



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: March 12, 2020
Time: after 8:30 a.m.
Place: Los Angeles City Hall
Council Chambers
200 North Spring Street, Room 340
Los Angeles, CA 90012

Public Hearing: February 19, 2020
Appeal Status: Density Bonus / Affordable Housing Incentives Program is not appealable to City Council. Conditional Use is appealable to City Council but limited due to the timeline set forth in Senate Bill 35.
Expiration Date: April 15, 2020
Multiple Approval: Yes

Case No.: CPC-2019-7615-DB-CU-SIP
CEQA No.: Exempt from CEQA per SB 35
Incidental Cases: ADM-2019-2720-TOC
Related Cases: ADM-2020-290-CPIOC
Council No.: 9 – Curren D. Price, Jr.
Plan Area: Southeast Los Angeles
Plan Overlay: Southeast Los Angeles Community Plan Implementation Overlay (“CPIO”) Subarea General Corridor
Certified NC: Zapata King
GPLU: Community Commercial
Zone: C2-1-CPIO
Applicant: 4225 S. Broadway Partnership, LLC
Representative: May Phutikanit, Relevant Group

PROJECT LOCATION: **4219-4227 S. Broadway**
(legally described as Lots FR 5 and FR 6, Block A, Main Street Tract)

PROPOSED PROJECT: The project is for the demolition of existing improvements, including a commercial building and surface parking lot, and the construction of a new residential project with 87 dwelling units (the “Project”). The Project includes construction of a seven-story building with a total floor area of approximately 48,070 square feet with an FAR of 3.8:1 and height of 80 feet 6 ¾ inches. The Project will include 73 bicycle parking spaces and 6,525 square feet of open space. The Project will be a 100 percent supportive housing project and does not include vehicular parking. The site contains no trees on- or off-site and vehicular access is currently provided via one driveway on Broadway. The project qualifies as a Streamlined Infill Project (“SIP”) pursuant to Senate Bill (“SB”) 35 and California Government Code Section 65913.4.

REQUESTED ACTION:

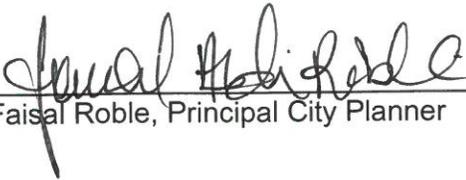
1. Pursuant to California Government Code Section 65913.4, a ministerial review of a Streamlined Infill Project for a development that satisfies all of the objective planning standards of Government Code Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Government Code Section 65913.4(b) and (c).
2. Pursuant to Government Code Section 65913.4 and Public Resources Code Section 21080(b)(1), determine based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act (“CEQA”) as a ministerial project.
3. Pursuant to LAMC Section 12.24 U.26, a ministerial review of a Conditional Use for a 172 percent increase in density over the project site, for 87 dwelling units in lieu of the otherwise permitted base density of 32 dwelling units.

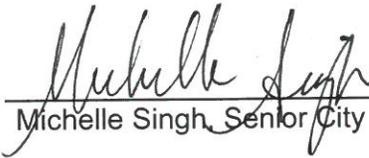
4. Pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.22 A.25(g)(3), a ministerial review of a Density Bonus Compliance Review, for a project totaling 87 dwelling units, including 87 dwelling units for Low Income household occupancy for a period of 55 years, with the following three (3) On- and Off-Menu Incentives:
 - a. Two On-Menu Incentives for a 20% reduction for each side yard otherwise permitted by the C2-1-CPIO Zone for an 8 foot side yard in lieu of the 10 feet otherwise permitted;
 - b. An Off-Menu Incentive to allow a 3.8:1 FAR in lieu of the otherwise permitted 1.5:1 FAR permitted by the C2-1-CPIO Zone;
5. Pursuant to LAMC Section 12.22 A.25(g)(3), a ministerial review of the following Waiver of Development Standard:
 - a. A 25 percent reduction in required open space for 6,525 square feet of open space in lieu of 8,700 square feet otherwise required by LAMC Section 12.21 G; and

RECOMMENDED ACTIONS:

1. **Determine**, pursuant to California Government Code Section 65913.4, a ministerial review of a Streamlined Infill Project for a development that satisfies all of the objective planning standards of Government Code Section 65913.4(a) and is therefore subject to the streamlined, ministerial approval process provided by Government Code Section 65913.4(b) and (c).
2. **Determine**, pursuant to Government Code Section 65913.4 and Public Resources Code Section 21080(b)(1), based on the whole of the record, that the Streamlined Infill Project is Statutorily Exempt from the California Environmental Quality Act (“CEQA”) as a ministerial project.
3. **Approve**, pursuant to LAMC Section 12.24 U.26, a ministerial review of a Conditional Use for a 172 percent increase in density over the project site, for 87 dwelling units in lieu of the otherwise permitted base density of 32 dwelling units,
4. **Approve**, pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.22 A.25(g)(3), a ministerial review of a Density Bonus Compliance Review, for a project totaling 87 dwelling units, including 87 dwelling units for Low Income household occupancy for a period of 55 years, with the following three (3) On- and Off-Menu Incentives:
 - a. An On-Menu Incentive for the reduction of a side yard setback by up to 20 percent to allow a side yard setback of eight feet in lieu of ten feet;
 - b. An On-Menu Incentive for the reduction of a side yard setback by up to 20 percent to allow a side yard setback of eight feet in lieu of ten feet;
 - c. An Off-Menu Incentive to allow a 3.8:1 FAR in lieu of the otherwise 1.5:1 permitted by the LAMC;
5. **Approve**, pursuant to LAMC Section 12.22 A.25(g)(3), a ministerial review of the following Waiver of Development Standards:
 - a. A 25 percent reduction in required open space for 6,525 square feet of open space in lieu of 8,700 square feet otherwise required by LAMC Section 12.21 G; and

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 273, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

PROJECT SUMMARY

The proposed project is the construction, use, and maintenance of a 7-story, 80-foot tall residential building comprised of 87 dwelling units. The project will be 100% affordable, and will provide 87 Low Income units. As provided in Exhibit A, the project will not provide parking spaces and will provide 73 bicycle parking spaces. The project will be 48,070 square feet in floor area with a Floor Area Ratio ("FAR") of 3.8:1.

The residential units are located on all floors, and will comprise of 87 studios. Residential amenities will be provided through an open-air rear yard and community room on the ground floor, a gym on level 2, and roof terraces on the 5th, 6th and 7th floors, with a courtyard on level 4. The project will also provide 414 square feet of commercial office space at the ground floor for supportive housing services, to provide assistance to its residents.

The site is occupied by a commercial building and surface parking lot, with no trees on the subject site, or along the public right-of-way.

BACKGROUND

Subject Property

The project site is located at 4219-4227 S. Broadway in Southeast Los Angeles Community Plan Area. The project site consists of two (2) contiguous lots totaling 12,650 square feet, with approximately 100 feet of frontage along Broadway, as provided in Exhibit B. The site is currently occupied by a commercial building and surface parking lot, with no trees on the subject site or along the public right-of-way, as provided in Exhibit C. There are no known designated historic resources or cultural monuments on the subject site.

Zoning and Land Use Designation

The project site is located in the Southeast Los Angeles Community Plan, and is designated for Community Commercial land uses, with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4 zones. The site is zoned C2-1-CPIO Zone, and is consistent with the land use designation. The site is located within the South Los Angeles Transit Empowerment Zone, the Los Angeles State Enterprise Zone and Transit Priority Area. The site is also located within the Southeast Los Angeles Community Plan Implementation Overlay ("CPIO") District General Corridor Subarea. The CPIO contains additional regulations for ground floor and building height, transitional height, density, floor area, building disposition, building design, and parking.

Surrounding Uses

The surrounding area consists of commercial uses along Broadway, including commercial retail, churches, automotive repair, and related parking. Adjacent to the subject site is a light manufacturing building and associated parking to the south, and 1-story retail establishments to the north. Parcels along Broadway are zoned C2-1-CPIO, with the residential areas zoned RD2-1 to the west and RD1.5-1 to the east and developed with a combination of single-family and low medium multi-family residential.

Streets and Circulation

Broadway, abutting the property, is a designated Avenue I, with a designated right-of-way width of 100 feet and roadway width of 70 feet, and is currently dedicated to a 100 foot right-of-way with a 70 foot roadway, with a curb, gutter, and sidewalk.

Public Transit

The project site is located near the intersection of Broadway and 42nd Place, located within 0.18 mile from bus stops serving Metro Local Lines 45 and 105/705 and LADOT DASH Southeast.

Relevant Cases and Building Permits

Subject Site:

Building Permit Application #19010-10000-05757. Parallel Plan Check for a new 6-story 87 unit Type IIA Steel Modular Apartment Building, over one story of on-grade Type IA Office, Community Spaces and mechanical uses.

Surrounding Sites:

No relevant cases within 500 feet of subject site

REQUESTED ACTIONS

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

The Applicant proposes to utilize Los Angeles Municipal Code (“LAMC”) Section 12.24 U.26 (Conditional Use) in conjunction with LAMC Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus) to set aside over 20 percent of the base 32 dwelling units, or 87 dwelling units, for Low Income household occupancy for a period of 55 years. In exchange for the set-aside of over 20 percent for Low Income households, LAMC Section 12.24 U.26 grants a Density Bonus for a Housing Development Project in which the density increase is greater than the maximum 35 percent otherwise permitted in Section 12.22 A.25, in this case a density increase of 172 percent. In addition, the Density Bonus Ordinance grants various incentives to deviate from development standards in order to facilitate the provision of affordable housing at the site. Given the Applicant is providing over 20 percent of dwelling units to be affordable at Low Income household occupancy, the project is eligible for three (3) Density Bonus Incentives. The Applicant has requested three incentives and one additional deviation that is processed as a Waiver of Development Standard, as permitted by LAMC Section 12.22 A.25(g)(3). The Applicant is providing 87 Low Income units and therefore qualifies for streamlined ministerial processing in accordance with Senate Bill (“SB”) 35 and California Government Code Section 65913.4.

Streamlined Infill Project

California Senate Bill (“SB”) 35 became effective on January 1, 2018 as part of a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs. The intent of SB 35 is to provide reforms and incentives to facilitate and expedite the construction of affordable

housing. The State Department of Housing and Community Development (“HCD”) issued the Streamlined Ministerial Approval Process Guidelines dated November 29, 2018 to provide additional guidance on procedures and implementation of SB 35 (SB 35 Guidelines) (Exhibit G). The law adds Section 65913.4 to the Government Code requiring that cities streamline the approval of qualified housing projects through a ministerial approval process, removing the requirement for CEQA analysis and altering parking requirements (Exhibit G). SB 35 streamlining remains in effect until January 1, 2026, and as of that date will be repealed per the provisions of the bill.

SB 35 applies to cities that are not meeting their state-mandated Regional Housing Need Allocation (“RHNA”) goals in certain categories. On February 1, 2018, HCD released maps showing which cities and counties in California are subject to SB 35. The information shows the City of Los Angeles has met its 2013-2021 RHNA goals for the “above market” income category; however, the City is not showing sufficient progress in meeting the RHNA for the lower income categories. Therefore, SB 35 will apply only to projects that include at least 50% of their units for lower income households (80% Area Median Income [AMI] or less).

Development Eligibility

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

Ministerial Review of Objective Zoning and Design Standards

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

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

Design review standards that require subjective decision making cannot be applied as an objective standard unless the standards are defined in such a manner that is non-discretionary. In addition, a locality may not require a development proponent to meet any standard for which the locality typically exercises subjective discretion, on a case-by-case basis, about whether to impose that standard on similarly situated development proposals.

Conditional Use and Density Bonus Incentives in Relation to SB 35

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

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

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

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

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

The applicant requests a Density Bonus with (3) three On- and Off-Menu Incentives for a reduction of sideyards, and an increase of FAR; and one (1) Waiver of Development Standards for reduced open space; and a Conditional Use to increase the maximum density by 172 percent to permit 87 units in lieu of 32 base density units per the Value Capture Ordinance. As provided in the SB 35, the requested modifications to the density, height, FAR, setback, and open space requirements pursuant to State Density Bonus Law or a local density bonus ordinance are consistent with objective standards.

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

review and approval of the requested Conditional Use is considered ministerial and non-discretionary.

Public Oversight and Decision Making Body

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

Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction.

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

CEQA

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

Conditional Use - Density

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 20 percent of the base density units for Low Income Households in accordance with the State Density Bonus Law. As previously mentioned, the State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted the Value Capture Ordinance, codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 20 percent for Low Income Households for every additional 1.5 percent density increase above the 35 percent.

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 172 percent increase in density for a total of 87 dwelling units in lieu of 32 dwelling units as otherwise permitted by-right in the C2-1-CPIO Zone. The applicant is required to set aside 111 percent, or 36 units, of 32 by-right density units for the 172 percent density increase. The applicant proposes a project totaling 87 dwelling units, 87 of which will be restricted to Low Income Households for a period of 55 years, which is over 100 percent of the 32 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Low Income Households.

Density Bonus / Affordable Housing Incentives Program

Pursuant to the State Density Bonus Law, the City must grant up to three (3) incentives for a project that includes 20 percent of the units (base density per SB 35 Guidelines Section 402(c) dated November 29, 2018) for Low Income Households. The State Density Bonus Law further stipulates that in no case may a city apply any development standard that will have the effect of physically precluding the construction of a development, and allows applicants to submit to a city a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development. The City implements the State Density Bonus Law through the Density Bonus Ordinance, which allows up to three (3) on- or off-menu incentives and waivers of development standards.

The applicant proposes a project totaling 87 dwelling units, 87 of which will be restricted to Low Income Households (36 of which will be low income per the California Department of Housing and Community Development and 51 of which will be low income per the United States Department of Housing and Urban Development) for a period of 55 years. As a result of setting aside 100 percent of the 32 by-right density units for Low Income Households, the applicant qualifies for three (3) incentives. The applicant seeks the following three (3) On- and Off-Menu Incentives as set forth in the Density Bonus Ordinance:

- a. A 20% reduction for each sideyard otherwise permitted by the C2-1-CPIO Zone for an 8 foot side yard in lieu of the 10 feet otherwise permitted;
- b. A 3.8:1 FAR in lieu of the otherwise permitted 1.5:1 FAR by the C2-1-CPIO Zone;

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

- a. A 25 percent reduction in required open space for 6,525 square feet of open space in lieu of 8,700 square feet otherwise required by LAMC Section 12.21 G;

APPROVAL TIMELINE AND LIMITED APPEALS

The project entitlements are being applied for under the timelines and procedures of Senate Bill 35 (Government Code Section 65913.4), which requires the City to complete design review or public oversight, including final approval, for a project of this size within 90 calendar days of submittal of the application. The applicant submitted a complete application for the development on January 15, 2020. Consequently, all design review or public oversight, including final approval, shall be completed within 90 days from January 15, 2020, or by April 14, 2020, and shall not in any way inhibit, chill or preclude the ministerial approval provided by Government Code Section 65913.4

CONCLUSION

Based on the information submitted to the record, staff recommends that the City Planning Commission approve a Conditional Use to permit a 172 percent density increase to permit 87 units in lieu of 32 units in the C2-1-CPIO Zone; approve the requested On- and Off-Menu Incentives for increased FAR, decreased side yards, and approve the requested Waiver of Development Standards for a 25 percent reduction in required open space; determine that the project is a Streamlined Infill Project that satisfied all of the objective planning standards of SB 35 (Government Code Section 65913.4(a)) and is therefore subject to the Streamlined Ministerial Approval Process; and determine that the project is statutorily exempt from CEQA as a ministerial project pursuant to SB 35 (Government Code Section 65913.4) and Public Resources Code Section 21080(b)(1).

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 87 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 87 units shall be reserved as affordable units for a period of 55 years as follows: 36 units shall be reserved as affordable units for Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); and 51 units for Lower Income Households as determined by the U.S. Department of Housing and Urban Development ("HUD").
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 36 units available to Low Income Households as determined by HCD and 51 units available to Low Income Households as determined by HUD, for rental for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Floor Area Ratio (Incentive).** The project shall be limited to a maximum floor area ratio ("FAR") of 3.8:1.
7. **Height (Incentive).**
 - a. The project shall be limited to seven (7) stories and 80 feet 6 ¾ inches in height per Exhibit "A".
8. **Side Yard Setbacks (Waiver).** The project shall observe a minimum 8-foot south and north side yard setback in lieu of the ten (10) feet otherwise required for a 7-story building in the C2-1-CPIO zone.
9. **Open Space (Waiver).** The project shall provide a minimum of 6,525 square feet of usable open space per Exhibit "A".
10. **Zoning.** The project shall comply with all other requirements of the C2-1-CPIO zone.

11. **Senate Bill 35.** The project shall comply with all state requirements of Senate Bill 35 and California Government Code Section 65913.4. A minimum of 50 percent of base dwelling units shall be reserved as affordable units to households making below 80 percent of the area median income.
12. **Automobile Parking.** Pursuant to California Government Code Section 65913.4(d)(1), no parking requirements shall apply for multifamily developments located within one-half mile of public transit. No residential parking spaces are required. Commercial parking shall be provided consistent with LAMC Section 12.21 A.4.
13. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
14. **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.
15. **Community Plan Implementation Overlay.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the Southeast Los Angeles Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 184,794.
16. **Department of Building and Safety.** The project shall comply with all comments and corrections received from the Department of Building and Safety under Permit No. 19010-10000-05757.
17. **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. Bond. A Bond may be required to ensure compliance.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
19. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **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.
21. **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.
22. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan

Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

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

24. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

STREAMLINED INFILL PROJECT FINDINGS

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

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

The project is a multi-family housing development that contains 87 residential units.

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

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

The Census Bureau¹ identifies two types of urban areas:

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

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

Section 102(z) of the SB 35 Guidelines define “urban uses” as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses (Exhibit G). All adjoining parcels are developed with urban uses. Surrounding properties to the north, east and south are improved with commercial buildings. The site adjoins low medium residential uses to the west.

The project site is located within the Southeast Los Angeles Community Plan, which designates the subject property for Community Commercial land uses corresponding to the C2, C4, RAS3, R3, RAS4 and R4 zones. Both the Community Commercial Land Use

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

Designation and C2-1-CPIO Zone allow for multi-family residential use. The applicant proposes a permanent supportive housing development with 87 dwelling units and supportive services. The project will provide 414 square feet of office for on-site supportive services. Per California Health and Safety Code Section 50675.14(b)(2), supportive services are accessory to the residential use. As such, the entire development will be designated for residential use.

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

The SB 35 Guidelines defines “subsidized” as “units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code” (Exhibit G).

The project is a permanent supportive housing development containing 87 units (all of which are affordable). The applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make at least 50 percent of the base 32 units affordable to households making at or below 80 percent area median income, which is equivalent to lower-income households per Health and Safety Code Section 50079.5, for a period of 55 years.

4. **The development satisfies both of the following:**
 - A. **Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality’s share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department’s determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.**
 - B. **The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:**
 - i. **The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.**
 - ii. **The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households**

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

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

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

The applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (“HCIDLA”) to make at least 50 percent of the base 32 units, that is 16 units, affordable to households making at or below 80 percent area median income, which is equivalent to lower-income households per Health and Safety Code Section 50079.5, for a period of 55 years.

The applicant is providing 87 units for Low Income household occupancy, 36 units as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development (“HCD”); and 51 units reserved for Low Income Household occupancy as determined by either the HCD or the U.S. Department of Housing and Urban Development (“HUD”). Therefore, the project meets the affordability requirements of SB 35.

- 5. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and**

the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

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

The project site is located within the Southeast Los Angeles Community Plan area, designated for Community Commercial land uses, and zoned C2-1-CPIO. The project site is permitted a base density of 32 dwelling units. The applicant seeks a Conditional Use to increase the density by 172 percent to permit 87 dwelling units in lieu of 32 by-right units in accordance with the State Density Bonus Law. The applicant has requested three (3) On- and Off-Menu Incentives and one (1) Waiver of Development Standard, as listed below:

On- and Off-Menu Incentives

- a. Two On-Menu Incentives for the reduction of each side yard setback by up to 20 percent to allow a side yard setback of eight feet in lieu of ten feet;
- b. An Off-Menu Incentive to allow a 3.8:1 FAR in lieu of the otherwise 1.5:1 permitted by the LAMC;

Waivers of Development Standards:

- a. A reduction of 25 percent of the required open space to allow 6,525 square feet of open space in lieu of 8,700 square feet

No other concessions, incentives, or waivers of development standards are requested or granted as part of the subject determination. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the State Density Bonus Law (Government Code Section 65915), is consistent with objective zoning and design review standards in effect at the time that the development was submitted to the City. The site is also located within and therefore subject to the Southeast Los Angeles Community Plan Implementation Overlay ("CPIO") District, and the project is subject to all regulations therein.

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

- A. A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.**
- B. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.**
- C. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).**

- D. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.**
- E. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.**
- F. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.**
- G. Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.**
- H. Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a 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 commercial building with a surface parking lot in an urbanized area of the Southeast Los Angeles Community Plan surrounded by urban land uses. The site is designated for Community Commercial land uses and zoned C2-1-CPIO, which allows residential uses. As such, the site is not located within a coastal zone, farmland, agricultural land, or wetland. Per the City's Zone Information and Map Access System (ZIMAS), the site is not located in a very high fire hazard severity zone. The California Department of Toxic Substances Control (DTSC) maintains a database (EnviroStor) that provides access to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. A review of EnviroStor did not

identify any records of hazardous waste facilities on the Project Site. In addition, the California State Water Resources Control Board maintains a database for sites that impact, or have the potential to impact, water quality in California (GeoTracker). A review of GeoTracker did not identify the Project Site as a site that would require cleanup. The site is located approximately 2.8 kilometers from the Puente Hills Blind Thrust Fault and is therefore not within a delineated fault zone; moreover, the Project will be subject to Building Code requirements regarding structural and seismic protection standards. According to the Federal Emergency Management Agency's Flood Map, the Project Site is located within Zone X Area of Minimal Flood Hazard, and is not located within a floodway. The site is not identified for a conservation or habitat conservation plan or any other adopted natural resource protection plan. The site is completely developed and surrounded by urban land uses as well as a freeway and therefore has no value as a habitat for protected species. Additionally, there is no conservation easement on site.

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

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

The site is currently developed with a commercial building with a surface parking lot. Per the letter dated September 3, 2019 HCIDLA determined that there were no residential units built and demolished on the property within the last 10 years, therefore no AB 2556 replacement affordable units are required (Exhibit D). The project site has not been identified as a historic resource by local, state or federal agencies. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. The site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles.

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

- A. Certified to the locality that either of the following is true, as applicable:**
 - i. The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.**
 - ii. If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code,**

except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

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

- I. On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
 - II. On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.
 - III. On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
 - IV. On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.
 - V. On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.
- ii. For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
 - iii. If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:
 - I. The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
 - II. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
 - III. Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the

development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

- IV. Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- C. Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:
- i. The project includes 10 or fewer units.
 - ii. The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

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

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

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

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

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

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

Additionally, Government Code Section 65913.4(d) states:

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

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

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

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

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

Section 102(r) of the SB 35 Guidelines defines “public transit” as “a site containing an existing rail transit station (e.g. light rail, Metro, or BART), a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. For purposes of these Guidelines, measurements for frequency of bus service can include multiple bus lines” (Exhibit G).

The Project Site is located approximately 0.18 mile from bus stops serving the Los Angeles County Metropolitan Transportation Authority (Metro) Local Lines 45 and 105/705 and Los Angeles Department of Transportation (LADOT) DASH Southeast. As such, the City shall not impose parking standards for the proposed Streamlined Infill Project.

CONDITIONAL USE FINDINGS

The following is a delineation of the findings related to the request for a Conditional Use to allow a 176 percent Density Bonus to allow 87 dwelling units in lieu of 32 units as otherwise permitted by-right for residential uses in the C2 Zone.

As previously mentioned and as provided under Finding Nos. 11 through 18, the proposed project satisfies all of the objective planning standards and is therefore subject to the streamlined ministerial approval process as provided in SB 35. Pursuant to the SB 35 Guidelines Section 102(n), ministerial processing or approval means the following:

A process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

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

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

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

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

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

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

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

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

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

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

To the extent this finding requires further analysis, the project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element,

Housing Element, Mobility Element, and the Land Use Element (Southeast Los Angeles Community Plan).

Framework Element

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

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

The proposed Project involves the construction of a seven-story, multi-family residential development containing 87 dwelling units on a site designated for Community Commercial land uses and zoned C2-1-CPIO. The Project Site is located within 0.18 mile from bus stops serving the Los Angeles County Metropolitan Transportation Authority (Metro) Local Lines 45 and 105/705 and Los Angeles Department of Transportation (LADOT) DASH Southeast. Additionally, the Project Site is located approximately 0.18 mile north of Vernon Avenue, an Avenue I per the Mobility Plan 2035, and on the west side of Broadway, an Avenue I per the Mobility Plan 2035, which are major transit and commercial corridors. As such, the Project is in conformance with the purpose of the Framework Element.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance.

Additionally, the Housing Element indicates that permanent supportive housing and services must be provided to ensure the homeless population and persons who are at risk of being homeless remain housed and get the individualized help they may need.

The proposed Project will replace an existing commercial building with 87 residential dwelling units, which reserves 100 percent of the units for Low Income Households. The 87 units will be permanent supportive housing units serving low-wage workers and formerly homeless residents who are re-entering housing. The Project will also provide supportive services on the ground floor, including a community room with a kitchen and a social services office to provide assistance to its residents. As such, the proposed Project substantially conforms to the purpose of the Housing Element of the General Plan.

In addition, the site's Assessor Parcel Number (APN # 5111007029) is identified in the 2013-2021 Housing Element's Inventory of Sites for Housing. The Inventory of Sites for Housing identifies parcels suitable for additional residential development without the need for any discretionary zoning action by the City. Therefore, the project is consistent with the Housing Element's vision of providing housing on these applicable sites. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Element

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

The proposed residential building is a pedestrian-oriented development that provides 87 affordable units in proximity to several transit options. As previously mentioned, the Project Site is located within 0.18 mile from bus stops serving Metro Local Lines 45 and 105/705 and LADOT DASH Southeast. These transit stops provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for Project residents. The proposed Project will also allow for the reduction of vehicle trips by placing a high-density residential development within proximity to public transit. The availability of many transit options along the commercial corridors creates a lesser need for the use of personal vehicles. Additionally, the Project will provide a total of 73 bicycle parking stalls, including seven short-term and 66 long-term bicycle parking stalls on site. There will be two (2) long-term bicycle parking storage areas a storage room on the ground floor. As such, the Project conforms to the purpose of the Mobility Element of the General Plan.

Land Use Element – Southeast Los Angeles Community Plan

The Southeast Los Angeles Community Plan was adopted by City Council in November 22, 2017, with related zoning ordinances effective on December 29, 2018. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code ("LAMC") including applicable ordinances that are codified in the LAMC.

The Southeast Los Angeles Community Plan designates the site for Community Commercial land uses. The project site is zoned C2-1- CPIO, which is consistent with the corresponding zones of C2, C4, RAS3, R3, RAS4, and R4 zones in the Community Plan. The C2 Zone allows R4 density at 400 square feet of lot area per dwelling. The project site containing 12,650 square feet is permitted a base density of 32 dwelling units. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from 32 to 87 dwelling units, all of which will be set aside for Low Income Households. The project proposes supportive services in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the Southeast Los Angeles area as a medium-to high-density residential development that provides housing services. Furthermore, as found in the Streamlined Infill Development Projects Finding, the project is consistent with applicable

objective zoning standards. As such, the project conforms to the purpose of the Southeast Los Angeles Community Plan.

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

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

There are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with. To the extent this finding requires further analysis, the project is consistent with and implements the affordable housing provisions of the Housing Element as discussed below.

The proposed project proposes the demolition of existing improvements, including a commercial building and surface parking lot, and the construction of a new residential project with 87 dwelling units, which reserves 100 percent for affordable units. The 87 affordable units will be permanent supportive housing units. The project will also provide supportive services on the ground floor including social service offices and a community room for its residents.

15. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

- a. 11% Very Low Income Units for a 35% density increase; or
- b. 20% Low Income Units for a 35% density increase; or
- c. 40% Moderate Income Units for a 35% density increase in for-sale projects.

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

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

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 20 percent of the base density units for Low Income Households

in accordance with the State Density Bonus Law. The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 20 percent for Low Income Households for every additional 1.5 percent density increase above the 35 percent.

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

| Percentage of Base Density to be Restricted to Low Income Households | Percentage of Density Increase Granted |
|---|---|
| 20 | 35 |
| 30 | 50 |
| 40 | 65 |
| 50 | 80 |
| 60 | 95 |
| 70 | 110 |
| 80 | 125 |
| 90 | 140 |
| 100 | 155 |
| 110 | 170 |
| 111 | 172 |

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 172 percent increase in density for a total of 87 dwelling units in lieu of 32 dwelling units as otherwise permitted by-right in the C2-1-CPIO Zone. The applicant is required to set aside at least 111 percent, or 36 units, of 32 by-right density units, for Low Income Households, for the 172-percent density increase, as provided in the above table. The applicant proposes a project totaling 87 dwelling units, all of which will be restricted to Low Income Households for a period of 55 years, which is 111 percent of the 32 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Low Income Households.

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

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

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

Per the Conditions of Approval, the owner is required to execute a covenant to the satisfaction of HCIDLA to make 87 units for affordable units for low income households for a period of 55 years, as follows: 36 units for Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); 51 units reserved for Low Income Household occupancy as determined by the U.S. Department of Housing and Urban Development ("HUD"). The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA.

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

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

The project requests a 172 percent density increase above the 32 base density units to permit a total of 87 dwelling units. The project will set aside 87 units for affordable units for a period of 55 years, as follows: 36 units for Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD"); and 51 units reserved for Low Income Household occupancy as determined by either the HCD or the U.S. Department of Housing and Urban Development ("HUD"). As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Furthermore, the project is required to record a Covenant and Agreement with the HCIDLA to make 87 units affordable per the Conditions of Approval. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

The applicant has requested three (3) On- and Off-Menu Incentives and one Waiver of Development Standard, as listed below:

On- and Off-Menu Incentives

- a. Two On-Menu Incentives for the reduction of each side yard setback by up to 20 percent to allow a side yard setback of eight feet in lieu of ten feet;
- b. An Off-Menu Incentive to allow a 3.8:1 FAR in lieu of the otherwise 1.5:1 permitted by the LAMC;

Waivers of Development Standards:

- a. A reduction of 25 percent of the required open space to allow 6,525 square feet of open space in lieu of 8,700 square feet;

Based on the set-aside of over 20 percent of base units for Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the first On- and Off-Menu requests qualify as the proposed development's Incentives. The remaining requests must be processed as a Waiver of Development Standard.

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

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

- a. ***The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.***

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

FAR Increase: The subject site is zoned C2-1-CPIO with a Height District No. 1 that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. LAMC Section 12.22 A.25 permits an FAR increase of 35 percent to 2.025:1 FAR through an On-Menu Incentive for eligible projects equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%. The applicant has requested an Off-Menu Incentive to allow a 3.8:1 FAR in lieu of the otherwise permitted 2.025:1 FAR. As proposed, the additional FAR will allow for the construction of the affordable residential units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

| FAR by-right | Lot Area (sf) | Total Floor Area (sf) |
|--------------|---------------|---------------------------------|
| 1.5:1 | 12,650 | 12,650 x 1.5 = 18,975 |

| FAR Requested | Buildable Lot Area (sf) | Total Floor Area (sf) |
|---------------|-------------------------|-----------------------|
| 3.8:1 | 12,650 | 48,070 |

Side Yard Decrease: The subject site is zoned C2-1-CPIO. The C2 zone requires five foot side yards with one additional foot for each story over two (in this case there are seven stories) for a total of ten feet. The applicant has requested two On-Menu Incentives to reduced the required side yard setbacks from the required ten feet to the proposed eight feet. The decreased side yards would allow for a larger building envelope and therefore the requested incentives will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

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

- b. The incentive(s) will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- c. The incentive(s) are contrary to state or federal law.**

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

Following is a delineation of the findings related to the request for a Waivers of Development Standard, pursuant to Government Code Section 65915.

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

a. *The waiver(s) or reduction(s) of development standard(s) are contrary to state or federal law.*

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

A project that provides 100 percent of base units for Low Income Households qualifies for three (3) Incentives, and may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

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

Open Space Reduction: LAMC Section 12.21 G requires 100 square feet of usable open space per dwelling unit with less than 3 habitable rooms, and 125 square feet of usable open space per dwelling unit with 3 habitable rooms. For the proposed project with 87 studio units, a total of 8,700 square feet of open space would be required. Strict compliance with the open space requirements would have the effect of physically precluding construction of the development proposing 87 dwelling units, all of which will be set aside for Low Income Households. The applicant has requested a 25 percent reduction to allow 6,525 square feet of open space through a Waiver of Development Standard. Without the waiver to reduce the minimum usable open space required to 6,525 square feet, the project would need to provide an additional 2,175 square feet of common or private open space on-site. The project currently proposes dwelling units that range in size from 211 square feet to 288 square feet. Compliance with the minimum usable open space provision would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. Specifically, the project would not only need to comply with the total amount of usable open space requirements, but also the design, dimension, and area requirements set forth in LAMC Section 12.21 G. Common open space would need to be at least 15 feet in width on all sides, have a minimum area of 400 square feet, and be open to sky. The project would lose floor area of the development in order to meet all of these additional requirements for common open space. By waiving this development standard, the developer will not be physically precluded from constructing the proposed development with 87 affordable dwelling units.

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

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by

Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

HOUSING REPLACEMENT

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

DENSITY BONUS LEGISLATION BACKGROUND

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

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

California State Assembly Bill ("AB") 2222 went into effect January 1, 2015 and was amended by AB 2556 on August 19, 2016, stating that Density Bonus projects filed as of that date must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject

to any other form of rent or price control (including Rent Stabilization Ordinance); or is occupied by Low or Very Low Income Households (i.e., income levels less than 80 percent of the area median income [AMI]). The replacement units must be equivalent in size, type, or both and be made available at affordable rent/cost to, and occupied by, households of the same or lower income category as those meeting the occupancy criteria. Prior to the issuance of any Director's Determination for Density Bonus and Affordable Housing Incentives, the Housing and Community Investment Department (HCIDLA) is responsible for providing the Department of City Planning, along with the applicant, a determination letter addressing replacement unit requirements for individual projects. The City also requires a Land Use Covenant recognizing the conditions be filed with the County of Los Angeles prior to granting a building permit on the project.

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

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

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

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

CEQA FINDINGS

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

PUBLIC HEARING AND COMMUNICATIONS

PUBLIC HEARING

The public hearing was held on February 19, 2020 at approximately 10:00 a.m. at Los Angeles City Hall, 200 North Spring Street, Room 1070, Los Angeles, CA 90012. The hearing was conducted by the Hearing Officer, Sergio Ibarra, on behalf of the City Planning Commission in taking testimony for Case No. CPC-2019-7615-DB-CU-SIP. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties are also invited to submit written comments regarding the request prior to hearing. The environmental determination was among the matters considered at the hearing. The hearing notice was mailed on Jan 23, 2020, published in the newspaper on January 24, 2020, and posted on-site on February 5, 2020, in accordance with LAMC noticing requirements.

The public hearing was attended by the applicant's representative (Dale Goldsmith) and approximately one (1) member from the community.

Applicant Presentation. The applicant's representative described the site location, project description, and requested entitlements.

- The site is currently a commercial building, the site is well served by transit.
- The project proposes no parking.
- The Design of the project hinges on the open space, community space, garden terraces. Open space is designed to be close to everyone's unit.

Comment in Opposition of the Project:

- How will the project impact the Community?
- How will open space be used specifically?
- Very few supermarkets in the area, how will the project address this concern?
- Crowded intersection at 2nd and Broadway. What is the traffic impact and overall environmental impact of project?
- Area has a lot of mom and pop stores, project will stand out at 7 stories.

Applicant's Response to Public Comments:

- The City is in a housing crisis, the project's 87 units addresses this issue.
- Open space is outdoors for use of residents only.
- Food desert is a legitimate concern, but beyond the scope of the project. This is a broader planning issue.
- The project is not a highrise. Incentives are consistent with TOC and height consistent with zone.
- In regards to traffic impacts, the project does not provide parking and the population served is transit-dependent.
- In regards to environmental impacts, the project is statutorily exempt from CEQA.

WRITTEN CORRESPONDENCE

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

GENERAL NOTES:

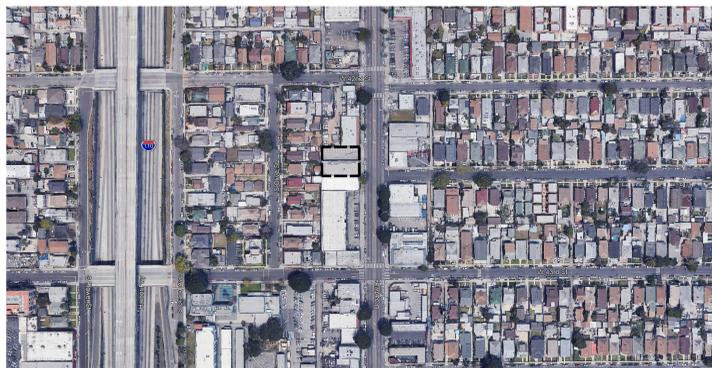
- THE PLANS AND SPECIFICATIONS INCLUDED HERE REPRESENT "INSTRUMENTS OF SERVICE" ONLY. THEY ARE AND SHALL REMAIN THE SOLE PROPERTY OF SALT LANDSCAPE ARCHITECTS.
- ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE, 2010 CBC AND 2011 LABC AND STANDARDS AND LOCAL CODES.
- ALL THE VARIOUS PARTS OF THESE PLANS: ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL BE CONSIDERED AS A WHOLE AND ANYTHING NOTED IN ONE SHALL BE CONSIDERED AS HAVING BEEN NOTED IN ALL.
- THE CONTRACTOR SHALL HAVE A DEPARTMENT OF BUILDING AND SAFETY APPROVED SET OF PLANS ON THE JOB SITE THROUGHOUT THE PERIOD OF CONSTRUCTION. A COPY OF THE LOS ANGELES RESEARCH REPORT (EVALUATION REPORT) AND/OR CONDITIONS OF LISTING SHALL BE MADE AVAILABLE AT THE JOB SITE.
- THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, ELEVATIONS, AND CONDITIONS AT THE SITE PRIOR TO CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN PLANS AND FIELD CONDITIONS. WHERE DISCREPANCIES OCCUR, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR PROCEEDING WITH THE WORK WITHOUT THE ARCHITECT'S INSTRUCTIONS AND APPROVAL. NO DEVIATION WHATSOEVER FROM THESE PLANS AND SPECIFICATIONS WILL BE PERMITTED WITHOUT PRIOR DISCUSSION WITH AND APPROVAL FROM THE ARCHITECT.
- THE CONTRACTOR SHALL MAINTAIN INSURANCE AS REQUIRED BY THE WORKER'S COMPENSATION ACT UNDER THE LOCAL LABOR LAWS.
- THE CONTRACTOR SHALL PROTECT THE WORK AND THE OWNER'S PROPERTY AGAINST INJURY AND LOSS AND SHALL REPAIR OR REPLACE SUCH DAMAGE AT NO COST TO THE OWNER.
- THE CONTRACTOR SHALL VERIFY WITH THE BUILDING OWNER AS TO THE OWNER'S DESIRE TO SAVE OR ESPECIALLY TO PROTECT ANY ITEM RELATED TO THE DEMOLITION WORK.
- IN THE EVENT THE CONTRACTOR ENCOUNTERS ON THE SITE MATERIAL REASONABLY BELIEVED TO BE ASBESTOS POLYCHLORINATED BIPHENYL (PCB) OR ANY OTHER HAZARDOUS MATERIAL WHICH HAS NOT BEEN RENDERED HARMLESS, THE CONTRACTOR SHALL IMMEDIATELY STOP WORK IN THE AREA AFFECTED AND REPORT ON THE CONDITION TO THE OWNER, ARCHITECT AND APPLICABLE GOVERNMENT AGENCIES IN WRITING.
- THE CONTRACTOR SHALL LEAVE THE COMPLETED WORK AND THE ENTIRE JOB SITE CLEAN AND NEAT SUBJECT TO THE OWNER'S APPROVAL AND SHALL PROVIDE THE OWNER WITH MAINTENANCE AND OPERATING MANUALS FOR ALL APPLIANCES AND EQUIPMENT INSTALLED.
- SHOP DRAWINGS MUST BE SUBMITTED TO ARCHITECT FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH FABRICATION OF ANY CUSTOM ELEMENTS. CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR PROCEEDING WITH SUCH WORK WITHOUT THE ARCHITECT'S INSTRUCTIONS AND APPROVAL.
- MATERIALS AND PRODUCTS SPECIFIED BY THE NAME OF THE MANUFACTURER OR TRADE NAME OR BRAND OR CATALOG REFERENCES ESTABLISH A STANDARD AND SHALL BE THE BASIS OF THE BID. SUBSTITUTIONS OF EQUAL OR BETTER VALUE MAY BE PROPOSED IN WRITING TO THE ARCHITECT FOR CONSIDERATION. NO SUBSTITUTIONS MAY BE MADE WITHOUT PRIOR DISCUSSION WITH AND APPROVAL FROM THE ARCHITECT. VISIBLE HARDWARE AND MATERIALS ARE SUBJECT TO THE ARCHITECT'S FIELD APPROVAL.
- THE CONSTRUCTION SHALL NOT RESTRICT A FIVE-FOOT CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES (POWER POLES, PULL-BOXES, TRANSFORMERS, VAULTS, PUMPS, VALVES, METERS, APPURTENANCES, ETC.) OR TO THE LOCATION OF THE "HOOK-UP". THE CONSTRUCTION SHALL NOT BE WITHIN TEN FEET OF ANY POWER LINES-WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY. FAILURE TO COMPLY MAY CAUSE CONSTRUCTION DELAYS AND/OR ADDITIONAL EXPENSES.
- ALL EXTERIOR LIGHTING TO BE LOW VOLTAGE AND WET RATED. LIGHTING FIXTURES TO BE REVIEWED WITH OWNER AND ARCHITECT.
- CONTRACTOR TO PROTECT ALL EXISTING TREES IN PLACE. BARRIERS TO BE PLACED AT DRIP LINE OF TREES AND NO CONSTRUCTION MATERIALS MAY BE STORED WITHIN DRUPLINE OF TREE. CONTRACTOR RESPONSIBLE FOR APPROPRIATE WATERING OF TREES DURING CONSTRUCTION.
- OBTAIN CAL-OSHA PERMIT IF THERE WILL BE ANY EXCAVATION IN EXCESS OF 5' OF DEPTH INTO WHICH WORKERS WILL BE REQUIRED TO DESCEND.

PLANTING NOTES:

- THE CONTRACTOR SHALL REVIEW ALL UTILITY PLANS AND UTILITY LOCATIONS IN THE FIELD AND SHALL NOTIFY THE LANDSCAPE ARCHITECT IF CONFLICTS WITH PLANT MATERIAL LOCATIONS EXIST.
- IF CONFLICTS ARISE BETWEEN THE SIZE OF AREAS AND THE PLANS, THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE LANDSCAPE ARCHITECT WILL RESULT IN THE CONTRACTOR'S LIABILITY TO RELOCATE SUCH MATERIALS. THE CONTRACTOR SHALL VERIFY EXACT QUANTITIES OF PLANT MATERIAL NECESSARY, BASED ON EXISTING CONDITIONS AND EXISTING PLANT COVERAGE.
- ALL TREES SHALL BE LOCATED AT THEIR NURSERY SOURCES.
- TREES SHALL BE TAGGED BY THE CONTRACTOR AND REVIEWED BY THE LANDSCAPE ARCHITECT
- PLANT MATERIAL SHALL BE GUARANTEED TO BE AVAILABLE AND MEET OR EXCEED REQUIRED SPECIFICATIONS ON ESTIMATED DATE OF START OF PLANTING.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO FURNISH PLANT MATERIAL FREE OF PESTS OR PLANT DISEASES.
- ANY PLANT MATERIAL DEEMED NOT AVAILABLE BY THE CONTRACTOR SHALL BE NOTED IN THE BID AS A CONDITION OF THE BID. FAILURE TO QUALIFY AVAILABILITY OF THE SPECIFIED PLANT MATERIAL SHALL MAKE THE CONTRACTOR RESPONSIBLE FOR SUPPLYING ALL MATERIALS.
- ALL PLANT MATERIAL SHALL BE APPROVED ON SITE BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- FINAL LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
- MULTI-TRUNK INDICATES (3) TRUNKS MIN. BRANCHED FROM BASE OF TREE.
- ALL GROUND COVER SHALL BE APPLIED IN ALL PLANTING AREAS INDICATED ON PLANS, AS WELL AS UNDER SHRUBS. GROUNDCOVER KEY INDICATIONS ARE SHOWN IN LEGEND.
- GROUNDCOVERS SHALL BE TRIANGULARLY SPACED.
- ALL AREAS THAT ARE NOT PLANTED IN TURF AND ARE 1:1 SLOPE OR LESS SHALL BE COVERED WITH 2" DEEP ORGANIC MULCH UNLESS OTHERWISE NOTED. CONTRACTOR TO SUBMIT MULCH SAMPLE PRIOR TO INSTALLATION.
- ALL PLANT MATERIALS WITHIN THE RIGHT OF WAY SHALL BE PLANTED TO CONFORM TO GOVERNING AGENCY STANDARDS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL PLANTS AS REQUIRED TO MEET ON-CENTER SPACING AS NOTED IN THE PLANT LEGEND.
- CONTRACTOR TO ASSURE ALL PLANTING AREAS ARE WEED-FREE PRIOR TO INSTALLATION. IF A PRE-EMERGENT AGENT IS USED IN PLANTING AREAS, CONTRACTOR TO ALLOW PRODUCT MFG RECOMMENDED TIME TO ELAPSE, PRIOR TO PLANTING.
- ALL PLANTING AREAS TO BE AMENDED WITH WEED-FREE ORGANIC COMPOST TO A DEPTH OF 6" MIN.
- ALL PLANTING AREAS TO BE MULCHED WITH 2" CLEAN BARK MULCH, 2" - 3" SIZE. KEEP ALL MULCH AWAY FROM CROWN OF PLANTS AND TREES.
- ALL PLANT SPECIES WILL BE LOCAL ADAPTIVE, NATIVE OR NON-INVASIVE.



VICINITY MAP
NTS 1



PLOT PLAN
NTS 2

DRAINAGE NOTES:

- PER CITY OF LOS ANGELES GRADING PRE-INSPECTION REPORT, ALL CONCENTRATED DRAINAGE, INCLUDING ROOF WATER, SHALL BE CONDUCTED, VIA GRAVITY, TO THE STREET OR AN APPROVED LOCATION AT A 2% MINIMUM.

SOIL NOTES:

- FOR ALL NEW IN-GROUND PLANTING AREAS, THE CONTRACTOR SHALL REMOVE EXISTING CONCRETE OR ASPHALT AND BASE MATERIAL, OVER EXCAVATE TO ACHIEVE A MINIMUM 4 INCH DEPTH FROM THE TOP OF EXISTING SOIL. SCARIFY SUBSEQUENT SUBGRADE TO 6".
- EXISTING SOILS IN FOUR (4) NEW PLANTING AREAS TO BE SUBMITTED FOR AN AGRICULTURAL SUITABILITY TEST FROM WALLACE LABS (310) 615-0116. CONTRACTOR TO SPECIFY CALIFORNIA NATIVE TREES AND SHRUBS AS PROPOSED PLANT TYPES WHEN SUBMITTING THE SAMPLES. CONTRACTOR TO AMEND EXISTING SOILS PER THE SOILS REPORT. SOIL AMENDMENT TO BE COMPOSED OF MICORRHIZAE BLEND, NATIVE SOIL BLEND AND FINE LEAF COMPOST PRODUCT AS RECOMMENDED BY CAL BLEND SOIL [(1-800-425-363)].
- ALL IMPORTED SOILS TO BE CAL BLEND'S 'NATIVE SOILS MIX' WITH ADDITION OF MICORRHIZAE BLEND [(1-800-425-363)]. SOIL SELECTION TO BE MADE IN CONSULTATION WITH CAL BLEND AND REVIEWED WITH LANDSCAPE ARCHITECT PRIOR TO ORDER. IMPORTED SOILS TO BE MIXED IN A RATIO OF 70% NATIVE SOILS MIX AND 30% SITE BACKFILL.
- SOIL REPORT AND AMENDMENT TO BE REVIEWED WITH LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.

STATEMENTS AND CERTIFICATION:

- I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLANS.
- A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
- AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.
- A CERTIFICATE OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS, OR THE LICENSED LANDSCAPE CONTRACTOR FOR THE PROJECT.
- I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

SIGNED: ALLEN COMPTON, DATE _____

PROJECT INFORMATION

PROPERTY ADDRESS:
 4225 S BROADWAY
 LOS ANGELES, CA 90037

PLANS PREPARED BY:
 SALT LANDSCAPE ARCHITECTS
 423 GIN LING WAY
 LOS ANGELES, CA 90012
 T 213.234.0057
 F 323.210.7044
 SALT-LA.COM

OWNERS:

RELEVANT GROUP

SYMBOLS:

| | | |
|--|-------------------|--|
| --- | SECTION | |
| LANDSCAPE DESIGN FOR RESIDENTIAL DEVELOPMENT | ELEVATION CALLOUT | |
| ZONING: C2-1-CPIO | DETAIL CALLOUT | |
| LOT SIZE: 13,636 SF | KEYNOTE | |
| TOTAL LANDSCAPE AREA: 2784 SF | FINISH CALLOUT | |
| TOTAL TURF AREA: 1250 SF | FURNISHING | |
| TOTAL AREA OF PLANT MATERIAL: 1534 SF | NEW WORK | |
| WATER SUPPLY TYPE: --- | SECTION FLAG | |
| | PLANT CALLOUT | |
| | STAR / RAMP DOWN | |
| | TOW ELEVATION | |
| | ELEVATION | |
| | ALIGN | |
| | DELTA | |

Owner

4225 S. Broadway Partnership,
 LLC
 1605 North Cahuenga Blvd

Los Angeles, CA 90028
 (323) 466-1400

4225 BROADWAY
 MODULAR HOUSING
 4225 S BROADWAY
 LOS ANGELES, CA 90037

TITLE
 SHEET

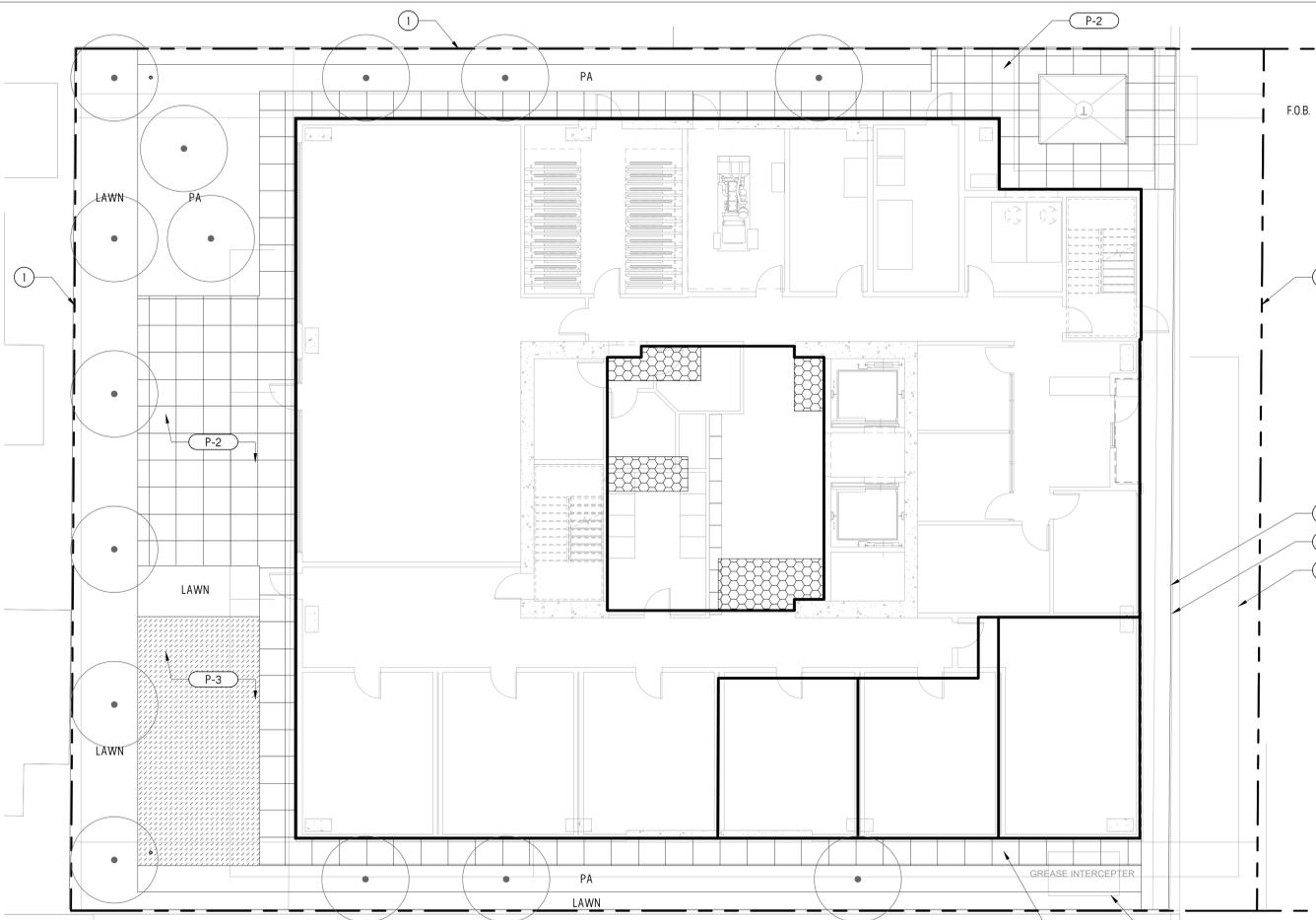
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Owner

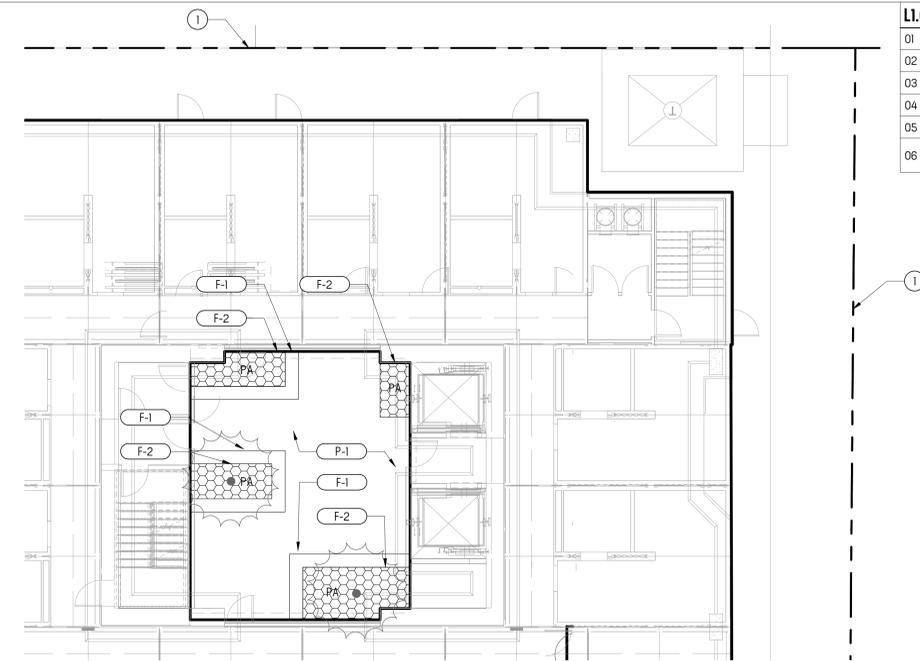
4225 S. Broadway Partnership,
LLC
1605 North Cahuenga Blvd

Los Angeles, CA 90028
(323) 466-1400

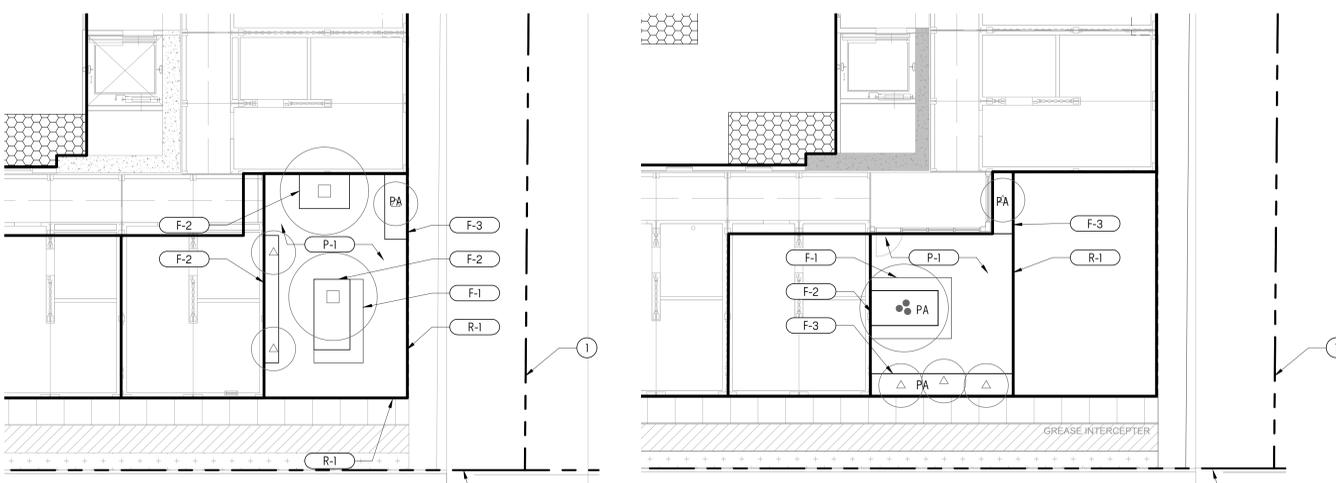
| L100 KEYNOTES | |
|---------------|---|
| 01 | PROPERTY LINE |
| 02 | SIDEWALK |
| 03 | EXISTING CONCRETE CURB, PIP |
| 04 | WATER METER |
| 05 | EXISTING UTILITY, PIP |
| 06 | ACCESSIBLE ROUTE SEE CIVIL FOR ADDITIONAL INFORMATION |



FLOOR PLAN

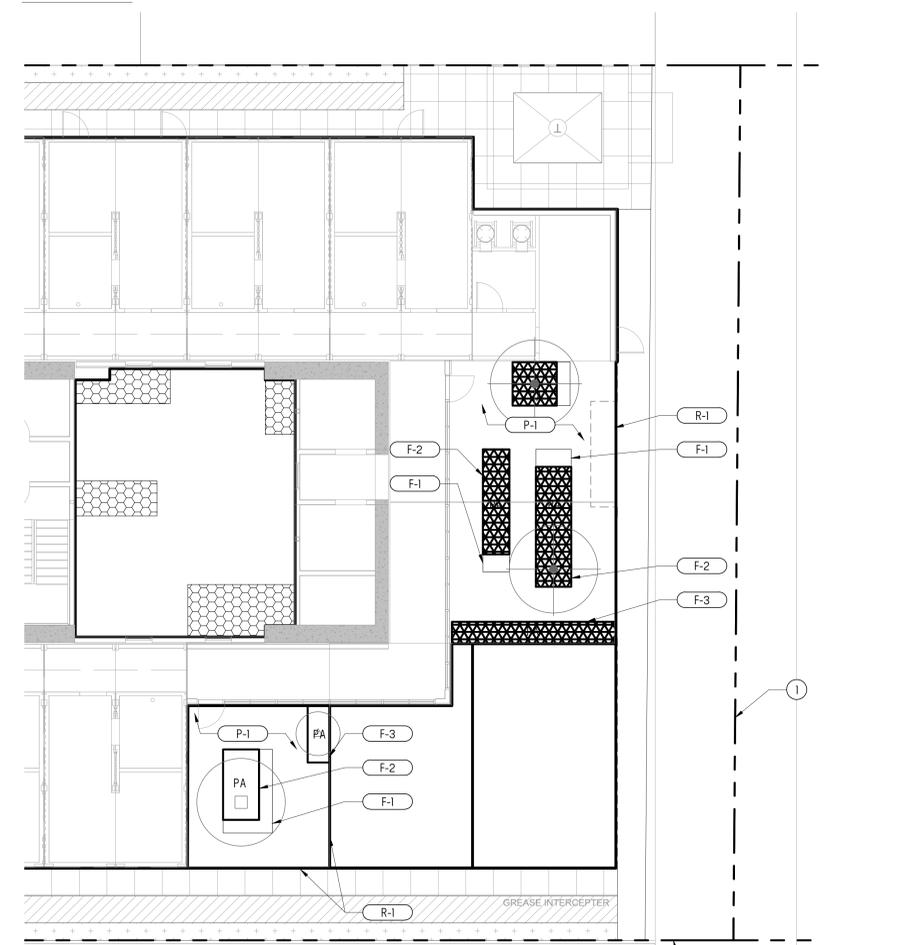


LEVEL 2



LEVEL 5

LEVEL 6



LEVEL 7

| FURNISHING SCHEDULE | | | | | | | | | |
|---------------------|----------------------------|--------|---|----------------|---|------|---|----------|--|
| KEY | DESCRIPTION | DETAIL | MODEL | MATERIAL | COLOR/FINISH | SIZE | MANUFACTURER | QUANTITY | COMMENTS |
| F-1 | BUILT-IN WOOD BENCH | - | WOOD SLATS: KEBONY BATTEN CHARACTER 48x48 MM ON STEEL FRAME | WOOD AND STEEL | POWDERED COATED STEEL FRAME. COLOR: BLACK | 18"H | WOOD SLATS: JON WILLINGHAM 714-743-2973 STEEL FRAME: BY CONTRACTOR | 9 UNIT | |
| F-2 | RECTANGLE PLANTER | - | TBD | CORTEN STEEL | TBD | 18"H | TBD | 11 UNITS | INSTALL F-3 DRAINAGE SYSTEM IN ALL PLANTERS. |
| F-3 | RECTANGLE PLANTER/ RAILING | - | TBD | CORTEN STEEL | TBD | 42"H | TBD | 4 UNITS | INSTALL F-3 DRAINAGE SYSTEM IN ALL PLANTERS. |

| PAVING SCHEDULE | | | | | | | |
|-----------------|---------|--|----------|--------------|------|--------------|----------|
| KEY | PATTERN | DESCRIPTION | MATERIAL | COLOR/FINISH | SIZE | MANUFACTURER | COMMENTS |
| P-1 | | MODULAR PAVERS | CONCRETE | TBD | TBD | TBD | |
| P-2 | | C.I.P. CONCRETE WITH SAWCUT SCORELINES | CONCRETE | TBD | TBD | TBD | |
| P-3 | | GRAVEL | TBD | TBD | TBD | TBD | |

PLANTER DRAINS:

- 1. PLANTER DRAINAGE SYSTEM SHALL BE TIED TO PODIUM SLOT DRAINS UNDER PAVERS.

RAILINGS SCHEDULE

| KEY | DESCRIPTION | DETAIL | MODEL | MATERIAL | COLOR/FINISH | SIZE | MANUFACTURER | COMMENTS |
|-----|----------------|-------------------------------|---|--------------------------|--------------|------|--------------|----------|
| R-1 | GLASS HANDRAIL | X/LX.00 X/LX.00 X/LX.00 | BASE SHOE: 8859 CRL 88 SERIES MILL ALUMINUM 120" SQUARE BASE SHOE FOR 5/8" GLASS GLASS PANEL: M680C CRL 1/2" THICK CLEAR MONOLITHIC TEMPERED CUSTOM SIZE GLASS PANEL CAP RAIL: GRUIOBS CRL BRUSHED STAINLESS 11 GAUGE CAP RAIL FOR 5/8" GLASS | ALUMINUM, GLASS, & STEEL | | | TBD | |

4225 BROADWAY MODULAR HOUSING

4225 S BROADWAY
LOS ANGELES, CA 90037

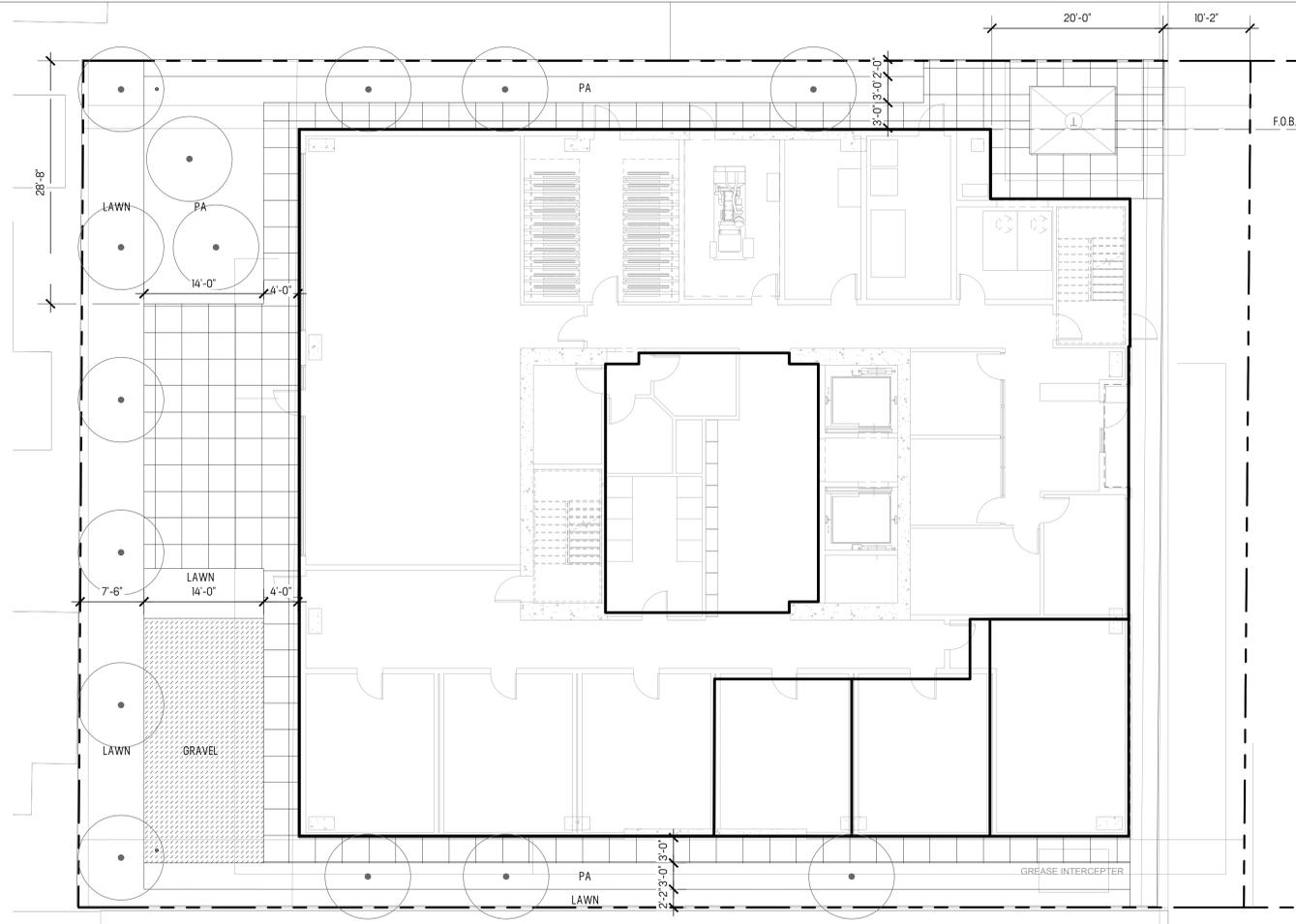
HARDSCAPE PLANS



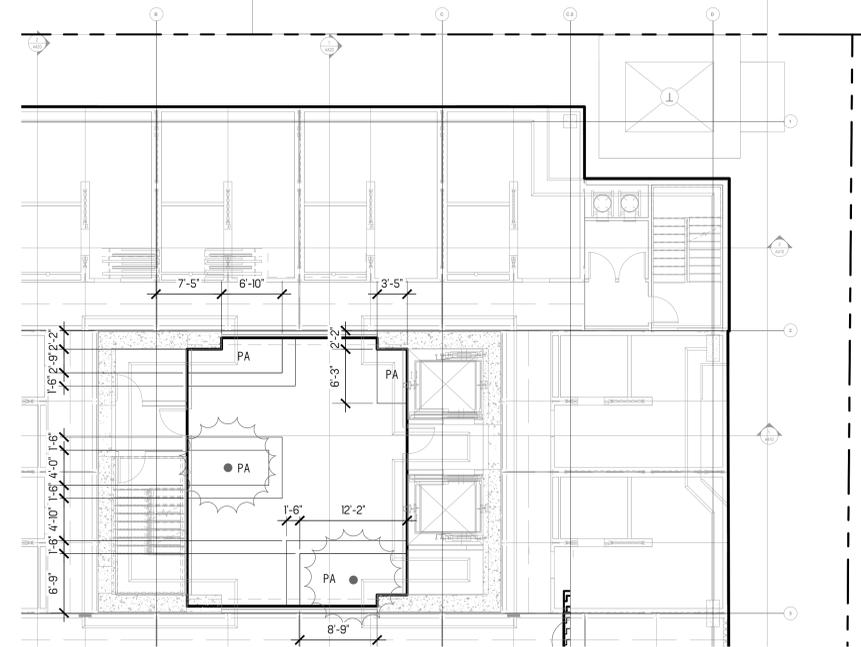
Owner

4225 S. Broadway Partnership,
 LLC
 1605 North Cahuenga Blvd

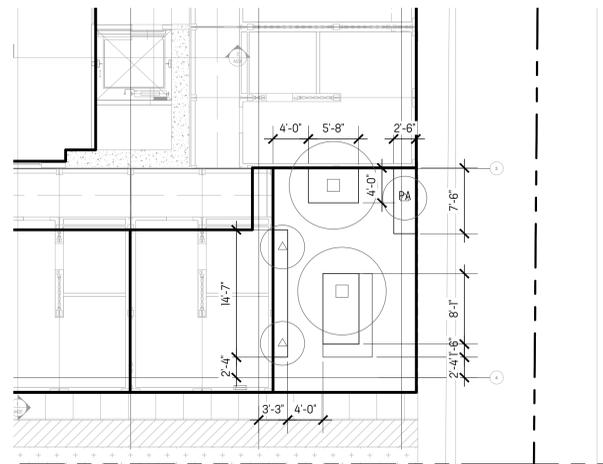
Los Angeles, CA 90028
 (323) 466-1400



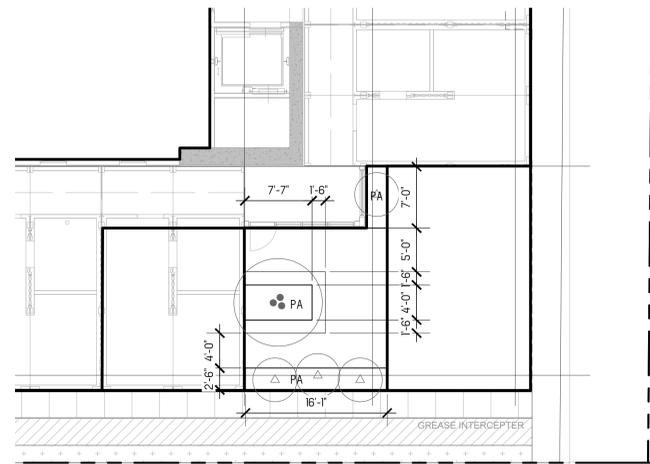
FLOOR PLAN



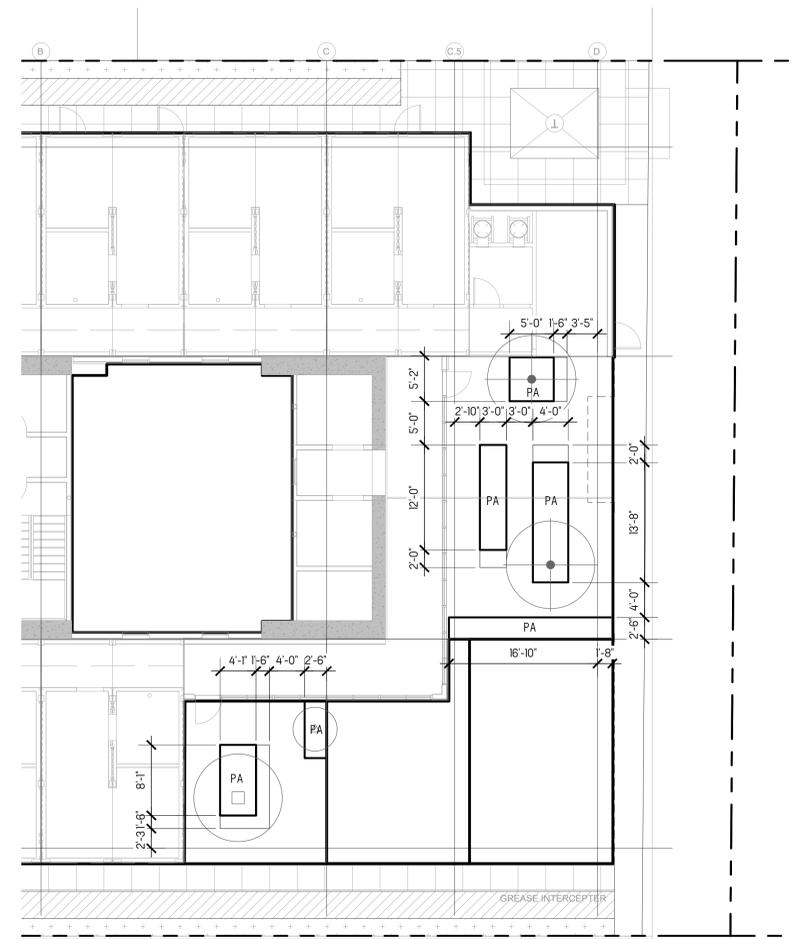
LEVEL 2



LEVEL 5



LEVEL 6



LEVEL 7

**4225 BROADWAY
 MODULAR HOUSING**

4225 S BROADWAY
 LOS ANGELES, CA 90037

**DIMENSION
 PLANS**



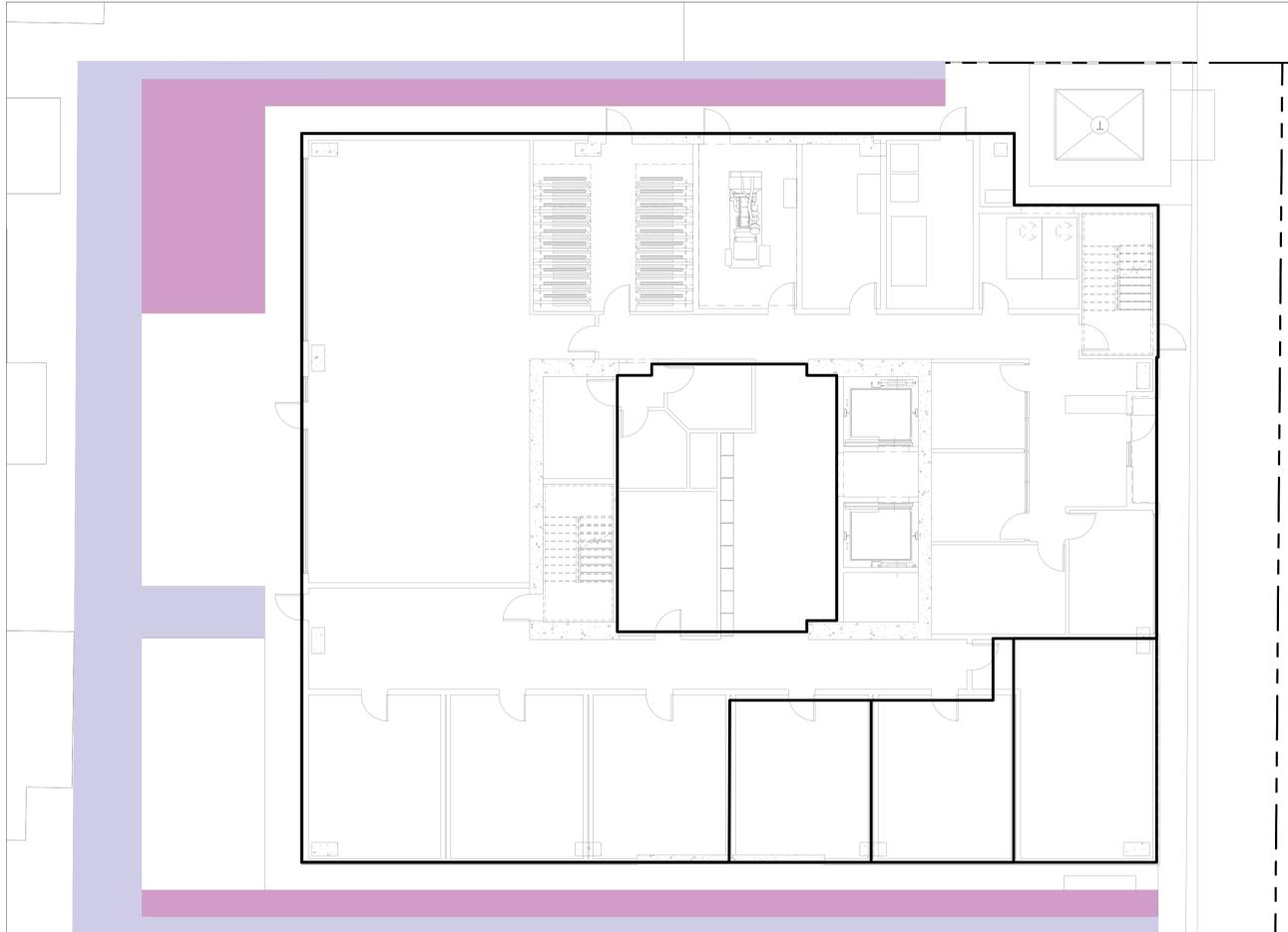
Owner

4225 S. Broadway Partnership,
 LLC
 1605 North Cahuenga Blvd

Los Angeles, CA 90028
 (323) 466-1400

HYDROZONE

| SYMBOL | WUCOLS | CHARACTERISTICS |
|--------|---------|--|
| 1 | LOW | LOW MAINTENANCE |
| 2 | LOW/MED | PLANTER, PART SUN/SHADE |
| 3 | LOW | PLANTER, FULL SUN HERB GARDEN |
| 4 | MED/MOD | COURTYARD, SHADE TOLERANT, LUSH, EVERGREEN |
| 5 | MED/MOD | WARM SEASON GRASS |



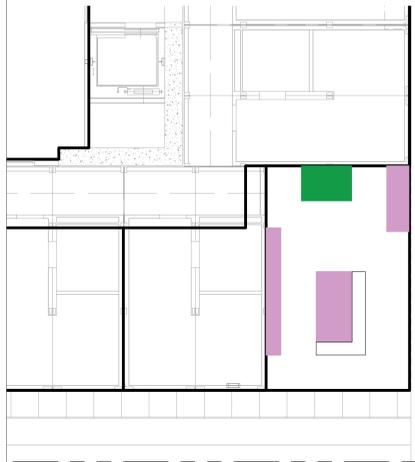
FLOOR PLAN



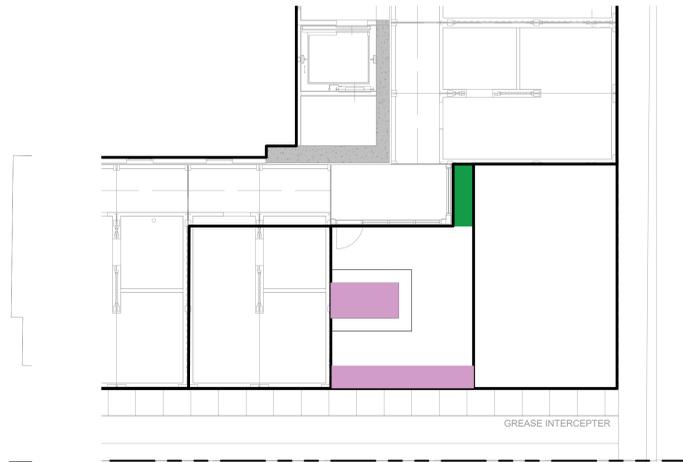
LEVEL 2



LEVEL 7



LEVEL 5



LEVEL 6

4225 BROADWAY
 MODULAR HOUSING
 4225 S BROADWAY
 LOS ANGELES, CA 90037

HYDROZONE PLANS



L300

Owner

4225 S. Broadway Partnership, LLC
1605 North Cahuenga Blvd
Los Angeles, CA 90028
(323) 466-1400

TREE LEGEND

NOTE: ALL CODE REQUIRED TREES SHALL BE A MINIMUM OF 24" BOX TREES

| SYMBOL | BOTANICAL NAME | COMMON NAME | QUANTITY | WUCOLS |
|--------|--------------------------|--------------------------|----------|---------|
| ● | ARBUTUS 'MARINA' | STRAWBERRY TREE | - | LOW |
| ▲ | BRAHEA ARMATA | MEXICAN BLUE PALM | - | LOW |
| ⊙ | CITRUS SPP. | CITRUS TREE | - | MED/MOD |
| □ | OLEA EUROPAEA 'WILSONII' | FRUITLESS OLIVE | - | LOW |
| ● | PODOCARPUS GRACILIOR | FERN PINE | 20 | MED/MOD |
| ● | SCHEFFLERA PUECKLERI | AUSTRALIAN UMBRELLA TREE | 2 | MED/MOD |

PLANTING LEGEND

| SYMBOL | BOTANICAL NAME | COMMON NAME | QUANTITY | WUCOLS |
|--------|-----------------------------------|-----------------------|--------------|---------|
| ▨ | AGAVE 'BLUE FLAME' | BLUE FLAME AGAVE | 20 % | LOW |
| ▨ | KNIPHOFIA GALPINII 'ORANGE FLAME' | ORANGE FLAME POKER | 30 % | LOW |
| ▨ | MYOPORUM PARVIFOLIUM 'PINK' | PINK AUSTRALIAN RACER | 50 % | LOW |
| ▨ | ZEON ZOYSIA SOD | ZEON ZOYSIA SOD | 1250 FT. SQ. | MED/MOD |

LEVEL 2

| | | | | |
|---|-------------------------------------|--------------------------|------|---------|
| ▨ | AEONIUM HAWORTHII | PINWHEEL | 30 % | LOW |
| ▨ | CLIVIA MINIATA | KAFFIR LILY | 20 % | LOW |
| ▨ | MONSTERA ADANSonii | SWISS CHEESE VINE | 10 % | MED/MOD |
| ▨ | PHILODENDRON 'XANADU' | WINTERBOURN PHILODENDRON | 20 % | MED/MOD |
| ▨ | SENECIO TALINOIDES VAR MANDRALISCAE | BLUE FINGERS | 20 % | LOW |

LEVEL 5-7

| | | | | |
|---|--|--------------------------------|------|---------|
| ▨ | AEONIUM HAWORTHII | PINWHEEL | 10 % | LOW |
| ▨ | AGAVE 'BLUE FLAME' | BLUE FLAME AGAVE | 20 % | LOW |
| ▨ | AEONIUM 'SUNBURST' | COPPER PINWHEEL | 10 % | LOW |
| ▨ | CERATOPETALUM GUMMIFERUM 'ALBERYS RED' | FESTIVAL BUSH | 10 % | MED/MOD |
| ▨ | HIBISCUS ROSA SINENSIS 'ROSS ESTEY' | ROSS ESTEY HIBISCUS | 15 % | MED/MOD |
| ▨ | KNIPHOFIA GALPINII 'ORANGE FLAME' | ORANGE FLAME POKER | 20 % | LOW |
| ▨ | PASSIFLORA EDULIS | FRUITING PASSIONFLOWER | 5 % | MED/MOD |
| ▨ | STRELITZIA JUNCEA | NARROW-LEAFED BIRD OF PARADISE | 10 % | LOW |

LEVEL 7 NORTH TERRACE

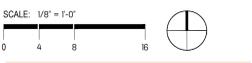
| | | | | |
|---|---------------------------------------|------------------------|------|-----|
| ▨ | ALOYSIA CITRODORA | LEMON VERBENA | 10 % | LOW |
| ▨ | ORIGANUM X MAJORICUM 'SICILIAN' | SICILIAN OREGANO | 20 % | LOW |
| ▨ | PASSIFLORA EDULIS | FRUITING PASSIONFLOWER | 10 % | LOW |
| ▨ | ROSMARINUS OFFICINALIS 'SPICE ISLAND' | SPICE ISLAND ROSEMARY | 10 % | LOW |
| ▨ | ROSMARINUS OFFICINALIS 'TUSCAN BLUE' | TUSCAN BLUE ROSEMARY | 15 % | LOW |
| ▨ | SALVIA OFFICINALIS | GARDEN SAGE | 20 % | LOW |
| ▨ | THYMUS VULGARIS | COMMON THYME | 5 % | LOW |
| ▨ | THYMUS X CITRODORUS | LEMON THYME | 10 % | LOW |

| No. | Date | Description |
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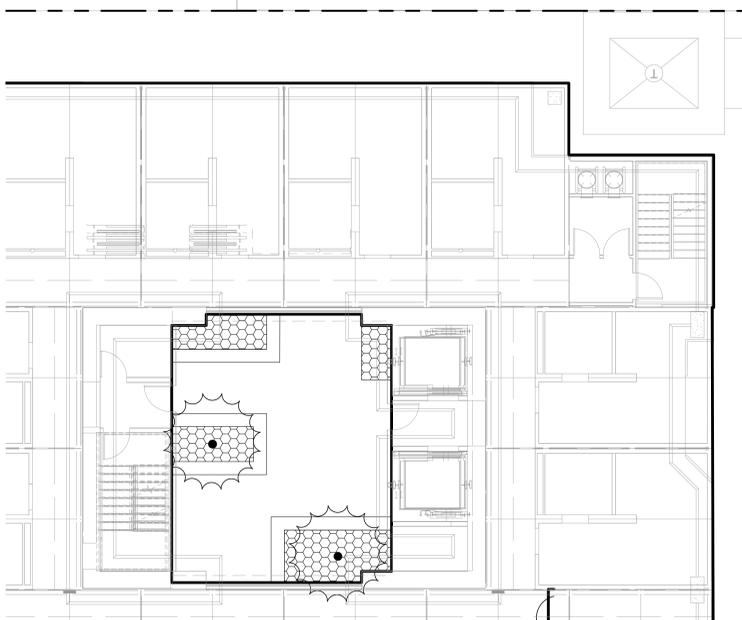
It is the client's responsibility prior to or during construction to verify the architect's writing of any proposed notes or omissions in the plans and specifications of which a contractor throughly knowledgeable with the building codes and methods of construction should reasonably be aware. Written instructions addressing such proposed errors or omissions shall be requested from the architect prior to the client or client's subcontractors proceeding with the work. The client will be responsible for any defects in construction if these procedures are not followed.

**4225 BROADWAY
MODULAR HOUSING**
4225 S BROADWAY
LOS ANGELES, CA 90037

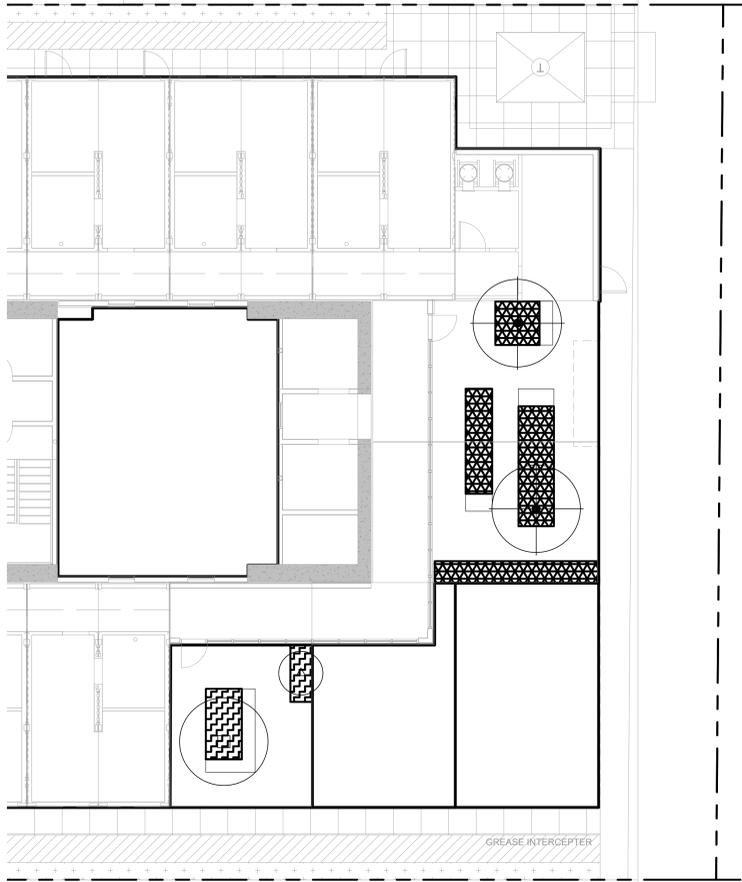
PLANTING PLANS



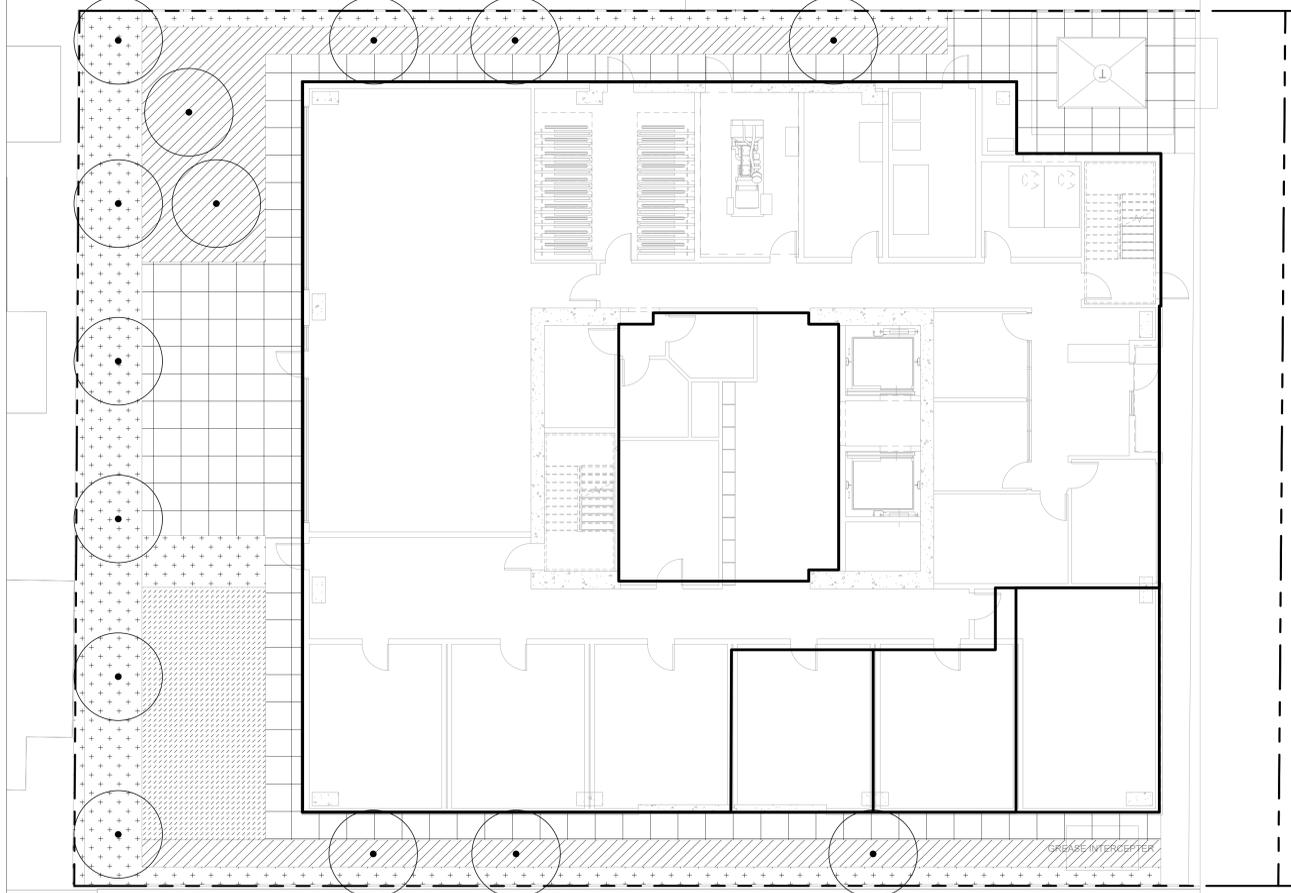
L300



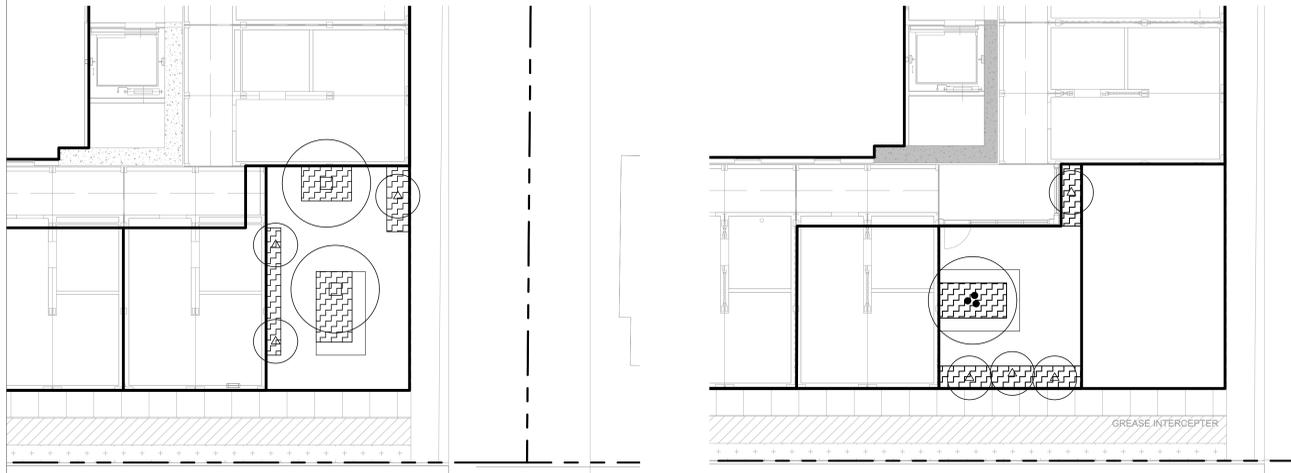
LEVEL 2



LEVEL 7



FLOOR PLAN



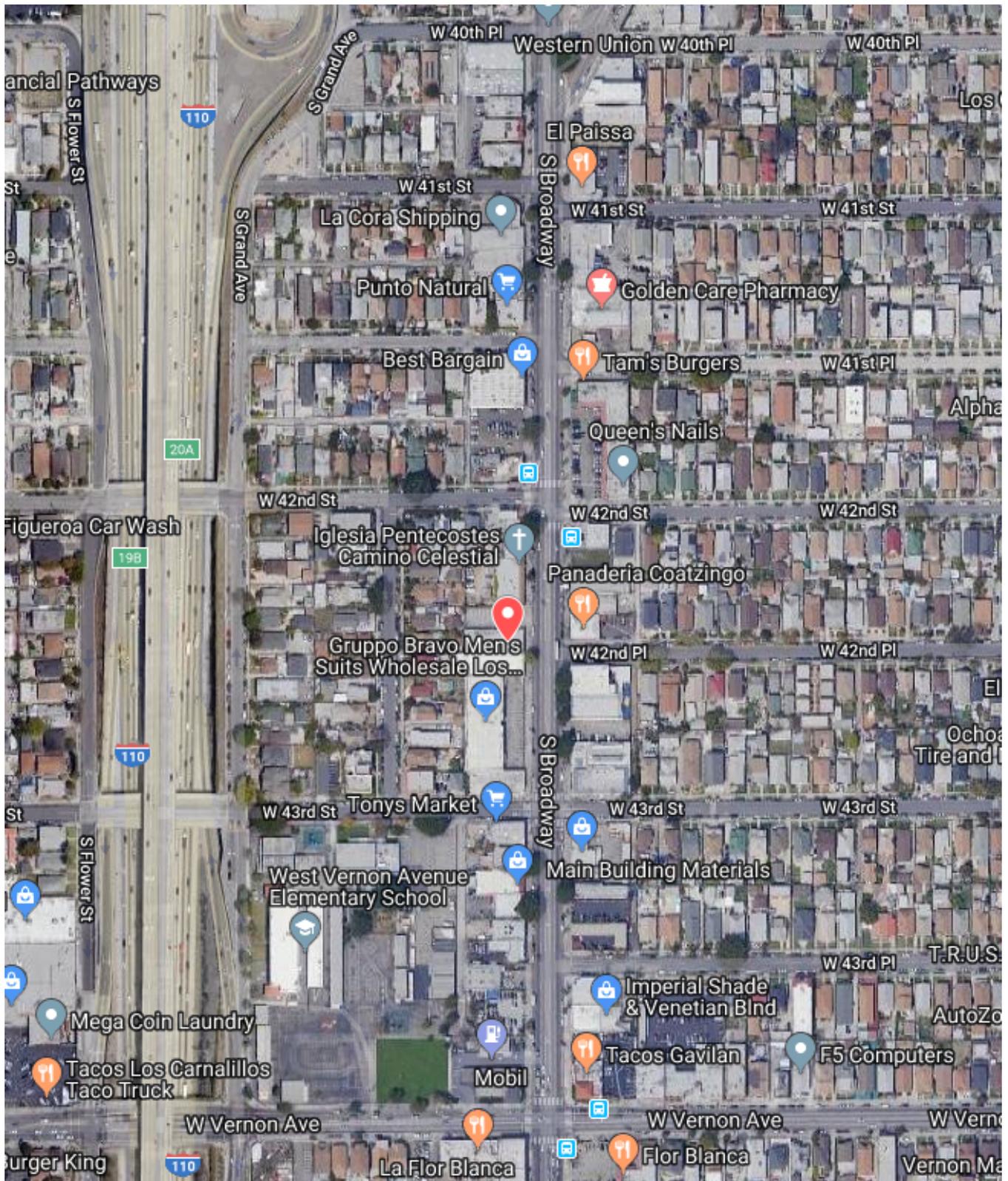
LEVEL 5

LEVEL 6

- PLANTING NOTES:**
- THE CONTRACTOR SHALL REVIEW ALL UTILITY PLANS AND UTILITY LOCATIONS IN THE FIELD AND SHALL NOTIFY THE LANDSCAPE ARCHITECT IF CONFLICTS WITH PLANT MATERIAL LOCATIONS EXIST.
 - IF CONFLICTS ARISE BETWEEN THE SIZE OF AREAS AND THE PLANS, THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE LANDSCAPE ARCHITECT WILL RESULT IN THE CONTRACTOR'S LIABILITY TO RELOCATE SUCH MATERIALS. THE CONTRACTOR SHALL VERIFY EXACT QUANTITIES OF PLANT MATERIAL NECESSARY, BASED ON EXISTING CONDITIONS AND EXISTING PLANT COVERAGE.
 - TREES SHALL BE TAGGED BY THE CONTRACTOR AT THEIR NURSERY SOURCE AND REVIEWED BY THE LANDSCAPE ARCHITECT ON SITE PRIOR TO INSTALLATION.
 - PLANT MATERIAL SHALL BE GUARANTEED TO BE AVAILABLE AND MEET OR EXCEED REQUIRED SPECIFICATIONS ON ESTIMATED DATE OF START OF PLANTING.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO FURNISH PLANT MATERIAL FREE OF PESTS OR PLANT DISEASES.
 - ANY PLANT MATERIAL DEEMED NOT AVAILABLE BY THE CONTRACTOR SHALL BE NOTED IN THE BID AS A CONDITION OF THE BID. FAILURE TO QUALIFY AVAILABILITY OF THE SPECIFIED PLANT MATERIAL SHALL MAKE THE CONTRACTOR RESPONSIBLE FOR SUPPLYING ALL MATERIALS.
 - ALL PLANT MATERIAL SHALL BE APPROVED ON SITE BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 - FINAL LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
 - MULTI-TRUNK INDICATES (3) TRUNKS MIN., BRANCHED FROM BASE OF TREE.
 - ALL GROUND COVER SHALL BE APPLIED IN ALL PLANTING AREAS INDICATED ON PLANS, AS WELL AS UNDER SHRUBS. GROUND COVER KEY INDICATIONS ARE SHOWN IN LEGEND.
 - GROUND COVERS SHALL BE TRIANGULARLY SPACED.
 - ALL AREAS THAT ARE NOT PLANTED IN TURF AND ARE 1.5:1 SLOPE OR LESS SHALL BE COVERED WITH 2" DEEP ORGANIC MULCH UNLESS OTHERWISE NOTED. CONTRACTOR TO SUBMIT MULCH SAMPLE PRIOR TO INSTALLATION.
 - ALL PLANT MATERIALS WITHIN THE RIGHT OF WAY SHALL BE PLANTED TO CONFORM TO GOVERNING AGENCY STANDARDS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL PLANTS AS REQUIRED TO MEET ON-CENTER SPACING AS NOTED IN THE PLANT LEGEND.
 - CONTRACTOR TO ASSURE ALL PLANTING AREAS ARE WEED FREE PRIOR TO INSTALLATION. IF A PRE-EMERGENT AGENT IS USED IN PLANTING AREAS, CONTRACTOR TO ALLOW PRODUCT MFG RECOMMENDED TIME TO ELAPSE, PRIOR TO PLANTING.
 - ALL PLANTING AREAS TO BE AMENDED WITH WEED FREE ORGANIC COMPOST TO A DEPTH OF 6" MIN.
 - ALL PLANTING AREAS TO BE MULCHED WITH 2" CLEAN BARK MULCH, 2" - 3" SIZE. KEEP ALL MULCH AWAY FROM CROWN OF PLANTS AND TREES.

VICINITY MAP

4219-4227 S. Broadway, Los Angeles, CA 90037

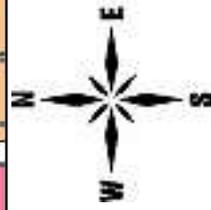




Address: 4225 S BROADWAY
 APN: 5111007029
 PIN #: 114A203 203

Tract: MAIN ST TRACT
 Block: A
 Lot: FR 6
 Arb: None

Zoning: C2-1-CPIO
 General Plan: Community Commercial



LEGEND

GENERALIZED ZONING

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

GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL

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

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

FRAMEWORK

COMMERCIAL

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

INDUSTRIAL

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

PARKING

-  Parking Buffer

PORT OF LOS ANGELES

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

LOS ANGELES INTERNATIONAL AIRPORT

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

OPEN SPACE / PUBLIC FACILITIES

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

INDUSTRIAL

-  Limited Industrial
-  Light Industrial

CIRCULATION

STREET

-  Arterial Mountain Road
-  Collector Scenic Street
-  Collector Street
-  Collector Street (Hillside)
-  Collector Street (Modified)
-  Collector Street (Proposed)
-  Country Road
-  Divided Major Highway II
-  Divided Secondary Scenic Highway
-  Local Scenic Road
-  Local Street
-  Major Highway (Modified)
-  Major Highway I
-  Major Highway II
-  Major Highway II (Modified)

-  Major Scenic Highway
-  Major Scenic Highway (Modified)
-  Major Scenic Highway II
-  Mountain Collector Street
-  Park Road
-  Parkway
-  Principal Major Highway
-  Private Street
-  Scenic Divided Major Highway II
-  Scenic Park
-  Scenic Parkway
-  Secondary Highway
-  Secondary Highway (Modified)
-  Secondary Scenic Highway
-  Special Collector Street
-  Super Major Highway

FREEWAYS

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

MISC. LINES

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

POINTS OF INTEREST

| | | |
|--|--|--|
|  Alternative Youth Hostel (Proposed) |  Horticultural Center |  Public Elementary School |
|  Animal Shelter |  Hospital |  Public Elementary School (Proposed) |
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|  Campground |  Important Ecological Area (Proposed) |  Public Housing (Proposed Expansion) |
|  Campground (Proposed) |  Interpretive Center (Proposed) |  Public Junior High School |
|  Cemetery |  Junior College |  Public Junior High School (Proposed) |
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|  City Hall |  MTA Station |  Public Senior High School |
|  Community Center |  MTA Stop |  Public Senior High School (Proposed) |
|  Community Library | MWD MWD Headquarters |  Pumping Station |
|  Community Library (Proposed Expansion) |  Maintenance Yard |  Pumping Station (Proposed) |
|  Community Library (Proposed) |  Municipal Office Building |  Refuse Collection Center |
|  Community Park | P Municipal Parking lot |  Regional Library |
|  Community Park (Proposed Expansion) |  Neighborhood Park |  Regional Library (Proposed Expansion) |
|  Community Park (Proposed) |  Neighborhood Park (Proposed Expansion) |  Regional Library (Proposed) |
|  Community Transit Center |  Neighborhood Park (Proposed) |  Regional Park |
|  Convalescent Hospital |  Oil Collection Center |  Regional Park (Proposed) |
|  Correctional Facility |  Parking Enforcement | RPD Residential Plan Development |
|  Cultural / Historic Site (Proposed) |  Police Headquarters |  Scenic View Site |
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| DMV DMV Office |  Police Station (Proposed) |  School Unspecified Loc/Type (Proposed) |
| DWP DWP |  Police Training site |  Skill Center |
|  DWP Pumping Station | PO Post Office |  Social Services |
|  Equestrian Center |  Power Distribution Station |  Special Feature |
|  Fire Department Headquarters |  Power Distribution Station (Proposed) |  Special Recreation (a) |
|  Fire Station |  Power Receiving Station |  Special School Facility |
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|  Historic Monument |  Private Recreation & Cultural Facility |  Wildlife Migration Corridor |
|  Historical / Cultural Monument | SH Private Senior High School |  Wildlife Preserve Gate |
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SCHOOLS/PARKS WITH 500 FT. BUFFER

| | | |
|--|--|--|
|  Existing School/Park Site |  Planned School/Park Site |  Inside 500 Ft. Buffer |
|  Aquatic Facilities |  Other Facilities |  Opportunity School |
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|  Skate Parks | |  Early Education Center |

COASTAL ZONE

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

TRANSIT ORIENTED COMMUNITIES (TOC)

| | |
|--|--|
|  Tier 1 |  Tier 3 |
|  Tier 2 |  Tier 4 |

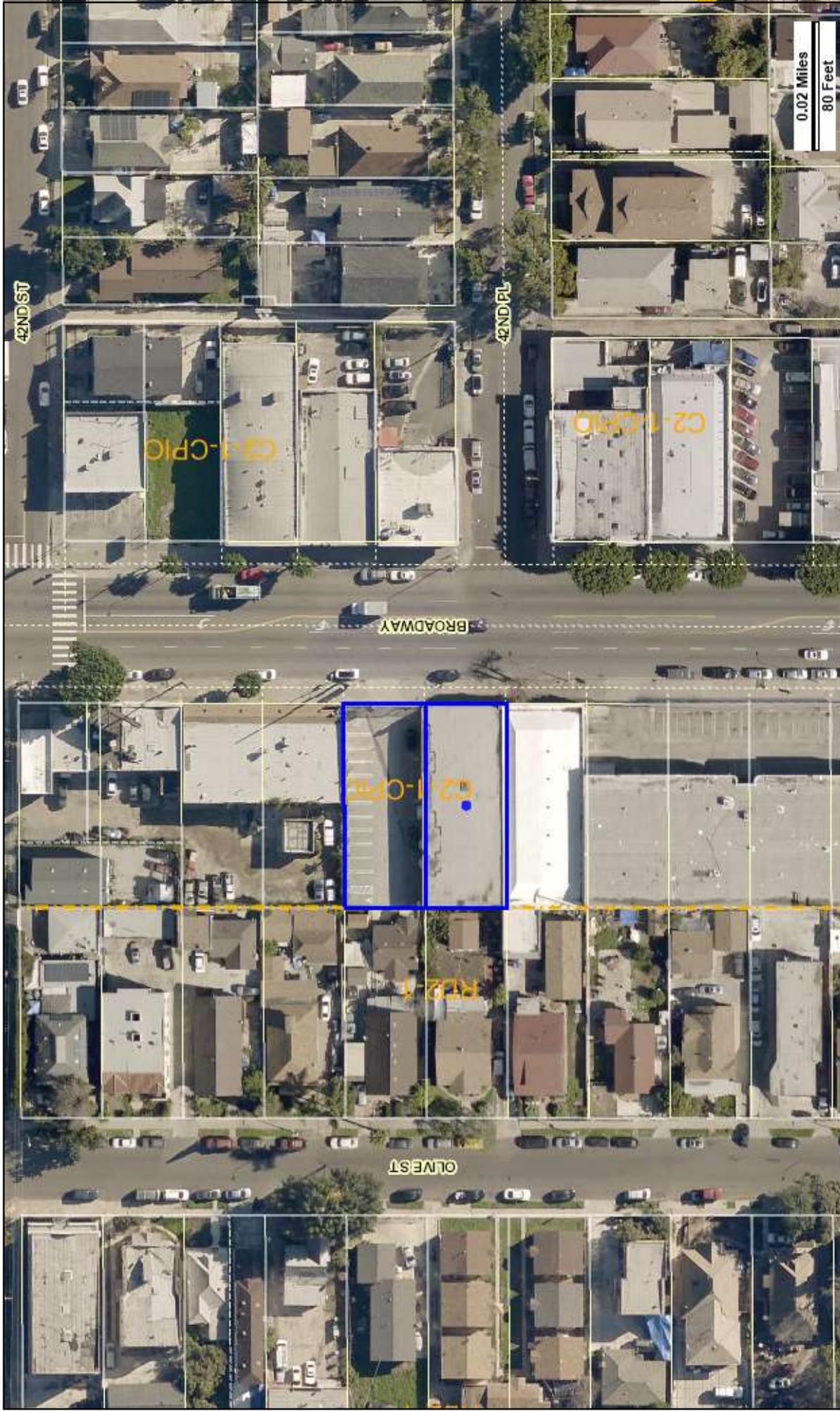
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WAIVER OF DEDICATION OR IMPROVEMENT

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

OTHER SYMBOLS

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



Address: 4225 S BROADWAY

APN: 5111007029

PIN #: 114A203 203

Tract: MAIN ST TRACT

Block: A

Lot: FR 6

Arb: None

Zoning: C2-1-CPIO

General Plan: Community Commercial



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-  PF

GENERAL PLAN LAND USE

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|  Golf Course |  Recreation Centers |  Special Education School |
|  Historic Sites |  Senior Citizen Centers |  High School |
|  Horticulture/Gardens | |  Middle School |
|  Skate Parks | |  Early Education Center |

COASTAL ZONE

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

TRANSIT ORIENTED COMMUNITIES (TOC)

| | |
|--|--|
|  Tier 1 |  Tier 3 |
|  Tier 2 |  Tier 4 |

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OTHER SYMBOLS

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|  Zone Boundary |  LADBS District Office |  Historic Preservation Overlay Zone |
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|  Community Driveway |  Fire District No. 1 |  Wells |
|  Building Outlines 2014 |  Tract Map | |
|  Building Outlines 2008 |  Parcel Map | |

Site Photographs

4219-4225 S. Broadway, Los Angeles, CA 90037

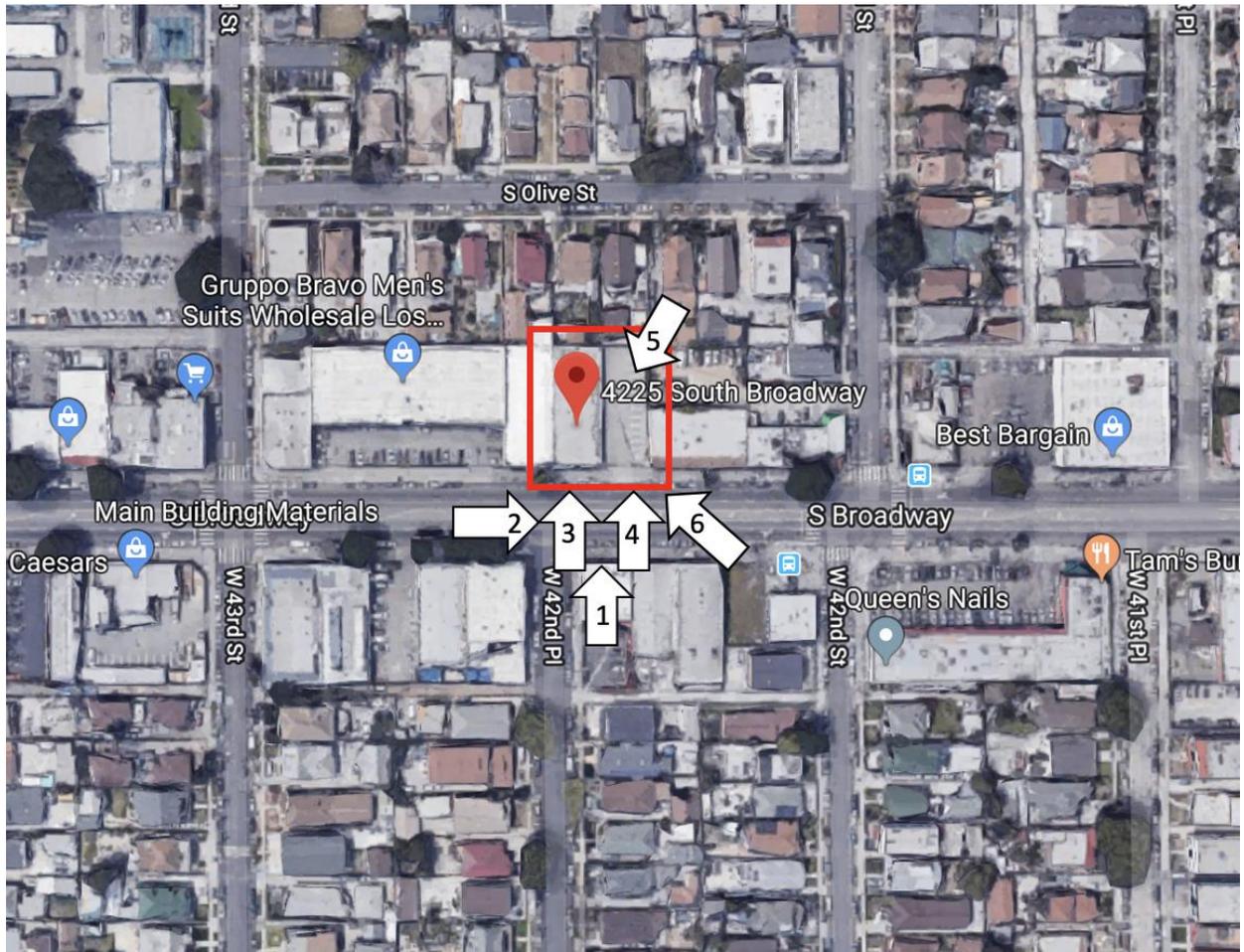




Figure 1 – View of 4219-4225 S. Broadway, Los Angeles, CA 90037 (Facing West)



Figure 2 – View of 4219-4225 S. Broadway, Los Angeles, CA 90037 (Facing North)



Figure 3 – View of 4225 S. Broadway, Los Angeles, CA 90037 (Facing West)



Figure 4 – View of 4219-4223 S. Broadway, Los Angeles, CA 90037 (Facing West)



Figure 5 – View of 4225 S. Broadway, Los Angeles, CA 90037 (Facing Southeast)



Figure 6 – View of 4219-4223 S. Broadway, Los Angeles, CA 90037 (Facing Southwest)



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: September 3, 2019

TO: 4225 S. BROADWAY PARTNERSHIP, LLC, a California limited liability company, Owner

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

SUBJECT: **AB 2556/SB 35 (DB) Determination for
4219-4227 South Broadway Street, Los Angeles, CA 90037**

Based on the Affordable Unit Determination Application submitted by 4225 S. BROADWAY PARTNERSHIP, LLC, a California limited liability company (Owner), the Los Angeles Housing and Community Investment Department (HCIDLA) has determined that no units are subject to replacement under AB 2556 (formerly AB 2222) and the properties are in compliance with the provisions of SB 35.

SITE REQUIREMENTS:

Pursuant to Section 401(c) of the Streamlined Ministerial Approval Process Guidelines (Guidelines) published by the California Department of Housing and Community Development (November 29, 2018) the development proponent shall demonstrate that, as of the date of the application under the Streamlined Ministerial Approval Process (Application) is submitted, the development is not located on a site where any of the following apply:

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

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

REVIEW OF DOCUMENTS:

4225 S. BROADWAY PARTNERSHIP, LLC, a California limited liability company (Owner), submitted the Application for the property located at and commonly known as 4219-4227 South Broadway Street, Los Angeles, CA 90037 (APN # 5111-007-029) (Property), on August 20, 2019. In order to comply with the ten year look back period required, the Los Angeles Housing and Community Investment Department (HCID) collected and reviewed data from August 2009 to August 2019.

Pursuant to the Owner's Grant Deed, the Property was acquired on July 12, 2019.

Google Earth, Google Street View, and an internet search on the Property all show a church and parking lot.

Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, Code, Compliance, and Rent Information System (CRIS) database, and information from HCIDLA's Rent Stabilization Unit indicate a use code of "7100 – Institutional – Church – One Story".

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

Per the statement received by HCIDLA on August 20, 2019, the Owner plans to construct a seven (7) story affordable housing development containing ninety-one (91) units on the Property pursuant to SB 35 and Density Bonus (DB) guidelines.

DETERMINATION:

The proposed development meets the site requirements for the Streamlined Ministerial Approval Process. HCIDLA has determined that since August 20, 2009, the Property is and has continued to be a church and parking lot. The proposed development does not: (1) require the demolition of the prohibited types of housing, (2) was not previously used for tenant occupied housing demolished within the past ten years, (3) does not require the demolition of a historic structure and (4) does not contain housing units occupied by tenants requiring a subdivision.

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

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

If you have any questions about this Determination, please contact Jacob Comer of the Los Angeles Housing Community and Investment Department at (213) 808-8563, or jacob.comer@lacity.org.

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

cc: Los Angeles Housing and Community Investment Department File
4225 S. BROADWAY PARTNERSHIP, LLC, a California limited liability company, Owner
Ulises Gonzalez, Case Management Section, City Planning Department

MAC:jc

COUNTY CLERK'S USE

CITY OF LOS ANGELES

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

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

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS
CPC-2019-7615-DB-CU-SIP

LEAD CITY AGENCY
City of Los Angeles (Department of City Planning)

CASE NUMBER
N/A

PROJECT TITLE
4219-4227 S. Broadway

COUNCIL DISTRICT
9 - Curren D. Price, Jr.

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)
4219-4227 S. Broadway

Map attached.

PROJECT DESCRIPTION:

Additional page(s) attached.

The project is for the demolition of existing improvements, including a commercial building and surface parking lot, and the construction of a new residential project with 87 dwelling units (the "Project"). The Project includes construction of a seven-story building with a total floor area of approximately 48,070 square feet with an FAR of 3.8:1 and height of 80 feet 6 3/4 inches. The Project will include 73 bicycle parking spaces and 6,525 square feet of open space. The Project will be a 100 percent supportive housing project and does not include vehicular parking. The site contains no trees on- or off-site and vehicular access is currently provided via one driveway on Broadway. The project qualifies as a Streamlined Infill Project ("SIP") pursuant to Senate Bill ("SB") 35 and California Government Code Section 65913.4.

NAME OF APPLICANT / OWNER:
4225 S. Broadway Partnership, LLC

CONTACT PERSON (If different from Applicant/Owner above)
Sergio Ibarra

(AREA CODE) TELEPHONE NUMBER | EXT.
213-473-9985

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

STATE CEQA STATUTE & GUIDELINES

- STATUTORY EXEMPTION(S)
Public Resources Code Section(s) 21080(b)(1) and Government Code Section 65913.4
CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es)
OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

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

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

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

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

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE
Sergio Ibarra

STAFF TITLE
City Planner

ENTITLEMENTS APPROVED

FEE: RECEIPT NO. REC'D. BY (DCP DSC STAFF NAME)

EXHIBIT F

SENATE BILL 35

BILL TEXT AND

STATE HCD GUIDELINES

Senate Bill No. 35

CHAPTER 366

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (E) The number of units approved and disapproved in the prior year.
- (F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.
- (G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Sections 65583 and 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.
- (H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which must include the assessor's parcel number, but may include street address, or other identifiers.
- (I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.
- (J) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.
- (b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The development satisfies both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(K) Lands under conservation easement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The project includes 10 or fewer units.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Ben Metcalf, Director
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Zachary Olmstead, Deputy Director
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November 29, 2018

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

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

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

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

Government Code section 65913.4, subdivision (j)

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

**Streamlined Ministerial Approval Process
Development Approval Process**

Program Guidelines

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INTRODUCTION

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

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

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

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

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

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

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

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

ARTICLE I. GENERAL PROVISIONS

Section 100. Purpose and Scope

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

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

Section 101. Applicability

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

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

Section 102. Definitions

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

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

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

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

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

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

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

ARTICLE II. STREAMLINED MINISTERIAL APPROVAL PROCESS DETERMINATION

Section 200. Methodology

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

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

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

- (c) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their above-moderate income regional housing need for the current housing element planning period. If a local government has permitted less than the pro-rata share of their above-moderate income regional housing need, then the jurisdiction will be subject to the Streamlined Ministerial Approval Process for developments with 10 percent affordability.
- (d) Local governments that do not submit their latest required APR prior to the Department's determination are subject to the Streamlined Ministerial Approval Process for developments with 10 percent of units affordable to lower-income households.
- (e) To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 50 percent of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their independent very-low and low-income regional housing need for the current housing element planning period. If a local government has permitted the pro-rata share of their above-moderate income regional housing need, and submitted their latest required APR, but has permitted less than the pro-rata share of their very-low and lower income regional housing need, they will be subject to the Streamlined Ministerial Approval

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

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

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

Section 201. Timing and Publication Requirements

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

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

ARTICLE III. APPROVAL PROCESS

Section 300. Local Government Responsibility

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

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

(b) Determination of consistency

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

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

- (2) General plan or zoning ordinance requirements for a specific plan or another discretionary permit do not necessarily constitute objective zoning standard. A locality may not require a development proponent to meet any standard for which the locality typically exercises subjective discretion, on a case-by-case basis, about whether to impose that standard on similarly situated development proposals.
- (3) Modifications to objective standards granted as part of a density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to Density Bonus Law, Government Code section 65915 or a local density bonus ordinance, shall be considered consistent with objective standards.
- (4) Project eligibility for a density bonus, concession, incentive, parking reduction, or waiver of development standards shall be determined consistent with Density Bonus Law.
- (5) Objective standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, the general plan, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
- (6) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective standards pursuant to Section 400(c) of these Guidelines if the development is consistent with the standards set forth in the general plan.
- (7) Developments are only subject to objective zoning standards, objective subdivision standards, and objective design review standards enacted and in effect at the time that the application is submitted to the local government.

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

(c) Density calculation

(1) When determining consistency with density requirements, a development that is compliant with up to the maximum density allowed within the land use element designation of the parcel in the general plan is considered consistent with objective standards. For example, a development on a parcel that has a multifamily land use designation allowing up to 45 units per acre is allowed up to 45 units per acre regardless of the density allowed pursuant to the zoning code. In addition, the development may request a density of greater than 45 units per acre if eligible for a density bonus under Density Bonus Law.

(2) Growth, unit, or other caps that restrict the number of units allowed in the proposed development or that expressly restricts the timing of development can be applied only to the extent that those caps do not inhibit the development's ability to achieve the maximum density allowed by the land use designation and any density bonus the project is eligible for and do not restrict the issuance of building permits for the project. .

(3) Additional density, floor area, or units granted as density bonus shall be considered consistent with maximum allowable densities.

(4) Development applications are only subject to the density standards in effect at the time that the development is submitted to the local government.

(d) Parking requirements

(1) Automobile parking standards shall not be imposed on a development that meets any of the following criteria:

(A) The development is located where any part of the parcel or parcels on which the development is located is within one-half mile of public transit, as defined by Section 102(r) of these Guidelines.

(B) The development is located within a district designated as architecturally or historically significant under local, state, or federal standards.

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

(D) When there is a car share vehicle, (i.e. a designated location to pick up or drop off a car share vehicle as defined by Section 102(d),) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.

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

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

Section 301. Development Review and Approval

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

- (5) Approval of ministerial processing does not preclude imposed standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality regardless of streamline approval. This includes any objective process requirements related to the issuance of a building permit. However, any further approvals, such as demolition, grading and building period or, if required, final map, on a ministerial basis is subject to the objective standards.
 - (A) Notwithstanding Paragraph (5), standard conditions that specifically implement the provisions of these Guidelines such as commitment for recording covenant and restrictions and provision of prevailing wage can be included in the conditions of approval.
 - (6) The California Environmental Quality Act (Division 13 (commencing with section 21000) of the Public Resources Code) does not apply to the following in connection with projects qualifying for the Streamlined Ministerial Approval Process :
 - (A) Actions taken by a state agency or local government to lease, convey, or encumber land or to facilitate the lease, conveyance, or encumbrance of land owned by the local government.
 - (B) Actions taken by a state agency or local government to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income.
 - (C) The determination of whether an application for a development is subject to the Streamlined Ministerial Approval Process.
- (b) Upon a receipt of application, the local government shall adhere to the following:
- (1) An application submitted hereunder shall be reviewed by the agency whether or not it contains all materials required by the agency for the proposed project, and it is not a basis to deny the project if either:
 - (A) The application contains sufficient information for a reasonable person to determine whether the development is consistent, compliant, or in conformity with the requisite objective standards (outlined in Article IV of these Guidelines); or
 - (B) The application contains all documents and other information required by the local government as referenced in section 300(a) of these Guidelines.
 - (2) Local governments shall make a determination of consistency, as described in Section 301(a)(3), as follows:
 - (A) Within 60 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.

- (B) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
 - (C) Documentation of inconsistencies with objective standards must be provided to the development proponent within these timeframes. If the local government fails to provide the required documentation determining consistency within these timeframes, the development shall be deemed to satisfy the objective planning standards.
- (3) Any design review or public oversight, as described in Section 301(a)(2), including resulting final approval shall be completed as follows:
- (A) Within 90 calendar days of submittal of the application to the local government pursuant to this section if the development contains 150 or fewer housing units.
 - (B) Within 180 calendar days of submittal of the application to the local government pursuant to this section if the development contains more than 150 housing units.
 - (C) Although design review may occur in parallel with or as part of the consistency determination set forth in paragraphs (1) and (2) above, failure to meet subjective design review standards or obtain design review approval from the oversight board shall not itself prevent or otherwise preclude a project from being approved for development pursuant to this Section if objective design review standards are met.
- (c) Modifications to the development subsequent to the approval of the ministerial review but prior to issuance of a building permit can be granted in the following circumstances:
- 1) For modification initiated by the development proponent.
 - A) Following approval of an application under the Streamlined Ministerial Review Process, but prior to issuance of a building permit for the development, an applicant may submit written request to modify the development. The modification must conform with the following:
 - i. The change is consistent with the Streamlined Ministerial Approval Process Guidelines.
 - ii. The change will not modify the project's consistency with objective development standards considered as part of the project's review.
 - iii. The change will not conflict with a plan, ordinance or policy addressing community health and safety.
 - iv. The change will not result in modifications to the concessions, incentives or waivers to development standards approved pursuant to density bonus law.

- B) Upon receipt of the request, the local agency shall determine if the requested modification is consistent with the local agency's objective development standards in effect when the development was approved. Approval of the modification request must be completed within 60 days of submittal of the modification or 90 days if design review is required.
- 2) For modification initiated by the local agency
- A) Following approval of an application under the Streamlined Ministerial Review Process, but prior to issuance of a building permit for the development, a local agency may require one-time changes to the development that are necessary to comply with the local agency's objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes), to comply with federal or state laws, or to mitigate a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development. A "specific, adverse impact" has the meaning defined in Government Code section 65589.5(d)(2).
 - B) A determination that a change is required is a ministerial action. If a revised application is required to address these modifications, the application shall be reviewed as a ministerial approval within 60 days of re-submittal of the application.
- (d) If a local government approves a development under the Streamlined Ministerial Approval Process, notwithstanding any other law, the following expiration of approval timeframes apply:
- (1) If the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the AMI, then that approval shall not expire.
 - (2) If the project does not include public investment in housing affordability (including local, state, or federal government assistance), beyond tax credits and at least 50 percent of the units are not affordable to households making at or below 80 percent of the AMI, that approval shall automatically expire after three years.
 - (A) That development may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.
 - (B) Approval shall remain valid for a development so long as vertical construction of the development has begun and is in progress.

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

ARTICLE IV. DEVELOPMENT ELIGIBILITY

Section 400. Housing Type Requirements

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

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

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

Section 401. Site Requirements

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

- (A) A city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or
 - (B) An unincorporated area where the area boundaries are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (2) The site meets the definition of infill as defined by Section 102(j) of these Guidelines.
 - (3) The site must be zoned for residential use or residential mixed-use development, or have a general plan designation that allows residential use or a mix of residential and nonresidential uses.
 - (A) To qualify for the Streamlined Ministerial Approval Process, the site's zoning designation, applicable specific plan or master plan designation, or general plan designation must permit residential or a mix of residential and nonresidential uses by right or with a use permit.
- (b) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a legal parcel(s) that is any of the following:
 - (1) Within a coastal zone, as defined in Division 20 (commencing with section 30000) of the Public Resources Code.
 - (2) Prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that locality.
 - (3) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (4) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code section 4202.
 - (A) This restriction does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to Government Code section 51179(b), or sites that are subject to adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

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

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

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

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

- (c) The development proponent shall demonstrate that, as of the date the application is submitted, the development is not located on a site where any of the following apply:
- (1) The development would require the demolition of the following types of housing:
 - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (B) Housing that is subject to any form of rent or price control through a locality's valid exercise of its police power.
 - (C) Housing that has been occupied by tenants, as defined by Section 102(y), within the past ten years.
 - (2) The site was previously used for housing that was occupied by tenants that was demolished within ten years before the development proponent submits an application under the Streamlined Ministerial Approval Process.
 - (A) When property with a building that was demolished in the past ten years has been zoned for exclusively residential use, there is a presumption that it was occupied by tenants, unless the development proponent can provide verifiable documentary evidence from a government or independent third party source to rebut the presumption for each of the ten years prior to the application date.
 - (B) When property with a building that was demolished in the past ten years has been zoned to allow residential use in addition to other uses, the developer proponent shall include in its application a description of the previous use and verification it was not occupied by residential tenants.
 - (3) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of an application.
 - (4) The property contains housing units that are occupied by tenants and the development would require a subdivision.
- (d) A development that involves a subdivision of a parcel that is, or, notwithstanding the Streamlined Ministerial Approval Process, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land is not eligible for the Streamlined Ministerial Approval Process.
- (1) Subdivision (d) does not apply if the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

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

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

Section 402. Affordability Provisions

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

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

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

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

Section 403. Labor Provisions

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

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

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

- (5) For those portions of the development that are not a public work, all of the following shall apply:
- (A) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - (B) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
 - (C) All contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.
 - i. The obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
 - ii. The payroll record and Labor Commissioner enforcement provisions in (C) and (C)(i), above, shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement, as defined in Section 102(q) above, that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.
 - (D) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Sections 511 or 514 of the Labor Code.
- (b) For developments for which any of the following conditions in the charts below apply, that a skilled and trained workforce, as defined in Section 102(w) above, shall be used to complete the development if the application is approved.

Developments Located in Coastal or Bay Counties

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

Developments Located in Non-Coastal or Non-Bay Counties

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

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

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

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

Section 404. Additional Provisions

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

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

ARTICLE V. REPORTING

Section 500. Reporting Requirements

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

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

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