	Number of Housing Units in Development
January 1, 2018, until December 31, 2021	225,000 or more	75 or more
January 1, 2022, until December 31, 2025	225,000 or more	50 or more

## Developments Located in Non-Coastal or Non-Bay Counties

Date	Population of Locality to which Development Submitted pursuant to the last Centennial Census	Number of Housing Units in Development
January 1, 2018, until December 31, 2019	Fewer than 550,000	75 or more
January 1, 2020, until December 31, 2021	Fewer than 550,000	More than 50
January 1, 2022, until December 31, 2025	Fewer than 550,000	More than 25

- (1) Coastal and Bay Counties include: Alameda, Contra Costa, Del Norte, Humboldt, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma and Ventura.
- (2) Non-Coastal and Non-Bay Counties include: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.
- (3) The skilled and trained workforce requirement in this subparagraph is not applicable to developments with a residential component that is 100 percent subsidized affordable housing.
- (4) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
  - (A) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

- (B) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
- (C) The applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
  - i. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided.
  - ii. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
  - iii. The requirements in (C), (C)(i), and (C)(ii), above, do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.
- (c) Notwithstanding subsections (a) and (b) A development is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:
  - (1) The project includes ten or fewer housing units.
  - (2) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
- (d) Offsite fabrication is not subject to this Section if it takes place at a permanent, offsite manufacturing facility and the location and existence of that facility is determined wholly without regard to the particular development. However, offsite fabrication performed at a temporary facility that is dedicated to the development is subject to Section 403.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(a), Subdivision (d) of Section 2601 of the Public Contract Code, *Sheet Metal Workers' International Association, Local 104, v. John C. Duncan* (2014) 229 Cal.App.4th 192 [176 Cal.Rptr.3d 634].

## **Section 404. Additional Provisions**

- (a) A local government subject to the Streamlined Ministerial Approval Process shall allow for a development proponent's use of this process. However, the ability for a development proponent to apply for the Streamlined Ministerial Approval Process shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including, but not limited to, the use by right provisions of housing element law Government Code section 65583.2(i), local overlays, or ministerial provisions associated with specific housing types.

NOTE: Authority cited: Government Code section 65913.4(j). Reference cited: Government Code section 65913.4(g).

## **ARTICLE V. REPORTING**

### **Section 500. Reporting Requirements**

As part of the APR due April 1 of each year, local governments shall include the following information. This information shall be reported on the forms provided by the Department. For forms and more specific information on how to report the following, please refer to the Department's Annual Progress Report Guidelines.

- (a) Number of applications submitted under the Streamlined Ministerial Approval Process.
- (b) Location and number of developments approved using the Streamlined Ministerial Approval Process.
- (c) Total number of building permits issued using the Streamlined Ministerial Approval Process.
- (d) Total number of units constructed using the Streamlined Ministerial Approval Process by tenure (renter and owner) and income category.

NOTE: Authority cited: Government Code section 65400(a)(2)(B). Reference cited: Government Code section 65400(a)(2)(E).