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W16c

**A-5-VEN-21-0063 (SUTTER)
NOVEMBER 16, 2021**

CORRESPONDENCE

Citizens Preserving Venice (appellants).....	2
Christopher Pederson.....	57

From: Robin Rudisill <wildrudi@icloud.com>
Sent: Friday, November 5, 2021 5:16 PM
To: Seifert, Chloe@Coastal
Cc: Vaughn, Shannon@Coastal; Hudson, Steve@Coastal; Stevens, Eric@Coastal; Sue Kaplan; Margaret Molloy; David Ewing; David Ewing; Bill Przulucki; Lydia Ponce; Laddie Williams; Laddie Williams; Christie, Sarah@Coastal; Selvaraj, Sumi@Coastal
Subject: A-5-VEN-21-0063, 811-815 Ocean Front Walk
Attachments: MelloAdminProcedures_(Alan_Bell).pdf

Hi Chloe,

We're writing regarding the appeal of 811-815 Ocean Front Walk, A-5-VEN-21-0063.

A. Demolition of the existing 100% residential structures for purposes of a mixed use project is not allowed by the state Mello Act.

In the appeal, we stated the following:

Under the Commission's Environmental Justice Policy, which in many ways is also consistent with the intent of the Mello Act, housing structures must be protected. Allowing mixed use projects to replace residential structures results in an incentive to commercialize housing and thus lose what are likely older lower income housing structures with lower rents, displacing existing residents. The Commission's Environmental Justice policy should prevent the Commission from approving a project such as this that violates the Mello Act and causes an adverse cumulative impact of displacing Venice's existing lower income residents.

The Mello law wisely prohibits conversion to nonresidential uses unless they are coastal dependent, Government Code Section 65590(c) states:

"The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location."

Similar in intent to the Mello Act, the Coastal Commission Environmental Justice Policy, Housing, page 8 states:

"The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness."

"The Coastal Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss..."

“The Commission will also support measures that protect existing affordable housing. If the Commission staff determines *that existing affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue.*” (Emphasis added)

The City has violated the Mello Act by allowing a demolition and conversion of residential structures for purposes of a mixed-use development and this is your opportunity to put your Environmental Justice policy into effect by working with the city to resolve this violation.

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We are very anxious for Coastal Staff to effectuate the above clauses of the Commission's Environmental Justice Policy on this important and pivotal case related to protection of housing from being commercialized and reducing displacement from the Coastal Zone that is impacting access for lower-income residents.

Certified LUP Policy I. A. 9. also requires compliance with the Mello Act's affordable housing provisions:

"Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act)."

Although the policy specifically addresses compliance with the requirements for the replacement of units occupied by persons and families of low and moderate income, by implication, that compliance must extend to the threshold requirement that a demolition or conversion of residential structures for the purposes of a non-coastal-dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location.

In order to address the Mello requirements for replacement affordable units and provision of inclusionary units, the Project must first meet the threshold requirement in the Mello Act, Government Code Section 65590(c), which states:

“The conversion or demolition of any residential structure for purposes of a nonresidential use which is not “coastal dependent,” as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).” (Emphasis added.)

This provision is repeated in the City's Interim Procedures for Complying with the Mello Act ("IAP") Section 4.1 as well as in the Settlement Agreement Between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman Concerning Implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles ("Settlement Agreement") Section VI.C.1. and is a condition precedent in order for the City to conduct its determination of whether there are any existing affordable units:

“The Mello Act states that the Demolition or Conversion of residential structures for the purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location.”

The City ignores this precedential requirement and incorrectly treats the Mello Act as only an affordable housing law. By allowing demolition of the three existing residential structures for purposes of a mixed-use residential-commercial restaurant project, the City is omitting consideration of the condition precedent to the affordable housing analysis that is required by Government Code Section 65590(c), which requires maintaining the existing residential structure unless the project is for a coastal-dependent use or the local jurisdiction finds that residential use is no longer feasible.

Also, IAP Section 4.0 specifically states that one of the purposes of completing a Mello Act Compliance Review is to identify applications to demolish or convert residential structures for purposes of a non-Coastal-Dependent, non-residential use and that these applications shall be denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location.

Given that the proposed use is non-residential and not coastal dependent, the question at IAP Section 4.3, which requires feasibility to be assumed, must be answered. If the applicant has not proven with substantial evidence that a residential use is infeasible, the Mello Act Compliance Review stops, and the application shall be denied. The Project is clearly not coastal dependent and, as per the requirements of IAP Section 4.3, continuation of the residential use is feasible because it is adjacent to other existing, viable residential uses and the use has non-conforming rights that permit a continued residential use.

A copy of the IAP is attached for your convenience.

Omitting any mention in the Mello Act Compliance Review and the CDP findings of the requirements of Government Code Section 65590(c) regarding maintaining residential structures is to omit a significant part of the Mello Act law (one of its three main “rules”).

Only if a local government makes this threshold finding may it proceed to compliance with the replacement and inclusionary requirements for low- and moderate-income dwelling units, as addressed in LUP Policy I. A. 9. The City failed to make the required findings as it failed to consider the Mello Act’s threshold requirement contained in Government Code Section 65590(c), the Settlement Agreement and the IAP.

Thus, omitting consideration of this threshold requirement for LUP Policy I. A. 9. in the CDP findings is an error and abuse of discretion. In addition, it appears that the City completely omitted consideration of LUP Policy I. A. 9 in the local CDP, which is an error and abuse of discretion.

B. There were two units at 811 Ocean Front Walk, which together with the eight units at 815 Ocean Front Walk equals 10 existing units; providing only 9 new units is a decrease in density; projects consisting of ten or more residential units must provide Inclusionary Residential Units.

It’s clear that 811 Ocean Front Walk had at least two legal rental units at the time the tenants were subjected to Ellis Act evictions because tenants in a single family dwelling are not subject to the Ellis Act. The City’s Housing Department (HCID) letter dated July 14, 2015, which can be found at Exhibit A to the appeal, shows that the tenants living at 811 Ocean Front Walk were evicted using the Ellis Act. Only units subject to the City’s Rent Stabilization Ordinance (RSO) are covered by the Ellis Act.

Here is the RSO:

https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-195151

Under definitions, Rental Units, it states that Rental Units shall not include dwellings, one family.

Here is the Ellis Act, Government Code Section 7060.2:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1399

The first sentence states:

"If a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may, notwithstanding any provision of this chapter, provide by statute or ordinance, or by regulation as specified in Section 7060.5, that any accommodations which have been offered for rent or lease and which were subject to that control or system of control at the time the accommodations were withdrawn from rent or lease, shall be subject to the following."

Thus, the Ellis Act only covers rental units that are subject to the RSO.

The decrease from two units to one unit subsequent to the time the tenants were evicted from 811 Ocean Front Walk is a change in intensity of use, which requires a CDP. However, there is no CDP approving this change of use subsequent to the time the tenants were evicted from 811 Ocean Front Walk. Therefore, there are ten existing legal units (two for 811 Ocean Front Walk and eight for 815 Ocean Front Walk). Accordingly, the project would constitute a decrease in density of one unit.

In addition, IAP Section 5.0 New Housing Developments states:

"Based on the Coastal Commission Guidelines, the Council has found that it is generally feasible for New Housing Developments consisting of ten or more Residential Units to provide Inclusionary Residential Units. Applicants shall implement one of the following two required inclusionary options:

Inclusionary Requirement Option #1. Reserve at least 20 percent of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households; or

Inclusionary Requirement Option #2. Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households."

The project must provide either two Inclusionary Residential Units for Very Low or Low Income Households or one Inclusionary Residential Unit for Very Low Income Households.

C. The certified LUP does not require a new development in a commercial coastal land use designation to be mixed-use.

Mixed-use residential-commercial development is not required in Venice's commercial land use designation areas.

LUP Policy Mixed-Use Development I. B. 2. states:

"Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use." (Emphasis added.)

LUP Policy I. B. 6. Community Commercial Land Use states:

"The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses." (Emphasis added.)

Mixed-use residential-commercial developments shall be encouraged in the areas designated for commercial use, but they are not required. Terminology in land use law is specific, and use of the word "encourage" makes it clear that there will be situations where it is not required. In fact, LUP Policy III. A. 1. a. states:

“Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area...” (Emphasis added.)

Although it would be preferable for a project in a commercial land use designation to be a commercial mixed-use project and conform with the zone, it is not required. In addition, there is a housing crisis and a crisis of displacement of existing low income residents, as is well known and as is recognized in the City's pending Housing Element's top priorities, and protecting residential structures and preventing displacement must be a priority over commercial uses.

Lastly, I promised you a copy of Chuck Posner's email re. this project. There may have been other emails but this was his concluding email. Although Chuck indicated that a 100% residential project would not conform to a commercial coastal land use designation, as we also noted above, he states that visitor-serving uses are a priority, but again, not required. Please note that the date of his email is June 5, 2015. This was a few years before the current housing crisis became so severe and the Commission began to shift its policy actions to prioritize protection of housing. Chuck also indicates that the owners can maintain the existing use if Mello doesn't allow conversions of residential units to commercial uses, which as shown above, the law does not allow. Thus, his conclusion: "A new project must conform to both the Mello Act and Coastal Act requirements. If it cannot, then the existing use will continue."

From: "Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>
Subject: 811-815 Ocean Front Walk, Venice
Date: June 5, 2015 12:14:14 PM PDT
To: 'Robin Rudisill' <wildrudi@me.com>, 'John Reed' <John@reedarchgroup.com>
Cc: "Ainsworth, John@Coastal" <John.Ainsworth@coastal.ca.gov>, "Padilla, Al@Coastal" <Al.Padilla@coastal.ca.gov>, "Henry, Teresa@Coastal" <Teresa.Henry@coastal.ca.gov>

Regarding 811-815 Ocean Front Walk, Venice: Land Use Plan Designation of Community Commercial.

A new 100% residential project would not conform to the land use policies of the certified LUP or the Chapter 3 policies that prioritize visitor-serving uses along the shoreline. A mixed-use project, with residential above commercial, would conform to the LUP and Chapter 3.

The site is currently 100% residential units. The owners can maintain the existing non-conforming use if the Mello Act does not allow conversions of residential units to commercial uses.

A new project must conform to both the Mello Act and Coastal Act requirements. If it cannot, then the existing use will continue.

Charles R. Posner
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California Coastal Commission
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Long Beach, CA 90802
(562) 590-5071
chuck.posner@coastal.ca.gov

The Project is required to conform with both the Mello Act and the Coastal Act. Thus, maintaining the residential use with a 100% residential project is the only option available to the applicant.

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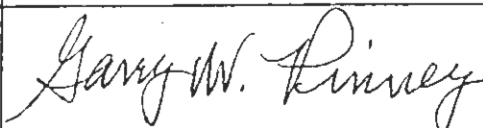
Please let us know if you have any questions in this regard.

Robin Rudisill, on behalf of
Citizens Preserving Venice
*For the Love of Los Angeles
and our precious Coast,*
Robin Rudisill



INTERIM ADMINISTRATIVE PROCEDURES FOR COMPLYING WITH THE MELLO ACT

IN THE COASTAL ZONE PORTIONS OF THE CITY OF LOS ANGELES

APPROVED BY:	SIGNATURE:	DATE:
ANDREW A. ADELMAN General Manager Department of Building and Safety		5/17/00
CON HOWE Director Department of City Planning		5/16/00
GARRY W. PINNEY General Manager Department of Housing		5/16/00

ALL CITY STAFF AND EMPLOYEES
SHALL FOLLOW THESE PROCEDURES PURSUANT TO CITY COUNCIL
RESOLUTION AND DEPARTMENTAL ORDERS

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1. DEFINITIONS
2. MELLO ACT COMPLIANCE REVIEW WORKSHEET FOR PROPOSED DEMOLITIONS AND CONVERSIONS (Please refer to the Mello Procedures Memo dated October 28, 2003)
3. LOS ANGELES CITY PLANNING DEPARTMENT MODERATE-INCOME HOUSING PURCHASE FEASIBILITY ANALYSIS (~~FORM CP-6394~~)
(Contact the Mello Coordinator for information.)
4. AFFORDABLE HOUSING INCENTIVES GUIDELINES

1.0 INTRODUCTION

On January 19, 2000, the City Council adopted an action program with respect to implementation of California Government Code Sections 65590 and 65590.1, commonly called the Mello Act, within the City of Los Angeles. The Mello Act is a statewide law which seeks to preserve housing for persons and families with low or moderate incomes in California's Coastal Zone. The Mello Act also requires developers of New Housing Developments, if feasible, to provide Residential Units affordable to low or moderate income persons or families.

1.1 COUNCIL'S ACTION PROGRAM

Council's action program is summarized below:

- ☐ Part One. The Council re-adopted its existing policy (as previously contained in C.F. No. 81-6299), and directed the Departments of Building and Safety, City Planning and Housing to develop consistent and more effective Interim Administrative Procedures to implement this policy. Council was particularly concerned that every Discretionary and Non-Discretionary Application in the Coastal Zone that requires Mello Act compliance review receive the proper review. Council's policy generally requires the one-for-one replacement of demolished or converted housing units occupied by persons or families of low or moderate income within three years. In addition, Council's policy concerning New Housing Developments is based on the Coastal Commission Guidelines.
- ☐ Part Two. Council directed the Department of City Planning to develop a Mello Act Interim Ordinance, which will include an in-lieu fee payment option. Council also authorized the Department to execute a consultant contract with Hamilton, Rabinovitz and Alschuler (HR&A) to produce the studies and factual analysis necessary to support development of the Interim Ordinance and in-lieu fee payment program. The Interim Administrative Procedures developed in Part One will be tested and updated, and submitted to Council, along with the Interim Ordinance, in a timely manner.
- ☐ Part Three. Council directed the Department of City Planning to develop a permanent Mello Act implementation ordinance. The Council also committed to hiring a qualified consultant to prepare the studies and factual analysis necessary to support development of the permanent ordinance. The Interim Administrative Procedures will again be updated, and resubmitted to Council along with the permanent Mello Act ordinance.

1.2 INTERIM ADMINISTRATIVE PROCEDURES

It is the policy of the Council of the City of Los Angeles that the Departments of Building and Safety, City Planning (including the Zoning Administration Division) and Housing shall administer, enforce and monitor the provisions of the Mello Act in accordance with these Interim Administrative Procedures.

1.2.1 EFFECTIVE DATE AND PERIOD

These Interim Administrative Procedures are effective immediately, and shall remain in effect until modified in accordance with the Interim Ordinance.

1.2.2 PENDING PERMIT AND APPROVAL APPLICATIONS

Pending Discretionary and Non-Discretionary Applications are subject to the requirements of the Mello Act.

1.2.3 RELATIONSHIP OF PROCEDURES TO EXISTING REGULATIONS

Every Discretionary and Non-Discretionary Application for a Demolition, Conversion or New Housing Development in the Coastal Zone shall be reviewed pursuant to these Interim Administrative Procedures, regardless if the Application is regulated by any geographically specific plan or Local Coastal Program. This requirement also applies to any Discretionary or Non-Discretionary Application exempted from the requirement to obtain a coastal development permit.

In the case of conflict between these Interim Administrative Procedures, any geographically specific plan, Local Coastal Program, or any other regulation, the requirement which results in the provision of the largest number of Affordable Replacement Units or Inclusionary Residential Units shall apply. These Interim Administrative Procedures shall not, however, abrogate any existing development agreement executed between a property owner and the City of Los Angeles prior to May 17, 2000.

1.2.4 CONSTITUTIONAL AND STATE LAW COMPLIANCE

Nothing in these Interim Administrative Procedures shall require the City to violate any state law or to violate the rights of any person under the federal or state constitution or state law.

1.3. OVERVIEW OF THE MELLO ACT

The Mello Act was adopted by the State Legislature in 1982. The Act sets forth requirements concerning the demolition, conversion and construction of housing within California's Coastal Zone. Each local jurisdiction shall enforce three basic rules:

- Rule 1. Existing residential structures shall be maintained, unless the local jurisdiction finds that residential uses are no longer feasible.** A local jurisdiction may not approve the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use, unless it first finds that a residential use is no longer feasible at that location.
- Rule 2. Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced.** Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced on a one-for-one basis.
- Rule 3. New Housing Developments shall provide Inclusionary Residential Units.** If feasible, New Housing Developments shall provide Inclusionary Residential Units affordable to Very Low, Low or Moderate Income persons or families.

These rules are subject to numerous exceptions and additional required feasibility determinations which complicate the administration of the Mello Act.

2.0 INITIAL SCREENING AND ROUTING

The Department of Building and Safety is responsible for the initial screening and routing of Non-Discretionary Applications. The Department of City Planning is responsible for the initial screening and routing of Discretionary Applications.

Public Counter staff at these Departments are hereby directed to develop the appropriate forms and procedures necessary to screen, route and track all Discretionary and Non-Discretionary Applications pursuant to steps one through six below.

2.1. STEP ONE. IDENTIFY COMMUNITY PLAN AREA.

Staff shall determine if a filed and deemed complete Discretionary or Non-Discretionary Application is located in the following Community Plan Areas: Brentwood-Pacific Palisades, Venice, Del Rey, Westchester-Playa Del Rey, San Pedro or Wilmington-Harbor City. If the Application is in one of these Community Plan Areas, go to step two.

2.2 STEP TWO. DETERMINE COASTAL ZONE LOCATION.

Staff shall consult the appropriate City of Los Angeles Coastal Zone Subarea Map to determine if the Application is located in the Coastal Zone. If the Application is in the Coastal Zone, go to step three.

2.3 STEP THREE. IDENTIFY CONVERSIONS, DEMOLITIONS AND NEW HOUSING DEVELOPMENTS.

Staff shall identify Discretionary or Non-Discretionary Applications that involve one or more Residential Units. Staff shall then determine if any of these Applications conform to the definition of a Demolition, Conversion or New Housing Development as contained in Attachment 1. If Demolitions, Conversions or New Housing Developments are identified, go to step four.

2.4 STEP FOUR. IDENTIFY CATEGORICAL EXEMPTIONS.

Staff shall identify which Demolitions, Conversions or New Housing Developments are Categorically Exempt from further Mello Act compliance review pursuant to Parts 2.4.1, 2.4.2, and 2.4.3 below. If Applications are identified as Categorically Exempt, go to step five. If Applications are identified as non-Categorically Exempt, go to step six.

2.4.1 PUBLIC NUISANCES

Residential structures declared a public nuisance pursuant to the following state and local codes are not subject to the Mello Act's replacement requirements:

- ☐ Division 13 (commencing with Section 17000) of the California Health and Safety Code; or
- ☐ Chapter IX, Article 1, Division 89 of the Los Angeles Municipal Code.

In order to claim a Categorical Exemption from the Mello Act's replacement requirements, an Applicant shall submit a certified title report indicating that a public nuisance declaration has been recorded against the residential structure and has not been terminated. In reviewing certified title reports, staff shall take the following Mello Act provision into account:

"For purposes of this subdivision, no building, which conforms to the standards which were applicable at the time the building was constructed and which does not constitute a substandard building, as provided in Section 17920.3 of the Health and Safety Code, shall be deemed to be a public nuisance solely because the building

does not conform to one or more of the current provisions of the Uniform Building Code as adopted within the jurisdiction for new construction."

2.4.2 SMALL NEW HOUSING DEVELOPMENTS

Based on the Coastal Commission Guidelines, Council has found that it is generally infeasible for small New Housing Developments (developments which consist of nine or fewer Residential Units) to provide Inclusionary Residential Units. Such New Housing Developments are Categorically Exempt from further Mello Act compliance review.

Council has instructed the Department of City Planning to direct HR&A to analyze the feasibility of requiring these New Housing Developments to provide Inclusionary Residential Units, or to pay an in-lieu fee. Based on HR&A's study, Council may adopt a different feasibility presumption concerning these New Housing Developments for the Interim Ordinance.

2.4.3 OWNER-OCCUPIED SINGLE-FAMILY HOMES

Applicants who propose to demolish the existing one-family dwelling in which they currently reside, and replace it with another one-family dwelling in which they plan to reside, are Categorically Exempt from further Mello Act compliance review.

2.5. STEP FIVE. SEND NOTICE OF CATEGORICALLY EXEMPT APPLICATIONS.

Notice of determinations that an Application is Categorically Exempt pursuant to Part 2.4 above shall be sent, within five working days of the date the determination is made, to the Applicant and to:

Richard A. Rothschild
Western Center on Law and Poverty, Inc.
3701 Wilshire Boulevard, Suite 208
Los Angeles, CA 90010-2809

Notice of determinations that an Application is Categorically Exempt pursuant to Part 2.4.1, Public Nuisances, shall also be sent to all building occupants.

Determinations that a proposed Demolition, Conversion or New Housing Development is Categorically Exempt pursuant to Part 2.4 are appealable pursuant to the procedures set forth in Part 8.0.

2.6 STEP SIX. ROUTE NON-CATEGORICALLY EXEMPT APPLICATIONS TO THE DEPARTMENT OF CITY PLANNING, ZONING ADMINISTRATION DIVISION (DCP/ZAD) FOR FURTHER MELLO ACT COMPLIANCE REVIEW AND PROCESSING.

Public Counter staff at the Departments of Building and Safety and City Planning shall route non-Categorically Exempt Conversions, Demolitions and New Housing Developments to the Department of City Planning, Zoning Administration Division (DCP/ZAD) for follow-up Mello Act compliance review, coordination and processing.

The Department of Building and Safety shall not issue any permits or other approvals until it has received clearance from the DCP/ZAD that the Applicant has satisfied all conditions set forth in the Mello Act and these Interim Administrative Procedures.

3.0 DEMOLITIONS AND NEW HOUSING DEVELOPMENTS ON THE SAME SITE

If an Applicant proposes to demolish Affordable Existing Residential Units, and build a New Housing Development on the same site, the Mello Act's replacement and inclusionary requirements are both triggered.

While with few exceptions all demolished Affordable Existing Residential Units must be replaced (as further discussed in Part 4.0 below), the inclusionary requirements only apply to the number of new Residential Units that exceeds the number of Affordable Replacement Units. For example, if an Applicant is required to provide 20 Affordable Replacement Units, and plans to build a total of 50 new Residential Units, the inclusionary requirements only apply to the 30 excess Residential Units.

DCP/ZAD staff shall determine the total number of required Affordable Replacement Units pursuant to Part 4.0, and the number of required Inclusionary Residential Units pursuant to Part 5.0. If the number of excess Residential Units is nine or fewer, no Inclusionary Residential Units are required pursuant to Part 2.4.2.

4.0 DEMOLITIONS AND CONVERSIONS

Assigned DCP/ZAD staff shall complete a Mello Act compliance review for each proposed Demolition and Conversion using the attached Mello Act Compliance Review Worksheet

(Attachment 2). This requirement applies to both Discretionary and Non-Discretionary Applications. Applicants are not permitted to complete this Worksheet.

The purpose of completing a Mello Act compliance review is to:

- ☐ Identify Applications to demolish or convert residential structures for purposes of a non-Coastal-Dependent, non-residential use. These Applications shall be denied unless the Applicant proves with substantial evidence that a residential use is not feasible at that location; and
- ☐ Identify the total number of Affordable Existing Residential Units that are proposed for Demolition or Conversion; and
- ☐ Determine the total number of required Affordable Replacement Units.

Each question on the Mello Act Compliance Review Worksheet is reproduced and further discussed below. Staff shall provide a written explanation for each answer recorded on the Worksheet, and attach all supporting documentation to the file. The results of each Mello Act compliance review shall be issued as a determination pursuant to Part 6.0.

4.1 QUESTION #1. WILL RESIDENTIAL STRUCTURES BE DEMOLISHED OR CONVERTED FOR PURPOSES OF A NON-RESIDENTIAL USE ?

The Mello Act states that the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location. This prohibition applies to all residential structures, regardless of the following factors:

- ☐ The income of current or past occupants;
- ☐ The form of ownership (whether the Residential Units are for-sale units or rentals); and
- ☐ Rents charged, for-sale prices, or appraised value.

If the answer to question #1 is "yes," and existing residential structures are proposed for Demolition or Conversion for purposes of a non-residential use, then staff shall go to question #2 to determine if the proposed use is Coastal-Dependent.

If the answer to question #1 is "no," staff shall skip to question #4 to determine if any of the Residential Units proposed for Demolition or Conversion are occupied by Very Low,

Low or Moderate Income Households. These Residential Units are termed, "Affordable Existing Residential Units."

4.2 QUESTION #2. IS THE PROPOSED NON-RESIDENTIAL USE COASTAL-DEPENDENT?

Coastal-Dependent uses are uses which requires a site on, or adjacent to, the sea in order to function at all. Examples of Coastal-Dependent uses include fisheries and boating and harbor facilities.

If the answer to question #2 is "yes," and the proposed non-residential uses are Coastal-Dependent, staff shall skip to question #4. The Demolition or Conversion may be approved, but only upon the condition the Applicant provides all required Affordable Replacement Units identified through the Mello Act compliance review process.

If the answer to question #2 is "no," and the proposed non-residential uses are not Coastal-Dependent, staff shall go to question #3.

4.3 QUESTION #3. IS A RESIDENTIAL USE FEASIBLE AT THIS LOCATION?

Because the site contains a residential structure, the City presumes that a residential use is feasible. The Applicant may challenge the City's presumption by presenting substantial evidence to the contrary directly to DCP/ZAD staff (for Non-Discretionary Applications); and to the decision-maker (for Discretionary Applications).

The following shall be considered in reviewing an Applicant's challenge of the City's presumption:

- ☐ The Applicant has the burden of proof. Proximity to other existing, viable residential uses is strong evidence that a residential use is feasible.
- ☐ An Applicant may not claim infeasibility merely because the site is zoned commercial. Commercial zones in the City of Los Angeles generally permit residential uses. However, in some cases a "Q" or "D" limitation may be imposed on a particular property which prohibits residential uses.
- ☐ If the existing, underlying zoning or any other applicable regulation prohibits all residential uses, then the Applicant may cite those facts if the Applicant is challenging the City's presumption. If an Applicant has non-conforming or other rights which permit a continued residential use, then the Applicant may not contend that the existing zoning renders a residential use infeasible.

- ☐ An Applicant may not initiate and obtain approval for a zone change which prohibits residential uses and subsequently claim infeasibility based on that zone change.
- ☐ An Applicant may not claim infeasibility merely because the site is zoned industrial if a Zoning Administrator had previously approved joint living and work quarters for that site. A Zoning Administrator's grant runs with the land.
- ☐ An Applicant may not claim financial infeasibility unless it can clearly document an inability to rent or sell the current premises based on the site's unique characteristics or circumstances. Unique characteristics or circumstances include proximity to noxious and incompatible existing uses that are likely to remain, and that render a continued residential use infeasible. If challenging the City's presumption, an Applicant may not cite mere proximity to commercial or industrial uses.
- ☐ An Applicant may claim infeasibility due to the site's unique geologic or other topographical features which render it unsafe for human habitation. Applicants must provide supporting documentation.
- ☐ An Applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption.

If the Applicant has proved with substantial evidence that a residential use is infeasible, staff shall record a "no" answer to question #3, and go to question #4.

If the Applicant has not proved with substantial evidence that a residential use is infeasible, staff shall record a "yes" answer to question #3. This stops the Mello Act Compliance Review process. The Discretionary or Non-Discretionary Application shall be denied. A determination shall be issued pursuant to Part 6.0.

4.4 QUESTION #4. ARE ANY AFFORDABLE EXISTING RESIDENTIAL UNITS PROPOSED FOR DEMOLITION OR CONVERSION?

To answer question #4, staff shall refer the Applicant to the Los Angeles Housing Department (LAHD). LAHD has sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units. If LAHD identifies Affordable Existing Residential Units, DCP/ZAD staff shall record the total number of identified units in the "yes" box, and go to question #5.

If LAHD does not identify any Affordable Existing Residential Units, DCP/ZAD staff shall record a "zero" in the "no" box. This stops the Mello Act Compliance Review process. The Applicant is not required to provide any Affordable Replacement Units. A determination pursuant to Part 6.0 shall be issued.

LAHD shall identify Affordable Existing Residential Units by completing steps one through six below for each referred Residential Unit. The Applicant is liable and responsible for all postage and other costs necessary to complete the occupant income determination process. LAHD has the authority to specify the processes Applicants must follow in order for the occupant income determination process to be successfully completed.

4.4.1 STEP ONE. SEND GENERAL NOTICE TO ALL BUILDING OCCUPANTS.

When LAHD receives a referral from DCP/ZAD of a proposed Demolition or Conversion, LAHD shall send a general notice to all current building occupants which contains the following:

- ☐ A description of the proposed Demolition or Conversion;
- ☐ An explanation of the purpose of the Mello Act and the City's Mello Act compliance review process;
- ☐ A description of the rights that building occupants determined to have a Very Low, Low or Moderate Income shall have, including a right of first refusal on an Affordable Replacement Unit;
- ☐ A referral to a specified source of further assistance, to be selected by Western Center on Law and Poverty, Inc. Until further notice from Western Center on Law and Poverty, Inc., the general notice shall contain the following referral:

Richard A. Rothschild
Western Center on Law and Poverty, Inc.
3701 Wilshire Boulevard, Suite 208
Los Angeles, CA 90010-2809

- ☐ A City telephone number to call for additional information.

4.4.2 STEP TWO. IDENTIFY LONG-TERM VACANT RESIDENTIAL UNITS.

A Residential Unit shall not be classified as an Affordable Existing Residential Unit if it has been unoccupied for more than 365 consecutive days prior to the Application's filing.

The Applicant has the burden of proving long-term vacancy. If the Applicant has established long-term vacancy, then LAHD shall not classify the Residential Unit as an Affordable Existing Residential Unit.

4.4.3 STEP THREE. DETERMINE OCCUPANT INCOME BASED ON MONTHLY HOUSING COST OR ACTUAL INCOME DATA.

LAHD may determine occupant income using Monthly Housing Cost as a substitute for actual income, or by collecting and verifying actual income. Pursuant to the definition set forth in Attachment 1, an existing Residential Unit is classified as an Affordable Existing Residential Unit if at least one person or family occupying the unit (excluding dependents) is of Very Low, Low or Moderate Income.

If current Monthly Housing Cost data indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If not, LAHD shall collect prior Monthly Housing Cost data for at least the previous three years. If the average Monthly Housing Cost over this period indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If three years of Monthly Housing Cost data is not available or readily obtainable, then LAHD shall determine occupant income through the direct collection and verification of actual income data.

If occupant income is based on Monthly Housing Cost, LAHD shall go to step four. If occupant income is based on actual income, LAHD shall:

- ☐ Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- ☐ Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

4.4.4. STEP FOUR. VERIFY ACCURACY OF OCCUPANT INCOME BASED ON MONTHLY HOUSING COST DATA.

LAHD shall provide occupants and Applicants with the opportunity to verify the accuracy of occupant income determinations based on Monthly Housing Cost.

LAHD shall provide persons and families presumed not to have a Very Low, Low or Moderate income with the opportunity to submit data verifying actual income. Likewise, LAHD shall provide Applicants with a roster of occupants presumed to have a Very Low, Low or Moderate Income, who may then submit data verifying actual income. LAHD is

responsible for verifying the accuracy of any submitted income data. LAHD shall use actual income data to correct any incorrect occupant income determinations based on Monthly Housing Cost.

Based on this review, LAHD shall:

- ☐ Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- ☐ Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

4.4.5 STEP FIVE. IDENTIFY AND DETERMINE IF ANY EVICTIONS WERE FOR THE PURPOSE OF EVADING THE MELLO ACT.

LAHD shall conduct an investigation to carry out the following Mello Act provisions concerning evictions:

"For purposes of this subdivision, a residential dwelling unit shall be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subdivision. If a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of this subdivision and the applicant for the conversion or demolition shall bear the burden of proving that the evictions were not for the purpose of avoiding the requirements of this subdivision."

LAHD shall identify those Residential Units presumed to have a Very Low, Low or Moderate Income based on its investigation. After completing step five, LAHD shall go to step six.

4.4.6 STEP SIX. LAHD SHALL INFORM THE DEPARTMENT OF CITY PLANNING, ZONING ADMINISTRATION DIVISION (DCP/ZAD) OF THE RESULTS OF ITS OCCUPANT INCOME DETERMINATION PROCESS.

LAHD shall prepare a report for DCP/ZAD staff which contains the following information for each referred Demolition and Conversion:

One-Family Dwellings

- ☐ Total number of Residential Units
- ☐ Total number of Affordable Existing Residential Units

Two-Family Dwellings

- ☐ Total number of Residential Units
- ☐ Total number of Affordable Existing Residential Units

Triplexes and Other Structures that Contain Three or More Residential Units

- ☐ Total number of Residential Units
- ☐ Total number of Affordable Existing Residential Units

Summary

- ☐ Total number of Residential Units
- ☐ Total number of Affordable Existing Residential Units

LAHD shall also provide the following information for each identified Affordable Existing Residential Unit:

- ☐ Address
- ☐ Names of occupants
- ☐ Number of bedrooms

The Mello Act generally requires the one-for-one replacement of demolished or converted Affordable Existing Residential Units within three years of the date that work commenced on the Demolition or Conversion. There are two limited exceptions to this general rule. The purpose of answering Worksheet questions #5 through #8 is to determine whether the Applicant is exempt from replacing any of the Affordable Existing Residential Units identified by LAHD.

4.5 QUESTION #5. IS THE APPLICATION FOR COASTAL-DEPENDENT OR COASTAL-RELATED NON-RESIDENTIAL USES? ARE THESE NON-RESIDENTIAL USES CONSISTENT WITH THE LAND USE PLAN OF A CERTIFIED LOCAL COASTAL PROGRAM?

If the answer to both questions is "yes," the Application fits into the first exception category. Staff shall skip to question #8. If the answer to either question is "no," the Application does not fit into the first exception category. Staff shall go to question #6.

As of the effective date of these Interim Administrative Procedures, the California Coastal Commission has not certified any LCPs in the City of Los Angeles. Consequently, no Applications currently fit into the first exception category. Until this situation changes, staff shall automatically record a "no" answer to question #5, and go to question #6.

4.6 QUESTION #6. ARE 11 OR MORE RESIDENTIAL UNITS PROPOSED FOR DEMOLITION OR CONVERSION?

If the total number of Residential Units proposed for Demolition or Conversion is ten or fewer, staff shall record a "no" answer to question #6. Staff shall go to question #7.

If the Applicant is proposing to demolish or convert 11 or more Residential Units, staff shall record a "yes" answer to question #6. All of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced. The second exception category applies to a maximum of ten Residential Units.

4.7 QUESTION #7. ARE ANY AFFORDABLE EXISTING RESIDENTIAL UNITS IN ONE-FAMILY OR TWO-FAMILY DWELLINGS?

If the answer to question #7 is "yes," staff shall go to question #8. If the answer to question #7 is "no," and all of the Affordable Existing Residential Units are in triplexes and other structures that contain three or more Residential Units, then all of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced. The second exception category does not apply to triplexes or other structures that contain three or more Residential Units.

4.8 QUESTION #8. IS IT INFEASIBLE FOR THE APPLICANT TO REPLACE ANY OF THE AFFORDABLE EXISTING RESIDENTIAL UNITS IDENTIFIED BY ANSWERS TO QUESTIONS #5 AND #7?

The purpose of answering question #8 is to determine if it is feasible for the Applicant to provide Affordable Replacement Units if the proposed Demolition or Conversion fits into the first exception category (consistency with a certified LCP, question #5); or the second exception category (ten or fewer Residential Units consisting of one-family and/or two-

family dwellings, question #7). If the proposed Demolition or Conversion does not fit into an exception category, then all of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced.

To answer question #8, DCP/ZAD staff shall instruct the Applicant to complete Form CP-6391, Los Angeles City Planning Department Moderate-Income Housing Purchase Feasibility Analysis (Attachment 3). DCP/ZAD staff shall review the submitted data, taking into consideration the typical public subsidies and other affordable housing incentives available by-right, to determine whether it's feasible for the Applicant to replace some or all of the Affordable Existing Residential Units identified by answers to questions #5 and #7.

If the answer to question #8 is "yes," how many Affordable Replacement Units is it infeasible for the Applicant to provide? Record this number in the "yes" box for question #8. Then subtract this number from the number recorded in the answer to question #4. Record the result on the line following question #8. This is the total number of required Affordable Replacement Units.

If the answer to question #8 is "no," then it's feasible for the Applicant to replace all of the Affordable Existing Residential Units recorded in the answer to question #4. Record a "zero" in the "no" box for question #8. Then record the number recorded in the "yes" box for question #4 on the line following question #8. This is the total number of required Affordable Replacement Units.

This concludes the Mello Act Compliance Review process for proposed Demolitions and Conversions in the Coastal Zone. A determination shall be issued pursuant to Part 6.0.

5.0 NEW HOUSING DEVELOPMENTS

Based on the Coastal Commission Guidelines, the Council has found that it is generally feasible for New Housing Developments consisting of ten or more Residential Units to provide Inclusionary Residential Units. Applicants shall implement one of the following two required inclusionary options:

- ☐ Inclusionary Requirement Option #1. Reserve at least 20 percent of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households; or
- ☐ Inclusionary Requirement Option #2. Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households.

The provision of Inclusionary Residential Units for seniors or disabled persons who do not have a Very Low or Low Income does not fulfill the inclusionary requirements for New Housing Developments.

6.0 DETERMINATIONS

A determination shall be issued for each non-Categorically Exempt Demolition, Conversion, and New Housing Development.

For Discretionary Applications, the decision-maker shall issue the determination as written conditions attached to the determination made with respect to the underlying case. All completed forms, correspondence received and sent, and other supporting documentation shall be attached to the file created for the underlying case.

For Non-Discretionary Applications, DCP/ZAD staff shall issue the determination as a Director's Determination. Staff shall also prepare a file, and attach all completed forms, correspondence received and sent, and other supporting documentation.

A copy of each determination shall be simultaneously transmitted to the Applicant, the Department of Building and Safety, LAHD, all building occupants, and:

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6.1 DEMOLITIONS AND CONVERSIONS

Each determination shall include the following:

- ☐ Results of the Mello Act compliance review process completed in Part 4.0;
- ☐ Total number of Affordable Existing Residential Units identified by LAHD;
- ☐ Total number of required Affordable Replacement Units recorded on the Mello Act Compliance Review Worksheet;
- ☐ A requirement that the Applicant comply with the requirements set forth in Parts 7.2, 7.4, and 7.5;
- ☐ A statement that the Application is not approved until LAHD has approved the Affordable Housing Provision Plan prepared pursuant to Part 7.4; and

- ☐ Information for Appellants pursuant to Part 8.0.

6.2 NEW HOUSING DEVELOPMENTS

Each determination shall include the following:

- ☐ A requirement that the Applicant comply with one of the Inclusionary Requirement Options set forth in Part 5.0;
- ☐ Total number of Inclusionary Residential Units required under both Options #1 and #2;
- ☐ A requirement that the Applicant comply with the requirements set forth in Parts 7.3, 7.4, and 7.5; and
- ☐ A statement that the Application is not approved until LAHD has approved the Affordable Housing Provision Plan pursuant to Part 7.4; and
- ☐ Information for Appellants pursuant to Part 8.0.

7.0 GENERAL PROVISIONS

The following general provisions apply to Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units as set forth in a determination issued pursuant to Part 6.0.

7.1 AFFORDABLE HOUSING INCENTIVES

Applicants may be entitled to some or all of the incentives set forth in Section 12.22 A 25 of the Los Angeles Municipal Code, including a Density Bonus.

7.2 AFFORDABLE REPLACEMENT UNITS

7.2.1 INCOME TARGETING

Affordable Replacement Units may be provided at any level of affordability. For example, an Affordable Existing Residential Unit occupied by a Very Low Income Household may be replaced with an Affordable Replacement Unit affordable to a Moderate Income Household. The Council may change this policy when the Interim Ordinance is adopted and require "like for like" replacement (e.g., an Affordable Existing Residential Unit occupied by a Very Low Income Household shall be replaced with an Affordable Replacement Unit affordable to a Very Low Income Household.)

7.2.2 LOCATION

Affordable Replacement Units shall be located on-site, or elsewhere within the Coastal Zone. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units within three miles of the Coastal Zone by submitting an appeal pursuant to Part 8.0. Applicants should consult the Department of City Planning's three mile radius Coastal Zone maps to identify potential sites located outside the Coastal Zone.

7.2.3 TIMING REQUIREMENT

Required Affordable Replacement Units shall be provided within three years of the date that work commenced on the Demolition or Conversion. The Department of Building and Safety shall determine the date that "work commenced" on the Demolition or Conversion.

7.2.4 PERFORMANCE STANDARDS

If Affordable Replacement Units are included as part of mixed-income New Housing Developments, then Applicants shall comply with the following portions of the Performance Standards set forth in the Affordable Housing Incentives Guidelines (Attachment 4):

- ☐ Project design (Section 4A, page 7); and
- ☐ Equal distribution of amenities (Section 4B, page 8).

All other Applicants shall comply with the project design and amenities requirements promulgated by LAHD.

7.3 INCLUSIONARY RESIDENTIAL UNITS

7.3.1 LOCATION

Inclusionary Residential Units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0. Applicants should consult the Department of City Planning's three mile radius Coastal Zone maps to identify potential sites located outside the Coastal Zone.

Based on the Coastal Commission Guidelines, the Council has found that it is generally more feasible for New Housing Developments that consist of 21 or more Residential Units to provide units on-site than it is for New Housing Developments that consist of 10-20 units to provide units on-site.

7.3.2 TIMING REQUIREMENT

If Inclusionary Residential Units are approved for off-site provision, they shall be provided within three years of the date that LAHD approved the Affordable Housing Provision Plan pursuant to Part 7.4 below. A New Housing Development's Inclusionary Residential Units and market-rate Residential Units shall be made available at the same time.

7.3.3 PERFORMANCE STANDARDS

Applicants shall comply with the following portions of the Performance Standards set forth in the Affordable Housing Incentives Guidelines (Attachment 4):

- ☐ Project design (Section 4A, page 7); and
- ☐ Equal distribution of amenities (Section 4B, page 8).

7.4 AFFORDABLE HOUSING PROVISION PLAN

Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units shall prepare an Affordable Housing Provision Plan that specifies how the Applicant shall carry out the conditions contained in the determinations issued pursuant to Part 6.0, and the requirements set forth in Parts 7.2 and 7.3 above, and Part 7.5 below.

Applicants shall submit their Affordable Housing Provision Plan to LAHD for review and approval. Applications only receive final approval after LAHD has approved the Affordable Housing Provision Plan.

The Affordable Housing Provision Plan shall include the following elements:

7.4.1 METHODS TO PROVIDE REQUIRED AFFORDABLE UNITS

Applicants may propose to provide required Affordable Replacement Units or Inclusionary Residential Units through one or any combination of the following methods:

- ☐ New construction; or
- ☐ Adaptive reuse (conversion of existing non-residential structures).

7.4.2 OPERATIONAL DETAILS

Applicants shall supply the following operational details:

- ☐ Address where Affordable Replacement Units or Inclusionary Residential Units will be provided, if the determination permits these Units to be provided off-site.
- ☐ General description of the Affordable Replacement Units or Inclusionary Residential Units to be provided, including the number and type of habitable rooms; square footage; and parking.
- ☐ Affordable housing incentives and subsidies that will be utilized;
- ☐ Methods for complying with the Performance Standards set forth in Parts 7.2.4 and 7.3.3, including a dispersal plan if Affordable Replacement Units or Inclusionary Residential Units shall be provided on-site. Affordable Replacement Units or Inclusionary Residential Units may not be segregated from market-rate units, but shall be reasonably dispersed throughout the building; and
- ☐ Financing; construction plan; and project timetable for complying with the timing requirements set forth in Part 7.2.3 for Affordable Replacement Units, and Part 7.3.2 for Inclusionary Residential Units.

7.5 ENFORCEMENT AND MONITORING

7.5.1 AFFORDABILITY COVENANTS

Applicants required to provide Affordable Replacement Units or Inclusionary Residential Units shall record a covenant with the Los Angeles County Recorder guaranteeing that applicable affordability criteria shall be observed for at least 30 years from the issuance of the Certificate of Occupancy. The Council may include a requirement for 55-year affordability covenants in the Interim Ordinance.

Tenants, rental applicants, purchasers and prospective purchasers of the Affordable Replacement Units or the Inclusionary Residential Units shall have the right to seek an injunction to enforce the affordability criteria, or to raise the affordability criteria as a defense or counterclaim to a claim for rent or possession directly against the owner, manager, and/or their successors in interest, of those units.

7.5.2 FINANCIAL ASSURANCES

The LAHD may require the Applicant to post a bond or make other financial assurances to assure compliance with the final approved Affordable Housing Provision Plan.

7.5.3 MONITORING REQUIREMENTS

All Applicants shall comply with the monitoring requirements set forth in Section IVC of the Affordable Housing Incentives Guidelines (page 10 of Attachment 4).

8.0 APPEALS

Determinations may be appealed. The determination shall identify deadlines, filing fees, the appellate body, and other necessary procedures and requirements for considering the appeal.

Appellants have the burden of proof and shall present substantial evidence to support their appeal. A copy of the results of each appeal shall be simultaneously transmitted to the Applicant; the Department of Building and Safety, LAHD, all building occupants, and:

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8.1 DISCRETIONARY APPLICATIONS

The appeals procedures and appellate body shall be those connected to the underlying case.

8.2 NON-DISCRETIONARY APPLICATIONS

Appellants may appeal a Director's Determination using the forms and following the procedures promulgated by the DCP/ZAD. Until July 1, 2000, the appellate body shall be the Board of Zoning Appeals. After July 1, 2000, the appellate body shall be the Area Planning Commission.

8.3 DEPARTMENT OF BUILDING AND SAFETY ACTIONS

Appellants may appeal Department of Building and Safety decisions and determinations to the Board of Building and Safety Commissioners pursuant to Los Angeles Municipal Code Section 98.0403.1.

ATTACHMENT 1

DEFINITIONS

The following words, whenever used in these Interim Administrative Procedures, shall be construed as defined in this Attachment. Words and phrases not defined shall be construed as defined in Sections 12.03 and 91.0200, *et seq*, of the Los Angeles Municipal Code as defined therein.

"Affordable Housing Incentives Guidelines" means the guidelines adopted by the City Planning Commission on December 14, 1995, as amended, pursuant to Ordinance No. 170,764, which implement California Government Code Section 65915 in the City of Los Angeles.

"Affordable Replacement Unit" means a Residential Unit built or provided that has the same number of bedrooms as the Affordable Existing Residential Unit that has been demolished or converted, with an Affordable Monthly Housing Cost.

"Affordable Monthly Housing Cost" refers, for ownership units, to the current definition contained in Health and Safety Code Section 50052.5, as further defined in 25 California Code of Regulations Section 6920. For rental units, "Affordable Monthly Housing Cost" refers to the current definition contained in Health and Safety Code Section 50053, as further defined in 25 California Code of Regulations Section 6918.

"Affordable Existing Residential Unit" means an existing Residential Unit proposed for Demolition or Conversion that is occupied by a Very Low, Low or Moderate Income Household, as determined by the Housing Department General Manager, following the occupant income determination process set forth in the Interim Administrative Procedures.

In the event that an existing Residential Unit is occupied by more than one person or family, and if at least one such person or family (excluding any dependents) is of Very Low, Low or Moderate Income, then the existing Residential Unit is defined as an Affordable Existing Residential Unit.

"Appellant" means the Applicant, current occupant, former occupant evicted within the last year, or other aggrieved person who files an appeal pursuant to the Interim Administrative Procedures.

"Applicant" means the person, partnership, corporation, governmental organization, or other entity submitting a Discretionary Application and/or a Non-Discretionary Application to the City of Los Angeles.

"Application, Discretionary" means the original application for, or submission of a subsequent non-minor modification to, one or more of the following entitlements:

approval-in-concept, coastal development permit, conditional use permit, condominium conversion, development agreement, plan approval, specific plan exception, subdivision or tract map, variance, zone change or any other action that first requires the discretionary approval of the Director of Planning, the City Planning Commission, the Zoning Administrator, the Advisory Agency, or an Area Planning Commission.

"Application, Non-Discretionary" means an application for a building permit, demolition permit, or change of use permit that requires the ministerial approval of the Department of Building and Safety.

"Categorical Exemption" means an Application that the City has determined is categorically exempt from providing either Affordable Replacement Units or Inclusionary Residential Units, consistent with the Mello Act and these Interim Administrative Procedures.

"Coastal Commission Guidelines" means the California Coastal Commission Interpretive Guidelines on Construction of New Housing adopted by the California Coastal Commission on May 5, 1981.

"Coastal-Dependent Non-Residential Use" means any non-residential development or use which requires a site on, or adjacent to, the sea to be able to function at all.

"Coastal Development Permit" means a permit for any development within the Coastal Zone that is required pursuant to Subdivision (a) of Section 30600 of the California Coastal Act.

"Coastal-Related Nonresidential Use" means any nonresidential development or use that is dependent on a Coastal-Dependent Non-Residential Use.

"Coastal Zone" means the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), including, but not limited to, the Coastal Zone portions of Venice, San Pedro, Pacific Palisades, Playa Vista, Wilmington, Fort MacArthur/White Point, Palms/Marina Freeway Area, and Del Ray Lagoon, as depicted on the City of Los Angeles Coastal Zone Maps, as prepared and maintained by the Department of City Planning. In the case of any discrepancy, the Public Resources Code shall control.

"Conversion" means a change of one or more existing Residential Units to a condominium, cooperative, or similar form of ownership; a change of one or more existing Residential Units to a non-residential use; or a reduction in the existing number of Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Demolition" means the demolition of one or more existing Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Density Bonus" means a minimum density increase of 25 percent over the otherwise maximum allowable residential density granted pursuant to California Government Code Section 65915.

"Director's Determination" means a determination of the Director of Planning of the Department of City Planning, or his or her designee.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

"Household, Low Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50079.5, as further defined in 25 California Code of Regulations 6928 and 6932.

"Household, Moderate Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50093 (b), as further defined in 25 California Code of Regulations 6930 and 6932.

"Household, Very Low Income" means a person or family with an income that conforms to the current definition contained in California Health and Safety Code Section 50105, as further defined in 25 California Code of Regulations 6926 and 6932.

"Housing Department General Manager" means the General Manager or his or her designee, of the Los Angeles Department of Housing or successor agency.

"Inclusionary Residential Unit" means a Residential Unit with an Affordable Monthly Housing Cost.

"Interim Administrative Procedures" means the interim administrative procedures developed by the Departments of Building and Safety, City Planning and Housing pursuant to instruction of the City Council on January 19, 2000.

"Interim Ordinance" means the Interim Ordinance that on January 19, 2000, the City Council directed the Department of City Planning to prepare and submit to the City Planning Commission for approval, and that shall be based on the results of the Interim Study.

"Interim Study" means the study that consultants shall complete to assist the City in implementing the Mello Act; updating the Interim Administrative Procedures; and preparing the Interim Ordinance.

"Local Coastal Program" means the Land Use Plan and Local Implementation Plan that a local government has adopted to implement the provisions and policies of the California Coastal Act, and that has been certified by the California Coastal Commission pursuant to Public Resources Code Section 30512.

"Monthly Housing Cost" means the monthly rent or mortgage for a Residential Unit, as determined by the Housing Department General Manager.

"New Housing Development" means the development of one or more Residential Units for rent or for sale, through either construction of new structures, additions to existing structures, or the adaptive reuse of existing, non-residential structures. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

"Public Nuisance" means a residential structure that has been declared a public nuisance pursuant to Division 13 (commencing with Section 17000) of the California Health and Safety Code; or Chapter IX, Article 1, Division 89 of the Los Angeles Municipal Code.

"Residential Unit" means a dwelling unit, efficiency dwelling unit, or joint living and work quarters as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC); a mobilehome, as defined in Section 18008 of the California Health and Safety Code; a mobilehome lot in a mobilehome park as defined in Section 18214 of the California Health and Safety Code; or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code.

"Unified Development" means a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley.

ATTACHMENT 2

MELLO ACT COMPLIANCE REVIEW WORKSHEET
FOR PROPOSED DEMOLITIONS AND CONVERSIONS

ATTACHMENT 3

LOS ANGELES CITY PLANNING DEPARTMENT MODERATE-INCOME
HOUSING PURCHASE FEASIBILITY ANALYSIS (FORM CP-6391)

ATTACHMENT 4

AFFORDABLE HOUSING INCENTIVES GUIDELINES

AFFORDABLE HOUSING INCENTIVES GUIDELINES

Implementing the Affordable Housing
Incentives Program Ordinance No. 170,764

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AFFORDABLE HOUSING INCENTIVES GUIDELINES

I. SCOPE AND PURPOSE

The City of Los Angeles has established an Affordable Housing Incentives Program to encourage the production of housing for qualified lower income residents, including elderly and disabled persons. The program is based on a series of amendments to the Municipal Code. The Affordable Housing Incentives Guidelines, established by resolution of the City Planning Commission, facilitate the use of incentives established by law.

The Municipal Code now encourages broader application for the density bonus provisions of State law by creating incentives that eliminate discretionary review for qualifying developments, relax land use controls, defer payment of fees, and expedite application processing. These incentives, as explained in this document, are grouped into two main options.

The eligibility of a development to benefit from the incentives is determined on a case-by-case basis through application of performance standards. These guidelines set forth in detail the incentives for which developments may qualify and the standards by which they will be evaluated. The guidelines may be modified by resolution of the Planning Commission if needed.

The options permit a developer to receive incentives on the basis of public benefit offered. For example, a limited number of incentives such as reduced parking, deferred fees, and expedited processing are available if restricted affordable dwelling units are provided adjacent to public mass transit.

A development might, however, qualify for a density increase of up to 25%, in addition to the aforementioned incentives, if it meets criteria for tenant "set-asides" established by State law as follows:

- * 10% of dwelling units for "very low" income households (earning no more than 50% of the County median income and paying no more in rent than the amount established by the Los Angeles Housing Department (LAHD) for households earning up to 50% of the median income),

OR

- * 20% of dwelling units for "lower" income households (earning no more than 80% of the County median income and paying no more in rent than the amount established by LAHD for households earning up to 60% of the median income),

OR

- * 5% of dwelling units for disabled persons whose household income does not exceed Supplemental Security Income (SSI) levels.

Affordable Housing Incentives Program Applications are available at the Public Counter of the City Planning, Building and Safety Departments and at the Department of Housing. Completed applications must be submitted to the Department of Building and Safety for review and approval. Full compliance with each component is required to receive a density bonus or parking reduction without a density bonus.

II. DEFINITIONS

The following program definitions apply:

Affordable Accessible Unit - a dwelling unit or guest room that is adapted to be used by persons who are physically disabled, based on the criteria of Title 24 of the California Code of Regulations or any amendment thereto, where the household income of the residents does not exceed Social Security Supplementary Income (SSI) levels, and where the rent is restricted to no more than approximately 30% of the resident's SSI level according to a rent schedule prepared by the City's Housing Department.

Affordable Housing Incentives Guidelines - the guidelines approved by the City Planning Commission by which applications for affordable housing projects are evaluated for compliance with the goals and policies of the City's Affordable Housing Program.

Affordable Housing Units - dwelling units or guest rooms for which rental or mortgage payments do not exceed the limits stated in Section 65915 of the California Government Code. Dwelling Units or guest rooms designated for lower income households, as defined in Section 50079.5 of the California Health and Safety Code, shall have rents not exceeding 30 percent of 60 percent of the area median income as set forth on the rent schedule prepared by the City's Housing Department or its successor agency. In order for a development project to qualify as a project containing affordable housing units, the owner shall record a document with the Los Angeles County Recorder guaranteeing that these affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy.

Area Median Income - the estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area that is determined periodically by the United States Department of Housing and Urban Development (HUD) or any successor agency, adjusted for household size and which is published periodically.

Density Bonus - a density increase of at least 25% over the otherwise maximum allowable residential density pursuant to California Government Code Section 65915. The density bonus shall apply to housing developments consisting of five or more dwelling units.

Income, Lower and Very Low - annual income of a household that does not exceed the area median for either income category as specified in California Health and Safety Code Sections 50079.5 and 50105, as determined by the City's Housing Department.

Mass Transit Station - a transit stop for a fixed rail system, or a major bus center. A station is one that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Authority or its successor agency.

Major Bus Route - a bus route with peak-hour headways of 15 minutes or less.

Restricted Affordable Unit - an affordable housing unit in a development rented to a household with very low or lower income residents, and/or very low income senior citizens. In order for a development to qualify as a development containing affordable housing units, the owner shall record a document with the Los Angeles County Recorder guaranteeing that the relevant affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy.

Senior Citizens - individuals who are at least 62 years of age, except that for density bonus projects of at least 150 dwelling units, a threshold of 55 years of age may be used, provided all applicable city, state, and federal regulations are met.

Single Room Occupancy Hotel - an apartment building, hotel, or other structure containing six or more guest rooms, and which may also contain dwelling units, in which 30% or more of the dwelling units or guest rooms do not contain a private bath and toilet facilities within the dwelling unit or guest room.

III. DESCRIPTION OF THE AFFORDABLE HOUSING INCENTIVES

The following options provide alternatives and incentives by which affordable housing dwelling units may be constructed.

A. Incentives Option 1

This is a minimum "by right" density bonus option provided by State law (Government Code, Section 65915) granted to a residential project which provides the set-aside dwelling units listed on Page 2, Section I of these guidelines, or in which at least 50% of the dwelling units are reserved for senior citizen tenancy. In exchange, the project shall receive the following:

a. A 25% density bonus*

A maximum density increase of 25% over the otherwise allowable residential density pursuant to California Government Code Section 65915. The density bonus applies to new or existing housing developments consisting of five or more dwelling units.

When calculating the number of dwelling units allowed in a project, the density figure will be rounded upwards from fractions of one-half ($\frac{1}{2}$) and more from that permitted by the applicable zone, to allow one additional dwelling unit.

*In cases where dwelling units will be targeted for senior citizens at market rate, the applicant may receive the 25% density bonus, but only through a conditional use permit. Any density bonus of 26% and above requires a conditional use permit.

b. Reduced parking requirements for the restricted dwelling units**

Parking requirements for each restricted affordable dwelling unit is as follows:

- 1.00 parking space per dwelling unit irrespective of the number of habitable rooms
for a project located within 1,500 feet of a mass transit station or major bus routes
- 1.00 parking space per dwelling unit
for restricted affordable dwelling units with 1 and 2 habitable rooms
- 1.50 parking space per dwelling unit
for restricted affordable dwelling units with 3 or more habitable rooms
- 0.50 parking space per dwelling unit or guest room
for dwelling units restricted to senior citizens and/or disabled
- 0.25 parking space per dwelling unit
for single-room occupancy hotels, with a minimum of 5 parking stalls per facility.

"The parking reduction is "by right", subject to conformance with the applicable conditions stipulated in the Affordable Housing Incentives Program Application. Any request for a parking reduction in excess of that permitted in the Affordable Housing Incentives Application shall be processed separately for discretionary action through the Department of City Planning.

c. Waiver of guest parking provision for restricted dwelling units

The requirement to provide guest parking is waived for only restricted dwelling units. Market rate dwelling units shall comply with the parking requirements as specified in the Zoning Code.

d. Deferred payment of selected permits and fees

The application and environmental fees (Department of City Planning) may be deferred up to the time of the issuance of any Certificate of Occupancy. However, fees must be paid for services performed regardless of project outcome.

e. Expedited processing of building plans and permits

Projects providing affordable housing will receive expedited processing as currently available.

B. Incentives Option 2

All the incentives listed above under Option 1, except the density bonus (incentive (a)) are also available to developers for projects that offer fewer affordable dwelling units than the amount listed on Page 1, Section I of these guidelines. Those projects are not entitled to the 25% density bonus available in Option 1.

AFFORDABLE HOUSING INCENTIVES PROGRAM

Options Summary

Under Incentives Option 1, if a project of 5 or more dwelling units provides:

10% "very low" income,

or

20% "lower" income,

or

5% affordable accessible dwelling units



the applicant shall receive the following:

a. 25% Density Bonus

b. reduced parking for restricted dwelling units

c. waiver of guest parking provisions for restricted units

d. deferred payment of fees and permits

e. expedited processing of plans and permits

Under Incentives Option 2,
if a project provides dwelling units for:

low income seniors,

or

low income disabled persons,

or

other low income households with incomes at 80% or less of County median with rents set at 60% of median



the applicant shall receive the following:

b. reduced parking for restricted dwelling units

c. waiver of guest parking provisions for restricted dwelling units

d. deferred payment of fees and permits

e. expedited processing of plans and permits

IV. PERFORMANCE STANDARDS FOR OPTIONS 1 AND 2

The Performance Standards listed and described below are requirements of all projects with restricted dwelling units for which OPTION 1 or 2 is sought. The Performance Standards are included into three main categories:

- A. Project Design (Location of Restricted Units, Noise, Wall, Lighting)
- B. Equal Distribution of Amenities
- C. Eligibility, Affordability and Monitoring Requirements

A. Project Design

- Design of Restricted Affordable Units in Mixed-Income Projects:

Restricted dwelling units shall be comparable in every manner, except in the quality of interior "finish" materials (e.g., floor and wall coverings), to market-rate dwelling units, including total square footage, bedrooms size, closet space, amenities, number of bathrooms, etc. The design of restricted dwelling units should generally reflect the average number of bedrooms per dwelling unit in the development.

Restricted dwelling units shall not be confined to one type of dwelling unit within a development.

- Location of Restricted Units Within Mixed-Income Projects:

Restricted dwelling units must be interspersed among market-rate dwelling units within the same building. They may not be grouped together on one level or in one or more "less desirable" corners or areas of the building. In multiple building developments, restricted dwelling units must be reasonably dispersed among the buildings.

- Noise

Common recreational uses, such as swimming pools and barbecue areas, shall not be located immediately adjacent to neighboring residential uses.

Any building within 500 feet of a railroad, major highway or freeway, airport or aircraft pathway shall be constructed so as to provide a Sound Transmission Class of 50 or greater as defined in the Uniform Building Code.

- Wall

A decorative masonry wall 6 feet in height shall be constructed along any common property line between the subject property and any adjoining property containing a single-family use.

- Lighting

Lighting shall be located so as not to shine onto any adjacent residential property.

B. Equal Distribution of Amenities

Residents of restricted dwelling units may not be charged for amenities that are provided at no cost to other residents including, but not limited to, access to recreational facilities, parking, cable TV, and interior amenities such as dishwashers and microwave ovens.

Optional services provided must be optional for all residents, and available to all under the same terms and conditions.

All incentives (e.g. one month free rent specials) must be offered to all new residents, not only residents of market rate dwelling units.

C. Affordability, Eligibility and Monitoring Requirements

Affordability Requirements:

1. All restricted dwelling units shall comply with the affordability restrictions on household income as established by the Los Angeles Housing Department ("LAHD") in conformance with the U.S. Department of Housing and Urban Development.
2. The affordability restrictions for income and rent are subject to change periodically. The owner can contact LAHD to receive the periodic changes in the affordability restrictions.
3. For the purpose of a density bonus incentive, State law requires that households with incomes between 60% and 80% of the median income be assigned rents that do not exceed 60% of the median rent.
4. For developers seeking a parking reduction without a density bonus, dwelling units must be restricted to low income households (80% of median) with rent levels set at the rates for households with incomes at 60% of median.
5. The project shall reserve and maintain the number of dwelling units designated as restricted dwelling units for a period of not less than 30 years from the issuance of any Certificate of Occupancy.

Below is the Affordable Housing Incentives Program maximum rent schedule by bedroom size.

MAXIMUM RENTS EFFECTIVE MAY 5, 1995

No. of Bedrooms	Affordable Accessible SSI Levels	Very Low Income up to 50% Median	Lower Income up to 60% Median
SRO	\$181	\$332	\$398
0	\$181	\$372	\$427
1	\$181	\$426	\$488
2	\$330	\$479	\$549
3	\$330	\$579	\$659
4	\$330	\$660	\$756

These rents are the upper limits that may be charged to "lower", "very low" income and Disabled households. The actual rents charged to households of restricted dwelling units may be lower to reflect actual market conditions.

Eligibility of Seniors and Disabled Persons:

Each dwelling unit so designated shall be occupied by at least one person who is disabled or 62 years of age or older. Disabled persons are those persons having a physical or mental impairment which seriously restricts that person from operating a motor vehicle, is expected to be of long-term and indefinite duration, which substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

Below are the Affordable Housing Incentives Program Household Income eligibility criteria.

HOUSEHOLD INCOME TABLE EFFECTIVE MAY 5, 1995

Household Size	Affordable Accessible SSI Levels	Very Low Income* 50% Median	Lower Income* 80% Median
1	\$ 7,236	\$17,950	\$28,150
2	\$13,200	\$20,500	\$32,150
3	\$13,200	\$23,100	\$36,200
4	\$13,200	\$25,650	\$40,200
5	\$13,200	\$27,700	\$43,400
6	\$13,200	\$29,750	\$46,650
7	\$13,200	\$31,800	\$49,850
8	\$13,200	\$33,850	\$53,050

*Above limits are adjusted for Los Angeles and based on the 1995 HUD-determined County Median Family Income of \$45,200.

Monitoring Requirements:

All projects shall comply with the annual monitoring requirements established by the Los Angeles Housing Department (LAHD) by means of a covenant and agreement.

It is the responsibility of the owner to notify LAHD of any changes in the building that may affect compliance, such as change of ownership, management agent or on-site manager, vacancies in restricted dwelling units, or changes in compliance with the performance standards approved by the Department of Building and Safety.

The following are LAHD requirements (a complete list is found in the LAHD covenant):

1. LAHD must complete initial reviews of new tenants eligibility for restricted dwelling units prior to occupancy.
2. LAHD must annually review tenants eligibility for restricted dwelling units.
3. LAHD must receive an annual review letter from the owner about the number of restricted dwelling units, household income and size, rent levels, dwelling unit size and verification of vacancies. LAHD may at any time audit the building occupancy to monitor restricted dwelling units.
4. LAHD may make annual site visits to ensure that the restricted dwelling units are maintained in decent, safe and sanitary condition and that they are provided with the same level of services, including security and maintenance, as are applied to the other dwelling units in the development.

Violations of the regulatory agreement will be levied against the building owner for non-compliance including legal proceedings. It is the responsibility of the owner to adhere to all program requirements.

VI. PROCEDURE FOR OBTAINING A BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

In addition to the standard requirements of the Building and Safety Department, the following clearances must be obtained to ensure compliance with the Affordable Housing Program Ordinance:

Prior to the issuance of a building permit, the following clearances must be obtained:

- Housing Department pre-qualification of application for conformity to Options 1 or 2 of the Affordable Housing Incentives Program Ordinance. Applications must include location and floor plans of the restricted affordable units. (Applications may be obtained at the public counters of the Building and Safety and Planning Departments as well as at the Housing Department.)
- Planning Department approval of complete development plans, including landscaping and irrigation plans.
- Proof of recordation of Agreement Containing Covenants Affecting Real Property for the project satisfactory to Housing Department. This Agreement shall reflect the information provided in the Affordable Housing Incentives Program Application, including the Performance Standards.

Prior to the issuance of any Certificate of Occupancy, the following clearances must be obtained:

- Final clearance from the Housing Department that all conditions of Agreement Containing Covenants Affecting Real Property have been met.
- Planning Department clearance for payment of deferred fees.

Addresses:

Building & Safety Department
201 N. Figueroa Street, 4th Fl.
Los Angeles, CA 90012
Telephone (213) 888 LA-4-BUILD

Los Angeles Housing Dept.
111 N. Hope Street
Los Angeles, CA 90012
Telephone (800) 994-4444

City Planning Department
201 N. Figueroa Street, 3rd Floor
Los Angeles, CA 90012
Telephone (213) 977-6083

Telephone (213) 977-6083

BY-RIGHT* APPLICATION PROCESS FOR DENSITY BONUS PROJECTS

*Projects applying for a maximum of 25% density bonus. Projects applying for greater density bonus shall file a Conditional Use permit application. Applicants may obtain an Instructions for Filing a Conditional Use Permit application form at the Planning Counter RM-460-S.

- | | |
|---|--|
| I. PROJECTS CONTAINING AFFORDABLE UNITS EXCLUSIVELY: | II. PROJECTS CONTAINING A MIX OF MARKET RATE AND AFFORDABLE UNITS |
| A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER

Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc. | A. APPLICANT MUST COMPLETE AN APPLICATION AT THE BUILDING & SAFETY COUNTER

Building & Safety staff will verify compliance with all applicable zoning regulations including uses, yards, density, height, parking, etc. |
| B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT

Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff or City Planning Counter staff who will verify if project qualifies who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable. | B. PROJECTS USING PARKING REDUCTION INCENTIVE BASED ON PROXIMITY TO TRANSIT

Applicant has to submit a site plan drawn to scale, showing the proximity of the development site to the transit route or transit station to the satisfaction of Building & Safety staff or City Planning Counter staff who will verify if project qualifies using MTA's selected bus lines list, transit system map, or any other document deemed applicable. |
| C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:

1. Qualifying restricted units
2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit. | C. APPLICANT NEEDS TO OBTAIN CLEARANCE FROM LOS ANGELES HOUSING DEPARTMENT FOR:

1. Qualifying restricted units
2. Obtaining proof of recordation of Agreement Containing Covenants Affecting Real Property for issuance of building permit. |
| D. PRIOR TO FINAL PLAN CHECK, APPLICANT HAS TO OBTAIN CLEARANCE FROM PLANNING DEPARTMENT TO VERIFY THAT PERFORMANCE STANDARDS ARE SATISFIED:

Applicant shall submit final set of floor plans to Plan Approval Unit staff who will evaluate the project for compliance with development standards spelled out in the Guidelines especially design and allocation of amenities. | D. PRIOR TO FINAL PLAN CHECK, APPLICANT HAS TO OBTAIN CLEARANCE FROM PLANNING DEPARTMENT TO VERIFY THAT PERFORMANCE STANDARDS ARE SATISFIED:

Applicant shall submit final set of floor plans to Plan Approval Unit staff who will evaluate the project for compliance with development standards spelled out in the Guidelines especially design and allocation of amenities. |

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
1	Hollywood Bl-Fairfax Av	7	10
2	Sunset Bl-Beverly Dr	5	12
3	Sunset Bl-Beverly Dr Branch of Line 2	5	10
4	Santa Monica Bl	7	9
10	Melrose Av-Virgil Av-Temple St	14	24
11	Melrose-Vermont-Temple Branch of 10	14	24
14	Beverly Bl-West Adams Bl	8	12
16	West Third St	3	10
18	West Sixth St-Whittier Bl	4	10
20	Wilshire Bl-Santa Monica	12	27
21	Wilshire Bl-UCLA Branch of Line 20	12	27
22	Wilshire Bl-Century City-Brentwood Br of Line 20	12	27
26	Seventh St-Virgil Av-Franklin Av	8	24
27	W. Olympic Bl-Burton Way Br. of Line 28	12	24
28	W. Olympic Bl	12	24
30	W. Pico Bl-E. First St-Floral Dr	5	10
31	W. Pico Bl-E. First St Branch of Line 30	4	8
33	Venice Bl	8	10
37	W. Adams Bl-Branch of Line 14	7	12
38	W. Jefferson Bl-City Terrace	12	20
40	Hawthorne-Downtown Los Angeles	6	10
42	LA-Westchester-LAX-Branch of Line 40	6	10
45	Broadway-Mercury Av	6	10
46	Broadway-Griffin Av-Branch of Line 45	6	10
48	Maple Av-S. Main St-Branch of Line 10	9	24
51	San Pedro St-Avalon Bl-Branch of Line 51	4	12
53	Central Av	8	15
55	LA-Compton Av-Imperial Sta.	4	16
60	Long Beach Bl-Santa Fe Av	3	8
65	Washington Bl-Indiana St-Gage Av	15	45
66	East Olympic Bl-West 8th St	3	10
67	East Olympic Bl-Branch of Line 66	3	0
68	West Washington Bl-Chavez Av	9	12
70	LA-El Monte via Garvey Av	8	14
71	City Terrace-Sybil Brand-Branch of Line 38	15	21
76	LA-El Monte via Valley Bl	12	15
78	LA-Alhambra-South Arcadia	14	34
79	LA-Arcadia-Branch of Line 78	14	34
81	Figueria St	7	15
83	Pasadena Av-York Bl-Branch of Line 28	8	15
84	Cypress Av-Eagle Rock Bl-Branch of Line 28	15	32
85	Verdugo Rd-Glendale Col-Branch of Line 28	15	32
92	LA-Glendale-Burbank-San Fernando via Glendale Bl	11	20
93	LA-Glendale-Burbank-San Fernando via Allesandro-Branch of Line 92	11	20
94	Los Angeles-San Fernando	8	17
96	LA-Riverside Dr	15	30

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
105	Vernon Av-La Cienega Bl	9	15
108	Slauson Av	10	20
110	Gage Av-Centinel Av-Fox Hills Mall	12	30
111	LAX-Florence Av-Leffingwell Rd	10	15
112	Florence Av-Otis St-Branch of Line 111	10	15
115	Manchester Av-Firestone Bl	7	15
117	Century Bl	15	20
120	Imperial Hwy	12	20
121	Imperial Hwy	12	20
125	Rosecrans Av	15	30
152	Fallbrook Av-Roscoe Bl-Vineland Av-Burbank	12	30
161	Westlake-Canoga Park	15	60
163	Sherman Wy-Hollywood	15	20
164	Victory Bl-Branch of Line 165	15	30
165	Vanowen St	15	30
175	Fountain Av-Talmadge St-Hyperion Av	15	60
180	Hollywood-Glendale-Pasadena via N. Lake	8	12
181	Hollywood-Glendale-Pasadena-PCC	8	12
200	Alvarado St-Echo Park Av	9	10
204	Vermont Av	4	5
206	Normandie Av	10	17
207	Western Av	5	17
210	Vine St-Crenshaw Bl	10	16
212	La Brea Av	8	20
217	Fairfax Av-Hollywood-Branch of Line 1	7	10
230	Laurel Canyon Bl	15	30
232	Long Beach-LAX	12	30
233	Van Nuys Bl-Branch of Line 561	10	12
234	Sepulveda Bl-Brand Bl-Sayre St	15	20
243	Desota Av-Ventura Bl-Winnetka Av	15	50
251	Soto St-Daly St-Seville Av-103rd Station	12	24
252	Soto St-California Av-Huntington Dr-Branch of Line 251	12	24
260	Artesia Sta-Pasadena-Altadena via Atlantic Bl	10	20
304	Santa Monica Bl Limited-Branch of Line 4	4	7
320	Wilshire Bl Limited-Branch of Line 20	5	9
322	Wilshire Bl-Century City-Brentwood Limited Br of Line 20	15	43
328	W. Olympic Bl Limited-Branch of Line 28	8	0
333	Venice Bl Limited-Branch of Line 33	9	0
345	Broadway Limited-Branch of Line 45	8	12
354	Vermont Av Limited-Branch of Line 204	7	15
357	Western Av Limited-Branch of Line 207	10	0
378	LA-Alhambra-So Arcadia Ltd-Branch of Line 78	13	0
379	LA-Arcadia Limited-Branch of Line 79	13	0
401	LA-Pasadena-No. Allen Express	12	30
402	LA-Pasadena Park-n-Ride-Branch of Line 401	15	0
420	LA-Van Nuys-Panorama City Express	6	10

MTA LINES OPERATING ON A FREQUENCY OF 15 MINUTES OR BETTER

Line No.	Line Name	Frequency	
		Peaks	Midday
424	LA-Ventura BI Express	9	10
425	LA-Ventura BI Exp. Limited-Branch of Line 424	6	0
426	San Fernando Valley-Wilshire Express	15	0
434	LA-Santa Monica-Malibu Express	10	30
442	LA-Hawthorne Exp.-Branch of Line 40	14	0
470	LA-Whittier-La Habra-Brea Mall Express	12	30
471	LA-Whittier-Puente Hills Mall Exp-Branch of Line 470	12	30
483	LA-Altadena via Fair Oaks Express	11	20
484	LA-El Monte-La Puente-Pomona Express	12	30
485	LA-Altadena via Lake Ave Exp-Branch of Line 483	11	20
487	LA-San Gabriel-Sierra Madre Express	8	20
489	LA-Hastings Ranch Express	8	0
490	LA-El Monte-Covina-Brea Express	15	30
497	LA-Pomona Park-n-Ride Express	9	0
522	LACC-Ventura BI-Reseda BI	12	20
561	Green Line-LAX-Van Nuys BI Ltd. Exp.	15	30
620	Boyle Heights Shuttle	0	12
801	Metro Blue Line	6	12
802	Metro Red Line	5	8
803	Metro Green Line	7	12

To: Christopher Pederson
Subject: RE: Public Comment on November 2021 Agenda Item Wednesday 16c - Appeal No. A-5-VEN-21-0063 (Sutter, Venice)

> On Nov 10, 2021, at 4:50 PM, Christopher Pederson <cpedersonlaw@gmail.com> wrote:

>

> Dear Chair Padilla and Commissioners:

>

> The staff report on the appeal of the Sutter project (A-5-VEN-21-0063) illustrates the contradictions of the Coastal Commission's approach to transportation and parking.

>

> The report first argues that the appeal raises a substantial issue because the project's parking garage may become subject to wave uprush and flooding due to future sea level rise. It stresses that parking garages pose a variety of significant chemical, electrical, and mechanical hazards if flooded.

>

> The report then argues an additional reason for finding substantial issue is the City of Los Angeles's failure to require an even larger garage - one that would presumably be even more hazardous than the one the city approved. Part of the reason the garage is allegedly too small is that the project is located in the "beach impact zone," an area where the LUP calls for additional parking spaces, but also the area most immediately threatened by sea level rise. Of course, one of the factors in sea level rise is our society's collective decision - in the coastal zone partly mandated by the Coastal Commission - to build itself in ways that are dependent on the automobile. Thus California's largest single largest source of greenhouse gas emissions - and by extension the largest factor in its current contribution to sea level rise - is transportation.

>

> The most sensible solution here would be to reduce, if not eliminate entirely, the off-street parking requirements for this project. To require 15 off-street parking spaces for a restaurant with less than 600 square feet of service area is self-evidently absurd. In addition, people visit Venice Beach because of Venice Beach itself. They generally aren't going there simply to patronize one specific store or restaurant. To try to divvy up parking demand for the area on a business-by-business basis is a doomed and destructive strategy. In addition, the area is famously walkable, bikeable, and served by transit.

>

> It is long past time for the Commission to rethink its approach to transportation so that it actually complements the Commission's other efforts to address the climate crisis. That means working with local governments and transportation agencies to dramatically improve access to the coast by modes other than the automobile. And it means revising land use requirements so that they no longer mandate and perpetuate automobile-dependent patterns of development. The Commission can do all of this in ways that are fully consistent with Coastal Act mandates to improve access, concentrate development in urban areas, promote public transit, and minimize vehicle miles traveled and energy consumption. (See Pub. Resources Code, §§ 30210, 30250, 30252, 30253(d).)

>

> Although the Commission may believe that amount of parking proposed violates the technical requirements of the LUP, the Commission has ample discretion to find that the appeal's contentions regarding parking fail to raise a substantial issue regarding the project's conformity with the actual standard of review - the Chapter 3 policies of the Coastal Act.

>

> Thank you for your consideration of my comments.

>

> Sincerely,

> Christopher Pederson