



July 09, 2019

The Honorable Board of Commissioners  
Los Angeles County Development  
Authority  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Commissioners:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

1-D July 9, 2019

  
CELIA ZAVALA  
EXECUTIVE OFFICER

**APPROVAL OF FUNDING AND ENVIRONMENTAL DOCUMENTATION FOR SIX MULTIFAMILY  
AFFORDABLE HOUSING DEVELOPMENTS LOCATED IN THE CITY OF EL MONTE, CITY OF  
LANCASTER, CITY OF LONG BEACH, AND CITY OF LOS ANGELES  
(ALL DISTRICTS) (3 VOTES)**

**SUBJECT**

This letter recommends that your Board approve loans totaling up to \$40,880,000, to fund the development of six affordable multifamily rental housing developments selected through the Notice of Funding Availability (NOFA) for Affordable Multifamily Rental Housing, Round 24-A, issued by the Los Angeles County Development Authority (LACDA). The allocations recommended in this action include \$1,500,000 in funds previously approved by your Board and carried over from prior NOFA rounds.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Acting as a responsible agency pursuant to the California Environmental Quality Act (CEQA), certify that the LACDA has considered the attached exemption determination for the Sun Commons project, which was prepared by the City of Los Angeles as lead agency; and find that this project will not cause a significant impact on the environment.
2. Acting as a responsible agency pursuant to CEQA, certify that the LACDA has considered the attached exemption determination for the Ingraham Apartments project, which was prepared by the City of Los Angeles as lead agency; and find that this project will not cause a significant impact on the environment.
3. Acting as a responsible agency pursuant to CEQA, certify that the LACDA has considered the

attached exemption determination for the Vermont Manchester project, which was prepared by the County of Los Angeles as lead agency; and find that this project will not cause a significant impact on the environment.

4. Acting as a responsible agency pursuant to CEQA, certify that the LACDA has considered the attached exemption determination for the Imagine Village II project, which was prepared by the City of Lancaster as lead agency; and find that this project will not cause a significant impact on the environment.

5. Acting as a responsible agency pursuant to CEQA, certify that the LACDA has considered the attached exemption determination for the El Monte Area X Affordable Housing project, which was prepared by the City of El Monte as lead agency; and find that this project will not cause a significant impact on the environment.

6. Acting as a responsible agency pursuant to CEQA, certify that the LACDA has considered the attached exemption determination for the PCH and Magnolia project, which was prepared by the City of Long Beach as lead agency; and find that this project will not cause a significant impact on the environment.

7. Approve loans to the recommended developers identified in Attachment A, using up to a total of \$40,880,000 in capital funds, comprised of Affordable Housing Trust Funds (AHTF), Measure H Funds, Mental Health Housing Program (MHHP) Funds, MHHP Funds targeting Homeless Veterans, and funds previously approved by your Board and carried forward from prior NOFA rounds, with the disbursement of MHHP Funds contingent upon the transfer of MHHP Funds from the Los Angeles County Department of Mental Health (DMH) to the LACDA, for a total of six affordable housing developments identified in Attachment A.

8. Authorize the Executive Director, or designee, to negotiate, execute, and if necessary, amend, or reduce the loan agreements with the recommended developers identified in Attachment A, or their LACDA-approved designees, and all related documents, including but not limited to documents to subordinate the loans to construction and permanent financing, and any intergovernmental, interagency, or inter-creditor agreements necessary for the implementation of each development, following approval as to form by County Counsel.

9. Authorize the Executive Director, or designee, to incorporate, as needed, up to \$14,400,000 in AHTF, \$4,000,000 in Measure H Funds, and \$20,980,000 in MHHP Funds into the LACDA's approved Fiscal Year 2019-2020 budget, and future budgets, as needed, for the purposes described herein.

10. Authorize the Executive Director, or designee, to execute amendments to the loan agreements, and all related documents, with the recommended developers identified in Attachment A, or their LACDA-approved designees, to increase the loan amounts by a maximum of 10% for each unincorporated Los Angeles County project, for unforeseen project costs, and to incorporate an aggregate amount of up to \$2,029,000 in AHTF into the LACDA's budget, as needed.

11. Authorize the Executive Director, or designee, to reallocate LACDA funding set aside for affordable housing at the time of project funding, including contingencies, as needed and within each project's approved funding limit, in line with each project's needs, and within the requirements for each funding source.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

As a result of NOFA Round 24-A, a total of 20 projects were selected for capital funding. Ten of the projects were previously approved by your Board on February 19, 2019. Of the remaining 10 projects, six projects are being recommended to your Board for approval at this time.

The six projects seeking approval through this action are affordable multifamily housing developments that will provide a total of 577 housing units, consisting of 229 units for general low-income families and seniors, 116 units set aside for homeless households with a mental illness, 116 units homeless households, 53 units for Transition Age Youth (TAY), 27 units for homeless veterans, 18 units for frequent users of the Department of Health Services' (DHS) system, eight units for chronically homeless households, and 10 units for onsite managers.

Approval is requested to ensure that the housing development projects identified in Attachment A can meet upcoming deadlines for submitting applications for other leveraged finance sources.

### **FISCAL IMPACT/FINANCING**

The recommended loans to the developers identified in Attachment A will provide a total amount of up to \$40,880,000 in capital funds, comprised of \$14,400,000 in AHTF, \$4,000,000 in Measure H Funds, \$20,980,000 in MHHP Funds, and \$1,500,000 of funds previously approved by your Board from prior NOFA rounds. It is recommended that new project funding, in the amount of \$39,380,000, be incorporated into the LACDA's approved Fiscal Year 2019-2020 budget on an as-needed basis and included in future Fiscal Year budgets accordingly,

Because of the volatility in the construction industry involving both material and labor costs, the LACDA requests authority to increase loan amounts for the specified projects by a maximum of 10% of the loan amount, as needed. This aggregate amount of \$2,029,000 in AHTF will be incorporated into the LACDA's approved Fiscal Year budgets, as needed. If utilized, the 10% contingencies would bring the total AHTF to \$16,429,000 and the total capital funds to \$42,909,000.

The loan and contingency amounts are identified in Attachment A.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On September 11, 2018, the LACDA issued NOFA Round 24-A. As a result, a total of 42 applications seeking capital funding were submitted. After initial review, evaluation and scoring, 36 projects were eligible for funding. Total funding requests exceeded available funds by approximately \$80 million. Among the eligible projects, seven applications were awarded funding through prior NOFA rounds, but required additional financing to enable them to fill funding gaps. These projects were prioritized for funding based on past support. Of the 36 eligible projects, there were sufficient funds to finance 20 of the projects. The 20 applications selected for funding recommendations span all Supervisorial Districts and requested a total of \$124,960,000, which includes \$10,544,800 of funds carried forward from prior NOFA rounds.

Of the 20 projects selected through NOFA Round 24-A, 10 were previously approved by your Board on February 19, 2019. Of the remaining 10 projects, six projects are being recommended to your Board for funding. The LACDA will return to the Board at a later date to approve loans for the remaining four projects.

The loan agreements and related documents will incorporate affordability restrictions, target assisted populations, and contain provisions requiring the developers to comply with all applicable federal, state, and local laws. Each loan will be evidenced by a promissory note and secured by a deed of trust, with the term of affordability enforced by a recorded regulatory agreement. Approval of these projects will leverage approximately \$235 million in additional external funding sources, which is over five times the amount of NOFA Rounds 23-A and 24-A funds invested.

The loan agreements and related documents for these projects will reflect the respective Special Needs set-asides and indicate that the assisted units will be affordable to households earning no more than 30% of the median income for the Los Angeles-Long Beach Metropolitan Statistical Area, adjusted for family size, as established by the U.S. Department of Housing and Urban Development. Income targeting may be as high as 35% AMI with reasonable justification provided by the applicant and approved by the LACDA. The loan agreements will require that the affordable housing units be set aside for a period of 55 years. Subject to various underwriting requirements, the developers may be required by the LACDA or other lenders to create a single asset entity to designate ownership of the project. These “designees” will be LACDA-approved single asset entities created by the developers prior to execution of the loan agreements and all related loan documents.

This letter also recommends that the Executive Director have the authority to reallocate funds set aside for affordable housing development at the time of project funding to better align project funds with available resources. Any reallocation of funds will be made within each project’s approved funding limit, in line with project needs, and within the requirements for each funding source.

## **ENVIRONMENTAL DOCUMENTATION**

The proposed projects identified in Attachment A have been reviewed by the LACDA pursuant to the requirements of CEQA.

The Sun Commons project was determined exempt from the requirements of CEQA by the City of Los Angeles in accordance with CEQA Guidelines Section 15332. The LACDA’s consideration of this determination satisfies the requirements of CEQA.

The Ingraham Apartments project was determined ministerially exempt from the requirements of CEQA by the City of Los Angeles in accordance with CEQA Guidelines Section 15268. The LACDA’s consideration of this determination satisfies the requirements of CEQA.

The Vermont Manchester project was determined exempt from the requirements of CEQA by the County of Los Angeles in accordance with the Sustainable Communities Project Exemption pursuant to Sections 21155 and 21155.1 of the Public Resources Code. The LACDA’s consideration of this determination satisfies the requirements of CEQA.

The Imagine Village II project was determined exempt from the requirements of CEQA by the City of Lancaster in accordance with CEQA Guidelines Section 15332. The LACDA’s consideration of this determination satisfies the requirements of CEQA.

The El Monte Area X project was determined exempt from the requirements of CEQA by the City of El Monte in accordance with CEQA Guidelines Sections 15192, 15194, 15195, and 15332. The LACDA’s consideration of this determination satisfies the requirements of CEQA.

The PCH and Magnolia project was determined exempt from the requirements of CEQA by the City

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of Long Beach in accordance with CEQA Guidelines Sections 15332 and 15194. The LACDA's consideration of this determination satisfies the requirements of CEQA.

Environmental documentation for the proposed projects are included in Attachment B.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The requested actions will increase the supply of Special Needs and affordable housing units in the County of Los Angeles.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Monique King-Viehlund". The signature is fluid and cursive, with the first name "Monique" being more prominent.

MONIQUE KING-VIEHLAND

Executive Director

MKV:LK:CK

Enclosures

**ATTACHMENT A  
NOFA 24-A  
RECOMMENDED FUNDING ALLOCATIONS**

**Additional Capital Funds for Previously Funded Projects**

Sup. Dist.	Jurisdiction	Development/ Applicant	Type of Housing	Total Project Units	Affordable Housing Trust Funds	Contingency	Other Funding Resources	Total Development Cost	Funds Carried Forward from Prior NOFAs
3	City of Los Angeles	Sun Commons/ Abbey Road	Special Needs	103	\$500,000	\$0	\$54,597,849	\$56,597,849	\$1,500,000
<b>Totals</b>				<b>103</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$54,597,849</b>	<b>\$56,597,849</b>	<b>\$1,500,000</b>

**Capital Funds for New Projects**

Sup. Dist.	Jurisdiction	Development/ Applicant	Type of Housing	Total Project Units	Affordable Housing Trust Funds	Measure H Funds	MHHP Funds	MHHP Funds Targeting Homeless Veterans	Contingency	Other Funding Resources	Total Development Cost
1	City of Los Angeles	Ingraham Apartments/ Single Room Occupancy Housing Corporation	Special Needs	121	\$2,000,000	\$0	\$3,000,000	\$0	\$500,000	\$50,562,472	\$55,562,472
2	City of Los Angeles	Vermont/Manchester/ Bridge Housing	Special Needs	180	\$7,000,000	\$2,000,000	\$1,750,000	\$0	\$0	\$73,499,790	\$84,249,790
5	City of Lancaster	Imagine Village II/ Abbey Road	Special Needs	80	\$3,360,000	\$0	\$4,480,000	\$0	\$0	\$31,055,048	\$38,895,048
1	City of El Monte	El Monte Area X Affordable Housing Apartments/ Cesar Chavez Foundation	Special Needs	53	\$0	\$0	\$0	\$6,750,000	\$675,000	\$10,157,403	\$16,907,403
4	City of Long Beach	PCH & Magnolia/ LINC Housing	Special Needs	40	\$1,540,000	\$2,000,000	\$5,000,000	\$0	\$854,000	\$14,918,984	\$23,458,984
<b>Totals</b>				<b>474</b>	<b>\$13,900,000</b>	<b>\$4,000,000</b>	<b>\$14,230,000</b>	<b>\$6,750,000</b>	<b>\$2,029,000</b>	<b>\$180,193,697</b>	<b>\$219,073,697</b>

**ATTACHMENT B**  
**ENVIRONMENTAL DOCUMENTATION**

## **EI MONTE AREA X AFFORDABLE HOUSING APARTMENTS**





**CITY OF EL MONTE**  
**COMMUNITY & ECONOMIC DEVELOPMENT**  
**DEPARTMENT**

**Betty Donavanik**  
*Director of Community &  
Economic Development*

**SENT VIA E-MAIL TO GEORGE@CHAVEZFOUNDATION.ORG**

May 29, 2019

George Lopez, Senior Project Manager  
Housing & Economic Development  
316 W. 2<sup>nd</sup> Street, Suite 600  
Los Angeles, CA 90012

**SUBJECT: Design Review 02-19, Tentative Tract Map 82656, Density Bonus 1-19, and  
Modification No. 13-19  
3650 Center Avenue**

Dear Mr. Lopez,

On May 28, 2019, the City of El Monte Planning Commission adopted Resolution No. 3544, approving the following entitlements:

- **Tentative Tract Map (TTM) No. 82656:** To consolidate six (6) existing parcels into one (1) and subdivide Buildings A and B for condominium purposes with shared off-street parking and common open space;
- **Design Review (DR) No. 02-19:** To review the architecture and landscaping for the proposed project;
- **Density Bonus (DB) No. 01-19:** To exceed the allowed density as part of an affordable housing project; and
- **Modification (MOD) No. 13-19:** To reduce the minimum parking stall length requirement.

There is a ten (10) day appeal period following the Planning Commission's adoption of Resolution No. 3544. Once the appeal period has ended, the decision becomes final. The approval is valid for two (2) years from the date of approval. Once the project becomes effective, the applicant is responsible for recordation of the final map and obtaining the required permits to begin work on the approved entitlements prior to the expiration date; unless a time extension request of the project's entitlements is requested by the applicant in a timely manner and approved by the Planning Commission.

Attached is a City document called "Agreement Accepting Conditions," that is required to be completed for all approved entitlements. Please review and return the signed and notarized document to the Planning Division. If you have any questions about the project or the approval letter, please contact me at 626-580-2096 or via email at [nlee@elmonteca.gov](mailto:nlee@elmonteca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Lee".

Nancy Lee  
Senior Planner

Enclosures: 1. Resolution No. 3544  
2. Agreement Accepting Conditions

**AGREEMENT ACCEPTING CONDITIONS  
CITY OF EL MONTE PLANNING COMMISSION**

The Planning Commission, at its meeting of May 28, 2019, approved your request for Design Review 02-19, Tentative Tract Map 82656, Density Bonus 1-19, and Modification No. 13-19 subject to the Conditions of Approval in Resolution No. 3544. For and in consideration of the approvals granted by the City of El Monte Planning Commission, I (we) the undersigned do(es) hereby agree to all Conditions of Approval set forth in said Resolution No. 3544. The aforementioned resolution of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 3650 Center Avenue, El Monte, CA

Description: To develop two (2), four (4)-story residential buildings totaling 53-units at the northeast corner of Center Avenue and Valley Boulevard and to relocate the existing trolley station to a temporary location across the street on Center Avenue (APN: 8575-019-900). Tentative Tract Map 82656 to consolidate six (6) existing parcels into one (1) and subdivide Buildings A and B for condominium purposes with shared off-street parking and common open space; Design Review No. 02-19 to review the architecture and landscaping for the proposed project, Density Bonus No. 01-19 to exceed the allowed density as part of an affordable housing project; and Modification No. 13-19 to reduce the minimum parking stall length requirement. The subject site is located in the Station sub area of the Downtown Main Street Specific Plan.

Applicant: The Cesar Chavez Foundation  
Housing & Economic Development  
316 W. 2nd Street, Suite 600  
Los Angeles, CA 90012

Property Owner: City of El Monte  
11038 Valley Boulevard  
El Monte, CA 91731

This agreement shall run with the land and shall bind upon Declarant, its successors and assigns, and any future owners, encumbrances and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the City of El Monte or until such time as the Municipal Code of the City of El Monte unconditionally permits the release of this Notice of Agreement.


CITY OF EL MONTE

By: Nancy Lee  
Title: Senior Planner  
Date: 5/29/2019

Dated this 3<sup>rd</sup> day of June, 2019      Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

By: Paul S. Paric, Secretary  
Applicant 1 (Type or Print)

By: \_\_\_\_\_  
Property Owner 1 (Type or Print)

  
Applicant 1 (Signature)

\_\_\_\_\_  
Property Owner 1 (Signature)

By: \_\_\_\_\_  
Applicant 2 (Type or Print)

By: \_\_\_\_\_  
Property Owner 2 (Type or Print)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles }

On 6/3/19 before me, Maria E. De Leon - Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Paul S. Park  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature Maria E. De Leon  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Applicant 2 (Signature)

Property Owner 2 (Signature)

**ALL PURPOSE ACKNOWLEDGEMENT**

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
Name, Title of Officer (e.g., Jane Doe, Notary Public)

Personally appeared

\_\_\_\_\_  
Name(s) of Signer(s)

☐ Personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/their authorized capacity(ies), and that by his/her/their signatures (s) on the instrument the person(s), or the entity upon behalf of which the person (s) acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Signature of Notary

**CAPACITY CLAIMED BY SIGNER**

☐ INDIVIDUALS

☐ CORPORATE

☐ PARTNERS

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ SUBSCRIBING WITNESS

☐ GUARDIAN/CONSERVATOR

☐ OTHER \_\_\_\_\_

SIGNER IS REPRESENTING  
(Name of person(s) or entity(ies))

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or type of document \_\_\_\_\_  
Number of pages \_\_\_\_\_ Date of document \_\_\_\_\_  
Signer(s) other than named above \_\_\_\_\_

## RESOLUTION NO. 3544

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 82656, DESIGN REVIEW NO. 02-19, DENSITY BONUS NO. 01-19, AND MODIFICATION NO. 13-19, ADOPTION OF A STATUTORY AFFORDABLE HOUSING EXEMPTION TO PERMIT THE CONSTRUCTION OF TWO (2), FOUR (4) STORY AFFORDABLE RESIDENTIAL BUILDINGS TOTALING 53-UNITS, AND ADOPTION OF A CATEGORICAL EXEMPTION FOR THE TEMPORARY RELOCATION OF AN EXISTING TROLLEY STATION ON A 0.683 ACRE SITE LOCATED AT 3650 CENTER AVENUE, EL MONTE, CALIFORNIA**

The Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

**SECTION 1 – PROJECT DESCRIPTION.** On April 16, 2019, The Cesar Chavez Foundation, 316 W. 6<sup>th</sup> Street, Suite 600, Los Angeles, CA 90012, filed an application for Tentative Tract Map No. 82656, Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 for the construction of two (2), four (4) story affordable residential buildings totaling 53-units on a 0.683 acre parcel located within the SP-4 (Downtown Main Street Transit-Oriented District Specific Plan – Station Sub-Area) zone.

**SECTION 2 – PUBLIC HEARING.** This request is made pursuant to the requirements of Chapters 16.10, 17.20, 17.22, and 17.85 of the El Monte Municipal Code (EMMC). The subject properties are located at 3650 Center Avenue, El Monte, California, and described as follows, to wit:

APN Nos: 8575-019-901, 8575-019-902, 8575-019-903, 8575-019-904,

8575-019-905, and 8575-019-906.

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider an adoption of Statutory and Categorical Exemptions, and approval of Tentative Tract Map No. 82656, Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 for the construction of two (2), four (4) story affordable residential buildings totaling 53-units, before this Planning Commission on May 28, 2019 at which time, all interested persons were given full opportunity to be heard and present evidence.

**SECTION 3 - ZONING.** The property is located within the SP-4 (Downtown Main Street Transit-Oriented District Specific Plan Station Sub-Area) zoning district. Surrounding properties are of similar land uses and are as follows:

- **North:** SP-4: Downtown Core; Parking lot
- **East:** SP-4: Downtown Core; Office and vacant land
- **South:** SP-4; Downtown Core; Offices and retail stores
- **West:** SP-4; Downtown Core; Parking lot, multi-family dwelling, and offices

**SECTION 4 - GENERAL PLAN.** The General Plan Land Use Designation is Downtown Core. The Downtown Core area is intended for land use and development types that create a vibrant mixed-income and multiuse environment, including high density residential and transit uses. The proposed development comprised of two (2), four (4) story affordable residential buildings totaling 53-units is consistent with the goals of the EMMC and the 2011 El Monte General Plan.

**SECTION 5 - ENVIRONMENTAL.** In accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, staff has conducted the appropriate environmental

analysis and based on that assessment, the City has determined the requested project to be Statutorily Exempt (Article 12.5 Exemption for Agricultural Housing, Affordable Housing, and Residential Infill Project, pursuant to Sections 15192, 15194, and 15195) in accordance with the requirements of the State CEQA Guidelines. In addition, the proposed temporary relocation of the trolley station to the City of El Monte/Metro parking lot across the street on Center Avenue (APN: 8575-019-900) was found to be Categorically Exempt (Article 19 Categorical Exemption, pursuant to Section 15332) in accordance with the requirements of the State CEQA Guidelines. —No further environmental assessment is necessary. City staff is hereby directed to expeditiously and timely file a Notice of Exemption with Los Angeles County (Environmental Filings) pursuant to the Section 15062 of the State CEQA Guidelines.

**SECTION 6 – TENTATIVE TRACT MAP FINDINGS.** All necessary findings for the granting of the Tentative Tract Map pursuant to Section 16.10.100 of the El Monte Municipal Code can be made in a positive manner and are as follows:

A. The proposed map is consistent with applicable general and specific plans.

*Finding of Fact:*

The proposed project is consistent with the General Plan land use designation of Downtown Core. Specifically, the Downtown Core land use designation is described as follows:

*“The Downtown Core allows a range of land uses and development types that create a vibrant mixed-income and multiuse environment.”*

The proposed project is consistent with the description above in that the Downtown Core allows high density residential uses, which is consistent with the proposed development comprised of two (2), four (4) story affordable residential buildings totaling 53-units on a 0.683 acre parcel (approximately 78 dwelling units/acre). The Downtown Core also allows transit uses, which is consistent with the proposed temporary relocation of the existing trolley station to City of El Monte/Metro parking lot across the street on Center Avenue (APN: 8575-019-900).



- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

*Finding of Fact:*

The design and improvements of the proposed subdivision are consistent with the General Plan in that the project is consistent with Community Design Element Goal CD-9.8, which states that new multi-family residential projects be designed to convey a high level of visual and physical quality. Specifically, the proposed project is best described as contemporary architecture that reflects an urbanized approach to modern living with a focus on mass-transit and walkability. The proposed design allows for the use of varying elements to provide building articulation and there are variations in materials, colors, and angled and curved elements. Adequate open space consistent with City design guidelines is proposed to ensure a livable quality environment. The proposed project will be distinct in that it is a high quality new development which is designed to add value to its surrounding context. Further, the project will be in substantial compliance with the Downtown Main Street Transit-Oriented District Specific Plan Station Sub-Area which has a set of design requirements that the project design adheres to.

- C. The site is physically suitable for the type of development.

*Finding of Fact:*

The site is physically suitable for the development in that the proposed tentative tract map is to consolidate six (6) parcels into one (1) lot and subdivide the proposed development of two (2), four (4) story affordable residential buildings (Buildings A and B) for condominium purposes with common garage and open space areas. Given the shape and topography of the 0.683 acre site, the proposed development contains adequate land for 53 affordable multiple-family dwelling units, accompanying subterranean garage and open space areas to service the development. While the site has a two (2) foot slope to the south of about two (2) feet, it's relatively flat. Furthermore, staff has worked with the Applicant to achieve a site plan that is able to meet the intent of the Zoning Code to the greatest feasible extent. As such, the site is physically suitable for the proposed development.

- D. The site is physically suitable for the proposed density of development.

*Finding of Fact:*

The site is physically suitable to accommodate the proposed two (2), four (4) story affordable residential buildings totaling 53-units on a 0.683 acre parcel for a total of 78 du/ac. The density proposed is allowed with a combination of density provisions as specified in the Downtown Transit-Oriented District Specific Plan Station Sub-Area, Development Opportunity Reserve (DOR), and density bonus. Therefore, the site is physically suitable for the proposed density of development.

- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*Finding of Fact:*

The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the subject site has been developed as a trolley station since 1996 and is surrounded by urban development and not habitat to any fish or wildlife. Further, the proposed project will comply with the policies and regulations of the El Monte Municipal Code and General Plan and with all local or regional plans, policies, regulations, and any applicable requirements by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

- F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

*Finding of Fact:*

The design of the proposed project and the type of improvements are not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all City standards, including all conditions set forth in the resolution of approval. Prior to issuance of City development permits and/or a Certificate of Occupancy, the project is required to comply with all conditions set forth in the resolution of approval, from the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity.

- G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record and to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

*Finding of Fact:*

The design of the subdivision or type of improvements will not conflict with other easements acquired by the public at large. The subject site is currently owned by the

City for the operation of the El Monte Transit Station (Trolley Station) and will be sold to the Applicant for fair market value. The project will result in new affordable residences and there are no records of easements acquired by the public at large, for access through the property. Tentative Tract Map No. 82656 has been evaluated by the City's Public Works Engineering Department, which has identified conditions and public improvements that will be required to be performed and completed in an acceptable manner to the City in accordance with all applicable rules and laws.

**SECTION 7 – DESIGN REVIEW FINDINGS.** All necessary findings for the granting of a Design Review pursuant to Section 17.22.060 of the El Monte Municipal Code can be made in a positive manner and are as follows:

- A. The granting of the design review request will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.

*Finding of Fact:*

The proposed project will be located in an urbanized built-out community with existing and compatible residential and commercial uses, and therefore will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity. Conditions of approval have been incorporated into the project to ensure that the proposed project will not negatively impact the surrounding properties or land uses in the area. Additionally, before the issuance of City development permits and/or a Certificate of Occupancy, the project is required to comply with all conditions set forth in the resolution of approval, from the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity.

- B. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that remain appealing and will retain a reasonably adequate level of maintenance.

*Finding of Fact:*

The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that remain appealing and will retain a reasonably adequate level of maintenance in that the proposed development is designed in a contemporary modern architecture that reflects an urbanized approach to modern living with a focus on mass-transit and walkability. Additionally, the proposed design allows for the use of varying elements to provide building articulation and there are variations in materials, colors, and angled and curved elements. Adequate open space consistent with City design guidelines is proposed to ensure a livable quality environment. The

proposed project will be distinct in that it is a high quality new development which is designed to add value to its surrounding context. Therefore, the design of the project will provide a desirable environment for its occupants and visiting public as well as its neighbors.

- C. The design and layout of the proposed project would not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

*Finding of Fact:*

The design and layout of the proposed project would not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards in that the proposed project will be located in an urbanized built-out community adjacent to an existing train station (Metrolink) and therefore not likely unreasonably interfere with the use and enjoyment of neighboring existing or future development.

The site has adequate access from Valley Boulevard and Center Avenue and an efficient internal circulation system and the project improvements and land uses are consistent with the intent and the applicable development standards of the City's Zoning Code, Subdivision Code, the Downtown Main Street Specific Plan, and the General Plan. Tentative Tract No. 82656 has been evaluated by the City's Public Works Engineering Division, which has identified conditions and public improvements that will be required to be performed and completed in an acceptable manner to the City in accordance with all applicable rules and laws.

- D. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and the provisions of this chapter and the general plan contemplate harmonious, orderly and attractive development.

*Finding of Fact:*

The proposed project will provide high quality architectural and landscape design and use of sustainable materials and practices. The architectural treatment of building elevations and modulation of the massing stimulates visual interest. Adequate open space consistent with City design guidelines is proposed to ensure a livable quality environment. Therefore, the proposed project will be compatible with the character of the surrounding neighborhood and the provisions of the Design Review Chapter and the general plan contemplate harmonious, orderly and attractive development.

- E. The landscape considerations including the location, type, size and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas, have been provided to insure visual relief, to complement buildings and structures and to provide an attractive environment.

*Finding of Fact:*

The proposed conceptual landscaping plan is designed to define street edges, building entrances, walkway paths, and open space areas throughout the project. The

conceptual landscaping plan includes a combination of water efficient trees, shrubs, and ground cover plants. A variety of plant materials are proposed that will beautify the project site. All new landscaping is required to have a fully automatic irrigation system. Irrigation (including spray and/or drip) shall be provided, in the Construction Document phase, and to be installed per local California water regulations. The new design will provide an attractive environment for residents, employees and visitors on site.

**SECTION 8 - DENSITY BONUS FINDINGS.** – The Planning

Commission finds that the proposed affordable housing development conforms with Chapter 17.85 of the EMMC - Density Bonus Provisions in that the proposed units will provide 100% of low/very low income units; thus allowing the applicant to request a 35% increase in density. Furthermore, the project is entitled to a maximum of three (3) concessions. All necessary findings for the granting of density bonus concession pursuant to Section 17.85.070(C) of the EMMC can be made in a positive manner and are as follows:

- A. The incentive or concession is required in order to provide for affordable housing costs or for affordable rents for the restricted units.

*Finding of Fact:*

Concessions are needed because the proposed development will provide 100% (53-units) of low/very low income housing. The concessions to the building height, minimum required distance between buildings, and floor area ratio are necessary in order to provide for affordable housing costs or for affordable rents for the restricted units. Without the proposed concessions, the project as proposed would not be feasible and the project would provide a significantly less number of affordable units.

- B. The concession or incentive would not have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions.

*Finding of Fact:*

The concessions would not have a specific adverse impact upon the public health or safety, because the proposed development will provide 100% (53-units) of low/very low income housing, the concessions related to building height, minimum required distance

between buildings, and floor area ratio are necessary as the proposed would not be feasible and would provide a significantly less number of affordable units.

Furthermore, the project as proposed will be located in an urbanized built-out community adjacent to an existing train station (Metrolink) with existing residential and commercial uses, and therefore would not have an adverse impact upon the public health or safety. Conditions of approval have been incorporated into the project or will be implemented to ensure that the proposed project will not negatively impact the surrounding properties or land uses in the area. Additionally, before the issuance of City development permits and/or a Certificate of Occupancy, the project is required to comply with all conditions set forth in the resolution of approval, from the Building and Safety Division, Public Works Engineering Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity.

C. The incentive or concession would not be contrary to state or federal law.

*Finding of Fact:*

The proposed concessions do not contradict state and federal law as the concessions are allowed per the density bonus provisions of the EMMC and the EMMC is in compliance to state and federal law. Furthermore, the project is required to comply with all conditions set forth in the resolution of approval, from the Building and Safety Division, Public Works Engineering Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project will comply with state and federal law.

**SECTION 9 – MODIFICATION FINDINGS.** All necessary findings for

the granting of a Modification pursuant to Section 17.20.110 of the El Monte Municipal Code can be made in a positive manner and are as follows:

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

*Finding of Fact:*

There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, in that the subject site is an awkward parallelogram shape and not a perfectly rectangular shape. The Applicant is proposing a 21-foot wide entry ramp into the subterranean off-street parking garage. In order to provide maximize the number of stalls (53 off-street parking stalls total) while providing adequate garage entry ramp width, the Applicant is requesting to reduce the length of eight (8) stalls adjacent to the ramp from 18 feet to 16 feet.

The proposed project is adjacent to the El Monte Metrolink station; thus making the site a prime location for transit-oriented affordable housing to fulfill the City's low income housing needs (which is encouraged by the General Plan). Although the proposed number of parking spaces exceeds the required number of parking spaces per Government Code Section 65915 by 31 stalls, the excess parking proposed is desirable and expected to adequately satisfy additional projected demands for parking.

By depriving the proposed project of the reduced parking stall length, there would be a shortage of eight (8) parking spaces to accommodate the project's residents. Furthermore, strict application of the zoning ordinance in regards to the parking width requirement would deprive the subject property of privileged enjoyed by other properties in the vicinity (which may have a regular rectangular shaped property) and under the identical zone classification as there would not be a desirable excess number of private off-street parking for the site.

- B. The granting of the Modification will not be materially detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity in which the property is located.

*Finding of Fact:*

The granting of the Modification will not be materially detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity in that the reduction of eight (8) parking stalls from 18 feet to 16 feet allows the development to have eight (8) additional off-street parking stalls and a 21-foot wide parking garage ramp, which it would not be feasible without the granting of a Modification. Further, the proposed project and the type of improvements are not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all other City standards (with the exception of the Density Bonus concessions, modification, and DOR), including all conditions set forth in the resolution of approval. Prior to issuance of City development permits and/or a Certificate of Occupancy, the project is required to comply with all conditions set forth in the resolution of approval, from the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity.

- C. Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classifications.

*Finding of Fact:*

There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance. Specifically, the subject site is an awkward parallelogram shape and not a

typical rectangular shape. Further, the proposed project location is adjacent to the El Monte Metrolink station; thus making the site a prime location for transit-oriented affordable housing to fulfill the City's low income housing needs (which is encouraged by the General Plan).

In order to provide maximize the number of stalls (53 off-street parking stalls total) while providing adequate garage entry ramp width, the applicant is requesting to reduce the length of eight (8) stalls adjacent to the ramp from 18 feet to 16 feet. Although the proposed number of parking spaces exceeds the required number of parking spaces per the Government Code Section 65915 by 31 stalls, the excess parking proposed is desirable and expected to adequately satisfy additional demands for off-street parking. Furthermore, strict application of the zoning ordinance in regards to the parking length requirement would deprive the subject property of privileged enjoyed by other properties in the vicinity (which may have a regular rectangular shaped property and are not in close proximity to public transit) and under the identical zone classification.

D. The granting of such modification will not adversely affect the comprehensive General Plan.

*Finding of Fact:*

The proposed affordable housing project is considered to be a form of special needs housing and addresses the following special need groups as identified in the 2014-2021 El Monte Housing Element: Veterans and Family Households. In addition to directing the City to preserve and create opportunity for affordable housing, the Housing Element supports and outlines direction for the City to make provisions for supportive housing to individuals with special needs. The proposed project will provide additional housing for Veterans and low income families. Specifically, the project is consistent with the following General Plan goals and policies: LU-4.1 Housing Opportunities, LU-9.2 Housing Types, LU-9.7 Housing Design, H-2.1 Housing Sites, H-2.8 Downtown Core H-4.2 Family Housing, H-4.4. Homeless People, and H-4.6 Affordable Housing Preservation.

As demonstrated, the proposed project is consistent with the goals and policies of the General Plan by developing a housing development that is of high quality design, provides a consistent use of architectural details and materials, is pedestrian in its focus and scale, and creates attractive and compatible residential frontages. The proposed project meets all of the design guidelines as listed in the Community Design Element, with conditions imposed. Therefore, the granting of such modification will not adversely affect the comprehensive General Plan.

## **SECTION 10 – TEMPORARY TROLLEY STATION RELOCATION.**

Pursuant to California Government Code Section 65402, the proposed temporary trolley station relocation conforms with the General Plan as it would maintain the Trolley Station's fulfillment of Goal C-4 and its Policies C-4.1 (Transit Service Coverage) and C-



4.4 (Regional Transit Stations) of the Circulation Element by continuing the provision of accessible and safe connections to residents' destinations and reducing additional automobile trips that would otherwise impact City and regional streets.

**SECTION 110 – APPROVALS AND CONDITIONS.** The Planning Commission determines that the project is in accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, and has determined the project is Statutorily and Categorically Exempt from CEQA and does hereby approve Tentative Tract Map No. 82656, Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 subject to the following conditions:

**GENERAL**

1. The project shall substantially conform to Tentative Tract Map No. 82656, Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 and the associated plans presented to the Planning Commission on May 28, 2019.
2. The Tentative Tract Map approval as contained herein shall be effective for a period of twenty-four (24) months from the date of effective approval thereof; provided however, that if the Tentative Tract Map is not recorded during such 24 month period the application may apply for a time extension subject to the approval of the Planning Commission in accordance with Section 16.10.140 of the EMMC and the State Subdivision Map Act.
3. Approvals for Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 shall be effective for the term of the Tentative Tract Map No. 82656 and for a period of six (6) months following the date of recordation of the map; provided however, that prior to such date, building permits shall have been obtained or a time extension for Design Review No. 02-19, Density Bonus No. 01-19, and Modification No. 13-19 shall have been approved by the Planning Commission.
4. A signed copy of the approving resolution of the Planning Commission shall be printed or attached to the development plans that are to be submitted during the plan check process.

5. All applicable conditions of approval shall be met or confirmed to have been appropriately addressed by the Community and Economic Development Director or designee prior to issuance of building permits and subsequently confirmed prior to occupancy of any buildings.
6. All Planning Division, Building Division, Code Enforcement Division, and Public Works Engineering Division, standards and conditions shall be complied with prior to the issuance of building or at the other specified time set forth in these conditions or approval or as set forth in City Codes.
7. All City and Los Angeles County Fire Department standards and conditions shall be implemented prior to final inspection and prior to occupancy of any building.
8. The Applicant and property owner shall sign and submit an affidavit accepting all conditions of approval contained in this Planning Commission Resolution within fifteen (15) days following the adoption of this Planning Commission Resolution.
9. Prior to the issuance of building permits, the Applicant shall provide documentation of the amenities or incentives of the Development Opportunity Reserve (DOR) in conjunction with the proposed development have been accepted into the building design elements. The amenities or incentives incorporated into the building design elements shall amount to a minimum of 17 DOR credits at the time of completion of improvement of the project or the applicant shall pay the difference into the DOR Public Improvement in-lieu Fund in accordance with the Downtown Main Street Transit Oriented District Specific Plan.
10. From the date of approval of the project by the Planning Commission until the time when the City has accepted the property maintenance agreement/CC&R's for the development project as provided in Condition No. 14, herein, the owner of the property shall maintain the property in a good condition to include:
  - a) The continuous maintenance of landscaping and vegetation on the property in a vigorous and weed free condition or if the property is unimproved, the prompt removal of weeds and volunteer vegetation on the property;
  - b) The prompt removal of any debris or trash from the property regardless of whether such debris or trash is disposed on the property by third persons;
  - c) The installation of temporary security fencing to limit unauthorized entry if the property is otherwise vacant in whole or in part;
  - d) The installation on each vacant structure on the property of secure and tamper-proof door and window coverings to prevent trespass and illegal occupancy of such vacant structures;
  - e) The prompt demolition or restoration of any structure on the property which has been materially damaged by fire or vandalism;
  - f) The prompt removal of evidence of graffiti vandalism from any surface on the property, including graffiti as applied to temporary security fencing or to

- walls or structures including any wall or structure which is proposed for demolition; and
- g) Other property maintenance and property security measures as may be indicated for the property under EMMC Chapter 8.59 or other applicable law.

## **LEGAL**

11. By acceptance of the approval of the project by the City, the Applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to challenge, set aside, void or annul the approval of the project from an action which may be brought within the time period provided for such actions or challenges under applicable law. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate in any such defense.
12. The Applicant shall enter into and comply with all necessary agreement and covenants with the City or other relevant party that may be required to effectuate the Project, and project approvals shall only be valid upon City approval of a Disposition Development and Affordable Housing Loan Agreement for the project site, in the sole and absolute discretion reserved to the City Council.
13. The Applicant and City shall enter into a Subdivision Improvement Agreement prior to recordation of the Final Tract Map for the design, acquisition, installation, construction, dedication and one-year warranty for all of the public infrastructure improvements required by the conditions of approval for Tentative Tract Map No. 82656.
14. An agreement for property maintenance is required and shall be reviewed and approved by the City Attorney. Such agreement for property maintenance may be included in the City's affordable rental housing regulatory agreement. The Agreement shall be submitted for review by the City Attorney and shall be approved and recorded before building permits are issued or recorded concurrently with the final map.
- i. Parking. The agreement shall address and ensure that all residential and guest parking is allocated and properly marked for use. A total of 53 parking spaces shall be provided. Each parking stall space shall be kept clear and available for the parking of vehicles. Parking decals shall be required for all cars registered with the leasing agreement. All office parking shall be made available for guest parking after business hours. Parking shall be monitored and enforced 24-hours by onsite management.
  - ii. On-going maintenance criteria, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and

timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking areas/stripping, pedestrian pathways/open space areas, lighting and irrigation fixtures, walls and fencing, landscaping and related landscape improvements and the like, as applicable).

- iii. The agreement shall include provisions which confer a power on the City upon notice to the owner, to enter the property to perform maintenance and repair work and create a lien in favor of the City to secure reimbursement of City costs to correct any maintenance deficiency.

## **CONSTRUCTION**

15. The Applicant shall ensure that the contractors conduct construction activities between the hours of 7:00 AM and 6:00 PM on weekdays and 9:00 AM to 5:00 PM on Saturdays, with no construction permitted on Sundays or Federal holidays.
16. The Applicant shall distribute a notice prior to the commencement of construction activities to property owners and tenants within 300 feet of the project boundary of properties that abut the project site. The notice shall include the contact information of the applicant project manager and City of El Monte Planning Division staff.
17. A truck/traffic construction management plan is required for this project pursuant to the Department of Transportation. All construction traffic regarding the movement of heavy equipment and graded materials are limited to off peak hours. This plan shall be approved prior to the issuance of Building Permits.
18. The project must comply and be designed to meet the all requirements of the current applicable California Building Code. All building safety, geotechnical, mechanical, electrical, plumbing, and accessibility requirements will be reviewed for compliance during plan review.
19. Prior to commencing site preparation activities, the project site shall be secured with a fence to prevent unauthorized access to the site and the fence shall contain a screening material to screen construction activities from view. The temporary screening fence shall be installed to the satisfaction of the Community and Economic Development Department and shall be maintained in good condition (free of tears, holes, crack lines, debris, etc.) at all times. At the primary entrance to the site, the screening material shall be reduced to a maximum height of four feet to provide visibility into the site at all times and for public safety purposes. The project site shall also have a minimum of one sign of quality material depicting the proposed development, which shall include renderings, project opening date, and City Council information. The signs shall be designed and installed to the satisfaction of the Community and Economic

Development Department and maintained in good condition (free of tears, graffiti, holes, cracks, fading, debris, etc.) at all times.

20. Prior to the commencement of construction on the site, the Applicant shall schedule a pre-construction meeting between the general superintendent or field representative and the Planning Division to review the approved plans and construction requirements, and project construction staging and sequencing.
21. The Applicant and project construction manager shall be required to work with City Staff to identify all public and private schools within a 1,000-foot radius from the project site. The applicant/construction manager shall be required to contact all identified schools to notify the principal of the school about the proposed project, construction periods, and planned trucking routes, and to coordinate trucking activities to and from the site. Trucking deliveries and pickups from the project site shall be prohibited during the periods identified by a school within the radius and during peak hours when children are coming to or leaving the school. Additionally, all project sites located within this specified radius shall be required to maintain one onsite flag personnel to direct trucking activities coming to and leaving the site during all phases of project construction and until the project has received final approval. The applicant shall be required to submit to the Planning Division a written letter showing evidence that this condition has been satisfied prior to issuance of a building permit.
22. During the construction process all related activities, including but not limited to, loading, unloading, storage of equipment and materials, and parking of employee vehicles are prohibited within the public R.O.W. All such activities shall be conducted only on the project site and not in the public R.O.W.
23. All onsite activities shall comply with the City of El Monte Noise Ordinance at all times.
24. Automatic gas shut off/earthquake safety valves shall be installed for each gas meter location.
25. All trash and refuse (i.e. solid waste) shall be disposed of in dumpsters or other like containers; and all such waste shall be removed from the premises on a routine basis, as provided under EMMC Chapter 8.20, by a solid waste hauler duly franchised to provide such service to the property. Applicant shall divert fifty percent (50%) of its solid waste through recycling services provided by a solid waste hauler duly franchised to provide such service to the property. Pending completion of all construction activities upon the property, surplus construction materials shall be stored so as to be screened from view when not actually in use. All construction and demolition debris shall be removed from the property in compliance with EMMC Chapter 8.20. The removal of all solid waste arising out of the construction and demolition process shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services for

construction and demolition projects within the City of El Monte. The removal of all other wastes from the property shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services to residential and commercial properties within the City of El Monte.

- a) Prior to the issuance of a Building Permit, the applicant shall submit to the Building Safety Division, the Environmental Services Division and the City Code Enforcement Division, the name and contact information for the contracted waste hauler. It shall be the applicant's obligation to ensure that the waste contractor utilized has obtained permits from the City of El Monte to provide such services.
  - b) Prior to final approval for occupancy, and in addition to any other requirements set forth under the El Monte Municipal Code or by the Chief Building Official, the applicant shall submit to the Building and Safety Division, the receipt(s) showing evidence that the waste and debris generated during the demolition and construction process were properly disposed and/or diverted.
  - c) Except as otherwise authorized pending the completion of the construction and demolition activities authorized under this resolution, solid waste containers and bulky items may not be stored or maintained at locations designated for parking and must be maintained in those locations designated for the temporary storage of solid waste and bulky items.
26. The site and the public R.O.W. adjacent to any portions of the site shall be maintained in a condition which is free of debris both during and after the construction, addition or implementation of the entitlements granted herein. All trash and refuse shall be disposed of in dumpsters and be removed from the premises on an as needed basis. Any surplus construction materials shall be stored so as to be screened from public view when not actually in use and be removed from the property upon completion of construction activities. The removal of all trash, debris, and refuse, whether during or subsequent to construction shall be done only by the property owner, the applicant or by a permitted waste contractor, who has been authorized by the City to provide collection, transportation, and disposal of solid waste from residential, commercial, and construction areas within the City.
- a) Prior to issuance of a Building Permit, the applicant shall submit to the City, the name and contact information for the contracted waste hauler. It shall be the applicant's obligation to insure that the waste contractor utilized has obtained permits from the City of El Monte to provide such services.
  - b) Prior to final approval for occupancy, the applicant shall submit to the Planning Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed.
27. Fire protection facilities; including access, must be provided prior to and during construction.

28. All staging areas and storage of equipment and materials shall be set back from adjacent residential uses.
29. Commencement of construction of the project including the demolition of the existing El Monte Trolley Station improvements shall be coordinated to the satisfaction of the Community and Economic Development Director within the completion of the temporary El Monte Trolley Station improvement on the west side of Center Avenue.

### **ART IN PUBLIC PLACES**

30. The proposed project is subject to comply with the El Monte Art in Public Places Program Ordinance (EMMC Chapter 15.07) unless the project is exempt pursuant to EMMC Section 15.07.040(B).
31. The applicant shall provide on-site art work that is internally and/or publically visible, subject to the review and approval of the Community and Economic Development Director.

### **SITE PLAN**

32. Prior to the recording of the Final Map, the City and/or Applicant shall prepare and submit a composite development plan to the City showing all required and intended public and private improvements for the land parcels and public roadway as delineated in the Map approved herein.
33. The Applicant shall submit a design for the onsite trash enclosure(s) for review and approval by the Planning Division and the City's Solid Waste Service Provider during the plan check process. All trash enclosures shall be screened and buffered from public view. The trash enclosures shall include a designated area for solid waste disposal and a designated area for recycling disposal. The design will be reviewed for aesthetic value and use of quality materials. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five (5) foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building. The finish and color of the enclosure shall be designed to match a primary element from the site building style as well as incorporate a decorative cover per the approval of the Community and Economic Development Director.
34. Decorative driveway surface materials that provide anti-squeaking qualities shall be installed at the project vehicular entrance to the satisfaction of the Community and Economic Development Director.

35. The Applicant shall install a security system with HD cameras throughout the project site. The plan shall be reviewed by the El Monte Police Department and such recording shall be available for the El Monte Police Department for a minimum of 45 days.

## **LANDSCAPING**

36. The Applicant shall be required to submit to the Planning Division for review and approval of a detailed landscape/irrigation plan for the site that is prepared by a State Licensed Landscape Architect. The plan shall address the following items:
- a. Comply with the State mandated Model Water Efficient Landscape Ordinance (MWELO) 2015 update and Chapter 17.11 - Water Efficiency of the El Monte Municipal Code (EMMC). The document package may be downloaded on the City website under Building and Safety or contact the Building and Safety Division at (626) 580-2050.
  - b. An automatic timed underground irrigation system shall be installed and maintained for each landscaped area.
37. The landscape plan shall provide for a variety of groundcover, grasses, shrubs, perennials, and ornamental trees with various textures, heights, size and a variety of foliage and flower color, per EMMC Section 17.10.030(A)(1) and the Downtown Main Street Specific Plan. The landscape plan shall include a Plant Legend containing: plant symbol, scientific name of plant material, common name of plant material, plant container size, and plant spacing in "inches". Single row and triangle plant spacing are preferred. Very low, low and medium water usage plant materials are encouraged.
38. The minimum size for required trees shall be 36" box and subject to the review and approval of the Community and Economic Development Director. An automatic timed underground irrigation system shall be installed and maintained for each landscaped area.
39. All street trees shall be selected by the City Arborist.
40. All landscape and irrigation areas shall be installed prior to a certificate of occupancy.
41. The landscape plans shall incorporate vinery systems along the eastern wall and other areas as deemed appropriate by the Planning Division.

## **LIGHTING**

42. The Applicant shall submit a photometric plan to the Community and Economic Development Department for review and it shall provide a minimum of 1 foot-candle throughout the site. Where available and deemed necessary by the Community and Economic Development Director, the system must be equipped



with vandal resistant covers and be shielded to direct light away from all neighboring uses, and comply with CALGreen or local ordinance, whichever is more stringent. The lighting plan shall include the design and specifications for all proposed exterior site lighting fixtures and shall be reviewed for quality, aesthetics, and illumination values.

43. The Applicant shall submit for review by the Planning and Building Division, the design and specifications for all proposed lighting fixtures proposed for the buildings, drive aisles, parkways, parking areas, pathways, and surrounding areas within the development. The fixtures shall be reviewed for quality, aesthetics, illumination values, sustainability values such as LED and shall be decoratively and architecturally consistent with the building design. The number, location, height, style and design shall be reviewed and approved by the Planning Division and Building Division prior to issuance of building permits.

### **UTILITIES AND MECHANICAL EQUIPMENT**

44. All onsite utilities service lines shall be underground and not visible to the public view.
45. The Applicant shall submit a composite utility plan depicting the location of above ground utility appurtenances. The exact location of the equipment shall be approved by the Planning Division, during the plan check process, and shall be installed as per approved plans.
46. All mechanical equipment placement and screening shall be included on the composite development plan and shall be reviewed and approved by the Planning Division prior to installation. Where practicable and as shown on the plans approved by the Planning Commission in the course of obtaining the requested entitlements, mechanical equipment, heating, ventilation, air conditioning (HVAC) units, satellite dish systems, solar panels, thermal solar heaters, utility meters, above ground utility and fire safety connections will be, screened, located out of public view or be architectural integrated into the project design.

### **FENCES AND WALLS**

47. Prior to the demolition of any existing property line walls and/or fences and construction of a new property line concrete block wall(s), the applicant shall make reasonable efforts to coordinate and obtain approval from neighboring property owner(s) to remove any existing wall(s) and/or fence(s). Written authorization from the neighboring property owner shall be provided for the removal of an existing wall and construction of a new property line wall upon submittal for plan check.

48. All fences and walls shall be decorative. Block walls shall be stucco finish to match the proposed development.
49. Where proposed, new interior and perimeter fences and walls for the project site shall be of a decorative design and manufactured/built using durable materials and protective surfaces. The application of graffiti resistant coating and/or other anti-graffiti measures are required.
50. All pedestrian gates shall be equipped with a key (security) code and meet ADA requirements.
51. Architectural plans including a site plan, elevations, and mechanical specifications for all walls/fences/gates shall be submitted to the Planning Division for review and approval.

## **ARCHITECTURE**

52. The Applicant shall continue to work with Planning Division staff to further refine and finalize the design of the proposed project prior to the issuance of building permits.
53. Prior to issuance of building permits, the plans shall specify the type of materials and colors that will be installed on exterior of residences.
54. All guard rails must be decorative and high quality material and shall be reviewed by the Planning Division during the plan check process.
55. During the plan check process the elevations shall be printed in color. All proposed materials shall be presented on a board and noted on the architectural plans.
56. The Applicant shall work with staff to finalize the color palette for exterior finish materials.

## **SIGNS**

57. The Applicant shall submit and receive approval of a Sign Permit for all proposed signage.

## **BUILDING & SAFETY**

58. Accessible parking shall meet all requirements within Chapter 11B of current 2016 CBC.
59. Plans shall include proposed building height and area in compliance with 2016 CBC Table 504.3 and 506.2.

60. The tentative tract map shall provide a title that shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision.

## **POLICE DEPARTMENT**

### **Lighting**

61. Pedestrian walkways leading to residential units and parking spaces should provide LED lighting.

62. Common outdoor areas shall be provided with adequate lighting.

### **Landscape**

63. Building entrances should be accentuated and well defined with landscaping, architectural design and lighting.

64. Open spaces and walkways should be designed to enhance security and safety.

65. Mail boxes should be visible by the residents and located in the interior of the property lines/boundaries.

### **Building Signage**

66. Building address numbers should be visible from the public road as well as depicted on each unit/residence.

67. The building address numbers should be legible and large enough to identify the buildings by first responders.

## **ENGINEERING AND PUBLIC WORKS**

The following conditions and public improvements will be required to be performed and completed in an acceptable manner to the City in accordance with all applicable rules and laws. Federal, State, County and local laws and regulations for project implementation must be adhere to throughout the duration of the project. The City Engineer may require other information or may impose additional conditions and requirements as deemed necessary to protect public health and safety.

### **68. General:**

- a) The estimated amount of Development Impact Fees associated with the project based upon the site plan documentation submitted as part of the Project Approvals include but are not limited to the following fees and deposits; applicable sewer fee, street fee, storm drain fee, traffic fee, park facility Impact fee, Quimby (dedication or in lieu Parkland Fees), deposits, technology enhancement fees, and all applicable fees associated with demolition of existing structures, drainage, site development, and construction are based on actual

square footage of any commercial development and number of residential units. EMMC 15.08 and EMMC 16.34.030.

Sewer	\$	74,571.00
Storm Drain	\$	30,369.00
Street	\$	43,195.00
Traffic	\$	3,598.70
Park Facility Impact Fees	\$	On Hold
Tech Enhancement	\$	3,169.72
Quimby	\$	683,700.00
<b>Total</b>	<b>\$</b>	<b>838,603.42</b>

The foregoing amounts of the various development impact fees are based on 53-units and subject to refinement and changes based on the design plans for the project at the time of issuance of building permits as confirmed by the City.

- b) Project Applicant shall obtain approval from the Los Angeles Fire Department (LACFD) for development's fire protection, fire flow requirements, emergency access circulation for development, etc. and shall construct all Fire Department required improvements. LACFD approvals will be required:
  - i. Prior to Tentative Map Approval (LACFD Land Development Division)
  - ii. Prior to issuance of Grading/Building Permits (LACFD Building Division)
  - iii. Prior to Final Map Approval
- c) Environmental Documentation. The time limits set forth in El Monte Municipal Code (EMMC) Chapter 16.12.040 for taking action on tentative maps shall not be deemed to commence until the environmental documentation for the subdivision is completed in compliance with the California Environmental Quality Act (CEQA) as required by the City.
- d) The Applicant shall provide such additional data and information if required by one or more substantial changes in the improvement plans and shall deposit and pay such fees as may be required following the adoption of this Resolution for the preparation and processing of environmental review documents pursuant to the City's procedures for implementation of the California Environmental Quality Act.
- e) Engineering Geology and/or Seismic Safety Report. A preliminary engineering geology and/or seismic safety report, prepared in accordance with Los Angeles County guidelines, is required if the property lies within a "medium risk" or "high risk" geologic hazard area, as shown on maps on file contained within the safety element of Los Angeles County.
- f) Comply with the City's ordinances and regulations pertaining to construction debris recycling. Contact the Building & Safety Department to obtain a

Construction & Demolition Debris Diversion Program form. The Construction & Demolition Debris Diversion Program is also applicable with respect to the grading process.

- g) All USA/Dig Alert graffiti markings from prior development activity in the neighborhood must be removed by the contractor from the sidewalk, curb & gutter and/or asphalt pavement work areas for the project prior to commencement of any demolition activity on the property.
- h) No encroachment into the City right-of-way from private property will be allowed.
- i) The City Engineer may require other information or may impose additional conditions and requirements as deemed necessary to protect health and safety, and to benefit the public.

**69. Tract Maps:**

- a) All Tract Maps are to be recorded in the Los Angeles County Recorder's Office prior to issuance of "Notice of Completion"/Certificate of Occupancy" and an electronic copy of the approved Tract Map is submitted to the Engineering Division for our records. A Registered Civil Engineer or Land Surveyor licensed by the State of California must prepare and submit the proper documents, legal descriptions and maps describing the tract map. The final City of El Monte approved tract map must be submitted to the Los Angeles County Recorder's Office for recordation.
- b) The Applicant is responsible to install, document, and submit centerline tie information for new streets, revisions to existing streets, and replacement of centerline ties removed during project construction.
- c) Streets fronting project shall be improved to meet current General Plan requirements for Right of Way and Roadway. Dedicate:
  - i. 10 feet of Right-of-Way as required to obtain full half-street width of 50-feet to the City of El Monte along Valley Blvd for street purposes.
  - ii. Dedicate "Corner Dedication" at the corner of Valley Blvd and Center Avenue for ADA compliant ramp and coordination of Valley Blvd dedication
- d) Preserve existing survey monuments (property corners, centerline ties, etc.) in the public right of way. All disturbed and removed survey monuments in the public right of way shall be re-established and record of survey shall be filed with the County surveyor in accordance with applicable provisions of the state law.

- e) City Attorney's Office to approve the CC&R's for the project. Owner or project applicant to contact the City Attorney's Office directly at (626) 580-2010 with any questions and comments.
- f) A title insurance company designated by the applicant must submit to the Engineering Division a Final Subdivision Guarantee in the amount of \$25,000 prior to final Tract Map approval by the City Engineer.

**70. Grading and Drainage:**

- a) The Grading and Drainage Plan must include standard City of El Monte NPDES and Grading and Drainage Notes and be prepared in accordance with the City of El Monte Grading Manual. Shoring Plans must be submitted to and approved by the City's Building Department prior to issuance of Grading Permit.
- b) A bond shall be submitted to the City of El Monte in an amount determined by the City to complete minimum grading and drainage improvements deemed critical by the City.
- c) Soils Report. A preliminary soils report prepared in accordance with the city's grading ordinance shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the proposed development.
- d) A Hydrology Study Report, based on a 50-year frequency design storm for Capitol Facilities and a 25-year frequency design storm for all other instances as dictated by the LA County DPW 2006 Hydrology Manual, must be submitted to the Engineering Division. The study must provide hydraulic calculations based on the given area and the ability of the proposed/existing storm drain infrastructure to receive and support the allotted drainage runoff. Drainage calculations shall adhere to City of El Monte standards, NPDES, and environmental regulations and requirements.
- e) Historical drainage patterns from adjacent lands to the property shall be identified and maintained. The Project shall accept and include in the drainage design any current drainage from adjacent land.
- f) Trash Enclosures must comply with Planning Department requirements, have a solid cover, and be designed to contain fluids from the temporarily stored solid wastes, and fitted with a drain that connects to the Sewer.
- g) Comply with all Federal, State, and local agency requirements pertaining to the Clean Water Act, which established regulations, set forth in the Countywide National Pollutant Discharge Elimination System (NPDES) Permit.

- h) Low Impact Development (LID) is a requirement of the NPDES Permit No. CAS004001, Order No. R4-2012-0175 and City of El Monte Ordinance No. 2840. This permit was issued by the State of California Regional Water Quality Control Board, Los Angeles Region on December 28, 2012 and the City Ordinance was passed and adopted June 10, 2014. The LID is a narrative report that explains the type of development and drainage of the site. It must address the post-construction water quality and habitat impact issues. Once the site has been developed, how will runoff be maintained? Was there a system that was designed to treat the runoff prior to discharging into the public system? Best Management Practices (BMPs) should be implemented to address storm water pollution and peak flow discharge impacts. All BMPs must be sized to meet specified water quality design and/or peak flow discharge criteria.
  - i. Filtration and infiltration methods must be used to defray a large percentage of the storm water runoff into the storm drain system.

#### 71. Sewer

- a) Applicant / Civil Engineer shall show the location of the sewer mainline, nearest manholes, lateral serving the project and configuration of the onsite sewer including diameter and material of the onsite sewer.
  - i. Sewer cleanouts must be positioned at 100-foot intervals on the lateral coming off the main sewer line.
  - ii. Applicant must obtain Will Serve Letter from County Sanitations District of Los Angeles County in customary form prior to issuance of a grading permit for the Project. Letter Provided: **Dated April 2, 2019**

#### 72. Water:

- a) It is the Applicants' responsibility to contact the Water Purveyor (**City of El Monte Water Department**) to obtain approval of service and that the purveyor has adequate water to provide such service. A Will Serve letter from **City of El Monte Water Department**) will be required.
- b) Provide acceptable analysis to verify sufficient water pressure and flow for:
  - i. General conditions
  - ii. During MID (maximum instantaneous demand) conditions
  - iii. During fire flow and MID conditions
- c) The water supply system serving the development shall be adequately sized to accommodate the total required domestic water and fire flows, in compliance with the **City of El Monte Water Department**) and Los Angeles County Fire Department requirements.
  - i. Applicant / Civil Engineer shall submit water system improvement plans and calculations for the development to the City for review and approval

- d) All existing water services no longer required as part of the project shall be abandoned at the mainline.
- e) Relocate existing water meter out of existing drive approaches.

**73. Overhead Utilities:**

- a) Project Applicant shall underground any existing overhead utilities that are to serve the property in accordance with EMMC Chapter 16.28.110. The final scope and design of the undergrounding of these overhead facilities is subject to SCE and other relevant utility provider approval.
- b) Any utility poles conflicting with the proposed improvements shall be relocated at the expense of the Project Applicant.

**74. Parking Lot and Driveways:**

- a) All parking lots and driveways shall be surfaced with asphaltic concrete to a minimum thickness of three (3) inches over a minimum aggregate base of six (6) inches or surfaced with Portland Cement concrete with a minimum thickness of five (5) inches over a three (3) inch aggregate base. After review of the probable vehicular traffic and the soils report for the project, additional material may be required at the discretion of the City Engineer (EMMC 17.08.030) and/or in accordance with recommendations of the Geotechnical Engineer.
- b) All drive approaches shall be ADA compliant. Insufficient width in the parkway will require Project Applicant to dedicate an easement at each drive approach to the City to accommodate a compliant drive approach.

**75. Street and Traffic:**

- a) Railroad Street fronting property shall be improved to meet current General Plan requirements/Fire Department requirements for Roadway. Use Geotechnical Engineer's Report and APWA standard plans and specifications for roadway improvements. Prepare offsite improvement plans as necessary and provide an engineer's estimate for all public improvements. All offsite improvements shall be in complete compliance with the Americans with Disabilities Act (ADA).
- b) Traffic control plans must be signed by a licensed State of California Traffic Engineer and submitted for review and approval prior to issuance of encroachments for work in the public right-of-way in Valley Blvd.
- c) Center Avenue was slurry sealed within the past five (5) years. A Type II Slurry Seal per the Standard Specifications for Public Works Construction shall be applied within the City owned portions of Center Avenue to centerline for any trenching performed on project side of street and for full width of street for any



trenching past street centerline in accordance with City Ordinance No. 2873. Striping plan, if necessary must be submitted as part of the roadway improvements on Center Avenue/Valley Blvd.

- d) Public improvements will be generated on the basis of the approved site plan. P.C.C. pavement and asphalt-concrete (A.C.) thicknesses and strengths will be determined by the Registered Civil Engineer (project engineer of record) preparing the street plans and utility improvement plans.
- e) Repair, remove, and replace deficient and/or damaged sidewalk and standard curb & gutter adjacent to the development at the direction of the City Engineer/City Inspector. Use APWA standard plans and specifications
- f) Remove all existing improvements no longer intended for use (drive approaches, under sidewalk drains, meter boxes, etc.) and replace with new sidewalk and full height curb and gutter as required. Use APWA standard plans and specifications.
- g) Project Applicant shall remove all existing curb paint and replace in kind on all curbs fronting the proposed development.
- h) All traffic markings, street striping, street signs, legends and curb painting, including all crosswalks at the intersection of Center Drive/Valley Blvd and on Center Drive adjacent to the proposed development shall be restored as directed by the City Engineer.
- i) Parkway trees shall be installed by the Project Applicant within the street public right-of-way segments per the City of El Monte Tree Ordinance in the quantities and locations as directed by the City of El Monte Public Works Department.
- j) A Traffic Assessment Letter that specifies the project description, project generated traffic and trip distribution shall be prepared and provided for review and approval.
- k) Enter into a public improvement agreement with the City and post a Faithfull Performance bond and a Labor and Materials Bond in the amount of 150% of the estimated cost to cover the construction of the proposed offsite improvements. A Warranty Bond shall be provided in the amount of 100% of the cost of the estimated improvements and shall be in effect for one year after the date of acceptance of the project improvements. Alternate security or Cash deposits will be accepted in lieu of the required bonding. EMMC 16.32.030, EMMC 16.32.040, and EMMC 16.32.045.

## **TRANSPORTATION**

### **Temporary Relocation of the El Monte Transit Station (Trolley Station)**

76. The Applicant shall be responsible for the full cost of the temporary relocation of the El Monte Transit Station (Trolley Station) from its current location to a temporary site located across Center Avenue (APN: 8575-019-900). [The relocation shall be complete prior closure of the existing El Monte Transit Station for the proposed development.](#)
77. Site improvements for the temporary Trolley Station facility to be paid for by the applicant shall include (but not limited to):
- a) Adequate bus circulation plan in which the buses enter on Railroad Street and exit onto Center Avenue. Turning radius for the buses shall not cross the center street line;
  - b) Adequate passenger loading areas and space for five (5) buses loading simultaneously;
  - c) Relocation of existing benches, flag poles, picnic tables, and wrought iron fencing and gate from the existing Trolley Station at 3650 Center Avenue across the street to the site identified as 8575-019-900. Should the above-mentioned equipment not be in appropriate condition to be relocated and reused, the applicant shall be responsible for providing replacement equipment;
  - d) Provide a water drinking fountain, pre-fabricated bus shelter, and adequate lighting;
  - e) A modular office with a minimum of 12' x 32' dimensions with internal restrooms, storage, and cashier window. The office furniture and safe boxes are also included;
  - f) Electrical, plumbing, and sewer improvements associated with the trolley station relocation; and
  - g) Any other equipment deemed necessary by the Transportation Operations Manager.
78. All associated improvements with the Trolley Station relocation shall be ADA compliant.
79. The Applicant shall receive approval of the temporarily Trolley Station construction plans from the Transportation Operations Manager prior to submittal to Building and Safety for Plan Check review and building permit issuance.
80. All improvements to the Temporary El Monte Transit Station (Trolley Station) site required of the applicant shall be subject to the review and approval of the Transportation Operations Manager.
81. Fencing and lighting to secure the Temporary El Monte Transit Station (Trolley Station) shall be subject to review and approval of the Planning Division and Transportation Operations Manager.
82. Construction vehicles associated [edion](#) with the proposed development shall not block access and circulation of the trolley buses.

83. Property management of the development shall work with the Transportation Operations Manager to maximize public transit opportunities for the residents of the proposed development [prior to and post occupancy](#).

84. The operation of temporary Trolley Station shall not exceed five (5) years from the initial day of operation.

## **COUNTY OF LOS ANGELES FIRE DEPARTMENT FIRE PREVENTION DIVISION**

### **Final Map Requirements**

85. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.

86. A copy of the Final Map shall be submitted to the Fire Department for review and approval prior to recordation.

### **Access Requirements**

Verification for compliance of the Fire Department "Access Requirements" will be performed during the architectural plan review prior to building permit issuance.

87. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4

88. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

89. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

90. Center Street, Valley Blvd. and Railroad Street serve as the Fire Apparatus Access Roads for the proposed development. Provide an unobstructed vertical clearance of "clear to sky" Fire Apparatus Access Roads to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Apparatus Access Road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the Aerial Fire Apparatus Access Road is positioned shall be approved by the fire code official. Fire Code 503.1.1; 503.2.2; Appendix D104.1, D104.2 & D104.3

91. The dimensions of the approved Fire Apparatus Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
92. A minimum five (5) foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
93. Security barriers, visual screen barriers or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Fire Code 504.5
94. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

#### Water System Requirements

95. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Code.
96. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
97. The required fire flow for the public fire hydrants for this project is 1625 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
  - a. An approved automatic fire sprinkler system is required for the proposed buildings within this development for the fire flow reduction from 3250 gpm to 1625 gpm. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
  - b. The fire flow is adequate for the proposed project.

**SECTION 11 – PLANNING COMMISSION APPROVAL.** The Secretary of the Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.

\_\_\_\_\_  
Cesar Peralta, Chairperson

ATTEST:

\_\_\_\_\_  
Marcella Magdaleno, Secretary  
El Monte City Planning Commission

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF EL MONTE             )

I, Marcella Magdaleno, Secretary of the Planning Commission of the City of El Monte,

do hereby certify that the above and foregoing is a full, true, and correct copy of revised Resolution No. 3544 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on May 28, 2019 by the following votes to wit:

AYES: Peralta, Wong, Nuno, Gonzalez, and Cruz

NOES:

ABSTAIN:

ABSENT:

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Marcella Magdaleno, Secretary  
El Monte City Planning Commission

## IMAGINE VILLAGE II

# Notice of Exemption

**To:** \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**From:** City of Lancaster  
Development Services Department  
44933 Fern Avenue  
Lancaster, CA 93534

  X   County Clerk  
County of Los Angeles  
Environmental Filings  
12400 E. Imperial Hwy  
Norwalk, CA 90650

\_\_\_\_\_  
(Date received for filing)

**Project Title:** \_\_\_\_\_ Conditional Use Permit No. 18-26

**Project Applicant:** City of Lancaster

**Project Location - General:** City of Lancaster, County of Los Angeles, State of California

**Project Location - Specific:** ±2.3 gross acres on the west side of Sahuayo Street, north of Avenue K-4  
(APN 3126-031-039)

**Project Description:** The proposed project consists of the construction and operation of an 85,042 square foot, 80-unit residential building for special needs housing and a density bonus in the Specific Plan 80-02 zone.

**Name of Public Agency Approving Project:** \_\_\_\_\_ City of Lancaster

**Name of Person or Agency Carrying Out Project:** City of Lancaster

**Exempt Status:** (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: 15332, Infill Development Projects

☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:** The proposed project is located on approximately 2.3 acres in the central portion of the City of Lancaster. The proposed development is consistent with the General Plan and zoning designations for the site, has no habitat for special status plant or animal species, would not have any significant environmental impacts, and all utilities and public services are available to serve the project site.

**Lead Agency**

**Contact Person:** \_\_\_\_\_ Jocelyn Swain

**Area Code/Telephone:** \_\_\_\_\_ (661) 723-6100

  
Signature

Principal Planner  
Title

May 22, 2019  
Date



## INGRAHAM APARTMENTS

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

**CITY PLANNING COMMISSION**

**SAMANTHA MILLMAN**  
PRESIDENT

**VAHID KHORSAND**  
VICE-PRESIDENT

**DAVID H. J. AMBROZ**  
CAROLINE CHOE

HELEN LEUNG

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS

DANA M. PERLMAN

**CITY OF LOS ANGELES  
CALIFORNIA**



**ERIC GARCETTI**  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

**VINCENT P. BERTONI, AICP**  
DIRECTOR

**KEVIN J. KELLER, AICP**  
EXECUTIVE OFFICER

**SHANA M.M. BONSTIN**  
DEPUTY DIRECTOR

**TRICIA KEANE**  
DEPUTY DIRECTOR

**ARTHI L. VARMA, AICP**  
DEPUTY DIRECTOR

**LISA M. WEBBER, AICP**  
DEPUTY DIRECTOR

**DIRECTOR'S DETERMINATION  
STREAMLINED INFILL PROJECT REVIEW,  
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING  
INCENTIVE PROGRAM REVIEW, AND  
CENTRAL CITY WEST SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW**

June 7, 2019

**Applicant/Owner**

Ingraham Apartments, L.P.  
1055 W. 7<sup>th</sup> Street, Suite 3250  
Los Angeles, CA 90017

**Representative**

Jamie Poster  
Craig Lawson & Co., LLC  
3221 Hutchison Avenue, Suite D  
Los Angeles, CA 90034

**Case No.** DIR-2019-1855-SIP-TOC-SPP

**CEQA:** N/A

**Specific Plan Subarea:** South (Wilshire Corridor District)

**Location:** 1218, 1220, 1222, 1228, 1230,  
1232 West Ingraham Street

**Council District:** 1 – Cedillo

**Neighborhood Council:** Downtown Los Angeles

**Community Plan Area:** Westlake

**Land Use Designation:** High Density Residential

**Zone:** CW

**Legal Description:** Lots 4 Arb 1, 5 Arb 1, 6 Arb 1, 7;  
Tract 2905

**Last Day to File an Appeal:** June 24, 2019

**DETERMINATION**

I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

**Determine**, pursuant to Public Resources Code Section 21080(b)(1), that based on the whole of the administrative record, the project is statutorily exempt from CEQA as a ministerial project pursuant to Government Code Section 65913.4;

**Determine**, pursuant to Government Code Section 65913.4, that the project is a Streamlined Infill Project that satisfies all of the objective zoning standards set forth in Government Code Section 65913.4(a) and is therefore subject to the Streamlined Ministerial Approval Process;

**Approve with Conditions**, a ministerial Transit Oriented Communities (TOC) Affordable Housing Incentive Program Compliance Review, pursuant to Government Code Section 65913.4 and Los Angeles Municipal Code (LAMC)

Section 12.22 A.31, for a qualifying Tier 4 project, totaling 121 dwelling units, reserving 120 units for Low Income Household occupancy for a period of 55 years, with the following Base and Additional Incentives:

**Base Incentive**

- a. **Residential Density.** A nine-percent increase in the maximum density to permit a total of 121 dwelling units in lieu of 111 units as otherwise permitted by Section 6.F.2 of the Central City West Specific Plan;

**Additional Incentives**

- b. **Front and Rear Yard Setbacks.** A reduction in the minimum front yard setback to permit 12 feet (post-dedication) in lieu of 15 feet as otherwise required by LAMC Section 12.12 C.1, and a 35-percent reduction in the minimum rear yard setback to permit 12 feet, 4 inches in lieu of 19 feet as otherwise required by LAMC Section 12.12 C.3;
- c. **Side Yard Setbacks.** A 35-percent reduction in the minimum side yard setbacks to permit six (6) feet, six (6) inches in lieu of 10 feet as otherwise required by LAMC Section 12.12 C.2;
- d. **Usable Open Space.** A 25-percent reduction in the minimum usable open space to permit 9,075 square feet in lieu of 12,100 square feet as otherwise required by LAMC Section 12.21 G.2;
- e. **Common Open Space.** A 25-percent reduction in the minimum common open space to permit 9,075 square feet in lieu of 12,100 square feet as otherwise required by Section C.1(a) of Appendix D of the Central City West Specific Plan;
- f. **Common Open Space Dimension.** An 18-percent reduction in the minimum common open space dimension to permit 12 feet, 4 inches in lieu of 15 feet as otherwise required by LAMC Section 12.21 G.2(a)(1)(iii);

**Approve with Conditions, a ministerial Project Permit Compliance Review,** pursuant to Government Code Section 65913.4 and LAMC Section 11.5.7 C and the Central City West Specific Plan, Ordinance No. 173,455, for the construction of a seven-story multi-family residential building consisting of 121 dwelling units; and

**Adopt** the attached Findings and Conditions of Approval.

## CONDITIONS OF APPROVAL

### Streamlined Infill Project Conditions

1. **Affordable Units.** The project shall reserve 50 percent of 121 total units, that is 61 units, as affordable units as determined by the California Department of Housing and Community Development (HCD).
2. **Parking.** No automobile parking shall be required for all residential units.
3. **Automobile Parking Design Standards.** The project shall comply with all objective automobile parking design standards set forth in LAMC Section 12.21 A.5, including aisle widths, circulation driveway, stall widths, stall width increase for obstructions and end stalls condition, driveway slope, and double striping of stalls, to the satisfaction of the Department of Building and Safety.
4. **Bicycle Parking Facilities Standards.** The project shall comply with the objective bicycle parking facility standards set forth in LAMC Section 12.21 A.16 to the satisfaction of the Department of Building and Safety.
5. **Prevailing Wage Requirements.** In accordance with Government Code Section 65913.4(a)(8), the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
  - a. A signed Preconstruction Checklist Agreement between the applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
    - i. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the California Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.
    - ii. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
    - iii. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.
    - iv. Except as provided in subclause (vi), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in Sections 1776 and 1812 of the Labor Code.

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

#### **TOC Affordable Housing Incentive Program Conditions**

- 6. **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 shall be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
- 7. **Residential Density.** The project shall be limited to a maximum density of 121 residential dwelling units, including density bonus units.
- 8. **Affordable Units.** The project shall reserve 120 units as affordable units as follows: 61 units reserved for Low Income Households as determined by the HCD; and 59 units reserved for Low Income Households as determined by either HCD or the United States Department of Housing and Urban Development (HUD).
- 9. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units shall be consistent with SB 35, LAMC Section 12.22 A.31 and TOC Guidelines.

10. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute and record a covenant and agreement running with the land to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The covenant shall bind the owner to the following affordable units for rental for a period of 55 years: 61 units reserved for Low Income Households as determined by HCD; and 59 units reserved for Low Income Households as determined by either HCD or HUD. 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 the TOC Guidelines and any monitoring requirements established by the HCIDLA.
11. **Front Yard.** The project shall provide a minimum front yard setback of 12 feet.
12. **Side Yards.** The project shall provide minimum side yard setbacks of 6 feet, 6 inches.
13. **Rear Yards.** The project shall provide a minimum rear yard setback of 12 feet, 4 inches.
14. **Usable Open Space.** The project shall provide a minimum of 9,075 square feet of usable open space.
15. **Common Open Space.** A minimum of 9,075 square feet of usable open space shall consist of common open space.
16. **Common Open Space Dimension.** Common open space shall have horizontal dimensions of at least 12 feet, 4 inches when measured perpendicular from any point on each of the boundaries of the open space area.
17. **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.
18. **Labor Requirement.** Pursuant to Los Angeles Municipal Code Section 11.5.11, 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. **Licenses.** All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
    - ii. **Local Hire.** At least 30% of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of these, at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be evidenced.

- iii. **Wages.** The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
  - iv. **Training.** At least 60% of construction workforces employed on the project will be:
    - 1. Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
    - 2. Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.
    - 3. Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program.
  - v. **Bond.** A Bond may be required to ensure compliance.
- b. After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.

### **Project Permit Compliance Conditions**

19. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 6:1.
20. **Height.** The building height shall not exceed a maximum height of 1,218 feet above mean sea level.
21. **Open Space.** No more than 1,220 square feet of the rear yard area may be used to meet the minimum usable open space requirement. Interior courtyards shall have a minimum width of 10 feet, a minimum average width of 20 feet, and a minimum area of 400 square feet. A minimum of 25 percent of courtyards shall be landscaped.
22. **Trees.** There shall be a minimum of 121 trees planted in compliance with Section C.2 of Appendix D in the Specific Plan, of which a minimum of 62 shall be provided on-site. Trees shall be a minimum of 12 feet in height and three (3) inches in caliper at the time of planting. Final landscape plans shall show the location, height, and caliper of all trees. The remaining 59 trees that cannot be accommodated on-site shall be provided through the payment of the In-Lieu Fee – Development Tree Planting Requirement, as specified in Article 2, Chapter VI, Section 62.177(b)(1) of the Los Angeles Municipal Code for each tree to be planted off-site. The first priority for the location of off-site plantings shall be within the Specific Plan, and second, within the Westlake Community Plan Area, subject to the acceptance of a donor site. A receipt showing proof of payment shall be provided at the time of Building Permit Clearance. In the event that the number of dwelling units should be reduced, then no modification of this determination shall be necessary, and the number of trees shall be recalculated based upon the Specific Plan requirement of one tree per unit.

23. **Landscape Plans.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect pursuant to Appendix D of the Specific Plan.
24. **Signs.** No signs have been approved for the proposed project. Any signage must be approved pursuant to a Project Permit Compliance Determination for the Central City West Specific Plan.

#### **Administrative Conditions**

25. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
26. **Notations on Plans.** Plans submitted to the Department of Building & 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.
27. **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.
28. **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.
29. **Department of Building & 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 & 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 & 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.
30. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.



31. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
32. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
33. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the

defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

## PROJECT BACKGROUND

The project site consists of four (4) contiguous parcels with approximately 197 feet of street frontage along the south side of West Ingraham Street and a depth of approximately 111 feet, for a total lot size of approximately 22,004 square feet. The project site is located within the Westlake Community Plan, which designates the site for High Density Residential land uses. The project site is also located within the South Subarea (Wilshire Corridor District) of the Central City West Specific Plan ("Specific Plan"). The project site is zoned CW "Central City West Specific Plan Zone," which indicates that the development regulations on the project site is established by the Specific Plan. The Specific Plan identifies land use categories and height/floor area ratio districts that guide development on-site. The project site has a land use category and height/floor area ratio district of R5(CW)-U/6 per the Specific Plan, which allows land use, density and setback regulations of the R5 Zone per LAMC Section 12.12 and a maximum height of 1,218 feet above mean sea level, and FAR of 6:1. The site is located within the City of Los Angeles Transit Priority Area and Tier 3 of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program<sup>1</sup>. The site is not located within a hillside area, Community Redevelopment Agency area, coastal zone, farmland, Very High Fire Hazard Severity Zone, flood zone, hazardous waste site, methane zone, Bureau of Engineering Special Grading Area, Alquist-Priolo Fault Zone, landslide area, liquefaction area, preliminary fault rupture study area, or tsunami inundation zone.

The project site is currently improved with a surface parking lot. There are no trees on site or in the public right-of-way adjacent to the site per the Tree Report prepared by Land Images Landscape Architecture and dated April 30, 2019.

The surrounding area is characterized by residential and commercial uses. Land uses that immediately abut the project site include a six-story multi-family residential condominium building, seven-story office building and surface parking lot to the north, a five-story multi-family residential building to the east, a surface parking lot to the west, and a five-story multi-family residential building to the south.

The proposed project is for the demolition of an existing surface parking lot, and the construction, use and maintenance of a seven-story, multi-family residential building with a total of 121 dwelling units consisting of 120 housing units reserved for Low Income Households and a market-rate manager's unit. The building will have a maximum building height of 96 feet, 2 inches, as measured from grade to the roof structure, and 86,120 square feet of floor area with a 5.65:1 FAR. The project proposes 42 non-required automobile parking spaces within a two-level parking garage (one subterranean level and one at-grade level), nine (9) short-term bicycle parking spaces within the front yard near the lobby, and 85 long-term bicycle parking spaces at the southeast corner of the building on the first floor. The project will provide 9,075 square feet of usable open space, including a 1,018-square-foot recreation room and 50 percent (1,220 square feet) of the 2,440-square-foot rear yard at the ground level, a 2,263-square-foot courtyard and a 610-square-foot recreation room at the second floor level, and 3,324 square feet of roof deck and a 640-square-foot recreation room at the roof level.

The applicant requests a Streamlined Infill Project Review pursuant to Senate Bill (SB) 35, following Base and Additional Incentives of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, and a Project Permit Compliance Review for the proposed project located within the Central City West Specific Plan:

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<sup>1</sup> The project is eligible for one (1) increase in Tier from 3 to 4 for consisting of 100 percent On-Site Restricted Affordable Units, exclusive of a manager's unit per Section IV.9 of the TOC Guidelines.

- Base Incentives:
  - A nine-percent increase in the maximum density to permit a total of 121 dwelling units in lieu of 111 units.
- Additional Incentives:
  - A reduction in the minimum front yard setback to permit 12 feet (post-dedication) in lieu of 15 feet, and a 35-percent reduction in the minimum rear yard setback to permit 12 feet, 4 inches in lieu of 19 feet.
  - 35-percent reduction in the minimum side yard setbacks to permit six (6) feet, six (6) inches in lieu of 10 feet.
  - A 25-percent reduction in the minimum usable open space to permit 9,075 square feet in lieu of 12,100 square feet.
  - A 25-percent reduction in the minimum common open space to permit 9,075 square feet in lieu of 12,100 square feet.

## **SENATE BILL 35 STREAMLINED INFILL PROJECT BACKGROUND**

California Senate Bill (SB) 35 became effective on January 1, 2018 as part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. The intent of SB 35 is to provide reforms and incentives to facilitate and expedite the construction of affordable housing. The State Department of Housing and Community Development (HCD) issued the Streamlined Ministerial Approval Process Guidelines dated November 29, 2018 to provide additional guidance on procedures and implementation of SB 35 (SB 35 Guidelines). 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. 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).

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 Review Findings Section.

## 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.

## TOC Incentives in Relation to SB 35

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

As described in detail below under the TOC Affordable Housing Incentive Program Background Section, Measure JJJ, adopted by the City Council on December 13, 2016, created the TOC Affordable Housing Incentive Program and the TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), establishing a tier-based system with varying development bonuses and incentives for residential and mixed-use projects located within ½ mile of a major transit stop. Per SB 35, density bonus and incentives of development standards pursuant to a local density bonus ordinance is considered consistent with objective standards.

## Limited Appeal Timeline

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 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 May 24, 2019. Consequently, all design review or public oversight shall be completed within 90 days from May 24, 2019, or by August 22, 2019, and shall not in any way inhibit, chill or preclude the ministerial approval provided by Government Code Section 65913.4.

## CEQA

The proposed Streamlined Infill Project that satisfies the objective planning standards set forth in SB 35 (Government Code Section 65913.4(a)) is subject to streamlined ministerial approval

provided by SB 35 (Government Code Sections 65913.4(b) and (c)). The proposed project is therefore a ministerial project that is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(1).

## **HOUSING REPLACEMENT (AB 2556 DETERMINATION) BACKGROUND**

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). AB 2556 requires applicants of Density Bonus projects filed as of January 1, 2015 to 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 AB 2556/SB 35 (TOC) Determination Letter dated June 4, 2019 and prepared by the Los Angeles Housing and Community Investment Department (HCIDLA), the property has been a commercial parking lot since February 22, 2009, and AB 2556 does not apply to commercial properties. Therefore, no AB 2556 replacement affordable units are required.

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND**

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the TOC Affordable Housing Incentive Program. The measure required that the Department adopt a set of TOC Guidelines, which establishes incentives for residential and mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), released on September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

The project site is located less than 2,640 feet from the 7<sup>th</sup> Street/Metro Center, which serves Metro Purple, Red, Blue and Expo lines. This qualifies the site as Tier 3 TOC Affordable Housing Incentive Area. However, per Section IV.9 of the TOC Guidelines, Eligible Housing Developments that consist of 100 percent On-Site Restricted Affordable Units, excluding a manager's unit, are eligible for one increase in Tier than otherwise would be provided. The project is an Eligible Housing Development that consists of 100 percent On-Site Restricted Affordable Units, excluding a manager's unit, reserving 120 of 121 dwelling units for Low Income Households. As such, the project is eligible for an increase to Tier 4 TOC Affordable Housing Incentive Area.

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS**

To be an eligible TOC Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the TOC Guidelines. A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. **On-Site Restricted Affordable Units.** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
  - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) Households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) Income Households, or 20% of the total number of dwelling units shall be affordable to Lower Income Households.*
  - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
  - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
  - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

As previously mentioned, the project is eligible for Tier 4 Incentives for consisting of 100 percent On-Site Restricted Affordable Units, excluding a manager's unit. As such, the project is required to set aside at least 25 percent, or 31 units, of 121 total units for Low Income Households. The project will reserve 120 units for Low Income Households. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. **Major Transit Stop.** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

A Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located less than 2,640 feet from the 7<sup>th</sup> Street/Metro Center, which serves Metro Purple, Red, Blue and Expo lines. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the AB 2556/SB 35 (TOC) Determination Letter dated June 4, 2019 and prepared by the Los Angeles Housing and Community Investment Department (HCIDLA), the property has been a commercial parking lot since February 22, 2009, and AB 2556 does not apply to commercial properties. Therefore, no AB 2556 replacement affordable units are required.

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (State Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable*

*housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other state or local program that provides development bonuses, including but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. As such, the project meets this eligibility requirement.

5. ***Base Incentives and Additional Incentives.*** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below, "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in the Eligibility Requirement No. 1 above (except Moderate Income units).*
- a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
  - b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
  - c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is seeking three (3) Additional Incentives, which requires at least 30 percent, or 34 units, of the 111 base units to be set aside for Low Income Households. The project will reserve 108 percent of the 111 base units, that is 120 units, for Low Income Households. As such, the project meets the eligibility requirement for three (3) Additional Incentives.

6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is seeking one (1) Additional Incentive beyond the above-mentioned three (3) Additional Incentives permitted per Section IV.5 of the TOC Guidelines. As such, the project has been conditioned to adhere to the labor standards set forth in LAMC Section 11.5.11. As conditioned, the project meets the eligibility requirement for one (1) Additional Incentive beyond the three (3) Additional Incentives permitted per Section IV.5 of the TOC Guidelines.



7. **Multiple Lots.** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The project site consists of four (4) contiguous lots, all of which are located within a Tier 3 TOC Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

8. **Request for a Lower Tier.** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has not selected a lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. As such, this eligibility requirement does not apply.

9. **100% Affordable Housing Projects.** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project is an Eligible Housing Development that consists of 100 percent On-Site Restricted Affordable Units, excluding a manager's unit, reserving 120 of 121 dwelling units for Low Income Households. As such, the project meets the eligibility requirement for one increase in Tier to a Tier 4 TOC Affordable Housing Incentive Area.

## FINDINGS

### STREAMLINED INFILL PROJECT REVIEW FINDINGS

In accordance with SB 35 (Government Code Section 65913.4(a)), an applicant may submit an application for a development that is subject to the streamlined ministerial approval process if the development satisfies all of the objective planning standards of Government Code Section 65913.4(a) as follows:

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

The project is a multi-family housing development with 121 dwelling units.

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

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

The Census Bureau 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.

The entire project site adjoins urban uses. Land uses that immediately abut the project site include a six-story multi-family residential condominium building, seven-story office building and surface parking lot to the north, a five-story multi-family residential building to the east, a surface parking lot to the west, and a five-story multi-family residential building to the south.

The project site is designated for High Density Residential land uses by the Westlake Community Plan. The site is located within the South Subarea (Wilshire Corridor District) of the Central City West Specific Plan ("Specific Plan"). The project site is zoned CW "Central City West Specific Plan Zone," which indicates that the development regulations on the

project site is established by the Specific Plan. The project site has a land use category and height/floor area ratio district of R5(CW)-U/6 per the Specific Plan, which allows land use, density and setback regulations of the R5 Zone per LAMC Section 12.12. As such, both the High Density Residential Land Use Designation and Zone allow multi-family residential use. The applicant proposes a multi-family development with 121 dwelling units. As such, the entire development will be designated for residential use.

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

- A. **Fifty-five years for units that are rented.**

- B. **Forty-five years for units that are owned.**

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

The project is a multi-family housing development containing 120 units restricted to Low Income Households 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, that is 61 units, of total 121 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.

- 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 Westlake Community Plan, which designates the site for High Density Residential land uses. The project site is also located within the South Subarea (Wilshire Corridor District) of the Central City West Specific Plan ("Specific Plan"). The project site is zoned CW "Central City West Specific Plan Zone," which indicates that the development regulations on the project site is established by the Specific Plan. The Specific Plan identifies land use categories and height/floor area ratio districts that guide development on-site. The project site has a land use category and height/floor area ratio district of R5(CW)-U/6 per the Specific Plan.

The project is in substantial conformance with all applicable objective zoning and design review standards of the Specific Plan in conjunction with density bonus and incentives of development standards pursuant to the TOC Affordable Housing Incentive Program and Conditions of Approval.

### **Density**

The project site is permitted a maximum base density of 111 dwelling units. The applicant requests a density bonus of nine (9) percent pursuant to the TOC Affordable Housing Incentive Program to permit a total of 121 dwelling units in exchange for setting aside 120 dwelling units for Low Income Households.

### **Floor Area Ratio (FAR)**

The project site is permitted a maximum FAR of 6:1 and a maximum floor area of 91,554 square feet on a site with a buildable area of 15,259 square feet. The project proposes a 5.65:1 FAR with 86,120 square feet of floor area. As such, the project complies with the FAR provision.

### **Building Height**

The project site is permitted a maximum height of 1,218 feet above mean sea level. The project proposes a maximum building height of 96 feet, 2 inches, as measured from grade to the highest point of the roof structure, which is equivalent to 410 feet above mean sea level. As such, the project complies with the maximum building height provision.

### **Setbacks**

The project is required to provide a 15-foot front yard setback, 10-foot side yard setbacks, and a 19-foot rear yard setback. The applicant requests incentives of development standards pursuant to the TOC Affordable Housing Incentive Program to permit a reduction in the required setbacks to allow a 12-foot front yard setback, 6-foot, 6-inch side yard setbacks, and a 12-foot, 4-inch rear yard setback. The proposed project will observe the reduced front, side and rear yard setbacks. Therefore, the project complies with the setback requirements.

## **Open Space**

The project is required to provide a minimum of 12,100 square feet of usable open space, 100 percent of which must be common open space. The applicant requests an incentive of development standards pursuant to the TOC Affordable Housing Incentive Program to reduce the minimum usable open space and common open space requirements to permit 9,075 square feet. The applicant also requests an incentive pursuant to the TOC Affordable Housing Incentive Program to permit a reduced common open space dimension to permit 12 feet, 4 inches in lieu of 15 feet as otherwise required. The project will provide 9,075 square feet of usable open space, including a 1,018-square-foot recreation room and 50-percent (1,220 square feet) of the rear yard at the ground level, a 2,263-square-foot courtyard and a 610-square-foot recreation room at the second floor level, and 3,324 square feet of roof deck and a 640-square-foot recreation room at the roof level. All of these open space areas consist of common open space, thereby complying with both the minimum total usable open space and minimum common open space requirement of 9,075 square feet. Additionally, all common open space provides a minimum dimension of 12 feet, 4 inches as permitted by the TOC Affordable Housing Incentive Program. Therefore, the project complies with open space provisions.

## **Automobile Parking**

The project is not required to provide any parking spaces for the residential units pursuant to SB 35. Nonetheless, the project will provide 42 non-required parking spaces on-site. As permitted by SB 35 Guidelines Section 301(a)(5), approval of ministerial processing does not preclude the City from imposing standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality regardless of streamline approval. The project has been conditioned to comply with the objective automobile parking design standards set forth in LAMC Section 12.21 A.5, including aisle widths, circulation driveway, stall widths, stall width increase for obstructions and end stalls condition, driveway slope, and double striping of stalls. As conditioned, the project complies with parking standards.

## **Bicycle Parking**

The project will provide nine (9) short-term and 85 long-term bicycle parking spaces as required by LAMC. As previously mentioned, SB 35 does not preclude the City from imposing standard conditions of approval. The project has been conditioned to comply with the objective bicycle parking facility standards set forth in LAMC Section 12.21 A.16. As conditioned, the project complies with parking standards.

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 TOC Guidelines, is consistent with objective zoning and design review standards in effect at the time that the development was submitted to the City.

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

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

- B. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.**
- C. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).**
- D. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.**
- E. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.**
- F. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.**
- G. Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.**
- H. Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.**
- I. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.**

- J. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).**

**K. Lands under conservation easement.**

The site is currently improved with a surface parking lot in an urbanized area of the Westlake Community Plan, which designates the site for High Density Residential land uses. The project site is also located within the South Subarea (Wilshire Corridor District) of the Central City West Specific Plan, which allows land use, density and setback regulations of the R5 Zone per LAMC Section 12.12. As such, the site is not located within a coastal zone, farmland, agricultural land, or wetland. Per the City's Zone Information and Map Access System (ZIMAS), the site is not located in a very high fire hazard severity zone. The California Department of Toxic Substances Control (DTSC) maintains a database (EnviroStor) that provides access to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. A review of EnviroStor did not identify any records of hazardous waste facilities on the project site. The site is located approximately 0.78 kilometers of the Puente Hills Blind Thurst 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 conservation or habitat conservation plan, or other adopted natural resource protection plan. The site is developed with a surface parking lot without any trees and surrounded by urban land uses and therefore has no value as a habitat for protected species. 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.**

Pursuant to the AB 2556/SB 35 (TOC) Determination Letter dated June 4, 2019 and prepared by the Los Angeles Housing and Community Investment Department (HCIDLA), 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 10 years; (3) does not require the demolition of a historic structure; and (4) does not contain housing units occupied by tenants requiring a subdivision.

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

**A. Certified to the locality that either of the following is true, as applicable:**

- i. The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.**
- ii. If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:**
  - I. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.**
  - II. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.**
  - III. Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.**
  - IV. Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the**

development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

- V. Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- VI. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

**B.**

- i. For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:
  - I. On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
  - II. On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
  - III. On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
  - IV. On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located

within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

- V. On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.
- ii. For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
- iii. If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
  - I. The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
  - II. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
  - III. Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
  - IV. Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the

skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

- C. Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:
- i. The project includes 10 or fewer units.
  - ii. The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

The project is conditioned to meet the labor requirements of Government Code Section 65913.4(a).

9. The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:
- A. The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).
  - B. The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

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

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

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

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

Additionally, Government Code Section 65913.4(d) states:

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

The project site is located less than 2,640 feet from the 7<sup>th</sup> Street/Metro Center, which serves Metro Purple, Red, Blue and Expo lines. As such, the City shall not impose parking standards for the proposed Streamlined Infill Project.

#### **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

**1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentives unless the Director finds that:**

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

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

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The following incentives allow the developer to reduce front, side and rear yard

setbacks, usable open space, common open space, and common open space dimension requirements so that all 120 affordable housing units reserved for Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives are expressed in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. These incentives also support the applicant's decision to reserve 120 of 121 total units for Low Income Households.

**Front Yard Setback.** A reduction in the minimum front yard setback to permit 12 feet (post-dedication) to align with the façade of the adjoining building to the east of the project site in lieu of 15 feet as otherwise required by LAMC Section 12.12 C.1;

**Front and Rear Yard Setbacks.** A 35-percent reduction in the minimum rear yard setback to permit 12 feet, 4 inches in lieu of 19 feet as otherwise required by LAMC Section 12.12 C.3;

**Side Yard Setbacks.** A 35-percent reduction in the minimum side yard setbacks to permit six (6) feet, six (6) inches in lieu of 10 feet as otherwise required by LAMC Section 12.12 C.2;

**Usable Open Space.** A 25-percent reduction in the minimum usable open space to permit 9,075 square feet in lieu of 12,100 square feet as otherwise required by LAMC Section 12.21 G.2;

**Common Open Space.** A 25-percent reduction in the minimum common open space to permit 9,075 square feet in lieu of 12,100 square feet as otherwise required by Section C.1(a) of Appendix D of the Central City West Specific Plan;

**Common Open Space Dimension.** An 18-percent reduction in the minimum common open space dimension to permit 12 feet, 4 inches in lieu of 15 feet as otherwise required by LAMC Section 12.21 G.2(a)(1)(iii);

- b. **The Incentives will not 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.**

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The proposed project is an Eligible housing Development that meets all of the eligibility criteria set forth in the TOC Guidelines. The project is in substantial conformance with the General Plan Land Use Designation, Westlake Community Plan, and Central City West Specific Plan in conjunction with the Base and Additional Incentives of the TOC Guidelines. Additionally, the project site is improved with a surface parking lot and does not involve any property that is listed in the National or California Register of

Historical Resources or 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 incentives will have a specific adverse impact on public health and safety.

## PROJECT PERMIT COMPLIANCE FINDINGS

### 1. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

- a. **Use.** The subject site is designated R5(CW)-U/6 within the South Subarea (Wilshire Corridor District) of the Central City West Specific Plan ("Specific Plan"). Section 6.F.2 of the Specific Plan states that the use regulations of the R5 Zone, as specified in LAMC Section 12.12 "R5 Multiple Dwelling Zone," shall apply to all lots in the R5(CW) Category within the Specific Plan area. LAMC Section 12.12 allows multi-family residential uses with a base density of one (1) dwelling unit per 200 square feet of lot area, which results in a base density of 111 dwelling units for the subject site with 22,004 square feet of lot area. However, the applicant requests a Base Incentive per the TOC Affordable Housing Incentive Program for nine-percent increase in density to permit a total of 121 dwelling units in lieu of 111 dwelling units in exchange for setting aside 120 of 121 total units for Low Income Households. As such, in conjunction with the TOC Base Incentive request, the project complies with Section 6.F.2 of the Specific Plan.
- b. **Yards.** Section 6.F.2 of the Specific Plan states that the area regulations of the R5 Zone, as specified in LAMC Section 12.12 "R5 Multiple Dwelling Zone," shall apply to all lots in the R5(CW) Category within the Specific Plan area. LAMC Section 12.12 C states that the front yard setback in the R5 Zone shall comply with the 15-foot front yard setback required in the R3 Zone. LAMC Section 12.12 C requires a side yard setback of five (5) feet and one (1) additional foot for each additional story above the second story, which results in a minimum side yard setback of 10 feet for the proposed seven-story building. LAMC Section 12.12 C also requires a rear yard setback of 15 feet and one (1) additional foot for each additional story above the third story, which results in a minimum rear yard setback of 19 feet for the proposed seven-story building. However, the applicant requests two Additional Incentives<sup>2</sup> per the TOC Affordable Housing Incentive Program for a reduction in the front yard setback to permit 12 feet (post-dedication) in lieu of 15 feet, 35-reduction in the side yard setbacks to permit 6 feet, 6 inches in lieu of 10 feet, and a 35-percent reduction in the rear yard setback to permit 12 feet, 4 inches in lieu of 19 feet. As shown in the table below, the project proposes 12-foot front yard, 6-foot, 6-inch side yard, and 12-foot, 4-inch rear yard setbacks. As such, in conjunction with the TOC Additional Incentive request, the project complies with Section 6.F.2 of the Specific Plan.

	Required Setback per Specific Plan	Required Setback with TOC Incentive	Proposed Setback
Front Yard	15'	12'	12'
Side Yards	10'	6'-6"	6'-6"
Rear Yard	19'	12'-4"	12'-4"

<sup>2</sup> Per TOC Guidelines Section VII.1.a.ii.2, one Yard/Setback Additional Incentive includes a reduction in the required width of depth of two (2) individual yards or setbacks in Tier 4.

- c. **Floor Area.** Section 6.I.1.a of the Specific Plan states that the Base Permitted Floor Area on a lot within the Specific Plan area shall be as shown by the Floor Area Ratio (FAR) specified on Map Nos. 2, 3, and 4. The project site is located on Map No. 4 and designated as R5(CW)-U/6, which permits a maximum FAR of 6:1 and a maximum floor area of 91,554 square feet on a site with a buildable area of 15,259 square feet. The project proposes a 5.65:1 FAR with 86,120 square feet of floor area. As such, the project complies with Section 6.I.1.a of the Specific Plan.
- d. **Height.** Section 8.A.3 of the Specific Plan states that buildings or structures located on a lot with a “U” height designation between the centerline of Bixel Street on the east and the centerline of Witmer Street/Hartford Avenue/Blaine Street on the west shall not exceed a maximum height of 1,218 feet above mean sea level. The project proposes a maximum building height of 96 feet, 2 inches, as measured from grade to the highest point of the roof structure, which is equivalent to 410 feet above mean sea level. As such, the project complies with Section 8.A.3 of the Specific Plan.
- e. **Open Space and Landscaping.** Section 8.D.2 of the Specific Plan requires that all multiple-family residential projects shall meet on-site per dwelling unit open space requirements as provided in the Urban Design Guidelines contained in Appendix D of the Specific Plan. Section C of Appendix D requires that a minimum of 100 square feet per unit of the required useable open space, as provided in Section 12.21 G of the LAMC, shall be provided as common open space. The project is subject to the total usable open space (common and private combined) requirement as set forth in LAMC Section 12.21 G as well as the minimum common open space required by the Specific Plan.

Per LAMC Section 12.21 G, the project must provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms. The project proposes 120 studio and one (1) one-bedroom units, which require a minimum of 12,100 square feet of usable open space. In addition, per the Specific Plan, all 12,100 square feet of total usable common open space must consist of common open space.

However, the applicant requests Additional Incentives per the TOC Affordable Housing Incentive Program for a 25-percent reduction in the minimum usable open space required to permit 9,075 square feet in lieu of 12,100 square feet, and a 25-percent reduction in the minimum common open space required to permit 9,075 square feet in lieu of 12,100 square feet. Open space requirements for the project are as follows:



Type of Unit	Number of Units	Required OS per Unit per LAMC (sf)	Minimum Usable OS Required per LAMC (sf)	Required Common OS per Unit per Specific Plan (sf)	Minimum Common OS Required per Specific Plan (sf)
< 3 Hab. Rooms	121	100	12,100	100	12,100
= 3 Hab. Rooms	-	125	-	-	-
> 3 Hab. Rooms	-	175	-	-	-
Total	121	-	12,100	-	12,100
Total Required with TOC Incentive (sf)	-	-	9,075	-	9,075

As shown in the table below, the project will provide 9,075 square feet of usable open space, including a 1,018-square-foot recreation room and 50-percent (1,220 square feet) of the rear yard at the ground level, a 2,263-square-foot courtyard and a 610-square-foot recreation room at the second floor level, and 3,324 square feet of roof deck and a 640-square-foot recreation room at the roof level. All of these open space areas consist of common open space, thereby complying with both the minimum total usable open space and minimum common open space requirement of 9,075 square feet.

Level	Common Open Space Areas	Area (sf)
1 <sup>st</sup> Floor	Recreation Room	1,018
1 <sup>st</sup> Floor	Rear Yard	1,220
2 <sup>nd</sup> Floor	Courtyard	2,263
2 <sup>nd</sup> Floor	Recreation Room	610
7 <sup>th</sup> Floor	Roof Deck	3,324
7 <sup>th</sup> Floor	Recreation Room	640
	<b>TOTAL USABLE/COMMON OPEN SPACE PROVIDED</b>	<b>9,075</b>
	<b>Total Usable OS Required with TOC</b>	<b>9,075</b>
	<b>Total Common OS Required with TOC</b>	<b>9,075</b>

Section C.1(c) of Appendix D of the Specific Plan allows for up to 50 percent of the area contained within the rear yard area to be used to meet the open space per unit requirement. The project uses 50 percent, or 1,220 square feet, of the 2,440-square-

foot rear yard area to meet the open space per unit requirement, as shown in Exhibit "A." Section C.1(e) of Appendix D of the Specific Plan requires that interior courtyards have a minimum width of 10 feet, a minimum average width of 20 feet, and a minimum area of 400 square feet, and that a minimum of 25 percent of interior courtyards shall be landscaped. As illustrated in Exhibit "A," the courtyard on the 2<sup>nd</sup> Floor has widths of 25 feet, 3 inches and 89 feet, 7 inches totaling 2,263 square feet in size. Additionally, per Exhibit "A," 947 square feet, or 41.8 percent of the 2,263-square-foot courtyard will be landscaped.

In addition to the open space requirements, Section C.2 of Appendix D of the Specific Plan requires that a minimum of one (1) tree shall be provided on-site for every dwelling unit, a minimum of 50 percent of which shall be provided on site, and each of which shall be a minimum of 12 feet in height and three inches in caliper at the time of planting. The project is required to provide a total of 121 trees. As shown in Exhibit "A," 62 trees will be planted on-site and 59 trees will be planted off-site. The Condition of Approval requires the trees to be a minimum of 12 feet in height and three (3) inches in caliper at the time of planting. The remaining 59 trees that cannot be accommodated on-site shall be provided through the payment of an in-lieu fee as specified in Article 2, Chapter VI, Section 62.177(b)(1) of the LAMC for each tree to be planted off-site per the Condition of Approval.

Sections C.3 and C.4 of Appendix D of the Specific Plan requires that all open space areas not used for building driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained, and all landscaped areas shall be maintained with an automatic irrigation system. As shown in Exhibit "A," all open areas not used for aforementioned purposes will be attractively landscaped with a variety of shrubs, groundcover and trees. Per the Condition of Approval, all such areas shall be properly landscaped, irrigated and maintained.

- f. **Parking.** Section 10.B of the Specific Plan states that off-street parking requirements for all uses other than office use shall be as specified in Section 12.21 A.4 of the LAMC. However, per SB 35 (California Government Code Section 65913.4(d)), a local government shall not impose parking standards for a streamlined development that is approved pursuant to SB 35 if the development is located within one-half mile of public transit. The project site is located less than one-half mile from the 7<sup>th</sup> Street/Metro Center, which serves Metro Purple, Red, Blue and Expo lines, and therefore not subject to any parking standards. Nonetheless, the project proposes 42 non-required automobile parking spaces within a two-level parking garage.
- f. **Transportation Impact Fee.** Section 9.C of the Specific Plan requires that all projects within the Specific Plan area pay a Transportation Impact Mitigation Fee. However, Section 9.C.2 of the Plan states that residential uses are exempt from payment of the fee. The proposed project consists of 121 residential units. Therefore, Section 9.C of the Specific Plan is not applicable.
- g. **Inclusionary Housing Requirement.** Section 11.C.2 of the Specific Plan states that all multiple-family residential projects are subject to either the Replacement Dwelling Unit or Inclusionary Housing requirement as follows, whichever results in the greater number of affordable dwelling units:

1. Document and replace, on a one-for-one basis in the form of new dwelling units construction, Low and Very Low Income Dwelling Units and/or guest rooms demolished on the lot or lots on or after February 14, 1988; or
2. If no dwelling units were demolished on the lot or lots on or after February 14, 1988, a Project Applicant shall reserve a total of 15 percent of the dwelling units within the project as Low Income Dwelling Units.

The project is a 121-unit multi-family residential development on a site that has been used for a surface parking lot with no residential units since 1972. Per the Specific Plan, the project is required to reserve at least 15 percent of the dwelling units for Low Income Households. The proposed project is a 100-percent affordable housing development, excluding a manager's unit, consisting of 120 dwelling units reserved for Low Income Households. Therefore, the project is in compliance with Section 11.C.2 of the Specific Plan.

2. **That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically possible.**

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

## **ENVIRONMENTAL FINDINGS**

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

## **TIME LIMIT – OBSERVANCE OF CONDITIONS**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

## **TRANSFERABILITY**

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## **APPEAL PERIOD - EFFECTIVE DATE**

**The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

Figueroa Plaza  
201 North Figueroa Street  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
1828 Sawtelle Boulevard  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2901

**Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal the Transit Oriented Communities Affordable Housing Incentives Program Review.** Per Section 12.22 A.25 of the LAMC, appeals of Transit Oriented Communities Affordable Housing Incentives Program Review cases are heard by the City Planning Commission.

**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 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 May 24, 2019. Consequently, all design review or public oversight shall**

**be completed within 90 days from May 24, 2019, or by August 22, 2019, and shall not in any way inhibit, chill or preclude the ministerial approval provided by Government Code Section 65913.4.**

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at Figueroa Plaza in Downtown Los Angeles, Marvin Braude Constituent Service Center in the Valley, or in West Los Angeles. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7077, (818) 374-5050, or (310) 231-2901. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Christina Toy Lee, Senior City Planner

Reviewed by:

  
Kevin Golden, City Planner

Prepared by:

  
Nuri Cho, City Planning Associate  
[Nuri.Cho@lacity.org](mailto:Nuri.Cho@lacity.org)

## PCH & MAGNOLIA



# NOTICE of EXEMPTION from CEQA

ORIGINAL FILED

APR 11 2019

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbd.s.longbeach.gov

LOS ANGELES, COUNTY CLERK

TO: ☐ Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Department of Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

☒ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy., Room 1201  
Norwalk, CA 90650

Project Title: CE- 19-111

Project Location/Address: 460 W. Pacific Coast Highway, 1720-1771 Magnolia and 469 W. 17th Street, Long Beach, CA 90806

Project Activity/Description: New construction of 4-story building of 48 ft. maximum height with 40 apartment units (39 affordable & 1 manager unit) and 5,796 sf of community room space. Automobile parking is 20 stalls for residents. Bicycle parking consists of 6 short-term and 20 long-term. Common open space consists of 3,098 sf. Private open space consists of 3,140 sf.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: LINC Housing Corporation

Mailing Address: 3590 Elm Avenue, Long Beach, CA 90807

Phone Number: 562-684-1128

Applicant Signature: *Linc Rodriguez*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1902-17(SPR 19-005) Planner's Initials: GC

Required Permits: Site Plan Review

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15332 Class 32 and Section 15194

Infill Development and Affordable Housing Exemptions

Statement of support for this finding: This is an infill development and an affordable housing project that meets the requirements for a Class 32 and Section exemption. An analysis was completed, and approval of the project would not result in significant effects related to traffic, noise, air quality or water quality. There are no exceptions to the exemptions that would be triggered by the project. Supporting documents are available upon request in the planning Department.

Contact Person: Gina Casillas

Contact Phone: 562 570 6879

Signature: *Gina Casillas*

Date: 4/11/19

## SUN COMMONS





# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: MAY 29 2019

**Case No. CPC-2018-5470-DB-SPR**  
CEQA: ENV-2015-4441-MND-REC1; ENV-2019-2384-CE  
Plan Area: North Hollywood – Valley Village

Council District: 2 – Krekorian

**Project Site:** 6329-6355 North Clybourn Avenue; 10516-10526 West Dubnoff Way

**Applicant:** Bernard La Fianza, Abbey Road Inc.  
Representative: Christopher Murray and Erika Iverson,  
Rosenheim & Associates, Inc.

At its meeting of **May 9, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

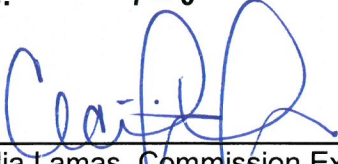
Demolition of the existing two instructional buildings and five single-family structures for the construction, use and maintenance of a four-story, 45-foot high, affordable housing development consisting of 103 dwelling units, of which 101 will be reserved for Very Low and Low Income Households and two will be reserved as manager's units. The Project will provide a total of 106 parking spaces within one subterranean level of parking.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2015-4441-MND, adopted on September 13, 2016, and addendum dated March 21, 2019; and pursuant to CEQA Guidelines Section 15162 and 15164, no substantial revisions are required to the Mitigated Negative Declaration; and no subsequent EIR or negative declaration is required for approval of the Project;
2. **Determined**, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
3. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a Housing Development with a total of 103 dwelling units [with 101 units set aside for a combination of Very Low and Low Income Households], with the following requested incentives:
  - a. An On-Menu incentive to permit a maximum Floor Area Ratio of 2.025:1 in lieu of 1.5:1 in the (Q)C2-1VL Zone;
  - b. An Off-Menu incentive to permit a maximum height of 45 feet for the entire building in lieu of the Transitional Height Requirements per LAMC Section 12.21.1-A,10;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review to allow for a development which creates or results in an increase of 50 or more dwelling units;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz  
Second: Khorsand  
Ayes: Mack, Millman, Mitchell, Perlman, Padilla Campos  
Absent: Choe

**Vote: 7 – 0**

  
\_\_\_\_\_  
Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Off-Menu Incentives is not appealable. All remaining actions are appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** JUN 13 2019

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings

c: Nicholas Hendricks, Senior City Planner  
Courtney Shum, City Planner  
Lilian Rubio, City Planning Associate

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on May 9, 2019)

Pursuant to Sections 12.22 A.25, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, renderings, and materials submitted by the Applicant, stamped "Exhibit A," dated August 23, 2018 and attached to the subject case file.
2. **Revised Plans.** The applicant shall submit revised plans including use of high quality materials, colors, further articulation, and other characteristics to improve the façade without changing the massing of the building. The revised plans shall receive final sign off from the Director of Planning.
3. **Residential Density.** The project shall be limited to a maximum density of 103 dwelling units, consisting of 101 dwelling units set aside for Very Low and Low Income Households.
4. **Affordable Units.**
  - a. A minimum of 101 dwelling units, that is 98 percent of the base dwelling units permitted in the (Q)C2-1VL Zone, shall be reserved as Very-Low and Low Income units, as defined by the State Density Bonus Law 65915 (C)(2), including, at minimum 11% of the site's base density for Very-Low Income Households, or 20% of the site's base density for Low Income Households.
  - b. 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.
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 11% of the site's base density units available to Very-Low Households or 20% of the site's base density units available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Incentives.**
  - a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 2.025:1 may be permitted in lieu of the 1.5:1 otherwise permitted by the C2-1VL Zone.
  - b. **Height.** The project may have a maximum height of 45 feet permitted by the C2-1VL Zone in lieu of the transitional height requirements for projects adjoining an R1 or A1 Zone.

7. **Open Space.** The project shall provide open space in accordance with LAMC Section 12.21-G. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning.
8. **Sustainability.**
  - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
  - b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install solar panels as part of an operational photovoltaic system to be maintained for the life of the project. The solar panels may be installed within two designated areas, as indicated on the roof plan stamped Exhibit A. The designated areas may be revised; however, the total area shall not be less than 15 percent of the roof area.
  - c. **Electric Vehicle Parking.** The project shall include at least twenty percent (20%) of the total Code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
9. **Parking.**
  - a. Minimum residential automobile parking requirements shall be provided consistent with Parking Option 2, allowing 1 parking spaces per unit.
  - b. Tenants of the market rate manager's units shall have the option to lease parking spaces separately from the residential dwelling units. Parking spaces for Restricted Affordable Units shall be sold or rented consistent with LAMC Section 12.22-A,25(d).
  - c. Adjustment of Parking. In the event that the composition of residential changes (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
  - d. Bicycle Parking. Residential bicycle parking shall be provided consistent with LAMC 12.21-A,16.
10. **Construction.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

11. **Complaint Log.** The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.

**B. Site Plan Review Conditions**

12. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. Substitutes of an equal or greater quality shall be permitted, to the satisfaction of the Department of City Planning.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
14. **Litter.** The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
15. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
  - a. Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting. Palm trees shall not be considered in meeting this requirement.
  - b. **Landscape Buffer (Eastern and Southern Façade).** A minimum 7-foot in depth strip of landscaping shall be provided along façade portions facing Clybourn Avenue and adjacent to the neighboring single-family residence to the south, consistent with Exhibit A.
  - c. **Community Garden.** A railing or landscape buffer shall be provided between the driveway and the pedestrian access to the community garden proposed along the project's south property line.
17. **Solid Masonry Wall.** If no such wall already exists, a 6- to 8-foot high slumpstone or decorative masonry wall shall be constructed adjacent to the neighboring single-family residence to the south (between Lots 17 and 18), except in the required front yard. The height of the wall shall be measured from the lowest adjacent grade, pursuant to the Los Angeles Municipal Code.
18. **Signage.** On-site signs shall be limited to the maximum allowable under the Los Angeles Municipal Code.
19. **Trash/recycling.**



- a. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof at all times.
  - b. Trash and recycling containers shall be locked when not in use.
  - c. Trash and recycling containers shall not be placed in or block access to required parking or the adjoining alley.
20. **Pedestrian Path of Travel.** A direct pedestrian path of travel shall be provided from the office and lobby entrances to Clybourn Avenue.
21. **Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from public right of way and set back as far as possible from any adjoining residential uses or zones. The building parapet may be used to screen mechanical equipment as long as it fully obstructs the view of the mechanical equipment from abutting properties.
22. **Transformer.** Any on-site transformer shall be screened with landscaping.

**C. Administrative Conditions**

23. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
24. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
25. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
26. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
27. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
28. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

29. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
30. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
31. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. 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.
- c. 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).
- d. 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).
- e. 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 include actions, as defined herein, alleging failure to comply with any federal, state or local law.

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



## FINDINGS

### Density Bonus/Affordable Housing Incentives Compliance Findings

- 1. Pursuant to Section 12.22 A.25(c) of the LAMC and Government Code Section 65915, the Director shall approve a density bonus and requested incentive(s) unless the director finds that 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.

The project provides at minimum 13 percent (14 dwelling units) for very-low income households and 85 percent (87 dwelling units) for low income households, meeting the minimum set-aside requirement to qualify for two incentives. The list of on-menu incentives in LAMC Section 12.22 A.25, including the herein requested FAR increase, were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives, by their nature, increase the size of the project.

The requested on-menu incentive, an increase in FAR from 1.5:1 to 2.025:1, is expressly authorized in the menu of incentives [see LAMC Section 12.22A25(f)] and, as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for more reasonable affordable housing costs. Due to the scope of the project, the applicant has requested a maximum 35% on-menu incentive FAR increase to 2.025:1 Floor Area Ratio (FAR) to accommodate the proposed number of units in the building and adequate amenity within the building.

The subject site is located in the (Q)C2-1VL Zone allowing for a maximum height per the underlying zone, of 45 feet, and the Transitional Height Requirements pursuant to LAMC 12.21.1A10 that limit the height of the building on a property in the C Zone when located within specified distances from a lot classified in the RW1 Zone or more restrictive zone. Specifically, Transitional Height requirements restrict the maximum height of a building or structure as follows:

- 25 feet when located within 0 to 49 feet of the common lot line of the RW1 Zone or more restrictive zone; and,
- 33 feet when located within 50 to 99 feet of the common lot line of the RW1 Zone or more restrictive zone; and,
- 61 feet when located within 100 to 199 feet of the common lot line of the RW1 Zone or more restrictive zone.

The off-menu incentive to deviate from LAMC transitional height requirements will allow the portion of the building within 0 to 99 feet from the adjacent lots located within the RW1 or more restrictive zones, to reach a maximum height of 45 feet.

The off-menu incentive to deviate from the Code's transitional height requirements in order to retain a maximum height of 45 feet for the entire building is not expressed in the Menu of Incentives per LAMC Section 12.22-A,25(f) and, as such, are subject to LAMC Section 12.22-A,25(g)(3). Pursuant to California Government Code Section 65915(e), the requested off-menu incentive to permit a maximum building height of 45 feet is required to physically construct the proposed project inclusive of the units restricted to Very Low and Low Income Households.

2. **Pursuant to Section 12.22 A.25(g)(3) of the LAMC, the decision-maker shall approve a density bonus and requested waiver or modification of any development standard unless the decision-maker, based upon substantial evidence, finds that the incentive 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.**

There is no evidence that the proposed incentive 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 additional eligibility criterion that is required for density bonus projects. The façade of the proposed building which faces Clybourn Avenue will be articulated with a break in its plane, so the facades are not flat surfaces and the ground and second floor pedestrian levels are distinct from those above. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. The project 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. Finally, according to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety.

### **Site Plan Review Findings**

In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative.

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

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing

environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. 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. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located entirely within the boundaries of the North Hollywood – Valley Village Community Plan area and is designated for Community Commercial land uses. The project site does not have a specific land use designation in the General Plan Framework Element. As explained more fully below, the proposed Project would be in substantial conformance with the purposes, intent, and provisions of the General Plan and the North Hollywood – Valley Village Community Plan.

### **North Hollywood – Valley Village Community Plan.**

The Subject Property is located within the (Q)C2-1VL Zone and is located within the adopted North Hollywood – Valley Village Community Plan (the "Community Plan") and is designated for Highway Oriented Commercial land uses corresponding to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones.

The General Plan promotes the creation of livable and sustainable neighborhoods with a range of types and affordability in proximity to jobs, amenities, and services. As described in detail below, the proposed housing development is in conformance with the relevant goals, and objectives of the General Plan.

Goal 1 of the General Plan's Housing Element is "*Housing Production and Preservation.*" In support of this Goal is Objective 1.1: "*Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*" The General Plan's Housing Element includes the following relevant Policies in support of this Objective:

Policy 1.1.2, "*Expand affordable rental housing for all income groups that need assistance.*"

Policy 1.1.3, "*Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households*"; and,

Policy 1.1.7, "*Strengthen the capacity of the development community to develop affordable housing.*"

In conformance with and support of this Goal, Objective, and these Policies, the proposed development offers 103 residential apartment units, with 98% of the units restricted to Very Low and Low Income Households. The Project provides a new, for rent, dwelling option for those most in need of housing within the local community, by expanding available affordable housing opportunities, facilitating new construction of dwelling units that range in size from approximately 466 square-foot (studio) units to 1,200-square foot (three-bedroom) units, addressing the particular needs of the city's households in need of affordable housing, which are largely underserved. The Subject Property is located within a block of the Metro Bus Line 164, which connects riders to Warner Center as well as the Burbank Station.

Additionally, in support of Goal 1 of the Housing Element, Objective 1.2 seeks to "*Preserve quality rental and ownership housing for all households of all income levels and special needs.*"

In conformance with and support of this Goal, Objective and Policy, the proposed project provides the new construction of high quality, for-rent, dwelling options reserved for Very Low and Low Income Households, that are constructed in compliance with all applicable California Building Code requirements including California Green Building and Accessibility requirements. In a letter dated March 23, 2018, the Los Angeles Housing + Community Investment Department determined that there are no residential replacement units required, however, the development will result in the addition of 101 new dwelling units restricted for Very Low and Low Income Households.

Goal No. 2 of the General Plan's Housing Element is, "*Safe, Livable, and Sustainable Neighborhoods*". In support of this goal is Objective 2.1: "*Promote safety and health within neighborhoods,*" supported by Policy 2.1.2 to "*Establish development standards and other measures that promote and implement positive health outcomes.*" The project is in conformance with and supports this Goal, Objective, and Policy, by providing 101 units of affordable housing, to operate in conjunction with supportive services offered by the Penny Lane Center, promoting positive health and overall wellness outcomes for residents.

Further in support of Goal 2 is Objective 2.2: "*Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*" The following relevant policies support this Objective:

Policy 2.2.1, "*Provide incentives to encourage the integration of housing with other compatible land uses*"; and,

Policy 2.2.5, "*Provide sufficient services and amenities to support the planned population while preserving the neighborhood for those currently there.*"

In conformance with and support of this Goal and Objective, and these Policies, the development offers a range of rental apartments, 98% of which are restricted affordable, including studio, one-, two-, and three-bedroom units. Further, the Penny Lane Center located immediately adjacent to the Subject Property provides supportive services to the residents promoting positive health and overall wellness outcomes for residents.

The function of the Community Plan is "*intended to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The plan is also intended to guide development in order to create a healthful and pleasant environment.*" As described in detail below, the affordable housing development is consistent with the relevant Objectives of the Community Plan.

The affordable housing development addresses these key issues by providing an affordable housing development with access to supportive services. Additionally, the Housing Development offers sufficient open space, with 13,075 square feet of open space distributed across private balconies, a roof deck, community room, rear yard, and large outdoor courtyard. In conformance with and support of Community Plan Objective 3, the development provides housing satisfying the needs of families and individuals seeking affordable housing with access to supportive services, providing a much needed housing option in the North Hollywood-Valley Village Community Plan area.

In light of the consistency of the proposed Housing Development with the aforementioned references to the General Plan and Community Plan, the affordable housing development is in substantial conformance with the intent and provisions of the General Plan and applicable Community Plan.

The condition requiring EV-ready parking spaces (installed with chargers) onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure). The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions.

As proposed and conditioned herein, the project would be consistent with the General Plan and the current and proposed Southeast Los Angeles Community Plan.

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

The subject property is located along Dubnoff Way and Clybourn Avenue within the North Hollywood Community of the City of Los Angeles and is zoned (Q)C2-1VL. The proposed project consists of the construction of a 4-story residential building comprised of 103 dwelling units with a maximum building height of 45 feet. Off-street parking is provided within one subterranean level. Access to the parking is provided from the public alley along the northwest side of the subject property.

The adjacent property to the west is improved with the Penny Lane Center, offering support services for families including foster family and adoption services, mental health services, and parent academy, and though not a part of the subject property, will provide supportive services to residents of the project. The property to the north of the subject property, across Dubnoff Way, is improved with a cemetery. An alley separates adjacent properties to the south and west of the subject property and front on Victory Boulevard, which are improved with one- and two-story commercial uses including a dentist and an auto body shop. Adjacent properties to the east, separated by Clybourn Avenue, are single-family homes located in the City of Burbank, the homes front on Dymond Street. The adjoining property to the south of the subject property is improved with a single-family home.

The project provides affordable dwelling units with family supportive services and is an extension of the supportive services that are currently offered by Penny Lane Centers, located immediately to the west, which has been a compatible use in the neighborhood since its establishment.

With regard to height, the project is comprised of a 4-story residential building, with a maximum building height of 45 feet, within the (Q)C2-1VL Zone. The subject site is located in the (Q)C2-1VL Zone allowing for a maximum height, per the underlying zone, of 45 feet, and the Transitional Height Requirements pursuant to LAMC 12.21.1A10 that limit the

height of the building on a property in the C Zone when located within specified distances from a lot classified in the RW1 Zone or more restrictive zone.

Specifically, Transitional Height requirements restrict the maximum height of a building or structure as follows:

- 25 feet when located within 0 to 49 feet of the common lot line of the RW1 Zone or more restrictive zone; and,
- 33 feet when located within 50 to 99 feet of the common lot line of the RW1 Zone or more restrictive zone; and,
- 61 feet when located within 100 to 199 feet of the common lot line of the RW1 Zone or more restrictive zone.

The requested off-menu incentive to waive the transitional height requirements will allow the proposed building to have a 45-foot height on the portions within 0 to 99 feet from the adjacent lots located within the R1 Zone (properties located to the south of the subject site and the single-family properties within the City of Burbank, respectively). According to the City of Burbank's Municipal Code, the R-1 Zone is a Single-Family Residential Zone, intended for neighborhoods of single-family dwellings separated from multiple-family and non-residential uses. Furthermore, the R-1 Zone is appropriate for very-low density single-family development and, with limited exceptions, is generally not appropriate for non-residential development.

#### *Bulk and Massing*

The building mass is designed to create a residential courtyard that is screened from view from the street, creating a residential amenity and providing open space to residents. The project is designed to be integrated with the existing Penny Lane Center to the west, creating a campus with supportive services and affordable housing. Connectivity from the street level is provided through a pedestrian entrance on Clybourn Avenue. The building varies in height from two to four stories, the height of the building increasing as the building steps back from existing neighboring commercial and residential structures.

The application of varied, complimentary color pallet and materials are used to create articulation of the building façade and reduce visual building massing. The building utilizes white stucco finish with accent color stucco of mid-tone and dark grey at key locations, vertical articulation is created through the application of cementitious fiberboard. Additionally, a dark grey stucco accent trim is located between each floor level to create horizontal articulation and defines each residential floor, which creates a residential and modern feel compatible with existing Penny Lane Center to the west.

The eastern façade of the building along Clybourn Avenue steps up from the southern edge of the proposed project to the north, providing a transition from neighboring residential and commercial uses. The southern end of the eastern façade is a three-story building characterized by white stucco finish, transparent glazing on the upper floors, and on the ground floor store front windows and a horizontal accent clearly indicate the pedestrian entrance to the building, creating visual interest and an inviting environment. As the building steps up to a four story building to the north along the eastern facade, the architecture is characterized by mid-tone stucco finish, and the cementitious fiberboard paneling, framed by dark grey stucco, creating vertical articulation and a residential feel. Additionally, horizontal articulation is created along the eastern facade by transparent glazing, inset balconies with open steel railing, and horizontal grey stucco ledges framing each of the upper levels.

Each portion of the building is framed by white stucco, breaking up the massing along Clybourn Avenue and contributing to the residential feel of the building. Similar to the eastern façade along Clybourn Avenue, the northern façade along Dubnoff Way punctuates white stucco with mid-tone accents and cementitious fiberboard paneling framed by dark grey stucco creating visual interest and further accented by horizontal ledges and inset balconies, which create horizontal articulation and contribute to the residential feel of the building.

The western façade, which faces the existing structure onsite, mirrors the north elevation in architectural design, creating consistency throughout the site and creating a useable courtyard environment for the residents of the proposed affordable housing development.

### *Setbacks*

The proposed building, located within the (Q)C2-1VL Zone is regulated by LAMC Section 12.14C2, which establishes the yard requirements set forth in LAMC Section 12.11C for buildings that are residential in use. A front yard is not required; side yards of 7 feet as well as rear yard of 16 feet are required for the 4-story building. Although not required, the proposed project provides a front yard setback of 8.5 feet along the Dubnoff Way frontage. A minimum 7-foot side yard is provided along the Clybourn Avenue frontage, as well as along the western and northwestern façades of the proposed building, meeting the requirement of a minimum 7-foot side yard. A rear yard with a minimum of 26 feet 10 inches is provided along the southern and southwestern facades of the proposed building, exceeding the minimum requirement of a 16-foot rear yard.

### *Parking*

Parking is provided within one subterranean level, which is accessible from the existing alley along the southern boundary of the subject site and secured via gated access. The project is an affordable housing development containing 103 units, 101 of which are restricted to Very Low and Low Income Households and two manager units. The proposed project is utilizing Parking Option 2 per the LAMC Section 12.22-A,25(d)(2), which requires that parking be provided at a ratio of one parking space for each restricted affordable dwelling unit. Further, LAMC Section 12.21A4(a) governs the required parking for the unrestricted manager units which each require two parking spaces. A total of 105 parking spaces are required under the LAMC and Density Bonus Parking Option 2, the proposed project provides 106 parking spaces for the 101 affordable dwelling units and 2 manger units, including 66 standard and 40 compact spaces. A total of 51 long-term bicycle parking spaces are located in a dedicated storage room within the parking garage located on one subterranean level. Five short-term bicycle parking spaces will be provided at the ground floor on the Subject Property at the pedestrian entrance along Clybourn Avenue.

The condition requiring EV-ready parking spaces (installed with chargers) onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 ( shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel

sources, new mobility technology and supporting infrastructure). The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions.

#### *Pedestrian Access*

Pedestrian access to the building is provided by way of an entry court along the Clybourn Avenue frontage. Stairwell and elevator access is provided through the ground floor lobby and within the subterranean parking garage.

#### *Lighting*

Security lighting is provided to illuminate the building, entrances, walkways and parking areas. All project-related lighting is directed onsite and shielded to eliminate spillover onto adjacent properties. Pursuant to the City's building permit plan check process, any lighting will meet all Green Building Code requirements.

#### *Landscaping*

A minimum of 25%, or approximately 3,268 square feet, of the outdoor common space will be landscaped, pursuant to LAMC Section 12.21G2(a)(3). As shown on the landscape plan, landscaped planters are located along the perimeter of the Subject Property containing accent trees and shrubs to provide a green aesthetic as well as screening along the site edges. A community garden is located along the southern, rear yard, portion of the site and planters are located throughout the central common courtyard to allow for planting of shade trees and accent shrubs.

The development includes a common courtyard, rear yard, and community room on the first level as well as a common roof deck. These common areas are designed to provide passive recreation opportunities for all residents. The courtyard is centrally located and integral to the design of the building providing centralized recreation opportunities including a children's play area and seating areas.

Enclosures for trash and recycling collection are located on the subterranean level within the parking garage. Trash and recycling areas are fully enclosed and shielded from public view.

As described above and as depicted within the plans and elevations, the proposed project consists of a four-story, residential building, with off-street parking, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

**5. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed affordable housing development will provide a variety of unit types which include: 21 studios, 24 one-bedroom units, and 28 two-bedroom units. Pursuant to LAMC Section 12.21-G, the project would be required to provide 8,000 square feet of open space. The project will exceed that amount by providing 13,075 square feet of open space, the majority of which will be located on the new building's first floor level. This first level will include a 5,978 square-foot centralized, open courtyard; a 754 square-foot community room; and a 562 square-foot rear yard; there will also be a 620 square-foot community



room on the third floor and a 561 square-foot roof deck on the fourth floor. The remaining open space will be provided by private balconies dispersed throughout the project. All open space areas will be landscaped with both drought tolerant and shade giving species.

The proposed project has been conditioned to require 5% of the total auto parking spaces to be provided with EV chargers. In addition, another condition has been added to require the site install the stated amount of solar panels that will support the off-set of demand of all electrical uses at the site, such as electric vehicle charging. The condition requiring EV-ready parking spaces (installed with chargers) onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure). The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions.

Therefore, both sustainable features will jointly support the ability of future residents to use electric vehicles while living at the site. Moreover, the proposed development would meet and/or exceed all City Building Code and Title 24 requirements. As such, the building would incorporate eco-friendly building materials, systems, and features wherever feasible, including Energy Star-rated appliances, water saving/low-flow fixtures, non-volatile organic compound paints/adhesives, drought-tolerant planting, and high-performance building envelopment. As proposed, the project would provide recreational and service amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

## **Environmental Findings**

6. **Environmental Finding.** A Mitigated Negative Declaration (ENV-2015-4441-MND), along with mitigation measures and a Mitigation Monitoring Program was adopted on September 13, 2016; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the Addendum prepared for the proposed project on March 21, 2019, the mitigations required by the Mitigated Negative Declaration are regulatory compliance measures and no subsequent EIR or negative declaration is required for approval of the project. Additionally, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Addendum and Categorical Exemption to the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 763, 200 North Spring Street.

7. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

## VERMONT/MANCHESTER



SACHI A. HAMAI  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

*"To Enrich Lives Through Effective And Caring Service"*

Board of Supervisors  
HILDA L. SOLIS  
First District

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Second District

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Third District

JANICE HAHN  
Fourth District

KATHRYN BARGER  
Fifth District

December 05, 2017

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

#42 OF DECEMBER 5, 2017

Dear Supervisors:

**PUBLIC HEARING  
RESOLUTION OF NECESSITY TO ACQUIRE REAL PROPERTY  
8400 AND 8500 BLOCKS OF SOUTH VERMONT AVENUE  
CITY OF LOS ANGELES  
APPROVE APPROPRIATION ADJUSTMENT  
(SECOND DISTRICT)  
(4 VOTES)**

**SUBJECT**

Action to adopt a Resolution of Necessity to file a condemnation action to acquire approximately 4.203 acres of real property located on the east side of the 8400 and 8500 blocks of South Vermont Avenue in the City of Los Angeles, for the construction and operation of the Vermont and Manchester Transit Priority Joint Development Project; and approve an appropriation adjustment.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the proposed Vermont and Manchester Transit Priority Joint Development Project is exempt from the California Environmental Quality Act pursuant to Section 21155.1 of the California Public Resources Code;
2. Adopt the proposed Resolution of Necessity authorizing the commencement of an eminent domain action to acquire real property located on the east side of the 8400 and 8500 blocks of South Vermont Avenue in the City of Los Angeles;

3. Instruct County Counsel to file condemnation proceedings and in conjunction with the Chief Executive Officer, or her designee, take all other necessary actions to complete the acquisition of the site, including, without limitation, providing the deposit necessary to obtain an Order for Prejudgment Possession;
4. Establish and approve the Vermont and Manchester Transit Priority Joint Development Project, Capital Project Number 77611 with a land acquisition budget of \$15,701,000; and
5. Approve an appropriation adjustment to transfer \$3,801,000 from the Provisional Financing Uses-Various budget unit that had been set aside for the Second Supervisorial District and \$11,900,000 of revenue from the Second Supervisorial District's Proposition A Local Return Transit Program set aside in Committed for Program Expansion in Public Works – Transit Enterprise Fund, to the Vermont and Manchester Transit Priority Joint Development Project, Capital Project Number 77611 for a total of \$15,701,000 to fully fund the acquisition of the Property.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to acquire real property for the construction and operation of an important public project that will provide housing, economic, transportation, and educational opportunities.

The Property is located on the northeast corner of the Vermont Avenue and Manchester Avenue intersection in the City of Los Angeles. The Vermont and Manchester Transit Priority Joint Development Project (Project) consists of a mixed-use development comprised of affordable housing and public-serving retail and community spaces, a career technical education center, a public charter boarding school, and a parking structure. The Project also currently includes other community serving uses, such as a publicly accessible transit plaza and a bus transfer center.

The proposed Project is located in a designated High-Quality Transit Area, and is consistent with the goals of the Southern California Association of Governments' (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS). The proposed Project will bring much needed affordable housing to the South Los Angeles community in close proximity to high quality transit. Given the proposed Project's proximity to mass transit and the Silver Line Transitway, the proposed Project will encourage the utilization of mass transit as a mode of transportation to and from the proposed Project area.

The proposed Project is also designed to revitalize the Vermont/Manchester area and the surrounding neighborhood to bring about positive economic and community development. The proposed Project is intended to increase public safety and social services and improve overall quality of life for the surrounding community. The proposed Project will include community serving uses, including a career technical education center, neighborhood serving retail, and a community space. The proposed Project will also house the County's first public charter boarding school designed for students who need a 24-hour learning environment to achieve their greatest educational potential.

The proposed Project accomplishes many public uses, including, but not limited to: (1) promoting sustainable, affordable, mass-transit oriented residential and retail development; (2) providing the County with a unique opportunity to partner with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to create a center to train a new generation of employees for careers in mass transit; (3) encouraging multiple alternative modes of transportation, consistent with potential future LACMTA transit improvements; (4) creating a transit plaza and a community space that would serve

as important public amenities; (5) creating local public and private employment opportunities for nearby residents; (6) eliminating the Property as a source of public nuisances over the past 21 years; and (7) creating a public charter boarding school designed for students who need a 24-hour learning environment to achieve their greatest educational potential.

### **Implementation of Strategic Plan Goals**

The proposed Project is consistent with the Countywide Strategic Plan. Specifically, the proposed Project advances the following County goals: (i) Goal I.1.5 - Develop or preserve affordable housing units in the County; (ii) Goal I.2.4 - Support job readiness and increase employment opportunities for youth served by the County; (iii) Goal II.1.3 - Identify and align workforce development programs to provide career pathways for high-needs, priority populations and to support the labor needs of the County's high-growth industry sectors; (iv) Goal II.2.4 - Conduct outreach to high-needs, traditionally underserved populations within the County by supporting safe and comfortable built environments that encourage physical activity and access to healthy food; (v) Goal II.3.2 - Promote diverse, clean and renewable energy systems, support energy efficiency, and support strategies to ensure reliability of the energy network; and (vi) Goal II.3.3 - Create and implement policies and programs to reduce the emission of greenhouse gases from all sectors of our community; ensure that community climate resilience is integrated into our programs and plans; and inspire others to take action.

### **FISCAL IMPACT/FINANCING**

The County has obtained an appraisal of the fair market value of the Property proposed to be acquired. The fair market value based on the highest and best use of the Property is determined to be \$15,700,800.

Funding for the acquisition of the Property and all activities necessary, incidental or convenient to the acquisition of the Property is included in the Second Supervisorial District's Proposition A Local Return Transit Program of \$11,900,000, and in the Second Supervisorial District's capital fund budget of \$3,800,800. The recommended appropriation adjustment will transfer \$3,801,000 from the Provisional Financing Uses-Variou budget unit and \$11,900,000 from Committed for Program Expansion in Public Works – Transit Enterprise Fund, to fully fund the acquisition.

Final accounting shall be performed by the Department of Public Works at the completion of the proposed Project to determine the proportion used for public transit. If the facility ceases to be used for public transit purposes, Local Return funds used toward land purchase and facility expenditures must be returned in accordance with Los Angeles County Metropolitan Transportation Authority's Proposition A and Proposition C Local Return Guidelines. Reporting on annual project expenditures may also be required in accordance with said Guidelines.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Property was heavily impacted by the civil unrest of April 1992. There has been limited commercial activity on the Property since 1992, and the Property has been completely vacant for several years. The Property has also received at least 37 Notices of Violations related to public nuisances over the last two decades.

The proposed Project consists of a six-story mixed-use affordable housing and community serving/commercial retail building, an open transit plaza, a six-story middle/high school boarding school with 20 faculty residential units, and 383 parking spaces located at the ground-level and within a 4.5-level parking structure. The total building square footage of the proposed Project is

approximately 418,970 square feet, including 193,800 square feet of residential uses in the mixed-use building, 50,000 square feet for community-serving commercial retail in the mixed-use building, and 175,170 square feet for the boarding school.

The community-serving commercial retail component consists of a career technical education center, and potentially other community-serving amenities. The open transit plaza is designed to improve the quality and safety of the general public's access to public transit services, and to encourage multiple modes of public transportation and utilization of several bus lines, bike lanes, and a potential future bus rapid transit line along Vermont Avenue.

The proposed Project requires the acquisition of private property for construction and operation. There are essentially two owners at issue: (1) CRA/LA (the successor agency to the former Community Redevelopment Agency of the City of Los Angeles) and (2) various corporate entities ultimately owned and controlled by Eli Sasson (Sasson). CRA/LA owns the parcels identified as APN Nos. 6032-012-904, 6032-012-905, and 6032-013-905 (collectively, CRA/LA Parcels). Sasson and his corporate entities own the parcels identified as APN Nos. 6032-012-001, 6032-012-002, 6032-012-003, 6032-012-004, 6032-012-005, 6032-012-006, 6032-013-002, 6032-013-003, 6032-013-004, 6032-013-005, 6032-013-006, 6032-013-007, and 6032-013-008 (collectively, Sasson Parcels). The CRA/LA Parcels and the Sasson Parcels are collectively referred to as the Property. A fee simple interest is being acquired in all parcels.

In accordance with Section 1245.230 of the California Code of Civil Procedure, a Resolution of Necessity must contain the following findings and determinations:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property proposed to be acquired, as described in the resolution, is necessary for the Project.
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

Based on the Additional Facts Regarding The Necessity for the Acquisition of Private Property for the Vermont and Manchester Transit Priority Joint Development Project, attached as Enclosure E to this letter, which analyzes the four elements enumerated above, it is recommended that the Board approve the enclosed Resolution of Necessity.

## **ENVIRONMENTAL DOCUMENTATION**

The proposed Project is determined to be a transit priority project eligible for the Sustainable Communities Project Exemption pursuant to Sections 21155 and 21155.1 of the Public Resources Code. An exemption checklist was prepared to document the proposed Project's eligibility for this exemption by meeting all the seven land use criteria, eight environmental criteria, and one additional criterion related to affordable housing. Pursuant to Public Resources Code Section 21155.1(a)(4), a preliminary endangerment assessment was prepared and submitted by Arcadis U.S., Inc. (Enclosure A, Attachment F).

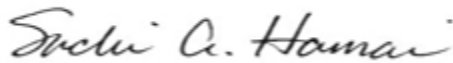
**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The proposed acquisition is not anticipated to have a significant impact on current services.

**CONCLUSION**

It is requested that the Executive Office, Board of Supervisors, return the adopted copy of the Board letter and the five originals of the Resolution of Necessity to the Chief Executive Office, Real Estate Division, 222 South Hill Street, 3rd Floor, Los Angeles, CA 90012, for further processing.

Respectfully submitted,



SACHI A. HAMAI  
Chief Executive Officer

SAH:DPH  
DL:JC:ls

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller



## **ENCLOSURES**

- A. Environmental Checklist of TPP Exemption, submitted by Meridian Consultants, LLC
  - Figure 1 Regional Vicinity Location
  - Figure 2 Project Site Aerial
  - Figure 3 Conceptual Site Layout
  - Attachment A Map of General Plan Land Use (Year 2012) for Project Area
  - Attachment B Map of Existing Land Use (Year 2012) for Project Area
  - Attachment C Excerpts And Analysis of SCAG's Regional Transportation Plan and Sustainable Communities Strategy
  - Attachment D SCAG Map, High Quality Transit Areas in the SCAG Region Around Project Site (2012-2040)
  - Attachment E Will Serve Letters re Utilities
  - Attachment F Arcadis U.S., Inc. Preliminary Endangerment Assessment
  - Attachment G Chapter 6 of Title 24 California Code of Regulations
  - Attachment H South Los Angeles and Southeast Los Angeles Community Plans EIR Applicable Mitigation Measures
- B. Resolution of Necessity
- C. Legal Description
- D. Plat Map
- E. Additional Facts Regarding The Necessity For The Acquisition Of Private Property For The Vermont And Manchester Transit Priority Joint Development Project
- F. Appropriation Adjustment

## **SUSTAINABLE COMMUNITIES PROJECT EXEMPTION CHECKLIST RESPONSES**

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### **INTRODUCTION**

Senate Bill (SB) 375 coordinates land use and transportation planning to reduce greenhouse gas emissions from mobile uses. Further, SB 375 amends the California Environmental Quality Act (CEQA) to add implementation of the Sustainable Communities Strategy (SCS), which provides for a CEQA exemption for certain projects, including a special class of Transit Priority Project (TPP) determined to be a Sustainable Communities Project (SCP) (California Public Resources Code [PRC] Sections 21155 & 21155.1).

To qualify for the CEQA exemption, a TPP must meet eight environmental criteria, seven land use criteria, and at least one criteria related to affordable housing or public open space.

### **PROJECT INFORMATION**

<b>Project Title:</b>	Vermont and Manchester Transit Priority Joint Development Project
<b>Lead Agency Name and Address:</b>	County of Los Angeles, Chief Executive Office, 500 W. Temple Street, Room 358, Los Angeles, CA 90012
<b>Contact Person and Phone Number:</b>	Joyce Chang; jchangstaff@ceo.lacounty.gov; (213) 922-2502
<b>Project Location:</b>	8400 and 8500 blocks of South Vermont Avenue in the South Los Angeles community of the City of Los Angeles
<b>Project Sponsor's Name:</b>	County of Los Angeles
<b>General Plan Designation:</b>	CC-Community Commercial
<b>Zoning:</b>	City of Los Angeles [Q]C2-1 (Commercial), [T][Q]C2-1, and P-1 (Automobile Parking) Zones
<b>Assessor Parcels:</b>	Sixteen (16) parcels: 6032-012-001, 6032-012-002, 6032-012-003, 6032-012-004, 6032-012-005, 6032-012-006, 6032-012-904, 6032-012-905, 6032-013-002, 6032-013-003, 6032-013-004, 6032-013-005, 6032-013-006, 6032-013-007, 6032-013-008, and 6032-013-905

### **DESCRIPTION OF PROJECT**

The Vermont and Manchester Transit Priority Joint Development Project ("Project") is proposed by the Los Angeles (LA) County Chief Executive Office on a site located on the east side of the 8400 and 8500 blocks of South Vermont Avenue in the City of Los Angeles ("Project Site"), as shown in **Figure 1, Regional**

**Regional Vicinity Location.** Specifically, the Project is located on the northeast corner of the Vermont Avenue and Manchester Avenue intersection, as shown in **Figure 2, Project Site Aerial**.

As shown in **Figure 3, Conceptual Site Layout**, the Project would include the following components:

- A 6-story mixed-use affordable housing and community serving/commercial retail component;
- Transit plaza / bus transfer center, and public open space;
- A 6-story boarding school with 20 faculty residential units; and
- A 4.5-level parking structure.

The total building square footage of the Project would be 418,970 square feet with a floor area ratio (FAR) of 1.85. As proposed, the Project would include 213,800 square feet of residential uses, which includes affordable residential units, faculty residential units and residential accessory uses, comprising approximately 51 percent of the total building square footage. The net density of the Project would be 38 units per acres.

### **Mixed Use Affordable Housing, Community Serving, Commercial Component**

The proposed 6-story, 243,800-square-foot mixed-use structure containing five floors of affordable housing and ground-level community serving/ commercial retail would be approximately 79 feet in height. The mixed-use component of the Project would provide for the development of community serving, commercial retail uses with affordable housing units as follows:

- A ground-level community serving commercial retail component approximating 50,000 square feet of building area that would accommodate a career technical education center, a retail grocery space, a bank, quick serve store, a community room and/or other community serving commercial retail uses; and
- 100 parking spaces below grade to serve the community/commercial retail component; and
- A 180-unit affordable residential component located on the upper five floors (floors 2 through 6) that would consist of approximately 193,800 square feet (including 5,890 square feet of residential accessory uses on the ground floor and 10,110 square feet of residential accessory uses on the upper floors), with a mix of studio, one-bedroom, two-bedroom, and three-bedroom units.

### **Transit Plaza/Bus Transfer Center & Open Space**

A transit plaza / bus transfer center and a large, publicly accessible open space would be in the center of the Project Site, with access to the surrounding single- and multifamily residences. The open space and transit plaza component of the Project Site would total approximately 52,115 square feet and would improve the quality and safety of the general public's access to public transit services. Both spaces would serve as public amenities for the surrounding community. The Project is designed to encourage multiple alternative modes of transportation and encourage utilization of several bus lines, bike lanes,

potential future bus rapid transit line. The Project includes design elements that will create bicycle and pedestrian-oriented amenities such as bike parking and open space seating to activate the streetscape.

### **Public Charter Boarding School**

Additionally, the Project would include a 6-story, approximately 175,170-square-foot boarding school proposed to accommodate middle or high school students. The boarding school would provide for 20 faculty residential apartments approximating 20,000 square feet, which would include bedrooms and kitchens (defined as residential units pursuant to LA County Code Section 22.08.180) and 200 dorm rooms (defined as rooms without kitchens).

The proposed boarding school would be located in the northwest corner of the Project Site at Vermont Avenue and 84th Street, as shown in **Figure 3**, and would be approximately 74 feet in height, with a maximum of a potential 85-foot clock tower.

The Project would include an enclosed 4.5-level, above-grade parking structure approximately 58 feet in height on the easternmost portion of the Project Site along the north side of 85th Street. In addition to the 100 parking spaces below the mixed-use component described above, approximately 283 spaces would be provided for the Project in the parking structure.<sup>1</sup>

Moreover, the Project will provide bicycle parking; bicycle amenities for short- and long-term bicycle parking that is secured, fully covered, and directly accessible from the bike lane; and enhanced streetscapes. The Project would include 142 total bicycle parking spaces consisting of 36 short-term and 106 long-term spaces.<sup>2</sup> Of the total 138 bicycle parking spaces, 6 short-term and 2 long-term spaces would be provided for the boarding school.

As part of the Project, the following roads and alleys may be vacated and incorporated into the Project Site:

- An approximately 30-foot-width of the easterly side of Vermont Avenue between 84th Street and Manchester Avenue;
- 85th Street between Vermont Avenue and the north–south alley east of Vermont Avenue, the north–south alley east of Vermont Avenue between 84th Street and 85th Street; and north–south alley east of Vermont Avenue between 85th Street and Manchester Avenue.
- A portion of the east–west alley between 84th Street and 85th Street; and
- A new north–south alley is proposed along the eastern property line between 84th Street and the east–west alley.

Vehicular access to the Project Site would be provided via new access points/driveways leading into 84th and 85th Streets. Two new two-way, north–south driveways would connect 85th Street from Manchester

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1 Five parking stalls would be allotted for Electric Vehicle (EV) charging stations.

2 Short-term bicycle parking spaces consist of bicycle racks that support the bicycle frame at two points. Long-term bicycle spaces are secured from the general public and enclosed on all sides.

Avenue and 84th Street to the proposed parking structure. Primary vehicular access to the Project Site would be from 84th Street. A drop-off zone for the boarding school would be provided at the Project Site.

The Project will also include all other anticipated discretionary and ministerial permits deemed necessary to implement the Project, including but not limited to site plan review, street vacations, demolition, haul route, excavation, shoring, grading, foundation, and building and interior improvements. The Project also includes the County of Los Angeles' acquisition, through either voluntary means and/or the use of eminent domain, of the following private property: APN 6032-012-001, 6032-012-002, 6032-012-003, 6032-012-004, 6032-012-005, 6032-012-006, 6032-012-904, 6032-012-905, 6032-013-002, 6032-013-003, 6032-013-004, 6032-013-005, 6032-013-006, 6032-013-007, 6032-013-008, and 6032-013-905.

## **Surrounding Land Uses and Setting**

As shown on **Figure 2**, surrounding properties within a 500-foot radius of the Project Site are developed as follows:

North: 84th Street, an alley, commercial and multifamily residential uses, and a 4-story County of Los Angeles administration building and its 5-story parking structure (Assessor Parcel Number [APN] 6032-009-916)

South: Manchester Avenue, commercial uses (e.g., Domino's Pizza [APN 6038-010-032] and Western Union [APN 6038-010-040]), and community facilities (e.g., Danny J. Bakewell, Sr., Primary Center [APNs 6038-022-900 -901, -907, -908, -910, and -913])

East: An alley, multifamily residential uses, and the Rita D. Walters Learning Complex (APN 6032-013-904).

West: Vermont Avenue, commercial uses (e.g., L.A Nail & Hair [APN 6033-026-011] and Chase Bank [APN 6033-026-021]), and community facilities (e.g., P & P Home for the Elderly [6033-026-025]).

## **CHECKLIST RESPONSES**

As defined by PRC Sections 21155(a) and (b), a project must meet the following requirements to qualify as a Transit Priority Project:

- 1. The project is consistent with the land use designation, density, zoning, building intensity, and applicable policies in an approved sustainable community strategies (SCS) or alternative planning strategy (APS).**

☒ **Yes**      ☐ **No**

### **Consistency with SCS or APS:**

For the Los Angeles County region, the Southern California Association of Governments (SCAG) updates its *Regional Transportation Plan and Sustainable Communities Strategy* (RTP/SCS) every 4 years to ensure that the state target for greenhouse gas (GHG) emissions reduction is achieved at the regional level. The County of Los Angeles ("County") collaborates with SCAG and provides input throughout the development

of the RTP/SCS to ensure consistency in goals, policies, and implementation. The most recent version is the 2016–2040 RTP/SCS.

The Project is consistent with the general land use designation, density, and building intensity in the 2016–2040 RTP/SCS. Using data collected from local jurisdictions, including general plans, SCAG categorized existing land use into land use types, combined the land use types into 35 place types, and then classified subregions into one of three land use development categories: urban, compact, or standard. SCAG used each of these categories to describe the conditions that exist and/or are likely to exist within each specific area of the region.<sup>3</sup>

SCAG identified the existing land use type at the Project Site as “Commercial and Services” and “Vacant” and the existing General Plan land use as “Commercial and Services,” as shown in **Attachments A and B**, respectively.<sup>4</sup> After converting this data into Scenario Planning Zone–level place types, SCAG categorized the area surrounding the Project as a “compact” area.<sup>5</sup> The 2016–2040 RTP/SCS defines compact areas as

*less dense than those in the Urban Land Development Category, but they are highly walkable with a rich mix of retail, commercial, residential and civic uses. These areas are most likely to occur as new growth on the urban edge, or as large-scale redevelopment. They have a rich mix of housing, from multifamily and attached single-family (townhome) to small- and medium lot single-family homes. These areas are well served by regional and local transit service, but they may not benefit from as much service as urban growth areas and are less likely to occur around major multimodal hubs. Streets in these areas are well connected and walkable, and destinations such as schools, shopping and entertainment areas can typically be reached by walking, biking, taking transit, or with a short auto trip.*<sup>6</sup>

The Project is consistent with the range of place types within the “compact” land development category.

Town Residential areas are

*a mix of townhomes, condominiums and apartments (and occasionally small-lot single family homes). Town Residential is characterized by dense residential neighborhoods interspersed with occasional retail areas. Typical buildings are 2 to 5 stories tall, with*

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3 Southern California Association of Governments (SCAG), *Final 2016 Regional Transportation Plan/Sustainable Communities Strategy [RTP/SCS]* (April 2016), <http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

4 SCAG, “Land Use Pattern Map—SCAG Region 2040, Policy A,” [http://sp.scag.ca.gov/Documents/SCAG\\_2040\\_Policy\\_A\\_2.pdf](http://sp.scag.ca.gov/Documents/SCAG_2040_Policy_A_2.pdf).

5 SCAG, *2016–2040 RTP/SCS* (April 2016), Appendix: “Sustainable Communities Strategy (SCS) Background Documentation” (April 2016), 18–19, [http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS\\_SCSBackgroundDocumentation.pdf](http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS_SCSBackgroundDocumentation.pdf).

6 SCAG *2016–2040 RTP/SCS*, ch. 2, “Where We Are Today,” 20, [http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS\\_02\\_WhereWeAreToday.pdf](http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS_02_WhereWeAreToday.pdf)

*limited off-street parking; residents tend to use transit, walking and bicycling for many of their transportation needs.*<sup>7</sup>

The land use mix for this place type is typically approximately 68 percent residential, zero percent employment, 10 percent mixed use, and 22 percent open space/civic. The residential mix is 47 percent townhome and 53 percent multifamily. The average total net FAR ratio is 1.2; the number of floors ranges from 2 to 8; and gross density ranges from 12 to 35 households per acre.

High Intensity Activity Center areas are

*a mix of moderate to intense densities of retail, office, and residential uses. They are often anchored by major regional retail centers or office parks, and while they can contain a robust mix of uses, they are most often oriented within an auto-oriented and nonwalkable street and land use pattern. Parking can be structured and/or provided on surface lots.*<sup>8</sup>

The land use mix for this place type is typically approximately 14 percent residential, 37 percent employment, 41 percent mixed use and 8 percent open space/civic. The residential mix is 94 percent multifamily and 6 percent townhome. The average total net FAR ratio is 2.5; the number of floors ranges from 5 to 40; and gross density ranges from 0.5 to 200+ households per acre.<sup>9</sup>

The Project consists of a 6-story, mixed-use commercial retail, multipurpose community space, and affordable housing development with 100 parking spaces below-grade; a 6-story boarding school with dorms and 20 faculty residential units; and a 4.5-level, above-grade parking structure in South Los Angeles. The surrounding area is highly developed with commercial and residential uses. The mixed-use component consists of 180 affordable residential units. The Project would have a FAR to be 1.85:1. As described below, the Project will be at least 15 percent more energy efficient than Title 24 standards; moreover, the building and landscaping are designed to achieve 25 percent less water usage than the average household in the region. The Project area is supported by high levels of regional and local transit, and the Project will provide structured parking. Thus, the Project is consistent with the “compact” land use designation, as well as the associated density and building intensity assumptions in the 2016–2040 RTP/SCS.

The Project will maximize mobility and accessibility for all people and goods in the region, ensure travel safety and reliability for all people and goods in the region, and protect the environment and health of residents by improving air quality and active transportation. The Project would support and maximize the productivity of the transportation system by locating a mixed-use project in SCAG’s High-Quality Transit Area (HQT). The Project includes 200 residential units, 50,000 square feet of community serving/

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7 SCAG 2016–2040 RTP/SCS, “Urban Footprint Place Types,” 3, [http://scagrtppscs.net/documents/2016/supplemental/UrbanFootprint\\_PlaceTypesSummary.pdf](http://scagrtppscs.net/documents/2016/supplemental/UrbanFootprint_PlaceTypesSummary.pdf).

8 SCAG 2016–2040 RTP/SCS, “Urban Footprint Place Types,” 7, [http://scagrtppscs.net/documents/2016/supplemental/UrbanFootprint\\_PlaceTypesSummary.pdf](http://scagrtppscs.net/documents/2016/supplemental/UrbanFootprint_PlaceTypesSummary.pdf).

9 Consistency with the 2016–2040 RTP/SCS and SCAG Forecasted Development Types, Attachment B; DEIR, pp. 4.2-18–4.2-19 and 4.2-26; SCAG 2016–2040 RTP/SCS, available at: [http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS\\_SCSBackgroundDocumentation.pdf](http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS_SCSBackgroundDocumentation.pdf)

commercial retail uses, and a boarding school. Future residents and visitors of the Project site would have the opportunity to access three Los Angeles Metro bus lines—Metro Rapid Line 754 and Metro Lines 115 and 204, while Metro bus line 442 and DASH Vermont/Main also run near the Project Site but with less frequency. Given the Project’s proximity to mass transit and the Silver Line Transitway and the incorporation of a transit plaza/bus transfer station on-site, the Project will encourage the utilization of transit as a mode of transportation to and from the Project area. Therefore, the Project is consistent with the goals in the SCAG RTP/SCS, as outlined in **Attachment C**.

- 2. The project contains at least 50% residential use, based on total building square footage and, if the project contains between 26–50% nonresidential uses, a floor area ratio of not less than 0.75.**

☒ **Yes**      ☐ **No**

The Project would include the construction of an affordable housing development which includes 180 affordable residential units, 20 faculty residential units, and residential accessory uses totaling 213,800 square feet in size, with the total building area of the Project to be 418,970. As proposed, the total Project Site would consist of approximately 51 percent residential use.<sup>10</sup>

- 3. The project provides a minimum net density of at least 20 dwelling units per acre.**

☒ **Yes**      ☐ **No**

The Project would contain a total of 200 residential dwelling units, comprising of 20 faculty apartments as part of the boarding school, and 180 affordable units as part of the mixed-use component. The Project Site is approximately 5.2 acres in size, or approximately 38 dwelling units per acre. The Project would provide a net density greater than 20 dwellings per acre.

- 4. The project is located within ½ mile of a major transit stop (e.g. rail station, ferry terminal served by either a bus or rail transit service, or intersection of two or more major bus routes with service intervals of 15 minutes or less during peak commute hours) or a high-quality transit corridor (i.e. a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours).**

☒ **Yes**      ☐ **No**

The Project Site is located within the HQTAs and High-Quality Transit Corridor (HQTC) as designated in the 2016–2040 RTP/SCS, as shown in **Attachment D**.<sup>11</sup> Three Los Angeles Metro bus lines—Metro Rapid Line 754 and Metro Lines 115 and 204—service the Project Site with frequencies greater than 15 minutes during peak hours at nearby stops.<sup>12</sup> Metro bus line 442 and DASH Vermont/Main also run near the Project Site but with less frequency. Given the Project’s proximity to mass transit and the Silver Line

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10 SCAG 2016–2040 RTP/SCS, ch. 2, “Where We Are Today,” 20,  
[http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS\\_02\\_WhereWeAreToday.pdf](http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS_02_WhereWeAreToday.pdf)

11 SCAG, “High Quality Transit Areas in the SCAG Region (2012-2040),” map (February 16, 2016),  
[http://scagrtpscscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1\\_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf](http://scagrtpscscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf).

12 Metro, “Maps & Timetables,” <https://www.metro.net/riding/maps>. Accessed September 2017.



Transitway and the incorporation of a transit plaza/bus transfer station on-site, the Project will encourage the utilization of transit as a mode of transportation to and from the Project area.

5. All parcels within the project have no more than 25% of their area farther than ½ mile from the stop or corridor.

☒ Yes      ☐ No

All parcels for the Project are within 0.25 miles of a major transit stop or HQTC, as shown in **Attachment D**.<sup>13</sup>

6. No more than 10% of the residential units or 100 units, whichever is less, in the project are farther than ½ mile from the stop or corridor.

☒ Yes      ☐ No

The Project is a compact development that would locate all residential units within 0.25 miles of the major transit stop and HQTC, as shown in **Attachment D**.<sup>14</sup>

**Pursuant to California PRC Section 21155.1, a transit priority project that meets the following criteria is declared to be a sustainable communities project that is exempt from CEQA:**

## **Environmental Criteria**

1. The project and other approved projects not yet built can be adequately served by existing utilities, and the applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

☒ Yes      ☐ No

The Project would connect to existing utility infrastructure including water mains, sewer lines, storm drain inlets, and electrical and gas lines (refer to the Will Serve Letters provided in **Attachment E**).

Water in Los Angeles comes from a network that delivers water from a variety of sources, including the Los Angeles Aqueducts, local groundwater, and supplemental water purchased from the Metropolitan Water District of Southern California (MWD). The water from MWD is delivered through the Colorado River Aqueduct and the State Water Project's California Aqueduct.<sup>15</sup> Much of the water flows north to south, entering Los Angeles at the Los Angeles Aqueduct Filtration Plant (LAAFP) in Sylmar, which is owned

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13 SCAG, "High Quality Transit Areas," [http://scagtrtpscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1\\_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf](http://scagtrtpscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf).

14 SCAG, "High Quality Transit Areas," [http://scagtrtpscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1\\_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf](http://scagtrtpscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1_HighQualityTransitAreaInTheSCAGRegionFor2040Plan.pdf).

15 Los Angeles Department of Water and Power (LADWP), "Water: Sources of Supply" (2013), [https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply;jsessionid=CWbJZSpT3LHFzmQpC1GXV8C5XdJGWmmVzFpcHT4m92DGchysvFLI-1404888909?\\_adf.ctrlstate=1b53vxi3v8\\_4&\\_afLoop=815404078505502&\\_afWindowMode=0&\\_afWindowId=null#%40%3F\\_afWindowId%3Dnull%26\\_afLoop%3D815404078505502%26\\_adf.ctrlstate%3D1b53vxi3v8\\_4%26\\_afWindowMode%3D0%26\\_adf.ctrl-state%3Dssq7indr\\_4](https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply;jsessionid=CWbJZSpT3LHFzmQpC1GXV8C5XdJGWmmVzFpcHT4m92DGchysvFLI-1404888909?_adf.ctrlstate=1b53vxi3v8_4&_afLoop=815404078505502&_afWindowMode=0&_afWindowId=null#%40%3F_afWindowId%3Dnull%26_afLoop%3D815404078505502%26_adf.ctrlstate%3D1b53vxi3v8_4%26_afWindowMode%3D0%26_adf.ctrl-state%3Dssq7indr_4). Accessed September 2017.

and operated by the Los Angeles Department of Water and Power (LADWP). The LAAFP has the capacity to treat approximately 600 million gallons per day (mgd). The average plant flow is approximately 450 mgd during the non-summer months and 550 mgd during the summer months, and operates at between 75 and 90 percent capacity. Therefore, the LAAFP has a remaining capacity of treating approximately 50 to 150 mgd, depending on the season.<sup>16</sup>

Water service to the Project Site would continue to be supplied by the Los Angeles Department of Water and Power (LADWP) via an existing 48-inch water main in Vermont Avenue. The Project is estimated to consume approximately 34,560 gallons per day (gpd) of water, which is below available capacity.<sup>17</sup> As previously mentioned, the Project would reduce water usage by 25 percent when compared to the average household in the region. The Project would be consistent with projections in the Urban Water Management Plan.

Sewer service will be provided to the Project Site by utilizing the existing 8-inch or 21-inch sewer main on Vermont Avenue, or new on-site sewer connections to the existing sewer mains adjacent to the Project Site. Wastewater from the Project Site would then be conveyed and treated at the Hyperion Treatment Plant (HTP), which is located on a 144-acre site adjacent to Santa Monica Bay. The HTP is the largest wastewater treatment facility in the City of Los Angeles and has been designed to treat 450 mgd to full secondary treatment; currently, HTP treats an average daily flow of approximately 400 mgd.<sup>18</sup> There are ongoing construction projects to ensure service remains available to all of the residents in the City of Los Angeles. Therefore, adequate wastewater treatment capacity within the system exists, and any increase in wastewater generation will not have a significant impact on treatment plant capacity. The Project will not result in or require the construction of a new wastewater treatment facility.<sup>19</sup>

The Project would be required to comply with the County's *Low Impact Development Standards Manual*,<sup>20</sup> which promotes water infiltration systems, evapotranspiration, and reuse of stormwater. The Project Site would not increase runoff to the existing LA County storm drain system which has sufficient capacity to meet stormwater runoff from the Project. Therefore, the Project would not require construction or upgrades of the existing stormwater drainage facilities.<sup>21</sup>

Electrical service to the Project will be provided by LADWP, which serves the area. To meet such needs as well as future needs, LADWP reported having an installed net dependable generation capacity greater

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16 LADWP, website: <https://www.ladwp.com>. Accessed September 2017.

17 Estimated water demand was based on 120 percent of the wastewater generation factors for residential and commercial categories.

18 City of Los Angeles, LA Sanitation, <https://www.lacitysan.org/san/faces/home/>.

19 Estimated wastewater generation would be approximately 28,800 gallons per day.

20 County of Los Angeles Department of Public Works, "Low Impact Development, Standards Manual, (February 2014), <https://dpw.lacounty.gov/ldd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf>

21 County of Los Angeles Department of Public Works, "Los Angeles County Storm Drain System," <http://dpw.lacounty.gov/fcd/stormdrain/index.cfm>. Accessed September 2017.

than 7,531 megawatts (MW).<sup>22</sup> The energy-for-load peak demand is 6,341 MW, with an instantaneous peak demand of 6,396 MW. This leaves 1,135 MW of excess capacity. LADWP is fully resourced to meet peak demand but maintains transmission and wholesale marketing operations to keep production costs low and increase system reliability. LADWP's energy division's projections show adequate capacity to provide electricity to meet the Project's demand. The Project, when operational, is projected to consume electricity in an amount equal to less than 0.1 percent of the LADWP's projected excess production.<sup>23</sup> LADWP will be able to adequately serve the Project with its existing and projected capacity.

The Project will be provided natural gas service by the Southern California Gas Company ("SoCalGas"), which serves the area. An extreme peak day demand is defined as a 1-in-35 likelihood event for a services area. The SoCalGas retail core peak demand in 2017 is forecasted to be approximately 3,339 million cubic feet per day (MMcfd).<sup>24</sup> The total storage withdrawn through 2017 is 2,225 MMcfd. Thus, there would be a remaining capacity of 1,114 MMcfd on extreme peak days. According to the *2016 California Gas Report*, SoCalGas's storage and flowing supplies are sufficient to meet the forecasted 2017 retail core peak day demand. Demand on an extreme peak day is met through a combination of withdrawals from underground storage facilities and flowing pipeline supplies. Based on consumption and capacity projections generated by the California Public Utilities Commission, the Project will be adequately served by SoCalGas. The Project's estimated annual energy consumption for natural gas would be approximately 10,500 thousand British Thermal Units per year.<sup>25</sup> Given that the Project would not use natural gas in a wasteful or inefficient manner and that energy conservation measures would be implemented, the consumption of natural gas would be within the remaining SoCalGas storage capacity.

The Project will pay all applicable in-lieu or development fees pursuant to code requirements and conditions.

**2. a. The project site does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat.**

☒ Yes    ☐ No

The Project Site is in an urbanized area and contains vacant, unpaved, and paved land, as well as remnants from prior structures (a basement from a previous commercial building, and one vacant single-story commercial retail building). The surrounding area is developed with commercial and residential uses.

A review of the National Wetland Inventory provided by the US Fish and Wildlife Service (USFWS) indicated that no wetlands or riparian areas are located on the Project Site.<sup>26</sup> No blue-line streams are found on the Project Site, nor is the Project Site located near a body of water or a river. Thus, the Project

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22 LADWP, *2016 Final Power Integrated Resource Plan*, 18. Available at [https://www.ladwp.com/ladwp/faces/wcnav\\_externalId/a-p-doc?\\_adf.ctrl-state=6x6y900r6\\_34&\\_afLoop=1392173035734492](https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-p-doc?_adf.ctrl-state=6x6y900r6_34&_afLoop=1392173035734492).

23 CalEEMod estimation of 1,045.09 kilo-watt hours per year.

24 California Gas and Electric Utilities, *2016 California Gas Report*, 92, <https://www.socalgas.com/regulatory/documents/cgr/2016-cgr.pdf>.

25 CalEEMod estimation of 10,487.5 thousand British Thermal Units per year.

26 USFWS, "National Wetlands Inventory," <https://www.fws.gov/wetlands/>. Accessed September 2017.

Site does not contain any riparian habitat or other sensitive natural communities identified in local or regional plans, policies or regulations, or by California Department of Fish and Wildlife (CDFW) or USFWS.

**b. The project does not harm any species protected by the federal Endangered Species Act, the Native Plant Protection Act, or the California Endangered Species Act.**

☒ Yes    ☐ No

The CDFW's California Natural Diversity Database and USFWS's Critical Habitat data were reviewed, and it was determined that the site does not have records of any federally or state-protected species on site pursuant to the federal and state Endangered Species Acts or the Native Plant Protection Act.<sup>27</sup> Eight special-status species (five animal and three plant species) occur within the Inglewood quadrangle, but none have the potential for occurrence at the Project Site.

The Project Site contains several nonnative street ornamental trees as part of the existing landscaping of the previous land use. No native trees or habitat types are found on the Project Site. The trees on the Project Site are not considered protected by the Los Angeles County or City of Los Angeles tree ordinances.

The site does not contain any suitable habitat for protected species, and the South Los Angeles area is not known for high occurrences of the protected animal and plant species.

Therefore, the Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species protected by the federal or state Endangered Species Acts, the Native Plant Protection Act, or County or City code.

**c. The project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.**

☒ Yes    ☐ No

The Project Site is not identified within a mapped Significant Ecological Area, Environmentally Sensitive Habitat Area,<sup>28</sup> or Coastal Resources Area, or any other areas containing biological values designated by Coastal Development Plan, County General Plan, or by the South Los Angeles Community Plan.

Several nonnative ornamental trees are on site. None of these trees are protected under the County and City of Los Angeles tree ordinances. Therefore, no species or trees on the Project Site are protected by local ordinances. The Project would not result in the destruction or removal of any protected species.

**3. The project site is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.**

☒ Yes    ☐ No

Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC), State Department of Health Services, State Water Resources Control Board, and local enforcement agencies to

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27 USFWS, BIOS, <https://map.dfg.ca.gov/bios/> Accessed September 2017.

28 USFWS, BIOS, <https://map.dfg.ca.gov/bios/>. Accessed September 2017.

compile and update as appropriate, at least annually, a Cortese List and to submit the list to the Secretary of Environmental Protection for consolidation and distribution. The Hazardous Waste and Substances Sites List is a planning document used by the state, local agencies, and developers to comply with CEQA requirements with respect to providing information about the location of hazardous materials release sites.

As part of the preliminary endangerment assessment (PEA) for the Project (see **Attachment F**), per PRC Section 21155.1(a)(4), an Environmental Data Resources database search for the Project Site was conducted by Arcadis. The database search included a review of databases and files from federal, state, and local environmental agencies to identify use, generation, storage, treatment, or disposal of hazardous materials and chemicals, or release incidents of such materials that may impact the Project Site. The PEA concluded that the Project is not included in any list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (see **Attachment F**).

4. a. **The project site is subject to a preliminary endangerment assessment prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.**

☒ Yes    ☐ No

As noted, a PEA was conducted for the Project (see **Attachment F**). The PEA found that the Project Site is not included in any federal, state, or local environmental agency list that identifies the use, generation, storage, treatment, or disposal of hazardous materials and chemicals, or release incidents of such materials which may impact the Project Site.

The Project Site was historically developed with two gasoline stations, vehicle repair shops, and a machine shop. These types of operations indicate the potential for releases of contaminants of concern to the environment. Without a clear understanding of operations at these former facilities, their historic presence on site is a recognized environmental condition (REC) for the Project Site. However, it should be noted that 82 years have passed since the last gasoline stations and service shops were removed from the site in 1935, and contaminants of concern, if released, may have degraded over time.

Additionally, no records were found documenting the installation or removal of underground storage tanks (USTs) at these facilities. While a higher probability exists for USTs to be associated with the former gas stations, it cannot be ruled out that the repairs shops and machine shop used USTs. However, since the Project Site has undergone several rounds of development since the existence of the gasoline stations and service shops, it is likely that historic USTs would have been discovered and removed if previously abandoned in place. A prior Phase I ESA conducted for the Project Site found no evidence of any RECs.

In conclusion, there is no evidence of releases from these former site activities at this time. A subsurface site characterization and Soils Management Plan will be prepared to guide future development activities at the Project Site. The Soil Management Plan will address how contaminated soils and/or groundwater

encountered during construction, if any, will be handled in accordance with applicable state and federal regulations.

- b. If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.**

☒ Yes    ☐ No    ☐ Not Applicable

The Project Site currently comprises undeveloped land, asphalt-paved parking lots, portions of streets and alleys, and a vacant retail building. No known hazardous materials are on the Project Site (see **Attachment F**).

Should any hazardous materials be encountered during demolition and construction of the Project, the Project will be required to comply with the applicable regulations from state-level agencies, such as DTSC, in conjunction with federal agencies, such as the Occupational Safety and Health Administration and the US Environmental Protection Agency, concerning the removal, abatement, and transport procedures, as required in the Soil Management Plan. Demolition activities are permitted by the Department of Public Works Building and Safety Division and other regulatory agencies, including the South Coast Air Quality Management District.

Federal, state, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos. Standard protocols would be adopted to minimize the risk associated with the hazardous materials and wastes.

- c. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.**

☒ Yes    ☐ No    ☐ Not Applicable

The Project Site is surrounded by commercial uses, educational facilities, and residential uses.

No known hazardous materials have been found on site that would pose a risk to surrounding uses or the associated population. According to Environmental Data Resources Inc.'s report in the PEA, additional properties are listed within the search radius. However, based on their listing for tracking purposes only, distance from the Project Site, hydraulic location with respect to anticipated groundwater flow, and/or case closure, these off-site properties are unlikely to represent a concern of environmental impairment or a vapor encroachment condition to the Project Site. The surrounding parcels contain no known hazardous materials or activities that would result in exposure potential hazards (see **Attachment F**).

- 5. The project does not have a significant effect on historical resources pursuant to section 21084.1.**

☒ Yes    ☐ No

The Project Site does not contain any historical resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources or included in a local register of historical resources pursuant to section 21084.1.

According to the County's Historic Resources Sites Policy Map,<sup>29</sup> several historic resources have been identified within the Project vicinity. The nearest historic resources are located across Vermont Avenue, approximately 150 feet west of the Project Site.

No historic buildings or resources are located on the Project Site. As such, demolition and construction will not affect or alter any historical resources. Implementation of the Project would not interfere with historic resources.

**6. a. The project is not subject to a wildland fire hazard, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.**

☒ Yes    ☐ No

The Project Site is not subject to a wildland fire hazard because the Project Site is not located in a Very High Fire Hazard Severity Zone.<sup>30</sup> The Project Site is located within a developed urban area, and no wildlands are present in the surrounding area.

**b. The project site is not subject to an unusually high risk of fire or explosion from materials stored or used on nearby properties.**

☒ Yes    ☐ No

No land uses from the surrounding properties exist that may pose unusually high risk or explosion from materials stored or used.

**c. The project site is not subject to the risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.**

☒ Yes    ☐ No

No known hazardous materials or uses have been found on site that would expose persons to public health concerns, as identified in the PEA (see **Attachment F**). Should any hazardous materials be encountered during demolition or construction, the Project would be subject to applicable federal, state, and local programs, regulations, laws, standards, and policies.

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29 Survey LA, Historic Resources Survey Report South Los Angeles Community Plan Area, [http://historicplacesla.org/documents/fileuploads/files/SurveyLA\\_SLA.pdf](http://historicplacesla.org/documents/fileuploads/files/SurveyLA_SLA.pdf).

30 Los Angeles County Department of Regional Planning, *General Plan 2035* (adopted October 6, 2016), Fig. 12-5, Fire Hazard Severity Zones Policy Map [http://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_2014-FIG\\_12-5\\_Fire\\_Hazard\\_Severity\\_Zones\\_Policy\\_Map\\_Responsibility.pdf](http://planning.lacounty.gov/assets/upl/project/gp_2035_2014-FIG_12-5_Fire_Hazard_Severity_Zones_Policy_Map_Responsibility.pdf).



- d. The project site is not within a delineated earthquake fault zone or a seismic hazard zone, unless the general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.**

☒ Yes    ☐ No

The Project Site is not within a designated earthquake fault zone or seismic hazard zone. The Project Site is not located within a currently established Alquist-Priolo Earthquake Fault Zone, or within a County-designated Fault Rupture Study Area, as identified in the County of Los Angeles Safety Element of the General Plan.

No active faults are known to pass through the immediate Project vicinity.<sup>31</sup> The Project is located approximately 2.5 miles east of the Newport-Inglewood Fault Zone.

The Project is not located in a potential liquefaction zone. The Project will be designed and constructed in accordance with the requirements of the California Building Code (CBC). The CBC establishes minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress from facilities, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within its jurisdiction.

In addition to compliance with the CBC, the Project is subject to the provisions of the Seismic Hazards Mapping Act, which requires the implementation of feasible design measures that would be used to address seismic hazards, depending on the results of the site-specific geotechnical studies. Required compliance with the CBC and compliance with the provisions of the Seismic Hazard Mapping Act would ensure that potential impacts from strong seismic ground shaking would be less than significant.

Therefore, the Project's seismic risks would be less than significant.

- e. The project site is not subject to landslide hazard, flood plain, flood way, or restriction zone, unless the general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.**

☒ Yes    ☐ No

The Project Site is not subject to landslide hazard because the site is located in areas of relatively flat topography.

According to the California Geological Survey Alquist-Priolo maps from the Los Angeles County General Plan, the Project Site is not located within a landslide hazard zone.<sup>32</sup>

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31 Los Angeles County Department of Regional Planning, *General Plan 2035*, Fig. 12-1, Seismic and Geotechnical Hazard Zones Policy Map, [http://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_2014-FIG\\_12-1\\_seismic\\_hazards.pdf](http://planning.lacounty.gov/assets/upl/project/gp_2035_2014-FIG_12-1_seismic_hazards.pdf).

32 Los Angeles County Department of Regional Planning, *General Plan 2035* Fig.12.1, Seismic and Geotechnical Hazard Zones Policy Map, [http://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_2014-FIG\\_12-1\\_seismic\\_hazards.pdf](http://planning.lacounty.gov/assets/upl/project/gp_2035_2014-FIG_12-1_seismic_hazards.pdf).



The Project Site is not delineated in a flood plain according to any Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) or in a floodway or restricted in the zone for landslide or flood, including the 100-year flood zone.<sup>33</sup> As such, the Project does not place within a 100-year floodplain housing that would impede or redirect flood flows.

**7. The project site is not located on developed open space.**

☒ Yes    ☐ No

As defined in PRC Section 211551.(a)(7)(A), “developed open space” is defined as land that is (1) publicly owned, or financed in whole or in part by public funds; (2) generally open to, and available for use by, the public; and (3) predominantly lacking in structural development other than structures associated with open spaces, including playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities. In addition, as defined in PRC Section 21155.1(a)(7)(B), land that has been designated for acquisition by a public agency for developed open space does not include lands acquired with public funds dedicated to the acquisition of land for housing purposes.

The current City of Los Angeles General Plan land use designation for the Project Site is Community Commercial. The current City of Los Angeles zoning designation for the Project Site is [Q]C2-1 (Commercial), [T][Q]C2-1, and P-1 (Automobile Parking) Zones. The Project Site does not contain any parcels for zoning of open space.

Further, the Project Site is currently private property that is being acquired for housing purposes. Therefore, the Project Site is not developed open space.

**8. Project buildings are 15% more energy efficient than required by Title 24 (California Building Standards Code) and the buildings and landscaping are designed to achieve 25% less water usage than the average household use in the region.**

☒ Yes    ☐ No

The Project will comply with CEQA Section 21155.1. The Project will be designed to qualify for Silver certification under Leadership in Energy and Environmental Design and achieve or exceed 15 percent or more energy efficiency standards as outlined in Chapter 6 of Title 24 in the California Code of Regulations, as identified in **Attachment G**. Further, the proposed buildings and landscaping will be designed to achieve 25 percent less water usage than the average household in the area.

The energy efficiency requirement will be achieved through the installation/use of features such as Energy Star kitchen appliances, including refrigerators and dishwashers; Energy Star washing machines; air barriers at exterior wall assembly; high-performing clad wood windows with low-E double glazing and operable shading; high-efficiency heating, ventilation and air conditioning units with zoned thermostatic control; and green energy through photovoltaics.

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33 Los Angeles County Department of Regional Planning, *General Plan 2035*, Fig. 12.2, Flood Hazard Zones Policy Map, [http://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_2014-FIG\\_12-2\\_flood\\_zones.pdf](http://planning.lacounty.gov/assets/upl/project/gp_2035_2014-FIG_12-2_flood_zones.pdf).

The water efficiency requirement will be achieved through the installation/use of features such as low-flow fixtures for bathrooms, including toilets, sink faucets, and shower heads; low-flow fixtures for kitchens, including dishwashers and sink faucets; front-loading washing machines, and low-flow irrigation systems.

## **Land Use Criteria**

**1. The project site is not more than eight acres in total area.**

☒ **Yes**      ☐ **No**

The Project Site is on a 5.2-acre lot and would be less than 8 acres in total area.

**2. The project does not contain more than 200 residential units.**

☒ **Yes**      ☐ **No**

The Project consists of 180 affordable residential units and 20 faculty units and would not contain more than 200 total residential units.

**3. The project does not result in any net loss in the number of affordable housing units within the project area.**

☒ **Yes**      ☐ **No**

The Project Site contains vacant, unpaved, and paved land, and remnants of previous buildings on site. The Project would not result in any net loss of affordable housing units.

**4. The project does not include any single level building that exceeds 75,000 square feet.**

☒ **Yes**      ☐ **No**

The Project consists of a 6-story, mixed-use commercial retail, multipurpose community space, and affordable housing development with 100 parking spaces below-grade; a 6-story boarding school with 20 faculty units; and a 4.5-level, above-grade parking structure in South Los Angeles.

The ground floor for the mixed-use component consists of a 55,890 square-foot building including a grocery store, community room, and residential accessory use. Above the ground floor consists of five stories of affordable housing development that would consist of a total 193,800 square feet, and includes the ground floor residential accessory use.

The total boarding school includes 175,170 square feet of total building area. This consists of 24,320 and 9,750 square feet for the ground floor of building 1 and 2 respectively. The second and third floors would be 9,750 square feet each in building 2. The dorms and faculty apartments would include 121,600 square feet.

Therefore, the project would not have a single level that would exceed 75,000 square feet.

5. Any applicable mitigation measures or performance standards or criteria set forth in the prior environmental impact reports have been or will be incorporated into the project.

☒ Yes    ☐ No    ☐ None

The Project would be subject to applicable mitigation measures identified in the South Los Angeles and Southeast Los Angeles Community Plans EIR which are listed in **Attachment H**.

6. The project is determined not to conflict with nearby operating industrial uses.

☒ Yes    ☐ No

The Project Site is surrounded by commercial uses, retail businesses, and residences. There are no operating industrial uses within the Project Site.

7. The project is located within ½ mile of a rail transit station or a ferry terminal or within ¼ mile of a high-quality transit corridor included in a regional transportation plan.

☒ Yes    ☐ No

As mentioned earlier, the Project Site is located within the HQTa and HQTc in the SCAG's RTP 2016-2040 as shown in **Attachment D**.<sup>34</sup> Three Los Angeles Metro bus lines—Metro Rapid Line 754 and Metro Lines 115 and 204—service the Project Site with greater frequencies than 15-minute service intervals during peak hours. Metro bus line 442 and DASH Vermont/Main also run near the Project Site but with less frequency. The Project also includes the incorporation of a transit plaza/bus transfer station on-site.

8. The project meets at least one of the following three criteria:

- a. At least 20% of the housing will be sold to families of moderate income, or not less than 10% of the housing will be rented to families of low income, or not less than 5% of the housing is rented to families of very low income. The project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing. Rental units shall be affordable for at least 55 years. Ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years.
- b. The project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to paragraph (a).
- c. The project provides public open space equal to or greater than five acres per 1,000 residents of the project.

☒ Yes    ☐ No

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34 SCAG, "High Quality Transit Areas," [http://scagrtppscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1\\_HighQualityTransitAreaInTheSCAGregionFor2040Plan.pdf](http://scagrtppscs.net/SiteAssets/ExecutiveSummary/assets/resources/Exhibit5-1_HighQualityTransitAreaInTheSCAGregionFor2040Plan.pdf).

The Project would have 100 percent of the 180 affordable housing units restricted to low-income or very low-income households for at least 55 years, consistent with subdivision (a).