

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE
*SUPPLEMENTAL***

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2018-7329-GPAJ-ZCJ-SPR	ENV-2018-7330-MND	15 – Buscaino
PROJECT ADDRESS:		
1424 North Deepwater Avenue		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Connie Chauv	(213) 978-0016	connie.chauv@lacity.org

NOTES / INSTRUCTION(S):	
<p>Supplemental Transmittal for appeal received.</p> <p><u>Appellants:</u></p> <p>Lupe and Eddie Lopez 1441 Baypoint Avenue Wilmington, CA 90744</p>	
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	January 8, 2020



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: CPC-2018-7329-GPAJ-ZCJ-SPR

Project Address: 1424 North Deepwater Ave

Final Date to Appeal: January 7th, 2020

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Lupe Lopez / Eddie Lopez (spouse)

Company: _____

Mailing Address: 1441 Baypoint Ave

City: Wilmington State: Ca Zip: 90744

Telephone: 310 505 5994 E-mail: the mother board @ att-net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire ☐ Part

Are specific conditions of approval being appealed?

☒ Yes ☒ No

If Yes, list the condition number(s) here: location - 1. Site Plan

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Signature]

Spouse

Date: 1/2/20

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Kit Awakuni</u>	Date: <u>1-3-20</u>
Receipt No: <u>0110136847</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

We the undersigned appeal the decision made by the City Planner in its Letter of Determination dated December 18, 2019.

Item 1 of the Letter of Determination states, "there is no substantial evidence" that the Project will have a significant effect on the environment." The City cites CEQA guidelines 15074(b) as their basis for their decision. The city did not meet its obligation under CEQA guideline 15074(b) as it clearly states, "The decision making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment." The City was provided a letter by DOGGR (attachment A) that states that any building over oil wells is not recommended and that there is no guarantee that even if a well is properly capped still have the possibility to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. There are 7 oil wells at this site 1 that will be recapped and 6 others. The chances of one of these wells leaking is extremely likely. The City planner was obligated to take this information into consideration as well as public comments. The city planner received numerous petitions and letters as well as many people who attended the hearing of December 12, 2019. The vast majority of the people who attended the hearing were residents of Wilmington and were steadfastly against it. Although there were a handful of people who were for the project these people did not reside in the community. They were for this project because it will go into our community and not theirs.

There was also 2 people who ran 501(c) non-profits that were for the project and the fact they are subject to financial gains should this project proceed should have been taken into consideration.

Our Neighborhood Council, the duly elected body to represent our community has also taken official action against this sort of project in our community and the Chair of our Neighborhood Council voiced that our Neighborhood Council is against this project at the meeting on December 12, 2019. The Neighborhood Council speaks on behalf of the stakeholders of Wilmington representing over 50,000 people.

Had the city planner taken into consideration as a whole, not just what DOGGR had stated but what the community stated and the Wilmington Neighborhood Council as a whole they would have seen that the vast majority of stakeholders are against this project and should have made their decision independently based on that information in conjunction with DOGGR as opposed to furthering a project that is so widely unpopular.

Item number 2 of the Letter of Determination states that this project is a supportive housing project that meets all the qualifications under PRC 21080.27, and 21080.27 (a) (3). The letter does not state which of the acceptable funding methods would provide funds as outlined under PRC 21080.27(a) (3). The California Public Resource Code is very emphatic that it should be funded accordingly. With all the waste with Measure/ Proposition H/HHH these things should be determined prior to approval not subsequent.

Item number 3 of the of the Letter of Determination says its exempt from CEQA and cites PRC 21080.27(b) (1) which states, "(b) (1) This division does not apply to any activity approved by or carried out by the City of Los Angeles in furtherance of providing emergency shelters or supportive housing in the City of Los Angeles." As you can clearly see PRC 21080.27(b) has nothing to do whatsoever with being exempt from CEQA and should not have been cited as such.

Item 4 of the Letter of Determination recommends that they Mayor and City Council adopt the zone changes from commercial to residential and no longer be held to the required restriction of RD 1.5 use. These changes are not in the best interest of the stakeholders of Wilmington. Homeowners purchased their homes in residential areas and assume their residential areas will remain so. This thought process is so common that even our own Councilman stated the reason he bought his own home in a R1 area was to avoid what is happening at this location. (audio/video of our councilman's statement will be provided at hearing)

Item 5 of the Letter of Determination states that there should be a reduction of parking from 85 to 19 spaces. Typically, a reduction for Low income housing would be at a ratio of .5 per unit excluding Manager. This would put the parking closer to 28 parking spaces not 19. The city planner does not cite a reason for the amount that they have provided.

Page F-5 of the report included with the Letter of Determination from the City Planner refers to policies currently within the Wilmington-Harbor City Community Plan.

- Policy 1-1.2: Protect existing single-family residential neighborhood from new, out of scale development. This project is completely out of scale. The Project would not only be 1 story higher but also will exceed current height limitations.
- Policy 1-1.3: Protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses. This project definitely encroaches on low density pre-existing neighborhoods.
- Policy 1-1.4: Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design. This project is completely out of character for the area, will exceed height and size limits, encroach on existing residential homes and due to a lack of parking will add traffic to an already congested thoroughfare.
- Policy 1-3.1: Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods. This project does not protect the character and scale of the existing residential neighborhood.
- Policy 1-3.2: Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed. This project goes completely against this policy. The affect it will have on traffic will delay access for emergency services if needed. As previously stated, this is also not in character with the neighborhood.

Page F-7 of the report refers to Policy 7.9.1 that states:

- Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure and then goes on to say the General Commercial land use designation and C2 Zone would enable the development of the

vacant site with an affordable housing project that would provide Restricted Affordable dwelling units set aside for Very Low Income households. The City planner fails to distinguish that there are very distinct differences between affordable housing and low-income housing. This language is confusing and misleading. To be clear what the project is strictly for Low-income housing NOT affordable housing by definition and therefore this policy does not apply to this project,

Page F-8 states:

- Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City. As previously discussed, this is not an affordable housing project by definition. This is a very low-income housing project to provide permanent supportive housing and should be referred to accordingly.
- Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan area. The city planner should not be misleading again as to what the true nature of what this project is. This is very low-income housing not affordable housing and will be provided by taxpayers.

Page F-10:

- The Conservation Element. The Conservation Element of the General Plan contains the following relevant goals, objectives, and policies: Policy 16.3: Continue to protect neighborhoods from potential accidents and subsidence associated with drilling, extraction and transport operations, consistent with California Department of Conservation, Division of Oil and Gas requirements. Although the City Planner discusses in its report the recapping of the existing oil well and Methane Intrusion. It does not address future measures that would be taken to ensure that the oil wells would remain accessible should they start to leak as indicated in the letter from DOGGR (see Attachment)

Page F-11

- States that changing the zone from residential to commercial is a good zoning practice. It states that the reason they are doing this is to create more affordable housing. This does not promote affordable housing. This project is not the only project in Wilmington that is being mislabeled as "Affordable Housing" The city has at least 4 other projects planned in Wilmington that will all be 100% low income housing. This is not promoting a variety of Housing options as they so eloquently purport to be doing. This project and the others slated for Wilmington will flood the community with only low-income housing. No where in Community or General plan does it indicate that it is a good practice to flood a community with nothing but low-income housing.

Page F-15 states

- The building entrance is provided through the community room that overlooks the open space amenity area along Eubank Avenue. Section 3.3.2 (pg. 16) of the MND states that the driveway would be along the Northern property line, but drawings of the site plan show it would be on Eubank which is along the Eastern side of the property line (Pg. 17) These two statements directly conflict with each other. If in fact it is going to run along the Northern part of the street you would need to create a right of way since there is none at this time. This northern side of the property

abuts against the property line of homeowners. To create a right of way would mean that this driveway would impede on a property not associated with 1424 Deepwater. This letter of Determination does not address this in accuracy.

Page F-17 states:

- The development will restrict 100 percent of units, excluding a manager's unit, that is 55 out of 56 units, for Very Low-Income households, as defined by LAMC Section 11.5.11 and Health and Safety Code Section 50105. (3) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing. The target population for this project is Supportive Housing for Seniors (aka Homeless Seniors) Also per page F-17 on 25% are restricted to the target population (seniors) This amounts to roughly only 14 seniors being housed. This directly conflicts with page C-1 of the LOD which states, "The project shall be supportive housing, as required by Public Resources Code ("PRC") Section 21080.27(a)(3) and 21080.27(b)(1), and as defined by California Health and Safety Code Section 50675.14, and shall be reserved for seniors." For the purpose of Supportive Housing the definition of a Senior is 55 years old. In order to get full benefits of Social Security the retirement age is 66. That is 11 years where someone is of working age but have now become exempt. It is not fair to the taxpayer to have to support someone indefinitely as is proposed through this project especially when they are of working age.

The report failed to address numerous issues that were brought up at the hearing yet have validity such as:

- Emergency response and safety is also a factor to be considered. No where in this MND does it discuss how the heavy traffic that is used for hauling freight will affect emergency services. Eubank is part of a truck route and is backed up with semi-tractors/trailers throughout the day. If an Ambulance or fire truck needs to respond to this area there will be no way to get this location. The MND does not discuss this at all except to say that there is n significant impact. Whoever wrote this report has spent very little or no time l the vicinity of this proposed project.
- This project will erode the privacy of the surrounding residents. This property will completely erode the privacy of those who live next to this property allowing for approximately half the residents of this project to be able to peer down into the homes of the existing residents

For the foregoing reason we request that this decision be overturned and that this project not be allowed to move forward.

1/2/2020

Dear Council Members,

I understand that there is an urgent need for more affordable housing in LA county, and we are not opposed to this facility in our city. However, I don't feel that our councilman has listened to our recommendations as a community.

Wilmington is a part of the Mayors Clean Up, Green Up initiative and in that initiative, we were promised more single home dwelling in our neighborhoods.

The Deepwater project sits on one of the quietest family oriented R1 neighborhoods, and that will be taken away.

Please do not take away this R1 site by up-zoning/ re-zoning this location. Better known to us as a community gem.

Take the time to revisit several other possible locations for this structure.

I believe the planning committee abused their discretion by putting together a committee for this project made up of private interest non-profit partners that will deliver services at this facility. Including United Way and Providence Little Company of Mary, and several others that will profit/ benefit from this project. There was not anyone that lived in the neighborhood, included on the committee along with special interest groups.

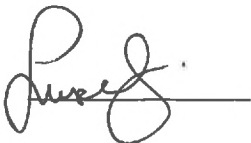
My husband and I also carefully and thoughtfully purchased a home in this R1 district because we appreciate and value the unique quiet location. Due to this decision our property value will go down.

I love our community and even served as Honor Mayor from 2010-2012 because of my commitment of making our community a better place and I strongly recommend City Council to revisit other locations in the outskirts of our community that will not impact our residents or their investment.

I am still waiting to hear from my councilman. My phone number is 310-505-5994.

Thank you for consideration.

Lupe Lopez

A handwritten signature in black ink, appearing to read 'Lupe Lopez', with a horizontal line extending to the right.



California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor
David Bunn, Director

Original Date: August 19, 2019
Revised date: September 18, 2019

VIA EMAIL

Mr. Cody Snyder
LINC Housing Corporation
3590 Elm Avenue
Long Beach, CA 90807-3903

cody@linc-housing.org

Ms. Connie Chauv
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 720/721
Los Angeles, CA 90012

connie.chauv@cityofla.org

Mr. Gary Carlin
Carlin Environmental Consulting, Inc.
2522 Chambers Road, #100
Tustin, CA 92780

gary@carlinenvironmental.com

Division Reference Number: **CSWR ID 1011650**
Assessor Parcel Number: 7422-023-047
Project Address: 1424 Deepwater Avenue, Wilmington, CA 90744
Property Owner: LINC Housing Corporation
Project Name: LINC Housing Project – Wilmington Apts.

Dear Mr. Synder, Ms. Chauv, and Mr. Carlin:

The Division of Oil, Gas, and Geothermal Resources' (Division) authority is set forth in Division 3 of the Public Resources Code (PRC), and Title 14 of the California Code of Regulations (CCR). PRC § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

The Division has received and reviewed the above referenced project application dated June 24, 2019. To assist local permitting agencies, property owners, and developers in

Division Reference Number: **CSWR ID 1011650**
Project Name: LINC Housing Project – Wilmington Apts.
Revised Date: September 18, 2019

making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluations.

The project is located in Los Angeles county, within the boundaries of the Wilmington oil field. Our records indicate there are seven known oil, gas, or geothermal wells located within the project boundary as identified in the application.

The proposed project is for a housing development with 56 apartment units in one three-story apartment building on an undeveloped lot.

The well listed below is not abandoned to current Division requirements as prescribed by law, and based upon information provided, is projected to be built over or have future access impeded. **The Division expects this well to be abandoned or reabandoned in compliance with current Division requirements prior to development.**

Well	Status
Exxon Mobil Corporation WTU-1812 API no. 03721986	The record review process shows that the subject well is not abandoned consistent with current PRC and CCR as of August 19, 2019. Based on well records: 1. Ranger zonal isolation plug is not present (CCR § 1723.1). 2. Upper Termina zonal isolation plug is present (CCR § 1723.1). Note: No well leak test reported.

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Well	Status
Exxon Mobil Corporation WTU-1810 API no. 03721656	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 19, 2019 Note: No well leak test reported.
Exxon Mobil Corporation WTU-1811 API no. 03721657	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019. Note: No well leak test reported.

Division Reference Number: **CSWR ID 1011650**
Project Name: LINC Housing Project – Wilmington Apts.
Revised Date: September 18, 2019

Exxon Mobil Corporation WTU-1854 API no. 03722097	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019. Note: No well leak test reported.
Exxon Mobil Corporation WTU-1855 API no. 03722100	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019. Note: No well leak test reported.
Exxon Mobil Corporation WTU-1856 API no. 03722101	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019. Note: No well leak test reported.
Exxon Mobil Corporation WTU-1857 API no. 03722102	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019. Note: No well leak test reported.

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

Division Reference Number: **CSWR ID 1011650**
Project Name: LINC Housing Project – Wilmington Apts.
Revised Date: September 18, 2019

Failure to plug and reabandon a well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. **The property owner** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
2. **The person or entity causing construction over or near the well** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
3. **The party or parties responsible for disturbing the integrity of the abandonment** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

The statutes and regulations related to oil, gas, and geothermal resources can be found here: www.conservation.ca.gov/index/Documents/DOGGR-CA-1700Well-1000.pdf

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR § 1723.5 states well casings shall be cut off at least 5 feet but no

Division Reference Number: **CSWR ID 1011650**
Project Name: LINC Housing Project – Wilmington Apts.
Revised Date: September 18, 2019

more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the Division's construction site well review engineer in the Cypress district office is to be notified immediately, and an amended site plan with well casing diagrams for Division review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency.

Should you have any questions, please contact me at (562) 637-4400 or via email at grace.brandt@calrec.ca.gov.

Sincerely,

Grace Brandt
Construction Site Well Review Engineer

cc: Mr. Uduak Joe Ntuk, Los Angeles City Petroleum Administrator

duke@cityofla.org



LOS ANGELES CITY PLANNING COMMISSION

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

LETTER OF DETERMINATION

MAILING DATE: **DEC 18 2019**

Case No. CPC-2018-7329-GPAJ-ZCJ-SPR

Council District: 15 – Buscaino

CEQA: ENV-2018-7330-MND

Plan Area: Wilmington – Harbor City

Project Site: 1424 North Deepwater Avenue

Applicant: LINC Community Development Corporation
Representative: Warren Resources of California, Inc.

At its meeting of **December 12, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of a 3-story, 36-foot tall, 51,202 square-foot affordable housing project comprised of 56 dwelling units (100 percent restricted to Very Low Income households exclusive of one manager's unit), with on-site supportive services. The Project will provide 19 parking spaces at grade level, and 48 long-term and 5 short-term bicycle parking spaces. The Project will have a Floor Area Ratio (FAR) of 0.92:1. The Project will involve the grading of approximately 2,750 cubic yards of soil, the removal of one non-protected tree within the dedicated public right-of-way area, and the re-abandonment of one existing oil well. The site is currently vacant.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2018-7330-MND ("Mitigated Negative Declaration"), and all comments received, there is no substantial evidence that the Project will have a significant effect on the environment; **Found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; and **adopted** the Mitigated Negative Declaration;
2. **Found**, pursuant to PRC Section 21080.27, that the project is a supportive housing project that meets all of the requirements of PRC Section 21080.27(a)(3);
3. **Found**, pursuant to Public Resource Code Section 21080.27(b)(1), based on the whole of the record, that the supportive housing project is Statutorily Exempt from CEQA;
4. **Approved and recommended** that the Mayor and the City Council **adopt**, pursuant to Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Wilmington – Harbor City Community Plan to:
 - a. Re-designate the land use of the Project Site from Low Residential to General Commercial; and
 - b. To be excluded and exempted from the provisions of Footnote No. 7 to no longer be restricted to the RD1.5 use and area provisions;
5. **Approved and recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32 Q and F, a Zone Change from R1-1XL-O-CUGU to (T)[Q]C2-1XL-O-CUGU and pursuant to LAMC Section 11.5.11(e), two Developer Incentives to permit:
 - a. A reduction of parking to permit 19 parking spaces in lieu of the 85 spaces otherwise required by LAMC Section 12.21 A.4; and

- b. An increase in building height to permit a 36-foot building height in lieu of the maximum 30-foot height limit otherwise permitted in Height District No. 1XL, and in lieu of the maximum 25-foot building height within 49 feet and maximum 33-foot building height within 99 feet of an RW1 or more restrictive zone per transitional height requirements of LAMC Section 12.21.1 A.10;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units;
7. **Adopted** the attached Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 6 - 0


Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JAN 07 2020

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

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

Attachments: Zone Change Ordinance, Maps, Conditions of Approval, Findings, Resolution

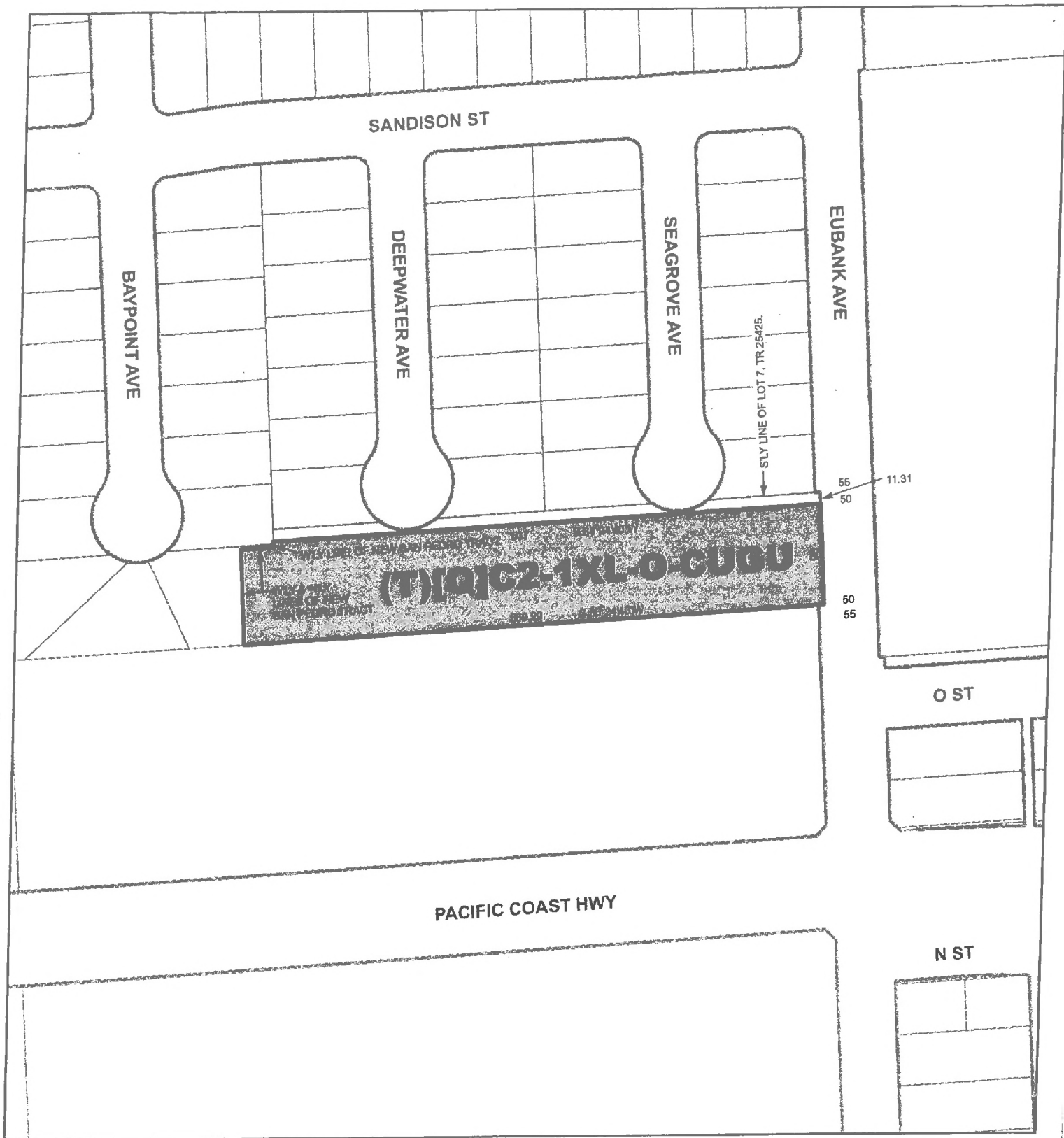
c: Faisal Roble, Principal Planner
Michelle Singh, Senior City Planner
Connie Chauv, City Planner

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



0 125 250
Feet

CPC-2018-7329-GPAJ-ZCJ-SPR

120419

City of Los Angeles



[Q] QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the West/South/Coastal Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Affordable Housing.** Prior to the issuance of a permit, projects of ten or more dwelling units shall submit proof of compliance with the Affordable Housing provisions of Los Angeles Municipal Code ("LAMC") Section 11.5.11.
3. **Use.**
 - a. The project is restricted to residential uses only. No commercial uses are permitted on the subject site.
 - b. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of a manager's unit, as defined by LAMC Section 11.5.11(a)(3).
 - c. The project shall be supportive housing, as required by Public Resources Code ("PRC") Section 21080.27(a)(3) and 21080.27(b)(1), and as defined by California Health and Safety Code Section 50675.14, and shall be reserved for seniors.
 - d. The project shall provide over 3 percent of non-residential floor area for on-site supportive services. The project shall provide approximately 3,482 square feet for supportive services and related offices, as shown in Exhibit "A", to serve residents of the building.
4. **Labor Requirement.** Pursuant to Los Angeles Municipal Code Section 11.5.11, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code, the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
 - a) A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
 - i) **Licenses.** All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
 - ii) **Local Hire.** At least 30% of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of

Los Angeles. Of these, at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be evidenced.

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

CONDITIONS FOR EFFECTUATING (T) OR [T] TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

A. Responsibilities/Guarantees:

- 1) As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- 2) Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

B. Dedication Required:

- 1) Deepwater Avenue (Local Street) – None.
- 2) Eubank Avenue (Collector Street) – Accept the 5-foot wide future street and dedicate an additional 3-foot wide strip of land along the property frontage to complete a 33-foot half right-of-way in accordance with Collector Street standards of Mobility Plan 2035.

C. Improvement Required:

- 1) Deepwater Avenue – None. The address for this property needs to be changed to reflect the correct street frontage along Eubank Avenue.
- 2) Eubank Avenue – Construct a new 8-foot concrete sidewalk in the dedicated area. Repair and or replace all broken, off-grade or bad order concrete curb, gutter and sidewalk along the property frontage. Reconstruct all driveways/sidewalk to comply with ADA requirements or close all unused driveways. Landscape the parkway.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S410-4, S442-5 and S444-0.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the sidewalk improvements may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information at (213) 847-3077.

Trees: That Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project for the removal of any tree in the existing or proposed public right-of-way. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees.

Removal of street trees may be required in conjunction with the sidewalk widening for this project. Please include the tree removal issue in your public hearing notice for this application.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Water and Power regarding power pole (213) 367-2715.

- 3) Drain the roof and site to the public right-of-way.
- 4) Sewer lines exist in Eubank Avenue. Extension of the 6-inch house connection laterals to the new property line may be required. Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
- 5) An investigation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Harbor District Office Sewer Counter of the Bureau of Engineering (310) 732-4677.
- 6) Submit parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

2. Department of Transportation. Suitable arrangements shall be made with the Department of Transportation to assure that a parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. For an appointment, call (213) 482-7024.
3. Street Lighting. Install street lights to the satisfaction of the Bureau of Street Lighting.
4. Urban Forestry – Street Trees.
 - A. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for permit information. CEQA document must address parkway tree removals.
5. Department of Building and Safety, Grading Division. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.
6. Fire Department. Prior to the issuance of a building permit, a plot plan shall be submitted to the Fire Department for approval.
 - A. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - B. One or more Knox Boxes will be required to be installed for LAFD access to project. location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
 - C. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - D. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - E. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - F. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - G. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

- a. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - b. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - c. This policy does not apply to single-family dwellings or to non-residential buildings.
- H. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- I. Entrance to the main lobby shall be located off the address side of the building.
- J. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- K. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- L. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- M. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- N. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- O. Submit plot plans indicating access road and turning area for Fire Department approval.
- P. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- Q. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

- R. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- S. Site plans shall include all overhead utility lines adjacent to the site.
- T. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- U. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- V. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- W. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- X. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
- Y. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- Z. Standard cut-corners will be used on all turns.
- AA.5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- BB. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call (213) 220-8066. You should advise any consultant representing you of this requirement as well.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

CONDITIONS OF APPROVAL

Pursuant to Section 11.5.11(e) and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the West/South/Coastal Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.**
 - a. The project is restricted to residential uses only. No commercial uses are permitted on the subject site.
 - b. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of a manager's unit, as defined by LAMC Section 11.5.11(a)(3).
 - c. The project shall be supportive housing, as required by Public Resources Code ("PRC") Section 21080.27(a)(3) and 21080.27(b)(1), and as defined by California Health and Safety Code Section 50675.14, and shall be reserved for seniors.
 - d. The project shall provide over 3 percent of non-residential floor area for on-site supportive services. The project shall provide approximately 3,482 square feet for supportive services and related offices, as shown in Exhibit "A", to serve residents of the building.
3. **Affordable Units.** A minimum of 55 units shall be designated as Restricted Affordable Units and reserved for Very Low Income households, as defined by LAMC Section 11.5.11 and Health and Safety Code Section 50105.
4. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(3).
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 55 units for Very Low Income Households for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

6. Developer's Incentives.

- a. **Parking.** 19 parking spaces shall be provided in lieu of the 85 spaces otherwise required by LAMC Section 12.21 A.4.
- b. **Height.** The project shall be limited three (3) stories and 36 feet in height, in lieu of the maximum 30-foot height limit otherwise permitted in Height District No. 1XL, and in lieu of the maximum 25-foot building height within 49 feet and maximum 33-foot building height within 99 feet of an RW1 or more restrictive zone per transitional height requirements of LAMC Section 12.21.1 A.10.

7. Supportive Housing Project.

- a. **Supportive Housing.** In accordance with PRC Section 21080.27, the project shall be a supportive housing project that meets the eligibility requirements of Government Code Section 65650, an Interim Motel Housing Project pursuant to LAMC Section 14.00 A.12, or a Qualified Permanent Supportive Housing Project pursuant to LAMC Section 14.00 A.13.
 - b. **Funding.** Prior to issuance of grading permits, the applicant shall submit a funding commitment letter from an applicable funding agency indicating that the project has been awarded funds from one of the qualifying funding sources provided under Assembly Bill 1197 and PRC Section 21080.27.
 - c. **Notice of Exemption.** Prior to issuance of grading permits, the applicant shall demonstrate filing of a Notice of Exemption from the California Environmental Quality Act with the Office of Planning and Research ("OPR") and the Los Angeles County Clerk pursuant to the procedures set forth in PRC Section 21108 or PRC Section 21152. The Notice of Exemption shall include a written justification supporting how the project qualifies as an "emergency shelter" or "supportive housing" under PRC Section 21080.27(a).
8. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
9. **Vehicular Access.** All vehicular access shall be taken off of Eubank Avenue, as provided in Exhibit "A". No access shall be permitted from Deepwater Avenue or Seagrove Avenue.
10. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets. The transformer, located along 38th Street, shall be screened with landscaping per Exhibit "A".
11. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
12. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.

13. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
14. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total provided parking spaces capable of supporting future electric vehicle supply equipment, (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total provided parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
15. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as 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 landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.
16. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
- a. Minimum depth for trees shall be 42 inches.
 - b. Minimum depth for shrubs shall be 30 inches.
 - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
 - d. Minimum depth for an extensive green roof shall be 3 inches.
- The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:
- e. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - f. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - g. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)
17. **Street Trees.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
18. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.
19. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los

Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

20. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
21. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
22. **Solar Panels.** A minimum 2,814 square feet (15 percent) of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
23. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
24. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
 - a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-0016.
 - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
 - c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
 - e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal

monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

- f. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

25. Human Remains Inadvertent Discovery. In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- a. Stop immediately and contact the County Coroner:
1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- b. If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- c. The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- d. The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

26. Archaeological Resources Inadvertent Discovery. In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

27. Paleontological Resources Inadvertent Discovery. In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Environmental Conditions

28. The Applicant shall perform exploratory excavation to precisely locate the seven potential abandoned oil wells located on the site.
29. The Applicant shall prepare and submit to DOGGR an Application for Construction Site Well Review and Notice(s) of Intention for any of the seven potential abandoned oil wells at the Site that a) DOGGR finds do not meet current abandonment standards or b) require lowering/raising to be at an acceptable depth below finished grade.
30. The Applicant shall prepare a design for a methane mitigation system to be installed beneath the proposed building. The design shall conform to the provisions of the City of Los Angeles Ordinance No. 175,790 and applicable methane mitigation standards of the Los Angeles Department of Building and Safety.
31. The Applicant shall abandon any oil wells identified at the site during the exploratory excavation according to the permit requirements of DOGGR. Some grading may need to be performed before well abandonment to allow access to the well(s) and room for well drilling and associate equipment. All exploratory excavation and oil well abandonment activities shall be completed and concluded prior to the issuance of grading or building permits.
32. The Applicant shall install a Passive System regardless of the design methane concentration or the design methane pressures. The Passive System for this project shall include at minimum:
 - a. A standard de-watering system;
 - b. Sub-slab vapor collection and ventilation system that includes:
 - a) Perforated horizontal collection piping;
 - b) Permeable gravel blanket for soil gas migration of a minimum 2" thick;
 - c) Solid vent risers (amount and size are dependent on building size);
 - d) A complete impervious membrane (barrier) system. Since there are known oil wells on site, this barrier system will be a chemically compatible spray-applies product that covers the entire footprint of the proposed structure;
 - e) Trench dams and conduit seal fittings
33. The Applicant shall conduct a subsurface methane investigation in accordance with Los Angeles Department of Building and Safety Document No. P/BC 2014- 101 Site Testing Standards for Methane. The subsurface methane investigation shall include but is not limited to:
 - a. Installation of three to four (3-4) gas probes set throughout the Site;

- b. Gas Probe Sets include probes at approximate depths of 5, 10, and 20 feet below ground surface or the lowest building slab elevation;
- c. Collection of methane soil gas and pressure measurements in the field

The purpose of the subsurface methane investigation is to determine the level of methane concentrations that exist at the site, and the level of methane pressure (in inches water pressure) that exist at the site. The Applicant shall install an Active System and miscellaneous systems subject to the approval of the Los Angeles Department of Building and Safety ("LADBS"), including:

- d. An active mechanical extraction system (i.e., a fan pulling sub-slab air as opposed to active);
- e. Gas detection, alarm, and mechanical ventilation system on the lowest occupied spaces;
- f. A control panel for active/mechanical components;
- g. Additional vent risers.

34. The Applicant shall locate, survey, and leak test each oil well. Further, should the development proceed, each well will receive ventilation and protection, including but not limited to:

- a. Locate: Each well must be located to verify that it is or is not within the Site boundaries;
- b. Survey: Each well must be surveyed, both horizontally and vertically, to provide the exact location of this well on the Site and its depth;
- c. Leak Tested: Following exposure, the top casing of each well must be leak tested in the field for excessive methane levels, with DOGGR personnel present to verify. If a well is determined to be leaking, re-abandonment activities are likely necessary;
- d. Ventilation and protection: Each oil well that is to current abandonment standards, will require that a protection and ventilation cone be placed over the well cap (head). Attached to the vent cone will be a solid pipe vent riser that will terminate above breathing levels. This ventilation is a precautionary measure should the well ever begin to leak.

Administrative Conditions of Approval

35. **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.
36. **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.
37. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

38. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
39. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
40. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
41. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
42. **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

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The Project Site, 1424 North Deepwater Avenue, is located within the Wilmington – Harbor City Community Plan, which was last updated by the City Council on July 14, 1999. The site is a rectangular-shaped site comprised of one (1) lot and 56,060 square feet of lot area. The Community Plan designates the site with a land use designation of Low Residential, which lists RE9, RS, R1, RU, RD6, and RD5 as corresponding zones.

As recommended, the amendment would re-designate the Project Site to the General Commercial land use designation, which lists the following corresponding zones: C1.5, C2, C4, RAS3, and P. The Community Plan also contains a Footnote No. 7 which restricts General Commercial land uses to “the use and area provisions of the RD1.5 zone”. Under the General Plan Amendment, the applicant has requested to be excluded and exempted from the provisions of Footnote No. 7 so that the project is no longer restricted to the RD1.5 use and area provisions. The recommended change to the Zone to C2-1XL-O-CUGU for the site would be consistent with the adoption of the recommended Plan Amendment and would be in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Wilmington – Harbor City Community Plan.

2. **Charter Finding – City Charter Finding 555.** The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic, or physical identity.

The Project Site is located within the Wilmington – Harbor City Community Plan area, approximately 230 feet from the northwestern corner of the intersection of Eubank Avenue and Pacific Coast Highway. Pacific Coast Highway is a commercial corridor that extends from the 110 Freeway on the west to Eubank Avenue to the east, and provides access to the industrial district that comprises the northeasterly portion of the Community Plan area. The Project Site is directly north of the Pacific Coast Highway commercial corridor, with the southerly abutting property zoned [Q]C2-1VL-O-CUGU and developed with public storage facilities. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes built primarily in the 1960s fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site. The Project Site has its own physical identity in that it is vacant in an otherwise developed neighborhood. The site contains seven (7) oil wells that were plugged and abandoned in the 1990s per DOGGR records, and one (1) of the wells will require re-abandonment to meet current standards. The Project Site is currently vacant, and has not been previously developed per building permit records. The ability to develop the vacant site is limited, as the existing R1-1XL-O-CUGU zoning would permit only 11 dwelling units. The amendment and zone change would allow development of the site with 56 dwelling units, which would include 55 dwelling units set aside as Restricted Affordable Units for Very Low Income households. The project is only proposing 56 dwelling units at a rate of one dwelling unit per 1,000 square feet of lot area, which is appropriate as a transition to the single-family residential neighborhood. The project will therefore serve as a buffer between the single-family residential neighborhood on the north and the commercial uses to the south.

3. **Charter Finding – City Charter Finding 556.** When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General

Plan. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

The Project Site is located within the Wilmington – Harbor City Community Plan area, which is one of 35 community plans that the Land Use Element of the General Plan is comprised of. The Community Plan designates the site with a land use designation of Low Residential, which lists RE9, RS, R1, RU, RD6, and RD5 as corresponding zones. The site is presently zoned R1-1XL-O-CUGU, which is consistent with the existing land use designation.

As recommended, the amendment would re-designate the Project Site to the General Commercial land use designation, and would amend Footnote No. 7 to clarify that the footnote limiting the development to the use and provisions of RD1.5 zone does not apply to the Project Site. The amendment of the land use designation and footnote, in conjunction with the recommended zone change to C2-1XL-O-CUGU, would allow the development of the site with a new affordable housing project.

The site is located within an area that is designated and zoned for a variety of uses including Low Residential (R1-1XL-O-CUGU), Low Medium Density Residential ([Q]R2-1XL-O-CUGU), General Commercial ([Q]C2-1VL-O-CUGU), Open Space (OS-1XL-CUGU, OS-1XL-O-CUGU), and Light Manufacturing ([T][Q]MR2-1VL-CUGU) within a 500-foot radius from the subject site. The adjoining property to the south has frontage along the north side of Pacific Coast Highway, and is zoned [Q]C2-1VL-O-CUGU and developed with a public storage facility with structures ranging from 1 to 2 stories in height. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership and fenced off from Eubank Avenue. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site. Across Eubank Avenue to the east is the Wilmington Cemetery on an OS-1XL-CUGU zoned lot, and across Pacific Coast Highway to the south is The Banning Residence Museum and Wilmington Senior Citizen Center on an OS-1XL-O-CUGU zoned lot. Other surrounding properties across the intersection of Eubank Avenue and Pacific Coast Highway and O Street to the southeast are zoned [Q]R2-1XL-O-CUGU and improved with multi-family and single-family residences ranging from 1 to 2 stories in height. Properties further north along Eubank Avenue are zoned [T][Q]MR2-1VL-CUGU and improved as shipping container storage. Other neighborhood-serving uses within a quarter-mile radius of the subject site include the Phineas Banning Senior High School, commercial retail, fast food restaurants, and a church. The project is also within close proximity to the Torrance Bus Lines 3 and R3, LADOT DASH Wilmington Bus Line, and Metro Bus Line 246.

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards. The Project Site is currently vacant, and has not been previously developed per building permit records. The site was previously cited for on-site trailers being used as habitable buildings, storage of motor homes, trailers, cars and equipment.

The ability to develop the vacant site is limited, as the existing R1-1XL-O-CUGU zoning would permit only 11 dwelling units. The amendment and zone change would allow development of the site with 56 dwelling units, which would include 55 dwelling units set aside as Restricted Affordable Units for Very Low Income households. As further discussed in Finding Nos. 5 through 12, the amendment of the land use designation would be consistent with the purpose, intent, and provisions of the General Plan.

4. **Charter Finding – City Charter Finding 558.** The proposed Amendment to the Central City Community Plan will be in conformance with public necessity, convenience, general welfare and good zoning practice.

The recommended amendment to the Wilmington – Harbor City Community Plan would re-designate the land use designation of the Project Site from Low Residential to General Commercial, and would amend Footnote No. 7 to clarify that the footnote limiting the development to the use and provisions of RD1.5 zone does not apply to the Project Site. In conjunction with the recommended amendment, the recommended zone change from R1-1XL-O-CUGU to C2-1XL-O-CUGU would allow the development of the Project Site to a 56-unit affordable housing project.

Public Necessity, Convenience, and General Welfare

The Project Site has a land use designation of Low Residential and is zoned R1-1XL-O-CUGU, which would limit development to only 11 dwelling units on the subject site. The site is currently vacant, and has not been previously been developed per building permit records.

The Project proposes to develop the vacant and undeveloped site into a 56-unit affordable housing project, which would include 55 dwelling units set aside as Restricted Affordable Units for Very Low Income households, and provide supportive services to its residents. As the existing land use designation and zone would only permit 11 dwelling units, the amendment is necessary to permit the development of the site for the affordable housing project as proposed.

On April 8, 2015, Mayor Eric Garcetti released the Sustainable City pLAn, a roadmap to achieve short-term results while setting the path to strengthen the transformation of the City in the decades to come. As part of the plan, the Mayor set forth a goal of creating 100,000 new housing units by 2021. The plan highlights the need to minimize the loss of affordable housing and the need to increase the production of affordable housing. The amendment would allow the site to be developed and to provide 56 additional units to the housing market. The Project would be an infill development within an area of the City that is developed with a mixture of residential, commercial, open space, and light manufacturing uses. The amendment would not only introduce new housing, but would allow for housing to be provided in new construction, which has not occurred in the area. Additionally, due to the unique nature of the surrounding area, the Project would place housing along a commercial corridor on Pacific Coast Highway and within close proximity to commercial and light manufacturing jobs. Additionally, the Project has been designed to provide an open space amenity area, which would include new landscaping and planting of trees along Eubank Avenue. As proposed, the Project would improve the livability and general welfare of the future residents of the development.

Good Zoning Practice

The Project Site is designated by the Community Plan for Low Residential land uses and is zoned R1-1XL-O-CUGU. As zoned, it is consistent with the existing land use designation.

The site is located within an area that is designated and zoned for a variety of uses including Low Residential (R1-1XL-O-CUGU), Low Medium I Residential ([Q]R2-1XL-O-CUGU), General Commercial ([Q]C2-1VL-O-CUGU), Open Space (OS-1XL-CUGU, OS-1XL-O-CUGU), and Light Manufacturing ([T][Q]MR2-1VL-CUGU) within a 500-foot radius from the subject site. The adjoining property to the south has frontage along the north side of Pacific Coast Highway, and is zoned [Q]C2-1VL-O-CUGU and developed with a public storage facility with structures ranging from 1 to 2 stories in height. The adjoining property to the north is an

11-foot wide strip of vacant land that is under separate ownership and fenced off from Eubank Avenue. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site. Across Eubank Avenue to the east is the Wilmington Cemetery on an OS-1XL-CUGU zoned lot, and across Pacific Coast Highway to the south is The Banning Residence Museum and Wilmington Senior Citizen Center on an OS-1XL-O-CUGU zoned lot. Other surrounding properties across the intersection of Eubank Avenue and Pacific Coast Highway and O Street to the southeast are zoned [Q]R2-1XL-O-CUGU and improved with multi-family and single-family residences ranging from 1 to 2 stories in height. Properties further north along Eubank Avenue are zoned [T][Q]MR2-1VL-CUGU and improved as shipping container storage. Other neighborhood-serving uses within a quarter-mile radius of the subject site include the Phineas Banning Senior High School, commercial retail, fast food restaurants, and a church. The project is also within close proximity to the Torrance Bus Lines 3 and R3, LADOT DASH Wilmington Bus Line, and Metro Bus Line 246.

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards. The Project Site is currently vacant, and has not been previously developed per building permit records. The site was previously cited for on-site trailers being used as habitable buildings, storage of motor homes, trailers, cars and equipment.

The ability to develop the vacant site is limited, as the existing R1-1XL-O-CUGU zoning would permit only 11 dwelling units. The amendment and zone change would allow development of the site with 56 dwelling units, which would include 55 dwelling units set aside as Restricted Affordable Units for Very Low Income households. As provided in Finding Nos. 5 through 12, the amendment of the land use designation would be consistent with the purpose, intent, and provisions of the General Plan.

The amendment to re-designate the site to General Commercial would allow it to be developed with a new affordable housing development that would consist primarily of Restricted Affordable housing set aside for Very Low Income households. As the surrounding area is developed with a mixture of residential, commercial, open space, and light manufacturing uses, the amendment would not be introducing an incompatible use to the area, and would not be eliminating an existing use since the site is currently vacant. Furthermore, while the proposed zone and Footnote exemption would allow residential development at a rate of one dwelling unit per 400 square feet of lot area, for a maximum of 140 dwelling units on-site, the project is only proposing 56 dwelling units at a rate of one dwelling unit per 1,000 square feet of lot area, which is appropriate as a transition to the single-family residential neighborhood. As provided in Finding Nos. 5 through 12, the amendment would allow the development of the site with affordable housing that is consistent with the objectives and policies of the Community Plan.

The General Plan Amendment, Zone Change, and Site Plan Review granted herein is necessary to provide much needed supportive housing in this location based on the site's existing vacant and unutilized conditions and the site's proximity to transit, neighborhood services including the Wilmington Senior Citizen Center, and major corridor along Pacific Coast Highway.

5. **General Plan Text.** The Wilmington – Harbor City Community Plan text includes the following relevant objectives, policies, and programs:

- Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.
- Policy 1-1.1: Designate specific lands to provide for adequate multi-family residential development.
- Policy 1-1.2: Protect existing single family residential neighborhood from new, out of scale development
- Policy 1-1.3: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Policy 1-1.4: Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.
- Objective 1-2: To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.
- Policy 1-2.1: Locate higher residential densities near commercial centers and major transit routes, where public service facilities, utilities, and topography will accommodate this development.
- Policy 1-3.1: Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.
- Policy 1-3.2: Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.
- Objective 1-5: To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background.
- Policy 1-5.1: Promote greater individual choice in type, quality, price, and location of housing.

The Project Site has frontage along the western side of Eubank Avenue, approximately 230 feet from the northwestern corner of the intersection of Eubank Avenue and Pacific Coast Highway. The proposed Project would be one of the first new developments in the area, which has seen very little new development. The Project would develop an existing vacant site with the construction of a new affordable housing project that will provide 56 dwelling units, 55 of which would be set aside as Restricted Affordable Units for Very Low Income households.

The project will serve as a buffer between the single-family residential neighborhood on the north and the commercial uses to the south. Although the project proposes a density, height, and massing that exceeds the development pattern of the single-family residential neighborhood to the north, the project will be at a lower density and height than what would be allowed on the commercial properties to the south. As mentioned, the project proposes 56 dwelling units, at the rate of one dwelling unit per 1,000 square feet of lot area, and is lower than the density allowed on the commercial properties to the south which is one dwelling per

1,500 square feet of lot area. Similarly, the project proposes a 36-foot tall building, which will serve as a transition between the commercial properties to the south which are allowed a 45-foot building height limit. Furthermore, the project is designed with substantial setbacks and landscaping to serve as a buffer from the surrounding residential uses on the north. The building will be set back approximately 86 feet from Eubank Avenue and approximately 32 feet from the northerly property line, and will provide landscaping in the form of Italian cypress trees, to screen the project from the adjacent single-family residential buildings to the north. Therefore, the project will protect the existing single-family neighborhoods from the encroachment of new out-of-scale development.

The recommended amendment to re-designate the site to the General Commercial land use designation and recommended zone and height district change to C2-1XL-O-CUGU would allow the site to be developed with the Project as proposed. The project would not remove any existing residential or affordable units from the market, and would add 55 affordable units to the market. As proposed, the Project would be consistent with the definition of a 100 percent affordable project, as defined in LAMC Section 11.5.11, as the remaining one (1) unit will be designated as manager's units. As previously described, the site is located within an area which is developed with residential, commercial, open space, and light manufacturing uses. The development of the site with additional affordable housing units would place future residents within proximity to the commercial corridor along Pacific Coast Highway. As recommended, the General Plan Amendment to the land use designation from Low Residential to General Commercial, and the Zone Change to C2-1XL-O-CUGU would be consistent with the above referenced objectives, policies, and programs of the Wilmington – Harbor City Community Plan.

6. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

- Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.
- Objective 3.4: Encourage new multifamily residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.
- Objective 3.6: Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.
- Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.
- Policy 3.7.1: Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and

Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

Policy 3.7.4: Improve the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element.

Goal 7G: A range of housing opportunities in the City.

Objective 7.9: Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's work force to both live and work in the City.

Policy 7.9.1: Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

As recommended, the General Commercial land use designation and C2 Zone would enable the development of the vacant site with an affordable housing project that would provide Restricted Affordable dwelling units set aside for Very Low Income households. The development of the site would introduce new supportive housing, along with on-site social services, while also improving the livability of its future residents by providing on-site open space and landscaping. As recommended, the use would be compatible with existing development in the area which consists of residential, commercial, open space, and light manufacturing uses, and would be consistent with the above referenced goals, objectives, and policies, of the Framework Element.

7. Housing Element. The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units within the City to meet the projections of housing needs

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

- Objective 2.1: Promote safety and health within neighborhoods.
- Policy 2.1.2 Establish development standards and other measures that promote and implement positive health outcomes.
- Policy 2.2.1: Provide incentives to encourage the integration of housing with other compatible land uses.
- Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.
- Policy 2.2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.
- Policy 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.
- Policy 2.4.1: Promote preservation of neighborhood character in balance with facilitating new development.
- Policy 2.4.2: Develop and implement design standards that promote quality residential development.
- Policy 2.4.3: Develop and implement sustainable design standards in public and private open space and street rights-of-way. Increase access to open space, parks and green spaces.
- Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.
- Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan area.
- Goal 4: A City committed to preventing and ending homelessness.
- Objective 4.1: Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.
- Policy 4.1.3: Provide permanent supportive housing options with services for homeless persons and persons/families at risk of homelessness to ensure that they remain housed and get the individualized help they may need.
- Policy 4.1.6: Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations.

The Project Site has frontage along the western side of Eubank Avenue, approximately 230 feet from the northwestern corner of the intersection of Eubank Avenue and Pacific Coast Highway. The proposed Project would be one of the first new developments in the area, which has seen very little new development. The Project would develop an existing vacant site with

the construction of a new affordable housing project that will provide 56 dwelling units, 55 of which would be set aside as Restricted Affordable Units for Very Low Income households. The project will provide on-site supportive services and administrative offices on the ground floor, and will include an open-air open space amenity area along Eubank Avenue. As recommended, the Project would be consistent with the above referenced goals, objectives, and policies.

8. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. The proposed project, with the requested General Plan Amendment and Vesting Zone Change, proposes to construct a new three-story residential building on the western side of Eubank Avenue. Eubank Avenue is designated as a Collector Street and is currently dedicated to a right-of-way width of approximately 50 feet with a 40-foot roadway. The project will be required to dedicate and improve the public right-of-way to the satisfaction of the Bureau of Engineering. In addition to providing dedications to meet the established Street Standards, the project is also consistent with the following policies of the Mobility Element:

- Policy 3.3: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.
- Policy 5.4: Clean Fuels and Vehicles: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

The project will introduce new senior affordable housing opportunities on a site that is within close proximity to the Torrance Bus Lines 3 and R3, LADOT DASH Wilmington Bus Line, and Metro Bus Line 246. The Project has been conditioned to require that 20 percent of the parking spaces are to be wired for the installation of future EV chargers, and that 5 percent of the provided parking be installed with EV chargers.

9. **Safety Element.** The Safety Element of the General Plan contains the following relevant goals, objectives, and policies:

- Goal 1: A city where potential injury, loss of life, property damage and disruption of the social and economic life of the City due to fire, water related hazard, seismic event, geologic conditions or release of hazardous materials disasters is minimized.
- Policy 1.1.4: Health/environmental protection. Protect the public and workers from the release of hazardous materials and protect City water supplies and resources from contamination resulting from accidental release or intrusion resulting from a disaster event, including protection of the environment and public from potential health and safety hazards associated with program implementation. [All EOO hazardous materials hazard and water pollution mitigation programs implement this policy.]

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records and Construction Site Well Review dated August 19, 2019 and revised on September 18, 2019, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards (see MND Appendix C). A Memorandum on Proposed and Anticipated Oil Well and Methane Mitigation Measures was prepared by Carlin Environmental Consulting, Inc. dated August 21,

2019 (see MND Appendix D). According to the memorandum, the applicant will bring all oil wells into compliance and design, permit (plan check), inspect, and certify methane mitigation measures beneath the proposed building. The documents were reviewed by the Petroleum Administrator with the Department of Public Works, who confirmed the findings in correspondence dated September 16, 2019 and September 19, 2019. With imposition of the mitigation measures in Condition Nos. 28 and 34 including but not limited to a methane mitigation system, passive system, subsurface methane investigation, leak testing and ventilation and protection of oil wells, and completion of all oil well abandonment activities prior to the issuance of grading or building permits, the project will be designed to protect the health and safety of all future inhabitants.

10. The Conservation Element. The Conservation Element of the General Plan contains the following relevant goals, objectives, and policies:

Policy 16.3: Continue to protect neighborhoods from potential accidents and subsidence associated with drilling, extraction and transport operations, consistent with California Department of Conservation, Division of Oil and Gas requirements.

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records and Construction Site Well Review dated August 19, 2019 and revised on September 18, 2019, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards (see MND Appendix C). A Memorandum on Proposed and Anticipated Oil Well and Methane Mitigation Measures was prepared by Carlin Environmental Consulting, Inc. dated August 21, 2019 (see MND Appendix D). According to the memorandum, the applicant will bring all oil wells into compliance and design, permit (plan check), inspect, and certify methane mitigation measures beneath the proposed building. The documents were reviewed by the Petroleum Administrator with the Department of Public Works, who confirmed the findings in correspondence dated September 16, 2019 and September 19, 2019. With imposition of the mitigation measures in Condition Nos. 28 and 34 including but not limited to a methane mitigation system, passive system, subsurface methane investigation, leak testing and ventilation and protection of oil wells, and completion of all oil well abandonment activities prior to the issuance of grading or building permits, the project will be designed to protect the health and safety of all future inhabitants.

11. The Health Element. The Health and Wellness Element of the General Plan contains the following relevant goals, objectives, and policies:

Policy 5.4: Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records and Construction Site Well Review dated August 19, 2019 and revised on September 18, 2019, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards (see MND Appendix C). A Memorandum on Proposed and Anticipated Oil Well and Methane Mitigation Measures was prepared by Carlin Environmental Consulting, Inc. dated August 21, 2019 (see MND Appendix D). According to the memorandum, the applicant will bring all oil wells into compliance and design, permit (plan check), inspect, and certify methane mitigation measures beneath the proposed building. The documents were reviewed by the Petroleum Administrator with the Department of Public Works, who confirmed the findings in

correspondence dated September 16, 2019 and September 19, 2019. With imposition of the mitigation measures in Condition Nos. 28 and 34 including but not limited to a methane mitigation system, passive system, subsurface methane investigation, leak testing and ventilation and protection of oil wells, and completion of all oil well abandonment activities prior to the issuance of grading or building permits, the project will be designed to protect the health and safety of all future inhabitants.

- 12. The Sewerage Facilities Element.** The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Entitlement Findings

13. Zone Change Findings.

- a. **Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

Public Necessity, Convenience, and General Welfare

The Project Site is located within the Wilmington – Harbor City Community Plan. The site is located within an area that is designated and zoned for a variety of uses including Low Residential (R1-1XL-O-CUGU), Low Medium I Residential ([Q]R2-1XL-O-CUGU), General Commercial ([Q]C2-1VL-O-CUGU), Open Space (OS-1XL-CUGU, OS-1XL-O-CUGU), and Light Manufacturing ([T][Q]MR2-1VL-CUGU) within a 500-foot radius from the subject site.

The existing R1-1XL-O-CUGU Zone would prohibit the development of the Project Site with a new Project containing 56 residential dwelling units as proposed. As discussed under Finding No. 4, the Sustainable City pLAn issued by the Mayor establishes a goal to create 100,000 dwelling units by the year 2021. Additionally, the plan indicates a need to not only enable the production of additional housing, but to encourage the production of affordable housing. The Zone Change would permit the development of the site with a 100 percent affordable project, as defined by LAMC Section 11.5.11, with 1 market-rate manager's unit and 55 units proposed to be set aside for Very Low Income households.

The Project would place additional housing within proximity to the commercial corridor along Pacific Coast Highway, as well as industrial employment centers of the Wilmington community. As such, the project is eligible for a Developer's Incentive for reduced parking as a 100 percent affordable housing project at a ratio of 0.3 parking space per dwelling unit for special needs having either paratransit service or unobstructed access within ½ mile to fixed bus route service that operates at least 8 times a day, consistent with AB 744 and California Gov. Code Section 65915(p)(2). This reduces the reliance on the use of individual vehicles and encourage the use of public transit, and is therefore consistent with the policies and objectives of the General Plan as provided in Finding Nos. 5 through 12.

As a Project involving the construction of more than six (6) dwelling units, the Project is required to provide open space for the future residents in accordance with LAMC Section

12.21 G. In lieu of providing a combination of common and private open space, the applicant has chosen to provide all of the required open space as common open space, in the form of an open-air open space amenity area located along Eubank Avenue. This will provide access to usable outdoor space providing direct access to light and air to the future residents, and will also provide a landscaped buffer from the community. Therefore, as provided under Finding No. 4, the Project would be consistent with the public necessity, convenience, and general welfare of the surrounding area.

Good Zoning Practice

As recommended, the Zone Change to C2-1XL-O-CUGU would allow the development of the Project Site with new affordable housing.

As provided under Finding No. 4, the site is located within an area that is designated and zoned for a variety of uses including Low Residential (R1-1XL-O-CUGU), Low Medium Residential ([Q]R2-1XL-O-CUGU), General Commercial ([Q]C2-1VL-O-CUGU), Open Space (OS-1XL-CUGU, OS-1XL-O-CUGU), and Light Manufacturing ([T][Q]MR2-1VL-CUGU) within a 500-foot radius from the subject site. The adjoining property to the south has frontage along the north side of Pacific Coast Highway, and is zoned [Q]C2-1VL-O-CUGU and developed with a public storage facility with structures ranging from 1 to 2 stories in height. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership and fenced off from Eubank Avenue. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site. Across Eubank Avenue to the east is the Wilmington Cemetery on an OS-1XL-CUGU zoned lot, and across Pacific Coast Highway to the south is The Banning Residence Museum and Wilmington Senior Citizen Center on an OS-1XL-O-CUGU zoned lot. Other surrounding properties across the intersection of Eubank Avenue and Pacific Coast Highway and O Street to the southeast are zoned [Q]R2-1XL-O-CUGU and improved with multi-family and single-family residences ranging from 1 to 2 stories in height. Properties further north along Eubank Avenue are zoned [T][Q]MR2-1VL-CUGU and improved as shipping container storage.

Per California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") records, the site contains seven (7) oil wells that were plugged and abandoned in the 1990s; one (1) of the wells will require re-abandonment to meet current standards. The Project Site is currently vacant, and has not been previously developed per building permit records. The site was previously cited for on-site trailers being used as habitable buildings, storage of motor homes, trailers, cars and equipment.

The ability to develop the vacant site is limited, as the existing R1-1XL-O-CUGU zoning would permit only 11 dwelling units. The amendment and zone change would allow development of the site with 56 dwelling units, which would include 55 dwelling units set aside as Restricted Affordable Units for Very Low Income households.

As the surrounding area is developed with a mixture of residential, commercial, open space, and light manufacturing uses, the amendment would not be introducing an incompatible use to the area, and would not be eliminating an existing use since the site is currently vacant. Furthermore, while the proposed zone and Footnote exemption would allow residential development at a rate of one dwelling unit per 400 square feet of lot area, for a maximum of 140 dwelling units on-site, the project is only proposing 56 dwelling units at a rate of one dwelling unit per 1,000 square feet of lot area, which is appropriate as a transition to the single-family residential neighborhood. As described in Finding Nos. 1, 3,

and 5 through 12, the amendment would allow the development of the site with affordable housing that is consistent with the objectives and policies of the Community Plan.

The General Plan Amendment, Zone Change, and Site Plan Review granted herein is necessary to provide much needed supportive housing in this location based on the site's existing vacant and unutilized conditions and the site's proximity to neighborhood services including the Wilmington Senior Citizen Center, major corridor along Pacific Coast Highway, and public transit.

- b. **Pursuant to Section 12.32-G and Q of the Municipal Code "T" and "Q" Classification Findings.** The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. As recommended, the Zone Change has been placed in temporary "T" and permanent "Q" Classifications in order to ensure consistency with the amendment to the land use designation from Low Residential to General Commercial. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

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

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

As provided under Finding No. 1, the recommended Zone Change would be consistent with the recommended land use designation. As proposed, the Project would provide 1 market-rate manager's unit and 55 dwelling units set aside for Very Low Income households and would be considered a 100 percent affordable housing development pursuant to LAMC Section 11.5.11. In conjunction with the requested Zone Change, the Applicant has requested two (2) Developer's Incentives for reduced parking and increased height. As provided under Finding Nos. 5 through 12, the Project would meet the goals, objectives, and policies of the General Plan and the Wilmington – Harbor City Community Plan area. As such, the project is in substantial conformance with the General Plan and Community Plan. The project site is not located within a Specific Plan area. The General Plan Amendment, Zone Change, and Site Plan Review granted herein is necessary to provide much needed supportive housing in this location based on the site's existing vacant and unutilized conditions and the site's proximity to neighborhood services including the Wilmington Senior Citizen Center, major corridor along Pacific Coast Highway, and public transit.

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

The subject site is a level, rectangular-shaped, approximately 56,060 square-foot lot located to the northwest of the intersection of Eubank Avenue and Pacific Coast Highway in the Wilmington – Harbor City Community Plan. The site has a frontage of approximately 98 feet along the west side of Eubank Avenue, and a lot depth of approximately 570 feet. The adjoining property to the south has frontage along the north side of Pacific Coast Highway, and is zoned [Q]C2-1VL-O-CUGU and developed with a public storage facility with structures ranging from 1 to 2 stories in height. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership and fenced off from Eubank Avenue. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site.

The proposed Project would be one of the first new developments in the area, which has seen very little new development. The Project would develop an existing vacant site with the construction of a new affordable housing project that will provide 56 dwelling units, 55 of which would be set aside as Restricted Affordable Units for Very Low Income households. The project is the construction, use, and maintenance of a 3-story, 36-foot tall, 51,202 square-foot affordable housing project comprised of 56 dwelling units (100% restricted to Very Low Income households exclusive of one manager's unit), with on-site supportive services. The project will provide 19 parking spaces at grade level, and will provide 48 long-term and 5 short-term bicycle parking spaces. The project will have a Floor Area Ratio ("FAR") of 0.92:1. The project will involve the grading of approximately 2,750 cubic yards of soil, the removal of one (1) non-protected tree within the dedicated right-of-way area, and the re-abandonment of one (1) existing oil well. The proposed project would include design features, landscaping improvements, off-street parking facilities, lighting, landscaping, and enclosed trash collection, to enhance the visual quality of the area, and to be compatible with existing and future development on adjacent properties and neighboring properties.

Height

The proposed project consists of a building that is up to three (3) stories and approximately 36 feet in height. The site's current R1-1XL-O-CUGU Zone would restrict height to 30 feet, and the site's proximity to an RW1 or more restrictive zone (Wilmington Cemetery is zoned OS-1XL-O-CUGU) would further restrict height to a maximum 25-foot building height within 49 feet and maximum 33-foot building height within 99 feet of that lot per transitional height requirements of LAMC Section 12.21.1 A.10. However, the proposed 36-foot height is allowed in conjunction with the Zone Change to C2-1XL-O-CUGU through the Developer's Incentive for an increase in building height to 36 feet. The easterly portion of the building (containing the community room and administrative offices) facing Eubank Avenue will only be one (1) story and approximately 18 feet in height. As shown in Exhibit "A", the project provides a 32-foot northerly setback to provide a 24-foot wide driveway with landscaping in the form of Italian cypress trees to serve as a buffer and screen the project from the adjacent single-family residential buildings to the north. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership. Therefore, in combination with the 32-foot setback and adjacent 11-foot wide strip of land, the proposed building will be 43 feet away from the nearest single-family residential buildings to the north. The proposed building will also be set back approximately 86 feet from the Eubank Avenue street frontage, and will be screened with landscaping and the open space amenity along Eubank Avenue. The adjoining property to the south is zoned [Q]C2-1VL-O-CUGU which permits a building height of 45 feet. Therefore, the proposed project will serve as a buffer between the single-family neighborhood to the north and commercial uses to the south, and is not incompatible with the adjacent allowable building heights.

Bulk/Massing

The building will be up to 36 feet and three (3) stories in height, with a width of approximately 60 feet (facing Eubank Avenue) and length of 270 feet. The easterly portion of the building (containing the community room and administrative offices) facing Eubank Avenue will only be one (1) story and approximately 18 feet in height. While the proposed bulk and massing exceeds the development pattern of the single-family residential neighborhood to the north, the building will be set back approximately 86 feet from Eubank Avenue and approximately 32 feet from the northerly property line, and therefore will have a substantial buffer from the surrounding residential uses. Furthermore, in accordance with the Citywide Design Guidelines, the project provides architectural detailing that enhances the building façade by applying changes in building plane, recess, and varied building materials and colors, to incorporate variation in design.

Building Materials

The building design incorporates changes in building plane, recess, and varied building materials and colors to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include fiber cement nickel gap siding, stucco, and metal awnings. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with the Citywide Design Guidelines, changes in building materials are applied purposefully to modulate the building façade, and provide vertical articulation to distinguish the ground floor from upper residential levels. The project will also reserve 15 percent of the roof area for solar panels, as provided in Exhibit "A" and conditioned herein.

Entrances

The building entrance is provided through the community room that overlooks the open space amenity area along Eubank Avenue. The building entrance will be a set of double doors that are enhanced with transparent glazing along the adjacent community room facades and a metal awning. In accordance with the Citywide Design Guidelines, the building entrance is located and designed to be visible and prominent from the street. A secondary residential entrance is provided along the northern façade. A third residential entrance is provided along the rear westerly façade, and is accessible by a 6-foot wide pedestrian pathway that runs along the southern property line of the site.

Setbacks

The proposed C2-1XL-O-CUGU Zone requires a 6-foot side yard setback and 15-foot rear yard setback, with no front yard setback requirements. The project exceeds these setback requirements to provide buffers from the surrounding uses. The project will provide an 86-foot easterly front yard setback from Eubank Avenue to provide a 4,768 square foot open space amenity area along the Eubank Avenue frontage. The project will also provide a 32-foot northerly side yard setback to provide a 24-foot driveway with landscaping and create a buffer from the single-family residential neighborhood to the north. A 6-foot side yard setback will be provided along the southern property line, which will serve as pedestrian access to the rear of the site, and a 96-foot rear yard setback will be provided from the westerly property line to provide an open-air surface parking lot with 10 parking spaces.

Parking/Loading

The project will provide a total of 19 parking spaces for the proposed residential uses, which would be provided at grade level. Nine (9) surface parking spaces are provided towards the front of the lot, and ten (10) surface parking spaces are provided in the rear of the lot. Both are accessed from the 26-foot wide drive aisle that enters from Eubank Avenue and runs along the northern property line of the site. As conditioned, no vehicular

access is proposed along Deepwater Avenue or Seagrove Avenue, and a minimum of five percent of spaces will be configured for electric vehicle chargers.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping

On-site landscaping and open space is provided in the form a 4,768 square foot open space amenity area along the Eubank Avenue frontage. The open space area includes a BBQ, tables and chairs, permeable interlocking pavers, trellis, and plant materials. In addition, the project proposes landscaping along the northern property line in the form of sweet bay trees as a buffer to screen the site from view from the single-family residential neighborhood to the north. The project is conditioned to submit landscape plans prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Trash Collection

A designated trash room is provided at the ground floor of the building adjacent to the drive aisle. The trash room is located and is fully enclosed so that it is not visible from public view from the street. Service providers will access the trash area from the drive aisle that enters off of Eubank Avenue. Therefore, trash collection will not affect circulation for surrounding properties.

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

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. The project will provide 3,482 square feet of supportive services in the form of a community room and related administrative offices. Common open space is provided in the form of a 4,768 square foot open space amenity area along the Eubank Avenue frontage. The open space area includes a BBQ, tables and chairs, permeable interlocking pavers, trellis, and plant materials. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

14. Supportive Housing Project Findings. In accordance with Assembly Bill ("AB") 1197 (PRC Section 21080.27), a supportive housing project that qualifies for the following eligibility requirements in accordance with PRC Section 21080.27(a)(3) is statutorily exempt from CEQA:

- a. The supportive housing development meets the eligibility requirements of any of the following:**
- a) Government Code Section 65650 (AB 2162); or**
 - b) An Interim Motel Housing Project pursuant to Los Angeles Municipal Code (LAMC) Section 14.00 A.12; or**
 - c) Qualified Permanent Supportive Housing pursuant to LAMC Section 14.00 A.13.**

The project meets the eligibility requirements of Government Code Section 65650 (AB 2162), which refers to the following definition of "supportive housing" in Section 50675.14 of the California Health and Safety Code ("HSC"):

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

The project is a supportive housing project with no limit on length of stay, and will be restricted to occupancy by the target population as defined by HSC Section 50675.14(b)(3) for qualifying homeless individuals. On-site supportive services will be provided in conformance with the requirements of Proposition HHH funds.

In addition, the project complies with the following eligibility requirements of Government Code Section 65650:

(1) Units within the development are subject to a recorded affordability restriction for 55 years.

There will be 56 units in the project and all of them, except for the market-rate manager's unit, will be restricted to Very Low Income households, and covenanted as such for a period of 55 years.

(2) One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

The development will restrict 100 percent of units, excluding a manager's unit, that is 55 out of 56 units, for Very Low Income households, as defined by LAMC Section 11.5.11 and Health and Safety Code Section 50105.

(3) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

The development will restrict 100 percent of units, excluding a manager's unit, that is 55 out of 56 units, to members of the target population.

(4) The developer provides the planning agency with the information required by Section 65652, which requires a developer of supportive housing subject to this article shall provide the planning agency with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, as required by Section 65651, and describing those services, which shall include all of the following: (a) The name of the proposed entity or entities that will provide supportive services; (b) The proposed funding source or sources for the provided onsite supportive services; (c) Proposed staffing levels.

The developer has provided to the Department of City Planning a plan for providing supportive services (see Exhibit G). The plan identifies an organization called The People Concern as the provider for supportive services. The Los Angeles County Department of Health Services will provide funding in the amount of \$297,000 per year for Intensive Case Management Services. The staffing levels will include one clinical case manager/team lead, one clinical case manager, one case manager, one clinical supervisor, and one program manager, equivalent to 144 hours per week, to administer services.

(5) Nonresidential floor area shall be used for onsite supportive services in the following amounts: (A) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services; (B) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

The 56-unit project is required to provide at least 3 percent of the total nonresidential floor area for on-site supportive services, and is conditioned as such. The project will approximately 3,482 square feet for on-site supportive service areas, including offices, computer room, and community room, as shown in Exhibit "A".

(6) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.

Per the AB 2556 Determination completed by the Los Angeles Housing and Community Investment Department ("HCIDLA") dated January 3, 2019, no replacement affordable units are required.

(7) Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

All 56 units in the development will include a bathroom and full kitchen with a stovetop, sink, and refrigerator.

Therefore, the project is a supportive housing project that will meet the eligibility requirements of Government Code Section 65650, and is conditioned herein.

b. The supportive housing development is funded, in whole or in part, by any of the following:

- a) The No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code); or
- b) The Building Homes and Jobs Trust Fund (Health and Safety Code Section 50470); or
- c) County of Los Angeles Measure H funds; or
- d) City of Los Angeles Measure HHH funds; or
- e) The City of Los Angeles Housing Impact Trust Fund.

The applicant has submitted a letter of funding commitment from the Los Angeles Housing + Community Investment Department dated October 22, 2018, demonstrating that the project will receive funds from the Proposition HHH Permanent Supportive Housing Loan Program (see Exhibit G).

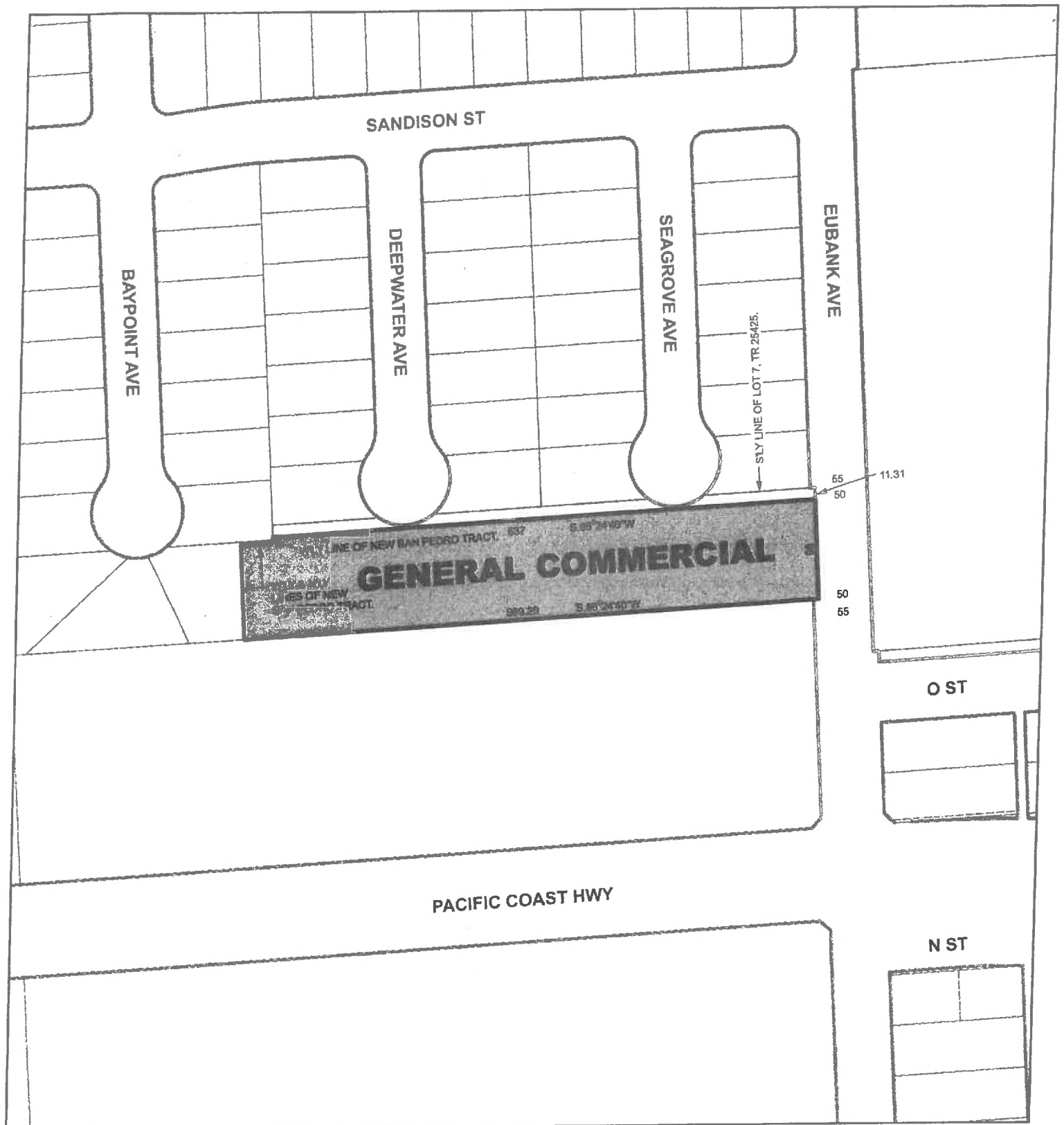
Therefore, as a supportive housing project that meets the eligibility requirements of Government Code Section 65650 and has received funding from the City of Los Angeles Proposition HHH funds, the project qualifies for the CEQA exemption under AB 1197.

The Department of City Planning has determined that the proposed project is exempt from CEQA pursuant to Assembly Bill 1197, Public Resource Code Section 21080.27(a)(3) and 21080.27(b)(1). There is substantial evidence demonstrating that the project is consistent with the definition of Supportive Housing under Section 50675.14 of the Health and Safety Code, the project meets the eligibility requirements of Article 11 of Chapter 3 of Division 1 of Title 7 of the Government Code, and the project is funded, in part, by general bond obligations issues pursuant to Proposition HHH approved by the City of Los Angeles at the November 8, 2016, statewide general election. All actions to approve the Project were taken in furtherance of providing vitally needed Supportive Housing to house and serve the homeless in the City of Los Angeles.

The General Plan Amendment, Zone Change, and Site Plan Review granted herein is necessary to provide much needed supportive housing in this location based on the site's existing vacant and unutilized conditions and the site's proximity to neighborhood services including the Wilmington Senior Citizen Center, major corridor along Pacific Coast Highway, and public transit.

Environmental Findings

- 15. Mitigated Negative Declaration.** A Mitigated Negative Declaration (ENV-2018-7330-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Project Planning Division of the Planning Department in Room 721, 200 North Spring Street.
- 16. Statutory Exemption.** Pursuant to Assembly Bill 1197 and PRC Section 21080.27, a supportive housing project that satisfies the requirements of PRC Section 21080.27(a)(3) is Statutorily Exempt from the California Environmental Quality Act ("CEQA").
- 17. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain.



Amend the General Plan Land Use Map of the Wilmington - Harbor City Community Plan to add to end of Footnote 7: "The provisions of this Footnote shall not apply to the property located at 1424 North Deepwater Avenue (lot PT VIII, Block 111 AC, Tract NEW SAN PEDRO), as identified per City Planning Case No. CPC-2018-7329-GPAJ-ZCJ-SPR."



CPC-2018-7329-GPAJ-ZCJ-SPR

AA/cf

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WILMINGTON - HARBOR CITY

City of Los Angeles



RESOLUTION

WHEREAS, the subject property is located within the area covered by the Wilmington – Harbor City Community Plan (“Community Plan”), which was adopted by the City Council on July 14, 1999 (CF 98-1619); and

WHEREAS, the applicant is proposing to develop a 3-story, 36-foot tall, 51,202 square-foot senior affordable supportive housing project comprised of 56 dwelling units (100% restricted to Very Low Income households exclusive of one manager’s unit), with on-site supportive services, with 19 parking spaces, in the Wilmington community; and

WHEREAS, to carry out the above-referenced project, the applicant has requested a General Plan Amendment to (a) change the land use designation for the subject property from Low Residential to General Commercial within the Wilmington – Harbor City Community Plan (“Community Plan”); (b) amend the General Plan Generalized Land Use Map for the Community Plan area to reflect the General Commercial land use designation; and

WHEREAS, the General Plan Amendment is consistent with Charter Sections 555, 556, and 558, representing an Amendment in Part of the Wilmington – Harbor City Community Plan, representing a change to the social, physical and economic identity of the project site; and

WHEREAS, the City Planning Commission at its meeting of December 12, 2019, approved the foregoing General Plan Amendment; and

WHEREAS, the General Plan Amendment is necessary to achieve and maintain consistency between zoning and the adopted Community Plan as required by California State law; and

WHEREAS, pursuant to the provisions of the Los Angeles City Charter, the Mayor and the City Planning Commission have transmitted their recommendations; and

WHEREAS, the requested General Plan Amendment is consistent with the intent and purpose of the Wilmington – Harbor City Community Plan to designate land uses in an orderly and unified manner; and

WHEREAS, the subject request would provide for a more logical and uniform pattern of planned land use development that is compatible with surrounding land use designations on the General Plan; and

WHEREAS, the project has been reviewed by Mitigated Negative Declaration, ENV-2018-7330-MND, and has been determined to be statutorily exempt as a Supportive Housing Project, in accordance with the City’s Guidelines for implementation of the California Environmental Quality Act (“CEQA”) by the City Planning Department.

NOW, THEREFORE, BE IT RESOLVED that the Community Plan shall be amended as shown on the attached General Plan Amendment Map.

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FEDERAL
LIMITS
APPLY



DL

EXP 07/10/2024

CLASS C

END NONE

LN LOPEZ

FN GUADALUPE

1441 BAYPOINT AVE
WILMINGTON, CA 90744

DOB 07/10/1975

SEX F

HGT 5-04"

WGT 145 lb

DD 04/29/2019

07/10/1975

EYES BLK

ISS

04/29/2019

SEX F
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