

# LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING

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September 27, 2022

**ADOPTED**

**Second Revised**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

5 September 27, 2022



CELIA ZAVALA  
EXECUTIVE OFFICER

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

Dear Supervisors:

**PROJECT NO. 2019-000181-(1)**  
**VESTING TENTATIVE TRACT MAP NO. 82159 (RPPL2019000320)**  
**CONDITIONAL USE PERMIT NO. RPPL2020002262**  
**ENVIRONMENTAL ASSESSMENT NO. RPPL2019000323**  
**APPLICANT: LENNAR HOMES**  
**PROJECT LOCATION: 16234 FOLGER STREET, HACIENDA HEIGHTS**  
**HACIENDA HEIGHTS ZONED DISTRICT**  
**(FIRST SUPERVISORIAL DISTRICT) (3-VOTES)**

## **SUBJECT**

This item is an appeal of a decision by the Los Angeles County Regional Planning Commission (Commission) to approve Project No. 2019-000181-(1). The applicant, Lennar Homes, proposes to create one multi-family lot for a condominium development comprised of 85 detached residential units, on-site Project grading of 165,000 cubic yards, and on-site amenities including an outdoor seating and barbeque areas of approximately 16,360 square feet on 10 net acres (Project). The 10-acre Project site is located at 16234 Folger Street in the unincorporated community of Hacienda Heights. The new residential development will have access via Folger Street, Glenelder Avenue, and Hinnen Avenue. The Project site is currently unoccupied but has seven school buildings (five classrooms, one multipurpose room, and administration), several portable classrooms, and parking areas previously used for the Glenelder Elementary school. The floor areas for the existing buildings total 32,614 square feet. The existing seven buildings, portable classrooms, and parking areas are proposed to be removed/demolished. The Project proposes 165,000 cubic yards of grading, consisting of 82,500 cubic yards of cut and 82,500 cubic yards of fill – to be balanced on-site. Pursuant to County Code Sections 22.18.030, 22.140.240, and 22.158.050, the CUP will allow grading of more than 100,000 cubic yards. The Commission approved the Project on May 18, 2022. This

appeal of the Commission's decision was filed by Samuel Brown-Vazquez on behalf of Coalition Against Lennar (Appellant), on May 31, 2022.

The State Housing Accountability Act ("HAA") applies to this Project. The HAA limits a local government's ability to deny, down-size, or render infeasible housing development projects containing either affordable or market-rate housing units. An analysis of the HAA and its applicability to this project is provided below.

**IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,**

1. Indicate its intent to adopt the Mitigated Negative Declaration (MND) associated with Environmental Assessment No. RPPL 2019000323, finding that the Project will not have a significant effect on the environment;
2. Indicate its intent to deny the appeal;
3. Instruct County Counsel to prepare the necessary Findings and Conditions to uphold the Commission's approval of Project No. 2019-000181-(1) including Vesting Tentative Tract Map No. 82159 (RPPL2019000320) and CUP No. RPPL2020002262; and
4. Continue the Project to a date certain in 60 days to receive the finalized Findings and Conditions.

**IT IS RECOMMENDED THAT THE BOARD AFTER THE CONTINUED PUBLIC HEARING,**

1. Close the public hearing;
2. Adopt the Mitigated Negative Declaration (MND) associated with Environmental Assessment No. RPPL 2019000323, finding that the Project will not have a significant effect on the environment;
3. Deny the appeal; and
4. Adopt the Findings and Conditions prepared by County Counsel upholding the Commission's approval of Project No. 2019-000181-(1), including Vesting Tentative Tract Map No. 82159 (RPPL2019000320) and CUP No. RPPL2020002262.

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

### **Project Description and Plan Consistency**

The Project is consistent with applicable goals and policies of the General Plan and Hacienda Heights Community Plan (Community Plan). The Project site is currently unoccupied but was previously used as a school. The Project is an infill development because it is proposed in a developed area where additional infrastructure and public services are not required. Therefore, it contributes to compact development, which consumes less land and resources, and can reduce the costs of providing public infrastructure and services.

The following policies of the General Plan are applicable to the proposed Project:

- Goal LU 3: A development pattern that discourages sprawl, and protects and conserves areas with natural resources and Significant Ecological Areas (SEA).
  - Policy LU 3.3: “Discourage development in undeveloped areas where infrastructure and public services do not exist, or where no major infrastructure projects are planned.”
- Goal LU 4: Infill development and redevelopment that strengthens and enhances communities.
  - Policy LU 4.1: “Encourage infill development in urban and suburban areas on vacant, underutilized, and/or brownfield sites.”
- Goal LU 10: Well-designed and healthy places that support a diversity of built environments.
  - Policy LU 10.3: “Consider the built environment of the surrounding area and location in the design and scale of new or remodeled buildings, architectural styles, and reflect appropriate features such as massing, materials, color, detailing or ornament.”
  - Policy LU 10.12: “Discourage gated entry subdivisions (gated communities) to improve neighborhood access and circulation, improve emergency access, and encourage social cohesion.”

The 10-acre property is developed with an elementary school that is currently unoccupied and underutilized. The property is not located within a SEA and the Project is proposed in an already developed area where public water and sewer are available. The Project is proposed in an infill area where additional infrastructure is not required. The development will not be gated, and the private driveways with the sidewalks will provide pedestrian connectivity to the

existing neighborhood. Based on the property's size and land use designation, the proposed 85 dwelling units can be accommodated on-site.

The following goals and policies of the Community Plan apply to the proposed Project:

- Goal LU-1: Well-designed, walkable residential neighborhoods that provide various housing types and densities.
  - Policy LU 1.1: Protect the character of existing single-family neighborhoods.
- Goal LU-3: Open space that expands to meet evolving community needs.
  - Policy LU 3.1: Promote the creation of pocket parks, parks with a mix of environments (such as ponds, paths, playgrounds and green roofs), multi-use paths, community gardens and open space nodes (small pieces of open space that serve as public destinations, connections and community-defining spaces).

The Project site is located within the H9 (Residential 9 - 0 to 9 Dwelling Units per Net Acre) land use category of the Community Plan. The H9 category allows for a maximum density of nine dwelling units per one net acre. Per the Community Plan, the purpose of the "Residential" designation is "to provide lands suitable for a range of housing types to meet the needs and income levels of economically and socially diverse residents, protect the residential character of these areas, and meet the needs of future populations." The intended uses within the residential category include "single-family attached, detached and multi-family residential developments." Based on the lot area, the proposed 85-unit residential development is consistent with the land use designation and the density allowed by the Community Plan. The proposed Project is consistent with the purpose and the intended uses of the Community Plan's H9 land use designation.

In addition, the Project provides on-site amenities including an outdoor seating and barbeque areas of approximately 16,360 square feet. The open space-park area will be accessible to the public. The sidewalks within the development and along the street frontages provide pedestrian connectivity to the existing neighborhood and community.

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

The recommended action is consistent with the County Strategic Plan goals as follows:

- GOAL II. FOSTER VIBRANT AND RESILIENT COMMUNITIES
  - Strategy II.3 – Make Environmental Sustainability Our Daily Reality

- II.3.1 Improve water quality, reduce water consumption, and increase water supplies: Promote water conservation, recycle and reuse local water resources, and reduce storm water pollution.
- II.3.2 Foster a cleaner, more efficient, and more resilient energy system: Promote diverse, clean and renewable energy systems, support energy efficiency, and support strategies to ensure reliability of the energy network.

The Project is consistent with these goals and strategies, as the new development will be required to meet current and more stringent environmental standards for construction materials, energy, water use, fire prevention, and native/non-invasive landscaping. These features will contribute to greater sustainability and helping to ensure more vibrant and resilient communities.

#### **FISCAL IMPACT/FINANCING**

This Project is not anticipated to have a fiscal impact on the County.

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

A duly noticed public hearing was scheduled for April 27, 2022, and continued to May 18, 2022, to allow the Commission adequate time to review supplemental materials. On May 18, 2022, the Commission heard a presentation from County Department of Regional Planning (County Planning) staff and testimony from the applicant and members of the public. Mr. Andrew Han, representing the applicant, made a presentation. The applicant described the existing conditions and showed renderings of the proposed residences. The applicant also stated that the Project is consistent with the zoning and the General Plan, and the on-site park will be open to the public but maintained by the homeowner's association (HOA). Neighborhood improvements will include the repaving of Hinnen, Folger, and Glenelder, and the development will not be gated nor will be built with perimeter walls. The applicant also described Lennar's "EI" (Everything's Included), where the residential buildings will have energy efficiency including solar panels and electric charging, emphasis on remote work features, appliances and modern interiors and exteriors, and smart home technology and energy conscious features. The applicant also addressed neighbors' concerns regarding "high density, 3-story homes, more traffic and safety concerns, and pedestrian' experience". Mr. Manoj Roychowdhury, Assistant Superintendent of the Hacienda La Puente Unified School District (District representative), also spoke on behalf of the applicant. The District representative stated that the Glenelder Elementary School was a surplus property. The sale of the school will generate annual revenue and provide funds for the maintenance of schools. A total of 14 members of the public provided

testimony in opposition to the Project. They expressed concerns about the following: the land sale, traffic, loss of recreation space, nearby location of a gas plant, soil contamination, environmental determination, park size, tribal cultural resources, school closure date, surrounding street width, air pollution, lead contamination, density, security during construction, park access, and current drought. Following the applicant's rebuttal, the Commission asked about security and said that the site should be secured during construction. Staff was instructed to add a condition regarding security during construction. There being no further testimony, the Commission closed the public hearing, and adopted the MND and Mitigation Monitoring and Reporting Program and approved the Project.

On May 31, 2022, the appellant filed an appeal of the Commission's approval of the Project. The appellant cited several reasons for the appeal, including concerns regarding the Project's environmental analysis, General Plan consistency determination, and Naylor Act consistency. The HAA applies to this Project. The HAA limits a local government's ability to deny, down-size, or render infeasible housing development projects containing either affordable or market-rate housing units. According to the California Department of Housing and Community Development's *Housing Accountability Act Technical Assistance Advisory* published on September 15, 2020, a local agency shall not deny, down-size, or render a housing development infeasible if it complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time the application was deemed complete, unless written findings supported by a preponderance of evidence (evidence for denying the project outweighs the evidence for supporting it) on the record that both of the following conditions have been met:

- 1) The project will have a specific, adverse impact upon public health or safety unless the project is denied or approval conditioned to be developed at a lower density (i.e., a significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete).
- 2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact. Feasible means capable of being accomplished in a successful manner within a reasonable time period, taking into account economic, environmental, social, and technological factors.

For a project to qualify for the protections included in the HAA, it must meet the definition of a housing development project. This Project qualifies as a housing development project because it consists of more than one residential unit and is consistent with the General Plan, Zoning,

and development standards. Therefore, it is imperative that the County comply with State law, specifically the HAA, when approving or disapproving housing development projects.

### **ENVIRONMENTAL DOCUMENTATION**

The Commission found the Project qualified for an MND as the appropriate environmental documentation under the California Environmental Quality Act and the County environmental guidelines. The Initial Study concluded that there are certain potentially significant environmental impacts associated with the Project that can be reduced to less than significant with the implementation of the proposed mitigation measures. The areas of environmental impact found to be less than significant with Project mitigation incorporated include the following: • Biological Resources: related to nesting birds and roosting bats; • Cultural Resources: related to unknown archaeological resources; • Geology/Soils: related to liquefaction and expansive soils; • Hazards/Hazardous Materials: related to demolition and construction-related traffic; • Noise: related to demolition and construction-related traffic; • Transportation: related to vehicles miles traveled; and • Tribal Cultural Resources: related to Native American monitoring.

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

There are no known Impacts on current services or projects.

For further information, please contact Joshua Huntington of the Subdivisions Section at (213) 974-6433 or [jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov).

Respectfully submitted,



Amy J. Bodek, AICP  
Director of Regional Planning

AJB:DD:SMT:JSH:lm

#### Attachments:

1. Appellant letter
2. Regional Planning Commission approval package
3. Additional public comments received

4. Supplemental Commission packages 1 through 5
5. Regional Planning Commission hearing package (includes Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program)

c: Executive Office, Board of Supervisors  
Office of the Assessor  
Chief Executive Office  
Office of the County Counsel  
Department of Public Works