

Department of Regional Planning

Department Statement Board of Supervisors Meeting: July 26, 2022

This item is an appeal of a decision by the Los Angeles County (County) Regional Planning Commission (Commission) to **approve Project No. 2019-000181-(1), Vesting Tentative Tract Map No. 82159 and Conditional Use Permit (CUP) No. RPPL2020002262**. The applicant, Lennar Homes, proposes to create one multi-family lot for a condominium development comprised of 85 detached residential units, with on-site project grading of 165,000 cubic yards and on-site amenities including an outdoor seating and barbeque areas, 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 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 project site is located within the H9 (Residential 9 - 0 to 9 Dwelling Units per Net Acre) land use category of the Hacienda Heights Community Plan (Community Plan), a component of the General Plan. The H9 category allows for a maximum density of nine dwelling units per 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.

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. 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.

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.

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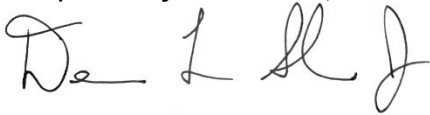
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The Project site is located in the Hacienda Heights Zoned District and is currently zoned R-1 (Single-Family Residential - 5,000 Square Feet Minimum Required Lot Area). The neighborhood has a residential character, and the proposed residential use will be consistent with the existing land use in the community.

After consideration of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), together with the comments received during the public review process, the Commission found, on the basis of the whole record before it, that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Commission. The Project's design features, and mitigation measures sufficiently address the environmental considerations of the Project.

Therefore, Staff recommends that the Board uphold the Commission's approval of the Project, MND, and MMRP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "De L H J", written over the printed name of Amy J. Bodek.

AMY J. BODEK, AICP

Director of Regional Planning

AJB