



**CITY OF SAN FERNANDO
COUNCIL CHAMBERS
SEPTEMBER 10, 2013**

PLANNING AND PRESERVATION COMMISSION AGENDA

1. CALL TO ORDER

7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners, Kevin Beaulieu, Yvonne G. Mejia, and Rodolfo Salinas, Jr.

4. APPROVAL OF AGENDA

September 10, 2013

5. PUBLIC STATEMENTS

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who wishes to address the Commission on community planning matters not pertaining to items on this agenda.

6. CONSENT CALENDAR

Items on the consent calendar are considered routine and may be acted on by a single motion to adopt the staff recommendation or report. If the Commission wishes to discuss any item, it should first be removed from the consent calendar.

- Minutes of the Planning and Preservation Commission meeting of August 6, 2013

7. NEW BUSINESS

A: Subject: Draft Density Bonus and Reasonable Accommodation Ordinances and Draft Initial Study and Negative Declaration

Location: Citywide, San Fernando, CA

Applicant: City of San Fernando, 117 Macneil Street, San Fernando, CA 91340

Proposal: The proposed project is an amendment of the San Fernando City Code through the adoption of the proposed Density Bonus and Reasonable Accommodation Ordinances to implement required state law. The proposed Density Bonus Ordinance would provide the required regulations to allow for the city to provide increased density for housing projects that incorporate the required percentage of affordable units. The proposed Reasonable Accommodation Ordinance would provide the appropriate regulations to allow deviation from the city's development standards in order to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.

Recommendation: It is recommended that subsequent to staff's presentation and consideration of any public comments, that the Planning and Preservation Commission:

1. Adopt Planning and Preservation Commission Resolution 2013-08 (Attachment 1), recommending adoption of the Draft Initial Study and Negative Declaration to the City Council, determining that the proposed Density Bonus and Reasonable Accommodation Ordinance will not have a significant adverse impact on the environment;
2. Adopt Planning and Preservation Commission Resolution 2013-09 (Attachment 2), recommending adoption of the proposed Density Bonus Ordinance (Zone Code Amendment 2013-01) to the City Council to implement state law and Housing Implementing Program No. 9 (Affordable Housing Density Bonus) of the 2008-2014 General Plan Housing Element; and
3. Adopt Planning and Preservation Commission Resolution 2013-10 (Attachment 3), recommending adoption of the proposed Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02) to the City Council to implement state law.

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

8. **STAFF COMMUNICATIONS**

9. **COMMISSION COMMENTS**

10. **ADJOURNMENT**

October 1, 2013

Any public writings distributed to the Planning and Preservation Commission regarding any item on this regular meeting agenda will also be made available at the Community Development Department public counter at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department office at (818) 898-1227 at least 48 hours prior to the meeting.



**CITY OF SAN FERNANDO
PLANNING COMMISSION**

**DRAFT MINUTES OF
AUGUST 6, 2013, MEETING - 7:00 P.M.
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

CALL TO ORDER

The meeting was called to order by Chairperson 7:00 P.M.

PLEDGE OF ALLEGIANCE

Led by Chairperson Theale Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners Kevin Beaulieu, Yvonne Mejia, and Rudy Salinas

ABSENT:

None

ALSO PRESENT:

City Planner Fred Ramirez, Assistant Planner Edgar Arroyo, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Vice-chair A. Durham moved to approve the agenda of August 6, 2013. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, T. Haupt, Y. Mejia, and R. Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

CONSENT CALENDAR

Vice-chair A. Durham moved to approve the minutes of July 2, 2013. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	A. Durham, Y. Mejia, K. Beaulieu, T. Haupt, and R. Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

UNFINISHED BUSINESS

None

PUBLIC HEARING 7A:

Conditional Use Permit 2013-03 (CUP 2013-03) – 2040 Glenoaks Blvd., San Fernando, CA 91340 – Kelly Hayes, Evergreen Development, Inc., 2390 E. Camelback Road, Suite 410, Phoenix, AZ 85016 – The proposed project is a request for review and approval of a conditional use Permit (CUP) to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption off the premises (“off-sale alcohol permit”), in conjunction with the planned occupancy and operation of Walgreens, a retail drug store to be located at 2040 Glenoaks Boulevard. The requested CUP would allow for the Walgreens to apply for a Type 21 alcohol license with the California Department of Alcoholic Beverage Control. The new retail drug store would occupy an approximate 14,954 square-foot portion of an existing 38, 609 square-foot commercial building at the subject property and provide various interior and exterior tenant improvements to the existing building and site. The subject site is an approximate 85,813 square-foot lot located on the southerly corner of Glenoaks Boulevard and Hubbard Street, within the C-2 (Commercial) zone.

Staff Presentation

Assistant Planner Edgar Arroyo gave the staff presentation recommending the Planning and Preservation Commission approve Conditional Use Permit 2013-03, to allow for the ancillary sale of alcoholic beverages for off-site consumption in conjunction with the proposed operation of a Walgreens, a retail drug store at 2040 Glenoaks Blvd., pursuant to Planning and Preservation Commission Resolution 2013-06 and the conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

Public Testimony

Rogg Collins – representative of Evergreen Development – Mr. Collins indicated that they have built approximately 300 Walgreens and he appreciates the concern of the turning radius however, he assured the Planning and Preservation Commission that it will work out. Additionally, he stated that he believes that there is adequate customer parking since the employees will be asked to park at the rear of the business.

Commission Discussion

K. Beaulieu expressed concerns about the drive-thru being too tight and or that it might block through access.

T. Haupt asked if there was a reciprocal access agreement and if the improvement to the entire exterior will take place simultaneously. He too expressed concern with the drive-thru being too tight and that there isn’t enough handicap parking spaces at the location.

F. Ramirez indicated that the applicant will comply with the American with Disabilities Act (ADA) and provide one handicap parking space for every 25 spaces and provide a path of travel to and from the proposed project.

K. Beaulieu asked if the apron entrance on Glenoaks Boulevard was wider than the apron entrance along Hubbard Street.

Y. Mejia stated that making a left hand turn when leaving the location is very dangerous.

T. Haupt asked that the applicant consider low line vegetation with an automatic irrigation system. Additionally he expressed some concern with the public access to the trash compactor area. He asked if the separation of the two tenants would be all the way to the roof line.

E. Arroyo indicated that the two tenants would be completely separated from one another.

T. Haupt asked about the exterior lighting and what the tenant was proposing.

F. Ramirez indicated that the applicant will provide a detail of the proposed exterior lighting and a photo metric study.

Subsequent to discussion Chairperson T. Haupt moved to approve CUP 2013-03. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	T. Haupt, Y. Mejia, K. Beaulieu, A. Durham, and R. Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

STAFF COMMUNICATIONS

F. Ramirez informed the commission that the proposed project for August 20, 2013 would be the Warehouse Shoe Sale and that community workshop meetings were being scheduled for September 2013.

COMMISSION COMMENTS

K. Beaulieu asked if he would be receiving any information regarding the Griswold transitional property.

PUBLIC STATEMENTS

None

ADJOURNMENT

Vice-chair A. Durham moved to adjourn to August 20, 2013. No opposition, the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, T. Haupt, Y. Mejia, and R. Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

8:16 P.M.
Fred Ramirez
Planning Commission Secretary

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MEETING DATE: September 10, 2013

PUBLIC HEARING:

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN FOR PUBLIC HEARING
5. CLOSE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:

(a) **To Approve:**

“I move to recommend adoption of the Draft Initial Study and Negative Declaration to the City Council for the proposed Density Bonus and the Reasonable Accommodation Ordinances noting that the proposed zone code amendments will not have a significant adverse impact on the environment, pursuant to Planning and Preservation Commission Resolution 2013-08”;

“I move to recommend adoption of the proposed Density Bonus Ordinance (Zone Code Amendment 2013-01) to the City Council pursuant to Planning and Preservation Commission Resolution 2013-09”; and,

“I also move to recommend approval of the Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02) to the City Council pursuant to Planning and Preservation Commission Resolution 2013-10”

(b) **To Deny:**

“I move to recommend denial to the City Council of the proposed Zone Code Amendment 2013-01 and/or Zone Code Amendment 2013-02, based on the following ...” (Roll Call Vote)

(c) **To Continue:**

“I move to continue consideration of the proposed Zone Code Amendment 2013-01 and/or Zone Code Amendment 2013-02 to a specific date...” (Roll Call Vote)

PUBLIC HEARING:

To Approve ()

To Deny ()

To Continue ()

Moved by: _____

Seconded by: _____

Roll Call: _____

Item 7A:
Zone Code Amendments 2013-01 and 2013-02


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PLANNING AND PRESERVATION COMMISSION STAFF REPORT

DATE: September 10, 2013

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, Community Development Director
Prepared by: Edgar Arroyo, Assistant Planner 

SUBJECT: Draft Density Bonus and Reasonable Accommodation Ordinances and Draft Initial Study and Negative Declaration
(Zone Code Amendments 2013-01 and 2013-02)
Location: Citywide

PROPOSAL: The proposed project is an amendment of the San Fernando City Code through the adoption of the proposed Density Bonus and Reasonable Accommodation Ordinances to implement required state law. The proposed Density Bonus Ordinance would provide the required regulations to allow the city to provide increased density for housing projects that incorporate the required percentage of affordable units. The proposed Reasonable Accommodation Ordinance would provide the appropriate regulations to allow deviation from the city's development standards in order to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.

APPLICANT: City of San Fernando, 117 Macneil Street, San Fernando, CA 91340

RECOMMENDATION:

It is recommended that subsequent to staff's presentation and consideration of any public comments, the Planning and Preservation Commission:

- 1) Adopt Planning and Preservation Commission Resolution 2013-08 (Attachment 1), recommending adoption of the Draft Initial Study and Negative Declaration to the City Council, determining that the proposed Density Bonus and Reasonable Accommodation ordinances will not have a significant adverse impact on the environment;
 - 2) Adopt Planning and Preservation Commission Resolution 2013-09 (Attachment 2), recommending adoption of the proposed Density Bonus Ordinance (Zone Code Amendment 2013-01) to the City Council to implement state law and Housing Implementing Program No. 9 (Affordable Housing Density Bonus) of the 2008-2014 General Plan Housing Element; and,
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- 3) Adopt Planning and Preservation Commission Resolution 2013-10 (Attachment 3), recommending adoption of the proposed Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02) to the City Council to implement state law.

PROJECT OVERVIEW:

1) Density Bonus Ordinance

- a. In 1979, the State of California (the “State”) adopted the “State Density Bonus Law”, codified in Government Code Section 65915, et al. The purpose of the state density bonus law was to encourage private developers to include affordable units in their housing developments without government subsidies. As part of the adoption of the original law, the State’s analysis concluded that the development of affordable housing is adversely impacted due to high land and construction costs for housing, making it extremely difficult for the private market to provide housing that is affordable to individuals and families without some level of public subsidy. The state density bonus law provides regulations requiring cities in California to provide increased density for applicants of a housing development and one concession to facilitate the development of affordable housing.

The intent of the density bonus law was to provide housing developers with regulatory incentives for providing affordable housing instead of increased subsidies. These regulatory incentives would allow a developer to include more units in a project than would otherwise be allowed by the applicable zoning designation of a property in order to spread the cost of the affordable units over the project as a whole.

- b. On September 29, 2004, the State approved comprehensive amendments to the State’s density bonus law through the adoption Senate Bill 1818 (Hollingsworth). These amendments took effect on January 1, 2005, and included the following notable provisions to facilitate the development of affordable housing statewide:
- i. Increases the percentage of the density bonus that a housing developer may be requested to facilitate the creation of additional affordable units, dependant on housing type;
 - ii. Increases in the amount of concessions or incentives that a housing developer may request, from one to three, dependant on the percentage of affordable units provided;
 - iii. Lowers the percentage of affordable units required to be provided as part of a housing development developed with a density bonus;
 - iv. Establishes new statewide parking ratios that developers may request to use, in lieu of city established parking regulations;
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- v. Requires that the density bonus increase incrementally dependant on housing type, with a maximum density bonus of 35-percent permitted; and,
 - vi. Expands the definition of "housing development" to include a subdivision, planned unit development, and condominium project.
- c. On April 6, 2009, the City Council adopted the 2008-2014 General Plan Housing Element that includes Housing Implementing Program No. 9 (Affordable Housing Density Bonus). The noted housing program provided for the amendment of city code to “adopt a local density bonus ordinance by 2009 to implement State requirements as a means of enhancing the economic feasibility of affordable housing developments.”
- d. Pursuant to Government Code Section 65915(a), all cities are required adopt a density bonus ordinance that complies with the requirements of state law. Cities that do not adopt a density bonus ordinance, however, are not relieved from compliance with state law and are required to grant a density bonus under the applicable state regulations. In addition, the California Housing and Community Development Department (HCD) has notified cities that state certification of the upcoming General Plan Housing Element update for the planning period of 2013-2021 will required a city to have adopted a density bonus ordinance compliant with state law. If the required ordinance is not adopted, then the housing element will not be certified by HCD, making the city ineligible for future funding and increasing the frequency that the city is required to prepare a housing element update for state review and certification, from every eight years to every four years.

2) Reasonable Accommodation Ordinance.

Pursuant to the Federal Fair Housing Amendments Act of 1988 and the State of California Fair Employment and Housing Act, cities and counties are prohibited from discriminating against individuals with disabilities through land use and zoning decisions and procedures. Discrimination includes, but is not limited to, the failure or refusal to provide reasonable accommodation to city rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal opportunity to housing.

The proposed Reasonable Accommodation Ordinance would provide individuals with disabilities the ability to request reasonable accommodation in the application of the city's rules, policies, practices and procedures, as necessary to ensure equal access to housing, pursuant to Federal and State fair housing laws. The proposed ordinance provides a process for individuals with disabilities to make requests to deviate from the city's development regulations.

The proposed Reasonable Accommodation Ordinance would allow the city to be in compliance with applicable Federal and State housing laws, while providing an improved quality of life for persons with disabilities. In addition, HCD has notified cities that certification of the upcoming General Plan Housing Element update for the planning period of 2013-2021 will require a city to have adopted reasonable accommodation provisions in the

city code that are compliant with Federal and State law. If the required provisions are not adopted, then the housing element will not be certified by HCD, making the city ineligible for future funding and increasing the frequency that the city is required to prepare a housing element update for state review and certification, from every eight years to every four years.

ANALYSIS:

1) Density Bonus Ordinance.

As discussed above, pursuant to Government Code Section 65915(a), all cities are required adopt a density bonus ordinance that complies with the requirements of state housing law. Cities that do not adopt a density bonus ordinance, however, are not relieved from compliance with state law and are required to grant a density bonus under the applicable regulations of the State. While the city has not adopted a local density bonus regulation to date, the city has reviewed and approved multi-family residential developments where an applicant has requested a density bonus pursuant to State law. This section will assess the key provisions of the city's proposed density bonus ordinance.

a. Applicable Zones.

The proposed density bonus ordinance would allow housing developers with qualifying residentially-zoned or mixed-use properties to request an increase in density above the maximum permitted density under a subject properties zoning designation. Within the city, the zoning districts that currently permit multi-family development, as well as mixed-use residential/commercial development are the following:

- i. R-2 (Multiple Family Residential) zone
- ii. R-3 (Multiple Family) zone
- iii. SP-4 (Corridors Specific Plan) zone
 - 1. Downtown District
 - a. City Center Sub-District
 - b. Mall Sub-District
 - 2. Maclay District
 - 3. Truman-San Fernando District
 - a. Mixed-Use Transition Sub-District

With respect to the city's R-2 (Multiple Family Residential) and R-3 (Multiple Family) zones, a density bonus may be requested by a housing developer to allow for an increase in density above the maximum permitted density in each respective zone. In the SP-4 (Corridors Specific Plan) zone and its corresponding districts and sub-districts, mixed-use multi-family residential/commercial development may request a similar increase in density for the residential component of the project. Within, the Mixed-Use Transition Sub-District of the Truman-San Fernando District and the Maclay District, stand alone multi-family residential, in addition to mixed-use residential/commercial developments are permitted.

b. Qualification Criteria.

Pursuant to Section 106-1421 of the proposed density bonus ordinance, a “Housing Development” is defined as “one or more groups of projects for residential units with a minimum of five (5) residential units.” To qualify for a density bonus, a property zoned to allow for multi-family development must have a minimum development potential and sufficient lot area to develop five (5) dwelling units under the applicable development standards of subject property’s zoning designation. Properties that do not have the necessary lot area to develop a minimum of five units “by-right” do not qualify for a density bonus.

Example No.1: A lot located within the City’s R-3 zone has a lot area of 5,000 square feet. The density within the R-3 zone allows for the development of one (1) unit for every 1,013 square feet of lot area. The resulting density calculation would only allow a total of four (4) units on the property. Because the property does not meet the minimum threshold of five (5) units, an applicant for a multi-family development would not qualify for a density bonus.

Example No.2: A lot located within the City’s R-2 zone has a lot area of 30,000 square feet. The density within the R-2 zone allows for the development of one (1) unit for every 2,562 square feet of lot area. The resulting density calculation would allow a total of 11 units on the property. Because the property exceeds the minimum five (5) unit threshold, an applicant for a multi-family development at this property would qualify for a density bonus.

This provision is consistent with the requirements of the State Density Bonus Law pursuant to Government Code Section 65915(i).

c. Density Bonus and Affordability.

Pursuant to Section 106-1422(a) and (b) of the proposed density bonus ordinance, upon written request by an applicant, the City shall grant a density bonus when the applicant for the housing development agrees or proposes to construct a housing development that contains a minimum of any one of the following:

- i. Ten (10) percent of the total units of a housing development for low income households;
 - ii. Five (5) percent of the total units of a housing development for very low income households;
 - iii. A senior citizen housing development, unless prohibited by state and/or federal law; or,
 - iv. Ten (10) percent of the total dwelling units in a common interest development for persons and families of moderate income, provided that all units in the development are offered to the public for purchase (e.g., condominiums).
-

If an applicant exceeds the minimum percentages for designated affordable housing units, the applicant shall be entitled to an additional density bonus calculated as follows:

- i. For each one (1) percent increase above the ten (10) percent of the percentage of units affordable to low income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent;
- ii. For each one (1) percent increase above the five (5) percent of the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent; or,
- iii. For each one (1) percent increase above the ten (10) percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent.

Furthermore, the proposed ordinance pursuant to Section 106-1422(c) & (d) includes density bonus calculation tables to assist housing developers in calculating the percentage of affordable housing required for an affordable housing development requesting a density bonus. These provisions are consistent with the requirements of the State Density Bonus Law pursuant to Government Code Section 65915(d),(f), & (g).

d. Affordability Term.

Pursuant to Section 106-1425(a) of the proposed density bonus ordinance, an applicant requesting a density bonus shall be required to retain all required affordable units for a minimum period of 30 years. The period of affordability may be greater if it is required through any financing assistance program, mortgage insurance program, or rental subsidy program. This provision is consistent with the requirements of the State Density Bonus Law pursuant to Government Code Section 65915(c)(1).

e. Concessions and Incentives.

Pursuant to Section 106-1423 of the proposed density bonus ordinance, an applicant requesting a density bonus to facilitate the development of affordable housing may request up to three (3) incentives or concession. These incentives or concessions may include the following deviations of the applicable development standards to facilitate a housing development:

- i. Additional density provided the overall density bonus received for the entire residential development does not exceed thirty-five (35) percent;
 - ii. Reduced minimum lot sizes and/or dimensions;
 - iii. Reduced minimum lot setbacks;
 - iv. Reduced minimum private and/or common outdoor open space;
 - v. Increased maximum building height (up to one additional story);
 - vi. Reduced on-site parking standards in excess of standards set forth in section 106-1424 (parking study required);
 - vii. Tandem and uncovered parking allowed; and,
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- viii. Other regulatory incentives that result in identifiable, financially sufficient, and actual cost reductions.

In order for the City to grant an incentive or concession for a Housing Development, the required percentage of affordable units shall be provided, as shown below:

Target Group	Target Units		
Very Low Income (50% AMI ¹)	5%	10%	15%
Lower Income (80% AMI)	10%	20%	30%
Moderate Income (120 % AMI, Common Interest Development Only)	10%	20%	30%
Number of Incentives²	1	2	3
Note: 1. AMI is an abbreviation for Los Angeles County Area Median Income 2. Child care facility: When a qualified project also includes a child care facility as described in section 106-1422(g), the applicant shall receive one additional incentive.			

For housing developments that provide child care facilities, an additional fourth incentive or concession may be request by an applicant.

An applicant requesting an incentive or concession shall submit a written proposal noting all requested incentives or concessions and the reason why the concession is necessary to facilitate the development of affordable housing. A proposal for the waiver of development standards under this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to.

The City shall grant the requested incentives or concessions, unless the city's chief planning official makes a written finding, based upon substantial evidence of any the following conditions:

- i. The concession or incentive is not required in order to provide for affordable housing costs;
- ii. The concession or incentive would have a specific adverse impact on the environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households;
- iii. The concession or incentive would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or,
- iv. The concession or incentive would be contrary to State or Federal law.

These provisions are consistent with the requirements of the State Density Bonus Law pursuant to Government Code Section 65915(k).

f. Specific Development Standards.

Pursuant to Section 106-1424 of the proposed density bonus ordinance, the following development standards shall be applicable to housing project requesting a density bonus:

- i. **Design Requirements:** The required affordable units shall be of similar design and quality as the market rate units of a housing development. Exteriors and floor plans of affordable units shall also be of similar quality as the market rate units.
- ii. **Location Requirements:** The required affordable units shall be dispersed throughout the housing development rather than clustered in a single or few areas.
- iii. **Parking Standards:** Unless the city's parking regulations will result in less required parking, the follow maximum parking standards shall apply to housing developments requesting a density bonus:

Number of On-Site Parking Spaces^{1, 2}	Number of Bedrooms
1.0	1
2.0	2 to 3
2.5	4 or more
Notes: <ul style="list-style-type: none">1. A parking calculation resulting in a fraction shall be rounded up to the next whole number.2. Parking standards provided in this subsection are inclusive of guest and handicapped parking.3. A development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.	

These provisions are consistent with the requirements of the State Density Bonus Law pursuant to Government Code Section 65915(p).

g. Additionally Requirements.

In addition to the requirement provide above, the proposed density bonus ordinance also includes provisions for:

- i. The inclusion of childcare facilities as part of a housing development;
- ii. The conversion of apartment units to condominiums;
- iii. Definitions of housing terms consistent with State density bonus law; and,
- iv. An appeals process for projects where a density bonus is not granted by the City.

If an applicant complies with all applicable requirements of the proposed density bonus ordinance, then the City is required to approve a housing development administratively,

unless the project includes a request that requires discretionary approval (e.g., approval of a parcel map or tentative tract map).

2) Reasonable Accommodations Ordinance.

As noted in the Project Overview Section of this report, pursuant to the Federal Fair Housing Amendments Act of 1988 and State Fair Employment and Housing Act, cities and counties are prohibited from discriminating against individuals with disabilities through land use and zoning decisions and procedures. More specifically, fair housing laws require that cities and counties provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, practices and procedures.

The proposed Reasonable Accommodation Ordinance would provide individuals with disabilities the ability to request reasonable accommodation in the application of the city's rules, policies, practices and procedures, as necessary to ensure equal access to housing, pursuant to Federal and State fair housing laws. The proposed ordinance provides an administrative process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various city laws, development standards, rules, policies, practices and/or procedures of the City, including land use and zoning regulations.

a. Required Findings.

The proposed ordinance would provide a fair and reasonable means of accommodating the special housing needs of individuals with disabilities, without compromising the City's commitment to protecting community character and environmental quality. A request for a reasonable accommodation is evaluated on a case-by-case basis, using findings specified in State and Federal laws. A request for a reasonable accommodation will be approved or denied pursuant to the following findings, pursuant to Section 106-1433(f) of the proposed reasonable accommodation ordinance:

- i. The parcel and/or housing, that is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under fair housing laws;
- ii. The request for reasonable accommodation is necessary to make the specific housing available to one or more individuals protected under fair housing laws;
- iii. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City; and,
- iv. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City.

b. Public Notification and Comment Period.

Pursuant to Section 106-1433(b) of the proposed reasonable accommodation ordinance, a notice of tentative determination shall be mailed out to the applicant requesting the reasonable accommodation and all property owners abutting the property that is the

subject of the reasonable accommodation request within 15 day from the date the application is received by the City and deemed complete.

Furthermore, public notification is required to be mailed out to all abutting property owners of a property that is the subject of the reasonable accommodations request. A public comment period of no less than 10 days shall be provided for all affected owners to provide the city with comments on the requested reasonable accommodation. Subsequent to the a notice for tentative determination and after the public comment period had concluded, the City shall mail a notice of final determination to the applicant requesting the reasonable accommodation and all property owners abutting the property that is the subject of the reasonable accommodation request either approving or denying the request.

c. Duration of Reasonable Accommodation Request.

If a request for reasonable accommodation is approved by the city, the request shall be granted to an individual with a disability and shall not run with the land unless:

- i. The reasonable accommodation is physically integrated into the residential structure and cannot be easily removed or altered to comply with all applicable laws, development standards, rules, policies, practices, and/or procedures;
- ii. Another individual or individuals with a disability use the property and structure that is the subject of the reasonable accommodation request;
- iii. The property owner of record provides a written request stating the reason why the reasonable accommodation shall be retained without the occupancy of the residential structure by an individual with a disability, as originally permitted; and,
- iv. The Community Development Director provides a written determination assessing the applicant's request to retain the reasonable accommodation without the occupancy of the residential structure by an individual with a disability, as originally permitted. A determination for denial of the retention of a reasonable accommodation shall require the Director to make those findings provided in Section 2a of the Analysis of this report. Subsequent to the Director's determination of denial, the property owner of record shall have sixty (60) days to remove the reasonable accommodation from the subject property or comply with the previously approved reasonable accommodation request pursuant to this proposed ordinance.

d. Appeal.

Pursuant to Section 106-1434 of the proposed reasonable accommodation ordinance, within 10 days of the issuance of a notice of final determination, the determination of the Director may be appealed to the Planning and Preservation Commission. Parties that are eligible to appeal a determination by the City include those "directly aggrieved" by the decision. Section 106-1434(c) defines those directly aggrieved as a representative of an individual with a disability, or the owner of the property that is the subject of the reasonable accommodation request, and those property owners that directly abut the

property that is the subject of the reasonable accommodation request. An appeal of the Commission's decision by those directly aggrieved may be made to the City Council.

e. Examples of Potential Reasonable Accommodation Requests.

While fair housing laws intend that all people have equal access to housing, the law also recognizes that individuals with disabilities may need extra tools to achieve equality. Providing reasonable accommodation is one way for local jurisdictions to provide relief from land use and zoning and building regulations and procedures that have the effect of discriminating against the development, siting and use of housing for individuals with disabilities. Below are potential examples where a reasonable accommodation request may be submitted to the City:

- i. A ramp needs to encroach further into a front setback than what is typically allowed for stairs and ramps. Reasonable accommodation may be requested to waive the setback requirement.
- ii. A wheelchair-bound person has a van and other equipment related to his disability that he needs to have available at his home. He wants to build a garage and storage area to accommodate the van and equipment. Unfortunately, the proposed garage exceeds the allowable square footage and height for an accessory structure. Reasonable accommodation may be requested to exceed the development standard.
- iii. A family wants to add a first floor bedroom addition to the back of their house because the husband has become disabled and was no longer able to climb up to the upstairs bedroom. The project requires design review and a rear setback variance that has to be approved by the Planning and Preservation Commission. Reasonable accommodation may be requested to waive both the design review requirements and the setback requirements.
- iv. A family's adult son or daughter is disabled and cannot live independently. The parents want to convert the garage into a residential unit for the son or daughter to live in. The City requires that a new garage be built to provide new parking. Reasonable accommodation may be requested to waive that parking requirement.

- 3) **Environmental Review:** On August 22, 2013, a Notice of Intent to Adopt a Negative Declaration was filed with the Los Angeles County Clerk's office and published in the Los Angeles Daily News pursuant to the city's local CEQA Guidelines. The required 20-day public comment period for the draft Initial Study and Negative Declaration began on August 22, 2013 and will conclude on September 10, 2013. To date, staff has not received any public comments regarding the proposed Density Bonus and Reasonable Accommodation ordinances or the draft Initial Study and Negative Declaration. Any comments that are received prior to the scheduled public hearing date will be transmitted to the Planning and Preservation Commission.
-

This project has been reviewed for compliance with CEQA. In accordance with the provisions of the CEQA Guidelines, the City of San Fernando as the “Lead Agency” has determined that the proposed Density Bonus and Reasonable Accommodation ordinances will not have a significant adverse impact on the environment. Therefore, it is staff’s recommendation that the Planning and Preservation Commission adopt a Negative Declaration for this project. If the Planning and Preservation Commission concurs with staff’s assessment and recommends City Council adoption of the Initial Study and Negative Declaration, no further environmental assessment is necessary.

CONCLUSION:

In light of the forgoing analysis, it is staff’s assessment that the proposed Density Bonus and Reasonable Accommodation ordinances would allow the City to comply with federal and state housing laws with ensuring that the City’s Housing Element, and future element updates, also comply with applicable laws.

Therefore, it is staff’s recommendation that the Planning and Preservation Commission:

- 1) Adopt Planning and Preservation Commission Resolution 2013-08 (Attachment 1), recommending adoption of the Draft Initial Study and Negative Declaration to the City Council, determining that the proposed Density Bonus and Reasonable Accommodation ordinances will not have a significant adverse impact on the environment;
- 2) Adopt Planning and Preservation Commission Resolution 2013-09 (Attachment 2), recommending adoption of the proposed Density Bonus Ordinance (Zone Code Amendment 2013-01) to the City Council to implement state law and Housing Implementing Program No. 9 (Affordable Housing Density Bonus) of the 2008-2014 General Plan Housing Element; and,
- 3) Adopt Planning and Preservation Commission Resolution 2013-10 (Attachment 3), recommending adoption of the proposed Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02) to the City Council to implement state law.

Attachments (3):

1. Planning and Preservation Commission Resolution 2013-08 and Exhibit “A”: Draft Initial Study and Negative Declaration
 2. Planning and Preservation Commission Resolution 2013-09 and Exhibit “A”: Draft Density Bonus Ordinance
 3. Planning and Preservation Commission Resolution 2013-10 and Exhibit “A”: Draft Reasonable Accommodation Ordinance
-

ATTACHMENT 1:

**Planning and Preservation Commission
Resolution 2013-08 and Exhibit “A”:
Draft Initial Study and Negative Declaration**

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RESOLUTION NO. 2013-08

RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING ADOPTION TO THE CITY COUNCIL OF AN INITIAL STUDY AND NEGATIVE DECLARATION FOR THE PROPOSED DENSITY BONUS AND REASONABLE ACCOMMODATION ORDINANCES IN ORDER FOR THE CITY TO COMPLY WITH FEDERAL AND STATE HOUSING LAWS.

WHEREAS, an Initial Study and Negative Declaration was prepared, pursuant to the California Environmental Quality Act (CEQA) and the City's Local CEQA Guidelines, in order to evaluate any potential environmental impacts associated with the proposed adoption of the City's Density Bonus and Reasonable Accommodation ordinances.

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the Los Angeles County Clerk on August 22, 2013, and said document was made available for public review and comment.

WHEREAS, on September 10, 2013, the Planning and Preservation Commission held a duly noticed public hearing to allow for public comment on the draft Initial Study and Negative Declaration for the proposed Density Bonus and Reasonable Accommodation Ordinance during the required public review and comment period pursuant to CEQA.

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the project, written and oral at the public hearing held on the 10th day of September 2013.

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: The Planning Commission finds that all of the facts set forth in this Resolution are true and correct.

SECTION 2: This project has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA), and the City as the "Lead Agency" has determined that the project would not have any potential significant adverse environmental impacts associated with the adoption of the Density Bonus and Reasonable Accommodation ordinances and has thus prepared a Negative Declaration.

SECTION 3: The Planning and Preservation Commission recommends adoption of this Negative Declaration to the City Council affirming its assessment that the adoption of the Density Bonus and Reasonable Accommodation ordinances would not have a significant adverse impact on the environment.

PASSED, APPROVED AND ADOPTED this 10th day of September 2013.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 10th day of September 2013; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION



**Notice of Intent to Adopt a Negative Declaration and Public Hearing Notice for the City's
Density Bonus and Reasonable Accommodation Ordinances
(Zone Code Amendment 2013-02)**

NOTICE IS HEREBY GIVEN that the City of San Fernando has completed an Initial Study checklist for a proposed zone code amendment (Zone Code Amendment 2013-02) in accordance with the California Environmental Quality Act (CEQA) for the purpose of deciding whether the project may have a significant effect on the environment.

The purpose of the proposed project is to amend Chapter 106 (Zoning), Article VI of the City of San Fernando City Code to add provisions for density bonuses and other incentives or concessions prescribed by State law for developments that include affordable housing, senior housing, and certain childcare facilities, and to establish a reasonable accommodation procedure for persons with disabilities who are covered under Federal and State fair housing statutes. The Project Area includes the incorporated boundaries of the City of San Fernando, located in Los Angeles County.

The Negative Declaration finds that the proposed zoning code amendments will: (1) not degrade the quality of the environment; (2) have no impact on long-term environmental goals; (3) have no cumulative effect upon the environment; (4) not cause adverse effects on human beings, either directly or indirectly; and (5) not cause a direct or indirect impact to natural resources. Any potential impacts associated with these amendments are anticipated to be less than significant, as the proposed ordinances do not involve plans for development, but rather are required updates of the city's zoning code to implement State housing law.

Pursuant to the CEQA Guidelines, the City of San Fernando as the "Lead Agency" is providing a 20-day public comment period during which all interested individuals can submit comments to the City of San Fernando Community Development Department on the Initial Study and Negative Declaration document. The 20-day public comment period for the Initial Study and Negative Declaration is from Thursday, August 22, 2013 to Tuesday, September 10, 2013. During the public review period, the Planning and Preservation Commission will hold a public hearing to allow public comments on the draft Initial Study and Negative Declaration, on the date provided below:

PUBLIC HEARINGS:

Planning and Preservation Commission Public Hearing
Public Comment Meeting on Draft Initial Study and Negative Declaration
Date: Tuesday, September 10, 2013
Time: 7:00 p.m.
Location: City of San Fernando City Hall - Council Chambers
117 Macneil Street
San Fernando, CA 91340

Final adoption of the Draft Initial Study and Negative Declaration will be held at a noticed public hearing before the San Fernando City Council at a future date.

A copy of the Draft Initial Study, Negative Declaration, and other materials used as baseline information by the Lead Agency to make the determination that the proposed project merits adoption of a Negative Declaration are available for review at the City of San Fernando Community Development Department, 117 Macneil Street, San Fernando, CA 91340, Las Palmas Park, 505 S. Huntington Street, San Fernando, CA 91340, and at Recreation Park located at 208 Park Avenue, San Fernando, CA 91340. Documents are also available online at: www.sfcity.org/environmental.

Any individual, group, or agency wishing to comment on the project may submit comments to Edgar Arroyo, Assistant Planner, at earroyo@sfcity.org or by written correspondence to 117 Macneil Street, San Fernando, CA 91340. For questions, please contact Edgar Arroyo at (818) 898-1227.

Sincerely,

FRED RAMIREZ
COMMUNITY DEVELOPMENT DIRECTOR

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INITIAL STUDY and NEGATIVE DECLARATION

CITY OF SAN FERNANDO Density Bonus Ordinance and Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02)

Lead Agency: City of San Fernando
117 Macneil St.
San Fernando, CA 91340

Contacts: Fred Ramirez
Community Development Director
(818) 898-1227
framirez@sfcity.org

Edgar Arroyo
Assistant Planner
(818) 898-1227
earroyo@sfcity.org

DRAFT, August 21, 2013

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A. Project Description

- Project title: **Density Bonus Ordinance & Reasonable Accommodation Ordinance (Zone Code Amendment 2013-02)**
1. Lead agency name and address: **City of San Fernando
117 Macneil St.
San Fernando, CA 91340**
2. Contact person and phone number: **Fred Ramirez,
Community Development Department**

**Edgar Arroyo, Assistant Planner
(818) 898-1227
framirez@sfcity.org;
earroy@sfcity.org**
3. Project Location: **Citywide**
4. Project Sponsor's Name and Address: **Same as Lead Agency**
5. General plan designation: **Not Applicable**
6. Zoning: **Citywide**
7. Description of project: **See below**
8. Surrounding land uses and setting: **The Zoning Code encompasses the entire City.**
9. Other public agencies whose approval is required: **None.**

Overview

The proposed project is a Zoning Code Amendment (ZCA) to add provisions for density bonuses and other incentives or concessions prescribed by State law for developments that include affordable housing, senior housing, and certain childcare facilities and to establish a reasonable accommodation procedure for persons covered under Federal and State fair housing statutes.

This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City of San Fernando is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

Location, Environmental Setting, and Surrounding Land Uses

The City of San Fernando is within the northeast portion of the San Fernando Valley in the County of Los Angeles, California (see Exhibit 1). The City of San Fernando is approximately 2.4 square miles in area and is completely surrounded by urban land uses within the City of Los Angeles.

EXHIBIT 1



Legend
City of San Fernando

Project Description

The project consists of an amendment to Chapter 106 (Zoning), Article VI of the City of San Fernando City Code to establish density bonus and reasonable accommodation provisions, consistent with State and Federal laws. Specifically, the project will add Division 15 and Division 16 to Article VI of Chapter 106 (Zoning):

Division 15 (Density Bonus)

State density bonus law (Government Code Section 65915), provides that local governments shall grant density bonus and regulatory concessions and incentives to developers of housing, child care facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for low income households, very low income households, moderate income households or qualifying residents. In summary, State law provides for the following:

Projects that include at least ten percent of the units for lower income households or five percent of the units for very low income households, or projects that include ten percent of the units for moderate income households in a condominium project or planned development as defined by State law, or senior housing projects, are entitled to a density bonus and also from one to three concessions or incentives related to development standards. The percentage of units to be added as a density bonus, from five to 35 percent, depends on the income level to which the units are affordable and the percentage of units that are affordable. The local jurisdiction shall establish a procedure for waiving or modifying development standards that have the effect of precluding a project that meets the requirements for receiving a concession or incentive or a density bonus from being constructed at the density permitted by the statute or incorporating the concession or incentives to which the project is entitled. Certain findings may be made for denial of a request for concessions or incentives.

The statute establishes a density bonus and entitles the project to an additional concession or incentive for providing a childcare facility that meets certain requirements. It also establishes a density bonus for applicants seeking subdivision approval, if land is donated for affordable housing.

Finally, the statute establishes onsite parking ratios for all units in development projects that include the percentage of units necessary for a density bonus or concession: one space for zero to one bedroom; two spaces for two or three bedrooms; and, two and one half spaces for four or more bedrooms. The ratios are inclusive of handicapped and guest parking. In addition, the statute permits onsite residential parking spaces to be provided in a tandem parking configuration.

Division 15 would satisfy the requirements of Government Code Section 65915 and implement Program 9 of the City of San Fernando 2008-2014 Housing Element.

Division 16 (Reasonable Accommodation)

The Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act prohibit cities and counties from discriminating against individuals with disabilities through land use and zoning decisions and procedures. Discrimination includes the failure or refusal to provide reasonable accommodation to rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal opportunity to housing.

Division 16 provides individuals with disabilities reasonable accommodation in the application of the City's rules, policies, practices and procedures, as necessary to ensure equal access to housing, pursuant to Federal and State fair housing laws. Division 16 provides a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various City laws, development standards, rules, policies, practices and/or procedures of the City, including land use and zoning regulations. Examples include permitting a wheelchair ramp in a required setback area or allowing extra time for an applicant to submit materials.

The project provides a fair and reasonable means of accommodating the special housing needs of individuals with disabilities, without compromising the City's commitment to protecting community character and environmental quality. A request for a reasonable accommodation is evaluated on a case-by-case basis, using findings specified in the State and Federal laws. A request for a reasonable accommodation will be approved or denied pursuant to the following findings:

- The parcel and/or housing, that is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under fair housing laws;
- The request for reasonable accommodation is necessary to make the specific housing available to one or more individuals protected under fair housing laws;
- The requested reasonable accommodation will not impose an undue financial or administrative burden on the City; and,
- The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City.

The State Attorney General issued a letter in May 2001 advising local governments of their affirmative duty under fair housing laws to provide reasonable accommodation and encouraging local governments to establish prompt and efficient processes for handling such requests.

The Project in CEQA Context

The project analyzed in this Initial Study is a policy-level document that is consistent with the existing City of San Fernando General Plan. The ZCA establishes procedures under which developers would be able to submit applications for City review and approval to make improvements to real property. Improvements could range from minor modifications to existing structures to make them more accessible for persons with disabilities to new multi-family residential construction at densities up to 35 percent over the maximum allowable density under the City's existing General Plan Land Use Element. Evaluation of impacts at this time is too speculative to include in this Negative Declaration (see CEQA Guidelines Section 15145). These potential future development projects will undergo separate project-level CEQA review on a "project-by-project basis" if and when applications are submitted to the City.

B. Environmental Factors Potentially Affected

The environmental factors listed below that are checked indicate that the proposed project would result in environmental effects that are either "Potentially Significant" or "Less Than Significant With Mitigation".

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Services Systems	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration would be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration would be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed: _____

Date: 6/21/2013

Name: Fred Ramirez
Title: Community Development Department

C. Evaluation of Environmental Impacts

Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Aesthetics					
<i>Would the project:</i>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

- (a-d) Less than Significant.** The project is Zone Code Amendment No. 2013-02 ("the ZCA") that establishes procedures for reasonable accommodation for persons with disabilities and density bonuses and related incentives for affordable and senior housing. As such, approval of the project would not involve any direct physical changes to the environment and no direct impact to aesthetics regarding scenic vistas, scenic resources, degrading visual character, or creating new sources of light and glare would occur.

The timing, extent and location of future development reasonable accommodation or density bonuses are speculative. The City will review individual applications as they are submitted and determine whether requests comply with the General Plan and applicable design guidelines, ordinances, regulations, and statutes. Future projects that require discretionary approval by the City would be subject to site-specific CEQA review and mitigation of potentially significant impacts (if any). Furthermore, density bonus projects would be subject to Site Plan Review (see City Code Section Chapter 106, Division 3). The stated purpose of Site Plan Review is to enable the community development director to check development proposals for conformity with the City's Zoning Code in a manner that is also consistent with the General Plan, any applicable specific plans, and adopted design guidelines.

The proposed ZCA is intended to ensure that the City's Zoning Code as amended is consistent with State and Federal laws. However, the ZCA does not obligate the City to approve a development project if the project, or a requested incentive associated with the project, would result in a significant adverse impact on the environment. Because future requests would be subject to compliance with the General Plan and applicable design guidelines, ordinances, regulations, and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.

2. Agriculture Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<i>state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i>				
<i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- (a-e) No Impact.** Reasonable accommodation requests and density bonus applications would apply to residential properties and uses. City of San Fernando is an urbanized community surrounded by urban uses. Approving the project would not convert Prime Farmland or Unique Farmland to non-agricultural use. Future applications would not affect Williamson Act contract, forest, or timberland areas. No land in current agricultural operation would convert to non-agricultural use as a result of the project. No impact will occur.

3. Air Quality <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i>				
<i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?					
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

- (a) **No Impact.** The City of San Fernando lies in the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The air quality plan in effect in the SoCAB is the SCAQMD's 2012 Air Quality Management Plan (AQMP). The regional emissions inventory for the SoCAB is compiled by the SCAQMD and the Southern California Association of Governments (SCAG). Regional population, housing, and employment projections developed by SCAG, which are based on the land use designations of the City's General Plan, form, in part, the foundation for the emissions inventory of the AQMP. Projects that are consistent with the growth anticipated by the City's General Plan are therefore consistent with AQMP emissions assumptions. As described in greater detail in Section 10 (Land Use and Planning) of this Initial Study, the project is consistent with and implements the City's General Plan. Therefore, no impact will occur.
- (b) **Less than Significant.** SCAQMD's SoCAB is a nonattainment area for ozone and particulate matter. Local levels of particulate matter are high enough that excessive contributions from new sources could contribute to a projected air quality violation. The 2012 AQMP establishes the strategy to reduce emissions through regulatory controls. The project is an amendment to the Zoning Code that is consistent with and implements the General Plan. No specific development is proposed. Approval of the ZCA will, therefore, not directly result in any pollutant emissions and the proposed project would not directly violate any air quality standard or contribute substantially to an existing or projected air quality violation. The timing and extent and location of future development attributed to reasonable accommodation or density bonuses are speculative. The City will review individual applications as they are submitted and determine whether requests comply with the General Plan and applicable local, regional, State, and Federal regulations and statutes. Future projects that require discretionary approval by the City would be subject to site-specific CEQA review and mitigation of potentially significant impacts (if any). All future permits will be subject to SCAQMD regulatory requirements as well as project-level CEQA mitigation measures (if applicable). The ZCA, which is being amended to be consistent with State and Federal laws, does not obligate the City to approve a development project if the project, or a requested incentive associated with the project, would result in a significant adverse impact on the environment. Because future requests would be subject to compliance with the General Plan and applicable regulations and statutes, including SCAQMD Rule 403¹ (fugitive dust control), the impact would be less than significant at this policy or program level of CEQA analysis.
- (c) **No Impact.** Refer to responses 3(a) and 3(b). The regional emissions inventory for the SoCAB is compiled by the SCAQMD and SCAG. Regional population, housing, and employment projections developed by SCAG, which are based on the land use designations of the City's General Plan form, in part, the foundation for the emissions inventory of the AQMP. The AQMP considers the cumulative contributions of development throughout the region and

¹ <http://www.aqmd.gov/rules/reg/reg04/r403.pdf>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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establishes a strategy to reduce emissions through regulatory controls. The project is consistent with the San Fernando General Plan and, by extension, is also consistent with SCAG's regional growth projections. Therefore, approval of the ZCA will not result in a cumulatively considerable net increase of ozone or particulate matter. No impact will occur.

- (d) **Less than Significant.** Construction activities for residential projects will generate pollutant emissions, including but not limited to site grading, operation of construction equipment, and vehicle activities. Non criteria pollutants such as Hazardous Air Pollutants (HAPs) or Toxic Air Contaminants (TACs) are regulated by the SCAQMD. SCAQMD Rule 1401 (New Source Review of Toxic Air Contaminants) requires evaluation of potential health risks for any new, relocated, or modified emission unit that may increase emissions of one or more toxic air contaminants.² The rule specifies limits for maximum individual cancer risk (MICR), cancer burden, and non-cancer acute and chronic hazard index (HI) from new permit units, relocations, or modifications to existing permit units, which emit toxic air contaminants.

The project is an amendment to the Zoning Code that is consistent with and implements the General Plan. No specific development is proposed. Approval of the ZCA will, therefore, not directly result in any pollutant emissions. The timing and extent and location of future development reasonable accommodation or density bonuses are speculative. The City will review individual applications as they are submitted and determine whether requests comply with the General Plan and applicable local, regional, State, and federal regulations and statutes. Future projects that require discretionary approval by the City would be subject to site-specific CEQA review and mitigation of potentially significant impacts (if any). All future permits will be subject to SCAQMD regulatory requirements, including SCAQMD Rules 1401, as well as project-level CEQA mitigation measures (if applicable). Because future requests would be subject to compliance with the General Plan and applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.

- (e) **Less than Significant.** Odors are one of the most obvious forms of air pollution to the general public. Although offensive odors seldom cause physical harm, they can be a nuisance to the general public. Most people determine an odor to be offensive (objectionable) if it is sensed longer than the duration of a human breath, typically two to five seconds. The SCAQMD CEQA handbook states that land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.³ Because the project involves policy planning for residential uses, it does not involve development of uses associated with odors and therefore no direct impact would occur. However, construction activities associated with residential construction activities may generate objectionable odors from equipment exhaust or from application of paint and asphalt.

All building permits are subject to compliance with standards established for the SCAQMD for odor control. Projects would require consistency with SCAQMD Rule 402, Public Nuisance, which prohibits the discharge of air contaminants or other materials (including odors) that can cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public at large.⁴ Any impacts to adjacent land uses would likely be short-term and low intensity as odors disperse over distance and are considered less than significant. The timing and extent and location of future development reasonable accommodation or density bonuses are speculative. The City will review individual applications as they are submitted and

² <http://www.aqmd.gov/rules/reg/reg14/r1401.pdf>

³ <http://www.aqmd.gov/ceqa/oldhdbk.html>

⁴ <http://www.aqmd.gov/rules/reg/reg04/r402.pdf>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
determine whether requests comply with the General Plan and applicable local, regional, State, and Federal regulations and statutes. Future projects that require discretionary approval by the City would be subject to site-specific CEQA review and mitigation of potentially significant impacts (if any). All future permits will be subject to SCAQMD regulatory requirements, including SCAQMD Rules 402, as well as project-level CEQA mitigation measures (if applicable). Because future requests would be subject to compliance with the General Plan and applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.				

4. Biological Resources <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- (a-f) No Impact.** San Fernando is fully urbanized and no natural plant communities or protected natural communities are found within the City. The City is not located within an area governed by a habitat conservation or community conservation plan. The City does not have any locally-designated species and therefore the ZCA would not conflict with any local ordinance

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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or policy protecting biological resources. The project could not impact biological resources.

5. Cultural Resources <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

(a) **No Impact.** Only one property is registered on the National Register of Historic Places (NRHP): the Lopez Adobe building and site located at 1100 Pico Street. This property is also a State, County, and local historical site and is therefore protected and will not be impacted by future residential development or improvements that could be approved in the future under the proposed ZCA. No impact will occur.

(b & c) **Less than Significant.** San Fernando is an urbanized community with no remaining natural areas. Archaeological and paleontological resources are not anticipated to be encountered as part of any future redevelopment. Should evidence of archeological or paleontological resources occur during grading and construction, operations would be required to cease and a qualified archaeologist or paleontologist would be contacted to determine the appropriate course of action (CEQA Guidelines Section 15064.5). Because future reasonable accommodation and density bonus requests would be subject to compliance with the General Plan and applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.

(d) **Less than Significant.** Although highly unlikely given the developed/disturbed nature of residential land in San Fernando, future grading activities related to residential construction that could occur pursuant to the procedures included in the proposed project could uncover previously unknown human remains. If human remains are found during construction, those remains would require proper treatment, in accordance with applicable laws. State of California Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overly adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with State regulations, which detail the appropriate actions necessary in the event

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
human remains are encountered, impacts in this regard would reduce project-level impacts. Because future reasonable accommodation and density bonus requests would be subject to compliance with applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.				

6. Geology and Soils*Would the project:*

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

(a)

- i) **No Impact.** The City of San Fernando is located in southern California, which is a seismically active region. Although the City is located in a seismically active area, it is not located in an Earthquake Fault Zone (Alquist-Priolo) and there are no known active or potentially active surface faults within the City. The closest fault zones include the San Andreas fault zone, located approximately five miles to the northwest, and the Sierra Madre Fault zone, located approximately two miles to the north and southwest. Therefore, there is no potential for rupture of a known earthquake fault in San Fernando. No impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- ii) ***Less than Significant.*** The City is located in a seismic active area. Major regional faults within the surrounding region include the Chatsworth Fault, Mission Hills Fault, Northridge Hills Fault, San Andreas Fault, San Fernando Fault, San Gabriel Fault, Santa Susana Fault, Sierra Madre Fault, Raymond Fault, and Verdugo Fault. Structures altered to provide reasonable accommodation or constructed pursuant to a density bonus could expose people and structures to severe ground shaking from a regional earthquake the same as the existing development in the City. The major cause of structural damage from earthquakes is ground shaking. The intensity of ground motion expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter and the geology of the area between the epicenter and the property. Greater movement can be expected at sites on poorly consolidated material, such as loose alluvium, close proximity to the causative fault, or in response to an event of great magnitude.

Future residential development will be required to meet all applicable building code requirements pertaining to seismic events that could affect and impact proposed developments. More specifically, the City of San Fernando is located within Seismic Zone 4, as identified by the California Building Code (CBC) that is incorporated in the City's City Code (Chapter 18, Article 2). Seismic Zone 4 is characterized by the most stringent requirements for building design. The incorporation of all applicable design and construction methods in compliance with San Fernando City Code Chapter 18, Article 2 will reduce potential seismic hazard impacts.

Construction of any future residential development that may occur as a result of adopting and implementing the ZCA would be required to comply with all seismic design parameters set forth in the CBC. Compliance with the seismic design parameters contained in the CBC will reduce project-level impacts. Future reasonable accommodation and density bonus requests would be subject to compliance with applicable regulations and statutes, and therefore, the impact would be less than significant at this policy or program level of CEQA analysis.

- iii) ***Less than Significant.*** Liquefaction refers to loose, saturated sand or silt deposits that lose their load supporting capability when subjected to intense shaking. Parts of San Fernando are underlain by soils that, in its natural state, could respond poorly to loading during seismic ground motion. Pockets of potentially liquefiable soil materials may exist in alluvial deposits. Consequently, the potential for liquefaction is present in the City and future residential development could experience liquefaction-related damages in the event of a moderate or large earthquake.

Potentially unstable soils discovered during excavation are required by provisions of the Building Code to be removed and replaced, or otherwise treated to provide appropriate foundation support and to protect them from failures such as liquefaction. Adherence to the Seismic Zone 4 soil and foundation support parameters in Chapters 16 and 18 of the California Building Code (CBC) and the grading requirements in Chapters 18 and A33 of the CBC, as required by City and State laws ensures the maximum practicable protection available from soil failures under static or dynamic conditions for structures and their associated trenches, slopes and foundations.

Compliance with the seismic design parameters contained in the CBC will reduce project-level impacts. Because future reasonable accommodation and density bonus requests would be subject to compliance with applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- iv) **No Impact.** San Fernando is relatively flat and without steep slopes. Approval and implementation of the ZCA would not expose people or structures to landslides. No impact would occur.
- (b) **No Impact.** Removal of unsuitable surface soils and the replacement of these soils with compacted fills may be required to ensure proper foundations for future density bonus projects or improvements to existing homes as necessary to provide reasonable accommodation. Construction activities could produce loose soils, which would be subject to erosion if the surface areas were to be disturbed or vegetation were to be removed. Grading and trenching for construction may expose soils to short term wind and water erosion. Future projects would be required to comply with all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) permit as well as City building and grading codes, standards, and best management practices. Compliance with existing city codes and standards will reduce project-level impacts. Future reasonable accommodation and density bonus requests would be subject to compliance with applicable development codes and standards, and therefore, the impact would be less than significant at this policy or program level of CEQA analysis.
- (c) **Less than Significant.** Refer to responses 6(a)(ii & iii). The existence of compressible, corrosive, and expansive soils in the City makes it necessary to ensure the soils used for foundation support are sound. Depending on its location and site characteristics, future residential development of sites underlain with these soils types could expose people or structures to potential substantial adverse effects involving unstable geologic units. As part of the City's development process, geotechnical studies may be prepared to identify necessary improvements to ensure long-term geotechnical stability. Any residential development that occurs as a result of the proposed ZCA would be designed to resist seismic forces in accordance with the criteria and design parameters contained in the most current version of the CBC, and the standards of the Structural Engineers Association of California. Compliance with these building standards and site-specific recommendations (if any) would mitigate project-level impacts related to unstable geologic units and landslides. Compliance with existing City codes and standards will reduce project-level impacts. Because future reasonable accommodation and density bonus requests would be subject to compliance with applicable development codes and standards, the impact would be less than significant at this policy or program level of CEQA analysis.
- (d) **No Impact.** Refer to responses 6(a)(ii & iii) and 6(c). Expansive soils shrink or swell as the moisture content decreases or increases. The existence of expansive soils in the City could be a concern for foundation stability of future structures. Using expansive soils would have the potential to create future settlement or collapse problems leading to building damage and/or utility line disruption. Necessary improvements to ensure long term geotechnical stability would be required if site-specific geotechnical analysis determined the presence of expansive soils. Compliance with existing city codes and standards will reduce project-level impacts. Future reasonable accommodation and density bonus requests would be subject to compliance with applicable development codes and standards, and therefore, the impact would be less than significant at this policy or program level of CEQA analysis.
- (e) **No Impact.** Any future residential development that may occur as a result of the proposed ZCA would utilize the local sewer system. Therefore, no impact will occur.

Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
7. Greenhouse Gas Emissions					
<i>Would the project:</i>					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- (a) **Less Than Significant Impact.** Adoption and implementation of the proposed ZCA would not directly generate any greenhouse gas emissions; however, the project may result in future residential development that could contribute to an increase in greenhouse gases. The ZCA does not include any provisions that would encourage inefficient building practices that could significantly increase the volume of greenhouse gas emissions that would otherwise occur under existing City General Plan policies. Future residential development in the City will be required to comply with Title 24 energy efficiency requirements of the CBC. Compliance with the CBC will further increase energy efficiency in new residential buildings, thus reducing total energy demand and thereby reducing the level of greenhouse gas emissions generated from coal, natural gas, and oil-based energy sources. Adherence to such policies and guidelines will reduce potential impacts to a less than significant level. Because future requests would be subject to compliance with the General Plan, Title 24, and applicable regulations and statutes, the impact would be less than significant at this policy or program level of CEQA analysis.
- (b) **No Impact.** Refer to response 7(a). SB 375 requires Metropolitan Planning Organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) in Regional Transportation Plans. SCAG is responsible for developing an overall strategy for the region including Los Angeles, Los Angeles, Riverside, San Bernardino, Ventura, and Imperial counties. On April 4, 2012, SCAG adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS): Towards a Sustainable Future.⁵ The RTP/SCS is the culmination of a multi-year effort involving stakeholders from across the SCAG Region. The SCAG RTP/SCS sets forth a development pattern for the region that when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation. The RTP/SCS is meant to provide individual jurisdictions with growth strategies that when taken together, achieve the regional GHG emissions reduction targets.

As described in Section 7 (Land Use and Planning) of this Initial Study, the proposed ZCA is consistent with the City General Plan. The General Plan advances the goals and objectives of the SCAG RTP/SCS. For example, the General Plan Housing Element includes policies to ensure a mix of housing types is available to meet the City's regional share of the housing need for all economic segments of the community and to improve the City's jobs-housing balance. Encouraging a mix of housing types and densities and improving the balance between jobs and housing will reduce automobile trips and other sources of GHG emissions. Since the proposed ZCA will not conflict with a greenhouse gas emissions plan, policy or regulation, no impact will occur.

⁵ <http://scag RTP.net/>

Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials <i>Would the project:</i>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- (a-d) Less than Significant.** The proposed ZCA establishes procedures under which applicants can request reasonable accommodation or density bonuses and related incentives. It is a policy-level action that does not involve approval of any specific development. As such it cannot have direct hazards and hazardous materials impacts. However, future residential development that may occur as a result of the proposed ZCA may use hazardous materials and some of these hazardous materials may be used or transported within ¼ mile of schools and may be located in the vicinity of known hazardous materials sites identified on a list compiled pursuant to Government Code Section 65962.5.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>Small amounts of hazardous materials may be found in solvents and chemicals used for cleaning, building maintenance and landscaping. The materials would be similar to those found in common household products, such as cleaning products or pesticides. Residential uses would not use, generate, or dispose of hazardous materials in large quantities. The routine transportation, use, and disposal of these materials would be subject to a wide range of laws and regulations that are intended to minimize potential health risks associated with their use or the accidental release of such substances. Hazardous materials regulations related to the use, handling, and transport of hazardous materials are codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. These laws were established at the State level to ensure compliance with Federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the State (e.g., Cal OSHA in the workplace or DTSC for hazardous waste) and/or the County. Compliance with these Federal, State, and local regulations during the development of future housing would limit potential hazards to the public or the environment associated with the routine transport, use, or disposal of hazardous materials.</p>				
<p>Should a future density bonus or reasonable accommodation project require demolition of existing structures, the demolition activity could result in exposure of construction personnel and the public to hazardous substances such as asbestos containing material or lead-based paints. Various regulations and guidelines pertaining to abatement of, and protection from, exposure to asbestos and lead have been adopted for demolition activities. In California, asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, the California Occupational Safety and Health Administration (Cal/OSHA) has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations that include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs. The regulation and programs noted above would be followed during construction activities. Compliance with these regulations would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during demolition activities.</p>				
<p>Future reasonable accommodation and density bonus requests would be subject to compliance with applicable local, State, and Federal regulations and statutes as it relates to not using, releasing, or emitting substantial quantities of hazardous materials into the environment and therefore, the impact would be less than significant at this policy or program level of CEQA analysis.</p>				
<p>(e) Less than Significant. Whiteman Airport is located two miles southeast of the City limits. Reasonable accommodation and density bonus requests would be reviewed for consistency with applicable land use plans, including land use compatibility plans for the Whiteman Airport. The proposed ZCA that ensures the City Zoning Code is consistent with State and /federal law, does not obligate the City to approve a development project if the project, or a requested incentive associated with the project, would result in a significant adverse impact on the environment. For example, although increased building height is listed as one of the concessions or incentives that could be available to qualifying developers, the City would not be required to grant the request if it could create an air safety hazard. Because future reasonable accommodation and density bonus requests would be subject to compliance with</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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applicable local, State, and federal regulations and statutes governing airport land use compatibility, the impact would be less than significant at this policy or program level of CEQA analysis.

- (f) **No Impact.** No future residential development in the City will be located near a private airport, and therefore, will not expose residents to public airport hazards. No impact would occur.
- (g) **Less than Significant.** The City's Emergency Operations Plan was adopted in April 2008. Although implementation of ZCA has the potential to increase the number of people within the City at any one time that could be subject to injury from a catastrophic event, the City has an option, under the necessary circumstances, to request mutual aid from other jurisdictions, including nearby cities, counties, the California OES, and ultimately, the Federal Emergency Management Agency (FEMA). Potential road closures during construction of future residential projects would not result in inadequate emergency access to the project sites or surrounding area due to the distribution of sites that make up the project and the non-isolated nature of the area. Portions of roadways may be temporarily closed during construction activities; however, these temporary disruptions would not impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan. There are numerous arterial and collector streets that may be used effectively for emergency response and/or evacuation on an interim basis. Future reasonable accommodation and density bonus requests would be required to comply with all building, fire and safety codes to ensure that adequate emergency access to proposed buildings would be available. Additionally, the City's Public Works Department and Los Angeles Fire Department would have an opportunity to review and comment on all development plans to ascertain the manner in which these improvements may affect the City's emergency evacuation and/or response plans. For example, a request to install a wheelchair ramp in a setback may be rejected or modified if determined that the proposed design would unreasonably impede emergency access. For these reasons, the impact would be less than significant at this policy or program level of CEQA analysis.
- (h) **No Impact.** The City is fully developed with no risk of wild fire associated with natural vegetation. No areas of native vegetation are found in the surrounding area and, as a result, there is no wildfire risk from off-site locations. No impact would occur.

9. Hydrology and Water Quality <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

(a&f) Less than Significant. Future residential construction associated with a reasonable accommodation request or density bonus could impact water quality. Construction has the potential to produce typical pollutants such as nutrients, suspended solids, heavy metals, pesticides and herbicides, toxic chemicals related to construction and cleaning, waste materials (including wash water), paints, wood, paper, concrete, food containers, sanitary wastes, fuel, and lubricants. Once completed, new impervious surfaces could lead to the presence of debris, leaves, soils, oil/grease, and other pollutants. However, given the developed character of the San Fernando, the City does not anticipate a significant net increase in the amount or quality of storm water runoff resulting from projects constructed pursuant to the procedures contained in the proposed ZCA. Future development would be required to implement storm water pollution control measures and to obtain storm water runoff permits pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements. The NPDES General Permit for Discharges of Storm Water Associated with Construction Activity regulates discharges whose projects disturb one or more acres of soil or disturb less than one acre, but are part of a larger common development plan that disturbs one or more acres. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to list Best Management Practices (BMPs) to be implemented to protect stormwater runoff quality. Additionally, future residential construction activity would be required to comply with the City's storm water management guidelines, which would need to be approved by the City

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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prior to issuance of a building permit.

Because future projects must adhere to National Pollutant Discharge Elimination System (NPDES) requirements and the City Code, impacts would be less than significant at this policy or program level of CEQA analysis.

- (b) **Less than Significant.** Adoption of the proposed ZCA would not directly result in land development; however, future residential development that may occur within implementation of the proposed ZCA may result in an increase in impervious surfaces within the City. Given the urbanized nature of existing development, the net increase in impervious surfaces are not anticipated to substantially interfere with groundwater recharge. Impacts would be less than significant at this policy or program level of CEQA analysis.
- (c-e) **Less than Significant.** Adoption of the proposed ZCA would not directly result in land development; however, future residential development that could occur with implementation of the proposed ZCA may require limited alteration of drainage patterns to ensure proper capture and/or conveyance of stormwater flows. Future residential development consistent with the proposed ZCA is not anticipated to significantly increase impervious surfaces and projects would be required to address runoff issues resulting from altered development at the design development phase. Given the urbanized nature of the City and established functioning drainage system, drainage system alterations required for new development are not anticipated to be significant and would not result in substantial erosion or siltation. Impacts would be less than significant at this policy or program level of CEQA analysis.
- (g&h) **No Impact.** The Federal Emergency Management Agency (FEMA) prepares and maintains Flood Insurance Rate Maps (FIRMs), which show the extent of Special Flood Hazard Areas (SFHAs) and other thematic features related to flood risk, in participating jurisdictions. The City of San Fernando is not located within a designated flood hazard area as identified by the FEMA. No impact would occur.
- (i) **Less than Significant.** Three dams are located in the vicinity of the City: Hansen Dam, Lopez Dam, and Los Angeles Reservoir Dam. Although dam inundation areas overlap portions of the City, the risk of placing additional structures within an area that is already heavily urbanized is unlikely. The City's emergency management and public safety officials consider the risk to be very low. Therefore, adopting and implementing the ZCA would not result in exposing people or structures to significant flooding risk and impacts would be less than significant.
- (j) **No Impact.** The San Fernando Valley is isolated from the Pacific Ocean and therefore there is no threat of impact from tsunami. The nearest bodies of surface water in the vicinity are the Hansen and Los Angeles reservoirs, though these bodies of water are located outside the City to the southeast and west, respectively. Given the location of these water bodies in relation to potential residential sites, adoption and implementation of the ZCA would not result in exposure impacts related to seiche, tsunami or mudflow. No impact would occur.

10. Land Use and Planning					
Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- (a) **No Impact.** Adoption and implementation of the proposed ZCA will not physically divide an established community. Sites that would be subject to reasonable accommodation or density bonus applications would be located on discrete and scattered parcels. No impact would occur.
- (b) **No Impact.** The proposed ZCA is consistent with and implements the City's General Plan. Specifically, the proposed ZCA implements the following policies and programs by providing a procedure to accommodate persons with disabilities pursuant to Federal and State fair housing laws and facilitating affordable housing development by providing density bonuses consistent with State law:
- Policy 2.3: Provide affordable housing opportunities for San Fernando's lower income population.
 - Policy 2.4: Target a portion of Redevelopment Agency assisted development towards large family renter households, and provide zoning incentives, such as through the density bonus ordinance, to facilitate family housing development.
 - Policy 2.5: Utilize zoning tools, including density bonus and inclusionary zoning, to provide affordable units within market rate developments.
 - Policy 3.1: Take positive steps to ensure all segments of the population are aware of their rights and responsibilities regarding fair housing.
 - Program 9: Adopt a local density bonus ordinance by 2009 to implement State requirements as a means of enhancing the economic feasibility of affordable housing developments.

No impact would occur.

- (a) **No Impact.** Refer to response 4(f). No impact would occur.

11. Mineral Resources					
<i>Would the project:</i>					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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Impact Discussion:

(a&b) No impact. No known mineral resources are located in City of San Fernando. No impact would occur.

12. Noise <i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

(a-d) Less than Significant. The proposed ZCA does not involve a specific development proposal and therefore could not directly generate noise or vibrations. However, future residential development or improvements that could occur as a result of the ZCA would generate noise and vibrations during the construction and occupancy phases. There would be short-term noise level increases during construction and long-term ambient noise level increases associated with automobiles trips to and from the new dwelling units. Short-term ground borne vibration may also occur during construction. Noise levels are regulated by Chapter 34, Article II of the City of San Fernando City Code. Noise sources associated with construction, repair, remodeling or grading are allowed up to 70 dB measured at the property line, but are not allowed to take place between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sundays or on Federal holidays. A variance procedure is available to accommodate special circumstances where noise levels could temporarily exceed city standards. Because construction and occupancy of future residential uses would be subject to compliance with the City's noise regulations the impact at the policy or program level of CEQA analysis would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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(e) **Less than Significant.** Refer to response 8(e). Future residential development could occur within two miles of any airport; however, development would occur in existing residential neighborhoods and residents would not be exposed to excessive noise levels from airport operations. Furthermore, new residential construction is subject to the building code requirements that require use of materials and best construction practices as necessary to reduce interior ambient noise levels deemed safe for human occupancy. Therefore, the impact at the policy or program level of CEQA analysis would be less than significant.

(f) **No Impact.** Refer to response 8(f). No impact would occur.

13. Population and Housing <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

(a) **Less than Significant.** A project could induce population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Adoption and implementation of the proposed ZCA would not induce direct population growth in the City, because the project does not grant direct development rights to any specific residential project. However, the residential development that could occur as a result of the proposed ZCA would induce limited population growth in the City directly through the construction of housing. The proposed ZCA implements a State law that went into effect in 2005, since which time developers have been entitled to density bonuses and associated concessions and incentives. Historical development patterns in the City and within the region since 2005 suggest that only a small number of development projects are expected to seek a density bonus and only some of these projects are expected to seek the maximum density bonus allowed under State law. The impact would be less than significant because the population induced by the project would not be substantial.

(b-c) **No Impact.** Adoption and implementation of the proposed ZCA is not anticipated to result in the displacement of significant numbers of people. In some instances, underutilized properties may be redeveloped with a project that receives a density bonus; however, the result would most likely be a net increase in dwelling units in the community. No displacement of housing is anticipated. No impact would occur.

14. Public Services <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to</i>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<i>maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

(a&b) Less than Significant. The City maintains its own police department but contracts for fire protection service from the City of Los Angeles Fire Department. The proposed density bonus ordinance could lead to additional dwelling units and residents in San Fernando. These units and residents would result in a modest increase in demand for police and fire protection service. However, the adoption and implementation of the proposed ZCA is not anticipated to increase demand to the point where the construction of new facilities would be required. Therefore, the impact would be less than significant at the policy or program-level CEQA analysis.

(c) Less than Significant. The City is served by the Los Angeles Unified School District. (LAUSD). The proposed density bonus ordinance could result in new housing development that would increase the demand on schools. All new residential construction is required to pay school impact fees. Pursuant to SB 50, payment of impact fees is considered full mitigation of school impacts. As such, the impact would be less than significant.

(d&e) Less than Significant. Adoption and implementation of the proposed project would not directly increase demand for parks and recreation facilities or other public facilities. However, the density bonus ordinance could result in future residential development and a net increase in residents who would use existing public facilities, including parks and recreation facilities. Although the project could indirectly increase demand for these facilities, the City does not anticipate that the net increase in residents would require the construction of new public facilities. Larger multi-family residential development projects would likely include on-site private recreation facilities for residents. Because the proposed ZCA is not anticipated to create significant demand for new public facilities, including parks and recreation facilities, the impact at the policy or program level of CEQA analysis would be less than significant.

15. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

a) **No Impact.** Refer to response 14(d). The addition of new residents to the City would create additional demand for parks and recreation facilities. This additional demand would accelerate

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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deterioration of these facilities when compared to the current rate of deterioration. However, the City does not anticipate that adoption and implementation of the ZCA would result in a substantial population increase. Therefore, the increase in population that could occur as a result of the project would not result in substantial physical deterioration of existing parks and recreation facilities. The impact at the policy or program level of CEQA analysis would be less than significant.

- b) **Less than Significant.** Refer to response 14(d). Future multi-family construction that could occur as a result of adoption and implementation of the density bonus ordinance could include on-site parks and recreation facilities. However, the scope and scale of these facilities would be limited to the project site and would serve project residents. Potential environmental impacts of on-site recreation facilities would be incidental to the environmental impacts of the future multi-family developments and, therefore, environmental analysis would occur concurrently with future site development proposals. Therefore, the impact at the policy or program level of CEQA analysis would be less than significant.

16. Transportation/Traffic

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- (a&b) **No Impact.** The proposed project is the adoption of local procedures to provide reasonable accommodation to persons with disabilities and grant density bonuses and related concessions to facilitate affordable and senior housing construction. The proposed project would implement the City's General Plan and not conflict with the circulation element. Future residential development that could occur as result of the proposed project would be reviewed for consistency with the City's General Plan and larger multi-family developments would require a traffic impact study that would identify and mitigate impacts to the Los Angeles County Metropolitan Transit Authority ("Metro") Congestion Management Program (CMP) intersections or segments. At a policy or program level of CEQA analysis no impact would occur because the proposed project is consistent with the City's General Plan and does not conflict with Metro's CMP.
- (c) **Less than Significant.** Refer to response 8e. Whiteman Airport is located two miles of the city limits. The proposed ZCA, which ensures the City's Zoning Code is consistent with State and federal law, does not obligate the city to approve a development project if the project, or a requested incentive associated with the project, would result in a significant adverse impact on the environment. For example, although increased building height is listed as one of the concessions or incentives that could be available to qualifying developers, the City would not be required to grant the request if it could create an air safety hazard. The impact would be less than significant at this policy or program level of CEQA analysis.
- (d) **Less than Significant.** Due to the established urban nature of the City's roadway network and existing uses, future residential development that may occur as a result of the proposed ZCA is not anticipated to require construction of new roadways or significant modification of existing roadways. Nor would development introduce a type of traffic that could be incompatible with existing roadway users. However, the future projects could involve the reconstruction of public sidewalks and alteration of intersections. These modifications would be required to comply with all City design standards. Therefore, impacts would be less than significant at the policy or program level of CEQA analysis.
- (e) **Less than Significant.** Any future development that occurs as a result of the proposed ZCA would be required to conform to traffic and safety regulations that specify adequate emergency access measures. The City's Public Works Department and Los Angeles Fire Department would review all plans prior to grading or building permit issuance. Potential road closures during project construction would not result in inadequate emergency access to future project sites or surrounding areas because of the dense grid design of the City's roadway network. Compliance with the City Code and design standards would ensure adequate emergency measures. Therefore impacts would be less than significant at the policy or program level of CEQA analysis.
- (f) **No Impact.** The City of San Fernando is served by the Antelope Valley line of the Metrolink regional rail system, which links Lancaster to the north and Union Station to the south, and its connections to Amtrak and the Metro system in downtown Los Angeles. The San Fernando-Sylmar Metrolink Station is an intermodal facility that provides rail line and bus line service to public transit riders and lies just northwest of the City boundary next to Truman Street. San Fernando is served by a number of Metro bus routes that connect the City to a variety of local and regional destinations. Future development that would occur as a result of the proposed ZCA would increase demand for public transportation. Depending on the specific location of a given project, a future developer may be required to dedicate land or construct improvements within the public right-of-way to accommodate alternate modes of transportation such as pedestrian and bike paths, bicycle parking facilities, and transit stops. Adoption and

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
implementation of procedures to facilitate reasonable accommodation of persons with disabilities and density bonuses for affordable and senior housing would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.				

17. Utilities and Service Systems*Would the project:*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

(a&e) Less than Significant. The local sewer lines are maintained by the City of San Fernando Public Works Department, Sewer Maintenance Division. The treatment and disposal of effluent is currently being provided under contract by the City of Los Angeles. Collection and treatment facilities are maintained and improved on a schedule that is established through a facilities master planning process. The master planning process accounts for planned growth based on multiple economic, demographic, and land use patterns. Future residential development that could occur under the proposed ZCA, and wastewater treatment plant managers, would be required to comply with applicable statutes and regulations regarding water quality and waste discharge. Compliance would reduce potential for impacts at the project-level and adoption and implementation of the ZCA would have a less than significant impact at the policy or program level of CEQA analysis.

(b) Less than Significant. Adoption and implementation of the proposed ZCA could result in new

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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development that would generate demand for wastewater collection and treatment as well as potable water delivery services. The City's sewer lines are maintained by the City of San Fernando Public Works Department, Sewer Maintenance Division. The Public Works Department is also responsible for the operation and maintenance of the City's water wells, booster pump stations, reservoirs, and pressure regulation stations. The City does not anticipate that new development that might occur under the proposed ZCA would require the construction of new or expanded off-site wastewater collection and treatment or water delivery facilities. The impact would be less than significant at the policy or program level of CEQA analysis.

- (c) **Less than Significant.** Refer to responses 9(c-e). The City does not anticipate that the off-site drainage infrastructure will need to substantial alteration to accommodate future residential development that may occur with implementation of the proposed ZCA. The impact would be less than significant at the policy or program level of CEQA analysis.

- (d) **Less than Significant.** Adoption and implementation of the proposed ZCA could result in new development that would generate increased water demand when compared to existing conditions. Local water supplies are primarily drawn from the City's wells located in the Sylmar basin and supplemented with water imported from the Metropolitan Water District (MWD). The 2010 Urban Water Management Plan (UWMP) prepared for the City concluded that the City can expect to meet future water demand through year 2035 for all climatologic classifications, including worst case single and multiple dry year conditions. The UWMP relied on the general plan land uses and growth projections to reach this conclusion. The proposed ZCA is consistent with the City's General Plan and therefore the impact would be less than significant at the policy or program level of CEQA analysis.

- (e&f) **Less than Significant.** Solid waste disposal service for any future residential development that may occur following approval of the proposed ZCA would be provided by Crown Disposal Company Inc. Solid waste is transported for disposal to the Bradley Landfill, located at 9081 Tujunga Avenue, which is currently operated by Waste Management, Inc. As operator of the landfill, Waste Management is required to comply with all landfill regulations from Federal, State and local regulatory agencies. The landfill is subject to regular inspections from the California Integrated Waste Management Board, including the Board's Local Enforcement Agency, the California Regional Water Quality Control Board and the South Coast Air Quality Management District to ensure compliance with all federal, state and local regulations.

The City is mandated by State law (AB 939) to reduce the quantity of solid waste entering the landfill. The City of San Fernando City Code (Chapter 70) requires future residential development to recycle materials to reduce the quantity of solid waste from the site that is hauled to the landfill. Future residential development facilitated by the proposed project would be required to comply with all applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials.

Compliance with Chapter 70 of the City of San Fernando City Code will reduce project-level impacts. Adoption and implementation of the proposed ZCA will not impede the City's continued compliance with State law (AB 939). As such, the impact would be less than significant at a policy or program level of analysis.

18. Mandatory Findings of Significance

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

- (a) **Less than Significant.** Refer to responses 4(a-f) and 5(a-d). Adopting and implementing the proposed ZCA does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The impact would be less than significant at the policy or program level of CEQA analysis.
- (b&c) **Less than Significant.** The proposed project consists of an amendment to the City Zoning Code to establish local procedures for processing reasonable accommodation and density bonus requests in accordance with State and Federal law. Future residential development and improvements that could occur under the proposed ZCA would be subject to site specific review for consistency with applicable policies, regulations, codes, and statutes that are in place to protect public health and safety. The proposed project would not have environmental effects with potential to cause substantial adverse effects on human beings, either directly or indirectly, and would not have cumulatively considerable environmental impacts. The impact would be less than significant at the policy or program level of CEQA analysis.

D. References

1. City of San Fernando, General Plan, (as amended in 1987, 2005, and 2008).
2. City of San Fernando, Municipal Code, Chapter 106 - Zoning. Available at: <http://library.municode.com/index.aspx?clientId=11299>
3. South Coast Air Quality Management District, Air Quality Management Plan, 2012. Available at: <http://www.aqmd.gov/aqmp/2012aqmp/index.htm>
4. South Coast Air Quality Management District, Rule 1401. Available at: <http://www.aqmd.gov/rules/reg/reg14/r1401.pdf>
5. South Coast Air Quality Management District, CEQA Handbook. Available at: <http://www.aqmd.gov/ceqa/oldhdbk.html>
6. South Coast Air Quality Management District, Rule 402. Available at: <http://www.aqmd.gov/rules/reg/reg04/r402.pdf>
7. City of San Fernando, Emergency Operations Plan, April 2008. Available at: http://www.ci.san-fernando.ca.us/city_government/city_council/agendas_minutes/council/2009/02-17-09%20CC%20Item%204%20Attachment.pdf
8. Southern California Association of Governments, 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS): Towards a Sustainable Future, as adopted April 4, 2012. Available at: <http://scagrtip.net/>
9. Urban Water Management Plan, 2010. Available at: http://www.water.ca.gov/urbanwatermanagement/2010uwmps/San%20Fernando,%20City%20of/San%20Fernando_Final%202010%20UWMP_July%202011.pdf

ATTACHMENT 2:

**Planning and Preservation Commission
Resolution 2013-09 and Exhibit “A”:
Draft Density Bonus Ordinance**

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Double-Sided Printing

RESOLUTION NO. 2013-09

RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING CITY COUNCIL ADOPTION OF A DENSITY BONUS ORDINANCES TO IMPLEMENT PROVISIONS IN THE CITY CODE ALLOWING FOR THE ISSUANCE OF DENSITY BONUSES IN COMPLIANCE WITH STATE DENSITY BONUS LAW.

WHEREAS, in 1979 the State of California enacted the State Density Bonus Law, pursuant to Government Code Section 65915, et al., for the purposes of providing statewide regulations requiring density bonus to encourage private developers to include affordable housing units in housing developments to reduce the need for public subsidies for the development of affordable housing;

WHEREAS, on September 29, 2004, the State approved comprehensive amendments to the State's density bonus law through the adoption Senate Bill 1818 (Hollingsworth) requiring that city's adopt local regulations allowing for issuance of a density bonus for housing developments that provide a percentage of the total units of a project at levels affordable to low income, very low income, and moderate income households for the purposes of providing much need affordable housing to all segments of the population in the State of California and to eliminate the barrier to developing affordable housing;

WHEREAS, the City Council adopted the General Plan Housing Element on April 6th, 2009, which includes Housing Program No. 9 (Affordable Housing Density Bonus) that provides for the development of regulations to facilitate the development of affordable housing through is issuance of a density bonus to qualifying housing developments, consistent with State density bonus law and applicable fair housing laws,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of San Fernando's CEQA Guidelines, the City of San Fernando as the Lead Agency overseeing the environmental review for the proposed Zone Code Amendment 2013-01 included herein as Exhibit "A", has prepared a Draft Initial Study as part of the city's environmental assessment in order to determine the nature and extent of the environmental review required for the proposed project and based on said environmental assessment has determined that any potential significant adverse environmental impacts associated with the project's approval and implementation will be less than significant and has thus prepared a Negative Declaration;

WHEREAS, on September 10, 2013, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated the proposed zone text amendment and associated environmental assessment.

WHEREAS, the Planning and Preservation Commission's findings and recommendations for approval to the City Council of the proposed zone text amendment and associated environmental assessment were memorialized in writing in the form of Planning and Preservation Commission Resolution 2013-08 on September 10, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: The Planning and Preservation Commission finds that all of the facts set forth in this Resolution are true and correct.

SECTION 2: On September 10, 2013, the Planning and Preservation Commission held a duly noticed public hearing to consider the proposed zone text amendment, environmental assessment, and the findings and recommendations made by the Planning and Preservation Commission. Evidence, both written and oral, was presented at said hearing.

A. The public hearing afforded opportunities for public testimony and comments on proposed density bonus ordinance.

B. Notice of the hearing was given pursuant to San Fernando City Code Section 106-72 and in compliance with Government Code Sections 65090 and 65091, a notice of public hearing for the proposed zone text amendments was advertised in the Los Angeles Daily News (a local paper of general circulation), at least ten (10) days prior to the scheduled public hearing before the Planning and Preservation Commission.

SECTION 3: Based upon substantial evidence presented to the Planning and Preservation Commission on September 10, 2013, including public testimony, written materials and written and oral staff reports, with regard to the zone text amendment, the Planning and Preservation Commission concurred with the city planning staff's determination that the amendments will not have a significant adverse impact on the environment as identified in the Initial Study and Negative Declaration and subsequently, recommended that the City Council adopt findings to that effect on September 10, 2013.

SECTION 4: The Planning and Preservation Commission has determined that the proposed zoning text amendment is consistent with the following findings of fact as discussed below:

a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.

The proposed zone text amendment to the San Fernando City Code, which provides regulation to allow and facilitate the inclusion of affordable units as part of a housing development through the issuance of a density bonus is consistent with General Plan Housing Element Implementing Program No. 9 (Affordable Housing Density Bonus), which requires the city to adopt a local density bonus ordinance to implement State requirements as a means of enhancing the economic feasibility of affordable housing developments in the city.

b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed revisions to the city zoning ordinance would allow for the development of regulations to govern the approval of housing developments requesting increased density above the density permitted in a property's zoning district, consistent with state density bonus law. The proposed density bonus ordinance would provide procedures to facilitate the development of affordable housing to low income, very low income, and moderate income household, mitigating potential impacts associated with overcrowded housing. Furthermore, the proposed ordinance encourages additional investment within the city's residential and mixed-use zones that has the potential to

produce new housing that is affordable to all income segments of the community. Therefore, the proposed zone text amendments would not be detrimental to the public interest, health, safety, convenience or welfare.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby recommends approval of Zone Code Amendment 2013-01 to the City Council.

PASSED, APPROVED AND ADOPTED this 10th day of September 2013.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 10th day of September 2013; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

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ARTICLE VI. GENERAL REGULATIONS

Exhibit “A”: Draft Density
Bonus Ordinance

DIVISION 15. DENSITY BONUS

Sec. 106-1420. Purpose

State density bonus law (Government Code section 65915), provides that local governments shall grant density bonus and regulatory concessions and incentives to developers of housing, child care facilities, or for donation of land for housing, where the developer agrees to construct a specified percentage of housing for lower income households, very low income households, moderate income households or qualifying residents.

Sec. 106-1421. Definitions

For the purpose of this division, the following definitions shall apply:

“Affordable housing agreement” means an agreement between the applicant and the city guaranteeing the affordability of rental or ownership units in accordance with the provisions of this division.

“Affordable housing costs” means the amounts set forth in the Health and Safety Code sections 50052.5 and 50053, as may be amended.

“Childcare facility” means a child day care facility other than a family day care home that includes, but is not limited to: infant centers, preschools, extended day care facilities, and school-age child care centers.

“Common interest development” means a condominium project as defined by section 1351(f) of the Civil Code, or a planned development as defined by section 1351(k) of the Civil Code, as may be amended.

“Concessions or incentives” shall mean a benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of this division.

“Density bonus” means an increase in density over the otherwise maximum allowable residential density of a housing development as of the date of application by applicant to the community development director or his designee.

“Density bonus units” means the residential units granted pursuant to the provisions of this division, that exceed the maximum allowable residential density for the development site.

“Development standard” includes site or construction requirements that apply to a residential development pursuant to any applicable city ordinance, general plan element, specific plan, or any other locally adopted condition, law, policy, resolution, or regulation.

“Housing development” means one or more groups of projects for residential units with a minimum of five (5) residential units, including a subdivision or common interest development approved by the city and consists of residential units or unimproved lots and either: (1) a substantial rehabilitation and conversion of an existing commercial building to residential use, or (2) a substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of the Government Code section 65863.4, as may be amended, where the result of the rehabilitation would be a net increase in available residential units.

“Lower income households” means households defined in section 50079.5 of the Health and Safety Code, as may be amended.

“Maximum allowable residential density” means the density allowed under the city’s zoning ordinance and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with density allowed under the land use element of the general plan, the general plan density shall prevail.

“Moderate income households” means households defined in section 50093 of the Health and Safety Code, as may be amended.

“Total units” or “total dwelling units” means the maximum number of units that can be developed on a project site under its applicable zoning designation, not including those units added by a density bonus.

“Senior citizen housing development” means a project as defined by sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to section 798.76 or 799.5 of the Civil Code.

“Very low income households” means households defined in section 50105 of the Health and Safety Code, as may be amended.

Sec. 106-1422. Density Bonus Requirements

- (a) Minimum development requirements. Upon written request by an applicant, the community development director shall grant a density bonus and provide incentives or concessions as provided in this division when the applicant for the housing development agrees or proposes to construct a housing development,

excluding any units permitted by the density bonus granted pursuant to this section that contains at least any one of the following:

- (1) Lower income households. Ten (10) percent of the total units of a housing development for lower income households.
 - (2) Very low income households. Five (5) percent of the total units of a housing development for very low income households.
 - (3) Senior housing. A senior citizen housing development, unless prohibited by state and/or federal law.
 - (4) Common interest development. Ten (10) percent of the total dwelling units in a common interest development for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.
- (b) Maximum development requirements. If an applicant exceeds the minimum percentages set forth in subsection (d), the applicant shall be entitled to an additional density bonus calculated as follows:
- (1) Low income units. For each one (1) percent increase above the ten (10) percent of the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent.
 - (2) Very low income units. For each one (1) percent increase above the five (5) percent of the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent.
 - (3) Moderate income units. For each one (1) percent increase above the ten (10) percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent.
- (c) Density bonus calculation.
- (1) Density bonus calculations resulting in fractional units shall be rounded up to the next whole number.
 - (2) Only the total units of a housing development shall be used to determine those units to be added as part of a density bonus.

- (3) For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are subject of one development application but need not be based upon individual subdivision maps or parcels.
- (4) A density bonus may be selected from only one category, except in combination with a land donation or a child care facility, provided the total density bonus does not exceed thirty-five (35) percent.
- (5) The applicant may elect to accept a lesser percentage of density bonus.
- (6) The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(d) Density bonus calculation table.

Income Group	Minimum Set-Aside of Affordable or Senior Units	Density Bonus		
		Base Bonus Granted	Each Additional 1% of Affordable Units Adds:	Total Maximum Density Bonus
Very Low Income (50% AMI)	5%	20%	2.5%	35%
Lower Income (80% AMI)	10%	20%	1.5%	35%
Moderate Income (120% AMI, Common Interest Development Only)	10%	5%	1.0%	35%
Land Donation (very low income projects only)	10%	15%	1.0%	35%
Condominium/Apartment Conversions	33% low-to-moderate income	25%	No Sliding Scale Available	25%
	15% very low income			
Senior Citizen Housing Development	100% ¹ (35 units minimum)	20%	No Sliding Scale Available	20%

Note:

1. A senior citizen housing development is not required to be affordable in order to receive a density bonus. However, 100% of the units in the development (35 units minimum) must be restricted as senior housing.

(e) Sample calculation of a density bonus.

	Very Low Income (50% AMI)	Lower Income (80% AMI)	Moderate Income (120% AMI)	Senior Housing
Initial Project Size (Total Units)	20 units	20 units	20 units	35 units
Affordable Units	5%	10%	10%	100%
Density Bonus Qualified	20%	20%	5%	20%
Project Units	24 units	24 units	21 units	42 units
Distribution of Project Units	1 Very Low Income 23 Market-Rate	2 Lower Income 22 Market-Rate	2 Moderate Income 19 Market-Rate	42 units ¹
Note: 1. A senior citizen housing development is not required to be affordable in order to receive a density bonus. However, 100% of the units in the development (35 units minimum) must be restricted as senior housing.				

(f) Land donation requirements. An applicant for a tentative map, parcel map or any other discretionary approval required to construct a residential development in the city shall receive a fifteen (15) percent density bonus above the otherwise maximum allowable residential density for the residential development when the applicant donates land to the city as provided in this section. This fifteen (15) percent bonus shall be in addition to any other density bonus provided for in this section, up to a total combined density bonus of thirty-five (35) percent. Applicants are eligible for the fifteen (15) percent land donation density bonus if all of the following conditions are met:

- (1) The applicant shall donate and transfer land to the city prior to approval of the final map or other discretionary approval required for the residential development.
- (2) The transferred land shall have the appropriate acreage and zoning classification to permit development of affordable housing for very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (3) The transferred land shall be at least one acre or of sufficient size to permit development of at least 40 residential units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of section 65583.2 of the Government Code.

- (4) The transferred land shall be served by adequate public facilities and infrastructure.
- (5) The transferred land and the very low income units constructed shall have a deed restriction recorded with the County Recorder, to ensure continued affordability of the units. The deed restriction must be recorded on the property at the time of transfer.
- (6) The transferred land shall be conveyed in fee simple to the city or to a housing developer approved by the city.
- (7) The transferred land shall be within the boundary of the proposed residential development, or no more than approximately one-quarter mile from the boundary of the qualified project, if the city so approves.
- (8) No later than the date of approval of the final map or other discretionary approval required for the residential development the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.
- (9) A proposed source of funding for the very low income units shall be identified not later than the date of the final map or other discretionary approval.

(g) Child care facility requirements.

- (1) The city shall grant either of the following to a density bonus project that includes a child care facility located on the premises of, as part of, or adjacent to, the project:
 - a. An additional density bonus in an amount equivalent to or greater than the amount of the square footage of the childcare facility; or,
 - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- (2) In order to receive the additional child care density bonus, the project must comply with the following requirements:
 - a. The child care facility will remain in operation for a period of time that is as long as, or longer, than the period of time during which the density bonus units are required to remain affordable.

- b. Of the children who attend the child care facility, the percentage of children of very low income, lower income, or moderate income households shall be equal to, or greater than, the percentage of affordable units.
- c. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

(h) Condominium conversion.

- (1) When an applicant for conversion of apartments to condominiums agrees to provide at least thirty-three (33) percent of the total units of the proposed condominium to persons and families of low to moderate income or fifteen (15) percent of the total units of the proposed condominium to lower income households, and agrees to pay administrative costs incurred by the city pursuant to this section, the community development director shall either:

- a. Grant a density bonus; or
- b. Provide other incentives of equivalent financial value.

The community development director may place reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as appropriate, including, but not limited to, continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households. For only this section, the following definitions apply:

- a. "Density bonus" means an increase in units of twenty-five (25) percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.
- b. "Other incentives of equivalent financial value" shall not require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

- (2) Proposal for subdivision map approvals. An applicant for approval to convert apartments to condominiums may submit a preliminary proposal to the community development department, for review by the community

development director or his or her designee, prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section.

- (3) Ineligibility. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided.
- (4) Other requirements. Nothing shall require the city to approve a proposal to convert apartments to condominiums.

Sec. 106-1423. Concessions and Incentives

- (a) Number of incentives/concessions. The applicant shall be entitled to receive the following number of incentives or concessions in subsection (b):
- (b) Incentive/Concession Table

Target Group	Target Units		
Very Low Income (50% AMI ¹)	5%	10%	15%
Lower Income (80% AMI)	10%	20%	30%
Moderate Income (120 % AMI, Common Interest Development Only)	10%	20%	30%
Number of Incentives ²	1	2	3
Note: 1. AMI is an abbreviation for Los Angeles County Area Median Income 2. Child care facility: When a qualified project also includes a child care facility as described in section 106-1422(g), the applicant shall receive one additional incentive.			

- (c) Menu of incentives/concessions.
 1. Additional density provided the overall density bonus received for the entire residential development does not exceed thirty-five (35) percent.
 2. A reduction in site development standards, including:
 - i. Reduced minimum lot sizes and/or dimensions.
 - ii. Reduced minimum lot setbacks.
 - iii. Reduced minimum private and/or common outdoor open space.
 - iv. Increased maximum building height (up to one additional story).

- v. Reduced on-site parking standards in excess of standards set forth in section 106-1424 (parking study required).
- 3. Tandem and uncovered parking allowed.
- 4. Other regulatory incentives that result in identifiable, financially sufficient, and actual cost reductions.
- (d) Evidence for concession and incentives. An applicant of a housing development may submit to the community development department a proposal for specific incentives or concessions for review by the community development director or his or her designee, and may request a meeting with the community development director or his or her designee.
- (e) An applicant of a housing development may submit to the community development department a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection (d) of section 106-1422 at the densities or with the concessions or incentives permitted by subsection (b) of section 106-1422 for review by the community development director or his or her designee, and may request a meeting with the community development director or his or her designee. A proposal for the waiver of development standards under this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subsection (b) of section 106-1422.
- (f) If a meeting is requested, the community development director or his or her designee, shall meet with the applicant within fifteen (15) working days to discuss the proposal.
- (g) When the community development director grants a density bonus, the community development director shall grant the additional concession or incentives requested by the applicant unless the community development director it makes a written finding, based upon substantial evidence of any the following conditions:
 - (1) The concession or incentive is not required in order to provide for affordable housing costs; or,
 - (2) The concession or incentive would have a specific adverse impact, as defined in Government Code section 65589.5(d)(2), as may be amended, upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the

specific adverse impact without rendering the development unaffordable to low and moderate income households; or,

- (3) The concession or incentive would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
- (4) The concession or incentive would be contrary to state or federal law.

Sec. 106-1424. Development Standards

- (a) Design requirements. Affordable units developed in conjunction with a market rate development shall be of similar design and quality as the market rate units. Exteriors and floor plans of affordable units shall be of similar quality to the market rate units.
- (b) Location distribution requirements for affordable units. Affordable units shall be dispersed throughout the housing development rather than clustered in a single area or a few areas. Location of the affordable units within a housing development shall be reviewed and approved by the community development director.
- (c) Parking standards. Unless the city's adopted parking standards will result in fewer parking spaces, the following maximum parking standards shall apply, inclusive of handicapped and guest parking, for the entire residential development:

Number of On-Site Parking Spaces ^{1, 2}	Maximum Number of Bedrooms
1.0	1
2.0	2 to 3
2.5	4 or more
Notes: <ul style="list-style-type: none">1. A parking calculation resulting in a fraction shall be rounded up to the next whole number.2. Parking standards provided in this subsection are inclusive of guest and handicapped parking.3. A development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.	

- (d) Other requirements. The granting of a density bonus shall not require a general plan amendment, zoning change, or other discretionary approval, and shall be processed in conjunction with the application of a housing development.

Sec. 106-1425. Continued Affordability

- (a) Affordability Requirement. An applicant shall agree to, and the city shall ensure the following:
- (1) Continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for a minimum period of thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
 - (2) Rents for the lower income density bonus units shall be set at an affordable rent as defined in section 50053 of the Health and Safety Code. Prior to the rental of any affordable unit, the city or its designee, shall verify the eligibility of the prospective tenant. The owner shall maintain on file certifications by each household. Certifications shall be obtained immediately prior to initial occupancy by each household and annually thereafter, in the form provided by the city or its designee. The owner shall obtain updated forms for each household on request by the city, but in no event less frequently than once a year. The owner shall maintain complete, accurate and current records pertaining to the housing development and will permit any duly authorized representative of the city to inspect records pertaining to the affordable units and occupants of these units.
 - (3) The city may establish fees associated with the setting up and monitoring of affordable units.
 - (4) The owner shall submit an annual report to the city, on a form provided by the city. The report shall include for each affordable unit the rent, income, and family size of the household occupying the unit.
 - (5) Owner-occupied units shall be available at an affordable housing cost as defined in section 50052.5 of the Health and Safety Code.
 - (6) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five (5) years for any of the purposes described in subdivision (e) of section 33334.2 of the Health and Safety Code to promote home ownership.

- (7) The owner shall provide to the city any additional information required by the city to ensure the long-term affordability of the affordable units by eligible households.
- (b) Affordable housing agreement. Affordability shall be ensured by requiring that the applicant enter into an affordable housing agreement in accordance with this division, as approved by the city attorney. The affordable housing agreement shall be recorded by the applicant of a housing development with the County Recorder.

Sec. 106-1426. Application Requirements

- (a) Application Materials. In addition to the required application materials for the project, the applicant shall submit separate site plan(s) containing the following information:
 - (1) A brief description of the housing development, and a chart including the number of market-rate units and affordable units proposed, and the basis for the number of affordable units.
 - (2) The unit-mix, locations, floor plans and square footages, and a statement as to whether the housing development is an ownership or rental project.
 - (3) In the event the developer proposes a phased project, a phasing plan that provides for the timely development of the affordable units as the housing development is constructed.
 - (4) A detail of the specific concessions, incentives, waivers, or modifications being requested for the housing development.
 - (5) Any other information reasonably requested by the community development director to assist with the evaluation of the affordable housing plan and housing development.
 - (6) The affordable housing site plan shall be incorporated into all sets of plans used in application for building plan check and building permit issuance.

Sec. 106-1427. Appeals

- (a) The applicant, upon the community development director's written denial of a housing development, may appeal the decision of the community development director to the planning and preservation commission.
- (b) If the planning and preservation commission upholds a denial issued by the community development director, the applicant may appeal the decision of the planning and preservation commission to the city council.
- (c) An applicant shall file a written appeal of a decision for denial of a housing development issued by the community development director or planning and preservation commission pursuant to division 2 of article II of this chapter.

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ATTACHMENT 3:

**Planning and Preservation Commission
Resolution 2013-10 and Exhibit “A”:
Draft Reasonable Accommodation Ordinance**

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RESOLUTION NO. 2013-10

RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING ADOPTION TO THE CITY COUNCIL OF A REASONABLE ACCOMMODATION ORDINANCE TO ESTABLISH REGULATIONS IN THE CITY CODE FOR THE CONSIDERATION OF MODIFICATIONS OF THE CITY'S DEVELOPMENT STANDARDS FOR INDIVIDUALS WITH DISABILITIES IN COMPLIANCE WITH FEDERAL AND STATE FAIR HOUSING LAWS.

WHEREAS, in pursuant to the Federal Fair Housing Amendments Act of 1988 and the State of California Fair Employment and Housing Act, cities and counties are prohibited from discriminating against individuals with disabilities through land use and zoning decisions and procedures.

WHEREAS, pursuant to Federal and State fair housing laws, discrimination includes, but is not limited to, the failure or refusal to provide reasonable accommodation to city rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal opportunity to housing.

WHEREAS, the City recognizes that individuals with disabilities may need extra tools to achieve housing equality and that providing reasonable accommodation is a way for local jurisdictions to provide relief from land use and zoning and building regulations and procedures that have the effect of discriminating against the development, siting and use of housing for individuals with disabilities.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of San Fernando's CEQA Guidelines, the City of San Fernando as the Lead Agency overseeing the environmental review for the proposed Zone Code Amendment 2013-02 has prepared a Draft Initial Study as part of the city's environmental assessment in order to determine the nature and extent of the environmental review required for the proposed project and based on said environmental assessment has determined that any potential significant adverse environmental impacts associated with the project's approval and implementation will be less than significant and has thus prepared a Negative Declaration;

WHEREAS, on September 10, 2013, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated the proposed zone text amendment and associated environmental assessment.

WHEREAS, the Planning and Preservation Commission's findings and recommendations for approval to the City Council of the proposed zone text amendment and associated environmental assessment were memorialized in writing in the form of Planning and Preservation Commission Resolution 2013-10 on September 10, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: The Planning and Preservation Commission finds that all of the facts set forth in this Resolution are true and correct.

SECTION 2: On September 10, 2013, the Planning and Preservation Commission held a duly noticed public hearing to consider the proposed zone text amendment, environmental assessment, and the findings and recommendations made by the Planning and Preservation Commission. Evidence, both written and oral, was presented at said hearing.

A. The public hearing afforded opportunities for public testimony and comments on proposed density bonus ordinance.

B. Notice of the hearing was given pursuant to San Fernando City Code Section 106-72 and in compliance with Government Code Sections 65090 and 65091, a notice of public hearing for the proposed zone text amendments was advertised in the Los Angeles Daily News (a local paper of general circulation), at least ten (10) days prior to the scheduled public hearing before the Planning and Preservation Commission.

SECTION 3: Based upon substantial evidence presented to the Planning and Preservation Commission on September 10, 2013, including public testimony, written materials and written and oral staff reports, with regard to the zone text amendment, the Planning and Preservation Commission concurred with the city planning staff's determination that the amendments will not have a significant adverse impact on the environment as identified in the Initial Study and Negative Declaration and subsequently, recommended that the City Council adopt findings to that effect on September 10, 2013.

SECTION 4: The Planning and Preservation Commission has determined that the proposed zoning text amendment is consistent with the following findings of fact as discussed below:

a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.

The proposed zone text amendment to the San Fernando City Code would establish provisions to allow for the consideration of reasonable accommodation requests by individuals with disabilities, in compliance with Federal and State fair housing laws. The proposed reasonable accommodation ordinance would allow for the City to review requests for deviations of the City's development standards and zoning requirements to facilitate fair and equitable housing for individuals with disabilities. Furthermore, adoption of the proposed ordinance would allow for the City's General Plan Housing Element, and any future updates, to be in compliance with applicable housing laws by removing governmental constraints and impediments to providing housing that serves the needs of individuals with disabilities in the community and eliminating housing discrimination for this population.

b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed revisions to the city zoning ordinance would facilitate for the consideration of reasonable accommodations for individuals with disabilities and remove constraints to providing fair and equitable housing to this underserved segment of the community. The reasonable accommodation ordinance would improve the quality of life for individual with a disability by

providing accommodations that would allow a disabled individual equal ease and enjoyment of property current experienced by non-disabled persons in the city. Therefore, the proposed zone text amendments would not be detrimental to the public interest, health, safety, convenience or welfare.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby recommends approval of Zone Code Amendment 2013-02 to the City Council.

PASSED, APPROVED AND ADOPTED this 10th day of September 2013.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 10th day of September 2013; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

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Double-Sided Printing

ARTICLE VI. GENERAL REGULATIONS

Exhibit "A": Draft Reasonable
Accommodations Ordinance

DIVISION 16. REASONABLE ACCOMMODATION

Sec. 106-1430. Purpose

- (a) Purpose. It is the purpose of this division, pursuant to federal and state fair housing laws, to provide individuals with disabilities reasonable accommodation in the application of the city's rules, policies, practices, and procedures, as necessary, to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The purpose of this division is to provide a procedure for individuals with disabilities to make requests for, and be provided, reasonable accommodation with respect to development standards, building regulations, rules, policies, practices, and/or procedures of the city, including land use and zoning regulations, when reasonable accommodation is warranted based upon sufficient evidence, to comply fully with the intent and purpose of the fair housing laws.

Sec. 106-1431. Definitions

For the purpose of this division, the following definitions shall apply:

"Applicant" means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of land use or zoning provisions of this division.

"Department" means the city's community development department.

"Director" means the city's community development director.

"Individual with a disability" means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such impairment; but not including an individual's current, illegal use of a controlled substance, unless an individual has a separate disability.

"Fair housing laws" mean the "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927 (c)(1) and 12955 (l), as any of these statutory provisions now exist or may be amended from time to time.

“Reasonable accommodation” means any deviation or waiver requested and/or granted from the strict application of various land use, zoning, or building laws, development standards, rules, policies, practices and/or procedures of the city, to individuals with a disability, or developers of housing for people with disabilities, when it is necessary to eliminate barriers to housing opportunities and provide an equal opportunity to use and enjoy a dwelling. Deviations may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the director; and such other conditions as the director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare.

Sec. 106-1432. Requesting Reasonable Accommodation

- (a) In order to make specific housing available to individuals who have physical or mental impairments, an individual with a disability or representative may request reasonable accommodation, pursuant to this division, relating to the application of various land use, zoning, or building laws, development standards, rules, policies, practices, and/or procedures of the city.
- (b) Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the department and building divisions advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the department and building divisions.
- (c) If an individual with a disability or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

- (d) A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- (e) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is subject of the request shall remain in full force and effect.
- (f) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (g) A request for reasonable accommodation to allow one or more deviations of laws, development standards, rules, policies, practices, and/or procedures must be filed on an application form provided by the city, shall be signed by the owner of the property, and shall include the following:
 - (1) Name and address of the individual(s) requesting reasonable accommodation;
 - (2) Name and address of the property owner(s);
 - (3) Address of the property for which accommodation is requested;
 - (4) The current actual use of the property that is the subject of the request;
 - (5) Description of the requested accommodation and the regulations, policy or procedure for which accommodation is sought;
 - (6) Verifiable evidence to support the claim that fair housing laws apply to the individual(s) with a disability, which may include a letter from a medical doctor or other licensed health care professional, a handicapped license, or other appropriate evidence that establishes that the individual(s) needing the reasonable accommodation is/are disabled/handicapped pursuant to fair housing laws;
 - (7) The specific reason the requested accommodation is necessary for individual(s) with the disability to use and enjoy the dwelling;
 - (8) Verification by the applicant that the property that is the subject of the request for reasonable accommodation will be used by the person for whom reasonable accommodation is requested and whose disabilities are protected under fair housing laws;

- (9) The required filing fee for a reasonable accommodation request, as provided for in the city's adopted fee schedule; and
- (10) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws and the privacy rights of the individual(s) with a disability.

Sec. 106-1433. Review and Determination

- (a) Review. The director or his or her designee shall review and provide a determination on an application for reasonable accommodation pursuant to this division and fair housing laws. The director shall have the ability to request any information necessary to assess an application for reasonable accommodation and provide a determination to an applicant within thirty (30) days of the date of submittal of a completed application. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request. Within thirty (30) days of the date of the submittal of a completed application, and as provided for in this section, the director shall take one of the follow actions regarding a request for reasonable accommodation:
 - (1) Grant the reasonable accommodation request, pursuant to section 106-1433(g);
 - (2) Grant the reasonable accommodation request, subject to specified nondiscriminatory conditions, pursuant to section 106-1433(g);
 - (3) Deny the reasonable accommodation request pursuant to section 106-1433(g); or,
 - (4) Refer the determination of the reasonable accommodation request to the planning and preservation commission, who shall render a determination on the application.
- (b) Tentative determination of approval. Upon submittal of a completed application for reasonable accommodation and subsequent to an application being deemed complete, the director shall prepare a notice of tentative determination regarding the director's intent to approve the reasonable accommodation request pursuant to this division and fair housing laws. The notice of tentative determination shall be prepared and disseminated as provided below.
 - (1) *Content*. The notice of tentative determination shall provide a detailed description of the subject property, the reasonable accommodation request, and tentative findings pursuant to section 106-1433 (g).

Additionally, the notice of tentative determination shall include information on the public comment period for the request.

- (2) *Public notice.* A notice of tentative determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within fifteen (15) days from the submittal of a completed application for reasonable accommodation.
 - (3) *Public comment period.* A comment period of no less than ten (10) days from the date noted on the notice of tentative determination shall be provided to all affected owners of property that abut the property that is the subject of the reasonable accommodation request.
- (c) Final determination of approval. Subsequent to the issuance of a notice of tentative determination for approval of the reasonable accommodation request, as provided for in subsection (b), the director shall prepare a notice of final determination regarding the director's decision to approve the reasonable accommodation request. The notice of final determination shall be prepared and disseminated as provided below.
 - (1) *Content.* The notice of final determination shall provide a detailed description of the subject property, the reasonable accommodation request, and findings required for approval pursuant to section 106-1433 (g). Additionally, the notice of final determination shall include information on the appeal process for all abutting properties that are aggrieved by the decision of the director.
 - (2) *Public notice.* A notice of final determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within thirty (30) days from the submittal of a completed application for reasonable accommodation.
- (d) Denial. Subsequent to submittal and the director's review of a request for reasonable accommodation, the director shall notify an applicant in writing if a determination for denial of the reasonable accommodation request is made. The director shall provide the justification for denial of the reasonable accommodation request pursuant to section 106-1433 (g). An applicant may appeal the decision of the director to the planning and preservation commission, as provided for in section 106-1434.

- (e) Applicability. A reasonable accommodation request that is granted pursuant to this division shall not require the approval of any variance. The reasonable accommodation shall be subject to the following provisions:
- (1) The reasonable accommodation shall only be applicable to a residential structure occupied by one or more individuals with a disability.
 - (2) The reasonable accommodation shall only be applicable to the specific use for which application is made.
 - (3) The reasonable accommodation is subject to any and all building code permit and inspection requirements of the city.
 - (4) Any change in use or circumstances that negate the basis for the approval of the reasonable accommodation shall require its termination and removal, unless continuance of the reasonable accommodation is approved by the director pursuant to section 106-1433(f).
 - (5) Within sixty (60) days from the date that an individual with a disability vacates the property that is the subject of the reasonable accommodation, the reasonable accommodation shall be removed in its entirety.
 - (6) The director may impose additional conditions on the approval of a reasonable accommodation request that are consistent with the purposes of this division and fair housing laws.
- (f) Duration of reasonable accommodation. If a request for reasonable accommodation is approved pursuant to this division, the request shall be granted to an individual with a disability and shall not run with the land unless:
- (1) The reasonable accommodation is physically integrated into the residential structure and cannot be easily removed or altered to comply with all applicable laws, development standards, rules, policies, practices, and/or procedures; or,
 - (2) Another individual or individuals with a disability use the property and structure that is the subject of the reasonable accommodation request; or,
 - (3) The property owner of record provides a written request stating the reason why the reasonable accommodation shall be retained without the occupancy of the residential structure by an individual with a disability, as originally permitted; and,
 - (4) The director provides a written determination assessing the applicant's request to retain the reasonable accommodation without the occupancy of

the residential structure by an individual with a disability, as originally permitted. A determination for denial of the retention of a reasonable accommodation pursuant to this section shall require the director to make those findings provided in section 106-1433 (g). Subsequent to the director's determination of denial, the property owner of record shall have sixty (60) days to remove the reasonable accommodation from the subject property or comply with the previously approved reasonable accommodation request pursuant to this division.

- (g) Required findings. A written determination to approve, approve with conditions, or deny a request for reasonable accommodation shall be based on the following factors:
- (1) Whether the parcel and/or housing that is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected under fair housing laws;
 - (2) Whether the request for reasonable accommodation is necessary to make the specific housing available to one or more individuals protected under fair housing laws;
 - (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and
 - (4) Whether the requested reasonable accommodation would require a fundamental alteration of the zoning or building laws, policies, and/or other procedures of the city.

Sec. 106-1434. Appeals

A final written determination made by the director on a reasonable accommodation request may be appealed to the planning and preservation commission, as provided below:

- (a) Within ten (10) days of the date of the notice of final determination, an appeal may be filed in writing or on a form provided by the city, pursuant to this section. An appeal shall contain a detailed statement of the grounds for the appeal.
- (b) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (c) An appeal may be filed by those directly aggrieved by the decision and determination of the director. For purposes of this section, "directly aggrieved"

shall mean the applicant, representative of an individual with a disability, or owner of the property that is the subject of the reasonable accommodation request, and those property owners that directly abut the property that is the subject of the reasonable accommodation.

- (d) The written decision of the director shall become final unless an applicant appeals it to the planning and preservation commission.
- (e) The planning and preservation commission shall hear the matter and render a written determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed, or after an application has been referred to it by the director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
- (f) A notice of public hearing for the appeal shall be mailed to the person filing the appeal and those directly aggrieved at least ten (10) days prior to the date of the public hearing. The notice of public hearing shall include a description of the property that is the subject of the reasonable accommodation, the reason for which the appeal is filed, the date of the public hearing, and the location of the public hearing.
- (g) Within thirty (30) days from the decision and determination of the planning and preservation commission, those directly aggrieved by the decision may appeal to the city council. The procedures that apply for filing an appeal with the city council are the same procedures that apply for filing an appeal with the planning and preservation commission pursuant to division 2 of article 2 of this chapter. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
- (h) The written decision of the planning and preservation commission shall become final unless an applicant appeals it to the city council.
- (i) The filing fee for an appeal shall be equal to half of the application filing fee for the reasonable accommodation request, as provided for in the city's adopted fee schedule.
- (j) An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.