



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: January 23, 2020
Time: After 8:30 a.m.
Place: Van Nuys City Council Chambers
14410 Sylvan St., 2nd Floor
Van Nuys, CA 91401

Public Hearing: To be held at the City Planning Commission meeting on January 23, 2020

Appeal Status: Density Bonus/Affordable Housing Incentive Program Review is not appealable to City Council. Site Plan Review is appealable to City Council but limited due to the timeline set forth in Senate Bill 35.

Expiration Date: March 2, 2020

Multiple Approval: Yes

Case No.: CPC-2019-4298-DB-SPR-SIP
CEQA No.: Exempt from CEQA per SB 35

Council No.: 14- Huizar
Plan Area: Central City
Specific Plan: None
Certified NC: Downtown Los Angeles

GPLU: High Medium Residential
Zone: [Q]R5-2D

Applicant: 5TH Street Partnership LLC
Representative: Simon Ha

PROJECT LOCATION: 407-413 E. 5th Street

PROPOSED PROJECT: The proposed project is the demolition of an existing surface parking lot, and a one-story commercial building and the construction, use and maintenance of an eight-story 150-unit affordable housing project restricted to Low Income Households on a 13,422 square foot site. The project will provide support services on the basement level, including a multipurpose room with a kitchenette and office space for on-site services. The proposed building will have a maximum building height of 95-feet, 6-inches with 63,541 square feet of floor area at a 4.73:1 floor area ratio. The project will provide zero automobile parking spaces, 100 long-term bicycle parking spaces at the basement level, and 10 short-term bicycle parking spaces at the front of the building. The project will provide a total of 7,350 square feet of usable open space, including a community room, courtyard, roof deck, balconies, and private patios. The project qualifies as a Streamlined Infill Project (SIP) pursuant to Senate Bill (SB) 35 (California Government Code Section 65913.4).

REQUESTED ACTION:

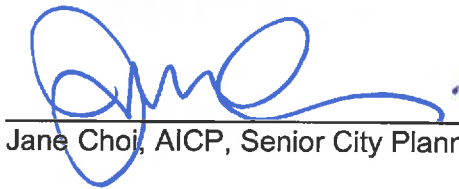
1. Pursuant to Government Code Section 65913.4, a ministerial review of a Streamlined Infill Project that satisfies all the objective zoning standards set forth in Government Code Section 65913.4(a) and is therefore subject to the Streamlined Ministerial Approval Process;
2. Pursuant to Public Resource Code Section 21080(b)(1), a statutory exemption from California Environmental Quality Act (CEQA) for a development that is subject to a Streamlined Ministerial Approval Process pursuant to Government Code 65913.4;
3. Pursuant to Government Code 65913.4 and Los Angeles Municipal Code (LAMC) Section 12.22 A.25(g)(3), a ministerial review of the Density Bonus/Affordable Housing Incentives Program to permit the following Off-Menu Incentives for a Housing Development Project totaling 150 dwelling units, all of which are reserved for Low Income Household occupancy for a period of 55 years:

- a. An Off-Menu Incentive to increase the maximum allowable floor area ratio by 58-percent to permit a maximum 4.73:1 FAR in lieu of a 3:1 FAR.
- b. An Off-Menu Incentive to reduce the minimum amount of usable open space to permit 7,350 square feet in lieu of 15,000 square feet of usable open space.
4. Pursuant to LAMC Section 16.05, Site Plan Review to allow for a project which creates or results in an increase of 50 or more dwelling units.

RECOMMENDED ACTIONS:

1. **Determine**, pursuant to Government Code Section 65913.4, that the project is a Streamlined Infill Project that satisfies all of the objective zoning standards set forth in Government Code Section 65913.4(a) and is therefore subject to the Streamlined Ministerial Approval Process;
2. **Determine**, that based on the whole of the administrative record, the project is statutorily exempt from CEQA as a ministerial project pursuant to Government Code Section 65913.4 and Public Resource Code Section 21080(b)(1);
3. **Approve**, pursuant to Government Code Section 65913.4 and Los Angeles Municipal Code (LAMC) Section 12.22 A.25(g)(3), a ministerial review of the Density Bonus/Affordable Housing Incentive Program to permit the following Off-Menu Incentives for a Housing Development Project totaling 150 dwelling units, reserving all 150 units for Low Income Household occupancy for a period of 55 years;
 - a. An **Off-Menu Incentive** to increase the maximum allowable floor area ratio by 58-percent to permit a maximum 4.73:1 FAR in lieu of a 3:1 FAR.
 - b. An **Off-Menu Incentive** to reduce the minimum amount of usable open space to permit 7,350 square feet in lieu of 15,000 square feet of usable open space.
4. **Approve**, pursuant to LAMC Section 16.05, Site Plan Review for a development project which creates, or results in an increase of 50 or more dwelling units

VINCENT P. BERTONI, AICP
Director of Planning



Jane Choi, AICP, Senior City Planner



Hagu Solomon-Cary, City Planner
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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than seven working days prior to the meeting by calling the Commission Secretariat at (213) 978-1295.

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Exhibits:

- Exhibit A – Project Plans
- Exhibit B – Maps
 - B1 – Vicinity Map
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 - B3 – ZIMAS Map
- Exhibit C – SB 35 Text and SB 35 Guidelines
- Exhibit D – Notice of Exemption
- Exhibit E – HCIDLA SB 35/AB 2556 Determination

PROJECT ANALYSIS

Project Summary

The proposed project includes the demolition of an existing surface parking lot, a one-story commercial building and the construction, use and maintenance of an eight-story residential building over a one-level basement with 150 dwelling units all of which are restricted to Low Income Households on a 13,422 square foot site (Exhibit A). All of the dwelling units will be one-bedroom units and the project will provide support services on the basement level, including a multipurpose room with a kitchenette and office space for services.

On the basement level, the building will have a central courtyard that is open to the sky, a recreation and lounge room, a multipurpose room with a kitchenette, nine (9) tenant support service offices, two (2) building management offices, common laundry room, restrooms, long-term bicycle parking spaces, an electrical room and a transformer room. The first level of the building will include the main entry, elevator lobby area, a security room, two (2) additional building management offices, the trash room, recycling room, the transformer and 14 dwelling units. Levels one (1) through eight (8) will contain the proposed dwelling units which are of modular construction and level eight will have a roof deck.

The proposed building will have a maximum building height of 95-feet, 6-inches with 63,541 square feet of floor area at a 4:73:1 floor area ratio. Consistent with state law, the project will provide no automobile parking spaces. There will be 100 long-term bicycle parking spaces on the basement level, and 10 short-term bicycle parking spaces at the front of the building. There is no vehicular access provided to this project.

The project will provide a total of 7,350 square feet of usable open space, including a courtyard, lounge/recreation room, multipurpose room, roof deck, eight (8) private patios, and four (4) private balconies.

Background

Site Description

The project site is a relatively flat, rectangular-shaped property that consists of three rectangular-shaped lots, which a street frontage of approximately 75 feet on the north side of East. 5th Street and a lot size of approximately 13,442 square feet (Exhibit B). The site is currently occupied by a surface parking lot and a one-story building for the use of Harvest Rock Foundation Azusa Lighthouse Mission Church that will be demolished as part of the proposed project.

Zoning and Land Use Designation

The project site is located within the Central City Community Plan. The adopted Community Plan designates the subject property for High Medium Residential land uses corresponding to the R4 Zone. The site is zoned [Q]R5-2D and pursuant to Ordinance No. 164,702, the "Q" condition limits the properties density to R4 or 400 square feet per unit per lot area, therefore consistent with the General Plan Land Use Designation (Exhibit B).

Subsequent to the "Q" condition, Ordinance No. 179,076 established the Greater Downtown Housing Incentive Area (GDHIA) on September 23, 2007. GDHIA eliminated the maximum unit per lot area making density unlimited, therefore the "Q" condition is superseded by Ordinance No. 179,076 and is no longer applicable.

The site is located within the Los Angeles State Enterprise Zone, a Transit Priority Zone, the Greater Downtown Housing Incentive Area (GDHIA), Transit Oriented Communities (TOC) Tier 3 and the City Center Redevelopment Area. The project is permitted to exceed the California Redevelopment Area's stated floor area ratio of 3:1 in accordance with the State Density Bonus law and SB 35. The site is not located within any specific plan, community design overlay, or interim control ordinance area.

Surrounding Uses

The project site is located in an urbanized area surrounded by various land uses (Exhibit B). Adjoining properties are zoned [Q]R5-2D, designated for High Medium Residential Land Uses and improved with three to six-story buildings. To the north is the Los Angeles Ministries Services and associate parking lot. To the east is Brownstone Apartments, single room occupancy multifamily housing with Skid Row People's Market at the ground floor. To the south, located across 5th Street, are two multi-family apartment buildings, Gateway Apartments and The Southern, as well as James Wood Community Center. To the west is Panama hotel. The site is within 300 feet of San Julian Park, Los Angeles Mission. The project site is approximately one mile southeast of the CA-110 freeway.

Streets and Circulation

East 5th Street, adjoining the subject property to the south, is an Avenue II with a designated full right-of-way width 86 feet, full roadway width of 56 feet, and 15-foot sidewalks. East 5th Street is currently dedicated to a width of approximately 60 feet and is improved with curb, gutter, and sidewalk the project's street frontage.

Public Transit

The project site is located within 300 feet to 0.25 miles of Los Angeles County Metropolitan Transportation Authority (Metro) bus stations serving Metro Local Lines 16¹, 17², 316³, 18⁴, 53⁵, 62⁶, 720⁷, 33⁸, 68⁹, 92¹⁰, 733¹¹ and Los Angeles Department of Transportation (LADOT) DASH Downtown¹². The site is also located with 0.50 miles from Pershing Square Metro Station serving the Purple and Red Line¹³.

Relevant Cases

Subject Property:

Ordinance No. 179,076: The Ordinance became effective on September 23, 2007 and established the Greater Downtown Housing Incentive Area which eliminated density, yard requirements, allowed lot area to be used as buildable area, and eliminated the percentage of private and common space.

¹ Metro Local Line 16 Map and Schedule, Dated December 15, 2019

² Metro Local Line 17 Map and Schedule, Dated December 15, 2019

³ Metro Local Line 316 Map and Schedule, Dated December 15, 2019

⁴ Metro Local Line 18 Map and Schedule, Dated December 15, 2019

⁵ Metro Local Line 53 Map and Schedule, Dated December 15, 2019

⁶ Metro Local Line 62 Map and Schedule, Dated December 15, 2019

⁷ Metro Local Line 720 Map and Schedule, Dated December 15, 2019

⁸ Metro Local Line 33 Map and Schedule, Dated June 23, 2019

⁹ Metro Local Line 68 Map and Schedule, Dated December 15, 2019

¹⁰ Metro Local Line 92 Map and Schedule, Dated December 15, 2019

¹¹ Metro Local Line 733 Map and Schedule, Dated December 16, 2018

¹² LADOT DASH Downtown Map and Schedule, Dated April 13, 2019

¹³ Metro Purple/Red Line Map and Schedule, Dated December 16, 2018

Ordinance No. 164,307: The Ordinance became effective on January 30, 1989 and established a “Q” condition that limited density to R4 and a 3:1 “D” limitation on floor area.

Surrounding Properties:

No relevant cases have been identified.

HOUSING REPLACEMENT

Pursuant to Government Code Section 65915(c)(3), 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. Per the letter dated March 7, 2019, HCIDLA determined that there were no residential units built and demolished on the property within the last 10 years (Exhibit E). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that “[t]he availability of housing is of vital statewide importance,” and has determined that state and local governments have a responsibility to “make adequate provision for the housing needs of all economic segments of the community.” Section 65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the “continued affordability of all Low and Very Low-Income units that qualified the applicant” for the density bonus.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three “concessions or incentives” for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as “on-menu” incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for “averaging” of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

California State Assembly Bill (AB) 2222 went into effect January 1, 2015 and was amended by AB 2556 on August 19, 2016, stating that Density Bonus projects filed as of that date 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 (including Rent Stabilization Ordinance); or is occupied by Low or Very Low Income Households (i.e., income levels less than 80 percent of the area median income [AMI]). The replacement units must be equivalent in size, type, or both and be made available at affordable rent/cost to, and occupied by, households of the same or lower income category as those meeting the occupancy criteria. Prior to the issuance of any Director's

Determination for Density Bonus and Affordable Housing Incentives, the Housing and Community Investment Department (HCIDLA) is responsible for providing the Department of City Planning, along with the applicant, a determination letter addressing replacement unit requirements for individual projects. The City also requires a Land Use Covenant recognizing the conditions be filed with the County of Los Angeles prior to granting a building permit on the project.

AB 2222 also increases covenant restrictions from 30 to 55 years for projects approved after January 1, 2015. This determination letter reflects these 55-year covenant restrictions.

Under Government Code Sections 65915(a), 65915(d)(2)(C) and 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify Zoning Code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

REQUESTED ACTIONS

Streamlined Infill Project

Background

California Senate Bill (SB) 35 became effective on January 1, 2018 as part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. The intent of SB 35 is to provide reforms and incentives to facilitate and expedite the construction of affordable housing. The State Department of Housing and Community Development (HCD) issued the Streamlined Ministerial Approval Process Guidelines dated November 29, 2018 to provide additional guidance on procedures and implementation of SB 35 (SB 35 Guidelines) (Exhibit C). The law adds Section 65913.4 to the Government Code requiring that cities streamline the approval of qualified housing projects through a ministerial approval process, removing the requirement for CEQA analysis and altering parking requirements (Exhibit C). SB 35 streamlining remains in effect until January 1, 2026, and as of that date will be repealed per the provisions of the bill, unless extended by the Legislature.

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 subject to 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 will apply only to projects that include at least 50% of their units for lower income households (80% Area Median Income [AMI] or less).

Development Eligibility

To qualify to apply for the Streamlined Ministerial Approval Process and be considered a Streamlined Infill Project, the development must meet the Development Eligibility criteria set forth in SB 35 (Government Code Section 65913.4(a)), including housing type requirements, site requirements, affordability provisions, and labor provisions. In accordance with SB 35, the project qualifies as a Streamlined Infill Project that satisfies all of the objective planning standards and is therefore subject to the streamlined ministerial approval process provided by SB 35 (Government Code Sections 65913.4(b) and (c)). The proposed project's eligibility is described under the Streamlined Infill Project Findings Section in this report.

Ministerial Review of Objective Zoning and Design Standards

Pursuant to SB 35, a local government must streamline the approval of a Streamlined Infill Project only based on objective zoning and design review standards and the locality's process and application requirements shall not in any way inhibit, chill or preclude the ministerial approval process. When determining consistency with objective zoning and design review standards, the local government can only use those standards that meet the following definition set forth in SB 35:

“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”

Design review standards that require subjective decision making cannot be applied as an objective standard unless the standards are defined in such a manner that is non-discretionary. In addition, 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.

Density Bonus Incentives in Relation to SB 35

As provided in SB 35, modifications to objective standards granted as part of a density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to State Density Bonus Law (Government Code Section 65915) or a local density bonus ordinance, shall be considered consistent with objective standards. Per SB 35, project eligibility for a density bonus, concession, incentive, parking reduction, or waiver of development standards shall be determined consistent with the State Density Bonus Law.

The State Density Bonus Law allows a maximum density bonus of up to 35 percent in exchange for setting aside the minimum percentage of affordable housing units required for the density bonus. The City adopted Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, to implement the State Density Bonus Law. The Density Bonus Ordinance allows a maximum density bonus of up to 35 percent over the base density permitted per the underlying zone in exchange for setting aside the minimum percentage of affordable housing units required for the density bonus. The Density Bonus Ordinance also allows applicants to seek waivers of development standards and up to three (3) incentives in accordance with the State Density Bonus Law.

Public Oversight and Decision-Making Body

The applicant requests multiple entitlements that are subject to review and approval by the City Planning Commission and requires a public hearing. While SB 35 requires a ministerial process for Streamlined Infill Projects, SB 35 (Government Code Section 65913.4(c)) allows public oversight to be conducted by a local government's planning commission by stating:

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.

As such, public oversight of the proposed development may be conducted by the City Planning Commission.

CEQA

The proposed Streamlined Infill Project that satisfies the objective planning standards set forth in SB 35 (Government Code Section 65913.4(a)) is subject to streamlined ministerial approval provided by SB 35 (Government Code Sections 65913.4(b) and (c)). The proposed project is therefore a ministerial project that is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(1). The Notice of Exemption is attached as Exhibit D of this report.

Density Bonus/Affordable Housing Incentives Program

Pursuant to the State Density Bonus Law, the City must grant up to three (3) incentives for a project that includes 30 percent of the total (base density) units for Low Income Households. The State Density Bonus Law further stipulates that in no case may a city apply any development standard that will have the effect of physically precluding the construction of a development, and allows applicants to submit to a city a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development. The City implements the State Density Bonus Law through the Density Bonus Ordinance, which allows up to three (3) on- or off-menu incentives and waivers of development standards.

The applicant proposes a project totaling 150 dwelling units, all of which will be restricted to Low Income Households for a period of 55 years. Since the project is located within the Greater Downtown Housing Incentive Area where there is no maximum limit on density, the 150 dwelling units shall be considered the base density for the purposes of calculating the percent set aside required for granting incentives, therefore the project is effectively setting aside 100 percent of the total units for Low Income Households, therefore the applicant qualifies for three (3) incentives. The applicant seeks the following two (2) "Off-Menu" Incentives that are not listed on the Menu of Incentives set forth in the Density Bonus Ordinance:

- a. An Off-Menu Incentive to increase the maximum allowable floor area ratio by 58-percent to permit a maximum 4.73:1 FAR in lieu of a 3:1 FAR; and
- b. An Off-Menu Incentive to reduce the minimum amount of usable open space to permit 7,350 square feet in lieu of 15,000 square feet of usable open space.

APPROVAL TIMELINE AND LIMITED APPEALS

The project entitlements are being applied for under the timelines and procedures of Senate Bill 35 (Gov. Code Sec. 65913.4), which requires the City to complete design review or public oversight, including final approval, for a project of this size within 90 calendar days of submittal of a complete application. The applicant submitted a complete application for the development on December 3, 2019. Consequently, all design review or public oversight, including final approval, shall be completed within 90 days from December 3, 2019, or by March 2, 2020, and shall not in any way inhibit, chill or preclude the ministerial approval provided by Government Code Section 65913.4.

Conclusion

Based on the information submitted to the record, staff recommends that the City Planning Commission determine that the project is a Streamlined Infill Project that satisfied all of the objective planning standards of SB 35 (Government Code Section 65913.4(a)) and is therefore subject to the Streamlined Ministerial Approval Process; approve two (2) Off-Menu Incentives for the increase in maximum allowable floor area ratio by 58-percent and for the reduction of usable open space to permit 7,350 square feet; approve Site Plan Review for a development which creates an increase of 50 or more dwelling units; and determine that the project is statutorily exempt from CEQA as a ministerial project pursuant to SB 35 (Government Code 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, Central 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 150 residential units.
3. **Affordable Units.** A minimum of 150 units shall be reserved as affordable units for a period of 55 years as follows: 75 units shall be reserved for Low Income Households as determined by the California Department of Housing and Community Development (HCD), and the remaining 75 units shall be reserved for Low Income Households as determined by either the HCD or the U.S. Department of Housing and Urban Development (HUD).
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 LACM Sections 12.22 A.25 and Government Code Section 65913.4 (d)(1)
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 75 units available to Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The remaining 75 affordable units shall be reserved for Low Income Households as determined by HCD or HUD 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.
6. **Floor Area Ratio (Incentive).** The project shall not exceed a floor area ratio of 4.73:1 in lieu of the otherwise allowed 3:1 FAR.
7. **Usable Open Space (Incentive).** The project shall provide a minimum of 7,350 square feet of usable open space in lieu of 15,000 square feet as otherwise required by LAMC Section 12.21 G.
8. **Automobile Parking.** Pursuant to California Government Code Section 65913.4(d)(1), no parking requirements shall apply for multi-family developments located within one-half mile of public transit. No residential parking spaces are required.
9. **Prevailing Wage Requirements.** In accordance with Government Code 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. A Bond may be required to ensure compliance.

Administrative Conditions

10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
16. **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

STREAMLINED INFILL PROJECT FINDINGS

In accordance with SB 35 (Government Code 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 Government Code Section 65913.4(a) as follows:

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

The project is a multi-family housing development with 150 dwelling 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 Census Bureau¹⁴ identifies two types of urban areas:

- Urbanized Areas of 50,000 or more people; and
- Urban Clusters of at least 2,500 and less than 50,000 people.

According to the U.S. Census Bureau, 2010 Census, Profile of General Population and Housing Characteristics, the City of Los Angeles population in 2010 was 3,792,621, thereby constituting an urbanized area. The project site consists of legal parcels located within the City of Los Angeles.

Section 102(z) of the SB 35 Guidelines define “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. All adjoining parcels are developed with urban uses. Adjoining properties to the north, east, south and west are improved with three- to six-story multi-family residential buildings with ground floor retail, commercial and institutional uses. The site fronts onto 5th street and is in close proximity to a number of transit routes.

¹⁴ <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/2010-urban-rural.html>

The project site is located within the Central City Community Plan, which designates the subject property for High Medium Residential land uses corresponding to the R4 and [Q]R5 Zones. Both the High Medium Residential Land Use Designation and [Q]R5-2D Zone allow for multi-family residential use. The applicant proposes a multi-family affordable housing development with 150 dwelling units and supportive services. Per California Health and Safety Code Section 50675.14(b)(2), supportive services are accessory to the residential use. As such, the entire development will be 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 an affordable housing project with permanent supportive services development containing 150 units restricted to Low Income Households. The applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make at least 50 percent, that is 75 units, of the total 150 units affordable to households making at or below 80 percent area median income, which is equivalent to lower-income households per Health and Safety Code Section 50079.5, for a period of 55 years.

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 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 SB 35.

The applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make at least 50 percent, that is 75 units, of the total 150 units affordable to households making at or below 80 percent area median income, which is equivalent to lower-income households per Health and Safety Code Section 50079.5, for a period of 55 years.

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 Central City Community Plan area which is designated for High Medium Residential land uses and within the Greater Downtown Housing Incentive Area, where density is unlimited within the relevant FAR. Therefore, the proposed 150 dwelling units shall be considered the base density. The applicant is not seeking an increase in density, rather the applicant seeks an Off-Menu Incentive to increase the maximum FAR to 4.73:1 in lieu of the 3:1 FAR allowed by-right. In total, the applicant seeks the following two (2) Off-Menu Incentives pursuant to the State Density Bonus Law:

- **An Off-Menu Incentive** to increase the maximum allowable floor area ratio by 58-percent to permit a maximum 4.73:1 FAR in lieu of a 3:1 FAR;
- **An Off-Menu Incentive** to reduce the minimum amount of usable open space to permit 7,350 square feet in lieu of 15,000 square feet of usable open space; and

No other concessions, incentives, or waivers of development standards are requested or granted as part of the subject determination. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the State Density Bonus Law (Government Code Section 65915), is consistent with objective zoning and design review standards in effect at the time that the development was submitted to the City.

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.

The site is currently improved with a parking lot and a one-story commercial building in an urbanized area of the Central City Community Plan surrounded by urban land uses. The site is designated for High Medium Residential land uses and zoned [Q]R5-D2, which allows residential uses. As such, the site is not located within a coastal zone, farmland, agricultural land, or wetland. Per the City's Zone Information and Map Access System (ZIMAS), the site is not located in a very high fire hazard severity 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 1.38 kilometers from the Puente Hills Bling Thrust Fault Zone and will be subject to Building Code requirements. According to the Federal Emergency Management Agency's Flood Map, the project site is located within Zone X Area of Minimal Flood Hazard and is not located within a floodway. The site is not identified for a conservation or habitat conservation plan or any other adopted natural resource protection plan. The site is completely developed and surrounded by urban land uses and therefore has no value as a habitat for protected species. Additionally, there is no conservation easement on 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 with a surface parking lot and a one-story commercial building. Per the letter dated March 7, 2019, HCIDLA determined that there were no residential units built and demolished on the property within the last 10 years (Exhibit E). The project site has not been identified as a historic resource by local, state or federal agencies. 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. The site 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 Government Code 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).**

There is no subdivision entitlement requested as part of the project.

- 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).**

The Mobilehome Residency Law and related regulations are not applicable to the site.

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

Additionally, Government Code Section 65913.4(d) states:

Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirement 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.*

The project site is located within 300 feet to 0.25 miles of Los Angeles County Metropolitan Transportation Authority (Metro) bus stations serving Metro Local Lines 16, 17, 316, 18, 53, 62, 720, 33, 68, 92, 733 and Los Angeles Department of Transportation (LADOT) DASH Downtown. The site is also located with one-half mile from Pershing Square Metro Station serving the Purple and Red Line. As such, the City shall not impose parking standards for the proposed Streamlined Infill Project.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

The applicant requests two (2) Off-Menu Incentives, as listed below:

- a. An Off-Menu Incentive to increase the maximum allowable floor area ratio by 58-percent to permit a maximum 4.73:1 FAR in lieu of a 3:1 FAR; and
- b. An Off-Menu Incentive to reduce the minimum amount of usable open space to permit 7,350 square feet in lieu of 15,000 square feet of usable open space.

Following is a delineation of the findings related to the request for two (2) Off-Menu Incentives. Pursuant to Section 12.22 A.25(g) of the LAMC and Government Code Section 65915.

Government Code 65915 and LAMC12.22.A.25 state that the Commission shall approve a Density Bonus and requested Incentives unless the Commission finds that:

1. **The incentive(s) do not result in identifiable and actual cost reductions 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 City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction 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.

In order to comply with required floor area ratio and usable open space, the project would need to reduce the building footprint, thereby restricting the number and size of dwelling units. As proposed, the two (2) Off-Menu Incentives to increase the floor area ratio and reduce the usable open space will allow for the construction of the multi-family residential building with 150 units restricted to Low Income Households. The floor area would restrict the ability to develop the site with 150 dwelling units of sufficient size with the requisite outdoor amenities and usable open space, while also setting aside all 150 dwelling units for Low Income Households.

The requested incentives allow the developer to expand the building envelope so the additional and affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased. These incentives support the applicant's decision to set aside the specified number of dwelling units for Low Income Households for 55 years.

2. **The incentive(s) will have a 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 are 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed 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)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

3. The incentive(s) are contrary to State or Federal Law.

There is no substantial evidence in the record that the proposed incentives are contrary to state or federal law.

SITE PLAN REVIEW FINDINGS

The following is a delineation of the findings related to the applicant's request for Site Plan Review for a proposed project resulting in an increase of 50 or more dwelling units pursuant to Section 16.05 of the Los Angeles Municipal Code.

As previously mentioned, the proposed project satisfies all of the objective planning standards and is therefore subject to the streamlined ministerial approval process as provided in SB 35. Pursuant to the SB 35 Guidelines Section 102(n), ministerial processing or approval means the following:

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.

In accordance with SB 35, a local government must streamline the approval of a Streamlined Infill Project only based on objective zoning and design review standards, and the locality's process and application requirements shall not in any way inhibit, chill or preclude the ministerial approval process. When determining consistency with objective zoning and design review standards, the local government can only use those standards that meet the following definition set forth in the Legislature:

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.

Several findings of the Site Plan Review require the City to exercise subjective discretion that does not meet the definition of objective zoning and design review standard in Government Code Section 65913.4(a). These subjective discretionary findings conflict with the streamlined ministerial approval process as provided in SB35 and therefore are not applicable to the proposed Streamlined Infill Project pursuant to SB 35. Staff has responded to these discretionary findings as not applicable in accordance with SB 35. For the remaining objective findings of Site Plan Review, staff has provided a response below.

- 1. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan and any applicable specific plan.**

The General Plan sets forth goals, objectives, and programs that serve as the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven State-mandated Elements including, Land Use, Mobility, Housing, Conservation, Noise Safety, and Open Space, and optional elements including Air Quality and Service Systems. The Land Use Element is comprised of 35 community plans that establish parameters for land use decision within those subareas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. As such, there are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with.

To the extent this finding requires further analysis, the project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Housing Element, Mobility Element and the Land Use Element – Central City Community Plan. The project site is not subject to any specific plans.

Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations.

The project site has a land use designated of High Medium Residential, with properties to the north, south, east and west zoned [Q]R5-2D. The proposed project involves the construction of an eight-story, multi-family residential development containing 150 dwelling units, 100 percent of which are for low income households, on a lot zoned [Q]R5-2D in the Downtown area on an existing parking lot and once story commercial building. The project site is located within 300 feet to 0.25 miles of Los Angeles County Metropolitan Transportation Authority (Metro) bus stations serving Metro Local Lines 16¹⁵, 17¹⁶, 316¹⁷, 18¹⁸, 53¹⁹, 62²⁰, 720²¹, 33²², 68²³, 92²⁴, 733²⁵ and Los Angeles Department of Transportation (LADOT) DASH Downtown²⁶. The site is also located with 0.50 miles from Pershing Square Metro Station serving the Purple and Red Line²⁷. In addition, the proposed project will provide approximately 7,350 square feet of open space and residential amenities on-site and is within 300 feet of San Julian Park, and other commercial amenities to support accessibility to necessary services. As such, the project is in conformance with the purpose of the Framework Element.

¹⁵ Metro Local Line 16 Map and Schedule, Dated December 15, 2019

¹⁶ Metro Local Line 17 Map and Schedule, Dated December 15, 2019

¹⁷ Metro Local Line 316 Map and Schedule, Dated December 15, 2019

¹⁸ Metro Local Line 18 Map and Schedule, Dated December 15, 2019

¹⁹ Metro Local Line 53 Map and Schedule, Dated December 15, 2019

²⁰ Metro Local Line 62 Map and Schedule, Dated December 15, 2019

²¹ Metro Local Line 720 Map and Schedule, Dated December 15, 2019

²² Metro Local Line 33 Map and Schedule, Dated June 23, 2019

²³ Metro Local Line 68 Map and Schedule, Dated December 15, 2019

²⁴ Metro Local Line 92 Map and Schedule, Dated December 15, 2019

²⁵ Metro Local Line 733 Map and Schedule, Dated December 16, 2018

²⁶ LADOT DASH Downtown Map and Schedule, Dated April 13, 2019

²⁷ Metro Purple/Red Line Map and Schedule, Dated December 16, 2018

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance. Additionally, the Housing Element indicates that permanent supportive housing and services must be provided to ensure the homeless population and persons who are at risk of being homeless remain housed and get the individualized help they may need.

The proposed project will replace an existing surface parking lot and one-story commercial building with 150 residential dwelling units, which reserves 100 percent, that is 150 units, for Low Income Households. The project is proposing to utilize both local and state incentives, including GHDIA and SB 1818 and SB 35, to streamline the development of additional affordable housing units in the Downtown area. The project will also provide supportive services on the basement level, including a community room with a kitchen and a social services office to provide assistance to its residents. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Element

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

The proposed residential building is a pedestrian-oriented development that provides 150 affordable units in proximity to several transit options. As previously mentioned, the project site located within 300 feet to 0.25 miles of Los Angeles County Metropolitan Transportation Authority (Metro) bus stations serving Metro Local Lines 16, 17, 316, 18, 53, 62, 720, 33, 68, 92, 733 and Los Angeles Department of Transportation (LADOT) DASH Downtown. The site is also located with 0.50 miles from Pershing Square Metro Station serving the Purple and Red Line. These transit stations provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. The proposed project will also allow for the reduction of vehicle trips providing zero parking stalls, under SB 35, and by placing a high-density residential development within proximity to public transit. The availability of many transit options along the commercial corridors creates a lesser need for the use of personal vehicles. Additionally, the project will provide a total of 110 bicycle parking stalls, including 10 short-term and 100 long-term bicycle parking stalls on site. There will be 1,004 square feet of long-term bicycle parking storage on the basement level and the short-term bicycle parking stalls will be located at the front of the building where they are easily accessible from the street. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

Land Use Element – Central City Community Plan

The Central City Community Plan update was adopted by the City Council on January 8, 2003. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC.

The Central City Community Plan designates the site for High Medium Residential land uses. The project site is zoned [Q]R5-2D, which is consistent with the land use designation pursuant to Ordinance No. 164,307 subarea 1170 in that it limits the density of the subject site to R4. The R4 Zone permits a base density of 400 square feet of lot area per dwelling; however, the site is also located within the Greater Downtown Housing Incentive Area and has unlimited density, pursuant to LAMC Section 12.22 A.29. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25 to increase the maximum FAR from 3:1 to 4.73:1 and reduce the required minimum open space in exchange for reserving all 150 units for Low Income Households. The project also proposes supportive services in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the Central City Community Plan area as a high-medium density residential development that provides affordable housing and employment services. Furthermore, as found in the Streamlined Infill Development Projects Finding, the project is consistent with applicable objective zoning standards. As such, the project conforms to the purpose of the Central City Community Plan.

- 2. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

There are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with. Therefore, this finding is not applicable to the proposed Streamlined Infill Project pursuant to SB 35.

- 3. Any residential project provides recreation and service amenities to improve habitability for its residents and minimizes the impacts on neighborhood properties.**

There are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with, such as bicycle parking pursuant to LAMC 12.21 A.16. Therefore, this finding is not applicable to the proposed Streamlined Infill Project pursuant to SB 35.

CEQA FINDINGS

Pursuant to SB 35, a project that satisfies all of the objective planning standards of Government Code Section 65913.4(a) is subject to the streamlined ministerial approval process. Therefore, pursuant to SB 35 and Public Resources Code Section 21080(b)(1), the project is statutorily exempt from CEQA as a ministerial project.

COMMUNICATIONS

The public hearing is scheduled for the City Planning Commission on January 23, 2020 after 8:30 a.m.

Staff has received no letters relative to this case.

C:\Sheet
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SHEET INDEX

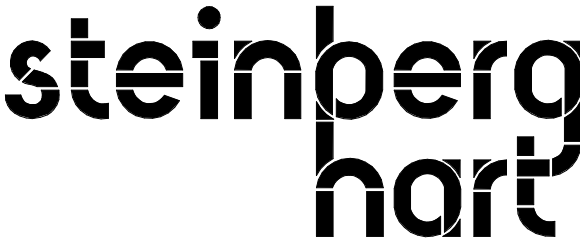
0.00	COVER SHEET
0.10	PROJECT INFO
0.20	RENDERINGS
L1	IRRIGATION PLAN GROUND FLOOR
L2	IRRIGATION PLAN ROOF DECK
L3	PLANTING PLAN GROUND FLOOR
L4	PLANTING PLAN ROOF DECK
L5	IRRIGATION & PLANTING DETAILS
L6	IRRIGATION & PLANTING LEGENDS & SPECIFICATIONS
LC1	CONSTRUCTION PLAN GROUND FLOOR
LC2	CONSTRUCTION PLAN ROOF DECK
1.00	PLOT PLAN
1.02	OPEN SPACE DIAGRAMS
2.00	FLOOR PLANS - BASEMENT & LEVEL 01
2.02	FLOOR PLANS - LEVELS 02 & 03
2.04	FLOOR PLANS - LEVELS 04 & 05
2.06	FLOOR PLANS - LEVELS 06 & 07
2.08	FLOOR PLAN - LEVEL 08 & ROOF PLAN
3.01	SOUTH ELEVATION
3.02	WEST ELEVATION
3.03	NORTH ELEVATION
3.04	EAST ELEVATION
3.05	COURTYARD ELEVATIONS

Exhibit A

PLANS & RENDERINGS (NOV. 18, 2019)
CPC-2019-4298-DB-SPR-SIP

5th ST PERMANENT SUPPORTIVE
MODULAR HOUSING

ENTITLEMENT SET



OWNER
5th STREET PARTNERSHIP, LLC
1605 N CAHUENGA BLVD
HOLLYWOOD CA 90028

ARCHITECT
STEINBERG HART
818 W 7TH STREET #1100
LOS ANGELES, CA 90017

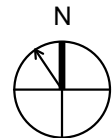
CIVIL ENGINEER
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LOS ANGELES, CA 90048

STRUCTURAL ENGINEER
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888 S FIGUEROA ST
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GREENMEP
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SANTA ANA, CA 92707

LANDSCAPE ARCHITECT
WYNN LANDSCAPE ARCHITECTS
20350 PARADISE LANE
TOPANGA, CA 90290

MODULAR MANUFACTURER
CIMC Modular Building Systems Holding Co. Ltd.
Level 26, 131 Yingbin Avenue, Pengjiang District,
Jiangmen, Guangdong, P.R. China (529000)



5th ST PERMANENT
SUPPORTIVE
MODULAR HOUSING

409-411 E 5TH STREET
LOS ANGELES, CA

ENTITLEMENT SET

COVER SHEET

PROJECT #-19023-000
DATE:11/12/19
SCALE:

0.00

JURISDICTIONS, CODES & STANDARDS

JURISDICTION FOR PROJECT ENTITLEMENTS:

CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING (LADCP)
CITY OF LOS ANGELES MUNICIPAL CODE & ZONING (LAMC)
GREATER DOWNTOWN HOUSING INCENTIVE AREA (GDHI)
CITY OF LOS ANGELES MOBILITY PLAN 2035
CITY OF LOS ANGELES DOWNTOWN DESIGN GUIDELINES

JURISDICTION FOR FOUNDATION, BASEMENT, AND LEVEL L1:

DEPARTMENT OF BUILDING AND SAFETY (LADBS)
CITY OF LOS ANGELES BUILDING CODE (LABC)

JURISDICTION FOR LEVELS 2-8 AND ROOF:

CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
CA HEALTH AND SAFETY CODE 18008.7 (HSC)
MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS, Part 3280 (HUD)
CALIFORNIA BUILDING CODE PART 2 (CBC)

PROJECT DIRECTORY

ARCHITECT	STRUCTURAL
STEINBERG HART 818 W 7TH STREET # 1100 LOS ANGELES, CA 90017	ENGLEKIRK 888 S.FIGUEROA ST., 18TH FLOOR LOS ANGELES, CA 90017 (323) 733-6673
CONTRACTOR	MEP
[TBD]	GREENMEP 3 MACARTHUR PLACE 8th FLOOR SANTA ANA, CA 92707
CIVIL	
DKE 6420 WILSHIRE BLVD SUITE 1000 LOS ANGELES, CA 90048	
LANDSCAPE	
WYNN LANDSCAPE ARCHITECTS 20350 PARADISE LANE TOPANGA, CA 90290	

PROJECT DESCRIPTION/SCOPE OF WORK

PROJECT DESCRIPTION

PROJECT IS A NEW-CONSTRUCTION, TYPE I-B, 150-UNIT PERMANENT SUPPORTIVE HOUSING BUILDING. 8-STORIES IN HEIGHT INCLUDING THE ROOF-DECK. THE PROJECT USES INCENTIVES FROM THE CITY OF LA "GREATER DOWNTOWN HOUSING INCENTIVE" PROGRAM.

SCOPE OF WORK

THE BUILDING IS A COMBINATION OF SITE-BUILT PRIMARY STRUCTURE AND PREFABRICATED MODULES. THE PERMITTING WILL BE SPLIT BETWEEN THE CITY OF LOS ANGELES (FOR THE FOUNDATION, BASEMENT, AND GROUND-LEVEL) AND STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (FOR LEVELS 2-8 AND ROOF). SEE RESUME OF WORK ON G0.16 FOR BREAKDOWN OF WORK BETWEEN PERMITS.

VICINITY MAP





RENDERINGS

OWNER
5th STREET PARTNERSHIP, LLC
1605 N. CAHUENGA BLVD
HOLLYWOOD, CA 90028

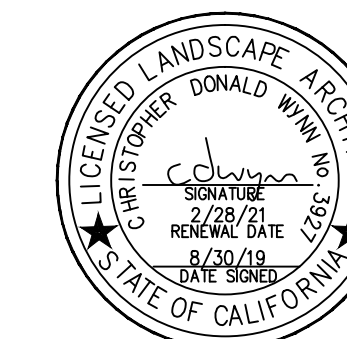
ARCHITECT
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818 W 7TH STREET
LOS ANGELES, CA
90017

CIVIL ENGINEER
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6420 WILSHIRE BLVD #1000
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SANTA ANA, CA
92707

LANDSCAPE ARCHITECT
WYNN LANDSCAPE ARCHITECTS
20350 PARADISE LANE
TOPANGA, CA 90290



HYDROZONE MATRIX										
HYDRO ZONE	SQ.FT	% TOTAL LANDSCAPE	PLANT TYPE	PLANTING FORM	# OF PLANTS	HYDROZONE DESCRIPTION	IRRIG. METHOD	IRRIG. DEVICE	ZONE GPM	ZONE PSI
A	45	5%	L	T5/6C	45	LOW WATER USE PLANTS	D	NETAFIM T5/6C-D20	45	30
B	50	1%	M	T5/6C	50	MODERATE WATER USE PLANTS	D	NETAFIM T5/6C-D20	50	30
C	235	12.4%	M	T5/6C	235	MODERATE WATER USE PLANTS	D	NETAFIM T5/6C-D20	16	30
D	110	5.8%	M	T5/6C	110	MODERATE WATER USE PLANTS	D	NETAFIM T5/6C-D20	12	30
E	1305	68.2%	L	T5/6C	1305	LOW WATER USE PLANTS	D	NETAFIM T5/6C-D20	41	30

PLANTS IN THE AREA
REFER TO PLANTING PLAN/PLANTING LEGEND

IRRIGATION METHOD
D = DRIP

HYDROZONE LEGEND			
PLANT TYPE	CATEGORIES OF PLANTS	PLANTING METHOD	IRRIGATION METHOD
H - HIGH	MODERATE OS	T - TREES	DRIP
M - MEDIUM	MODERATE OS	S - SHRUBS	DRIP
L - LOW	MODERATE OS	T - TREES	DRIP

TOTAL LANDSCAPED AREA: 1,845 SQ.FT

WATER USE CALCULATIONS:

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

(EPA) (55) (LA) (62) =
(50.1') (55) (1,845 SQ.FT) (62) = 32,314 GALLONS/YEAR

ESTIMATED TOTAL WATER USE (ETU)

LOW ZONE (ENU) = 50.1' X 2 X 1,400 X .62 = 10,731 GALLONS/YEAR

MODERATE ZONE (ENU) = 50.1' X 5 X 445 X .62 = 9,491 GALLONS/YEAR

ESTIMATED TOTAL WATER USE: 20,228 GALLONS/YEAR

WATER CONSERVATION CONCEPT STATEMENT:

1. PLANTS HAVING SIMILAR WATER NEEDS HAVE BEEN GROUPED TOGETHER IN DISTINCT HYDROZONES
2. HYDROZONES HAVE BEEN VALVED SEPARATELY
3. DRIP IRRIGATION HAS BEEN SELECTED
4. AUTOMATIC CONTROLLER WITH RAIN SENSING OVERRIDE

(A) POINT OF CONNECTION TO TYPE K COPPER PIPE.
ALL PIPING THROUGH BUILDING & STRUCTURE TO BE INSTALLED PER PLUMBING CONTRACT.
PROVIDE CARPED THREADED ENDS FOR CONNECTION BY LANDSCAPE CONTRACTOR.
PLANTER IS OVER STRUCTURAL SLAB.

ALL PLANTERS ON THE ROOF DECK ARE OVER STRUCTURAL SLAB.

REFER TO DWG. L-2 FOR
ROOF DECK IRRIGATION PLAN

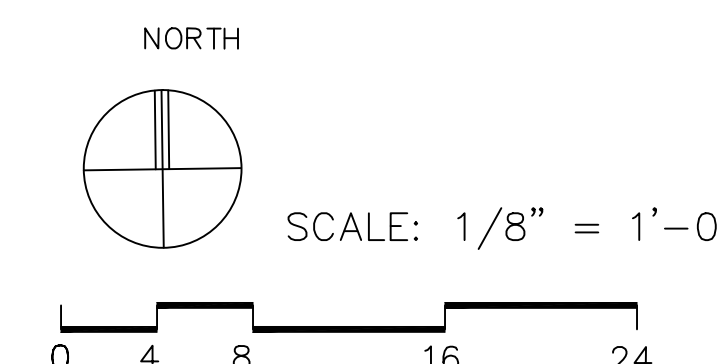
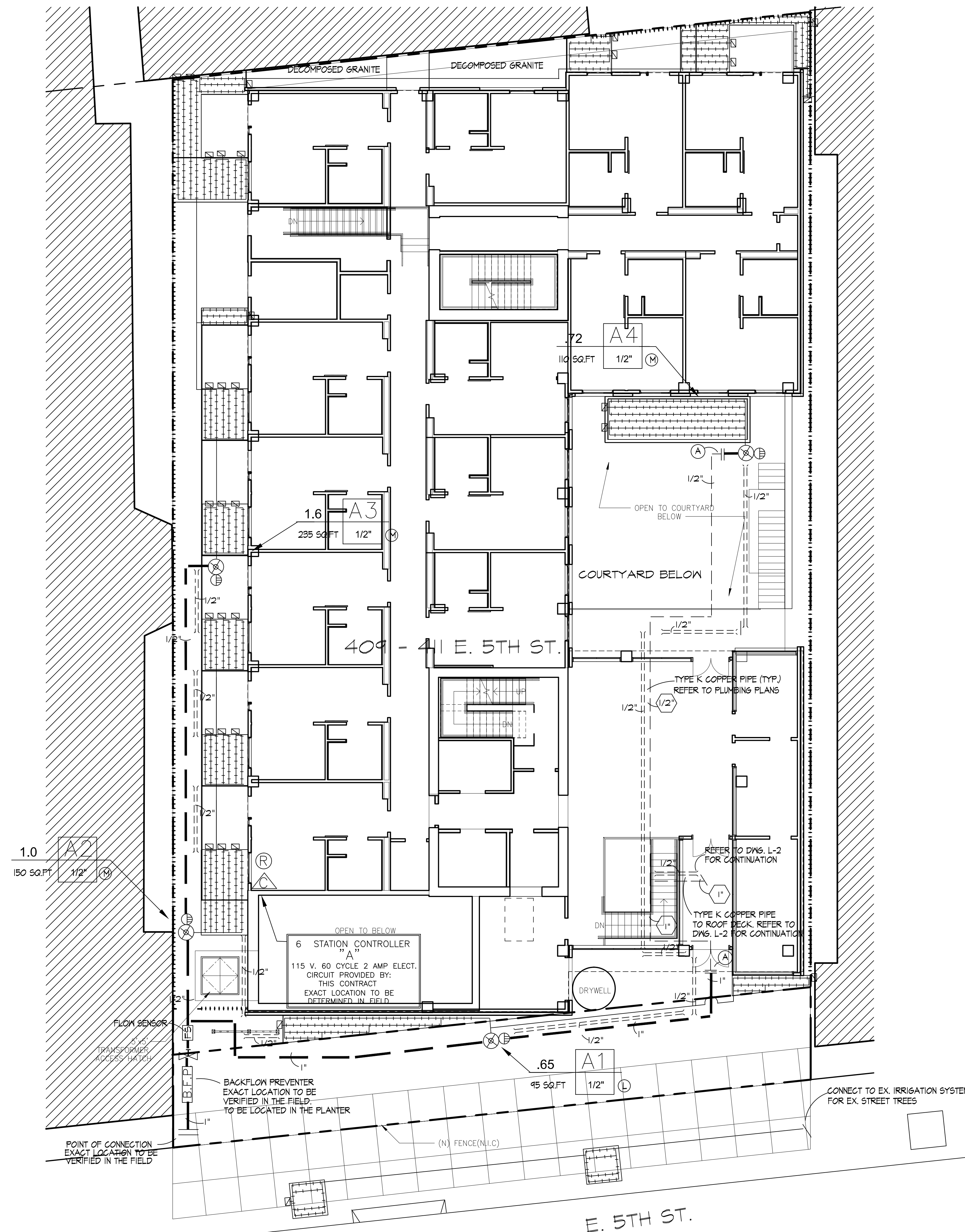
REFER TO DWG. L-5 FOR
IRRIGATION DETAILS

REFER TO DWG. L-6 FOR
IRRIGATION LEGEND & SPECIFICATIONS

VALVES SHOWN OUT OF PLANTERS
FOR CLARITY ONLY

FLUSH VALVES TO BE
LOCATED IN PLANTERS

HYDROZONES
(L) LOW WATER USE
(M) MODERATE WATER USE



5th ST MODULAR
HOUSING

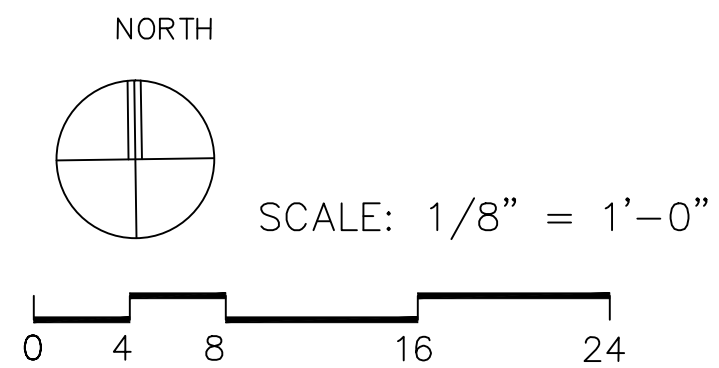
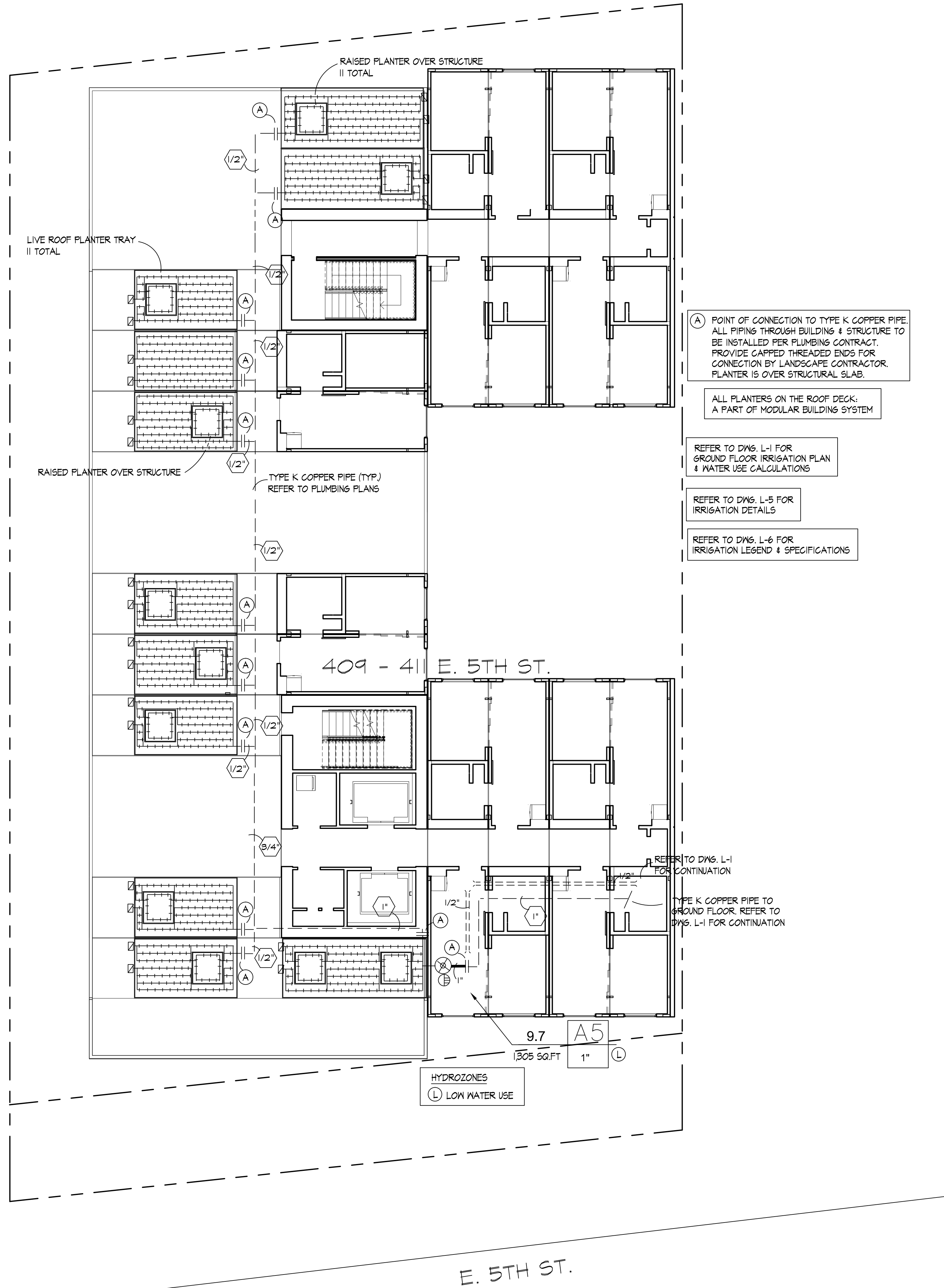
409-411 E 5TH
STREET
LOS ANGELES, CA

ENTITLEMENT SET

IRRIGATION PLAN
GROUND FLOOR

PROJECT #9023-000
DATE 11/12/19
SCALE:

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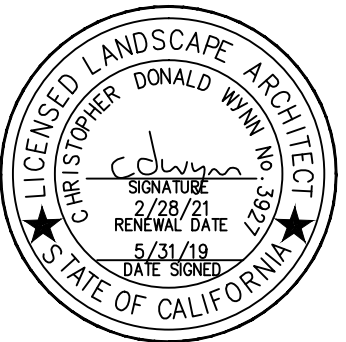
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92707

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WYNN LANDSCAPE ARCHITECTS
20350 PARADISE LANE
TOPANGA, CA 90290



5th ST MODULAR HOUSING

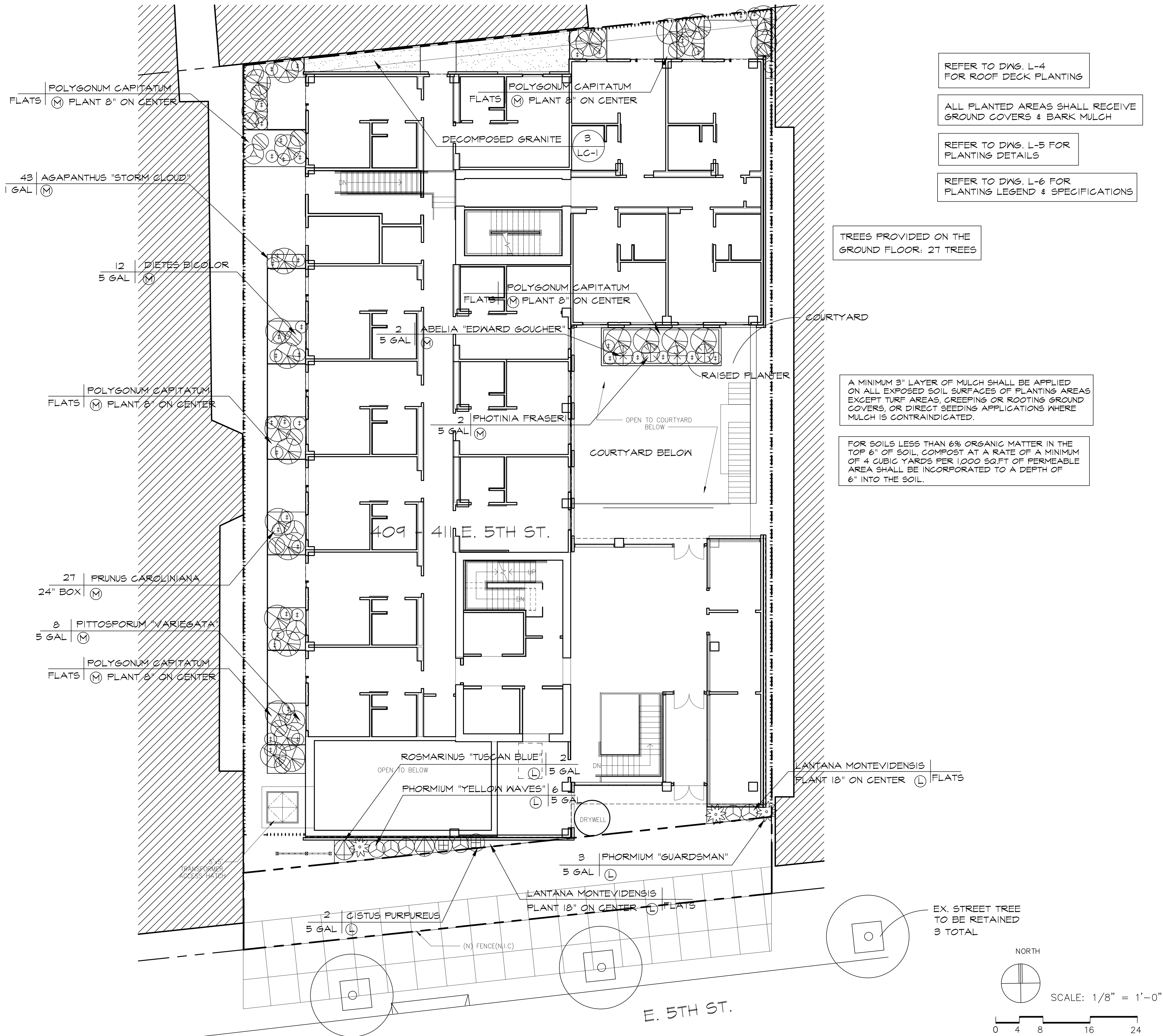
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STREET
LOS ANGELES, CA

ENTITLEMENT SET

IRRIGATION PLAN
ROOF DECK

PROJECT #89023-000
DATE: 11/12/19
SCALE:

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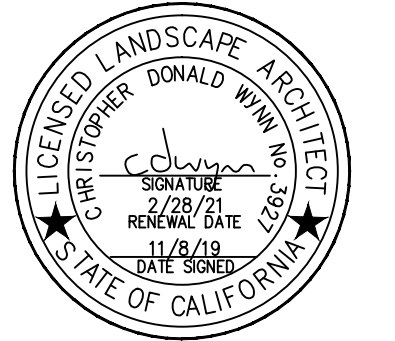
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LANDSCAPE ARCHITECT
WYNN LANDSCAPE ARCHITECTS
20350 PARADISE LANE
TOPANGA, CA 90290



5th ST MODULAR HOUSING

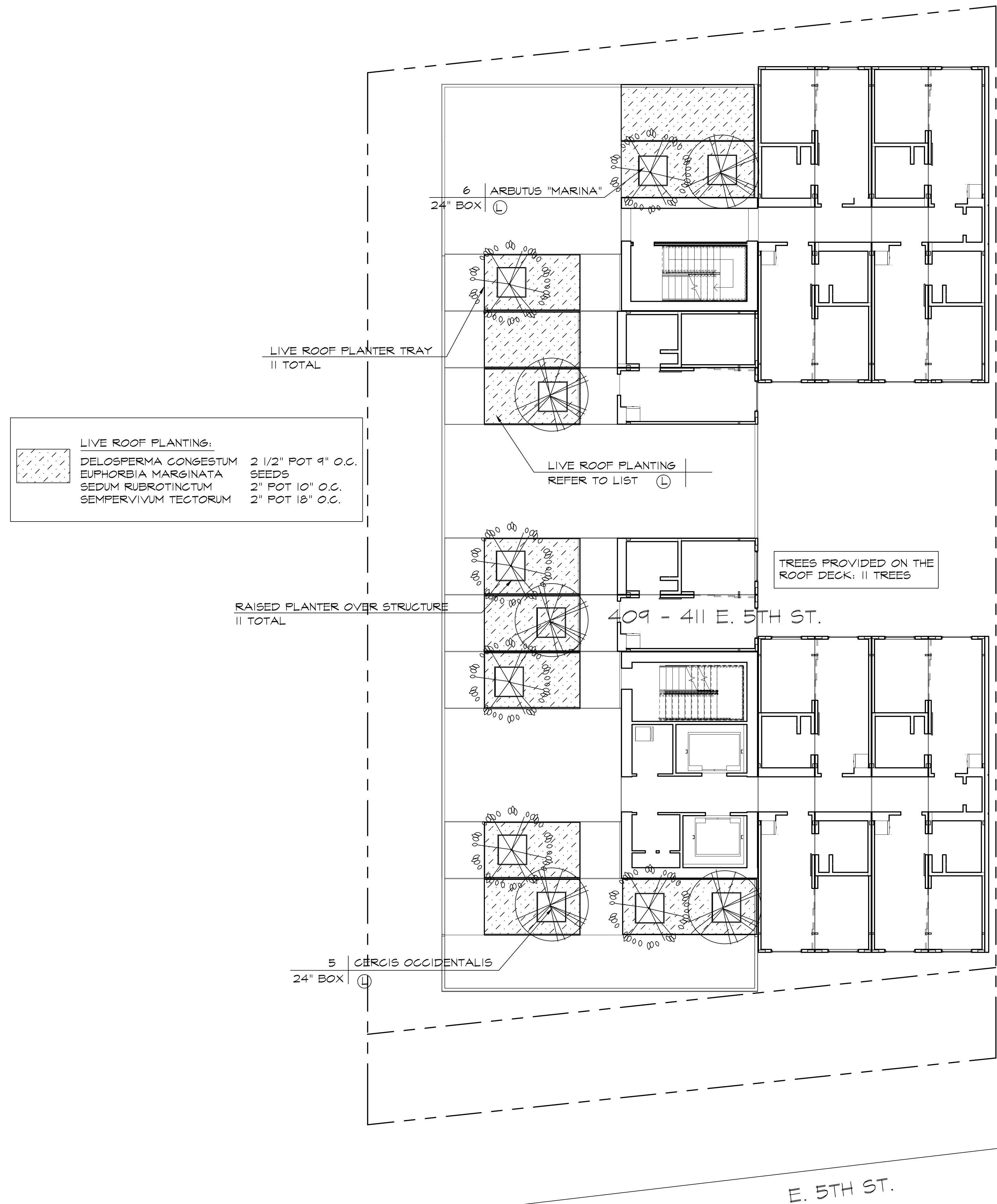
409-411 E 5TH
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LOS ANGELES, CA

ENTITLEMENT SET

PLANTING PLAN
GROUND FLOOR

PROJECT #9023-000
DATE 11/12/19
SCALE:

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REFER TO DWG. L-3
FOR GROUND FLOOR PLANTING

ALL PLANTED AREAS SHALL RECEIVE
BARK MULCH

REFER TO DWG. L-5 FOR
PLANTING DETAILS

ALL PLANTERS ARE OVER STRUCTURAL SLAB
PROVIDE LIGHTWEIGHT SOIL MIX.
REFER TO SPECIFICATIONS ON DWG. L-6

REFER TO DWG. L-6 FOR
PLANTING LEGEND & SPECIFICATIONS

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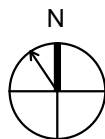
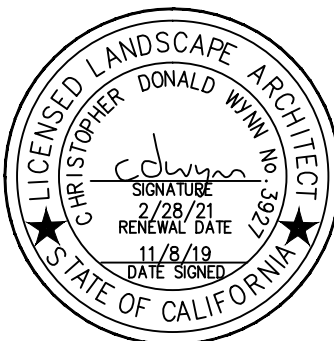
OWNER
5th STREET PARTNERSHIP, LLC
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GREENMEP
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SANTA ANA, CA
92707

LANDSCAPE ARCHITECT
WYNN LANDSCAPE ARCHITECTS
20350 PARADISE LANE
TOPANGA, CA 90290



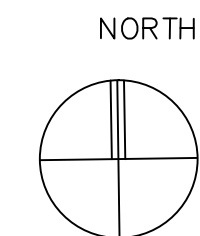
5th ST MODULAR
HOUSING

409-411 E 5TH
STREET
LOS ANGELES, CA

ENTITLEMENT SET

PLANTING PLAN
ROOF DECK

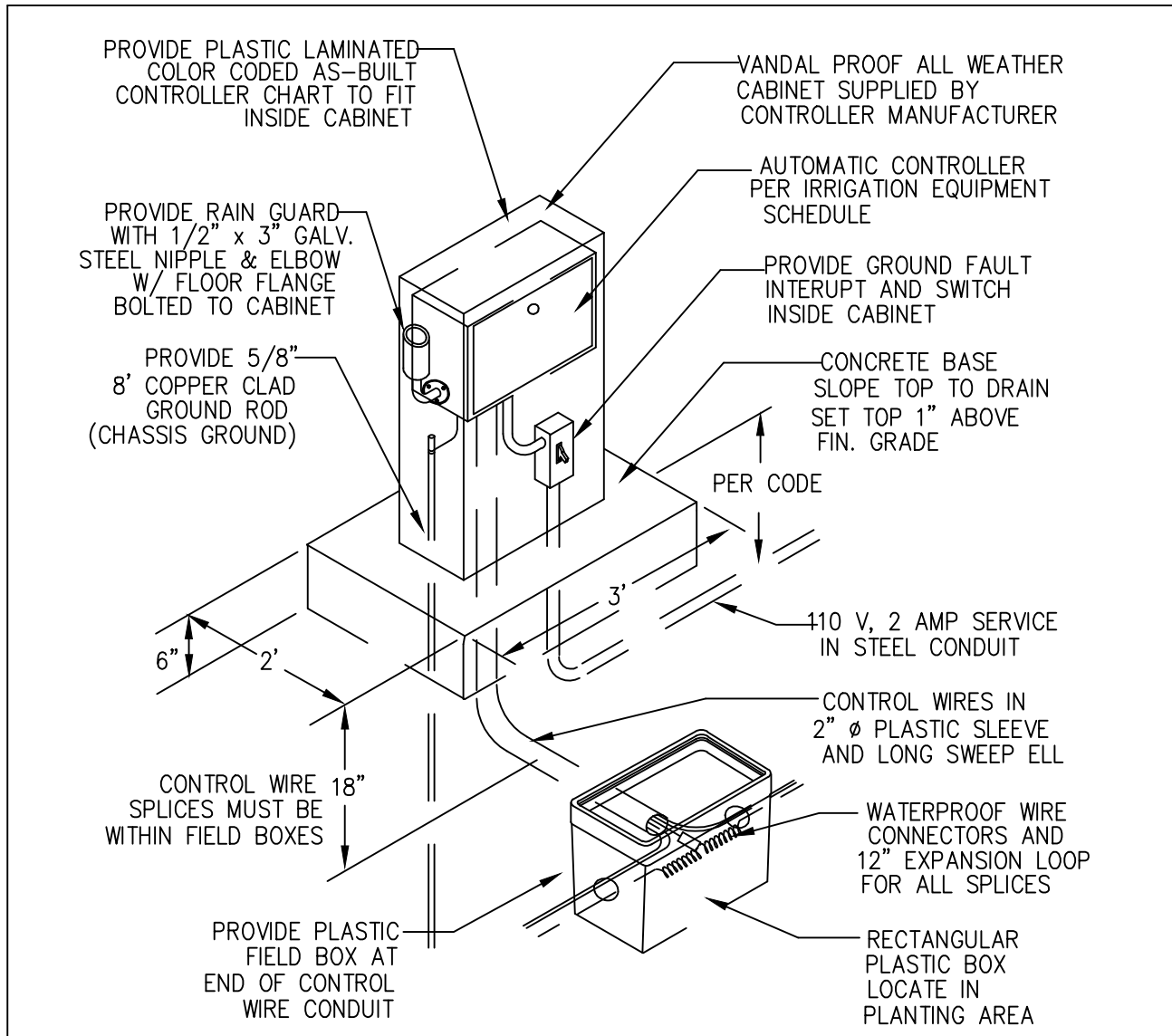
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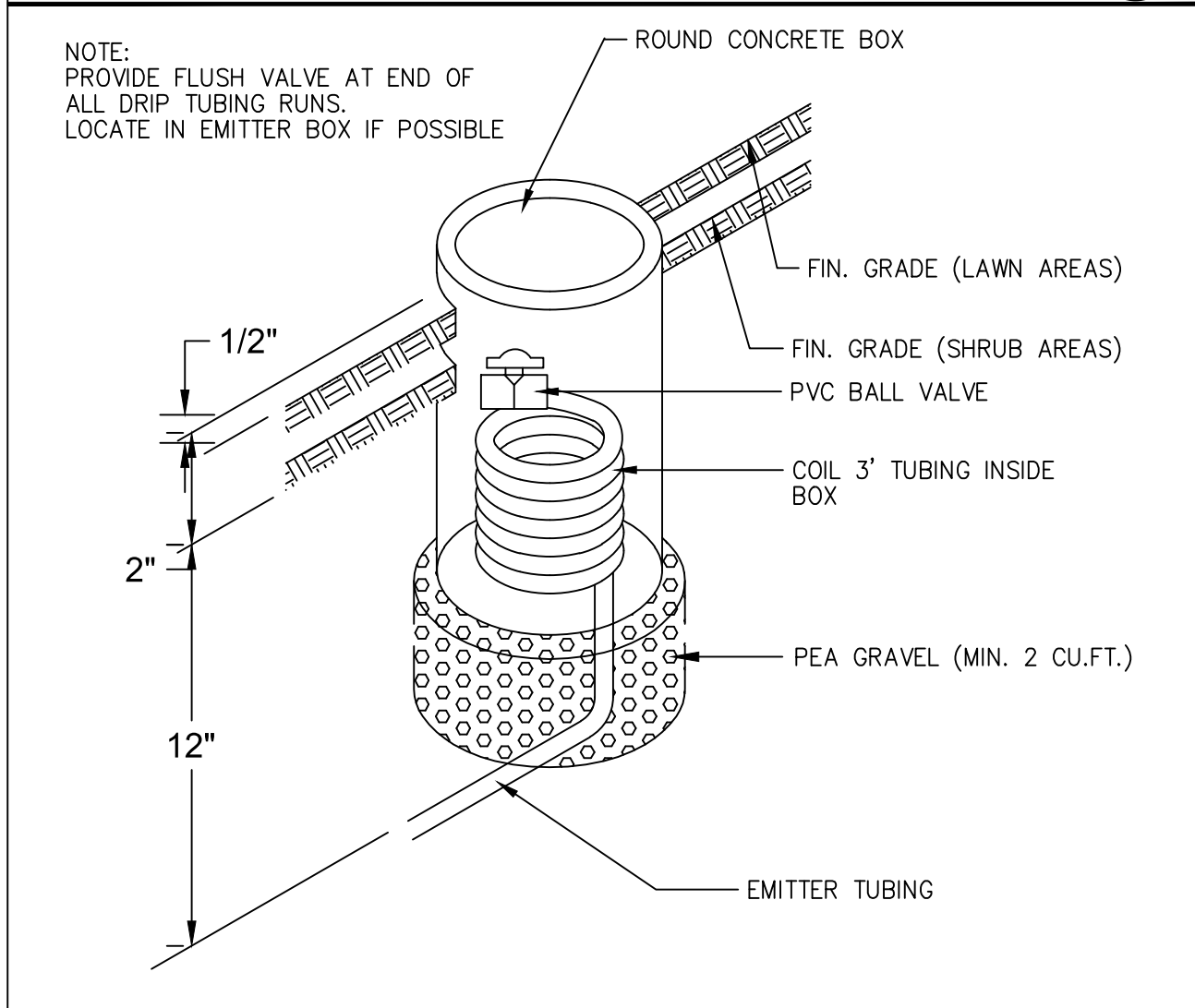
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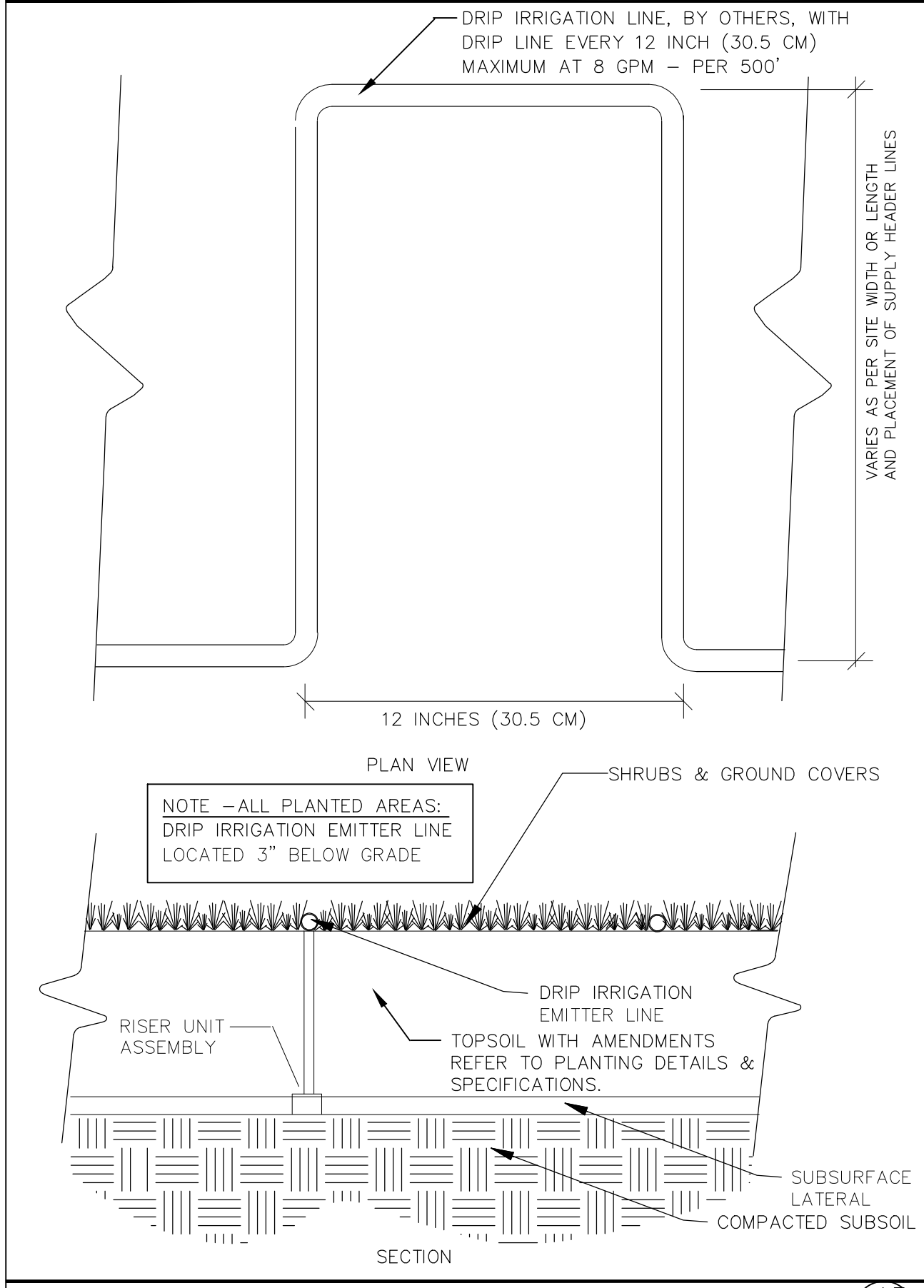
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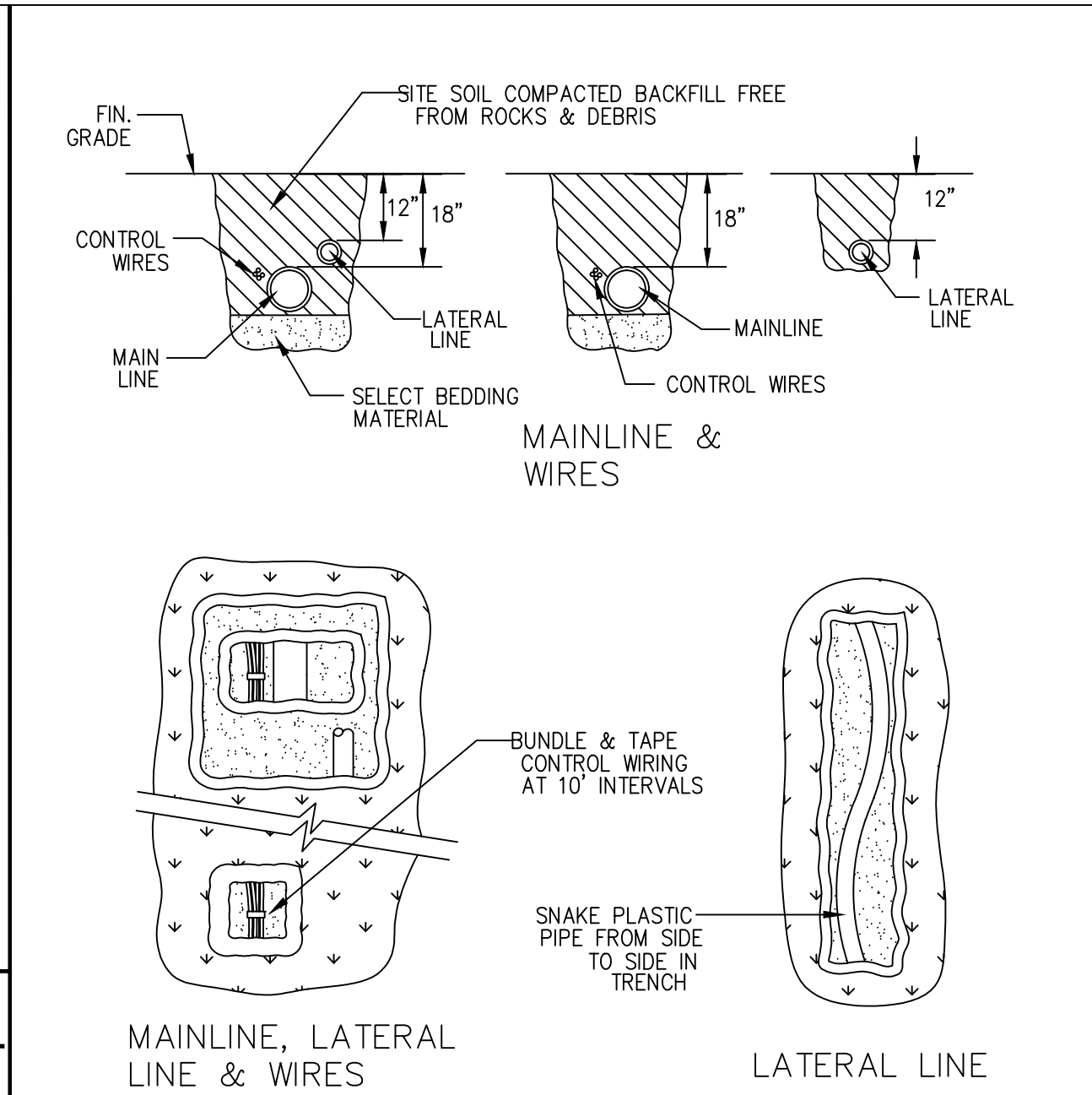
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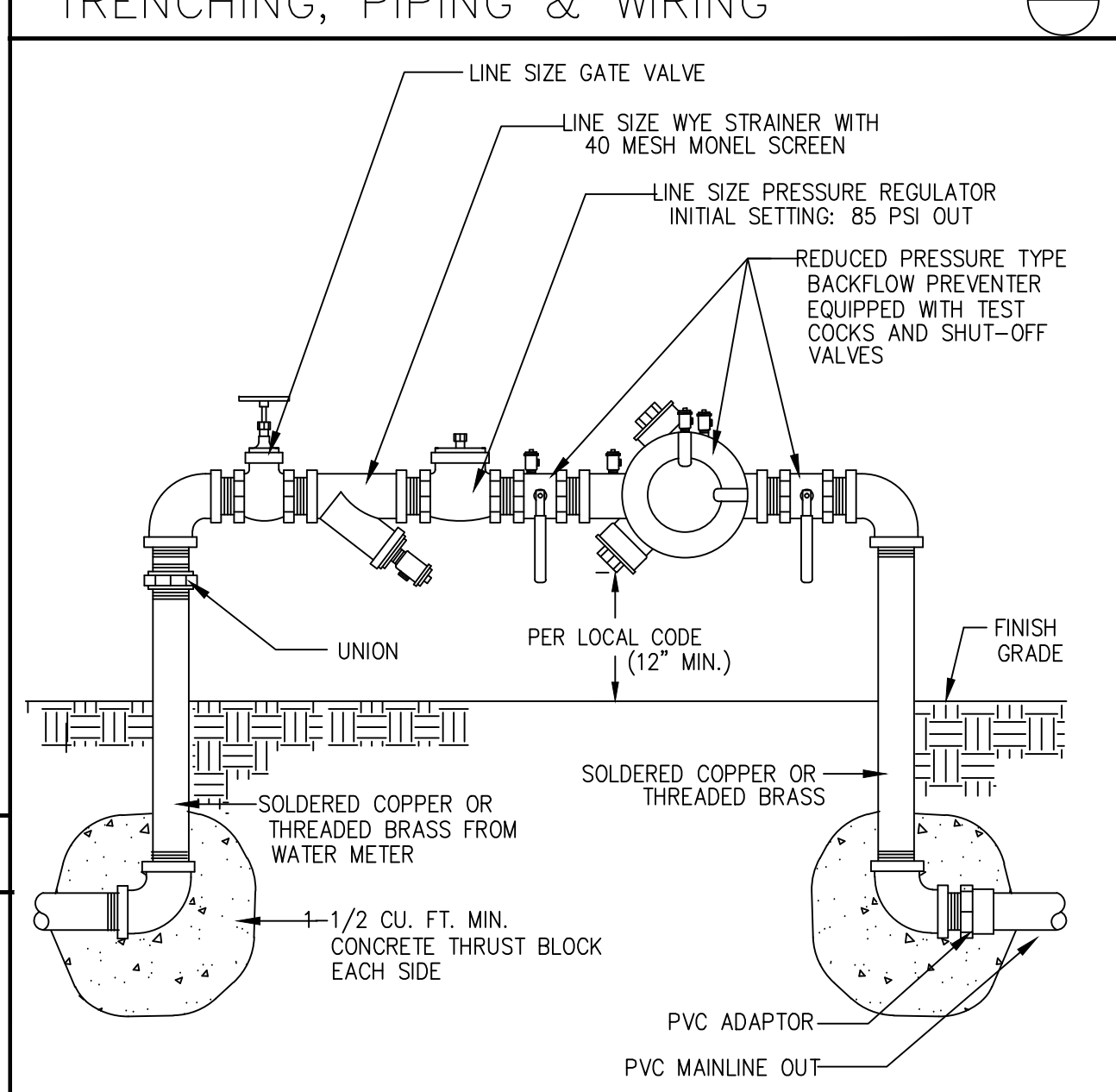
FLUSH VALVE ASSEMBLY



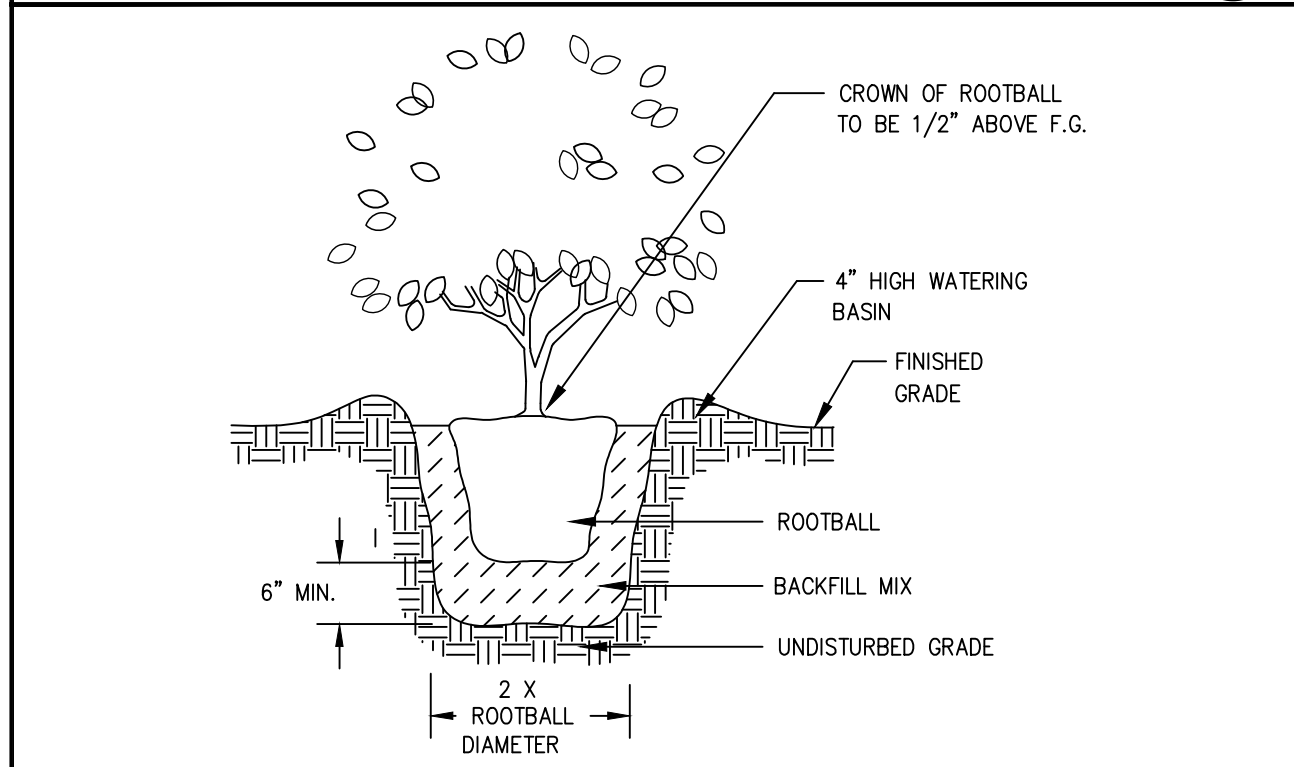
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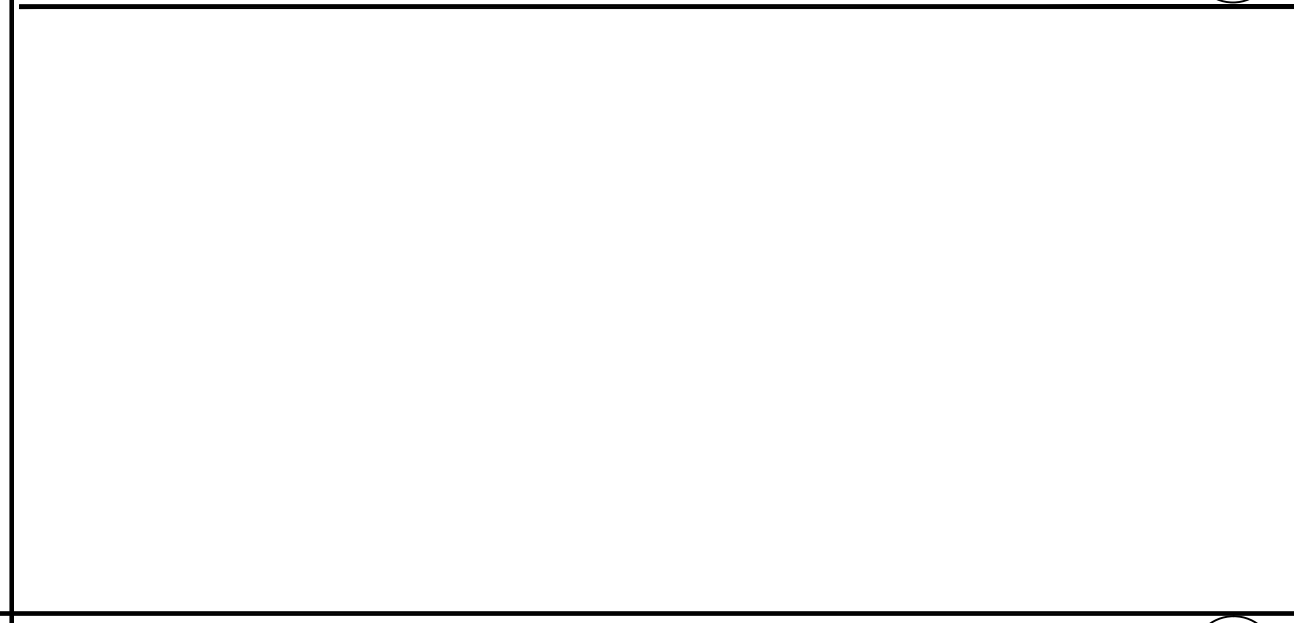
TRENCHING, PIPING & WIRING



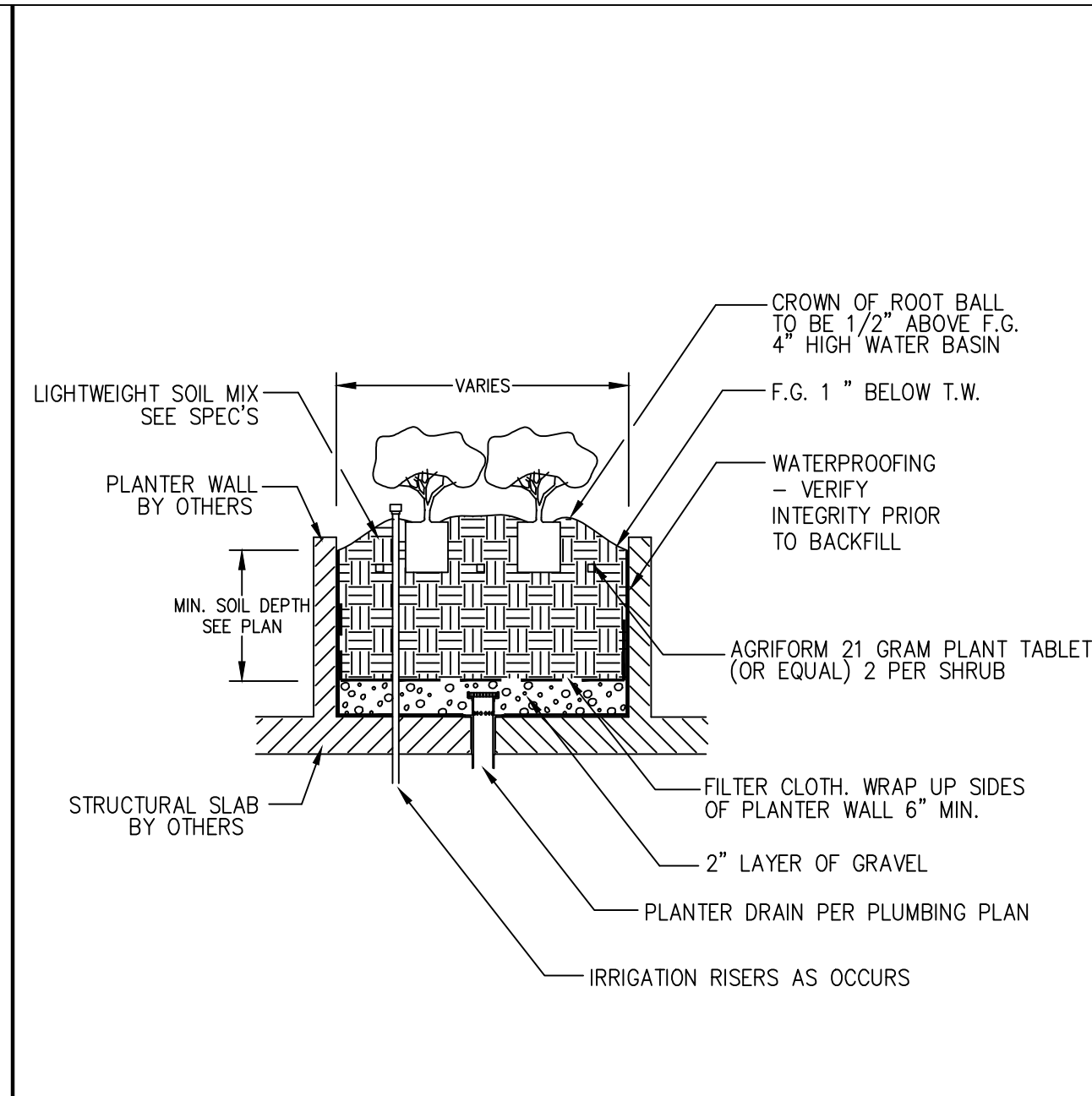
BACKFLOW PREVENTER



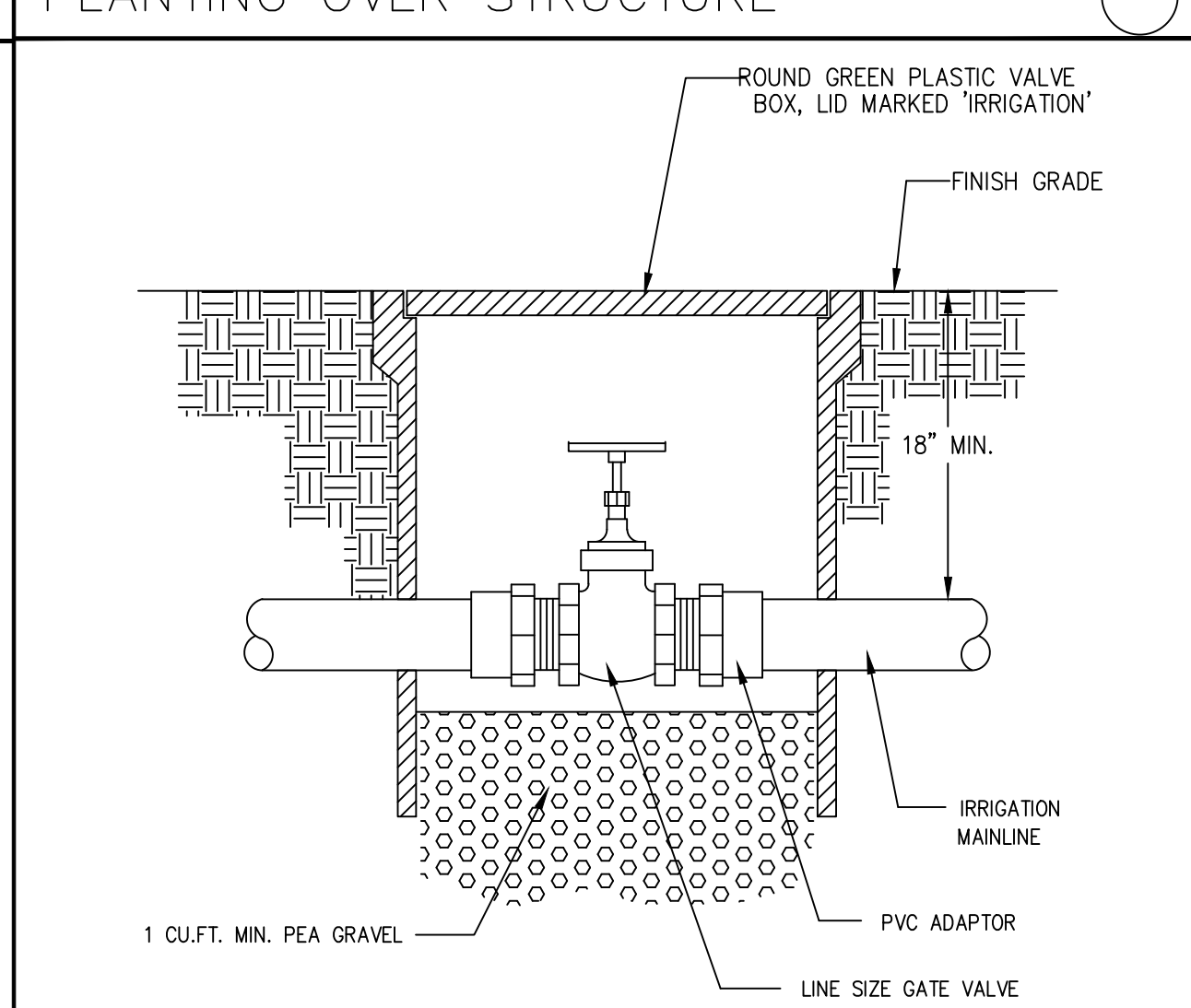
SHRUB PLANTING



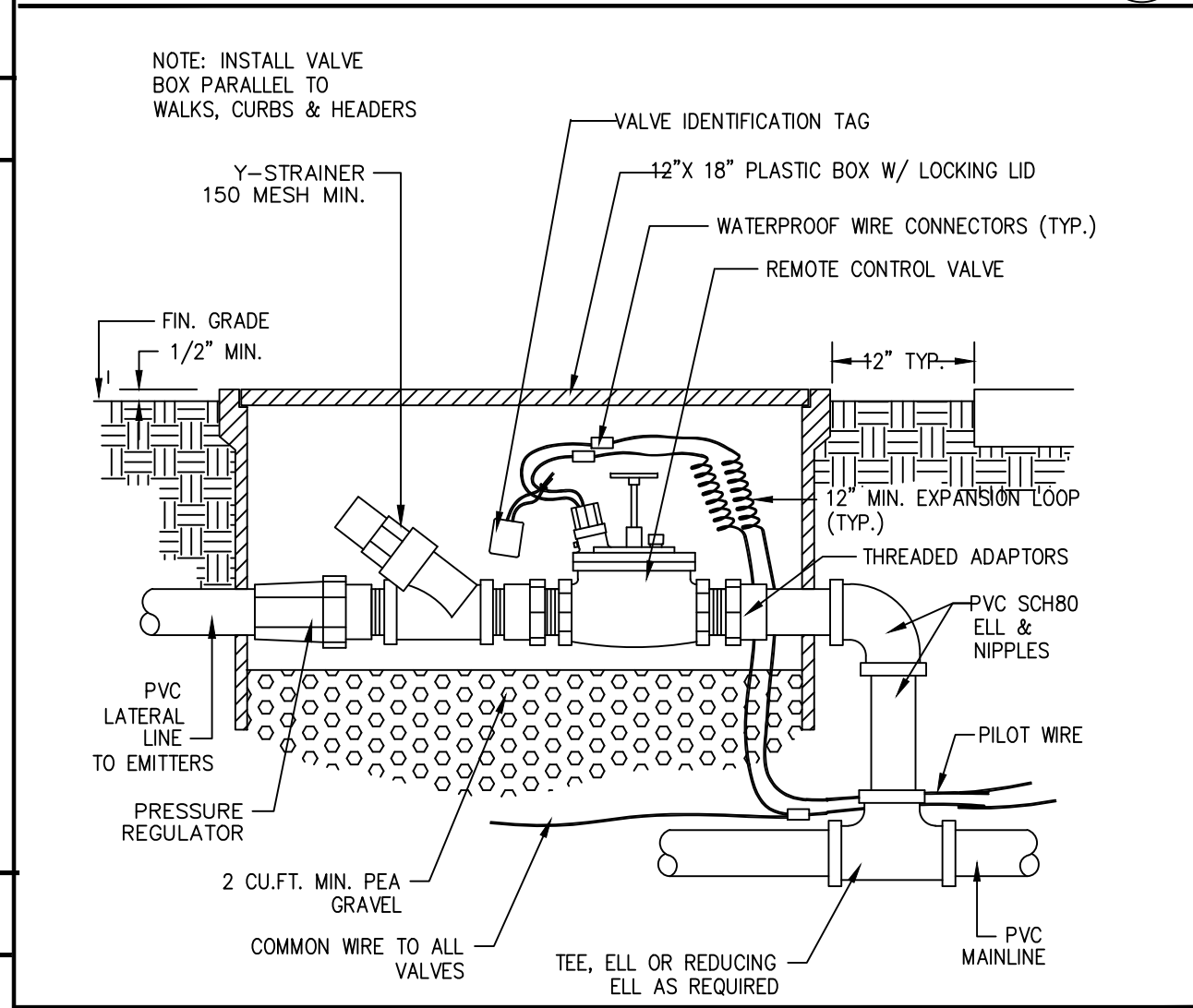
REMOTE CONTROL VALVE (DRIP)



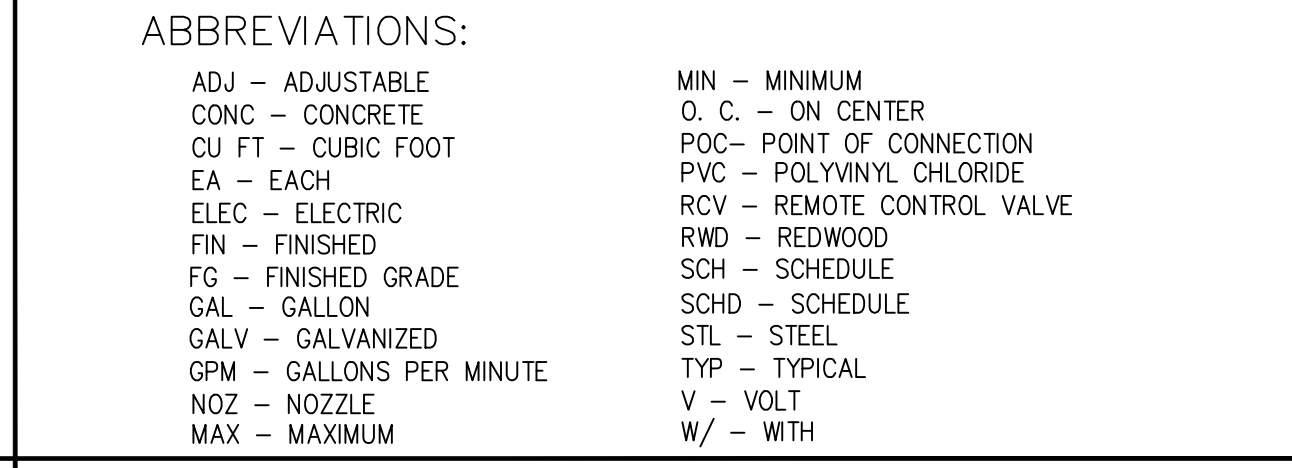
PLANTING OVER STRUCTURE



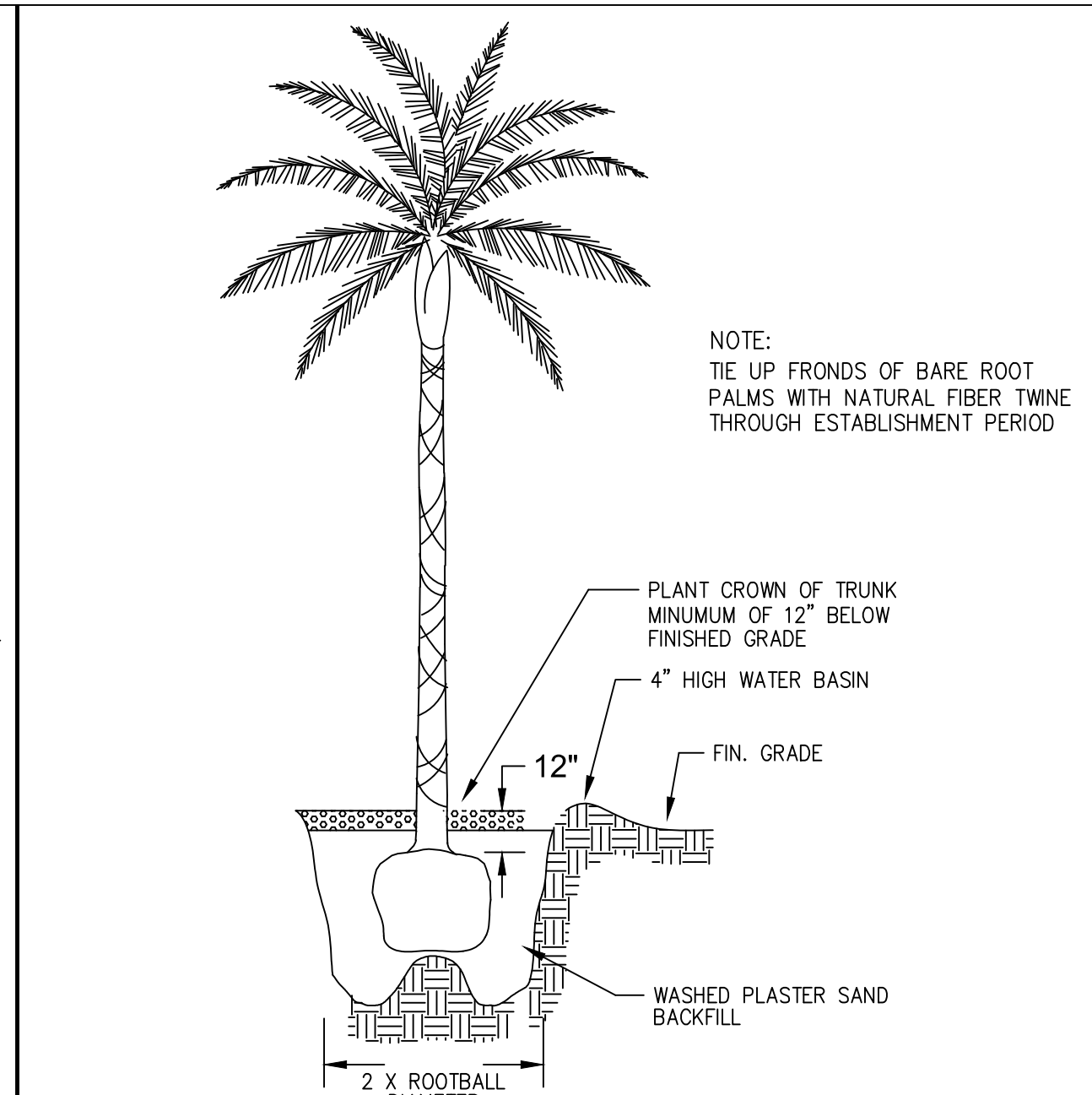
GATE VALVE



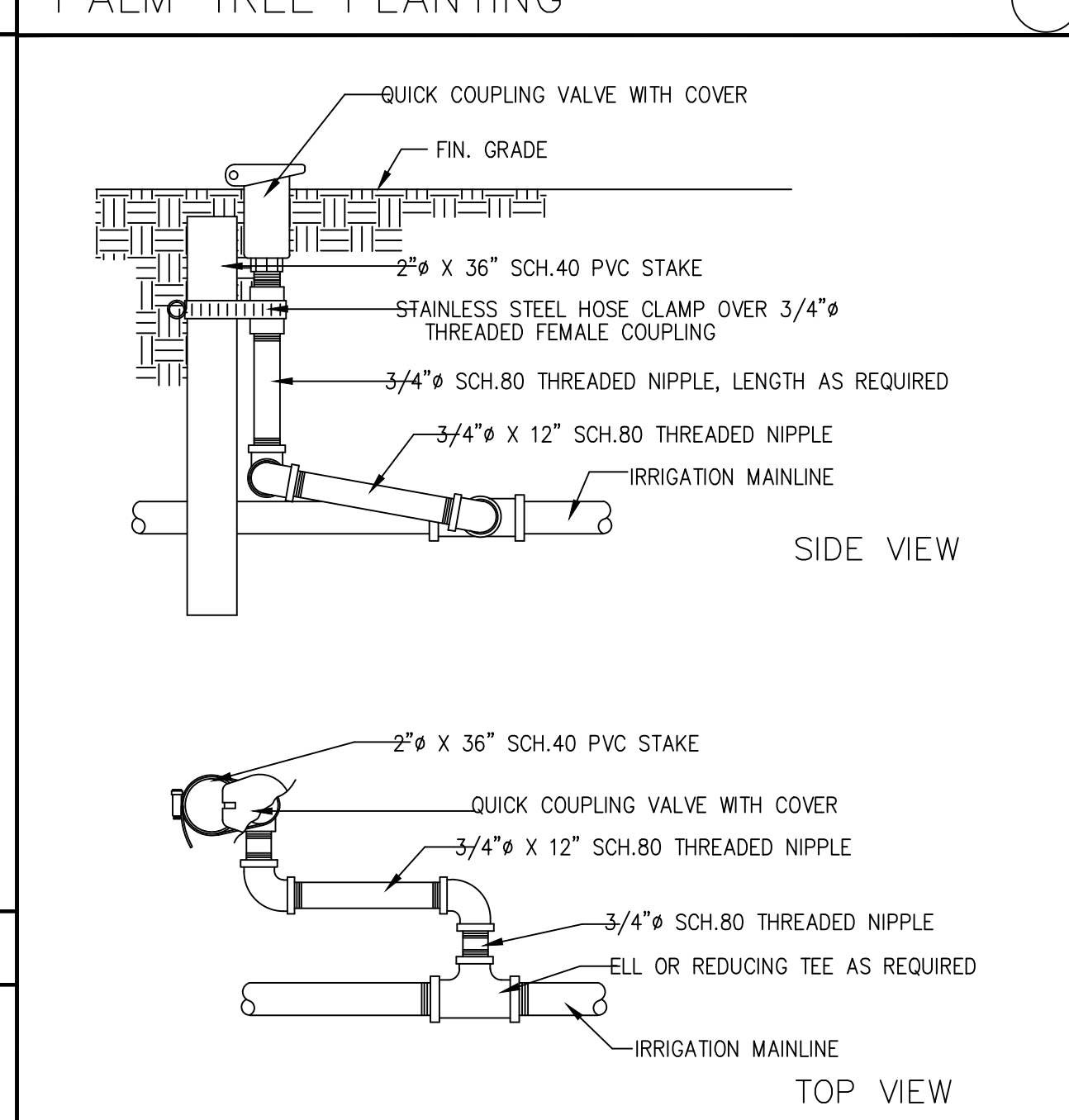
QUICK COUPLER VALVE



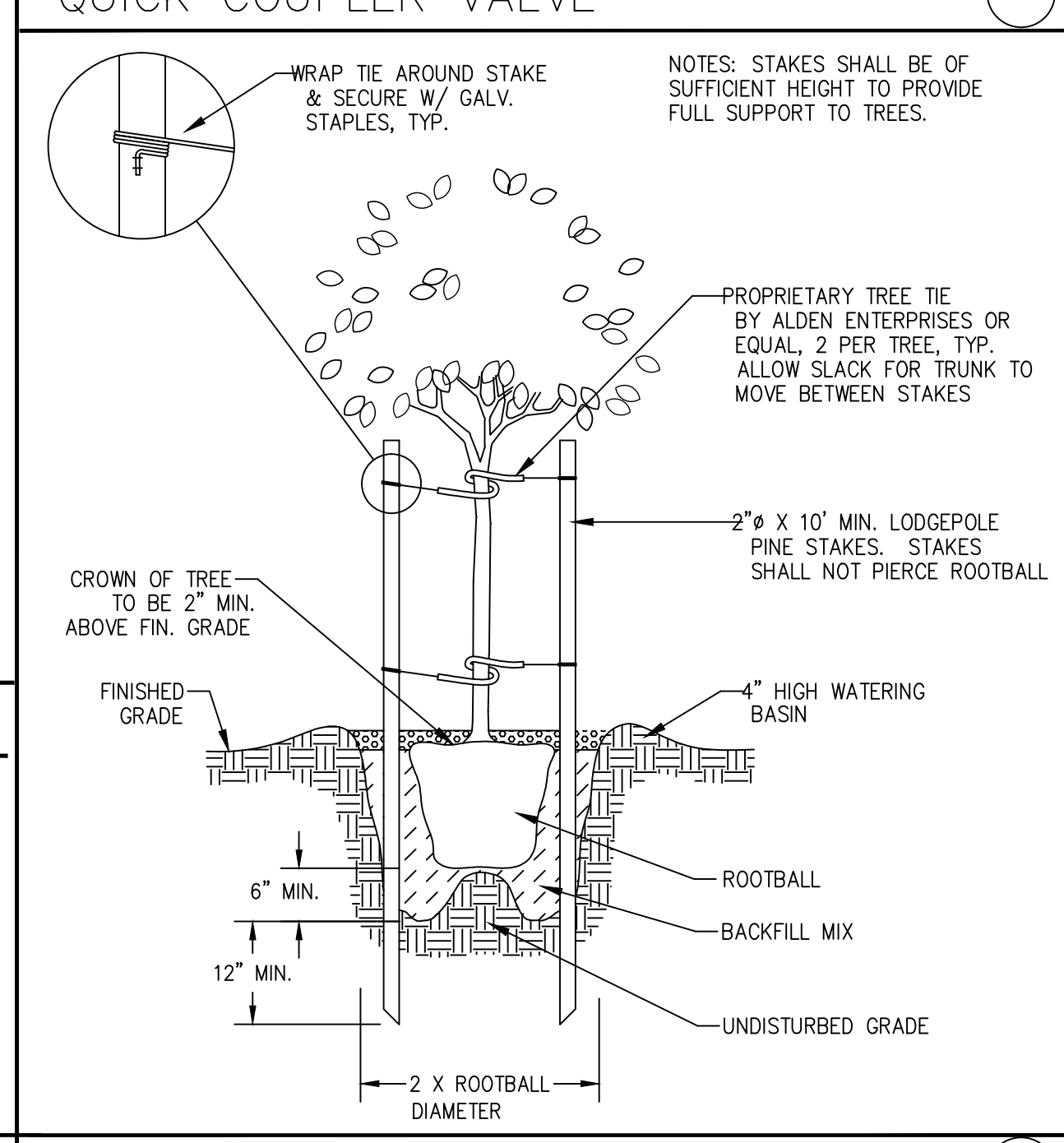
TREE PLANTING & STAKING



PALM TREE PLANTING



REMOTE CONTROL VALVE (DRIP)



TREE PLANTING & STAKING

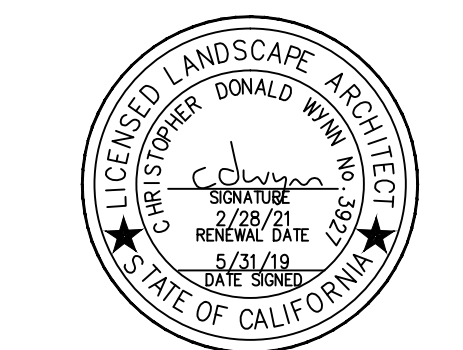
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5th ST MODULAR HOUSING

409-411 E 5TH STREET
LOS ANGELES, CA

ENTITLEMENT SET

IRRIGATION & PLANTING DETAILS

PROJECT #9023-000
DATE: 11/12/19
SCALE:

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PLANT MATERIAL LEGEND

	SYMB	BOTANICAL NAME	COMMON NAME	PF	QTY.	SIZE	HT.	WD.	NOTES	DET.
TREES		ARECUTUS "MARINA"	STRAWBERRY TREE	L	6	24" BOX	4'-11"	4'-5"		4
		CERCIS OCCIDENTALIS	WESTERN REDBUD	L	5	24" BOX	4'-11"	4'-5"		4
		PRUNUS CAROLINIANA	CAROLINA LAUREL CHERRY	L	27	24" BOX	4'-11"	4'-5"		3
SHRUBS		LANTANA MONTEVIDENSIS		L		FLATS			PLANT 18" ON CENTER	
		POLYSONUM CAPITATUM	KNOTWEED	M		FLATS			PLANT 8" ON CENTER	
		LIVE ROOF PLANTING: DELOSPERMA CONESTUM EPHEDRA HARSANATA SEDUM RUBRO-GLAUCUM SEMPERVIVUM TECTORUM		L L L L		2 1/2" POT SEEDS 2" POT 2" POT			4" ON CENTER 10" ON CENTER 18" ON CENTER	
C.	AS NOTED									
	AS NOTED									

PLANTING SPECIFICATION FOR RAISED PLANTERS OVER STRUCTURE

- The Contractor shall furnish and install a gravel drainage course, filter fabric and lightweight soil mix for all planters not on grade. Prior to installation, verify that all required waterproofing and drainage provisions have been properly installed.
- Light weight soil mix shall consist of the following:
35% by volume raw redwood sawdust
25% by volume peat moss
45% by volume washed nursery sand
1 lb./cu.yd. Potassium nitrate
2.5 lb./cu.yd. single superphosphate
5 lb./cu.yd. Dolomite lime
5 lb./cu.yd. Calcium Carbonate Lime
1/2 lb./cu.yd. iron sulfate
2 lb./cu.yd. 38-0-0 urea
- Contractor may propose an alternate proprietary light weight soil mix, especially formulated for this purpose, for the approval of the Owner or his representative. Alternate mixes must contain sufficient quantity of ground bark and inert material to prevent excessive soil decomposition and volume collapse.
- Light weight soil mix shall be flood compacted in all raised planters, and shall be mounded in planters to anticipate soil shrinkage. Obtain approval of light weight soil mounding from the Owner or his representative, prior to installing plant materials.
- Backfill for all plant pits on structure shall be lightweight soil mix, supplemented with Agriform 21 planting tablets at the rate recommended by the manufacturer.

PLANTING NOTES

- CONTRACTOR SHALL BE RESPONSIBLE FOR PLANTING ALL PLANT MATERIALS PER THESE PLANS, DETAILS, AND SPECIFICATIONS. PLANT QUANTITIES SHOWN ON LEGEND ARE FOR ESTIMATING PURPOSES ONLY AND ARE NOT GUARANTEED. CONTRACTOR SHALL SUPPLY AND INSTALL QUANTITIES AS DRAWN ON THE PLANS.
- LOCATION APPROVAL FOR ALL TREES AND SHRUBS SHALL BE OBTAINED FROM THE LANDSCAPE ARCHITECT PRIOR TO EXCAVATION OF PLANT PITS. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO RELOCATE PLANT MATERIAL WITHOUT ADDITIONAL COST TO THE OWNER.
- THE LANDSCAPE ARCHITECT SHALL INSPECT AND APPROVE ALL PLANT MATERIAL PRIOR TO PLANTING AT THE SITE.
- ALL TREES SHALL BE STAKED OR GUYED AS PER PLANT LEGEND AND DETAILS.
- MULTI-TRUNK TREES WHERE SPECIFIED SHALL CONSIST OF A MINIMUM OF THREE TRUNKS OF APPROXIMATELY EQUAL DIAMETER. ALL BRANCHING FROM A SINGLE ROOT CROWN. MAKE-UP MULTI'S WILL NOT BE ACCEPTED.
- ALL PLANTING AREAS INCLUDING LAWN AREAS ARE TO BE TILLED AND AMENDED PER SPECIFICATIONS.
- THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE LANDSCAPE ARCHITECT FOR ALL HEADER LAYOUTS PRIOR TO INSTALLATION. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO RELOCATE ANY HEADER LAYOUT PRIOR TO APPROVAL WITHOUT ADDITIONAL COST TO THE OWNER.
- ABBREVIATIONS USED:
D - PENNY
O - DIAMETER
GAL - GALLON
GALV - GALVANIZED
MIN - MINIMUM
MAX - MAXIMUM
O. C. - ON CENTER
RWD - REDWOOD
TYP - TYPICAL
W/- WITH

PLANTING SPECIFICATIONS

- The Contractor shall be responsible for planting all plant material as shown on the drawings.
- All plant materials shall be approved by the Owner or his assigned representative on the site prior to planting. Plants shall be supplied with nursery tags attached. Multi-trunk trees, where specified, shall consist of a minimum of three trunks growing from a single crown. Make-ups are not acceptable. Any substitutions must be approved by the Owner prior to shipment of plants to the job site. The Contractor shall assume full responsibility for the performance of substituted varieties.
- The Contractor shall submit color photographs of all plant material 15 gallon size and larger to the Landscape Architect for preliminary approval. Include a typewritten list indicating nurseries where plants may be inspected, including phone numbers and person to contact.
- The Contractor shall perform water percolation tests prior to installing any plant material. Conduct a minimum of 12 tests at different locations distributed throughout the entire site, as approved by the Landscape Architect. Dig holes 3 feet by 3 feet by minimum 30 inches deep, fill with water and allow to completely drain. Refill with water and observe rate of drop over a minimum 24-hour period. Report results to the Landscape Architect. If any hole fails to drain less than one inch per hour over a 24-hour period, do not proceed with any planting without further direction from the Landscape Architect.
- The work of this contract includes import of landscape topsoil fill for planters on grade. Soil fill for planters on grade shall be a natural, friable, sandy loam topsoil; free from sticks, stones, foreign matter, alkali, or other harmful substances. It shall have an electrical conductivity of less than 4.0 millimhos per centimeter measured on the saturation extract. It shall have a sodium adsorption ratio of less than 5 as measured on the saturation extract. Boron in the saturation extract shall be less than one part per million. Particle size shall be such that a minimum of 50% of the topsoil is sand, and not more than 35% is silt, by the USDA classification. Submit soils analysis to the Owner for verification. Topsoil shall be installed to achieve relative grades shown on the drawings, and shall be compacted to a dry density of 85% to 90%.
- In all planting areas on grade, add the following amendments per each 1,000 square feet and rototill to a depth of 6":
4 cu. yd. nitrolized sawdust
2 lb. soil sulfur
1 lb. iron sulfate
8 lb. 12-12-12 fertilizer
- Plant pits for all shrubs and trees shall be dug to a minimum width of 2 times the container diameter and 1-1/2 times the container depth. Plants shall be set so that the root crown is equal to or up to 1" higher than existing soil grade. Do not allow root crowns to be lower than the surrounding grade.
- Backfill for plant pits on grade shall be:
6 parts by volume site soil
4 parts by volume nitrolized sawdust
2 lb. / cu. yd. 12-12-12 fertilizer
1 lb. / cu. yd. soil sulfur
1/2 lb. / cu. yd. iron sulfate
- Rake and smooth grade all planting areas, maintaining proper drainage. Remove all surface stones larger than 1" diameter from shrub areas and all stones larger than 1/2" diameter from lawn areas.
- Sod for turf areas shall be "Marathon" fescue and shall be guaranteed to be sound, healthy, vigorous, and free from scars, markings, weed seed, plant disease, and insects or their eggs. All sod shall be freshly cut and shall be fully protected from damage or drying in transit or after delivery. All sod shall be installed within 24 hours after being cut.
- Stake or guy all trees as necessary for support and wind protection, and as shown on the drawings. The Contractor shall be responsible for replacement of any tree damaged by wind during the 12 month guarantee period.
- All trees shall be staked or guyed as detailed, and nursery stakes shall be removed. All trees in lawn areas shall be installed with "Arborguard" type trunk protectors.
- After completion of planting, apply a general purpose pre-emergence herbicide such as "Treflan" or equal to all shrub and groundcover areas. Do not allow spray to drift over lawn area.
- Upon completion of work, restore ground surfaces to required elevations and remove and properly dispose of excess materials, soil and rock, and all debris from the site to the satisfaction of the Owner.
- Upon completion of work, participate in a pre-maintenance inspection with the Owner.
- The Contractor shall provide, as part of this contract, 90 days landscape maintenance. Maintenance shall include care and adjustment of the irrigation system to assure proper watering of plants and lawn. Maintenance shall also consist of weeding, cultivation of planter beds, mowing and edging of lawns, pruning of trees and shrubs, insect and pest control, replacement of dead plant materials at no additional cost to the Owner, and general site clean-up. At the completion of the maintenance period, the Contractor shall apply one application of 16-6-8 fertilizer at the rate of 6 lbs. / 1000 sq. ft. to all planting areas including lawns and groundcover areas.
- At the end of the maintenance period, the Contractor shall request and participate in a final inspection with the Owner.
- All trees shall be guaranteed for a period of one year from the date of final acceptance by the Owner. All shrubs and groundcovers shall be guaranteed for a period of ninety days from the date of final acceptance by the Owner.

IRRIGATION LEGEND

SYMB.	DESCRIPTION	MANUFACTURER & MODEL	P.S.I.	G.P.H.	DET.	NOTES
	FLOW SENSOR	IRRITROL RAINMASTER FS B - 100				
	FLUSH VALVE	NETAFIM TLCBOMFY-I			12	
	SINGLE OUTLET EMITTERS	NETAFIM TLCV4 - 1210	30 PSI	1000 Ft. 4 GPH	13	TECHLINE DRIPPER LINE
	DRIP REMOTE CONTROL VALVE	NETAFIM OR EQUAL			6	1/4" WYE STRAINER
	QUICK COUPLER	RAINBIRD 99DRG			2	
	BRASS GATE VALVE - LINE SIZE	STOCKHAM, NIBCO OR EQUAL			5	
	BACKFLOW PREVENTER	FEDCO 825P 1"			8	
	AUTOMATIC CONTROLLER ASSEMBLY	IRRITROL RD600-EXT-R-W-VL-100 (6 STATIONS)			11	
	RAIN SHUT OFF SENSOR	WATER CONSERVATION SYSTEMS				RAINGUARD
	NON-PRESSURE LATERAL LINE	RIGID PVC SCHEDULE 40			7	SIZE PER CHART
	PRESSURE MAINLINE	RIGID PVC SCHEDULE 40			7	SIZE NOTED ON PLAN
	WATER METER (1")					
	ELECTRICAL SLEEVE	RIGID PVC SCHEDULE 40				SIZE NOTED ON PLAN

WATER MANAGEMENT PLAN

(Irrigation water required in minutes per station per week - approximations to be adjusted by soil probe readings)

PLANT TYPE	NOV-MAR	APRIL-JULY	AUG-OCT	STATIONS
MODERATE WATER USE, TREES SHRUBS AND GROUNDCOVERS	7	12	21	A2, A3, A4
DROUGHT TOLERANT TREES SHRUBS AND GROUNDCOVERS	3	4	14	A1, A5

Discontinue all watering during times of rain.

THE ABOVE TABLE REPRESENTS APPROXIMATIONS OF AVERAGE WEEKLY WATERING RATES DERIVED FROM CLIMATIC DATA FOR THE PROJECT AREA. THIS INFORMATION SHOULD BE USED AS A STARTING POINT FOR IRRIGATION CONTROLLER SETTINGS AND SHOULD BE AMENDED BASED ON SOIL PROBE READINGS AS REQUIRED. THE TOTAL TIME REQUIRED MUST BE DIVIDED INTO MANY INFREQUENT APPLICATIONS OF NOT MORE THAN 3 TO 5 MINUTES EACH FOR SLOPING AREAS, AND 5 TO 10 MINUTES EACH FOR FLAT AREAS AS NECESSARY TO MINIMIZE RUNOFF. DURING THE PLANT ESTABLISHMENT PERIOD ONLY, IRRIGATION WATER MUST BE APPLIED DURING DATTIME HOURS TO PREVENT DRYING OUT OF SOIL, FLATTED GROUNDCOVERS AND NEW PLANTINGS. TOTAL IRRIGATION TIME SHALL BE INCREASED AS NECESSARY BASED ON MINIMUM CONTROLLER CYCLING TIME AND SOIL PROBE READINGS TO PREVENT DRYING OUT OF PLANTINGS.

ONCE PLANTINGS ARE ESTABLISHED THE AUTOMATIC CONTROLLER SHALL BE PROGRAMMED TO IRRIGATE DURING EARLY MORNING OR EVENING HOURS.

THE ABOVE TABLE SHALL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO MAINTAIN AND GUARANTEE ALL PLANTINGS.

IRRIGATION NOTES

- CHECK AND VERIFY ALL SITE CONDITIONS, UTILITIES AND SERVICES PRIOR TO TRENCHING.
- PLANS ARE DIAGRAMMATIC. ALL VALVES AND PIPING SHALL BE LOCATED WITHIN PLANTING LIMIT OF WORK AREAS, EXCEPT WHERE IT IS INFEASIBLE TO DO SO. PIPING SHOWN UNDER PAVEMENT SHALL BE RUN ALONG SIDE OF PAVEMENT IN PLANTING AREAS WHEREVER POSSIBLE. WHERE PIPING MUST CROSS PAVED AREAS, IT SHALL BE RUN IN A DIRECT AND STRAIGHT LINE. NO JOINTS OR FITTINGS SHALL BE LOCATED UNDER PAVING.
- COORDINATE IRRIGATION WORK WITH PLANTING PLANS TO AVOID CONFLICTING LOCATIONS BETWEEN PIPING AND PLANT MATERIALS.
- ALL MATERIALS SHALL BE INSTALLED AS DETAILED ON DRAWINGS. HOWEVER, IF THE CONTRACT DRAWINGS AND/OR SPECIFICATIONS DO NOT THOROUGHLY DESCRIBE THE METHODS OR TECHNIQUES TO BE USED, THEN THE CONTRACTOR SHALL FOLLOW THE INSTALLATION METHODS ISSUED BY THE MANUFACTURER.
- WHERE TREES, LIGHT STANDARDS, ETC., ARE AN OBSTRUCTION OF SPRAY PATTERNS, PIPING AND SPRINKLER HEADS SHALL BE ADJUSTED AND/OR RELOCATED AS NECESSARY TO OBTAIN FULL COVERAGE WITHOUT EXCESSIVE OVERTHROW. DO NOT EXCEED SPACING SHOWN ON DRAWINGS.
- MATERIALS, WORKMANSHIP, AND INSTALLATION SHALL BE IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES. ANY CONFLICTS BETWEEN LOCAL CODES AND THESE PLANS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- ALL CONTROL WIRE OCCURRING UNDER ANY PAVEMENT SHALL BE INSTALLED IN A PVC SLEEVE PER SPECIFICATIONS.
- INSTALL ALL QUICK COUPLERS NEXT TO PAVED AREAS FOR EASE OF MAINTENANCE.
- ALL 110V ELECTRICAL WORK SHALL BE PERFORMED AS PART OF THE WORK OF THIS CONTRACT.
- EXACT LOCATION OF ALL IRRIGATION CONTROLLER SHALL BE AS DIRECTED BY THE OWNER.
- Connect all valves to the controller in the sequence noted on plans. Connect valves to existing controllers to the nearest available stations. Any changes from the sequence shown on plans must be approved by the Owner and shown on the irrigation as-built drawings and controller chart.
- Piping between water meter and backflow preventer shall be either Type K Copper or Schedule 40 galvanized, as permitted by local code. All galvanized pipe shall be wrapped for below grade installation. In no case shall dissimilar metals be installed in contact with each other without an anti-electrolysis fitting.
- Non-pressure PVC plastic lateral line pipe and fittings shall be cemented using 100% active solvent, blue in color. Pressure PVC plastic pipe shall be coated with a primer and then cemented with 100% active solvent. All primer and solvent shall be manufactured by Christy's.
- Gate valves shall be 150 pound rated brass body, screw joints, non-rising stem, screwed bonnet, solid disc, supplied with handle wheel.
- After all sprinkler lines and risers are in place and connected, and prior to the installation of any heads, thoroughly flush all lines with a full head of water.
- Test all pressure supply lines using hydrostatic hand pump at a pressure of 150 pounds for a period of two hours. Maximum acceptable pressure loss is two pounds over entire testing period.
- Backfill for all trenches shall be clean granular soil free of rocks larger than 2" maximum diameter, or clean imported sand.
- After installation of heads, adjust all heads for alignment and spray balance starting at the head farthest from a valve. Adjust valve flow control to minimize overspray if necessary.
- Upon completion of installation, provide to Owner's maintenance personnel the following:
a. Complete and accurate as built plans.
b. Plastic laminated controller chart.
c. Two head wrenches.
d. One 30" valve key.
e. Two keys for controller cabinet.
- Upon completion of work, restore ground surfaces to required elevations and remove and properly dispose of excess materials, soil and rock, and debris from the site to the satisfaction of the Owner.
- Upon completion of work, the Owner shall inspect the project. Perform an irrigation coverage test if requested by the Owner, and make any adjustments directed.
- The irrigation system shall be guaranteed against defects in materials and workmanship for a period of one year from the date of final acceptance by the Owner.
- Check and verify all site conditions, utilities and services prior to trenching.
- Plans are diagrammatic and approximate. All valves shall be located in planting areas and all piping shall be installed in planting areas except where it is infeasible to do so.
- Coordinate irrigation work with planting plans to avoid conflicting locations between piping and planting pits.
- All materials shall be installed as detailed on the drawings. If the construction drawings do not thoroughly describe the methods or techniques to be used, then the Contractor shall follow the installation methods issued by the manufacturer. In no case shall the Contractor install materials where it is obvious discrepancies exist between the drawings and local site conditions. Any such discrepancies shall be brought to the attention of the Owner immediately.
- Materials, workmanship and installation shall be in accordance with local codes and ordinances. In no case shall the Contractor install materials where it is obvious that discrepancies exist between the drawings and local code. Any such discrepancies shall be brought to the attention of the Owner immediately.
- Where trees, light standards, etc., are an obstruction to spray patterns, piping and sprinkler heads shall be adjusted and/or relocated as necessary to obtain full coverage without excessive overthrow. Do not exceed spacing shown on the drawings.
- If it becomes necessary to relocate or alter sprinkler heads, valves, piping, etc., due to changes in site conditions, the Contractor shall obtain approval from the Owner prior to starting any revisions.
- Control wire is not shown on the drawings for clarity but shall be installed in a common trench with the irrigation mainline wherever possible.
- All control wire under any pavement shall be installed in PVC electrical sleeve. All control wire passing through or below any building structure shall be located in electrical conduit.
- Control wiring shall be 14 ga. AWU-GF direct burial wire. Control wires shall be black, common wires white. There are to be no splices between controller and valve box. All splices to valve solenoid wires shall be waterproofed using Rainbird, Pen-Tite Connectors or fusible heat shrink tubing and housed in the valve box. Provide 12" expansion loop at each splice.
- Install quick coupler valves next to walks for ease of access.
- All valves are to be located in valve boxes as detailed. Stencil valve box lid with valve station number. Provide 1 cu.ft. pea gravel at base of valve box as detailed. Provide Christy's yellow polyurethane tags noting valve number to each valve.

IRRIGATION SPECIFICATIONS:



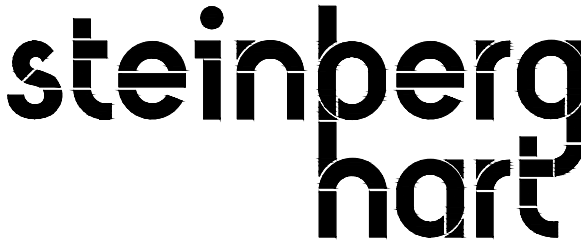
5th ST MODULAR HOUSING

409-411 E 5TH STREET
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IRRIGATION & PLANTING LEGENDS & SPECIFICATIONS

PROJECT #9023-000
DATE:11/12/19
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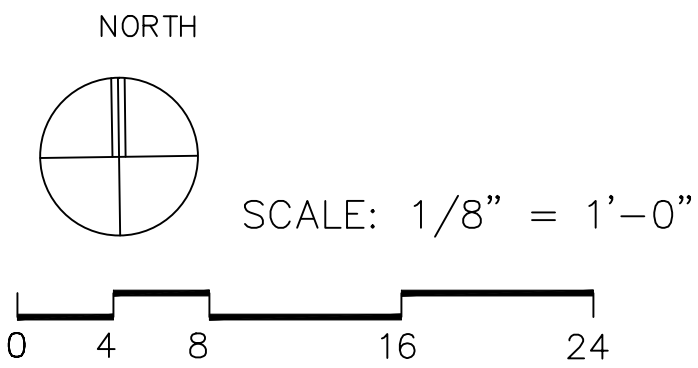
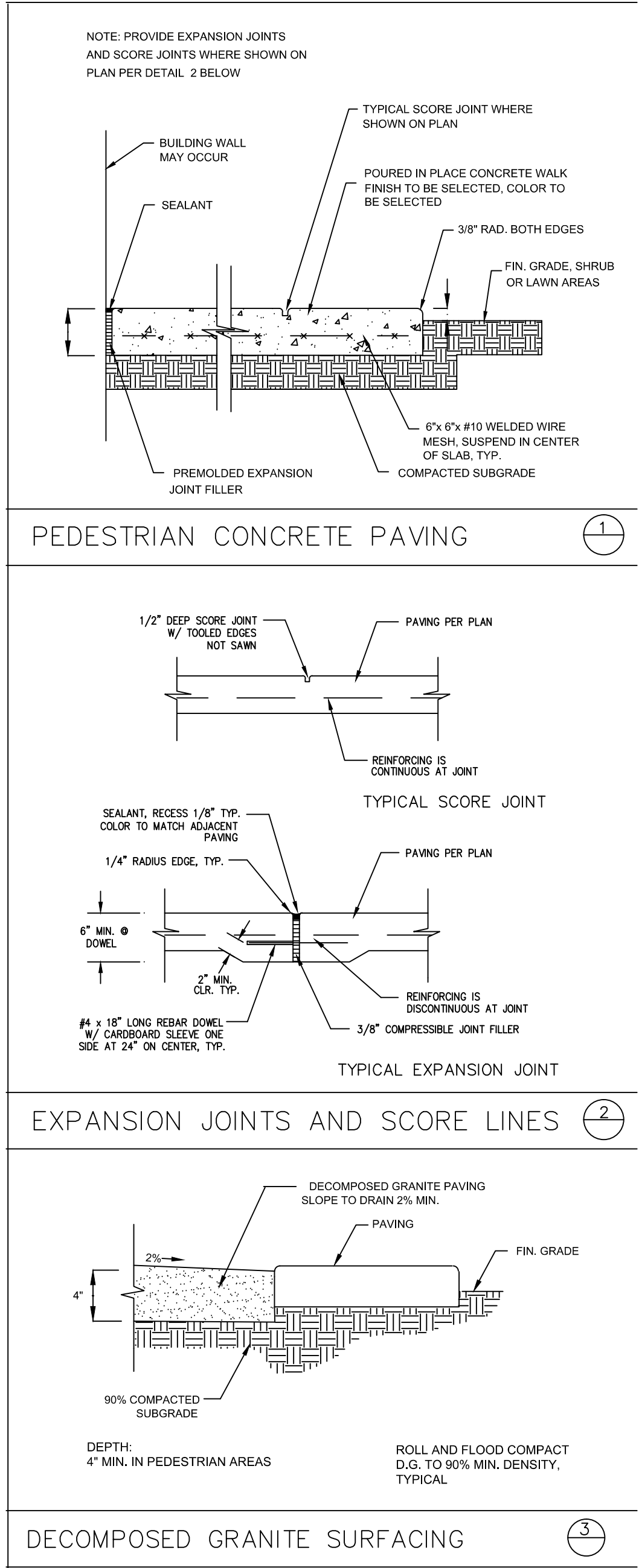
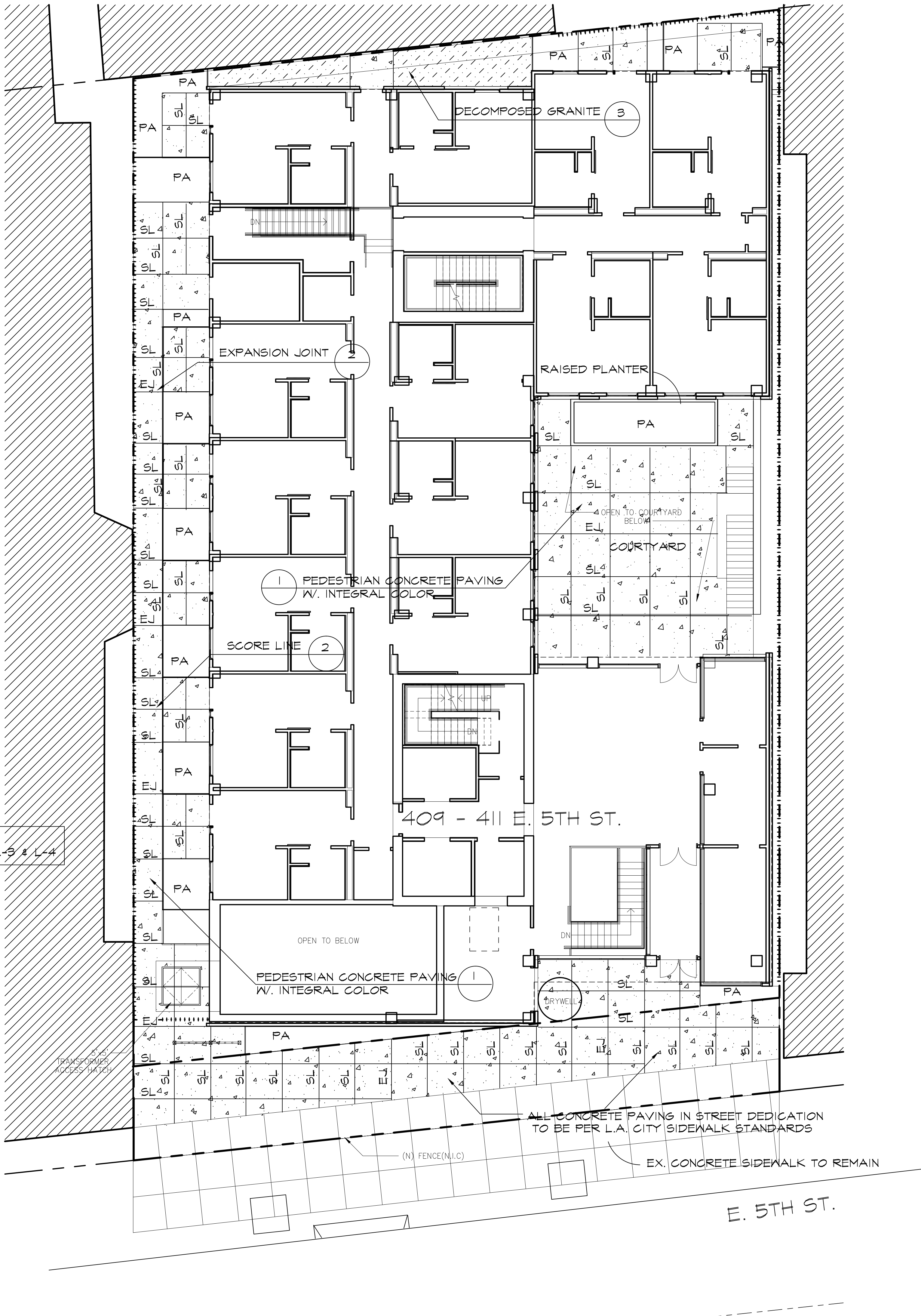


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PA = PLANTED AREA
REFER TO PLANTING PLANS: DWG'S L-3 & L-4

REFER TO DWG. LC-2
FOR ROOF DECK

SL = SCORE LINE
EJ = EXPANSION JOINT



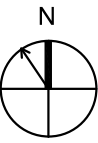
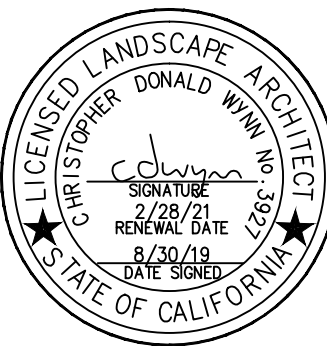
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5th ST MODULAR
HOUSING

409-411 E 5TH
STREET
LOS ANGELES, CA

ENTITLEMENT SET

CONSTRUCTION PLAN
GROUND FLOOR

PROJECT #9023-000
DATE: 11/12/19
SCALE:

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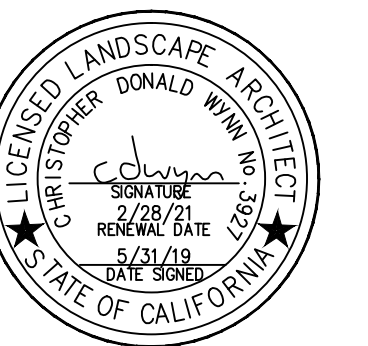
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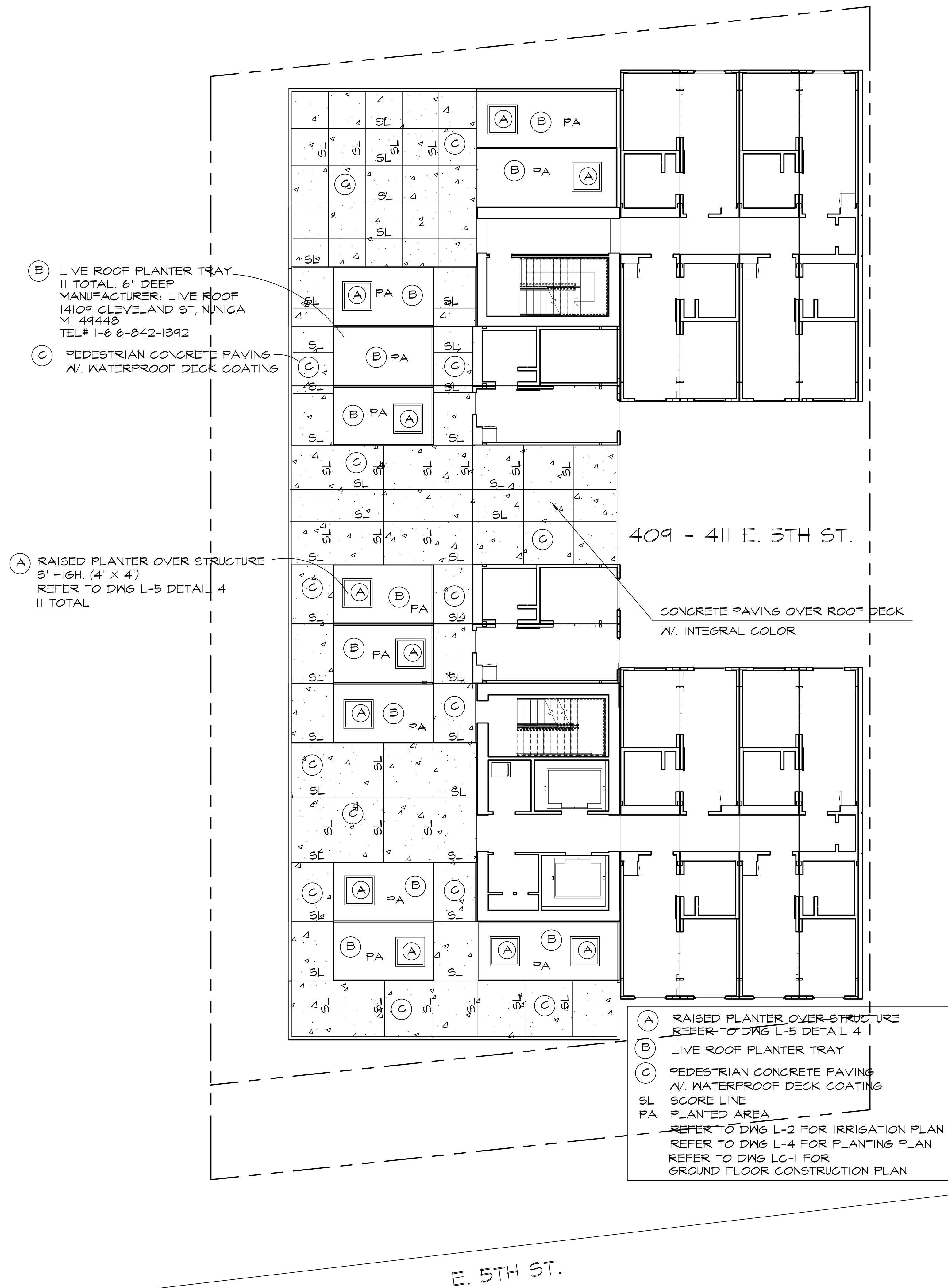
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ENTITLEMENT SET

CONSTRUCTION PLAN
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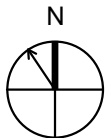
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409-411 E 5TH STREET
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PLOT PLAN

PROJECT #: 19023-000
DATE: 11/12/19
SCALE: 1/8" = 1'-0"

1.00

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OPEN SPACE DIAGRAMS

PROJECT #:19023-000
DATE:11/12/19
SCALE: 1/16" = 1'-0"

OPEN SPACE NOTES

- REQUIRED OPEN SPACE PER LOS ANGELES MUNICIPAL CODE (LAMC) AND THE GREATER DOWNTOWN HOUSING INCENTIVE (GDHI) PROGRAM.
- COMMON OPEN SPACE SHALL MEET THE FOLLOWING REQUIREMENTS:
 - BE OPEN TO THE SKY (EXCEPT FOR REC ROOMS)
 - READILY ACCESSIBLE TO ALL RESIDENTS
 - MINIMUM 400 SF IN AREA W/ NO DIMENSION <15'
 - CONSTITUTE AT LEAST 50% OF THE TOTAL OPEN SPACE
 - MIN. 25% PLANTED
 - REC ROOMS SHALL BE LIMITED TO 25% OF THE TOTAL SF
- PRIVATE OPEN SPACE SHALL MEET THE FOLLOWING REQUIREMENTS:
 - MIN. 50 SF/UNIT IN AREA (ONLY 50 SF/UNIT MAY BE COUNTED TOWARDS TOTAL PROJECT OPEN SPACE)
 - NO DIMENSION <6'
 - MIN. 8' VERTICAL CLEARANCE

OPEN SPACE REQUIREMENTS

RESIDENTIAL UNITS	RATIO	REQUIRED
150 UNITS	49 SF/UNIT	7,350 SF
PROVIDED OPEN SPACE		
INTERIOR COMMON SPACE		[25% MAX]
B1 MULTIPURPOSE ROOM		697 SF
B1 REC ROOM		1,140SF
UNCOVERED OPEN SPACE		5,513 SF
L1 & L2 PRIVATE OPEN SPACE		[12 @ 50 SF] 600 SF
B1 COMMON COURTYARD		811 SF
L8 COMMON ROOF DECK		4,102 SF
GRAND TOTAL		7,350 SF
MINIMUM PLANTED AREAS		25% OF UNCOVERED COMMON OPEN SPACE 1,228.25 SF

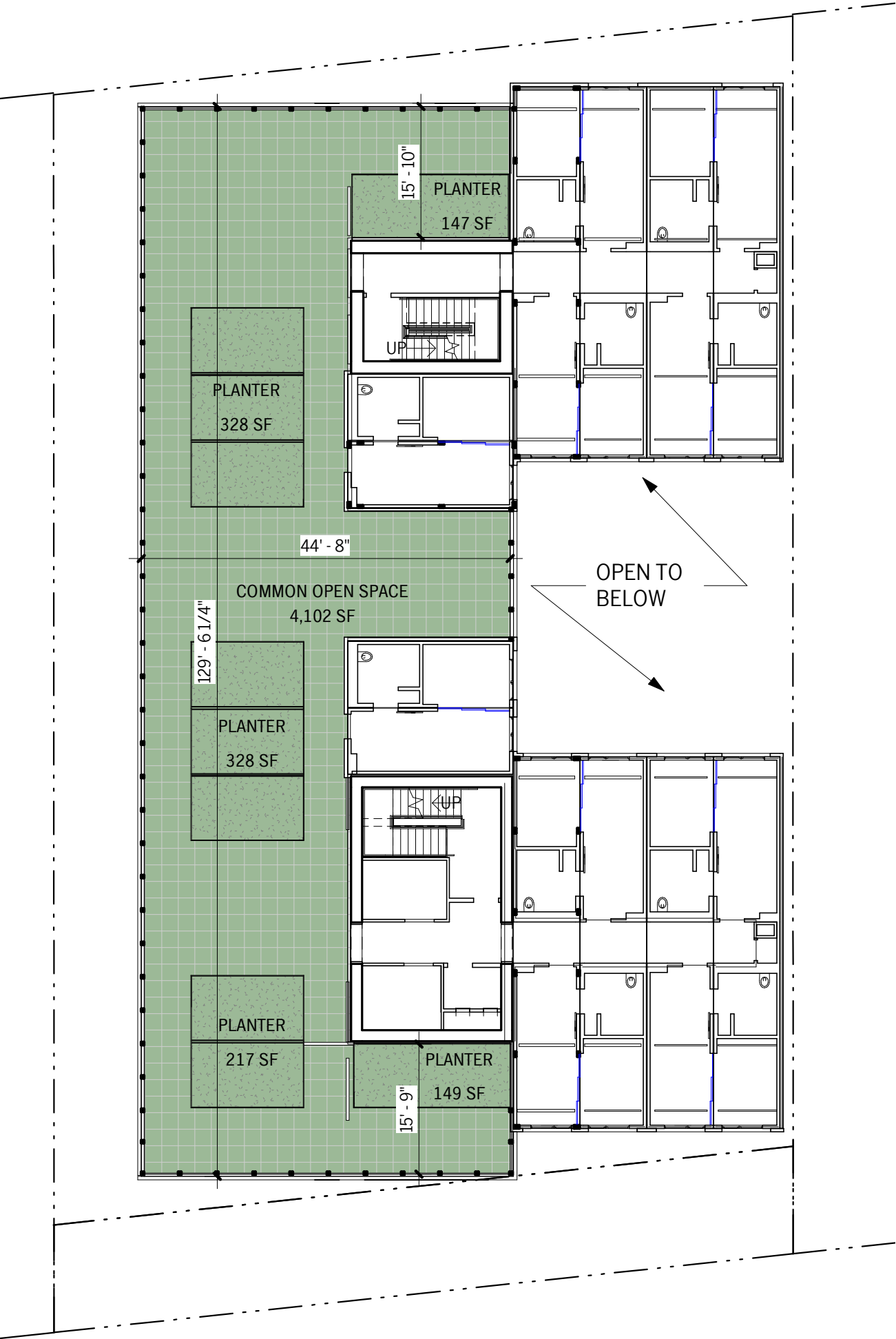
OPEN SPACE

PRIVATE OPEN SPACE

OPEN SPACE

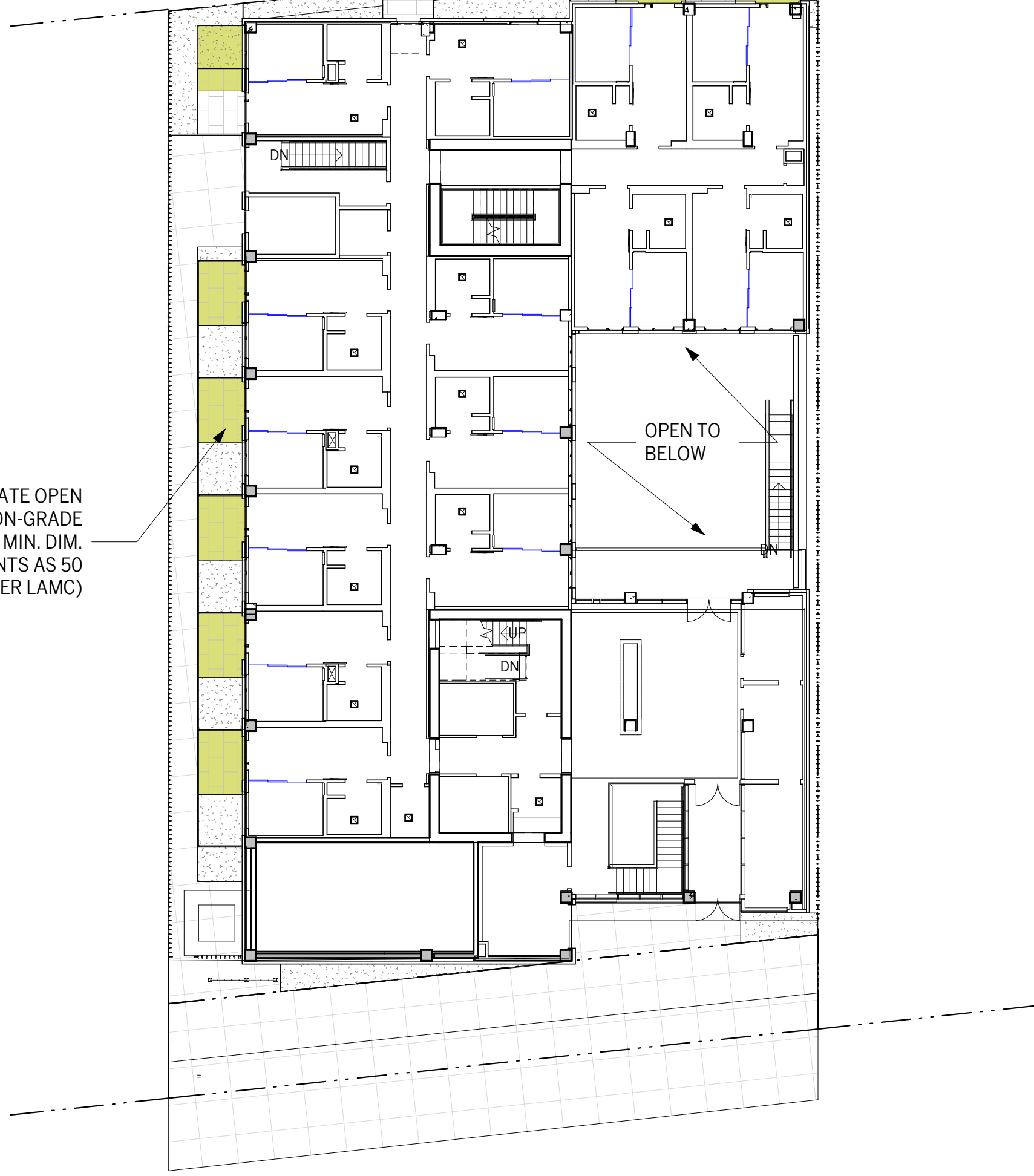
COMMON OPEN SPACE

INTERIOR COMMON SPACE



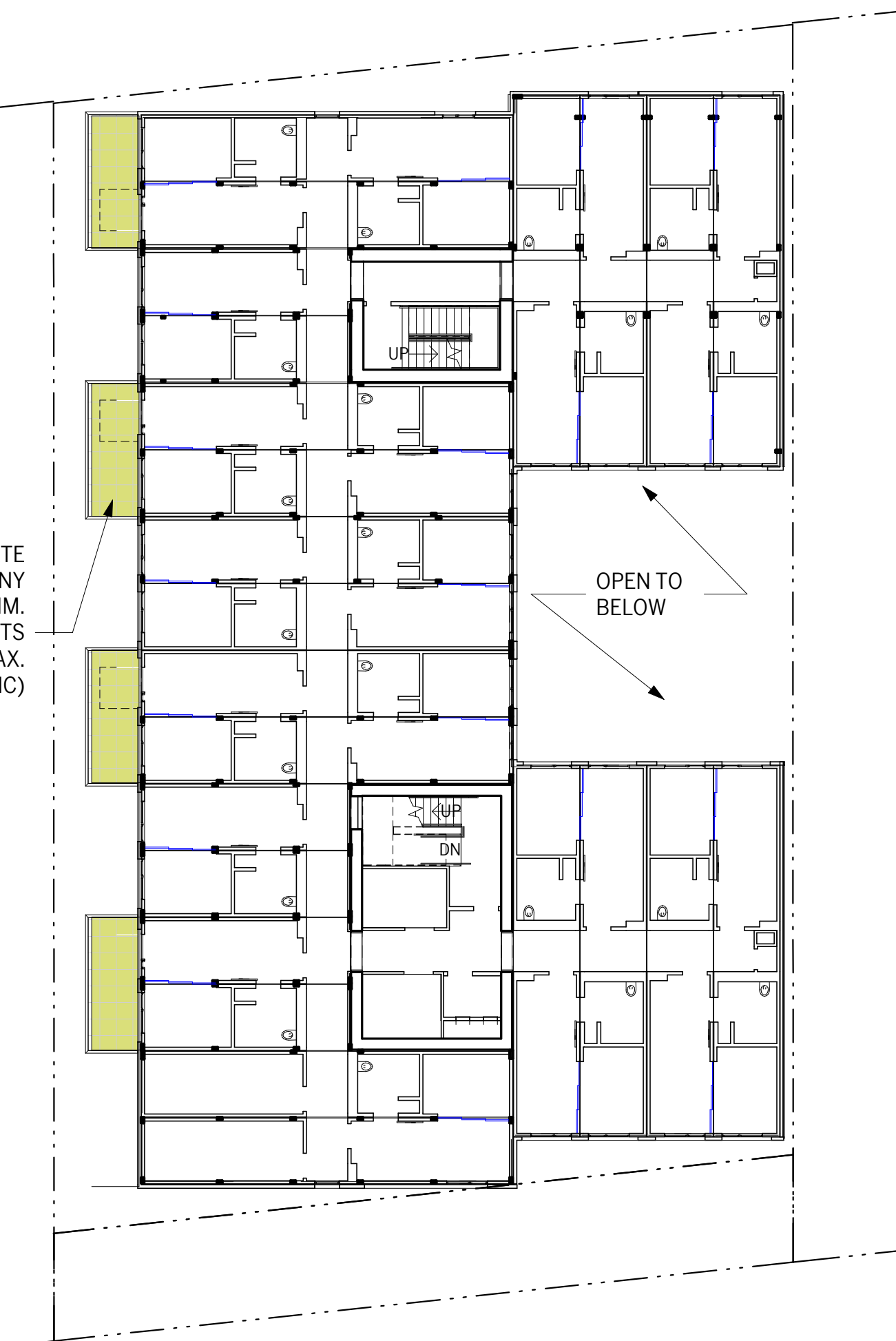
LEVEL 08 - OPEN SPACE DIAGRAM 2

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



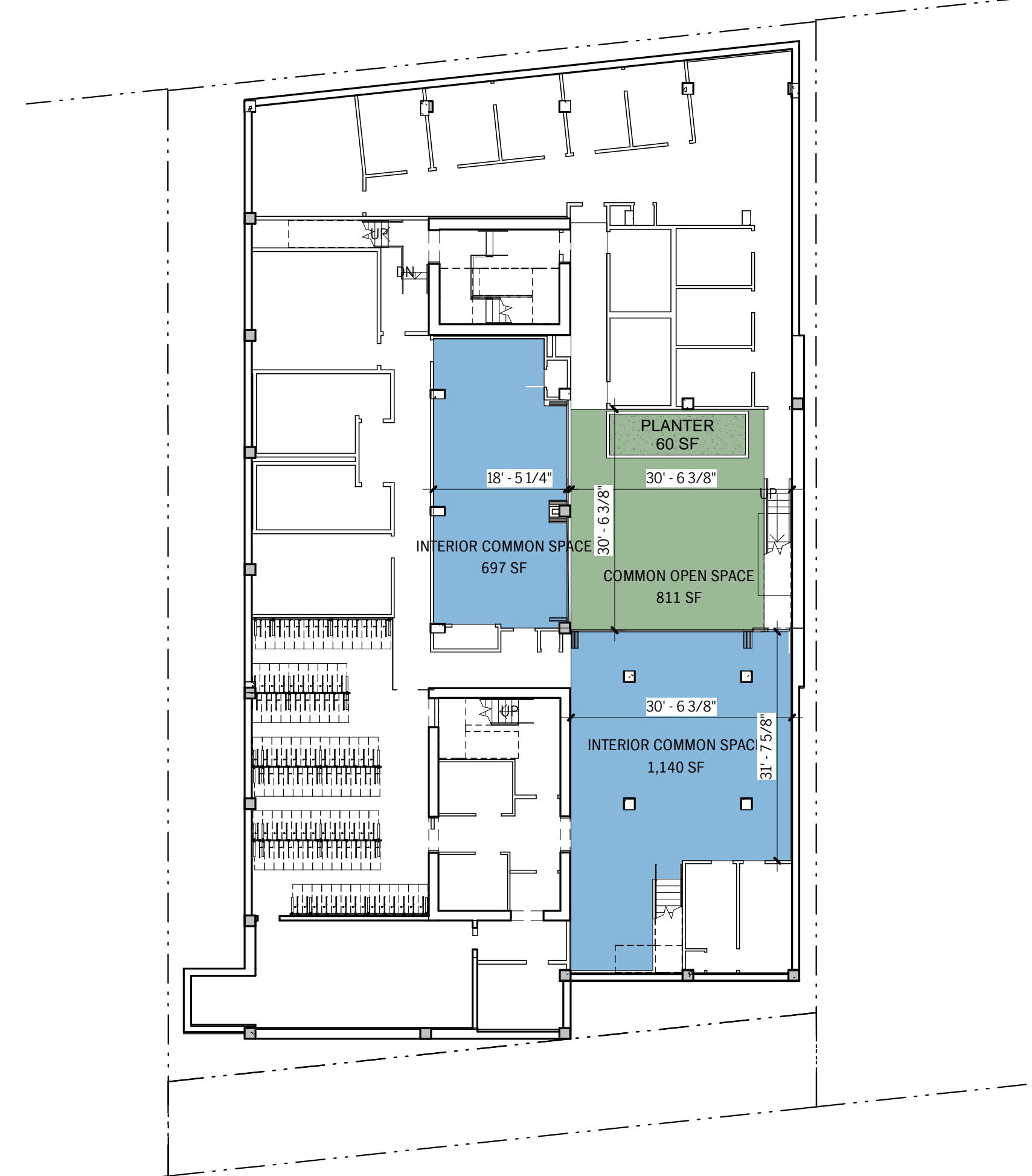
GROUND FLOOR OPEN SPACE DIAGRAM 1

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



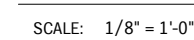
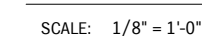
LEVEL 2 OPEN SPACE DIAGRAM 4

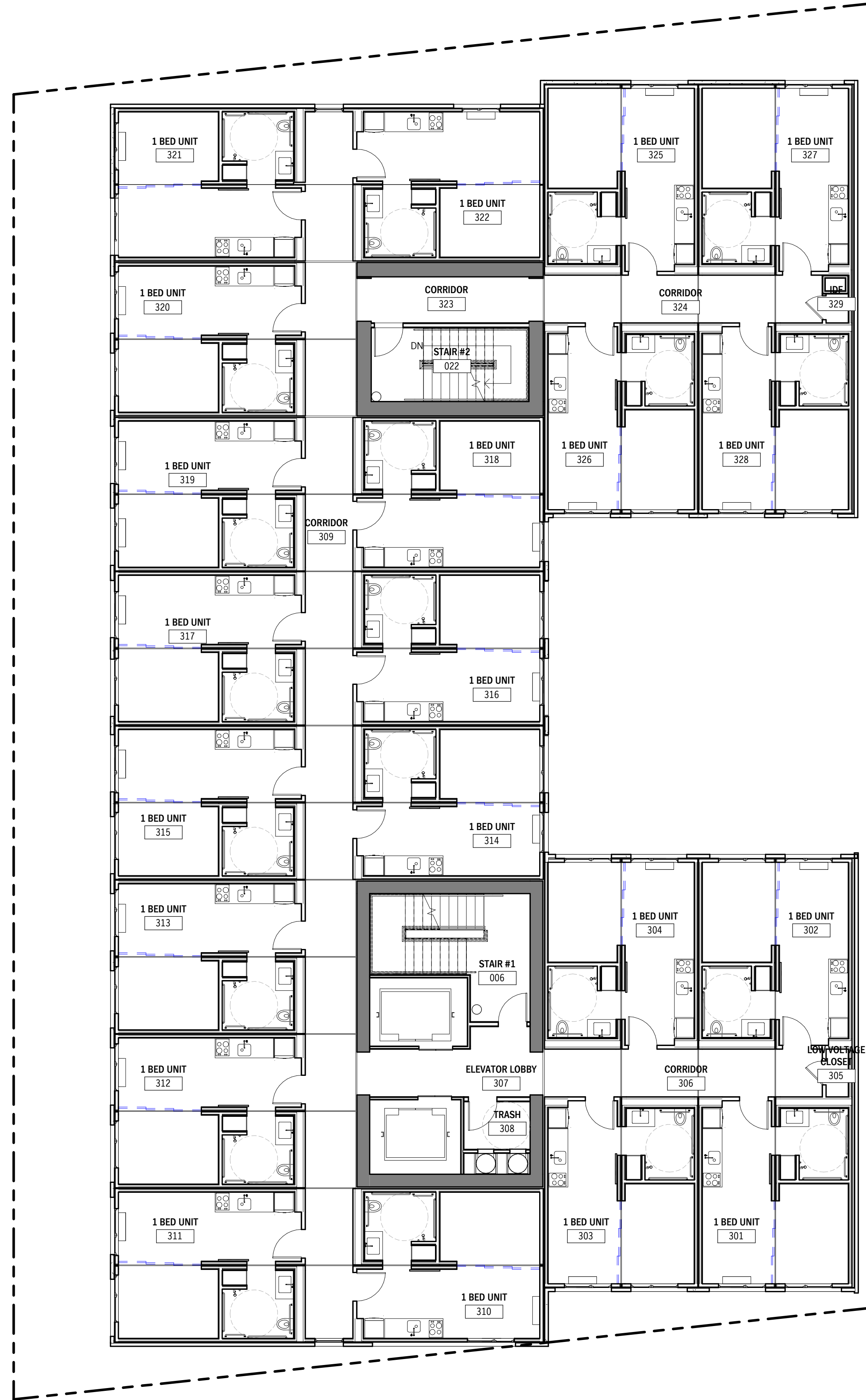
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LEVEL B1- OPEN SPACE DIAGRAM 3

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





FLOOR PLAN - LEVEL 03

2

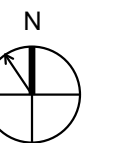
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FLOOR PLAN - LEVEL 02

1

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



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FLOOR PLANS - LEVELS 02 &
03

PROJECT #: 19023-000
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SCALE: 1/8" = 1'-0"

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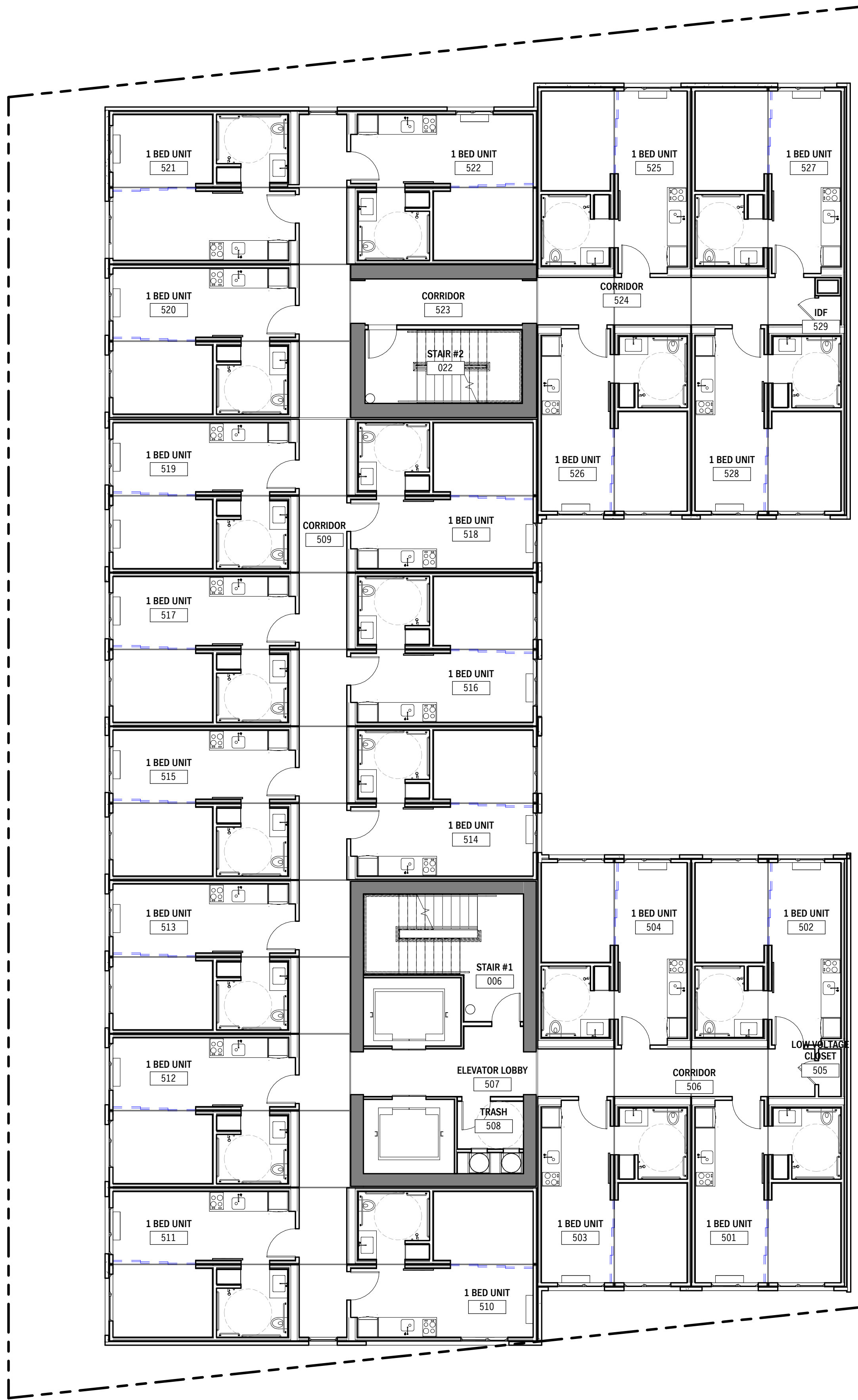
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409-411 E 5TH STREET
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FLOOR PLANS - LEVELS 04 &
05

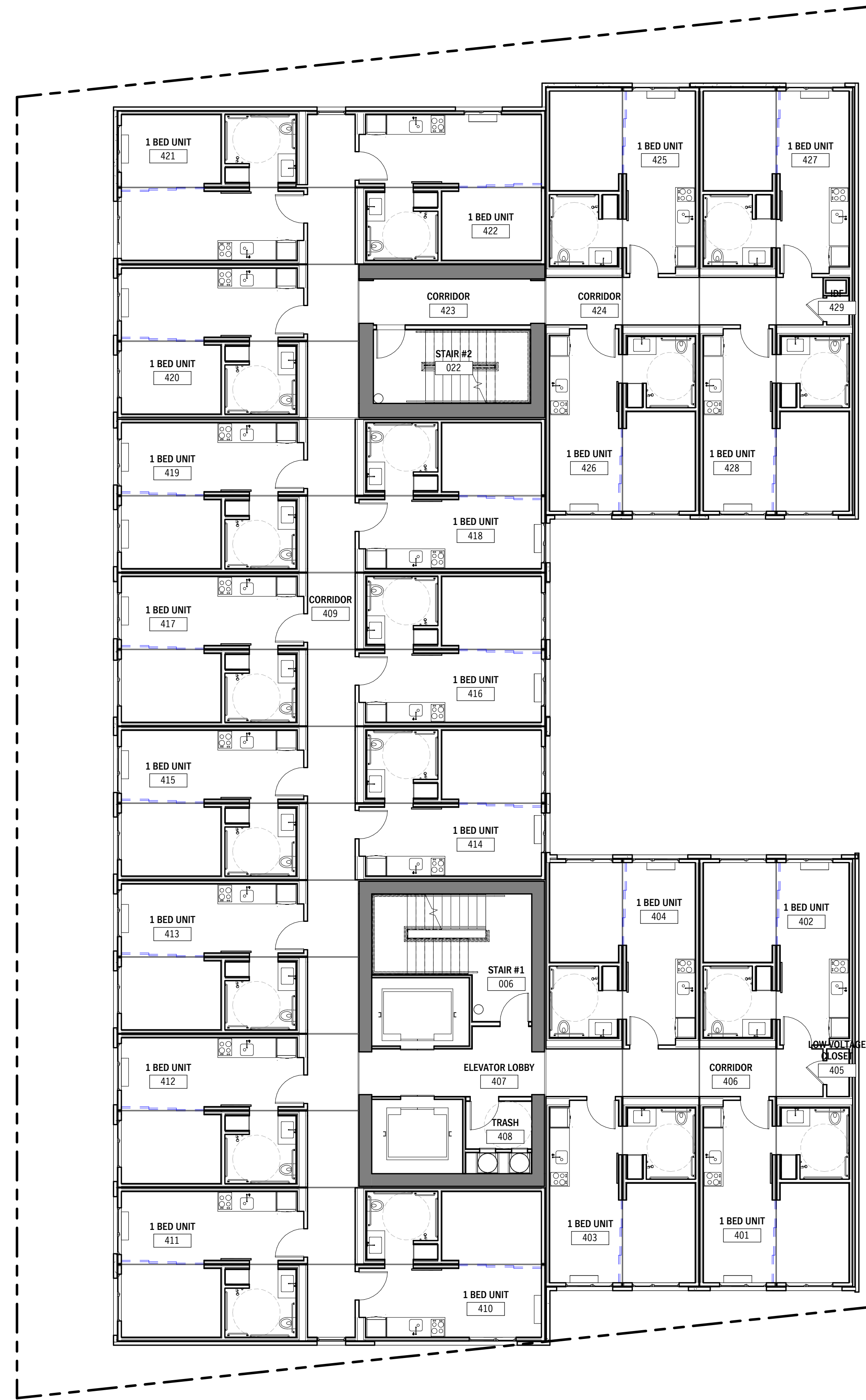
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FLOOR PLAN - LEVEL 05

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

2



FLOOR PLAN - LEVEL 04

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

1

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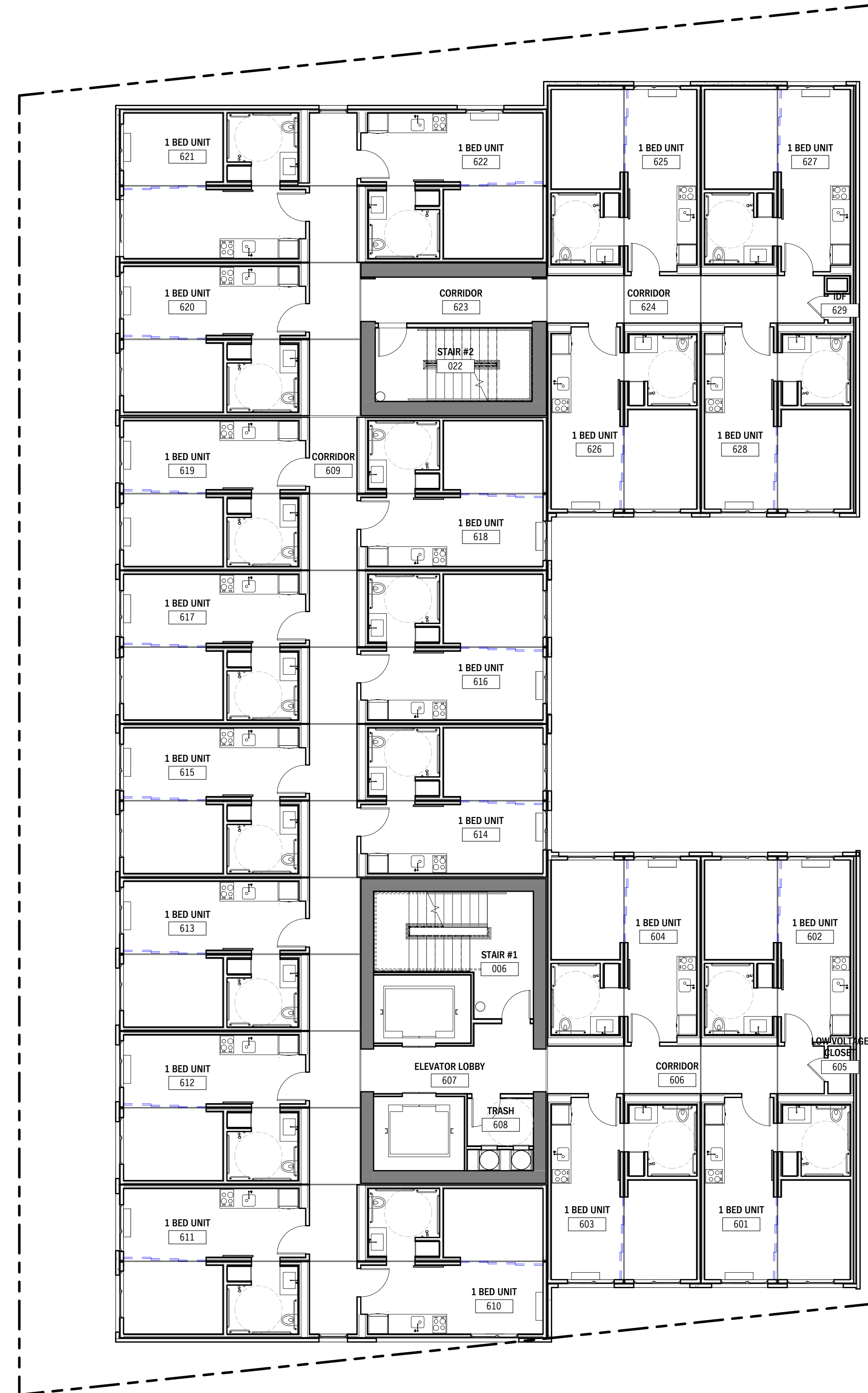
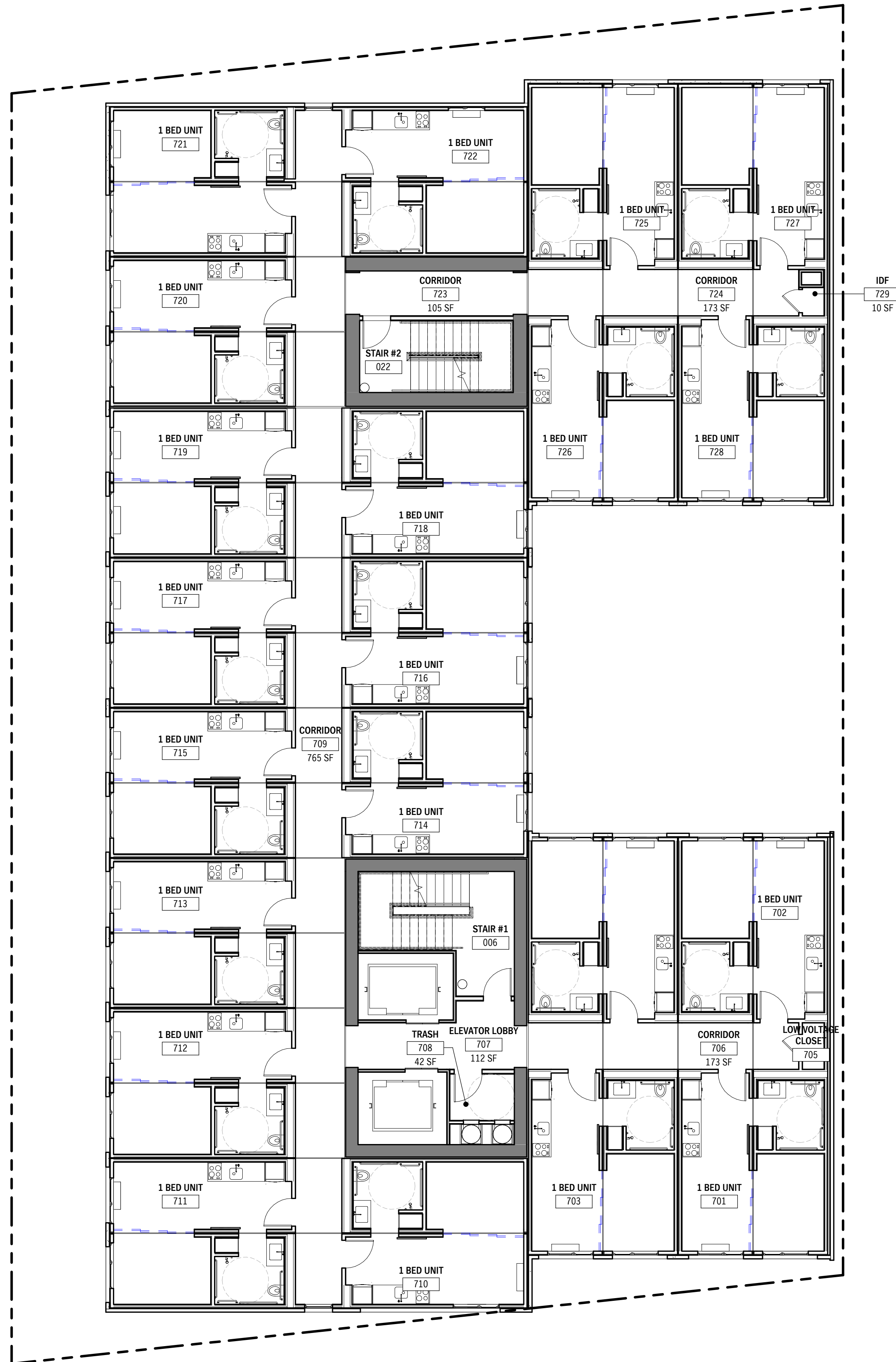
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LOS ANGELES, CA

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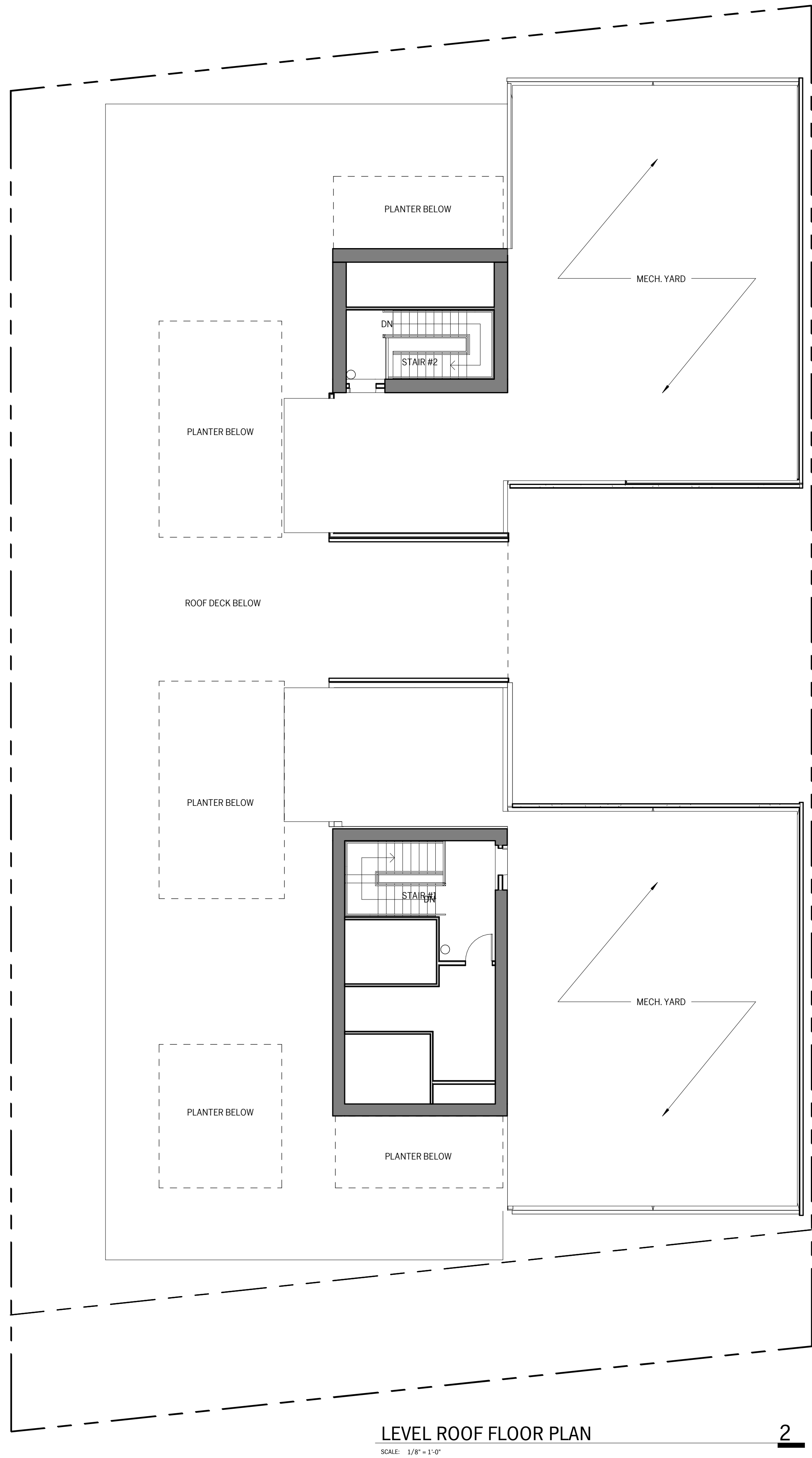
FLOOR PLANS - LEVELS 06 &
07

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6'-0" LAPD CLEAR ACCESS



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FLOOR PLAN - LEVEL 08 &
ROOF PLAN

PROJECT #:19023-000
DATE:11/12/19
SCALE: 1/8" = 1'-0"

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SOUTH ELEVATION

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

1

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SOUTH ELEVATION

PROJECT #: 19023-000
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- MP-1
METAL PANEL - DARK GREY
[MP-4 SIM. ON L1]
- MP-2
METAL PANEL - OFF WHITE
- MP-3
METAL PANEL - CHAMPAGNE
- MP-4
PERF METAL PANEL - DARK GREY
- MTL-1
WINDOW TRIM - BLACK
- MTL-2
LOUVER - COPPER
- MTL-3
LOUVER - DARK GREY
- CON-1
SEALED CONCRETE
- CON-2
PAINTED CONCRETE



WEST ELEVATION 1

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



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WEST ELEVATION

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NORTH ELEVATION

PROJECT #: 19023-000
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EAST ELEVATION

PROJECT #: 19023-000
DATE: 11/12/19
SCALE: 1/8" = 1'-0"

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COURTYARD - NORTH ELEVATION 3

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



COURTYARD - EAST ELEVATION 2

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



COURTYARD - SOUTH ELEVATION 1

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

MP-1 METAL PANEL - DARK GREY [MP-4 SIM. ON L1]	MTL-1 WINDOW TRIM - BLACK	CON-1 SEALED CONCRETE
MP-2 METAL PANEL - OFF WHITE	MTL-2 LOUVER - COPPER	CON-2 PAINTED CONCRETE
MP-3 METAL PANEL - CHAMPAGNE	MTL-3 LOUVER - DARK GREY	
MP-4 PERF METAL PANEL - DARK GREY		

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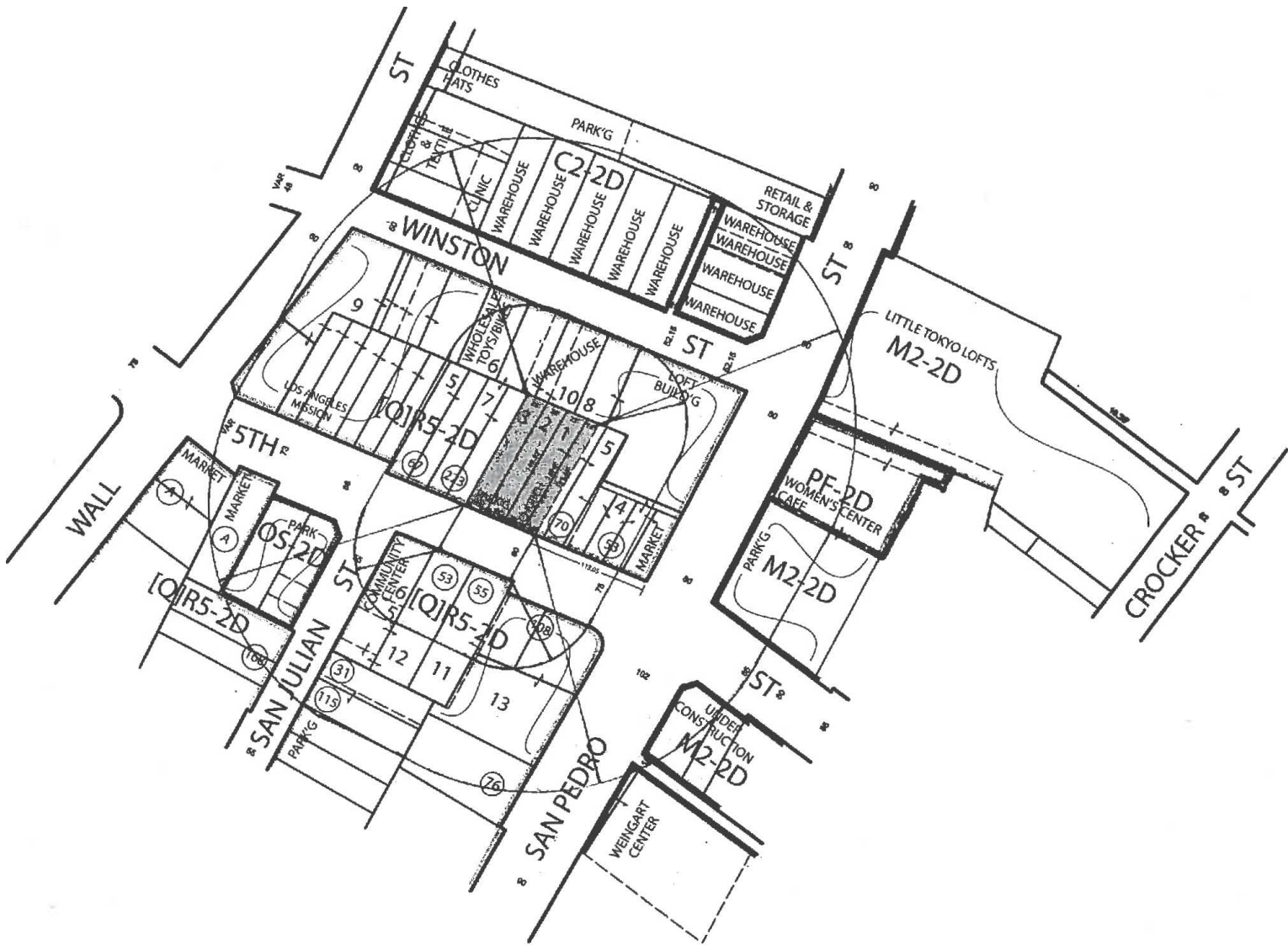
COURTYARD ELEVATIONS

PROJECT #: 19023-000
DATE: 11/12/19
SCALE: 1/8" = 1'-0"

Exhibit B

MAPS

CPC-2019-4298-DB-SPR-SIP



DIR-2019-4298

SITE PLAN REVIEW



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Van Nuys, California 91405
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qmapping@qesqms.com

THOMAS BROTHERS
Page: 634 Grid: F5

LEGAL
LOT: POR.8, 9-11
TRACT: ALFRED JAMES TRACT
M R 29-66

ASSESSOR PARCEL NUMBER: 5148-011-(003-005)
SITE ADDRESS: 407 - 413 E. 5TH ST.

CD: 14
CT: 2062.00
PA: 110 - CENTRAL CITY
USES: FIELD

CASE NO:
SCALE: 1" = 100'
D.M.: 127-5A213

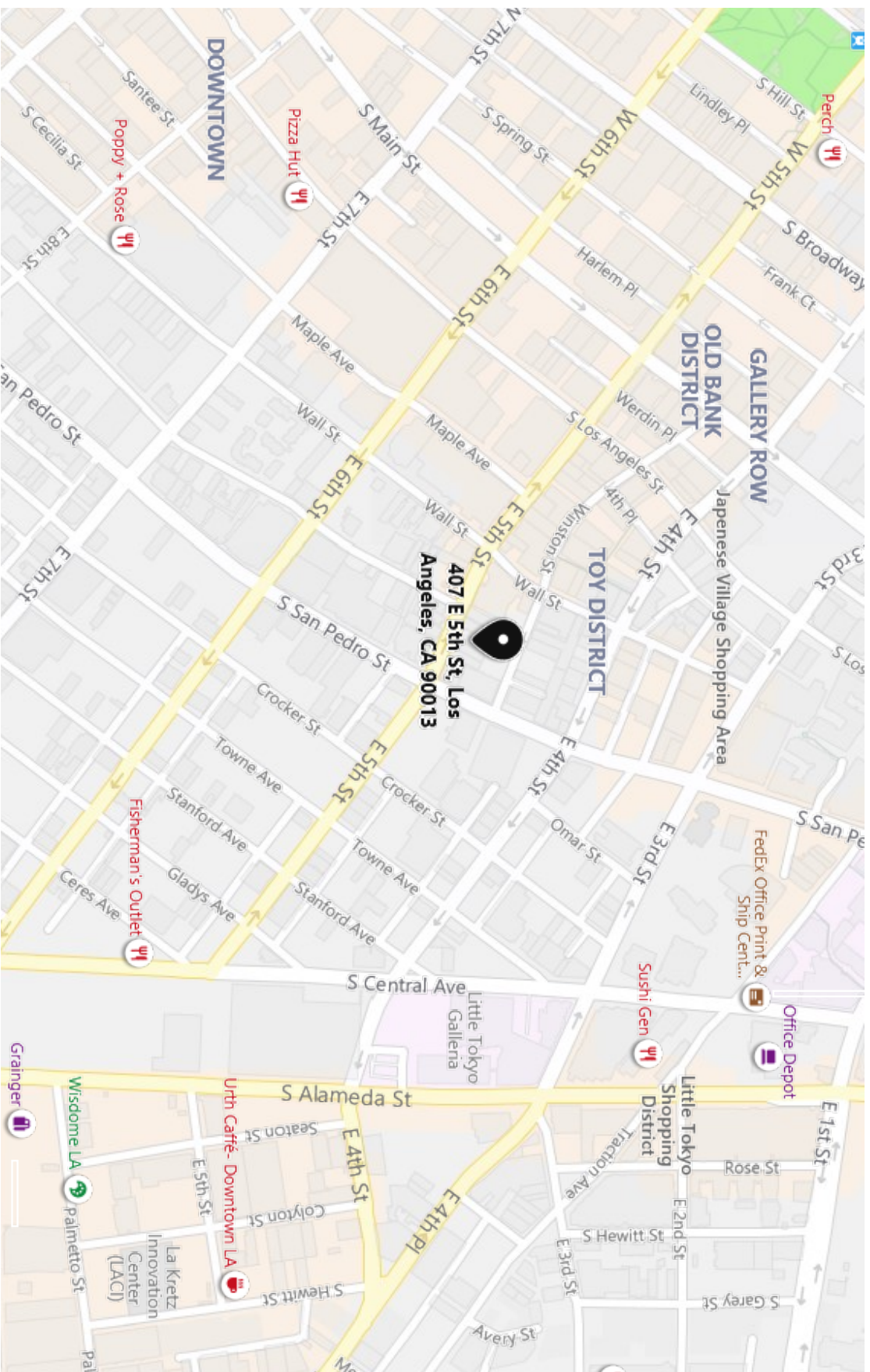
CONTACT: 5TH STREET PARTNERSHIP, LLC

PHONE: 323-466-1400

NORTH

DATE: 03-05-19
Update:

NET AC: 3.09
QMS: 19-120



Vicinity Map
407 E 5th St, Los Angeles, CA 90013



Address: 407 E 5TH ST

APN: 5148011005

PIN #: 127-5A213 122

Tract: ALFRED JAMES TRACT

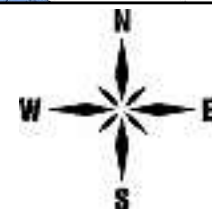
Block: None

Lot: 11

Arb: None

Zoning: [Q]R5-2D

General Plan: High Medium Residential



Senate Bill No. 35**CHAPTER 366****Exhibit C****CPC-2019-4298-DB-SPR-SIP SB 35
Text and SB 35 Guidelines**

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.**

**Alexis Podesta, Secretary
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 floor 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).

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT

Exhibit DCPC-2019-4298-BD-SPR-SIP
NOTICE OF EXEMPTION**NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

CPC-2019-4298-DB-SPR-SIP / Density Bonus Off-Menu Incentives, Site Plan Review, and Streamlined Infill Project Review

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

N/A

PROJECT TITLE

407 E. 5th Street

COUNCIL DISTRICT

14

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

407-413 East 5th Street☐ Map attached.

PROJECT DESCRIPTION:

☐ Additional page(s) attached.

Demolition of existing surface parking lot, a one-story commercial building; and the construction, use and maintenance of an eight-story building with a basement, consisting of 150 dwelling units all of which are restricted to Low Income Households.

NAME OF APPLICANT / OWNER:

5th Street Partnership, LLC

CONTACT PERSON (If different from Applicant/Owner above)

May Phutikanit

(AREA CODE) TELEPHONE NUMBER

(323) 466-1400

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☒ STATUTORY EXEMPTION(S)Public Resources Code Section 21080(b)(1) and Government Code Section 65913.4☐ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) _____

☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☐ Additional page(s) attached

The proposed project is a Streamlined Infill Project that satisfies the objective planning standards set forth in SB 35 (Government Code Section 65913.4(a)) and is subject to streamlined ministerial approval provided by SB 35 (Government Code Sections 65913.4(b) and (c)). The proposed project is therefore a ministerial project that is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(1).

☐ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.


IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Hagu Solomon-Cary



STAFF TITLE

City Planner

ENTITLEMENTS APPROVED

FEE:

N/A

RECEIPT NO.

N/A

REC'D. BY (DCP DSC STAFF NAME)

N/A

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019




DIR- 2019-4298



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: March 7, 2019

TO: 5th Street Partnership LLC, a California limited liability company, Owner

FROM: Marites Cunanan, Senior Management Analyst I 
Los Angeles Housing and Community Investment Department

SUBJECT: **SB 35 Determination for 407 – 413 East 5th Street, Los Angeles, CA 90013**

Based on the SB 35 Determination Application submitted by May Phutikanit on behalf of 5th Street Partnership LLC, a California limited liability company (Owner), the Los Angeles Housing and Community Investment Department (HCIDLA) has determined that the property does not contain housing that has been occupied by tenants within the past ten (10) years or is subject to any form of rent or price control (i.e. the Rent Stabilization Ordinance), and does not contain housing subject to a recorded covenant that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

Information about the existing property for the ten (10) years prior to the date of the application is required in order to make a determination. HCIDLA received the SB 35 Determination Application on February 15, 2019, so HCIDLA must collect data from February 2009 to February 2019.

The Owner acquired the property located at 407 – 413 East 5th Street, under APNs 5148-011-003, -004 and -005 on February 6, 2019 per Grant Deed.

Google Earth images, Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, Code, Compliance, and Rent Information System (CRIS) database, Internet Search, and the RSO Unit, indicates a use code of "2700 – Commercial – Parking Lot (Commercial Use Property) – Lots – Patron or Employee – One Story" for 407 – 407½ E. 5th St. (APN: -005, Lot 11).

Google Earth images, Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, Code, Compliance, and Rent Information System (CRIS) database, Internet Search, and the RSO Unit, indicates a use code of "2700 – Commercial – Parking Lot (Commercial Use Property) – Lots – Patron or Employee – One Story" for 409 E. 5th St. (APN: -004, Lot 10).

Google Earth images, Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, Code, Compliance, and Rent Information System (CRIS) database, Internet Search, and the RSO Unit, indicates a use code of "1100 – Commercial – Store – One Story" for 411 – 413 E. 5th St. (APN: -003, Lots 8 & 9).

The Los Angeles Department of Building and Safety database indicates that the Owner has not applied for a new Building Permit or a Demolition Permit.

Per the statement provided by the Owner and received by HCIDLA on February 15, 2019, the Owner plans to construct a one hundred and fifty (150) unit apartment building pursuant to SB 35 and the Greater Downtown Housing Incentive Area.