

DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission			Case No.: CEQA No.:	CPC-2019-6664-DB-CU-SIP Exempt from CEQA per SB 35
Date: Time: Place:	Council C	a.m. les City Hall	CEQA NoExempt from CEQA per 3B 35Incidental Cases:NoneRelated Cases:NoneCouncil No.:8 – Harris-DawsonPlan Area:West Adams – Baldwin Hills – Leimert	
Los Angel Public Hearing: Appeal Status:		les, CA 90012 Required Density Bonus / Affordable Housing Incentives Program is not appealable to City Council.	Plan Overlay: Certified NC:	West Adams – Baldwin Hills - Leimert Community Plan Implementation Overlay ("CPIO") Subarea Major Commercial Corridors Park Mesa Heights
Expiration Date: Multiple Approval:		Conditional Use is appealable to City Council but limited due to the timeline set forth in Senate Bill 35. February 5, 2020 Yes	GPLU: Zone: Applicant: Representative:	Neighborhood Commercial C2-1VL-CPIO 6604 West PSH, LP Josh Kreger, Craig Lawson & Co., LLC

PROJECT 6576-6604 South West Boulevard

LOCATION: (legally described as Lots FR 484-485, Block None, Hyde Park Tract)

- **PROPOSED PROJECT:** The project is the construction of a 4-story, 43-foot and 1½-inch tall affordable housing project with 64 dwelling units (including 15 Very Low Income, 48 Low Income, and one market-rate manager's unit) with on-site supportive services. The project will have a total floor area of 55,179 square feet and Floor Area Ratio ("FAR") of 2.7:1. No parking spaces are proposed. The project will provide 51 long-term and 5 short-term bicycle parking spaces. The existing two (2) one-story buildings and accessory structures will be demolished. The project qualifies as a Streamlined Infill Project ("SIP") pursuant to Senate Bill ("SB") 35 and California Government Code Section 65913.4.
- **ACTION:** 1. Pursuant to California Government Code Section 65913.4, a ministerial review of a Streamlined Infill Project for a development that 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 by Government Code Section 65913.4(b) and (c).
 - Pursuant to Government Code Section 65913.4 and Public Resources Code Section 21080(b)(1), determine based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project.
 - 3. Pursuant to Los Angeles Municipal Code ("LAMC") Section 12.22 A.25(g)(3), a ministerial review of a Density Bonus Compliance Review, for a project totaling 64 dwelling units, including 15 dwelling units for Very Low Income household occupancy and 48 dwelling units for Low Income household occupancy for a period of 55 years, with the following three (3) Off-Menu Incentives:

- a. An 80 percent increase in Floor Area Ratio ("FAR") to 2.7:1 in lieu of the otherwise permitted 1.5:1 FAR by the C2-1VL-CPIO Zone and West Adams Baldwin Hills Leimert Community Plan Implementation Overlay ("CPIO") Section III-2.B.2;
- b. To waive transitional height requirements of the CPIO Section III-2.A.2; and
- c. A 40 percent reduction in required open space to 4,185 square feet of open space in lieu of 6,975 square feet otherwise required by LAMC Section 12.21 G.
- 4. Pursuant to LAMC Section 12.22 A.25(g)(3), a ministerial review of the following three (3) Waivers of Development Standards:
 - a. A 5-foot northerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone;
 - b. A 5-foot southerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone; and
 - c. A 5-foot rear yard setback in lieu of the minimum 16 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone.
- 5. Pursuant to LAMC Section 12.24 U.26, a ministerial review of a Conditional Use for a 142.5 percent increase in density over the project site, for 64 dwelling units in lieu of the otherwise permitted base density of 26 dwelling units.

RECOMMENDED ACTIONS:

- 1. **Determine**, pursuant to California Government Code Section 65913.4, that the project is a Streamlined Infill Project that 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 by Government Code Section 65913.4(b) and (c).
- 2. **Determine**, pursuant to Government Code Section 65913.4 and Public Resources Code Section 21080(b)(1), based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project.
- 3. **Approve**, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.22 A.25(g)(3), a ministerial review of a Density Bonus Compliance Review, for a project totaling 64 dwelling units, including 15 dwelling units for Very Low Income household occupancy and 48 dwelling units for Low Income household occupancy for a period of 55 years, with the following three (3) Off-Menu Incentives:
 - An 80 percent increase in Floor Area Ratio ("FAR") to 2.7:1 in lieu of the otherwise permitted 1.5:1 FAR by the C2-1VL-CPIO Zone and West Adams – Baldwin Hills - Leimert Community Plan Implementation Overlay ("CPIO") Section III-2.B.2;
 - b. To waive transitional height requirements of the CPIO Section III-2.A.2; and
 - c. A 40 percent reduction in required open space to 4,185 square feet of open space in lieu of 6,975 square feet otherwise required by LAMC Section 12.21 G.
- 4. **Approve**, pursuant to LAMC Section 12.22 A.25(g)(3), a ministerial review of the following three (3) Waivers of Development Standards:

- a. A 5-foot northerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone;
- b. A 5-foot southerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone; and
- c. A 5-foot rear yard setback in lieu of the minimum 16 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone.
- 5. **Approve**, pursuant to LAMC Section 12.24 U.26, a ministerial review of a Conditional Use for a 142.5 percent increase in density over the project site, for 64 dwelling units in lieu of the otherwise permitted base density of 26 dwelling units.

VINCENT P. BERTONI, AICP Director of Planning

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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 273, 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 three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Exhibits:

Exhibit A – Project Plans				
Exhibit B – Maps – Vicinity, Radius, ZIMAS, Aerial				
Exhibit C – Site Photos				
Exhibit D – HCIDLA AB 2556 and SB 35 Determination				
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PROJECT ANALYSIS

PROJECT SUMMARY

The project is the construction, use, and maintenance of a 4-story, 43-foot and 1½-inch tall permanent supportive housing project with 64 dwelling units. The project will be 100 percent affordable, exclusive of one market-rate manager's unit, and will provide 15 Very Low Income and 48 Low Income units. As provided in Exhibit "A", the project will have a total floor area of 55,179 square feet and Floor Area Ratio ("FAR") of 2.7:1. No parking spaces are proposed. The project will provide 51 long-term and 5 short-term bicycle parking spaces.

The residential units are located on all floors, and will comprise 14 studios, 29 one-bedroom units, 20 two-bedroom units, and one (1) three-bedroom unit. The ground floor includes residential supportive service uses including a community room, computer lab, case manager offices, and a conference room, to serve project residents. Additional residential amenities are provided in the form of a central open-air courtyard at the ground floor that includes a covered patio, barbecue area, gathering area, landscaping and trees.

The site is currently improved with two (2) one-story commercial buildings and accessory structures, which will be demolished. No trees are on the subject site or along the public right-of-way.

BACKGROUND

Subject Property

The project site is located near the northeastern corner of the intersection of West Boulevard and 67th Street at in the West Adams – Baldwin Hills – Leimert Community Plan Area. The project site consists of two (2) contiguous lots totaling approximately 20,648 square feet, with approximately 120 feet of frontage along the east side of West Boulevard and a lot depth of approximately 170 feet, as provided in Exhibit B. The site is currently improved with two (2) one-story commercial buildings and accessory structures, with no trees on the subject site or along the public right-of-way, as provided in Exhibit C. There are no known designated historic resources or cultural monuments on the subject site.

Zoning and Land Use Designation

The project site is located in the West Adams – Baldwin Hills – Leimert Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1VL-CPIO, and is consistent with the land use designation. The site is located within the Los Angeles Enterprise Zone (Zoning Information "ZI" File No. 2374) and Transit Priority Area (ZI File No. 2452), South Los Angeles Alcohol Sales Specific Plan, and Crenshaw/Slauson Redevelopment Project Area. The site is also located within the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay ("CPIO") District Commercial Corridors Subarea (Subarea No. 1690). The CPIO contains additional regulations for ground floor and building height, density, floor area, building disposition, building design, and parking.

Surrounding Uses

The surrounding area is developed with a combination of single-family and multi-family residential, commercial uses, a convalescent hospital, church, car wash, and vacant buildings. Several

adjacent properties are also within the West Adams – Baldwin Hills – Leimert CPIO. The neighboring property to the north is a three-story multi-family residential building ("Silverstar Apartments") and related parking under the same ownership that was constructed in 2016. The remaining parcels on the block fronting along West Boulevard are zoned C2-1VL-CPIO in the Commercial Corridors Subarea and are improved with multi-family residential up to three stories in height, single-story commercial office buildings, a single-story convalescent hospital, and car wash, or are otherwise vacant lots. Across West Boulevard to the west is the city boundary for the City of Inglewood. Properties across West Boulevard are improved with commercial uses up to two stories in height including an office, barber, salon, liquor store, church, or are otherwise vacant. Properties to the east have frontage along Brynwood Avenue and are zoned R3-1 and improved with primarily multi-family residential buildings up to three stories in height with some single-story single-family homes. Further north of Hyde Park Boulevard are multi-family residential buildings up to five stories in height.

Streets and Circulation

<u>West Boulevard</u>, abutting the property to the west, is a designated Modified Collector Street, with a designated right-of-way width of 80 feet and roadway width of 56 feet, and is currently dedicated to a 78 foot right-of-way with a 55 foot roadway, with a curb, gutter, and sidewalk.

Public Transit

The subject site is approximately one-quarter mile from the future Fairview Heights Station of the Crenshaw/LAX Transit Project, which is currently under construction at the intersection of Redondo Boulevard and West Boulevard. The site is within one-half mile of several other bus stops along Hyde Park Boulevard to the north and Florence Boulevard to the south, which serve the Los Angeles County Metropolitan Transit Authority ("Metro") 40 and 110, 111, and 210 bus lines. Therefore, the site is within a transit priority area.

Relevant Cases and Building Permits

Subject Site:

<u>Building Permit No. 19010-10000-00714</u>: On November 6, 2019, the applicant filed for a Building Permit for the new construction of a four-story Type V-A affordable residential building with ground floor common spaces. The building permit is pending and has not been issued at the time of preparing this report.

<u>Case No. CPC-2019-4000-ZC-GPA-HD-CPIO</u>: On July 8, 2019, the City of Los Angeles filed an application for the Slauson Corridor Transit Neighborhood Plan, which includes General Plan Amendments, Zone Changes, Height District Change, and amendments to the West Adams - Baldwin Hills - Leimert CPIO, South Los Angeles CPIO, and Southeast Los Angeles CPIO. The application is pending and has not been approved at the time of preparing this report.

Surrounding Sites:

<u>Case No. DIR-2019-5170-TOC</u>: On August 29, 2019, an application was filed for Transit Oriented Communities ("TOC") Compliance Review, for a 26-unit apartment building including 3 Extremely Low Income units, utilizing Tier 3 TOC incentives, for a project located at 6559 Brynhurst Avenue. The application is pending and has not been approved at the time of preparing this report. <u>Case No. DIR-2019-1157-TOC</u>: On July 12, 2019, the Department of City Planning approved a Transit Oriented Communities Compliance Review for the construction of a five-story, 56-foot tall apartment building with 41 units, reserving five units for Extremely Low Income household occupancy, with Additional Incentives for increased height, reduced side yards, and reduced open space, for a project located at 6521-6527¹/₂ Brynhurst Avenue.

<u>Case No. DIR-2015-3651-DB</u>: On July 1, 2016, the Department of City Planning approved a Density Bonus Compliance Review for the construction of a five-story, 55-foot tall residential building consisting of 51 dwelling units, reserving 6 dwelling units for Very Low Income household occupancy, with Density Bonus Incentives for a reduced side yard setback, increased height, and averaging of floor area, density, and parking, and permitting vehicular access from a less restrictive zone to a more restrictive zone, for a project located at 3515-3539 Hyde Park Boulevard.

REQUESTED ACTIONS

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

The Applicant proposes to utilize Los Angeles Municipal Code ("LAMC") Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus) in conjunction with LAMC Section 12.24 U.26 (Conditional Use) to set aside over 54 percent of the base 26 dwelling units, or 15 dwelling units, for Very Low Income household occupancy for a period of 55 years. In exchange for the set-aside of over 54 percent for Very Low Income households, LAMC Section 12.24 U.26 grants a Density Bonus for a Housing Development Project in which the density increase is greater than the maximum 35 percent otherwise permitted in Section 12.22 A.25, in this case a density increase of 142.5 percent. In addition, the Density Bonus Ordinance grants various incentives to deviate from development standards in order to facilitate the provision of affordable housing at the site. Given the Applicant is providing over 54 percent of dwelling units to be affordable at Very Low Income household occupancy, the project is eligible for three (3) Density Bonus Incentives. The Applicant has requested three (3) additional deviations that are processed as Waivers of Development Standards, as permitted by LAMC Section 12.22 A.25(g)(3). The 15 Very Low Income units and 48 Low Income units also qualify the project for streamlined ministerial processing in accordance with SB 35 and California Government Code Section 65913.4.

Streamlined Infill Project

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 G). 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 G). SB 35 streamlining remains in effect until January 1, 2026, and as of that date will be repealed per the provisions of the bill.

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 and Conditional Use 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 allows applicants to seek waivers of development standards and up to three (3) incentives in accordance with the State Density Bonus Law.

In addition, the State Density Bonus Law (Government Code Section 65915(n)) states:

If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by [State Density Bonus Law] for developments that do not meet the requirements of this section.

As such, the State Density Bonus Law allows the City to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC), to permit a density increase greater than 35 percent in accordance with the State Density Bonus Law (Government Code Section 65915(n)). This Ordinance allows additional density beyond 35 percent in exchange for setting aside additional affordable housing units above the minimum percentage of affordable housing units required per the above-mentioned Density Bonus Ordinance.

The applicant requests a Density Bonus with three (3) Off-Menu Incentives for increased FAR, to waive transitional height requirements, and reduced open space; three (3) Waivers of Development Standards for reduced side and rear yards; and a Conditional Use to increase the maximum density by 142.5 percent to permit 64 units in lieu of 26 base density units per the Value Capture Ordinance. As provided in the SB 35, the requested modifications to the density, FAR, transitional height, open space, and setbacks, pursuant to State Density Bonus Law or a local density bonus ordinance are consistent with objective standards.

Section 301(a)(1) of the SB 35 Guidelines states that ministerial approval shall be nondiscretionary and cannot require a conditional use permit or other discretionary local government review or approval. The Value Capture Ordinance, permitting a density bonus greater than 35 percent, is codified in the Conditional Use Section of the LAMC. A Conditional Use is normally a discretionary process. However, as the applicant seeks Streamlined Ministerial Approval of the proposed Streamlined Infill Project by invoking SB 35, the City is reviewing only the objective zoning and design standards in accordance with SB 35. Additionally, the Conditional Use process is the only mechanism in the City that allows applicants to increase the density by more than 35 percent. This process is consistent with the State Density Bonus Law (Government Code Section 65915(n)) that allows a density bonus greater than 35 percent. This process is also consistent with SB 35 that considers modifications to the zoning standards as part of a density bonus pursuant to the State Density Bonus Law consistent with objective standards. As such, the City's review and approval of the requested Conditional Use is considered ministerial and nondiscretionary. 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.

<u>CEQA</u>

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 E 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 15 percent of the units (base density per SB 35 Guidelines Section 402(c) dated November 29, 2018) for Very 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 64 dwelling units, 15 of which will be restricted to Very Low Income Households and 48 of which will be restricted to Low Income Households for a period of 55 years, and one (1) of which will be a market-rate manager's unit. As a result of setting aside 54 percent of the 26 by-right density units for Very Low Income Households, the applicant qualifies for three (3) incentives. The applicant seeks the following three (3) Off-Menu Incentives as set forth in the Density Bonus Ordinance:

- An 80 percent increase in Floor Area Ratio ("FAR") to 2.7:1 in lieu of the otherwise permitted 1.5:1 FAR by the C2-1VL-CPIO Zone and West Adams – Baldwin Hills - Leimert Community Plan Implementation Overlay ("CPIO") Section III-2.B.2;
- b. To waive transitional height requirements of the CPIO Section III-2.A.2; and
- c. A 40 percent reduction in required open space to 4,185 square feet of open space in lieu of 6,975 square feet otherwise required by LAMC Section 12.21 G.

In addition to the three (3) Off-Menu Incentives, the applicant requests the following three (3) Waivers of Development Standards:

- a. A 5-foot northerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone;
- b. A 5-foot southerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone; and
- c. A 5-foot rear yard setback in lieu of the minimum 16 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone.

The waiver requests (a) and (b) are for both the northerly and southerly side yard setbacks. The hearing notice identified the requests under one waiver, however Density Bonus requires that each setback deviation be counted as a separate request.

Conditional Use - Density

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 11 percent of the base density units for Very Low Income Households in accordance with the State Density Bonus Law. As previously mentioned, the State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted the Value Capture Ordinance, codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent.

Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
21	60
22	62.5
23	65
24	67.5
25	70
26	72.5

27	75
28	77.5
29	80
30	82.5
31	85
32	87.5
33	90
34	92.5
35	95
36	97.5
37	100
38	102.5
39	105
40	107.5
41	110
42	112.5
43	115
44	117.5
45	120
46	122.5
47	125
48	127.5
49	130
50	132.5
51	135
52	137.5
53	140
54	142.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 142.5 percent increase in density for a total of 64 dwelling units in lieu of 26 dwelling units as otherwise permitted by-right in the C2-1VL-CPIO Zone and CPIO. The applicant is required to set aside at least 54 percent, or 15 units, of 26 by-right density units for the 142.5-percent density increase, as provided in the above table. The applicant proposes a project totaling 64 dwelling units, 15 of which will be restricted to Very Low Income Households for a period of 55 years, which is 54 percent of the 26 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households.

ISSUES

Supportive Services and Residents

The project will provide supportive services to project residents who are formerly homeless individuals and families. The project will provide on-site supportive services including an approximately 1,233 square-foot community room, a computer lab, two (2) case manager offices, and a conference room, to serve project residents.

Parking

In accordance with Government Code Section 65913.4(d), SB 35 states that the local government "shall not impose parking standards for a streamlined development that was approved pursuant to this section" for projects "located within one-half mile of public transit". The project site is located within one-quarter mile from the future Fairview Heights Station of the Crenshaw/LAX Transit Project, which is currently under construction at the intersection of Redondo Boulevard and West Boulevard. The site is within one-half mile of several other bus stops along Hyde Park Boulevard to the north and Florence Boulevard to the south, which serve the Los Angeles County Metropolitan Transit Authority ("Metro") 40 and 110, 111, and 210 bus lines. As such, the City shall not impose parking standards for the proposed Streamlined Infill Project, and no parking spaces are required. The project does not provide parking spaces on-site.

<u>Design</u>

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.

The site is located within and therefore subject to the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay ("CPIO") District. The CPIO contains additional regulations for ground floor height, density, floor area, building disposition, building design, and parking. Except for the deviations granted herein, the project will comply with all CPIO standards.

APPROVAL TIMELINE AND LIMITED APPEALS

The project entitlements are being applied for under the timelines and procedures of Senate Bill 35 (Government Code Section 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 the application. The applicant submitted a complete application for the development on November 7, 2019. Consequently, all design review or public oversight, including final approval, shall be completed within 90 days from November 7, 2019, or by February 5, 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 approve Off-Menu Incentives for increased FAR, to waive transitional height requirements, and reduced open space; approve the requested Waivers of Development Standards for reduced side and rear yards; approve a Conditional Use to permit a 142.5 percent density increase to permit 64 units in lieu of 26 units in the C2-1VL-CPIO Zone; 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; 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

- Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
- 2. **Residential Density**. The project shall be limited to a maximum density of 64 residential units including Density Bonus Units.
- 3. Affordable Units. A minimum of 63 units shall be reserved as affordable units for a period of 55 years as follows: 15 units shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); and the remaining 48 units shall be reserved for Lower 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 LAMC Section 12.22 A.25 (a-d).
- 5. Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 15 units available to Very Low Income Households and the remaining 48 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 be limited to a maximum floor area ratio ("FAR") of 2.38:1.
- Transitional Height (Incentive). Transitional height requirements of the West Adams Baldwin Hills – Leimert Implementation Overlay ("CPIO" Ordinance No. 184,794) Section III-2.A.2 shall not apply.
- 8. **Open Space (Incentive)**. The project shall provide a minimum of 4,185 square feet of usable open space per Exhibit "A".
- 9. Side Yard Setbacks (Waiver). The project shall observe a minimum 5-foot northerly and southerly side yard setbacks in lieu of the 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO zone.
- 10. **Rear Yard Setback (Waiver)**. The project shall observe a minimum 5-foot rear yard setback in lieu of the 16 feet otherwise required in the C2-1VL-CPIO zone.

- 11. **Zoning**. The project shall comply with all other requirements of the C2-1VL-CPIO zone.
- 12. **Senate Bill 35**. The project shall comply with all state requirements of Senate Bill 35 and California Government Code Section 65913.4. A minimum of 50 percent of base dwelling units shall be reserved as affordable units to households making below 80 percent of the area median income.
- 13. **Automobile Parking**. Pursuant to California Government Code Section 65913.4(d)(1), no parking requirements shall apply for multifamily developments located within one-half mile of public transit. No residential parking spaces are required.
- 14. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
- 15. Landscaping. The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
- 16. **Community Plan Implementation Overlay**. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the West Adams Baldwin Hills Leimert Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 184,794.
- 17. **Department of Building and Safety**. The project shall comply with all comments and corrections received from the Department of Building and Safety under Permit No. 19010-10000-00714.
- 18. **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 though a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
- vi. Subclauses (iv) and (v) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- vii. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.
- b. Bond. A Bond may be required to ensure compliance.

Administrative Conditions

- 19. **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.
- 20. **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.
- 21. **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.
- 22. **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.
- 23. 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.

24. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

25. 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 <u>but not limited to</u>, 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 <u>any</u> 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 Senate Bill 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 that contains 64 residential units.

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

The Census Bureau¹ 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 (Exhibit G). All adjoining parcels are developed with urban uses. Surrounding properties are developed with a combination of single-family and multi-family residential, commercial uses, a convalescent hospital, church, car wash, and vacant buildings.

The project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, which designates the subject property for Neighborhood Commercial land uses corresponding to the C1, C1.5, C2, C4, R3, and RAS3 zones. Both the Neighborhood Commercial Land Use

¹ <u>https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/2010-urban-rural.html (Federal Register</u> Vol. 76, No. 164, Pg. 53030)

Designation and C2-1VL-CPIO Zone allow for multi-family residential use. The applicant proposes an affordable permanent supportive housing development with 64 dwelling units

- 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 SB 35 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" (Exhibit G).

The project is an affordable residential development containing 64 units (including 63 affordable units and one (1) market-rate manager's unit). 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 of the base 26 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.

Section 402(c) of the SB 35 Guidelines dated November 29, 2018 clarifies that "the percentage of units affordable to households making at or below 80 percent of the area median income... is calculated based on the total number of units in the development exclusive of additional units provided by a density bonus". Therefore, projects are required to provide 50 percent of the total (base density) for lower-income households to qualify under 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 of the base 26 units, that is 13 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.

The applicant is providing 15 units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); and 48 units reserved for Lower Income Households as determined by either the HCD or the U.S. Department of Housing and Urban Development ("HUD"). Therefore, the project meets the affordability requirements of SB 35.

5. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are

not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

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

The project site is located within the West Adams – Baldwin Hills – Leimert Community Plan area, designated for Neighborhood Commercial land uses, and zoned C2-1VL-CPIO. The project site is permitted a base density of 26 dwelling units. The applicant seeks a Conditional Use to increase the density by 142.5 percent to permit 64 dwelling units in lieu of 26 by-right units in accordance with the State Density Bonus Law. The applicant has requested three (3) Off-Menu Incentives and three (3) Waivers of Development Standards, as listed below:

Off-Menu Incentives

- An 80 percent increase in Floor Area Ratio ("FAR") to 2.7:1 in lieu of the otherwise permitted 1.5:1 FAR by the C2-1VL-CPIO Zone and West Adams – Baldwin Hills - Leimert Community Plan Implementation Overlay ("CPIO") Section III-2.B.2;
- b. To waive transitional height requirements of the CPIO Section III-2.A.2; and
- c. A 40 percent reduction in required open space to 4,185 square feet of open space in lieu of 6,975 square feet otherwise required by LAMC Section 12.21 G.

Waivers of Development Standards:

- a. A 5-foot northerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone;
- b. A 5-foot southerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone; and
- c. A 5-foot rear yard setback in lieu of the minimum 16 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone.

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. The site is also located within and therefore subject to the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay ("CPIO") District, and the project is subject to all regulations therein.

- 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 norise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
 - 1. 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 two (2) one-story commercial buildings and accessory structures in an urbanized area of the West Adams - Baldwin Hills - Leimert Community Plan surrounded by urban land uses. The site is designated for Neighborhood Commercial land uses and zoned C2-1VL-CPIO, which allows residential uses. The site is not located within a methane zone, 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 0.41 kilometers from the Newport-Inglewood 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 currently improved with commercial buildings, and is completely 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 improved with two (2) one-story commercial buildings and accessory structures. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated June 4, 2019, HCIDLA determined that there were no residential units built and demolished on the property in the last 10 years, therefore no AB 2556 replacement affordable units are required (Exhibit D). The project site has not been identified as a historic resource by local, state or federal agencies. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. 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:
 - 1. 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 though 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.
- 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:
 - 1. 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:
 - 1. 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)

В.

(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 Section 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 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.

Section 102(r) of the SB 35 Guidelines defines "public transit" as "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" (Exhibit G).

The project site is located approximately one-quarter mile from the future Fairview Heights Station of the Crenshaw/LAX Transit Project, which is currently under construction at the intersection of Redondo Boulevard and West Boulevard. The site is within one-half mile of several other bus stops along Hyde Park Boulevard to the north and Florence Boulevard to the south, which serves the Los Angeles County Metropolitan Transit Authority ("Metro") 40 and 110, 111, and 210 bus lines. As such, the City shall not impose parking standards for the proposed Streamlined Infill Project.

CONDITIONAL USE FINDINGS

The following is a delineation of the findings related to the request for a Conditional Use to allow a 142.5 percent Density Bonus to allow 64 residential units in lieu of 26 dwelling units as otherwise permitted by-right in the C2-1VL-CPIO Zone.

As previously mentioned and as provided under Finding Nos. 11 through 18, 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 Conditional Use 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 the Conditional Use, staff has provided a response below.

11. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

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

12. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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.

13. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas 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 (West Adams – Baldwin Hills – Leimert Community Plan).

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 proposed project involves the construction of a 4-story, affordable housing project containing 64 dwelling units on a site designated for Neighborhood Commercial land uses and zoned C2-1VL-CPIO. The project site is located approximately one-quarter mile from the future Fairview Heights Station of the Crenshaw/LAX Transit Project, which is currently under construction at the intersection of Redondo Boulevard and West Boulevard. The site is within one-half mile of several other bus stops along Hyde Park Boulevard to the north and Florence Boulevard to the south, which serves the Los Angeles County Metropolitan Transit Authority ("Metro") 40 and 110, 111, and 210 bus lines. Therefore, the site is within a transit priority area. As such, the project is in conformance with the purpose of the Framework Element.

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 site that is improved with two (2) commercial buildings and accessory structures with 64 residential dwelling units, which reserves 100 percent (exclusive of a market-rate manager's unit) for affordable units. The 63 affordable units will be permanent supportive housing units. The project will also provide supportive services on the ground floor, including community room, computer lab, case manager offices, and a conference room, to serve project residents.

In addition, the site's Assessor Parcel Numbers (APN # 4006020026 and 4006020027) have been identified in the 2013-2021 Housing Element's Inventory of Sites for Housing. The Inventory of Sites for Housing identifies parcels suitable for additional residential development without the need for any discretionary zoning action by the City. Therefore, the project is consistent with the Housing Element's vision of providing housing on these applicable sites. 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 mixed-use building is a pedestrian-oriented development that provides 63 affordable units and one (1) market-rate unit in proximity to several transit options. As previously mentioned, the project site is located approximately one-quarter mile from the future Fairview Heights Station of the Crenshaw/LAX Transit Project, which is currently under construction at the intersection of Redondo Boulevard and West Boulevard. The site is within one-half mile of several other bus stops along Hyde Park Boulevard to the north and Florence Boulevard to the south, which serves the Los Angeles County Metropolitan Transit Authority ("Metro") 40 and 110, 111, and 210 bus lines, and is therefore within a transit priority area. 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 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. The project will not provide any vehicular parking spaces, thereby reducing vehicle trips. Additionally, the project will provide a total of 56 bicycle parking stalls, including 51 long-term and 5 short-term bicycle parking stalls on site. There will be one (1) centralized enclosed long-term bicycle parking storage area at the ground floor, and the short-term bicycle parking stalls will be located directly adjacent to the lobby area 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 – West Adams – Baldwin Hills – Leimert Community Plan

The West Adams – Baldwin Hills – Leimert Community Plan was adopted by City Council in March 2017, with related zoning ordinances effective on April 19, 2017. 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 West Adams – Baldwin Hills – Leimert Community Plan designates the site for Neighborhood Commercial land uses. The project site is zoned C2-1VL-CPIO, which is consistent with the corresponding zones of C1, C1.5, C2, C4, R3, and RAS3 in the Community Plan. The C2-1VL-CPIO Zone, in combination with CPIO regulations, allows residential density at 800 square feet of lot area per dwelling. The project site containing 20,648 square feet is permitted a base density of 26 dwelling units. 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, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from 26 to 64 dwelling units, 63 of which will be set aside for Very Low Income and 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 West Adams – Baldwin Hills – Leimert area as a medium- to high-density residential development that provides 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 West Adams – Baldwin Hills – Leimert Community Plan.

14. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

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.

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 is consistent with and implements the affordable housing provisions of the Housing Element as discussed below.

The proposed project will replace two (2) one-story commercial buildings and accessory structures with 64 residential dwelling units, which reserves 100 percent (exclusive of a market-rate manager's unit) for affordable units. The 63 affordable units will be permanent supportive housing units. The project will also provide supportive services on the ground floor

including a community room, computer lab, case manager offices, and a conference room, to serve project residents.

- 15. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:
 - a. 11% Very Low Income Units for a 35% density increase; or
 - b. 20% Low Income Units for a 35% density increase; or
 - c. 40% Moderate Income Units for a 35% density increase in for-sale projects.

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- a. For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or
- b. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or
- c. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or
- d. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 11 percent of the base density units for Very Low Income Households in accordance with the State Density Bonus Law. The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent.

Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5

21	60
22	62.5
23	65
24	67.5
25	70
26	72.5
27	75
28	77.5
29	80
30	82.5
31	85
32	87.5
33	90
34	92.5
35	95
36	97.5
37	100
38	102.5
39	105
40	107.5
41	110
42	112.5
43	115
44	117.5
45	120
46	122.5
47	125
48	127.5
49	130
50	132.5
51	135
52	137.5
53	140
54	142.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 142.5 percent increase in density for a total of 64 dwelling units in lieu of 26 dwelling units as otherwise permitted by-right in the C2-1VL-CPIO Zone. The applicant is required to set aside at least 54 percent, or 15 units, of 26 by-right density units, for Very Low Income Households, for the 142.5-percent density increase, as provided in the above table. The applicant proposes a project totaling 64 dwelling units, 15 of which will be restricted to Very Low Income Households for a period of 55 years, which is 54 percent of the 26 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households.

16. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated November 5, 2019, there were no residential units built and demolished in the property in the last 10 years, therefore AB 2556 replacement affordable units are required (Exhibit D). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

17. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.

Per the Conditions of Approval, the owner is required to execute a covenant to the satisfaction of HCIDLA to make 63 units for affordable units for a period of 55 years, as follows: 15 units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); and 48 units reserved for Lower Income Households as determined by either the HCD or the U.S. Department of Housing and Urban Development ("HUD"). The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA.

18. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. These were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and gualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. The City of Los Angeles Housing and Community Investment Department (HCIDLA) utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 142.5 percent density increase above the 26 base density units to permit a total of 64 dwelling units. The project will set aside 63 units for affordable units for a period of 55 years, as follows: 15 units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California

Department of Housing and Community Development ("HCD"); and 48 units reserved for Lower Income Households as determined by either the HCD or the U.S. Department of Housing and Urban Development ("HUD"). As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Furthermore, the project is required to record a Covenant and Agreement with the HCIDLA to make 64 units affordable per the Conditions of Approval. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

The applicant has requested three (3) Off-Menu Incentives and three (3) Waivers of Development Standards, as listed below:

Off-Menu Incentives

- An 80 percent increase in Floor Area Ratio ("FAR") to 2.7:1 in lieu of the otherwise permitted 1.5:1 FAR by the C2-1VL-CPIO Zone and West Adams – Baldwin Hills - Leimert Community Plan Implementation Overlay ("CPIO") Section III-2.B.2;
- b. To waive transitional height requirements of the CPIO Section III-2.A.2; and
- c. A 40 percent reduction in required open space to 4,185 square feet of open space in lieu of 6,975 square feet otherwise required by LAMC Section 12.21 G.

Waivers of Development Standards:

- a. A 5-foot northerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone;
- b. A 5-foot southerly side yard setback in lieu of the minimum 7 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone; and
- c. A 5-foot rear yard setback in lieu of the minimum 16 feet otherwise required for a 4-story building in the C2-1VL-CPIO Zone.

Based on the set-aside of over 54 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the first Off-Menu requests qualify as the proposed development's Incentives. The remaining requests must be processed as a Waiver of Development Standard.

Following is a delineation of the findings related to the request for three (3) Off-Menu Incentives, pursuant to LAMC Section 12.22 A.25(g) and Government Code Section 65915.

- 19. Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission <u>shall approve</u> a density bonus and requested incentive(s) unless the Commission finds that:
 - a. The incentives 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.

FAR Increase: The subject site is zoned C2-1VL-CPIO with a Height District No. 1VL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. LAMC Section 12.22 A.25 permits an FAR increase of 35 percent to 2.025:1 FAR through an On-Menu Incentive for eligible projects within 1,500 feet of transit. The applicant has requested an Off-Menu Incentive to allow a 2.7:1 FAR in lieu of the otherwise permitted 1.5:1 FAR. While the proposed project requests a maximum 2.7:1 FAR, the proposed project is actually providing a maximum floor area of 55,179 square feet or a 2.67:1 FAR. The proposed 2.67:1 FAR creates 24,207 additional square feet. As proposed, the additional FAR will allow for the construction of the affordable residential units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

FAR	Lot Area	Total Floor Area
by-right	(sf)	(sf)
1.5:1	20,648	20,648 x 1.5 =
		30,972

FAR	Buildable Lot Area	Total Floor Area	Additional Floor
Requested	(sf)	(sf)	Area (sf)
2.7:1	20,648	55,179	55,179- 30,972= 24,207

Transitional Height: The West Adams – Baldwin Hills – Leimert Implementation Overlay ("CPIO") Section III-2.A.2 requires the project to comply with transitional height requirements due to the site's adjacency to a residential lot. Specifically, the CPIO requires the project the entire building to be set back, or individual floors stepped back, one horizontal foot for every one vertical foot in building height as measured from 15 feet above grade at the residential property line. The applicant has requested an Off-Menu Incentive to waive transitional height requirements of the CPIO. Strict compliance with the CPIO transitional height requirements would require the removal of five or more dwelling units at all upper floors, in order to provide sufficient stepbacks from the neighboring residential lot. Waiving transitional height requirements will allow the developer to dedicate more area towards residential units at the upper levels, so that the additional units can be constructed and the overall space dedicated to residential uses is increased. The applicant proposes to utilize the transitional height requirements of the Transit Oriented Communities ("TOC") Guidelines which allow the transitional height to be measured starting at a 25-foot height from the residential property line, and applies only to the first 25 feet of depth from the residential property line.

Open Space Reduction: LAMC Section 12.21 G requires 100 square feet of usable open space per dwelling unit with less than 3 habitable rooms, and 125 square feet of usable open space per dwelling unit with 3 habitable rooms. For the proposed project with 14 studio units, 29 one-bedroom units, 20 two-bedroom units, and one (1) threebedroom unit, a total of 6,975 square feet of open space would be required. Strict compliance with the open space requirements would have the effect of physically precluding construction of the development proposing 64 dwelling units, 15 of which will be set aside for Very Low Income and 48 of which will be set aside for Low Income Households. The applicant has requested a 40 percent reduction to allow 4,185 square feet of open space through a Waiver of Development Standard. Without the waiver to reduce the minimum usable open space required to 4,185 square feet, the project would need to provide an additional 2,790 square feet of common or private open space onsite. The project currently proposes dwelling units that range in size from 420 square feet to 920 square feet. Compliance with the minimum usable open space provision would require the removal of floor area that could otherwise be dedicated to the number. configuration, and livability of affordable housing units. Specifically, the project would not only need to comply with the total amount of usable open space requirements, but also the design, dimension, and area requirements set forth in LAMC Section 12.21 G. Common open space would need to be at least 15 feet in width on all sides, have a minimum area of 400 square feet, and be open to sky. The project would lost floor area of the development in order to meet all of these additional requirements for common open space.

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 Very Low or Low Income Households for 55 years.

b. 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 (Government Code Section 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.

c. The incentive(s) <u>are contrary</u> to state or federal law.

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

Following is a delineation of the findings related to the request for three (3) Waivers of Development Standards, pursuant to Government Code Section 65915.

20. Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission <u>shall approve</u> a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:

a. The waiver(s) or reduction(s) of development standard(s) <u>are contrary</u> to state or federal law.

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

A project that provides 15 percent of base units for Very Low Income Households qualifies for three (3) Incentives, and may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Therefore, the request for the following are recommended as a Waiver of Development Standards. Without the below Waivers, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Rear and Side Yards: LAMC Section 12.14 C.2 requires rear and side yards to conform to the requirements of the R4 Zone for buildings erected and used for residential purposes. The R4 Zone requires rear yards of a minimum of 15 feet, and requires one additional foot in the width of the rear yard for each additional story above the 3rd story; and side yards of a minimum of 5 feet, and requires one additional foot in the width of the required side yards for each additional story above the 2nd story. The Project is a 4story residential building containing a ground floor with residential supportive service uses. Given all levels of the project would be utilized in whole or in part by residential uses, the Project would therefore be required to provide a 16-foot rear yard setback and 7-foot side yard setbacks. The Applicant has requested two Waivers of Development Standards for reduced yards, and proposes a 5-foot rear yard setback in lieu of the 16 feet otherwise required, and a 5-foot northerly and southerly side yard setback in lieu of the 87 feet otherwise required. Strict compliance with the yard requirements would reduce the buildable lot area by 11 feet for the rear yard and 4 feet for the northerly and southerly side yards, thereby limiting the buildable area for new development and reducing the number and range of units that could be developed. The requested waivers allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased. By waiving these development standards, the developer will not be physically precluded from constructing the proposed development with 64 dwelling units including 63 affordable units.

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

There is no 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. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

HOUSING REPLACEMENT

Pursuant to Government Code Section 65915(c)(3) and Assembly Bills 2222 and 2556, applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated November 5, 2019, HCIDLA determined that there were no residential units built and demolished in the property in the last 10 years, therefore no AB 2556 replacement affordable units are required (Exhibit D). Refer to the Density Bonus Legislation Background section of this determination for additional information.

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.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development ("HUD") note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

CEQA FINDINGS

Pursuant to Senate Bill ("SB") 35 and Government Code Section 65913.4, 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 provided in Government Code Section 65913.4(b) and (c). Therefore, pursuant to Government Code Section 65913.4 and Public Resources Code Section 21080(b)(1), the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act ("CEQA") as a ministerial project.

PUBLIC HEARING AND COMMUNICATIONS

PUBLIC HEARING

The public hearing will be conducted by the City Planning Commission on January 9, 2020 after 8:30 a.m. at Los Angeles City Hall, 200 North Spring Street, Council Chambers, Room 340, Los Angeles, CA 90012.

WRITTEN CORRESPONDENCE

No letters or emails were received from the public at the time of preparing this report.

The applicant submitted a summary of community outreach efforts for the case file (Exhibit F), indicating they have met with the Council District 8 office, Park Mesa Heights Community Council, and community stakeholders.

CPC-2019-6664-DB-CU-SIP

EXHIBIT A

PROJECT PLANS

CPC-2019-6664-DB-CU-SIP

PROJECT 6604 WEST APARTMENTS Four Story Residential Bldg (Type VA) 6576-6604 S West Blvd, Los Angeles, CA 90043

CLIENT **A COMMUNITY OF FRIENDS**

3701 WILSHIRE BLVD., LOS ANGELES, CA 90010

PROJECT SUMMARY:

LEGAL DESCRIPTION

SITE ADDRESS ZIP CODE LOT/PARCEL AREA (CALCULATED) THOMAS BROTHERS GRID ASSESSOR PARCEL NO. (APN) TRACT MAP REFERENCE BLOCK LOT ARB (LOT CUT REFERENCE) MAP SHEET

6576-6604 S WEST BLVD. 90043 20,468.2 SF PAGE 673 - GRID E7 4006-020-026/027 HYDE PARK M R 14-21 NONE FR 484, FR 485 NONE 102B185

ZONING ANALYSIS / DENSITY CALCULATIONS

LOT AREA ZONING ALLOWABLE DENSITY (20,468.2 / 800) ALLOWABLE DENSITY (W/ 142.5% DENSITY BONUS)	= 20,468.2 SF = C2-1VL-CPIO = 26 UNITS = 64 UNITS *
ALLOWABLE HEIGHT	= 45'
PROPOSED HEIGHT	= 43'-1 1/2", 4 STORIE
SETBACK REQUIREMENTS	
REQUIRED	
FRONT	= 0'
SIDE	= 5' + 1' OVER 2ND
REAR	= 15' + 1' OVER 3RD
PROVIDED	
FRONT	= 2'
SIDE	= 5' **
REAR	= 5' **

* ALLOWABLE DENSITY WITHIN C2-1VL-CPIO IS (20,468/800) = 26 UNITS. PROJECT TO REQUEST OFF-MENU DENSITY BONUS INCREASE OF 142.25% (26 X 2.425)

** PROJECT TO REQUEST YARD REDUCTIONS THROUGH DENSITY BONUS OFF-MENU INCENTIVES/WAIVER OF STANDARDS.

F.A.R. CALCULATIONS	
BUILDABLE AREA	= 20,468 SF
ALLOWABLE F.A.R.	= 1.5:1
ALLOWABLE F.A.R. (W/ 80% DENSITY BONUS)	= 2.7:1 *
TOTAL F.A.R. ALLOWED (2.7 X 20,468)	= 55,263.6 SF
PROPOSED F.A.R.	= 55,179 SF

* ALLOWABLE F.A.R. WITHIN C2-1VL-CPIO ZONE IS 1.5:1. THE PROJECT TO REQUEST OFF-MENU F.A.R. INCREASE OF 80% (1.5 X 1.8) = 2.7:1

LOT COVERAGE CALCULATIONS

LOT AREA	= 20,468 SF
PROPOSED BUILDING FOOTPRINT	= 14,232 SF
REQUIRED LOT COVERAGE PER CPIO	= 30%
LOT COVERAGE PROVIDED	= 70%

PRIMARY FRONTAGE CALCULATION

GLAZING PERCENTAGE PROVIDED	= 41%
GLAZING PERCENTAGE REQUIRED PER CPIO	= 30%
TOTAL GLAZING (11'-5 3/4" + 7'-8 3/4" + 17'-1")	= 36' - 3 1/2"
PRIMARY FRONTAGE LENGTH	= 88' - 9 1/2"

STATEMENT OF SCOPE OF WORK

DEMOLISH EXISTING 1-STORY COMMERCIAL STRUCTURES AND EXISTING PARKING LOT. NEW CONSTRUCTION OF ONE 4-STORY TYPE VA RESIDENTIAL BUILDING WITH GROUND FLOOR COMMON SPACES.

UNIT SUMMARY

HOUSING (64 UNITS) 14 STUDIO UNITS 29 ONE-BEDROOM UNITS

TWO-BEDROOM UNITS 20 THREE-BEDROOM UNIT

BUILDING AREA SUMMARY

TYPE VA BUILDING AREA FIRST FLOOR SECOND FLOOR THIRD FLOOR FOURTH FLOOR **TOTAL AREA**

OPEN SPACE CALCULATIONS

OPEN SPACE REQUIRED PER LAMC 12.21G2 14 STUDIOS @ 100 SF 29 1-BR @ 100 SF 2-BR @ 125 SF 20 @ 175 SF 3-BR TOTAL REQ. PER LAMC 12.21G2 TOTAL REQ. W/ 40% REDUCTION

* WAIVER OF DEVELOPMENT STANDARDS REQUEST TO PERMIT 40% DECREASE IN REQUIRED OPEN SPACE

PROPOSED OPEN SPACE 2. COMMUNITY ROOM (25% MAX.) **GROUND FLOOR OPEN SPACE** TOTAL PROVIDED (40% REDUCTION)

LANDSCAPE CALCULATIONS

TREES REQUIRED / PROVIDED (64 UNITS / 1 TREE PER 4 UNITS)

PROVIDED SUSTAINABLE BUILDING METHODS:

OUTDOOR WATER CONSERVATION MEASURES INCLUDE: - USE NATIVE OR DROUGHT-TOLERANT PLANTS FOR A MINIMUM OF 75% OF LANDSCAPED AREA; PLANTS TO BE SELECTED FROM LOS ANGELES COUNTY'S DROUGHT-TOLERANT PLANT LIST, OR THE LOCAL JURISDICTION'S DROUGHT-TOLERANT PLANT LIST, IF REQUIRED TO DO SO BY THE LOCAL JURISDICTION.

- LIMIT CONVENTIONAL GRASS/TURF TO 25% OF LANDSCAPED AREA. - GROUP PLANTS WITH SIMILAR WATERING NEEDS (HYDROZONES). - INSTALL HIGH EFFICIENCY IRRIGATION SYSTEM WITH SMART IRRIGATION

CONTROLS AT ALL LANDSCAPING.

ALL PROJECTS, AT MINIMUM, SHALL RECYCLE AND/OR SALVAGE 70% OF NON-HAZARDOUS CONSTRUCTIN AND DEMOLITION DEBRIS.

THE PROJECT SHALL PROVIDE AN EASILY-ACCESSIBLE RECYCLING AREA FOR TENANT USE THAT SERVES THE ENTIRE BUILDING.



ARCHITECTURAL

A1.00	TITLE SHEET / PROJECT
A2.00	SITE / PLOT PLAN
A2.01	FIRST FLOOR PLAN / LAN
A2.02	SECOND FLOOR PLAN
A2.03	THIRD FLOOR PLAN
A2.04	FOURTH FLOOR PLAN
A2.05	ROOF PLAN
A3.02	BUILDING SECTIONS
A4.02	BUILDING ELEVATIONS
A4.03	BUILDING ELEVATIONS
A9.01	ENLARGED PLANS
A10.01	SPIRIT OF THE PROJECT

	TOTAL P	ARKING PROVI	DED	= 0 STALLS	\$*
PROJEC	T TO UTII	LIZE SB 35 TO E	ELIMINATE PA	RKING REQUIF	REM
	E PAR	KING SUM	MARY		
		ING REQUIRED			
		STALL / 1 UNIT (= 25 STALL	
		STALL / 1.5 UNI		= 26 STALL	
		STALL / 1 PER		= 2 STALLS = 3 STALLS	
		STALL / 1 PER	15 (20-04)	= 3 STALLS	
IOTAL					.0
BICYC	LE PARK	ING PROVIDED			
		ERM STALLS		= 51 STALL	S
TOTAL	SHORT-	TERM STALLS		= 5 STALLS	5
TOTAL	STALLS	PROVIDED		= 56 STALL	.S
ACCES	SSIBL	E UNIT CO	UNT		
<u>Unit Type</u>	<u>Count</u>	Mobility Units	<u>% Unit Type</u>	Sensory Units	<u>%</u>
ST	14	2	14%	1	
1BR	29	3	10%	2	
	20	2	10%	1	
2BR	1	1	100%	1	
3BR	•				

*UNIT 105 IS ACCESSIBLE FOR PERSONS WITH MOBILITY IMPAIRMENTS AS WELL AS FOR

UNDER SEPARATE PERMIT OR APPROVAL

THIS BUILDING SHALL BE PROVIDED WITH A MANUAL ALARM SYSTEM WITH THE CAPABILITY TO SUPPORT VISIBLE ALARM NOTIFICATION APPLIANCES IN ACCORDANCE WITH NFPA 72. DESIGN BUILD BY CONTRACTOR

PROVIDE EMERGENCY RESPONSER RADIO COVERAGE IN ACCORDANCE WITH LAFC 510 {CBC 916.1}

FUTURE SOLAR PHOTOVOLTAIC SYSTEMS

FIRE SPRINKLER SYSTEMS PER NFPA 13 DESIGN. - DESIGN BUILD BY CONTRACTOR

= 16 TREES / 16 TREES

@ 420

@ 500

@ 720

@ 920

= 14,119 SF

= 55,179 SF

= 14,119

= 14,119

= 12,822

= 1,400

= 2,900

= 2,500

= 6,975

= 1,046

= 3,139

= 4,185

= 4,185 SF *

= 175

SF

SE

SF

VEHICULAR PARKING SUMMARY PARKING PROVIDED

3BR	1	1	100%	1	100%
2BR	20	2	10%	1	5%
1BR	29	3	10%	2	6%
ST	14	2	14%	1	7%
<u>Unit Type</u>	<u>Count</u>	Mobility Units	<u>% Unit Type</u>	Sensory Units	<u>% Unit Type</u>

ACCESSIBLE UNITS FOR PERSONS WITH SENSORY IMPAIRMENTS:

- (5) UNITS: 102, 105, 214, 216, 316

PERSONS WITH SENSORY IMPAIRMENTS.

1.	PRO. BONI
2.	PRO. - INC
3.	PRO. 1) 80

4) REDUCTION OF SIDE YARD SETBACKS 5) REDUCTION OF REAR YARD SETBACKS

DRAWING INDEX:

HEET / PROJECT INFORMATION

LOT PLAN LOOR PLAN / LANDSCAPE CONCEPT PLAN

INCENTIVE SUMMARY

JECT TO REQUEST CONDITIONAL USE PERMIT (CUP) FOR DENSITY US ABOVE 35% (142.5% INCREASE)

JECT TO REQUEST ONE ON-MENU INCENTIVE: CREASE HEIGHT BY ONE FLOOR

JECT TO REQUEST FIVE OFF-MENU INCENTIVES:

1) 80% INCREASE IN FAR

2) 40% DECREASE IN OPEN SPACE

3) WAIVER OF TRANSITIONAL HEIGHT REQUIREMENT FOR EASTERN SIDE OF PROPERTY ABUTTING R3 ZONE

The enclosed drawings, designs, ideas and arrangements, as contracted with their clients and consultants, are and shall remain the property of FSY Architects. No part thereof shall be copied, disclosed to others, or used in connection with any other work or project without the written consent of the above. Visual contact with these prints shall constitute conclusive evidence of hese restrictions

APPLICABLE CODES

PROJECT SHALL BE IN COMPLIANCE WITH ALL COMPONENTS OF THE FOLLOWING-

2017 CALIFORNIA BUILDING CODE W/ CITY OF LOS ANGELES AMENDMENTS.

2017 LOS ANGELES GREEN BUILDING CODE

2017 CALIFORNIA GREEN BUILDING CODE 2017 CALIFORNIA MECHANICAL CODE

2017 CALIFORNIA ELECTRICAL CODE

2017 CALIFORNIA PLUMBING CODE

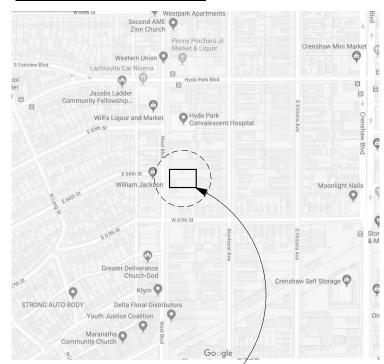
FAIR HOUSING ACT DESIGN MANUAL 1998

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN W/ HUD EXECEPTIONS

PUBLICLY FUNDED PROJECTS SHALL ADHERE TO THE PROVISIONS OF THE CBC CHAPTER 11(B) AND TITLE III OF THE AMERICANS WITH DISABILITIES ACT (2010)

HUD SECTION 504

VICINITY MAP:



SITE LOCATION NOT TO SCALE



2902 KNOX AVE, 2ND FLOOR LOS ANGELES, CA 90039 TEL: 323.255.4343 WWW.FSYARCHITECTS.COM MAIL@FSYARCHITECTS.COM

ACommunity

P Of Friends

PROJECT NAME: 6604 WEST APARTMENTS

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043

CLIENT NAME: A COMMUNITY OF FRIENDS CLIENT ADDRESS:

3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

DRAWING TITLE:

Scale

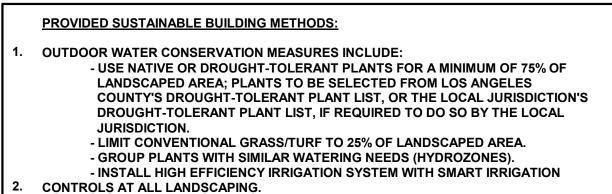
TITLE SHEET / PROJECT INFORMATION

PROJECT NUMBER		1913
NO.	DESCRIPTION	DATE

AHRF SUBMISSION SET Date 11/6/2019 Drawn by Checked by

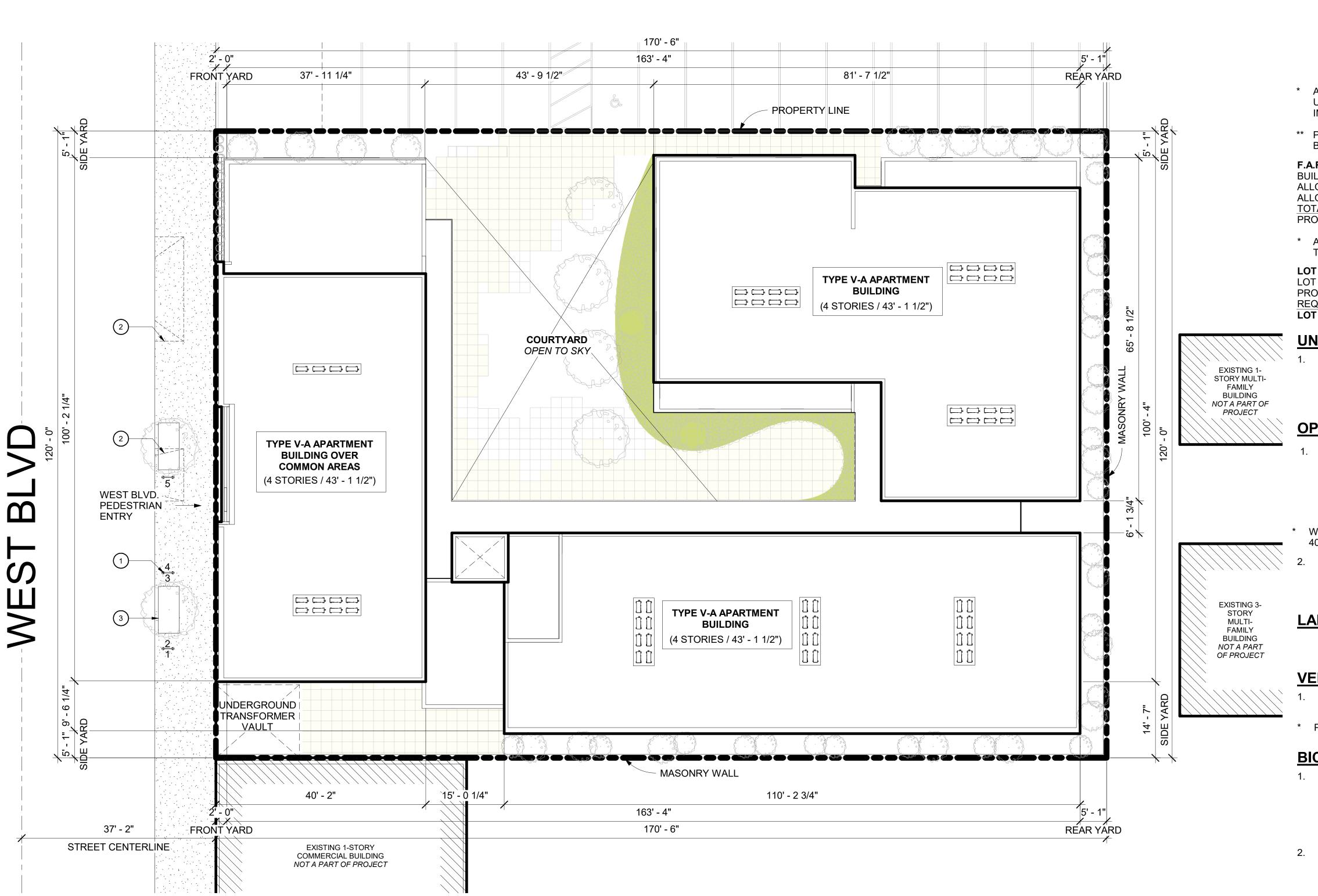


HR



ALL PROJECTS, AT MINIMUM, SHALL RECYCLE AND/OR SALVAGE 70% OF NON-HAZARDOUS CONSTRUCTIN AND DEMOLITION DEBRIS.

THE PROJECT SHALL PROVIDE AN EASILY-ACCESSIBLE RECYCLING AREA FOR TENANT USE THAT SERVES THE ENTIRE BUILDING.



0'4'8'

INCENTIVE SUMMARY

- 1. PROJECT TO REQUEST CONDITIONAL USE PERMIT (CUP) FOR DENSITY BONUS ABOVE 35% (142.5% INCREASE)
- 2. PROJECT TO REQUEST ONE ON-MENU INCENTIVE: - INCREASE HEIGHT BY ONE FLOOR
- 3. PROJECT TO REQUEST FIVE OFF-MENU INCENTIVES:
 - 1) 80% INCREASE IN FAR
 - 2) 40% DECREASE IN OPEN SPACE 3) WAIVER OF TRANSITIONAL HEIGHT REQUIREMENT FOR EASTERN SIDE
 - OF PROPERTY ABUTTING R3 ZONE 4) REDUCTION OF SIDE YARD SETBACKS
 - 5) REDUCTION OF REAR YARD SETBACKS

16'



SITE ADDRESS ZIP CODE LOT/PARCEL AREA (CALCULATED) THOMAS BROTHERS GRID ASSESSOR PARCEL NO. (APN) TRACT MAP REFERENCE BLOCK LOT ARB (LOT CUT REFERENCE) MAP SHEET

LOT ZONI ALLC

ALLC ALLC PROF SETE

PROJECT SUMMARY:

LEGAL DESCRIPTION

ZONING ANALYSIS / DENSITY CALCULATIONS

AREA IING OWABLE DENSITY (20,468.2 / 800) OWABLE DENSITY (W/ 142.5% DENSITY BONUS) OWABLE HEIGHT POSED HEIGHT BACK REQUIREMENTS	= 20,468.2 SF = C2-1VL-CPIO = 26 UNITS = 64 UNITS * = 45' = 43'-1 1/2'', 4 STORIES
REQUIRED	
•	- 01
FRONT	= 0'
SIDE	= 5' + 1' OVER 2ND
REAR	= 15' + 1' OVER 3RD
PROVIDED	
FRONT	= 2'
SIDE	= 5' **
REAR	= 5' **

* ALLOWABLE DENSITY WITHIN C2-1VL-CPIO IS (20,468/800) = 26 UNITS. PROJECT TO REQUEST OFF-MENU DENSITY BONUS INCREASE OF 142.25% (26 X 2.425)

** PROJECT TO REQUEST YARD REDUCTIONS THROUGH DENSITY BONUS OFF-MENU INCENTIVES/WAIVER OF STANDARDS

F.A.R. CALCULATIONS	
BUILDABLE AREA	= 20,468 SF
ALLOWABLE F.A.R.	= 1.5:1
ALLOWABLE F.A.R. (W/ 80% DENSITY BONUS)	= 2.7:1 *
TOTAL F.A.R. ALLOWED (2.7 X 20,468)	= 55,263.6 SF
PROPOSED F.A.R.	= 55,179 SF
* ALLOWABLE F.A.R. WITHIN C2-1VL-CPIO ZONE	IS 1.5:1. THE PROJ

* ALLOWABLE F.A.R. WITHIN C2-1VL-CPIO ZONE IS 1.5:1. THE PROJECT TO REQUEST OFF-MENU F.A.R. INCREASE OF 80% (1.5 X 1.8) = 2.7:1

LOT COVERAGE CALCULATIONS

COVERAGE PROVIDED	= 70%
QUIRED LOT COVERAGE	= 30%
OPOSED BUILDING FOOTPRINT	= 14,232 SF
T AREA	= 20,468 SF

UNIT SUMMARY

HOUSING	(64 UNITS)		
14	STUDIO UNITS	@ 420	SF
29	ONE-BEDROOM UNITS	<u>@</u> 500	SF
20	TWO-BEDROOM UNITS	<u>@</u> 720	SF
1	THREE-BEDROOM UNIT	<u>@</u> 920	SF

OPEN SPACE CALCULATIONS

OPE	EN SPACE RE	EQUIRED PER LA	AMC 12.21G2		
14	STUDIOS	@ 100 SF		= 1,400	SF
29	1-BR	@ 100 SF		= 2,900	SF
20	2-BR	@ 125 SF		= 2,500	SF
1	3-BR	@ 175 SF		= 175	SF
TOT	AL REQ. PER	R LAMC 12.21G2		= 6,975	SF
тот	AL REQ. W/	40% REDUCTIO	N	= 4,185	SF *
		OPMENT STAND REQUIRED OPE			MIT

TOTAL PROVIDED (40% REDUCTION)	= 4,185	SF	
GROUND FLOOR OPEN SPACE	= 3,139	SF	
COMMUNITY ROOM (25% MAX.)	= 1,046	SF	
<u>PROPOSED OPEN SPACE</u>			

LANDSCAPE CALCULATIONS

TREES REQUIRED / PROVIDED	
(64 UNITS / 1 TREE PER 4 UNITS)	

VEHICULAR PARKING SUMMARY

PARKING PROVIDED TOTAL PARKING PROVIDED = 0 STALLS *

* PROJECT TO UTILIZE SB 35 TO ELIMINATE PARKING REQUIREMENTS

BICYCLE PARKING SUMMARY

BICYCLE PARKING REQUIRED 1 LONG-TERM STALL / 1 UNIT (1-25) 1 LONG-TERM STALL / 1.5 UNIT (26-64) 1 SHORT-TERM STALL / 1 PER 10 (1-25) 1 SHORT-TERM STALL / 1 PER 15 (26-64)	= 25 STALLS = 26 STALLS = 2 STALLS = 3 STALLS
TOTAL STALLS REQUIRED BICYCLE PARKING PROVIDED TOTAL LONG-TERM STALLS TOTAL SHORT-TERM STALLS TOTAL STALLS PROVIDED	= 56 STALLS = 51 STALLS = 5 STALLS = 56 STALLS

PRIMARY FRONTAGE CALCULATION

PRIMARY FRONTAGE LENGTH	= 88' - 9 1/2"
TOTAL GLAZING	= 36' - 3 1/2"
GLAZING PERCENTAGE REQUIRED	= 30%
GLAZING PERCENTAGE PROVIDED	= 41%

6576-6604 S WEST BLVD. 90043 20,468.2 SF PAGE 673 - GRID E7 4006-020-026/027 HYDE PARK M R 14-21 NONE FR 484, FR 485 NONE 102B185

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CONSTRUCTION NOTES:

- 1. DOUBLE BIKE STALL TO BE USED AS RESIDENTIAL SHORT-TERM BIKE STORAGE, COMPLYING WITH BICYCLE PARKING ORDINANCE CF-12-1297-S1. BICYCLE STALLS SHALL USE THE STANDARD PLAN IN COMPLIANCE WITH S-671-0. SEE A10.06. 5 SHORT-TERM STALLS PROVIDED, TYP.
- 2. (E) EXISTING DRIVEWAY ACCESS TO BE REMOVED AND RÉPLACED WITH NEW SIDEWALK.
- 3. PROPOSED PARKWAY, TYP. FOR REFERENCE ONLY, LANDSCAPE ARCHITECT TO RECOMMEND FINAL LOCATION AND SIZE



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PROJECT NAME: 6604 WEST APARTMENTS

= 16 TREES / 16 TREES

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043 CLIENT NAME:

ACommunity P Of Friends A COMMUNITY OF FRIENDS CLIENT ADDRESS: 3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

DRAWING TITLE: SITE / PLOT PLAN

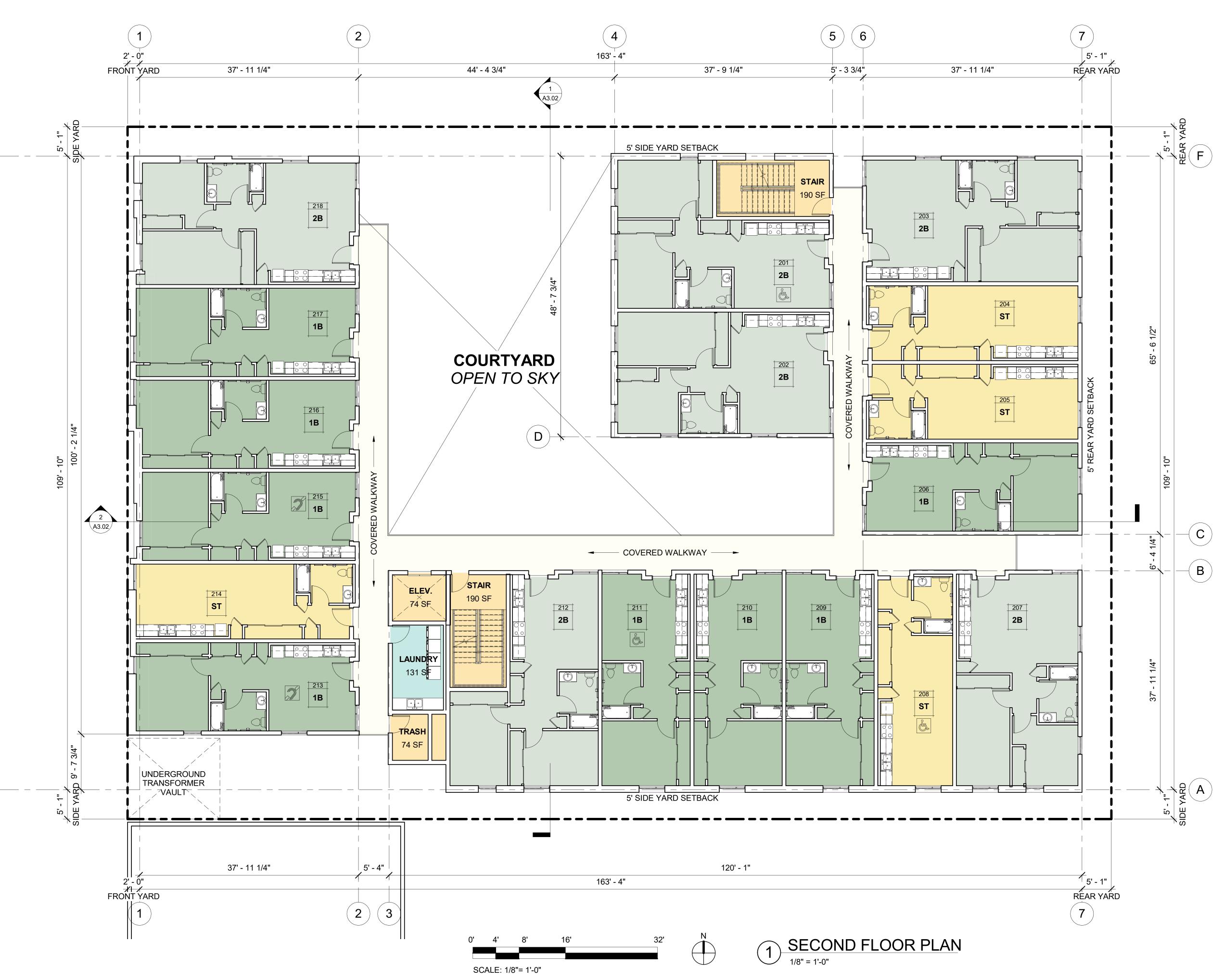
Scale

PROJECT	NUMBER	1913
NO.	DESCRIPTION	DATE

AHRF SUBMISSION SET		
Date	11	/6/2019
Drawn by		ZJ
Checked by		HR
	A2.00	

3/32" = 1'-0"









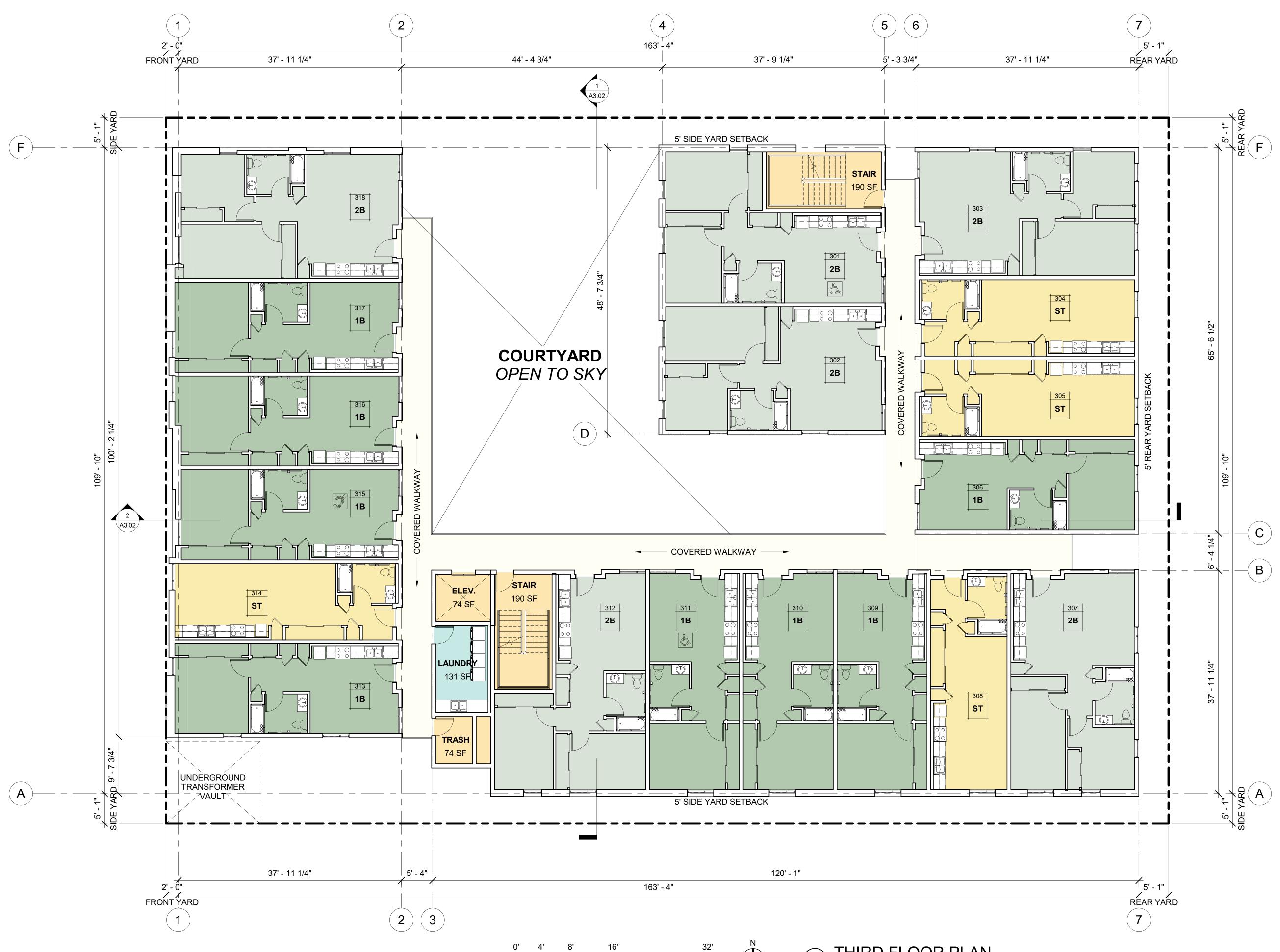
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CONSTRUCTION NOTES:



A2.02

Scale



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

1 THIRD FLOOR PLAN 1/8" = 1'-0" The enclosed drawings, designs, ideas and arrangements, as contracted with their clients and consultants, are and shall remain the property of FSY Architects. No part thereof shall be copied, disclosed to others, or used in connection with any other work or project without the written consent of the above. Visual contact with these prints shall constitute conclusive evidence of these restrictions.

CONSTRUCTION NOTES:



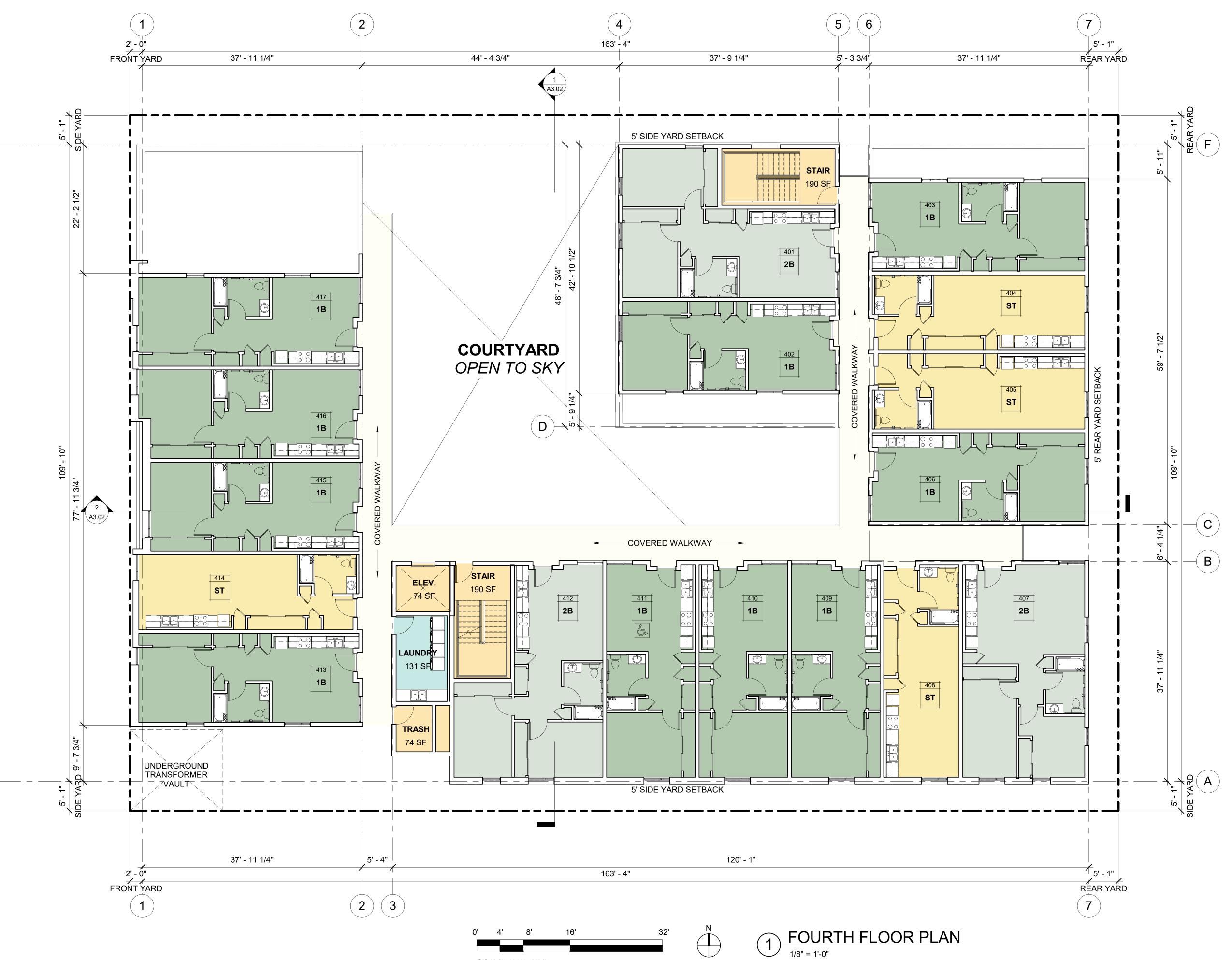
AHRF SUBMISSION SET
Date 11/6/2019
Drawn by ZJ
Checked by HR

2019 5:48:07 PM

1/8" = 1'-0"

Q:\1913 - 6604 West\01 - Production\01_Pre-design\Revit\6604 West - NPLH NOFA - 2020 - NEW FACADE.rvt

Scale



F

 (\mathbf{A})

 \searrow

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

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CONSTRUCTION NOTES:

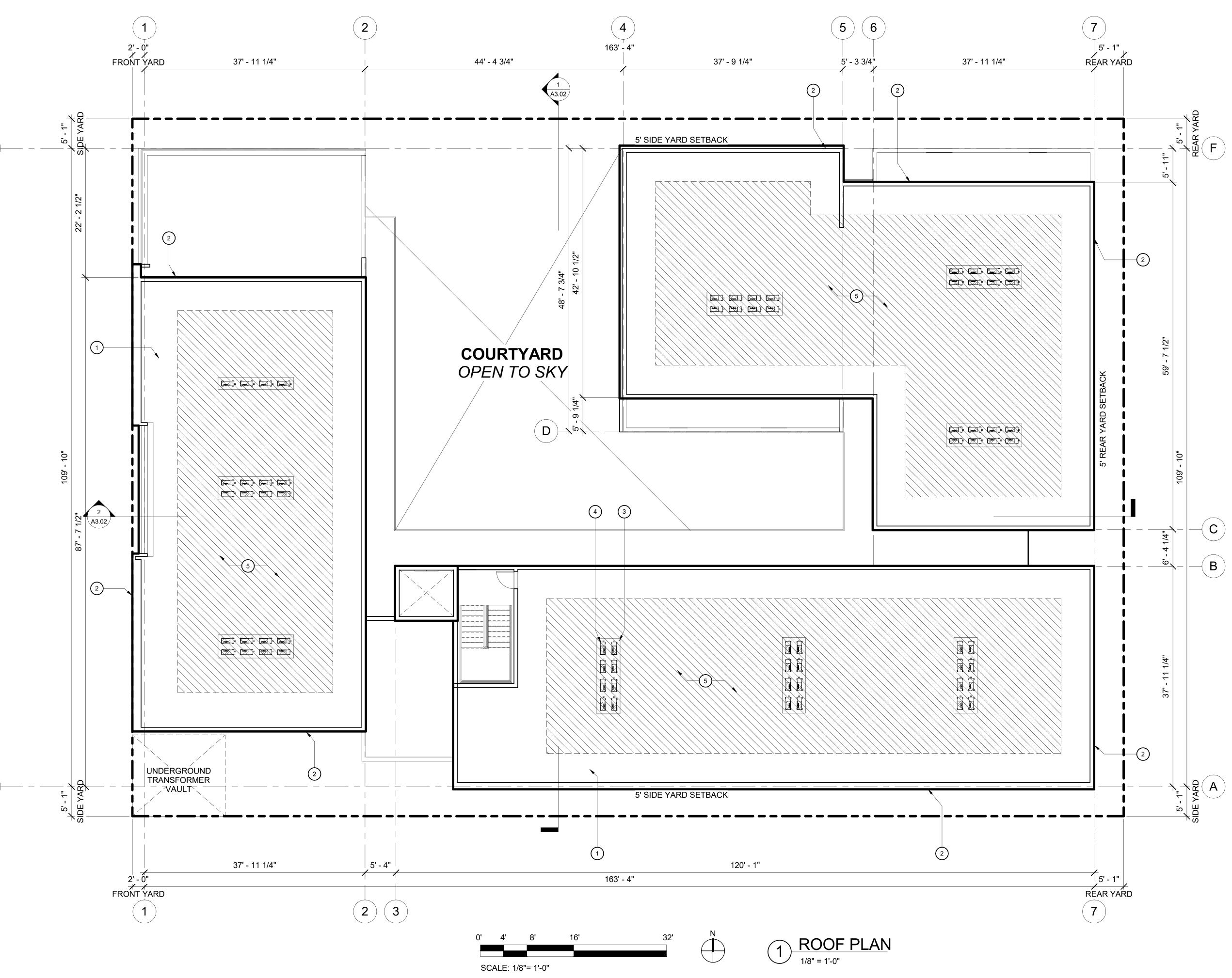


AHRF SUBMISSION SET	
Date	11/6/2019
Drawn by	ZJ
Checked by	HR
A2.	04

1/8" = 1'-0"

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Scale



F

A

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CONSTRUCTION NOTES:

- 1. 60MIL MIN. FIRESTONE ULTRAPLY WHITE OR EQUAL CLASS 'A' SINGLE PLY COOL ROOF OVER 1/4" DENS DECK PRIME SHEATHING INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. TYPICAL. PROVIDE PENETRATION FLASHING AND TPO COATED SHEET METAL FLASHING PER MANUFACTURER REQUIREMENTS. MINIMUM 78 SRI (SOLAR REFLECTANCE INDEX) CONTRACTOR TO PROVIDE MINIMUM 20 YEAR NDL WARRANTY. ICC# ESR 2831 (REFER TO CUT SHEET S723-RFS-012, TIS #201 ON À10.04 FOR TECHNICAL INFORMATION)
- 2. PARAPET WALL
- 3. MECHANICAL/PLUMBING EQUIPMENT PAD (MIN. 8" A.F.F. HIGHEST ADJACENT ROOF FINISH ELEVATION OR PER MANUFACTURER RECCOMENDATIONS)
- 4. MECHANICAL CONDENSER UNITS
- 5. SOLAR PANELS / SOLAR ZONE

GENERAL NOTES - SOLAR ZONE

SOLAR ZONE AREA WITH TOTAL AREA EQUAL TO OR GREATER THAN 15% OF THE BUILDING'S TOTAL ROOF AREA PROVIDED (PER 2017 LAGBC 4.211.4)

- ROOF AREA: 14,840 SF - SOLAR ZONE AREA REQUIRED: 14,840 SF X .15 = 2,226 SF - SOLAR ZONE AREA PROVIDED: 2,748 SF > 15% REQ.

SOLAR ZONE SHALL BE FREE OF OBSTRUCTIONS AND BE SETBACK AT LEAST TWO TIMES THE HEIGHT OF ANY OBSTRUCTION, INCLUDING BUT NOT LIMITED TO, VENTS, CHIMNEYS, AND EQUIPMENT (PER 2017 LAGBC 4.211.4)

GENERAL NOTES - LID

A. ROOF DRAINS AND DOWNSPOUTS TO DRAIN TO THE STORMWATER DRYWELL (TBD BY CIVIL ENGINEER)



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ACommunity P Of Friends

PROJECT NAME: 6604 WEST APARTMENTS

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043

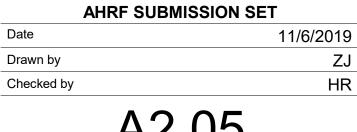
CLIENT NAME: A COMMUNITY OF FRIENDS CLIENT ADDRESS:

3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

DRAWING TITLE: ROOF PLAN

Scale

PROJECT	NUMBER	1913
NO.	DESCRIPTION	DATE



A2.05

1/8" = 1'-0"









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CONSTRUCTION NOTES:

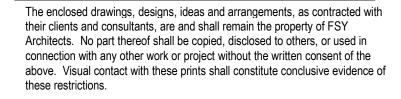
Date 11/6/2019 Drawn by ZJ HR Checked by A3.02 1/8" = 1'-0" Scale





1 EAST ELEVATION - REAR YARD

2 WEST ELEVATION - WEST BLVD 1/8" = 1'-0"



CONSTRUCTION NOTES:

- 1. 42" TALL METAL PICKET GUARDRAIL
- 2. STRUCTURAL COLUMN
- 3. VINYL WINDOW
- 4. STUCCO FINISH (LA HABRA CRYSTAL WHITE)
- 5. STUCCO CONTROL JOINT
- 6. STOREFRONT ASSEMBLY
- (ARCADIA OFFSET DOUBLE GLAZING).
- 7. STOREFRONT DOOR ASSEMBLY (ARCADIA - OFFSET DOUBLE GLAZING)
- 8. SHEET METAL COPING (COLOR MATCHED TO STUCCO)
- 9. PERIMETER FENCE
- 10. NOT USED
- 11. STUCCO FINISH (LA HABRA SILVER GRAY)

GENERAL NOTES:

- A. ALL WINDOWS SHALL BE EQUIPPED WITH A NATIONAL FENESTRATION RATING COUNCIL (NFRC) LABEL (FOR FIELD INSPECTION) SHOWING THE U-VALUE AND SOLAR GAIN COEFFICIENT
- B. SCREENS SHALL BE PROVIDED FOR ALL OPERABLE WINDOWS
- C. PROVIDE WINDOW TREATMENTS AT ALL WINDOWS. METAL HORIZONTAL BLINDS ARE NOT PERMITTED.



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PROJECT NAME: 6604 WEST APARTMENTS

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043

CLIENT NAME: A COMMUNITY OF FRIENDS CLIENT ADDRESS: 3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

DRAWING TITLE: BUILDING ELEVATIONS

Scale

	PROJE	ECT NUMBER	1913
NO. DESCRIPTION DAT	NO.	DESCRIPTION	DATE

AHRF SUBMISSION SET Date 11/6/2019 Drawn by ZJ Checked by HR



1/8" = 1'-0"

5 ROOF 43' - 1 1/2" 44 1/2 \sim 10' FOURTH FLOOR 32' - 11" -(8) 1/2" 3 \sim 10' -1/2" THIRD FLOOR 22' - 8 1/2" ~ —`` ı Ņ ~ \sim - I 10 SECOND FLOOR 12' - 6" o. 12 GROUND FLOOR 0' - 0" PL





1 NORTH ELEVATION - SIDE YARD



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- (ARCADIA OFFSET DOUBLE GLAZING).
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CLIENT NAME: A COMMUNITY OF FRIENDS CLIENT ADDRESS: 3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

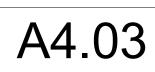
DRAWING TITLE:

BUILDING ELEVATIONS

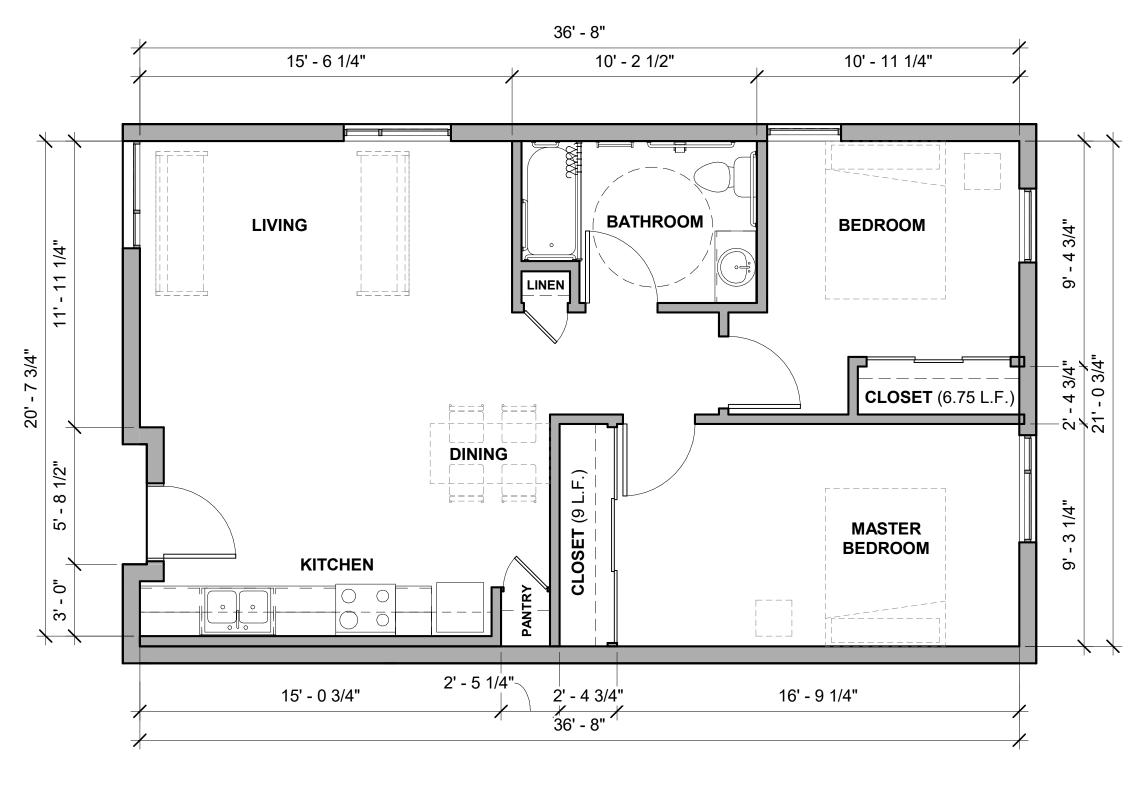
Scale

PROJECT NUMBER		1913
NO.	DESCRIPTION	DATE

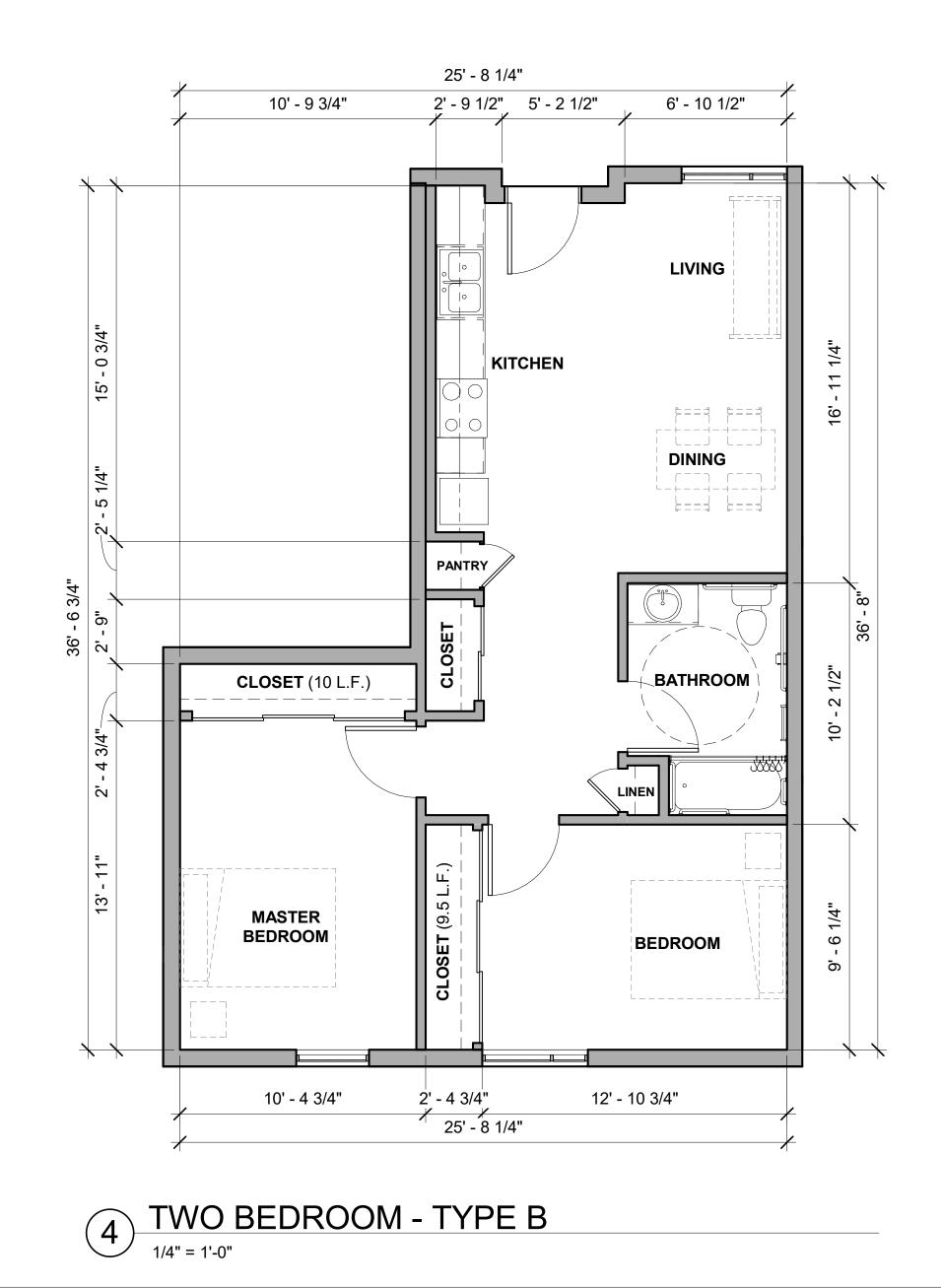
AHRF SUBMISSION SET Date 11/6/2019 Drawn by ZJ HR Checked by

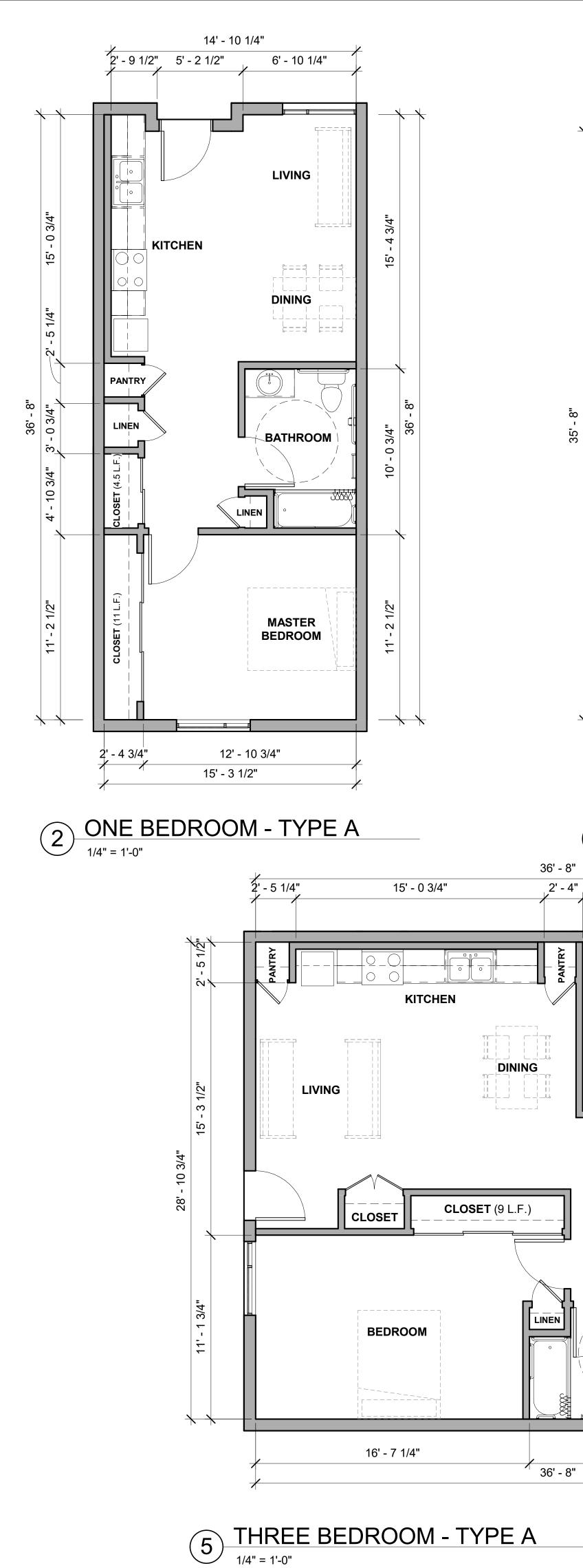


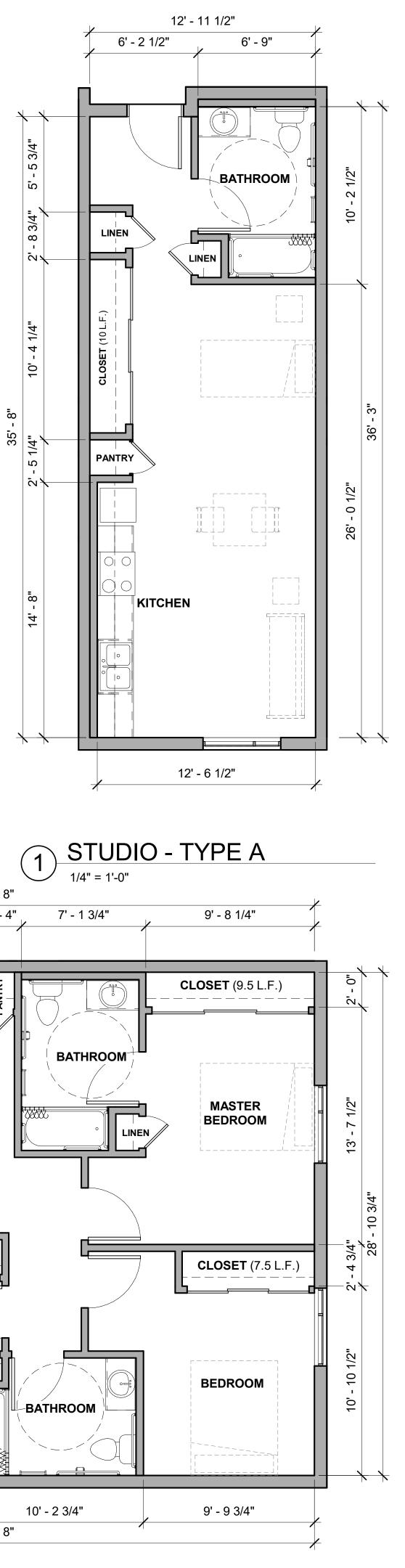
1/8" = 1'-0"











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CONSTRUCTION NOTES:



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PROJECT NAME: 6604 WEST APARTMENTS

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043 CLIENT NAME:

A COMMUNITY OF FRIENDS CLIENT ADDRESS: 3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

DRAWING TITLE: ENLARGED PLANS

Scale

1913 PROJECT NUMBER DATE NO. DESCRIPTION

AHRF SUBMISSION SET Date 11/6/2019 Drawn by ZJ Checked by HR A9.01

1/4" = 1'-0"



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PROJECT NAME: 6604 WEST APARTMENTS

PROJECT ADDRESS: 6576-6604 S WEST BLVD. LOS ANGELES, CA 90043 CLIENT NAME: A COMMUNITY OF FRIENDS CLIENT NAME:

Scale

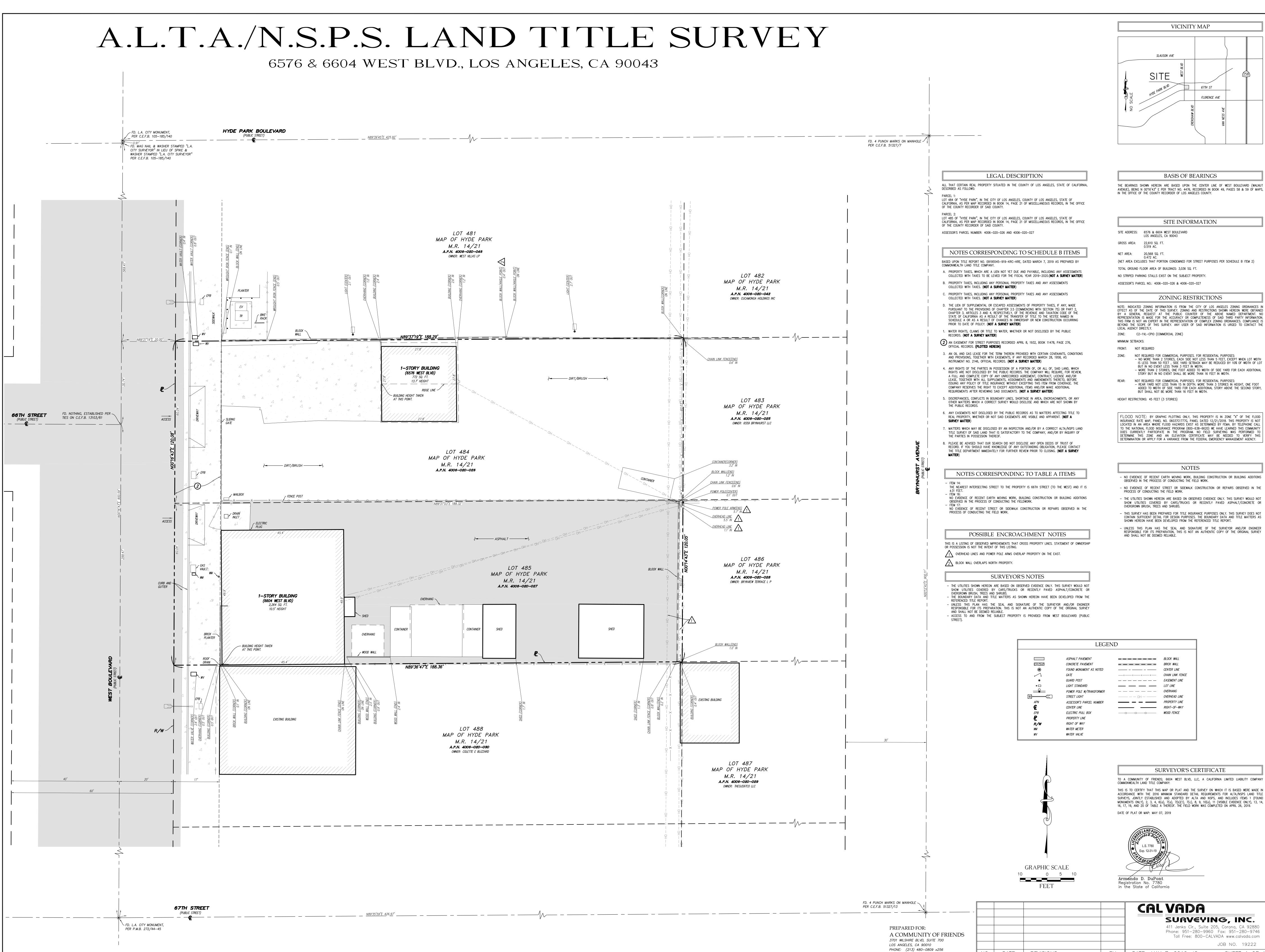
CLIENT ADDRESS: 3701 WILSHIRE BLVD., SUITE 700 LOS ANGELES, CA 90010

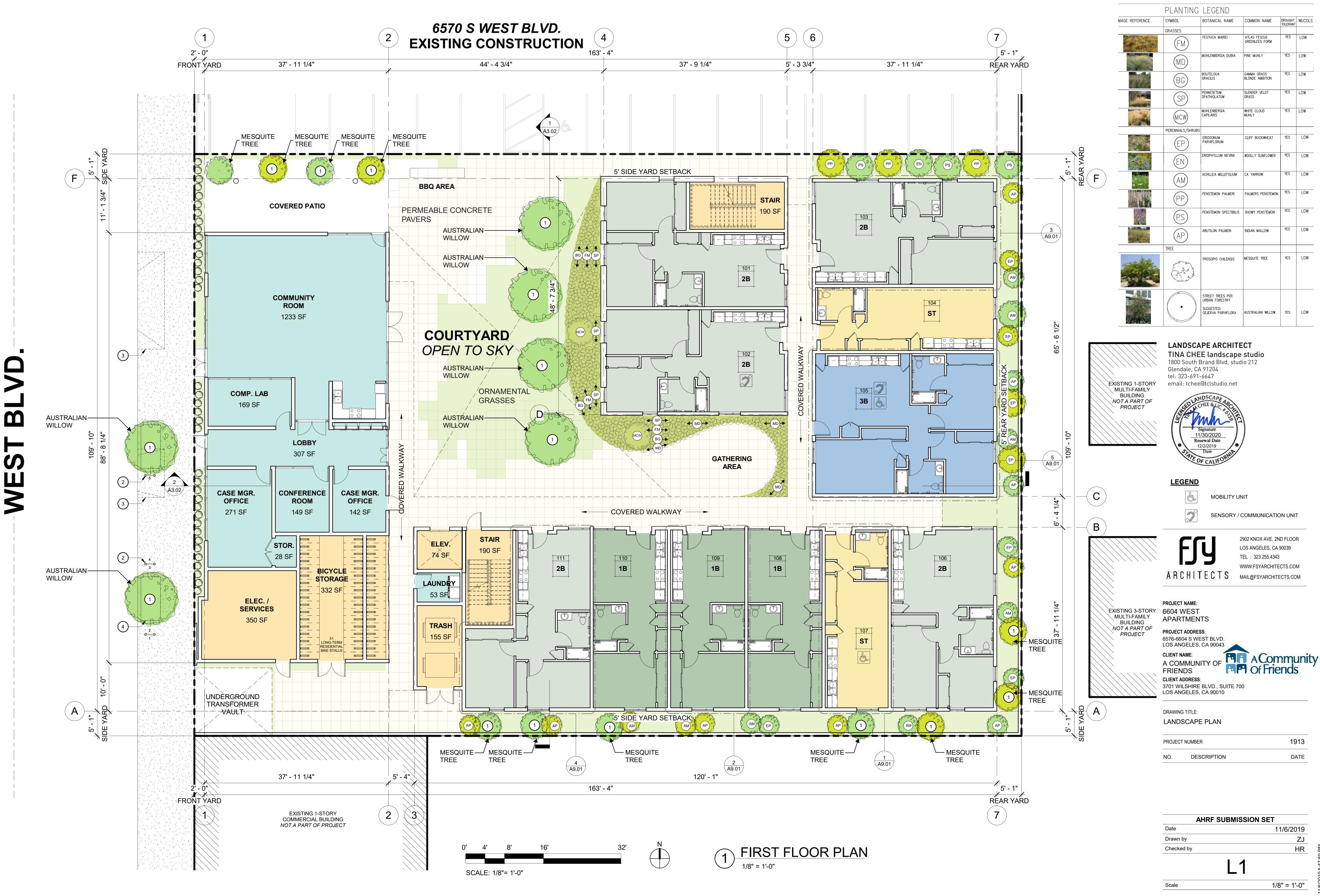
DRAWING TITLE: SPIRIT OF THE PROJECT

PROJECT NUMBER		1913
NO.	DESCRIPTION	DATE

AHRF SUBMISSION SET Date 11/6/2019 Drawn by HR HR Checked by





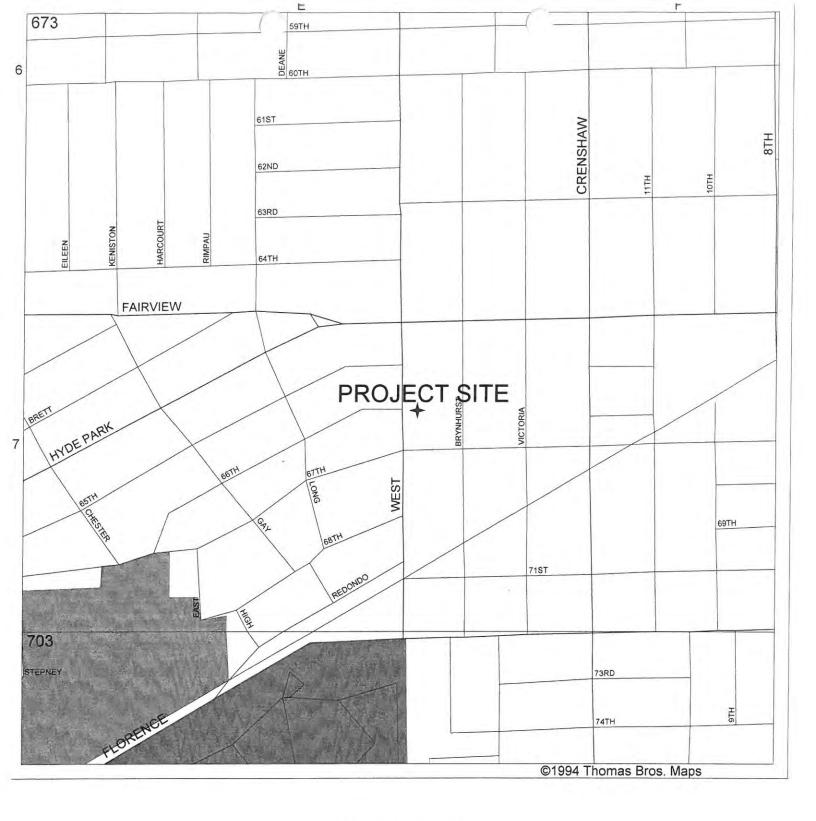


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EXHIBIT B

MAPS

- B1 Vicinity Map
- B2 Radius Map
- **B3 ZIMAS Parcel Profile Report**
- B4 Aerial Map



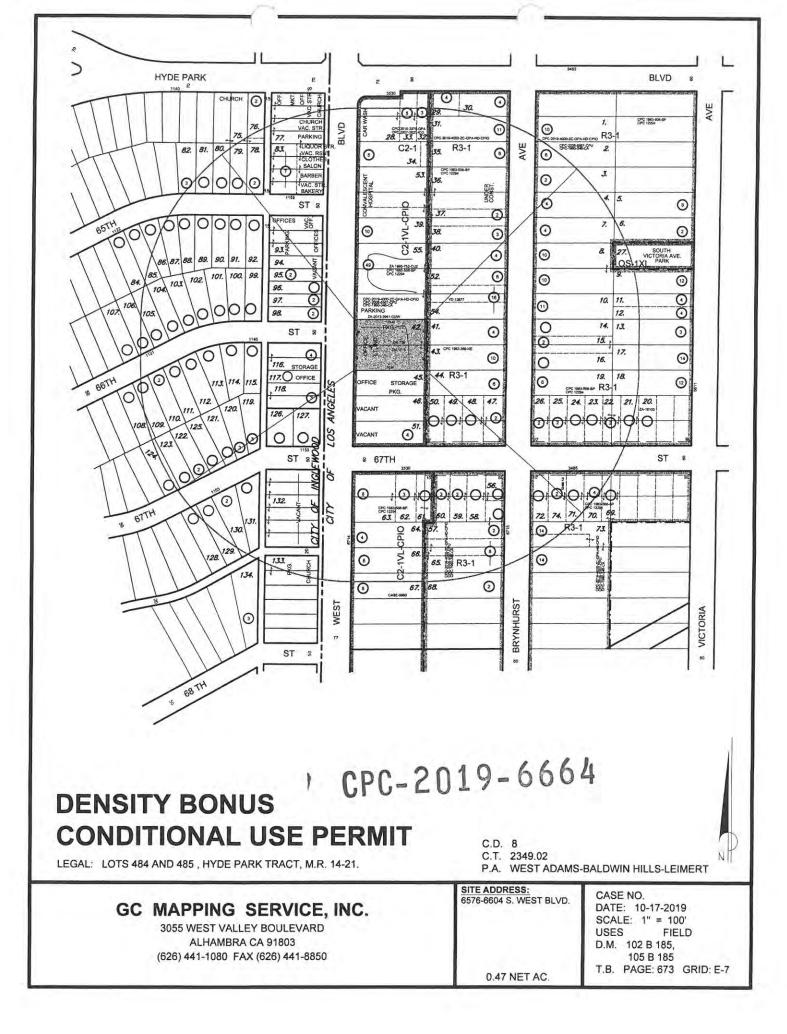
VICINITY MAP

SITE : 6576-6604 S. WEST BLVD.

CPC-2019-6664

GC MAPPING SERVICE, INC. 3055 WEST VALLEY BOULEVARD ALHAMBRA CA 91803 (626) 441-1080, FAX (626) 441-8850 GCMAPPING@RADIUSMAPS.COM

1





City of Los Angeles Department of City Planning

11/21/2019 PARCEL PROFILE REPORT

PROPERTY ADDRESSES	Address/Legal Information	
6576 S WEST BLVD	PIN Number	102B185 121
6578 S WEST BLVD	Lot/Parcel Area (Calculated)	10,231.9 (sq ft)
6580 S WEST BLVD	Thomas Brothers Grid	PAGE 673 - GRID E7
	Assessor Parcel No. (APN)	4006020026
ZIP CODES	Tract	HYDE PARK
90043	Map Reference	M R 14-21
	Block	None
RECENT ACTIVITY	Lot	FR 484
ADM-2019-1927-TOC	Arb (Lot Cut Reference)	None
CPC-2019-6664-DB-CU-SIP	Map Sheet	102B185
PAR-2019-1528-TOC	Jurisdictional Information	
PAR-2019-862-CM	Community Plan Area	West Adams - Baldwin Hills - Leimert
	Area Planning Commission	South Los Angeles
CASE NUMBERS	Neighborhood Council	Park Mesa Heights
CPC-2019-4000-ZC-GPA-HD-CPIO	Council District	CD 8 - Marqueece Harris-Dawson
CPC-2006-5567-CPU	Census Tract #	2349.02
CPC-1990-346-CA	LADBS District Office	Los Angeles Metro
CPC-1983-506	Planning and Zoning Information	
CPC-12294	Special Notes	None
ORD-184796-SA1690	Zoning	C2-1VL-CPIO
ORD-184794	Zoning Information (ZI)	ZI-2452 Transit Priority Area in the City of Los Angeles
ORD-171682		ZI-2488 Crenshaw/Slauson
ORD-171681		ZI-1231 South Los Angeles Alcohol Sales
ORD-162128 ORD-122648		ZI-2468 West Adams Community Plan Implementation Overlay (CPIO) District
ORD-122646 ORD-120676		ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE
ZAI-120070	General Plan Land Use	Neighborhood Commercial
ENV-2008-478-EIR	General Plan Note(s)	Yes
ENV-2000-470-EIK	Hillside Area (Zoning Code)	No
	Specific Plan Area	South Los Angeles Alcohol Sales
	Subarea	None
	Special Land Use / Zoning	None
	Design Review Board	No
	Historic Preservation Review	No
	Historic Preservation Overlay Zone	None
	Other Historic Designations	None
	Other Historic Survey Information	None
	Mills Act Contract	None
	CDO: Community Design Overlay	None
	CPIO: Community Plan Imp. Overlay	West Adams - Baldwin Hills - Leimert
	Subarea	Commercial Corridors
	CUGU: Clean Up-Green Up	None
	HCR: Hillside Construction Regulation	No
	NSO: Neighborhood Stabilization Overlay	No
	POD: Pedestrian Oriented Districts	None
	RFA: Residential Floor Area District	None
	RIO: River Implementation Overlay	No

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

SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	Medium
Non-Residential Market Area	Medium
Transit Oriented Communities (TOC)	Tier 3
RPA: Redevelopment Project Area	Crenshaw/Slauson
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	Active: South Victoria Avenue Park (Planned)
Assessor Information	
Assessor Parcel No. (APN)	4006020026
Ownership (Assessor)	
Owner1	6604 WEST PSH LP
Address	3701 WILSHIRE BLVD STE 700 LOS ANGELES CA 90010
Ownership (Bureau of Engineering, Land Records)	
Owner	HOWELL, LEE A
Address	5329 S GARTH AVE LOS ANGELES CA 90056
APN Area (Co. Public Works)*	0.234 (ac)
Use Code	1100 - Commercial - Store - One Story
Assessed Land Val.	\$465,445
Assessed Improvement Val.	\$21,648
Last Owner Change	07/01/2019
Last Sale Amount	\$2,485,024
Tax Rate Area	6612
Deed Ref No. (City Clerk)	C535593J
	99224
	9-651
	6-638
	413553J
	308927
	1522789
	1460385
	1460384
	1358995
	101058
Building 1	
Year Built	1923
Building Class	D4A
Number of Units	1
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	700.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Additional Information	
Airport Hazard	None
Coastal Zone	None
	more details please refer to the terms and conditions at zimas lacity org

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Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Wells	None
Seismic Hazards	
Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	0.4131564
Nearest Fault (Name)	Newport - Inglewood Fault Zone (Onshore)
Region	Transverse Ranges and Los Angeles Basin
Fault Type	В
Slip Rate (mm/year)	1.0000000
Slip Geometry	Right Lateral - Strike Slip
Slip Type	Poorly Constrained
Down Dip Width (km)	13.0000000
Rupture Top	0.0000000
Rupture Bottom	13.0000000
Dip Angle (degrees)	90.0000000
Maximum Magnitude	7.10000000
Alquist-Priolo Fault Zone	No
Landslide	No
	No
Liquefaction	No
Preliminary Fault Rupture Study Area Tsunami Inundation Zone	No
Economic Development Areas	
Business Improvement District	None
Hubzone	Qualified
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	LOS ANGELES STATE ENTERPRISE ZONE
Housing	
Direct all Inquiries to	Housing+Community Investment Department
Telephone	(866) 557-7368
Website	http://hcidla.lacity.org
Rent Stabilization Ordinance (RSO)	No
Ellis Act Property	No
Public Safety	
Police Information	
Bureau	South
Division / Station	77th Street
Reporting District	1241
Fire Information	
Bureau	South
Batallion	13
District / Fire Station	66
Red Flag Restricted Parking	No

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

CASE SUMMARIES

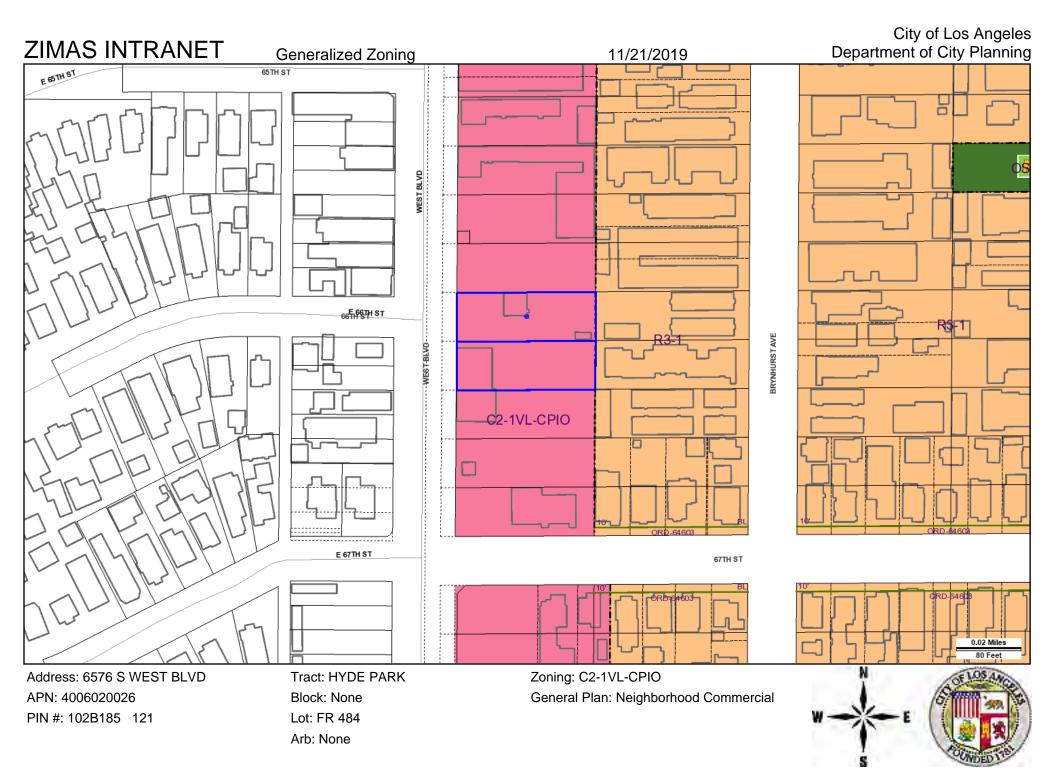
Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Note: Information for cas	se summanes is relieved from the Planning Department's Plan Case Tracking System (PCTS) database.
Case Number:	CPC-2019-4000-ZC-GPA-HD-CPIO
Required Action(s):	CPIO-COMMUNITY PLAN IMPLEMENTATION OVERLAY AMENDMENT AND ESTABLISHMENT
	GPA-GENERAL PLAN AMENDMENT
	HD-HEIGHT DISTRICT
	ZC-ZONE CHANGE
Project Descriptions(s):	GENERAL PLAN AMENDMENTS, ZONE CHANGE, HEIGHT DISTRICT CHANGE, AND AMENDMENTS TO THE WEST ADAMS- BALDWIN HILLS-LEIMERT CPIO, SOUTH LOS ANGELES CPIO, AND SOUTHEAST LOS ANGELES CPIO AS PART OF THE SLAUSON CORRIDOR TRANSIT NEIGHBORHOOD PLAN.
Case Number:	CPC-2006-5567-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	1. PURSUANT TO PROCEDURES SET FORTH IN SECTION 11.5.6 OF THE MUNICIPAL CODE AND CITY CHARTER SECTIONS 555 AND 558, AMEND THE WEST ADAMS-BALDWIN HILLS-LEIMERT COMMUNITY PLAN AS PART OF THE GENERAL PLAN OF THE CITY OF LOS ANGELES, AS MODIFIED IN THE ATTACHED WEST ADAMS-BALDWIN HILLS-LEIMERT NEW COMMUNITY PLAN RESOLUTION, THE WEST ADAMS-BALDWIN HILLS-LEIMERT NEW COMMUNITY PLAN TEXT AND CHANGE MAPS (EXHIBITS A, B, C, M, O) AND ADDITIONAL PLAN MAP SYMBOL, FOOTNOTE, CORRESPONDING ZONE AND LAND USE NOMENCLATURE CHANGES (EXHIBIT K).
	2. PURSUANT TO SECTIONS 11.5.7.G., 16.50.D., 12.32. AND 12.04 OF THE MUNICIPAL CODE AND CITY CHARTER SECTION 558, AMEND THE CRENSHAW CORRIDOR SPECIFIC PLAN, AS SHOWN IN THE PROPOSED CRENSHAW CORRIDOR SPECIFIC PLAN AMENDMENTS (EXHIBIT G).
	3. PURSUANT TO SECTION 13.14.C., 12.32, AND 12.04 OF THE MUNICIPAL CODE AND CITY CHARTER SECTION 558, ADOPT THE WEST ADAMS-BALDWIN HILLS-LEIMERT COMMUNITY PLAN IMPLEMENTATION OVERLAY (CPIO) DISTRICT, AS SHOWN IN THE PROPOSED CPIO SUBDISTRICT ORDINANCES (EXHIBIT F).
	4. PURSUANT TO SECTION 12.32 OF THE MUNICIPAL CODE, ADOPT REZONING ACTIONS TO EFFECT CHANGES OF ZONE AS IDENTIFIED ON THE LAND USE CHANGE MAP (EXHIBIT H), LAND USE CHANGE MATRIX (EXHIBIT I) AND PROPOSED ZONING MAP (EXHIBIT Q).
	5. PURSUANT TO PROCEDURES SET FORTH IN SECTION 11.5.6 OF THE MUNICIPAL CODE AND CITY CHARTER SECTIONS 555 AND 558, AMEND THE HIGHWAYS AND FREEWAYS MAP OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN TO RECLASSIFY SELECTED STREETS WITHIN THE WEST ADAMS-BALDWIN HILLS-LEIMERT NEW COMMUNITY PLAN AS SHOWN ON THE STREET REDESIGNATION MATRIX (EXHIBIT J).
	6. PURSUANT TO PROCEDURES SET FORTH IN SECTION 11.5.6 OF THE MUNICIPAL CODE AND CITY CHARTER SECTIONS 555 AND 558, AMEND THE LONG RANGE LAND USE DIAGRAM OF THE CITYWIDE GENERAL PLAN FRAMEWORK ELEMENT TO REFLECT CHANGES AND MODIFICATIONS TO THE GEOGRAPHY OF NEIGHBORHOOD DISTRICTS, COMMUNITY CENTERS, REGIONAL CENTERS, AND MIXED USE BOULEVARDS AS SHOWN ON THE PROPOSED LON
Case Number:	CPC-1990-346-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	AMENDMENT TO THE L.A.M.C. TO - DRAFT AN ORDINANCE TO PROHIBIT THE GRANTING OF A CONDITIONAL USE PERMIT FOR THE OFF-SITE SALE OF ALCOHOLIC BEVERAGES (LOURDES GREEN/KAREN HOO)\
Case Number:	CPC-1983-506
Required Action(s):	Data Not Available
Project Descriptions(s):	SPECIFIC PLN ORD FOR INTERIM CONDITIONAL USE APPRVL FOR ESTABLISHMENTS FOR THE SALE OF ALCOHOL WHICH ARE GENERALLY LOCATED INTHE SOUTH CENTRAL AREA OF THE CITY
Case Number:	ZAI-19XX-729
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	ENV-2008-478-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	ADDENDUM TO THE WEST ADAMS CPU EIR CHANGE

DATA NOT AVAILABLE

CPC-12294 ORD-184796-SA1690 ORD-184794 ORD-171682 ORD-171681 ORD-162128 ORD-162128 ORD-122648 ORD-120676 This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org (*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

zimas.lacity.org | planning.lacity.org



LEGEND

GENERALIZED ZONING



GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL	INDUSTRIAL
Minimum Residential	Commercial Manufacturing
Very Low / Very Low I Residential	Limited Manufacturing
Very Low II Residential	Light Manufacturing
Low / Low I Residential	Heavy Manufacturing
Low II Residential	Hybrid Industrial
Low Medium / Low Medium I Residential	PARKING
Low Medium II Residential	Parking Buffer
Medium Residential	PORT OF LOS ANGELES
High Medium Residential	General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
High Density Residential	General / Bulk Cargo - Hazard
Very High Medium Residential	Commercial Fishing
COMMERCIAL	Recreation and Commercial
Limited Commercial	Intermodal Container Transfer Facility Site
🗱 Limited Commercial - Mixed Medium Residential	LOS ANGELES INTERNATIONAL AIRPORT
Highway Oriented Commercial	Airport Landside / Airport Landside Support
Highway Oriented and Limited Commercial	Airport Airside
Kighway Oriented Commercial - Mixed Medium Residential	LAX Airport Northside
Neighborhood Office Commercial	OPEN SPACE / PUBLIC FACILITIES
Community Commercial	Open Space
Community Commercial - Mixed High Residential	Public / Open Space
Regional Center Commercial	Public / Quasi-Public Open Space
	Other Public Open Space
FRAMEWORK	Public Facilities
COMMERCIAL	INDUSTRIAL

Limited Industrial

Light Industrial

Neighborhood Commercial

- General Commercial
- Community Commercial
- Regional Mixed Commercial

CIRCULATION

STREET

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

FREEWAYS

Freeway

- Interchange
- —— On-Ramp / Off- Ramp
- Hailroad
- Scenic Freeway Highway

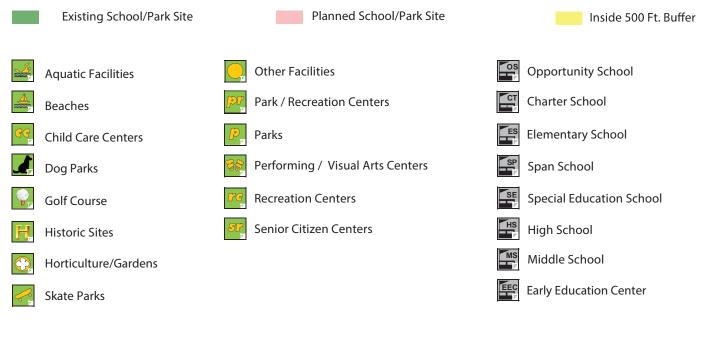
MISC. LINES

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

POINTS OF INTEREST

- 🗊 Alternative Youth Hostel (Proposed)
- Animal Shelter
- 📩 Area Library
- 庙 Area Library (Proposed)
- 🕾 Bridge
- ▲ Campground
- Campground (Proposed)
- 👻 Cemetery
- HW Church
- 🛓 City Hall
- 🕅 Community Center
- M Community Library
- Community Library (Proposed Expansion)
- Community Library (Proposed)
- XX Community Park
- 🕱 Community Park (Proposed Expansion)
- XX Community Park (Proposed)
- 🚍 Community Transit Center
- 🛉 Convalescent Hospital
- 🕱 Correctional Facility
- 🛠 Cultural / Historic Site (Proposed)
- 🛠 Cultural / Historical Site
- 🗰 Cultural Arts Center
- DMV DMV Office
- DWP DWP
- 💤 DWP Pumping Station
- 🐆 Equestrian Center
- Fire Department Headquarters
- 🖛 Fire Station
- 🖶 Fire Station (Proposed Expansion)
- Fire Station (Proposed)
- Fire Supply & Maintenance
- 🞄 Fire Training Site
- 🛳 Fireboat Station
- Health Center / Medical Facility
- 🖛 Helistop
- Historic Monument
- n Historical / Cultural Monument
- 🔭 Horsekeeping Area
- 🔭 Horsekeeping Area (Proposed)
- Horticultural Center 📕 Hospital Hospital (Proposed) HW House of Worship C Important Ecological Area Important Ecological Area (Proposed) e ☺ Interpretive Center (Proposed) JC Junior College MTA / Metrolink Station M MTA Station MTA Stop MWD MWD Headquarters 🖛 Maintenance Yard Municipal Office Building P Municipal Parking lot X. Neighborhood Park X Neighborhood Park (Proposed Expansion) X Neighborhood Park (Proposed) 1 Oil Collection Center Parking Enforcement P Police Headquarters 8 **Police Station** Police Station (Proposed Expansion) Police Station (Proposed) Police Training site Ê. PO Post Office ŧ Power Distribution Station ŧ Power Distribution Station (Proposed) **Power Receiving Station** ŧ Power Receiving Station (Proposed) 3 С Private College Private Elementary School Е $|\lambda|$ Private Golf Course (Proposed) JH Private Junior High School **PS** Private Pre-School **XXX** Private Recreation & Cultural Facility SH Private Senior High School SF Private Special School
- 宦 Public Elementary (Proposed Expansion)
- Public Elementary School F 全 Public Elementary School (Proposed) Public Golf Course 1 Public Golf Course (Proposed) Public Housing Public Housing (Proposed Expansion) Π. Public Junior High School 前 Public Junior High School (Proposed) ms Public Middle School SH Public Senior High School ईंगे Public Senior High School (Proposed) Pumping Station Pumping Station (Proposed) * Refuse Collection Center 💼 Regional Library Regional Library (Proposed Expansion) Regional Library (Proposed) 🐔 Regional Park 蔬 Regional Park (Proposed) **RPD** Residential Plan Development Scenic View Site Scenic View Site (Proposed) ADM School District Headquarters sc School Unspecified Loc/Type (Proposed) 🗰 Skill Center ss Social Services Special Feature \star 😥 Special Recreation (a) ŜF Special School Facility sF Special School Facility (Proposed) Steam Plant (sm) Surface Mining Trail & Assembly Area 📥 🛛 Trail & Assembly Area (Proposed) UTL Utility Yard
- Water Tank Reservoir
- 😽 Wildlife Migration Corridor
- 🕋 Wildlife Preserve Gate

SCHOOLS/PARKS WITH 500 FT. BUFFER



COASTAL ZONE

TRANSIT ORIENTED COMMUNITIES (TOC)



WAIVER OF DEDICATION OR IMPROVEMENT

Public Work Approval (PWA)

Waiver of Dedication or Improvement (WDI)

LAMC SECTION 85.02 (VEHICLE DWELLING)

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

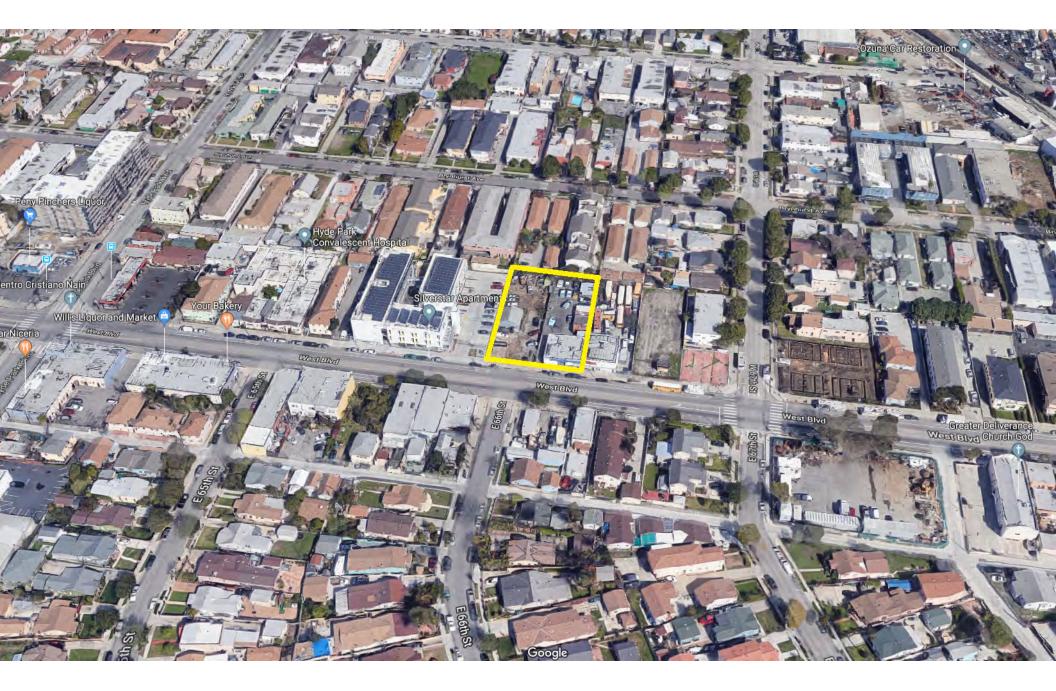
OTHER SYMBOLS





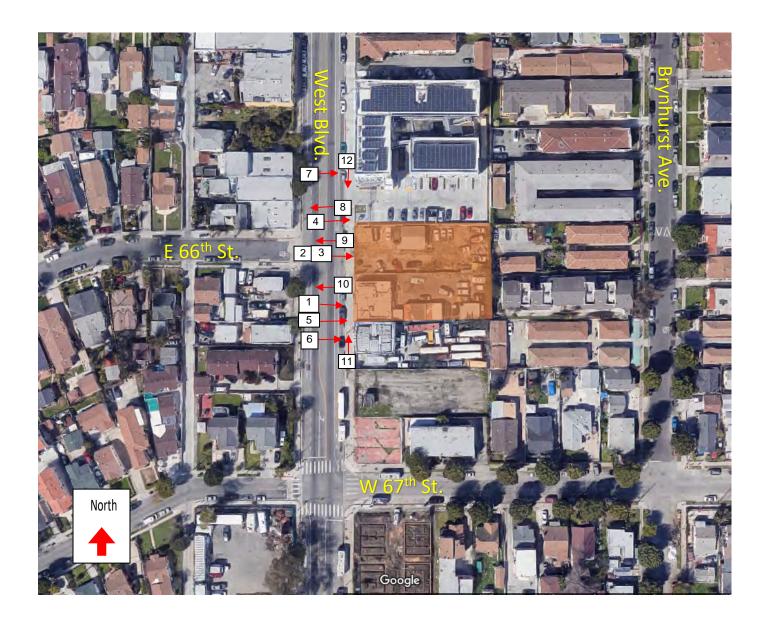
Address: 6576 S WEST BLVD APN: 4006020026 PIN #: 102B185 121 Tract: HYDE PARK Block: None Lot: FR 484 Arb: None Zoning: C2-1VL-CPIO General Plan: Neighborhood Commercial





CPC-2019-6664-DB-CU-SIP

EXHIBIT C



Aerial View of Project Site



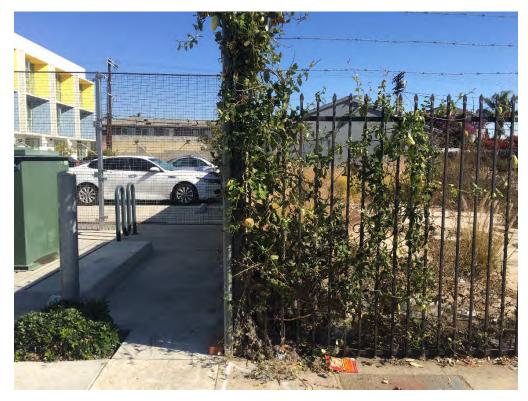
1. View of Project Site, facing east.



2. View of Project Site, facing east.



3. View of Project Site, facing east.



4. View of northern Project Site boundary, facing east.

SITE PHOTO EXHIBIT Applicant: 6604 West PSH L.P. Site Address: 6576-6604 S. West Boulevard, Los Angeles, CA 90043



5. View of southern Project Site boundary, facing east.



6. View of adjacent property, facing east.



7. View of adjacent property, facing east.



8. View of adjacent property across West Blvd., facing west.

SITE PHOTO EXHIBIT Applicant: 6604 West PSH L.P. Site Address: 6576-6604 S. West Boulevard, Los Angeles, CA 90043



9. View of E 66th St., facing west from West Blvd.



10. View of adjacent property across West Blvd., facing west.

SITE PHOTO EXHIBIT Applicant: 6604 West PSH L.P. Site Address: 6576-6604 S. West Boulevard, Los Angeles, CA 90043



11. View of Project Site sidewalk, facing north.



12. View of Project Site sidewalk, facing south.

CPC-2019-6664-DB-CU-SIP

EXHIBIT D

HCIDLA AB 2556 & SB 35

DETERMINATION





Eric Garcetti, Mayor Rushmore D. Cervantes, General Manager

DATE: November 5, 2019

TO: 6604 West PSH, L.P., a California limited partnership, Owner

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

SUBJECT: AB 2556/SB 35 (DB) Determination for 6576 - 6604 South West Boulevard, Los Angeles, CA 90043

Based on the Affordable Unit Determination Application submitted 6604 West PSH, L.P., a California limited partnership (Owner), the Los Angeles Housing and Community Investment Department (HCIDLA) has determined that no units are subject to replacement under AB 2556 (formerly AB 2222) and the properties are in compliance with the provisions of SB 35.

SITE REQUIREMENTS:

Pursuant to Section 401(c) of the Streamlined Ministerial Approval Process Guidelines (Guidelines) published by the California Department of Housing and Community Development (November 29, 2018) the development proponent shall demonstrate that, as of the date of the application under the Streamlined Ministerial Approval Process (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) of the Guidelines, 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.

- (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.

-

SB 35 Determination HIMS #19-126650

CPC-2019-6664

SE 35 Determination: 6576 - 6604h West Boulevard Page 2

(4) The property contains housing units that are occupied by tenants and the development would require a subdivision.

REVIEW OF DOCUMENTS:

6604 West PSH, L.P., a California limited partnership (Owner), submitted the Application for the properties located at and commonly known as 6576 – 6580 South West Boulevard, Los Angeles, CA 90043 (APN # 4006-020-026) and 6604 South West Boulevard, Los Angeles, CA 90043 (APN # 4006-020-027) (Property), on October 15, 2019. In order to comply with the ten year look back period required, the Los Angeles Housing and Community Investment Department (HCID) collected and reviewed data from October 2009 to October 2019.

Pursuant to the Owner's Grant Deed, the Property was acquired on June 26, 2019.

The most recent Certificate of Occupancies and Building Permits for the Property indicate that it consists of an auto body and fender repair shop on APN # 4006-020-026 and a preschool on APN # 4006-020-027.

Google Earth, Google Street View, and an internet search on the Property all show commercial buildings.

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, and information from HCIDLA's Rent Stabilization Unit indicate a use code of "1100-Commercial/Store" for APN # 4006-020-026 and a use code of "7200 – Institutional/School" for APN # 4006-020-027.

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

Per the statement received by HCIDLA on October 15, 2019, the Owner plans to construct a 100 % affordable housing development consisting of sixty four (64) residential units on the Property pursuant to SB 35 and Density Bonus (DB) guidelines.

DETERMINATION:

The proposed development meets the site requirements for the Streamlined Ministerial Approval Process. HCIDLA has determined that since October 15, 2009, the Property is and has continued to be commercial buildings. The proposed development does not: (1) require the demolition of the prohibited types of housing, (2) was not previously used for tenant occupied housing demolished within the past ten years, (3) does not require the demolition of a historic structure and (4) does not contain housing units occupied by tenants requiring a subdivision.

AB 2556 does not apply to commercial properties, therefore no AB 2556 replacement affordable units are required.

Please note that this AB 2556 determination will also apply if the proposed project is TOC.

If you have any questions about this Determination, please contact James McCarthy of the Los Angeles Housing Community and Investment Department at (213) 928-9024, or james.mccarthy@lacity.org.

NOTE: This determination is provisional and is subject to verification by HCIDLA's Rent Division.

cc: Los Angeles Housing and Community Investment Department File 6604 West PSH, L.P., a California limited partnership, Owner Ulises Gonzalez, Case Management Section, City Planning Department

MAC:jm

CPC-2019-6664-DB-CU-SIP

EXHIBIT E

NOTICE OF EXEMPTION

COUNTY	CLERK'S USE	CITY OF LOS A OFFICE OF THE C 200 NORTH SPRING STE	ITY CLERK REET, ROOM 395			
		LOS ANGELES, CALIF CALIFORNIA ENVIRONME		т		
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-201	9-6664-DB-CU-SIP					
	Y AGENCY			CASE NUMBER		
City of I	Los Angeles (Depa	rtment of City Planning)		N/A		
PROJECT				COUNCIL DISTRICT		
6604 We	est Apartments			8 – Harris-Dawson		
PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map) П Map attached. 6576-6604 South West Boulevard, Los Angeles, CA 90043 Мар attached.						
PROJECT DESCRIPTION: Additional page(s) attached.						
The project is the construction of a 4-story, 43-foot and 11/2-inch tall affordable housing project with 64 dwelling units						
				nit) with on-site supportive services.		
				p parking spaces are proposed. The		
				sting two (2) one-story buildings and Project ("SIP") pursuant to Senate Bill		
		ment Code Section 65913.4.		roject (On) pursuant to Genate Din		
	APPLICANT / OWNER:					
6604 We	st PSH, LP / Craig Lav	wson & Co., LLC				
CONTAC	T PERSON (If different fr	om Applicant/Owner above)	(AREA CODE) TEL	EPHONE NUMBER EXT.		
Connie			213-978-00 [′] 16	•		
EXEMPT	STATUS: (Check all bo	xes, and include all exemptions, that	apply and provide rele	vant citations.)		
STATE CEQA STATUTE & GUIDELINES						
STATE CEQA STATUTE & GUIDELINES						
\boxtimes	STATUTORY EXEMPTION(S)					
F	Public Resources Code S	Section(s) 21080(b)(1) and Gove	rnment 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))						
	JHER BASIS FOR EAL	EMP HON (E.g., CEQA Guidennes S		b)(4) of Section 15376(b))		
-						
	ATION FOR PROJECT		abiantiva alamaina atau	Additional page(s) attached		
(Governm	ent Code Section 6591	(1) and is subject to streamline	d ministerial approval	ndards set forth in Senate Bill ("SB") 35 provided by SB 35 (Government Code		
Sections 6	65913.4(b) and (c)). The	proposed project is therefore a mini-	sterial project that is st	atutorily exempt from CEQA pursuant to		
	sources Code Section 21					
□ 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 ST	AFF USE ONLY:					
				TAFF TITLE		
				ity Planner		
ENTITLEMENTS APPROVED Density Bonus, Conditional Use, Streamlined Infill Project						
FEE:		RECEIPT NO.	REC'D. BY (DCP DS	C STAFF NAME)		
N/A		N/A	N/A	·		
RIBU	JTION: County Clerk, Ag	Jency Record				

Rev. 3-27-2019

CPC-2019-6664-DB-CU-SIP

EXHIBIT F

PUBLIC CORRESPONDENCE





PRESIDENT & CHIEF EXECUTIVE OFFICER

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Michael S. Linsk* Real Estate and Management Consultant

Gary Lee Moore City of Los Angeles

Paula Stamp, Ph.D. PCL Construction Services

Bridget Tucker SCHARP

*Former Board Chair

Community Outreach Timeline for 6604 West Project

A Community of Friends (ACOF) participated in the following outreach activities on behalf of the project applicant, 6604 West PSH, L.P.:

September 23, 2019: We met with Office of Councilmember Marqueece Harris-Dawson.

October 22, 2019: We met with the Field Deputy for Office of Councilmember Marqueece Harris-Dawson.

October 28, 2019: We presented the proposed project to community stakeholders at a meeting organized by the Park Mesa Heights Community Council.

December 18, 2019: We attended the board meeting for Park Mesa Heights Community Council and met with three of the board members and several community stakeholders.

December 20, 2019: We met with Office of Councilmember Marqueece Harris-Dawson.

We are planning further outreach meetings with the Park Mesa Heights Community Council to solicit additional feeback from community members who were not able to attend the two Park Mesa Heights Community Council meetings we attended. CPC-2019-6664-DB-CU-SIP

EXHIBIT G SENATE BILL 35 BILL TEXT AND STATE HCD GUIDELINES

Senate Bill No. 35

CHAPTER 366

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(I) 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).

(I) 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 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 though 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.

10/17/2018

Bill Text - SB-35 Planning and zoning: affordable housing: streamlined approval process.

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

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

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

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

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

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

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

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

(h) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Streamlined Ministerial Approval Process (Chapter 366, Statutes of 2017)

Guidelines



State of California Governor Edmund G. Brown Jr.

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> > 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:

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

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

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

- 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.

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

<u>Article V. Reporting:</u> 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: <u>http://www.hcd.ca.gov/grants-funding/income-limits/index.shtml</u>.
- (d) "Car share vehicle" is an automobile rental model where people rent cars from a carsharing 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.
- (I) "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 midpoint 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 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 units need cannot be applied to demonstrate progress towards the very low-income units.

- (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 (I).

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 to 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.

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- (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 forsale.
- (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 nonresidential 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 <u>and the</u> <u>development would require a subdivision</u>.
- (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: <u>https://www.dir.ca.gov/OPRL/pwdecision.asp</u>
 - (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: <u>https://www.dir.ca.gov/oprl/DPreWageDetermination.htm</u>.
 - (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 <u>https://www.dir.ca.gov/das/appcertpw/appcertsearch.asp</u>.
 - (4) To find the apprentice prevailing wage rates, please visit the Department of Industrial Relations' website at: <u>https://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp</u>. If you are interested in requesting an apprentice, a list of approved programs is available at: <u>https://www.dir.ca.gov/databases/das/aigstart.asp</u>. General information regarding the state's Prevailing Wage Laws is available in the Department of Industrial Relations' Public Works website (<u>https://www.dir.ca.gov/Public-</u><u>Works/PublicWorks.html</u>) and the Division of Labor Standards Enforcement Public Works Manual (<u>https://www.dir.ca.gov/dlse/PWManualCombined.pdf</u>).

- (5) For those portions of the development that are <u>not a public work</u>, 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 though 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	Number of Housing Units in
	which Development	Development
	Submitted pursuant to the	
	last Centennial Census	
January 1, 2018, until	225,000 or more	75 or more
December 31, 2021		
January 1, 2022, until	225,000 or more	50 or more
December 31, 2025		

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 <u>Annual Progress Report Guidelines</u>.

- (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).