



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

THE CITY OF SIGNAL HILL
WELCOMES YOU TO A REGULAR
PLANNING COMMISSION MEETING
November 10, 2015

The City of Signal Hill appreciates your attendance. Citizen interest provides the Planning Commission with valuable information regarding issues of the community. Meetings are held on the 2nd Tuesday of every month, but will shift to the 3rd Tuesday of every month beginning in December.

Meetings commence at 7:00 p.m. There is a public comment period at the beginning of the regular meeting, as well as the opportunity to comment on each agenda item as it arises. Any meeting may be adjourned to a time and place stated in the order of adjournment.

The agenda is posted 72 hours prior to each meeting on the City's website and outside of City Hall and is available at each meeting. The agenda and related reports are available for review online and at the Community Development office and Library on the Friday afternoon prior to the Commission meeting. Agenda and staff reports are also available at our website at www.cityofsignalhill.org.

During the meeting, the Community Development Director presents agenda items for Commission consideration. The public is allowed to address the Commission on all agenda items. The Chair will announce when the period for public comment is open on each agenda item. The public may speak to the Commission on items that are not listed on the agenda. This public comment period will be held at the beginning of the public portion of the meeting. You are encouraged (but not required) to complete a speaker card prior to the item being considered, and give the card to a City staff member. The purpose of the card is to ensure speakers are correctly identified in the minutes. However, completion of a speaker card is voluntary, and is not a requirement to address the Commission. The cards are provided at the rear of the Council Chamber. Please direct your comments or questions to the Chair.

CALL TO ORDER

ROLL CALL

CHAIR FALLO
VICE-CHAIR AUSTIN
COMMISSIONER BENSON
COMMISSIONER MURPHY
COMMISSIONER RICHÁRD

PLEDGE OF ALLEGIANCE

The Chair will lead the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR ON ITEMS NOT LISTED ON THIS AGENDA

COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS

(1) Pending Development Projects

Summary: Since the adoption of the Oil Code in June, staff has seen an increased interest in future development. Staff will provide a summary of projects that are pending. A map has been prepared showing the location of the projects.

Recommendation: Receive and file.

(2) Turf Replacement Exhibits for Plant Proportions and Maintenance

Summary: As a first step in the development of a “Sufficient Plant Materials” exhibit and an updated “Attractive and Unattractive Landscape Yards” exhibit, staff will present sample photos and the Planning Commission will participate in an activity and discussion to provide input for the preparation of the exhibits.

Recommendation: Provide input and direction as deemed appropriate.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Items will be acted upon by the Commission at one time without discussion. Any item may be removed by a Commissioner or member of the audience for discussion.

(3) Minutes of the Following Meeting

Regular Meeting of October 13, 2015

Recommendation: Approve.

(4) Save the Date – 2016 Greater Los Angeles Homeless Count

Summary: Attached for review is a summary of the upcoming Homeless Count event scheduled to take place on Wednesday, January 27, 2016.

Recommendation: Receive and file.

(5) City Council Follow-up

Summary: Attached for review is a brief summary on the City Council's actions from the October 20, 2015 and November 3, 2015 meetings.

Recommendation: Receive and file.

(6) Development Status Report

Summary: Attached for review is the monthly Development Status Report which highlights current projects.

Recommendation: Receive and file.

(7) In the News

Summary: Articles compiled by staff that may be of interest to the Commission.

Recommendation: Receive and file.

COMMISSION NEW BUSINESS

COMMISSIONER RICHÁRD
COMMISSIONER MURPHY
COMMISSIONER BENSON
VICE-CHAIR AUSTIN
CHAIR FALLON

ADJOURNMENT

Adjourn tonight's meeting to the next regular meeting to be held Tuesday, December 15, 2015 at 7:00 p.m. in the Council Chambers located at City Hall.

CITIZEN PARTICIPATION

If you need special assistance beyond what is normally provided to participate in City meetings, the City will attempt to accommodate you in every reasonable manner. Please call the City Clerk's office at (562) 989-7305 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

November 7



CITY OF SIGNAL HILL

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November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SELENA ALANIS
ASSOCIATE PLANNER**

SUBJECT: DIRECTOR'S REPORT – PENDING DEVELOPMENT PROJECTS

Summary:

Since the adoption of the Oil Code in June, staff has seen an increased interest in future development. Staff will provide a summary of projects that are pending. A map has been prepared showing the location of the projects (Attachment A).

Recommendation:

Receive and file.

Background & Analysis:

Residential Projects

All Zoning Ordinance Amendments for Specific Plans require Planning Commission review and City Council approval.

Per Chapter 20.52, Site Plan and Design Review of the Signal Hill Municipal Code (SHMC), the Planning Commission reviews plans for:

- New dwelling units;
- Additions over 500 square feet; and
- Additions on the second floor of any dwelling (regardless of the size of the addition)

Currently, 7 residential sites have been of interest for future development, which could result in 24 new dwelling units including:

#1 1939 Temple Avenue - "The Courtyard" - 10 condominium units

- Required Review: 1) Site Plan and Design Review 2) Zoning Ordinance Amendment for a new Specific Plan to allow a 3-story height and front setback requirement and 3) Mitigated Negative Declaration.
- Oil Wells: 2 abandoned oil wells on-site.
 - Leak test completed, vent cones installed.
 - Access exhibit provided (wells not being built over).
- View Policy: Applies. Story poles have been installed and a view notice has been sent to property owners and residents within 500 feet of the project site.

#2 2599 E. Pacific Coast Highway - "PCH Molino" - 9 condominium units

- Required Review: 1) Site Plan and Design Review 2) Zoning Ordinance Amendment for a Specific Plan to allow for single-family detached dwellings, 3-story height [as an Opportunity Area in the PCH Specific Plan the project requires a separate Specific Plan] and 3) Mitigated Negative Declaration.
- Oil Wells: no wells on-site.
- View Policy: Applies. Story poles will be installed and a view notice will be sent to property owners and residents within 500 feet of the project site.

#3 2085 Freeman Avenue - "Tran Family Residence" - 1 single-family dwelling

- Required Review: 1) Site Plan and Design Review 2) General Plan Amendment to revise the Circulation Element traffic study area between Freeman and Orizaba and 3) Mitigated Negative Declaration.
- Oil Wells: 1 abandoned oil well on-site.
 - Leak test completed, vent cone installed.
 - Access exhibit provided (building proposed over well).
 - Well Abandonment Report required to demonstrate compliance with the City's well equivalency standard.
- View Policy: Applies. Story poles will be installed and a view notice will be sent to property owners and residents within 500 feet of the project site.

#4 2260 Walnut Avenue - 1 single-family dwelling

- Required Review: Site Plan and Design Review.
- Oil Wells: 1 abandoned oil well on-site.
 - Leak test completed, vent cone was not installed.
 - Access exhibit provided (well not being built over).
- View Policy: Does not apply.

#5 1900 Temple Avenue - 1 single-family dwelling

- Required Review: Site Plan and Design Review.
- Oil Wells: 1 abandoned oil well on-site.
 - Well Discovery Permit required to locate and leak test well.
 - Access to be determined.
- View Policy: To be determined.

#6 2095 Freeman Avenue - 1 single-family dwelling

- Required Review: Site Plan and Design Review.
- Oil Wells: 2 abandoned oil wells.
 - Leak test completed, vent cones installed.
 - Access to be determined.
- View Policy: To be determined.

#7 2099 Freeman Avenue - 1 single-family dwelling

- Required Review: Site Plan and Design Review.
- Oil Wells: 1 abandoned oil wells.
 - Leak test completed, vent cones installed.
 - Access to be determined.
- View Policy: To be determined.

Projects Under Staff Review

Per Chapter 20.52, Site Plan and Design Review of the SHMC, residential projects less than 500 square feet and commercial/industrial projects 10,000 square feet or less are reviewed by the Community Development Director. Currently, staff has reviewed plans for 2 new commercial industrial buildings on 2 sites throughout the City including:

#8 3355 Olive Avenue - 5,000 square feet warehouse and office building

- Required Review: Site Plan and Design Review.
- Oil Wells: no wells on-site.

#9 2355 Walnut Avenue - 10,000 square feet warehouse and office building

- Required Review: Site Plan and Design Review.
- Oil Wells: no wells on-site.
- Methane Assessment to be completed.

City Projects

All Zoning Ordinance Amendments and General Plan Amendments require Planning Commission review and City Council approval.

#10 3100 California Avenue - City Dog Park and Emergency Operations Storage

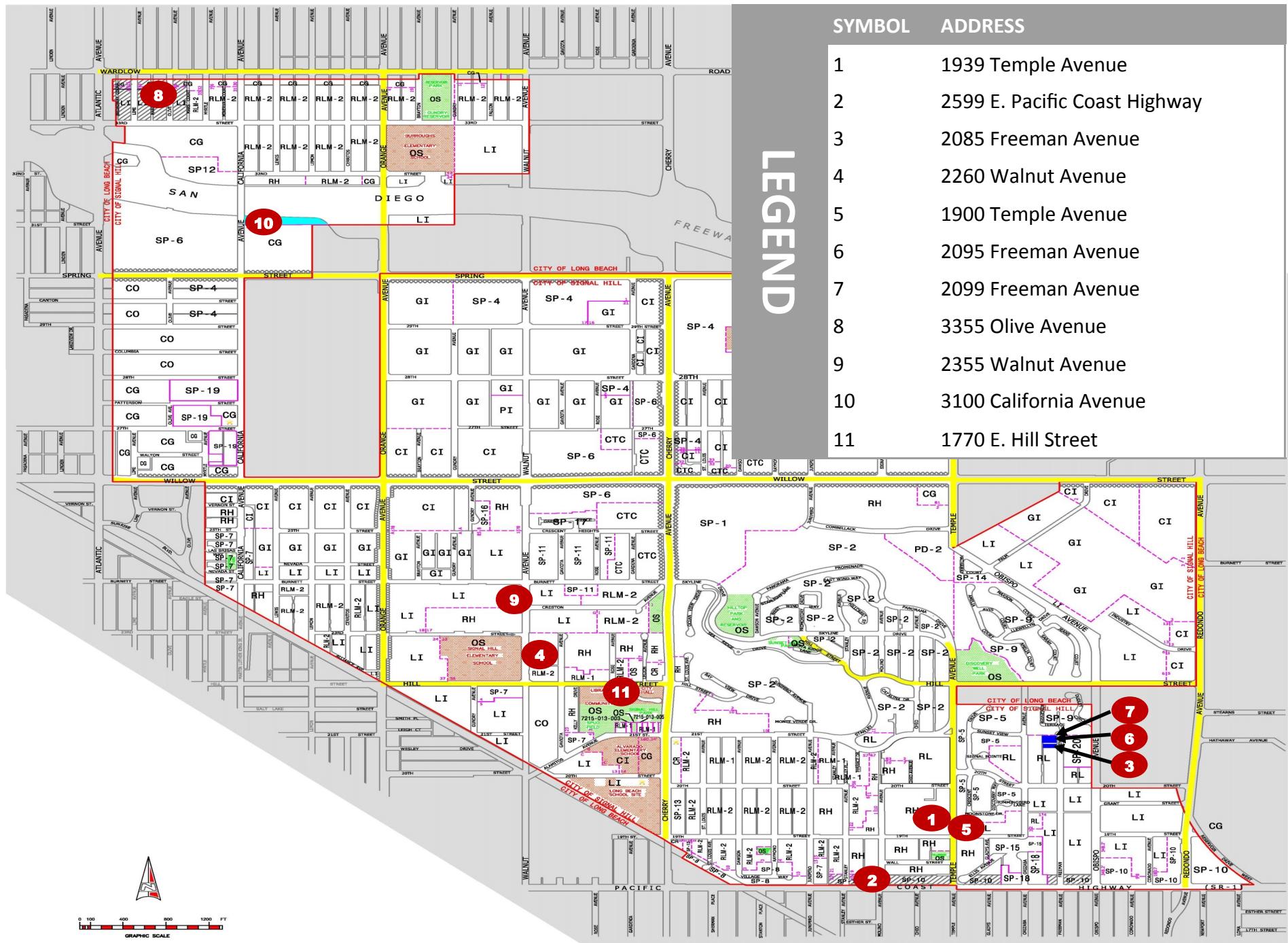
- Required Review: 1) Zoning Ordinance Amendment 2) General Plan Amendment and 3) Mitigated Negative Declaration.

#11 1770 E. Hill Street - Phase II of the Civic Center Master Plan

- Demolition of existing library for construction of new library and Community Services Department offices.
- No reportable action at this time. Staff is optimistic that the state will release the bond proceeds.

Approved by:

Scott Charney



November 2



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November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

**SUBJECT: DIRECTOR'S REPORT – TURF REPLACEMENT EXHIBITS FOR PLANT
PROPORTIONS AND MAINTENANCE**

Summary:

As a first step in the development of a “Sufficient Plant Materials” exhibit and an updated “Attractive and Unattractive Landscape Yards” exhibit, staff will present sample photos and the Planning Commission will participate in an activity and discussion to provide input for the preparation of the exhibits.

Recommendation:

Provide input and direction as deemed appropriate.

Background & Analysis:

Staff received consistent feedback from the public workshop and Planning Commission study sessions on turf replacement, to maintain freedom of choice in plant materials and to develop simple regulations that would address the desire to limit hardscape in yards and to keep landscape areas free of weeds, trash and erosion while reducing stormwater runoff. The following preferences and concerns were noted:

Natural Plant Materials

- Maintain freedom of choice
- Lush over desert or barren designs
- Plant variety
- Drought tolerant
- Low maintenance

- Flowering trees, shrubs, plants, grass and groundcovers
- Non-invasive
- Perennials (veggies & fruits)
- Traditional trees (not required in yards)

Synthetic Turf Materials

- Allow some synthetic turf
- Use high quality materials
- Installation methods are important
- Integrate with natural materials

Concerns

- Unlimited non-permeable hardscape
- Proportion of plant to non-plant materials

On November 3, 2015, the City Council introduced an ordinance amendment for turf replacement regulations for existing development. The regulations limit hardscape in existing residential and commercial setbacks. The second reading of the ordinance is scheduled for the November 24, 2015 City Council meeting. The ordinance amendment includes revisions to the Signal Hill Municipal Code, Chapter 8.12 *Nuisances* that require preparation of:

- A “Sufficient Plant Materials” exhibit; and
- An updated “Attractive and Unattractive Landscape Yards” exhibit (1999).

The exhibits will provide a visual guide to assist in making the determination as to whether there are sufficient plant to non-plant materials and whether yards are properly maintained. Since the Attractive and Unattractive Landscape Yards exhibit was approved in 1999, and only demonstrates proper maintenance for yards with turf, the update will add photos for yards with drought tolerant materials.

Planning Commission Preference Activity

Staff will present two sets of photos for consideration at the meeting. The first set will demonstrate varying proportions of plant materials to non-plant materials in residential yards and commercial setbacks. Using red, green and yellow stickers, the Commission activity will be to consider which photos have sufficient plant materials and which do not have sufficient plant materials and to apply the stickers accordingly. The second set of photos will include yards and commercial setbacks with turf or drought tolerant plant materials showing varying degrees of maintenance. The Commission will also use the stickers to indicate which should be deemed attractive and which are unattractive.

Staff will facilitate a discussion to review the outcome of the activity and obtain guidance for the preparation of the two exhibits.

Approved:

Scott Charney

November 3



CITY OF SIGNAL HILL

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November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: MINUTES

Summary:

Attached for your review and approval are the minutes of last month's regular meeting.

Recommendation:

Approve.

**A REGULAR MEETING OF THE CITY OF SIGNAL HILL
PLANNING COMMISSION**
October 13, 2015
7:00 P.M.

CALL TO ORDER

Chair Fallon called the meeting to order at 7:00 p.m.

ROLL CALL

The Commission Secretary conducted roll call.

Present: Chair Fallon
 Vice-Chair Devon Austin
 Commissioner Tom Benson
 Commissioner Shannon Murphy
 Commissioner Rose Richárd

Staff present:

- 1) Community Development Director Scott Charney
- 2) Senior Planner Colleen Doan
- 3) Associate Planner Selena Alanis
- 4) Assistant City Attorney David Kwon
- 5) Sr. Engineering Technician Anthony Caraveo

In addition, there were 3 people in attendance.

PLEDGE OF ALLEGIANCE

Chair Fallon led the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

PRESENTATIONS

- a. The Planning Commission presented the Beautification Award to Century Calibrating at Lemon Avenue and 25th Street for landscaping, fencing and other improvements to the property.
- b. In celebration of Planning Month, staff highlighted a recent visit to the After-school Recreation Club to explain the benefits of planning to the children.

PUBLIC WORKSHOP

- (1) Community Development Director Scott Charney read the form of notice and gave an introduction, and Associate Planner Selena Alanis gave the staff report.

Commissioner Murphy asked whether the Finance and Conveyance Map is solely for future maps, not tract maps that have already been approved. Staff confirmed that this will not be applied to finalized maps.

Vice-Chair Austin asked when was the last time we visited Chapter 18.13, and is there a need to change it. Staff responded Chapter 18.13 will be a new Chapter to the Municipal Code, and Title 18 Subdivisions has not been amended since the 1980s.

Commissioner Benson asked for clarification of whether this Map is for residential buildings only. Staff advised that this workshop is for introducing the concept and benefits of this Map in response to the application from a developer, SummerHill Homes. Staff is also working with the City Engineer to find out if commercial properties will also be included.

Commissioner Richárd inquired about the history of Finance and Conveyance Map in other cities. Staff gave a report on how this Map can act as a strategic tool when dealing with potential concerns regarding oil field activities/brown field from companies and lenders.

Chair Fallon opened the public workshop.

The following members of the public spoke regarding the project:

- 1) Keven Doherty of SummerHill Homes offered his gratitude to the City for considering this matter and gave a few examples of how the Finance and Conveyance Map can help other developers move forward with their proposal. Mr. Doherty also clarified that this Map does not convey any development rights.
- 2) Tom Shollin of Signal Hill Petroleum spoke to show support for the ordinance and strongly recommended the city to consider any type of properties, including commercial properties.

There being no further public testimony, Chair Fallon closed the public workshop.

It was moved by Commissioner Murphy and seconded by Commissioner Benson to move forward and consider including maps for commercial properties as well as residential properties and to prepare for City Council public hearing.

Motion carried 5/0.

PUBLIC HEARING

(2) Community Development Director Scott Charney read the form of notice and Senior Planner Colleen Doan gave the staff report.

Commissioner Benson asked if the HOA legislation only applied during a declared state of emergency. The city attorney clarified that AB349 did not, except for

Section C which allows fines for not watering yards during non-drought emergencies.

The Commission joined in a general discussion regarding water conservation.

Commissioner Benson requested an organizational chart of water agencies from State to City level.

Chair Fallon opened the public hearing.

There being no public testimony, Chair Fallon closed the public hearing.

It was moved by Vice-Chair Austin and seconded by Commissioner Richárd to waive further reading and adopt the resolution.

City Attorney read the title of Resolution No. 773-10-15 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE SIGNAL HILL RECOMMENDING CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 15-04 REPEALING CHAPTER 13.10 OF THE MUNICIPAL CODE AND REPLACING IT WITH REVISED STATE MANDATED WATER CONSERVATION REGULATIONS, LIMITING TURF AND IMPROVING IRRIGATION EFFICIENCY IN NEW DEVELOPMENT AND ZONING ORDINANCE AMENDMENT 15-02 AMENDING TITLE 20 OF THE MUNICIPAL CODE BY ADDING LANDSCAPE AND HARDSCAPE STANDARDS FOR TURF REPLACEMENT IN EXISTING DEVELOPMENT

The following vote resulted:

AYES: CHAIR FALON; VICE-CHAIR AUSTIN; COMMISSIONERS BENSON, MURPHY AND RICHÁRD

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Motion carried 5/0.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

(3) Changes to Meeting Schedule

Community Development Director Scott Charney gave the staff report.

Chair Fallon asked if there were any further questions from the Commission.

Chair Fallon received and filed the report.

CONSENT CALENDAR

Commissioner Murphy requested that Item No. 5 be pulled for discussion.

Commission Received and Filed Consent Calendar Items No. 4, 6, 7 and 8.

It was moved by Commissioner Murphy and seconded by Vice-Chair Austin to receive and file Consent Calendar Item Nos. 4, 6, 7 and 8.

The motion carried 5/0.

Commission Received and Filed Consent Calendar Item No. 5.

Commissioner Murphy inquired about more details regarding the Mulch Day event. Staff clarified a few specifics for the Commissioners.

Commissioner Benson recommended changing the pictures in the Mulch Day flyer to avoid misconception of what the mulch will look like. Staff will look into it.

Commissioner Murphy asked about why the Halloween Carnival falls on October 24, 2015, but not October 31, 2015 since they are both on a Saturday. Staff advised they will forward the inquiry to the Community Services Department.

It was moved by Commissioner Murphy and seconded by Vice-Chair Austin to receive and file Consent Calendar Item No. 5.

The motion carried 5/0.

COMMISSION NEW BUSINESS

Commissioner Murphy commented on a previous Browning School meeting she attended regarding parking and traffic issues. The Commission and staff joined in a general discussion regarding the Browning School.

Commissioner Benson commented on the street trees on Skyline Drive. Staff advised that they will forward this information to Public Works Department.

Staff advised that they will forward the invitation of the grand opening of Long Beach Islamic Center to all Commissioners.

Commissioner Benson requested an update on the new library. Staff updated on the progress of the new library.

ADJOURNMENT

It was moved by Commissioner Richárd and seconded by Vice-Chair Austin to adjourn to the next regular meeting of the Planning Commission to be held on Tuesday, November

10, 2015, at 7:00 p.m., in the Council Chamber of City Hall, 2175 Cherry Avenue, Signal Hill, CA, 90755.

The motion carried 5/0.

Chair Fallon adjourned the meeting at 8:29 p.m.

Jane Fallon
Chair

Attest:

Scott Charney
Commission Secretary

November 4



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: SAVE THE DATE FOR THE 2016 HOMELESS COUNT EVENT

Summary:

The Los Angeles Homeless Services Authority (LAHSA) sponsors a regional homeless count. The event was previously held every two years, but starting this year the event is scheduled annually. The 2016 Los Angeles Homeless Count event will be held over the course of three days. The Signal Hill event will be conducted on *Wednesday, January 27, 2016 from 7:30 p.m. to 10:00 p.m.* The Community Development Department will host the event, providing coordination and training for the field inspections. The Police Department will provide drivers.

The purpose of the event is to document the number and location of homeless persons or makeshift shelters in the City. It also serves to:

- Inform the public and governmental officials on the state of homelessness;
- Bring vital resources to agencies serving the homeless population; and
- Drive engagement by raising awareness

The 2013 event data for Signal Hill was helpful for justifying a reduction to our required Regional Housing Needs Allocation during our Housing Element update.

Commissioners are invited to participate and solicit other volunteers. Additional information will be provided on the City website, via email and at the next Planning Commission meeting (Attachment A).

Recommendation:

Receive and file.



VOLUNTEERS NEEDED!!!



2016 GREATER LOS ANGELES HOMELESS COUNT

What is the Count?

The Count determines how many homeless neighbors we have in Los Angeles County on any given night. The purpose of the Greater Los Angeles Count is to raise awareness, provide a snapshot of the number of homeless persons, their demographic characteristics and the locations where they reside throughout Los Angeles.

**The City of Signal Hill's Count is on:
Wednesday, January 27, 2016
7:30 PM to 10:00 PM**

**THEY COUNT.
WILL YOU?**

Orientation will begin promptly at 7:30 PM and will be short and sweet, so arrive on time. This training is MANDATORY.

The City of Signal Hill Community Development Department will coordinate the event and provide training. Police Department staff will drive through Signal Hill neighborhoods with volunteers to count and document homeless persons or makeshift shelters in the City.

**Please contact the Community Development Department with questions or to Volunteer: Sarah Tsao at (562) 989-7340 or via email stsao@cityofsignalhill.org.
PRE-REGISTRATION IS REQUIRED.**

Top 3 Reasons to Participate:

1. To understand the situation and make a difference in the lives of homeless men, women, children and veterans, we need to know who they are and where they are.
2. The data gathered from the Count can be a powerful tool for local leadership and non-profit agencies to make a case for additional and specialized resources for the homeless in our community.
3. Volunteering is an opportunity to raise awareness, connect with leaders, citizens, and other stakeholders within our community and drive civic engagement toward ending homelessness.



**Los Angeles
HOMELESS SERVICES AUTHORITY**

Working Together to End Homelessness in Los Angeles

811 Wilshire Blvd. 6th Floor ♦ Los Angeles, CA 90017 ♦ 213.683.3333 ♦ www.lahsa.org



November 5



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

SUBJECT: CITY COUNCIL FOLLOW-UP

Summary:

Below for your review is a brief summary on the City Council's actions from the previous month.

Recommendation:

Receive and file.

Background & Analysis:

- 1) At the October 20, 2015 City Council meeting, there were no Community Development Department items.
- 2) At the November 3, 2015 City Council meeting:
 - The City Council introduced Ordinance Amendment 15-04 repealing Chapter 13.10 of the Municipal Code and replacing it with revised State mandated water conservation regulations, limiting turf and improving irrigation efficiency in new development and Zoning Ordinance Amendment 15-02 amending Title 20 of the Municipal Code by adding landscape and hardscape standards to promote turf replacement in existing development. The Ordinance was approved by a vote of 5/0.

Approved by:

Scott Charney

November 6



CITY OF SIGNAL HILL

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November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: DEVELOPMENT STATUS REPORT

Summary:

Attached for your review is the monthly Development Status Report which highlights current projects.

Recommendation:

Receive and file.

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2357 Lewis Avenue	Repairs to a fire damaged single-family dwelling	Administrative Review	✓	N/A	N/A	Building Permit Issued 2/13/15			2/8/16  90+			Home rebuild begun, rough plumbing and electrical complete (5/15). Drywall and stucco begun (6/15). Stucco complete (7/15). Landscape installation and site clean-up pending (8/15). Project has been finalized (11/15). SA/JH
1790 E Burnett St.	Renovation of existing house and construction of new 4-car garage with roof deck, workshop and parking court	Administrative Review	✓	N/A	N/A	Building Permit Issued 02/13/14			N/A			Approved change to composite roof. New color board and rock samples submitted. Rock band installed. Rev. front window design (9/14). Rear grade too steep, grade reworked, garage foundation and framing begun (1/15). Rough plumbing, electrical and HVAC complete (3/15). Garage roof and interior underway (5/15). Public Works required removal of wall & landscaping in ROW (6/15). Retaining wall complete. Street improvements completed. Interior work in progress (11/15). JH/CTD
	Applicant: California Construction											
	Applicant: Gary Severns											

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
3240 Cerritos Ave.	New permit issued for interior drywall, plumbing and electrical for remainder of interior of existing house	Administrative Review	✓	N/A	N/A	Building Permit Issued 03/3/15			02/26/16  90+			Rough plumbing, electrical and mechanical completed (7/15). Drywall and nailing completed (9/15). Improvements on project ongoing (11/15). JH
	Applicant: Jim Trevillyan											
2477 Gaviota Ave.	Rehabilitation of the existing single-family dwelling and new 2-car garage	Administrative Review (SPDR 15-03)	✓	N/A	N/A	Building Permit Issued 07/15/15			07/15/16			Demolition for the rehabilitation has started (8/15). Framing for new garage completed (9/15). Foundation repair completed (11/15). SA
	Applicant: Rama Singhal											
2518 Willow St.	New front entry electronic gate w/stone veneer pilasters, update guard shack	Administrative Review	✓	N/A	N/A	Permit Ready for Issuance						Plans are ready for permit issuance (8/15). 1 st reminder was sent to applicant (10/15). 2 nd reminder was sent to applicant (11/15). JH/SA
	Applicant: Willow Ridge Homeowners Association											

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2451 Avis Court	200 sf addition of one bedroom and bathroom Applicant: M/M Lopez	Administrative Review	✓	N/A	N/A	Building Permit Issued 10/5/15			4/2/16			Building permit issued (10/15). Foundation and mechanic barrier completed (11/15). SA
2311 Ocean View	Add/expand second story decks and "trainhouse" in side and rear yard of existing single-family home Applicant: M/M Hughes	SPDR 08-05	N/A	07/14/09	N/A	Building Permit Issued 08/16/13			08/11/14	9/30/14	03/03/15	The first extension granted by Director until 9/30/14. A second extension granted until 3/03/15. The project is an active Code Enforcement case (7/15). Deck finish and railing are the next items to complete (11/15). SA/JH
924 E Vernon St.	Demolition of existing dwelling and detached garage for construction of a new two story 3,230 sf duplex and 4-car garage Applicant: LLG Construction	SPDR 14-02	N/A	06/10/14	N/A	06/10/15	12/10/15					SPDR extended to 12/10/15. An expiration notification was sent on 10/6/15. The Planning Commission must review the next SPDR extension. Plans are ready for permit issuance (11/15). SA

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
3360 Lemon Ave.	A 1,207 sf 2 nd unit over a four-car garage at the rear of a property with a SFD	SPDR 14-03	N/A	07/08/14	N/A	07/08/15	01/08/16 					Plan check is complete. Applicant is preparing grading plans for submittal to Public Works and submittals for LA County Fire (6/15). SPDR extended to 1/08/16. Applicant requested 2 nd extension which will require Planning Commission review in Dec. (11/15). CTD
	Applicant: Jason Shorrow											
3347 Brayton Ave.	Remodel of the front SFD to include a 271 sf addition and new 1-car garage on the first floor and a 731 sf second story addition	SPDR 15-02	N/A	4/14/15	N/A	4/14/16						Site Plan & Design Review valid until 4/14/16. SA
	Applicant: Reginald McNulty											
1995 St. Louis Ave.	Demolish existing dwelling and garage and construct a two story 3,187 sf SFD with attached 3-car garage	SPDR 15-04	N/A	8/11/15	N/A	8/12/16						Site Plan & Design Review valid until 8/12/16. SA
	Applicant: Seth Sor for Kimberly and Phat Ly											

City of Signal Hill
Community Development Department
Development Status Report
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Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2260 Walnut Ave.	A proposal for a new two story 1,894 sf SFD with attached 2-car garage on a vacant lot Applicant: Santana Investors	SPDR	N/A	Required	N/A							Leak test passed, vent cone was not installed (2/15). Staff has reviewed preliminary plans. Well exhibit approved (9/15). Applicant is working on plans for a Planning Commission workshop (11/15). SA
2085 Freeman Ave.	A proposal for a new two story 3,746 sf SFD with attached 3-car garage on a vacant lot Applicant: RPP Architects	SPDR	N/A	Required	N/A							Leak test passed and vent cone installed (2/15). The applicant has submitted plans for Planning review and preliminary comments (3/15). Well Assessment Report has been reviewed and updates to the report are required (11/15). Applicant is working on plans for a Planning Commission workshop (11/15). SA/CTD

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Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
<u>Large Subdivisions (5 or more lots) and Multi-family Developments</u>												
Crescent Square	25 three-story detached single-family dwellings at the N/E corner of Walnut and Crescent Heights Street	SPDR 14-04 ZOA 14-03 VTTM 72594	N/A	8/12/14	9/2/14 (Map 9/2/16)	9/2/15	3/3/16					SPDR approved on 8/12/14. SPDR has been extended to 3/3/16. Grading plan has been submitted for plan check (3/15). WAR for 8 wells approved by the Oil Services Coordinator (8/15). Awaiting submittal of building plans for plan check. CC&Rs are pending submittal from applicant (11/15). Property sold to SummerHill Homes (11/15). SC/SA
Walnut/ Crescent Heights St.	Applicant: SummerHill Homes											
Gundry Hill	Development of 72 multiple-family, affordable units, three and four stories in height and a community building, community garden, tot lot and courtyard with on-site management	Administrative Review (SPDR 15-01)	Approved 2/18/15	N/A	N/A	N/A	N/A					1 st plan check comments returned 8/25/15. 2 nd plan check comments returned 10/8/15. Demolition completed on 10/21/15. 3 rd plan check has been returned on 11/3/15. SA/SC
1500 E Hill St.	Applicant: Meta Housing											

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Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2599 Pacific Coast Highway	Residential SP-10 1 st concept plan had 14 attached units 2 nd concept plan had 12 attached units 3 rd concept plan had 10 detached units 4 th concept plan has 9 units	Preliminary review PC Workshop 8/14/12 PC Workshop 9/9/14 SPDR	N/A	Required	Required							Staff met w/owner who reported unsuccessful lot consolidation out-reach effort (9/12). Staff met w/applicant to review a new concept plan on 9/13. Revised design (10 detached units) more closely met the intent of SP-10. Access and guest parking revised (6/14). Commission requested design changes. Applicant's revised conceptual plans (9 units) were previewed and met most of the development standards. Due to proposed height / view policy, applicant to proceed with view analysis outreach (9/14). Revised plans submitted for conceptual review w/one less unit and required setbacks. Some buildings still exceed height limit and view policy outreach is pending. Rough grading to be submitted to review options to reduce heights (5/15). Application and plans for a ZOA and SPDR submitted. Condominium map submittal is pending (11/15). CTD

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Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director</u> <u>approval</u>	<u>PC</u> <u>approval</u>	<u>CC</u> <u>approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
1939 Temple Avenue	Residential development for 10 condominium units (5 buildings with 2 attached units) two stories with a roof deck and three stories in height. A Specific Plan would be required to deviate from current RH zoning for 3-stories height and a reduced front setback. Applicant: High Rhodes Property Group	SPDR and ZOA for a Specific Plan	N/A	Required	Required							2 wells discovered, leak tests passed and vent cones installed (8/15). Preliminary site plan received and applicant began to outreach to nearby HOAs. View Notice was sent to property owners and residents within 500' on 10/26/15. Applicant is working on view analyses and plans and for a Planning Commission workshop (11/15). SA

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
1798 E Willow St.	Tenant Improvements to replace existing restaurant with a new restaurant	Administrative Review	✓	N/A	N/A	Building permit issued 06/17/15	N/A	N/A	N/A			Obtained permit, working on interior TI (8/15). Stop Work notice issued due to NSF check (11/15). JH
2653 Walnut Ave.	An approximate 8,000 sf warehouse/office building	Administrative Review	✓	N/A	N/A	Building permit issued 04/13/11	N/A	N/A	Prior to CTL			Exterior complete. Working on Public Works conditions of approval (4/15). Building permit issued for tenant improvements 10/29/15. JH
2H Construction	Applicant: 2H Construction											
2701 Cherry Avenue	ADA parking lot improvements	Administrative Review	✓	N/A	N/A	Building permit issued 06/01/15	N/A	N/A	N/A			Sidewalk and curb completed (7/15). Awaiting request for final inspection (11/15). JH
	Applicant: Best Buy											

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Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
3355 Olive Avenue	Proposal for new 5,000 sf warehouse and office building	Administrative Review	✓	N/A	N/A	In plan check						2 nd building plan check comments returned to applicant. Corrections to methane plan needed (7/15). Grading permit issued and in process. 3 rd building plan check comments returned to applicant (10/15). Storm water system installed (11/15). JH/SA
	Applicant: Roger Vititow											
2650-2690 and 2700-2730 Cherry Ave.	Leak testing for previously abandoned wells on the property	Well Discovery Permit	✓	N/A	N/A	Permit Issued			N/A			2 wells discovered, tested, and vent cones installed. 3 rd well discovered but could not be tested due to deterioration. Backfilled and compacted (7/15). JH
	Applicant: City of Signal Hill Successor Agency											
1400 E Spring St.	Leak testing for previously abandoned wells on the property	Well Discovery Permit	✓	N/A	N/A	Permit Issued			N/A			2 wells discovered, leak tests completed and vent cones installed. Backfilled and compacted (7/15). JH
	Applicant: City of Signal Hill Successor Agency											

City of Signal Hill
Community Development Department
Development Status Report
November 10, 2015

Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
3201-3225 Pacific Coast Highway	Tentative Parcel Map to subdivide an existing 1.8-acre lot into two lots	71592, extension granted	N/A	11/08/11	N/A	11/8/13	11/8/14	11/8/15	N/A			3 rd ext granted per State law. TPM valid until 11/8/15.
Quality Inn	Applicant: William Suh											Property has new owner. Staff inquired about future intent for subdivision from new property owner with no response. Staff will confirm whether the State has continued automatic extensions under the economic hardship policy (11/15). CTD
2200 E. Willow St.	Amendment to CUP 13-01 to extend the gas station hours of operation to 5 am to 10pm seven days a week Applicant: Costco Wholesale	Amendment to CUP	N/A	7/15/15	Required	Permit Ready for Issuance						Community meeting held (2/15). Planning Commission public hearing on 7/14/15. Applicant is working with staff to create a plan to address on-site circulation issues (10/15). SA

City of Signal Hill
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Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
845 E. Willow St.	A 18,994 sf medical/office building	SPDR 13-02	N/A	07/09/13	N/A	Building permit issued 02/25/14			2/15/16			Conformity Report went to the Planning Commission on 12/09/14.
2H Construction	Applicant: 2H Construction											Ext of building complete. Awaiting paperwork per Conditions of Approval (8/15). Kaiser Permanente TI plans are ready for permit issuance (11/15). JH
995 E. 27 th St.	A 2,205 sf religious center at the NW corner of California and 27th Street Project Manager: Tarak Mohamed	SPDR 13-04 CUP 13-02	N/A	10/08/13	10/15/13	Building permit issued 10/31/13			4/30/15	7/20/15		Rough plumbing and electrical is complete (1/15). Certificate of Occupancy was issued (10/15). Project is complete and will be removed from DSR next month (11/15). CTD/JH
LBIC Center	Applicant: Abdel Alomar											
1660 E. Spring St.	A 77,810 sf showroom, sales, and service facility and display area for automobile sales	SPDR 14-01	N/A	4/8/14	N/A	Building permit issued 9/16/14			09/5/16			Certificate of Occupancy issued 10/23/15 and final is pending submittal of final paperwork. Dealership is open to the public (11/15). JH/SA
BMW Dealership	Applicant: Sonic/BMW											

City of Signal Hill
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Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
2953 Obispo Ave. Futsal Indoor Soccer	A request to allow indoor soccer as a conditionally permitted use in the City. Applicant: Mike Biddle	ZOA CUP	N/A	Required	Required							Deposit submitted to begin coordination of workshops w/HOAs (7/14). Applicant has requested to temporarily postpone request (12/14). Applicant intends to proceed w/ CUP request but no application has been submitted to date (11/15). CTD

City of Signal Hill
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Commercial-Industrial

Business Licenses and Permit Summary

- Planning Department staff reviewed and approved 16 business licenses.
- Building Department staff issued 22 permits including 1 residential solar permits. The valuation of the projects is approximately \$570,000 with permit revenues at \$5,840.

Training/Forums

- Staff organized and participated in the Mayor's Clean-Up of the North End neighborhood with 27 volunteers.
- Senior Planner attended the State Department of Water's Water Efficient Landscape Ordinance Workshop in South Pasadena.
- Community Development Department had a training session from the City Attorney regarding Reasonable Accommodations and a new Ordinance is pending.

Current Projects

- Water Conservation in Landscaping and Turf replacement ordinance introduced and second reading is pending.
- Finance and Conveyance Map ordinance.

Ongoing / Upcoming Projects

- Vacant Parcel Ordinance.
- Oil Well Inspections.
- Dog Park Zoning Ordinance Amendment and General Plan Amendment.
- Annual Conditional Use Permit and Institutions inspections.
- 2016 Greater Los Angeles Homeless Count event (Jan. 27, 2016).
- Mayor's Clean-Up event (March 12, 2016).

City of Signal Hill
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Wireless Telecommunications Facilities

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
2411 Skyline Dr.	A request to add 1 new Tower Dish to the Cell Tower as allowed by CUP 99-05	Administrative to modify CUP 99-05	✓	N/A	N/A	Building permit issued 10/2/14						Crown Castle has new management and resolved interference issues. Plans approved and permit issued for 1 new dish for Clearwire 10/2/14. Current tenants have current business licenses (4/15). An updated audit of equipment and tenants was submitted and revisions are pending. Plans have been submitted requesting additional equipment as allowed under the CUP and revisions are pending (11/15). CTD
1855 Coronado rooftop facility	Replacing 56" panel with 72" panel antennas, screen box in sector A & B will be increased by 3'	Administrative to modify CUP 08-03	✓	N/A	N/A	Permit ready for issuance						Plans ready for permit issuance (4/15). Reminder sent to applicant (9/15). Reminder notice will be sent to applicant (11/15). SA
	Applicant: Crown Castle											
	Applicant: Core Dev.											

City of Signal Hill
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Wireless Telecommunications Facilities

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			Director approval	PC approval	CC approval	Expires	1st Ext.	2nd Ext.	Expires	1st Ext.	2nd Ext.	
3275 E. Grant Street	3 new antennas, 3 new RRH units. Applicant: Sprint	Administrative to modify CUP 10-04	✓	N/A	N/A	Permit ready for issuance						Plans ready for permit issuance (7/15). Reminder notice will be sent to applicant (11/15). SA
2525 Cherry Avenue	Removing and replacing the 3 existing antennas Applicant: Core Dev. for Sprint	Administrative to modify CUP 02-01	In progress	N/A	N/A							Plans have been submitted for staff review (11/15). SA
2550 Orange Avenue	3 new RRHs on monopalm Applicant: Core Dev. for Sprint	Administrative to modify CUP 04-02	In progress	N/A	N/A							Plans have been submitted for staff review (11/15). SA
2633 Cherry Avenue	Rooftop Wireless Telecommunication Facility for AT&T Applicant: Core Dev. for AT&T	CUP	N/A	Required	Required							Staff met with the applicant to review preliminary plans for the rooftop facility and suggested revisions to elevations and plans for aesthetics (5/14 and 7/14). Applicant preparing plans and expects to resubmit (11/15). SA

November 7



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

November 10, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: IN THE NEWS

Summary:

Articles compiled by staff that may be of interest to the Commission include:

- California Supreme Court Upholds Inclusionary Housing Programs
- Will California reform its unique – and entrenched – environmental review law?
- Under the Big Top – Google's radical proposal for flexible offices includes stackable modular components
- Hoarding's Hazards: Fremont's New Approach Improves Safety

Recommendation:

Receive and file.

California Supreme Court Upholds Inclusionary Housing Programs

BY THOMAS B. BROWN AND RICHARD DOYLE

The California Supreme Court in June 2015 issued one of its most important and city-friendly decisions in many years. The ruling in *California Building Industry Association (CBIA) v. City of San José* reaffirms the breadth of cities' constitutional police power to address the affordable housing crisis faced by all California cities. In doing so, the court turned away an effort to impose a heightened level of scrutiny to cities' legislative judgments about how best to address difficult land-use policy issues.

Background: California Cities Use Inclusionary Programs to Address Housing Crisis

The California Legislature has repeatedly emphasized that the state has a housing crisis arising from a serious shortage of decent, safe and affordable housing. Accordingly, the Legislature has adopted a variety of laws to encourage and facilitate the development of affordable housing. In addition, the Legislature has charged cities with identifying actions that will be taken to make sites available for affordable housing and to assist in the development of such housing.

As one means of addressing the crisis as well as the obligations imposed by the Legislature, over 170 cities (and counties) have adopted what are known as "inclusionary housing/zoning programs." Such programs require or encourage developers of market-rate housing to set aside a specified percentage of the proposed housing

units for purchase by low- and moderate-income residents. By requiring integration of affordable units into market-rate projects, these programs allow members of households with diverse socioeconomic backgrounds to live in the same developments and have access to the same types of community services and amenities. Although the court of appeal upheld the constitutional validity of inclusionary ordinances nearly 15 years ago in *Home Builders Assn. v. City of Napa*, homebuilders and property rights advocates had continued to argue otherwise on the basis of later state and federal appellate decisions.

San José's Inclusionary Program

The City of San José adopted its inclusionary housing ordinance in 2010. The ordinance contains findings that:

- Housing costs in San José have steadily increased;
- Substantial need exists for affordable housing to meet the city's regional needs as determined by the state;
- Requiring affordable units is consistent with the city's housing element goals of fostering an adequate supply of housing for people at all economic levels and maintaining both economic diversity and geographically dispersed affordable housing;
- Rising land prices have prevented development of new affordable housing;

About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

- New market-rate housing uses scarce available land and drives up the price of remaining land; and
- New residents of market-rate housing create a demand for new employees who earn incomes only adequate to pay for affordable housing.

The ordinance applies to residential developments that create 20 or more new dwelling units. The basic inclusionary requirement specifies that 15 percent of the proposed on-site for-sale units in the development shall be made available at an "affordable housing cost" to households earning no more than 120 percent of the area median income for Santa Clara County.

As an alternative to providing the required number of for-sale inclusionary units on the same site as the market-rate units, the ordinance allows a number of other compliance options. The ordinance also permits a developer that provides all of the required affordable units on the same site as the market-rate

Thomas B. Brown is president of the League's City Attorneys' Department, a partner with Burke Williams & Sorensen LLP, city attorney for St. Helena and author of the League's *amicus* brief for the case described in this article; he can be reached at tbrown@bwslaw.com. Richard Doyle is city attorney for San José and can be reached at Richard.Doyle@sanjoseca.gov.

units to obtain a variety of economically beneficial incentives, including a density bonus, reduction in parking and setback requirements, and financial subsidies and assistance from the city in the sale of the affordable units.

The ordinance requires that inclusionary units have the same quality of exterior design, comparable square footage and bedroom count as the market-rate units. But it also permits some different "unit types" of affordable units and allows the affordable units to have different but functionally equivalent interior finishes, features and amenities.

To ensure the affordable housing units are not lost on resale, the ordinance requires inclusionary housing agreements, regulatory agreements, promissory notes, deeds of trust, resale restrictions, rights of first refusal and options to purchase to be recorded on

the chain of title of the residential development, all the inclusionary units and any site subject to the ordinance. The documents must include subordinate shared appreciation provisions, allowing the city to recapture at resale the difference between the market-rate value of the inclusionary unit and the affordable housing cost, plus a share of appreciation realized from any unrestricted sale the city determines to be necessary to replace the inclusionary unit. Finally, the ordinance specifies that all the inclusionary units must remain affordable.

CBIA Challenges the City's Ordinance and Lower Court Rulings

In 2010 CBIA filed a lawsuit against San José, seeking to invalidate the city's inclusionary housing ordinance. CBIA alleged the city had not demonstrated that

development of new residential housing created an adverse impact, namely, a need for additional subsidized housing units in the city. In addition, CBIA asserted the ordinance was unconstitutional under controlling state and federal constitutional standards governing "exactions" and conditions of development approval, as set forth mainly in two cases, the first issued by the California Supreme Court: *San Remo Hotel L.P. v. City & County of San Francisco* and *Building Industry Association of Central California v. City of Patterson*.

The trial court agreed with CBIA and concluded the ordinance was unconstitutional. The court rejected the city's position that, under settled law governing judicial review of land-use regulations adopted under a city's constitutional police power authority, the city was required

continued on page 24

The state Supreme Court found the ordinance simply operates as a limitation on land use.



Looking for Footnotes?

For a fully footnoted version, read this article online at www.westerncity.com.

only to show a reasonable relationship between the requirements of the ordinance and the general public welfare; there was no need to show that new residential development caused an adverse impact.

The city appealed and the Court of Appeal reversed, upholding the ordinance.

The court rejected CBIA's argument that "heightened" constitutional judicial scrutiny applied to the ordinance under the *San Remo* and *Patterson* decisions. Rather, the inclusionary housing requirements should have been evaluated under the deferential standard generally applied to a city's legislatively imposed land-use regulations.

J O B O P P O R T U N I T I E S

CITY OF CARMEL-BY-THE-SEA Community Planning and Building Director & Human Resources Manager

Carmel-by-the-Sea is a charming town well known for its quaint blend of art galleries, boutiques, inns, shops, fine restaurants and whimsically styled homes on California's central coast. Situated on the spectacularly beautiful Monterey Peninsula and overlooking the Pacific Coast, Carmel is located about 330 miles north of Los Angeles and 120 miles south of San Francisco.

The City is seeking two progressive and service oriented executives for its senior management team. The Community Planning and Building Director will oversee all development services activity, building safety and code compliance while the Human Resources Manager will lead the City's personnel management efforts. Both positions report directly to the City Manager and represent outstanding career opportunities.

Formal job announcements, including salary, benefit information and closing dates are available at <http://www.averyassoc.net>.



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Supreme Court Decision Upholds San José's Inclusionary Program

The California Supreme Court then granted the developer's petition for review of the case and ultimately affirmed the Court of Appeal's ruling and upheld San José's ordinance. In doing so, the court rejected CBIA's argument that the ordinance imposes an exaction on developers' property, which requires heightened judicial scrutiny. Instead the court found the ordinance simply operates as a limitation on land use — no different from other local land-use regulations such as height limits, side-yard setback requirements and price controls that cities typically enact under their constitutional police power. As such, courts are bound to review — and uphold — such regulations under the most deferential standard, namely whether the regulation is reasonably related to the public welfare.

The court also rejected CBIA's argument that, under the heightened scrutiny required in the *San Remo* and *Patterson* decisions, inclusionary requirements are valid only if cities first demonstrate that the development of new market-rate housing creates an additional need for the affordable housing. The court held those rulings do not apply because San José's inclusionary regulations do not require an exaction that requires developers to convey a property interest to the city.

Deputy Director of Municipal Utilities & Engineering City of Redlands, CA

The City of Redlands, population approximately 70,000, is located in the heart of the Inland Empire halfway between Los Angeles and Palm Springs. The City is seeking a Deputy Director of Municipal Utilities and Engineering who will be a high energy leader that values teamwork and inter-department cooperation. The ideal candidate will think from a big picture perspective and will possess strong management as well as technical skills. The new Deputy Director should be responsive and ensure the City is in full compliance with all current regulatory requirements established by regional, state, and federal regulatory agencies. The successful candidate will be able to manage a number of different projects and services simultaneously, recognizing the importance of shifting priorities as needed. The City will benefit from a seasoned individual with knowledge of principles and practices of civil engineering, particularly as applicable to municipal development, public capital improvement program development and implementation, governmental codes, flood control, construction management, and master planning. The ideal candidate will have ten years of increasingly responsible experience in municipal public works department, capital and land development, water resource planning, utility administration, water and wastewater utility operations, including five years of supervisory experience. This position requires a Bachelor's degree from an accredited college or university with major course work in civil engineering, environmental or water resources engineering, or a related field. A Master's degree in water resources engineering and administration, or related field is desirable. The salary for the Deputy Director of Municipal Utilities and Engineering is \$134,983-\$164,073, depending on qualifications. The City also offers an attractive benefits package. If you are interested in this outstanding opportunity, please apply online at www.bobmurrayassoc.com. Please contact **Fred Freeman** at (916) 784-9080 should you have any questions. Brochure available. **Closing date Oct. 23, 2015.**



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What the Decision Means for Cities

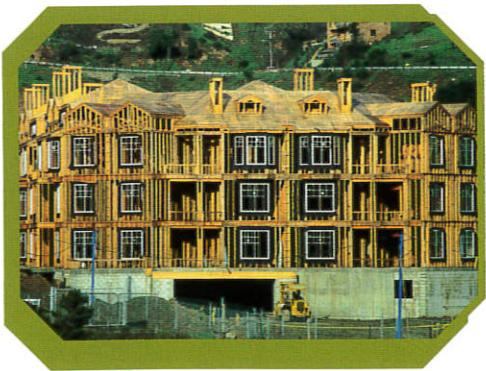
Several important "take-away" points for California cities emerge from this landmark state Supreme Court decision:

- Under constitutional separation of powers principles, courts must defer to cities' legislative land-use policy judgments.
- Properly drafted inclusionary housing regulations — and local land-use regulations generally — will continue to be reviewed by courts under the deferential standard for reviewing the constitutional validity of all police power regulations.

- Inclusionary housing laws may still face new challenges under state statutes such as the Mitigation Fee Act.
- Cities looking to adopt new or strengthen existing inclusionary housing regulations should look closely at the San José ordinance and pay careful attention to the factors the Supreme Court focused on to uphold it. These include:
 - The ordinance's basis in the city's Housing Element and General Plan;
 - Its careful means of ensuring the long-term affordability of the inclusionary units;
 - The provision of incentives for a developer to offset the ordinance's financial burdens; and
 - The inclusion of a "safety valve" process for waiving or reducing inclusionary requirements.

Conclusion

CBIA v. San José is one of the most city-friendly decisions in many years from the California Supreme Court. Cities throughout the state watched the case closely, and the League, through its Legal Advocacy Program, filed an *amicus* (friend-of-the-court) brief in support of San José's ordinance. The decision emphatically affirms the constitutional validity of inclusionary housing programs as one important tool for cities to use in addressing local affordable housing shortages. Moreover, it represents an important victory not only for San José, but also for cities generally in their efforts to preserve local land-use control. ■



J O B O P P O R T U N I T I E S



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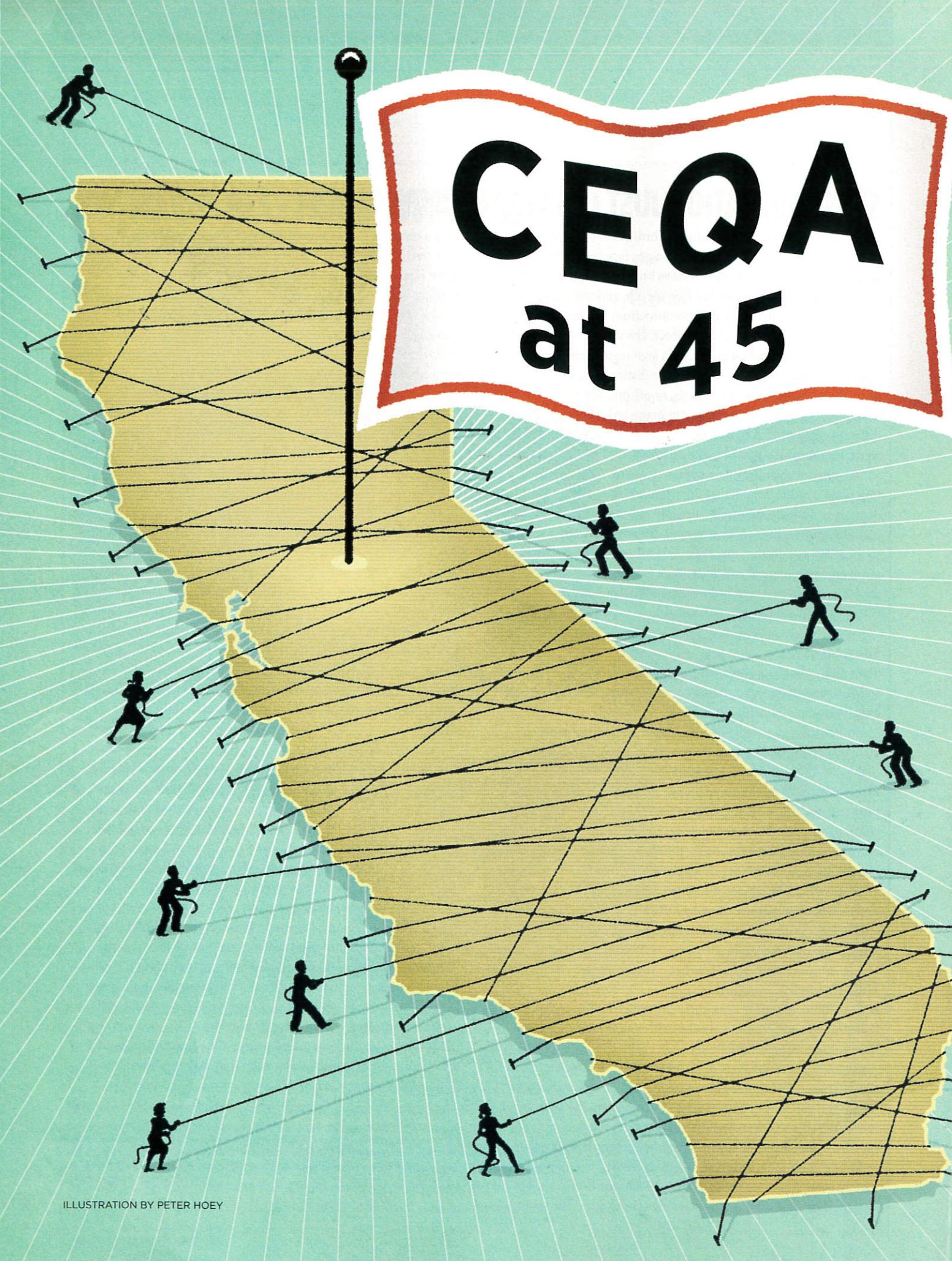
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CEQA at 45

Will California reform its unique—and entrenched—environmental review law?

By WILLIAM FULTON, AICP

THIS PAST SPRING, when the working-class Los Angeles suburbs of Carson and Inglewood were doing battle over which city would be the first to build a National Football League stadium, the biggest question each one faced was not how to pay for the stadiums, which teams would move in, or whether the NFL would approve either deal. → Typical of California real estate development projects, the biggest question was how the cities were going to navigate the intricacies of the California Environmental Quality Act quickly enough to move their projects forward on the NFL's schedule. → A stadium is a huge development project and under CEQA—California's version of the National Environmental Policy Act—it would almost certainly require the preparation of an environmental impact report. An EIR for such a large project would take at least a year and, in all likelihood, cost millions of

dollars to complete. The draft EIR would be circulated to all interested parties, who would then make comments that the cities would have to respond to. And in the end, the city or the teams would probably have to provide millions of dollars of "mitigations"—measures to mitigate the impact of the stadium on the community and the environment—which could cripple or sink the project.

Fortunately for the two cities and the NFL, the California Supreme Court had approved a work-around in 2014—one that had, curiously, been devised by Walmart in a tiny town in Tuolumne

County, hundreds of miles away in the Sierra Nevada foothills. Under court interpretations in California, a ballot initiative is not subject to CEQA, because voters have ultimate authority. But under California's century-old initiative process, a ballot initiative proposed by "citizens" could simply be adopted by a city rather than placed on the ballot for voter consideration.

So, just like Walmart in Tuolumne County, stadium backers in Carson and Inglewood rounded up citizens willing to sign ballot initiatives to build the stadiums, and then the two city councils ap-



proved the projects rather than actually place the measures on the ballot.

It was a rare “poof, no EIR” moment in California. It showed just how creative people can get these days to try to avoid this seemingly ubiquitous law, and how powerful you have to be to succeed. (San Diego, which is trying to keep the Chargers NFL team from moving to LA, is attempting to ram through the CEQA process quickly in response.)

It's everywhere

Forty-five years after it was signed into law by Gov. Ronald Reagan in 1970, CEQA is still the tail that wags the planning dog in California. There is nothing quite like it anywhere else in America.

It is wound around every planning process and every planning decision. All public plans and private development projects are subject to CEQA analysis, and major plans and projects usually require an environmental impact report, which can add a year or more to the approval process.

EIRs are thicker than the underlying plans and require more time and money to prepare. In business terms, planning consulting firms regard the plans themselves as loss leaders—giving them the opportunity to do the CEQA analysis, where the real money can be made.

Not surprisingly, CEQA is regularly cited by conservative critics who claim that it is the biggest culprit in making California uncompetitive for business—a claim that is sometimes used to scare people elsewhere in the country. Although it is modeled on NEPA—and more than a dozen other states have CEQA-like laws—it is CEQA that is constantly singled out as obstructionist.

Last spring, when he unveiled his new Center for Opportunity Urbanism think tank in Houston, conservative urban pundit Joel Kotkin and his fellow speakers devoted most of the lunch program to a detailed attack on CEQA—this in a city without zoning and a state with no equivalent environmental law and no prospect of passing one.

The quest for change

Reforming CEQA is high on the agenda in Sacramento at the beginning of every legislative session. Gov. Jerry Brown, perhaps the most outspoken environmentalist governor in the country, calls reforming CEQA “the Lord’s work.” Three of his predecessors—two Republicans and a Democrat—have called for it to be overhauled. Everybody, it seems, complains about CEQA all the time.

Yet except for some nibbling around the edges in the last couple of years, CEQA remains largely unformed. In the absence of a more logical system, it is the tool that almost everybody uses to gain leverage over development projects, no matter what their

goal. NIMBYs, not surprisingly, use it to slow down or kill projects they don’t like. (One recent analysis found that 60 percent of CEQA lawsuits target infill development.)

Labor unions have used CEQA repeatedly to try to kill Walmart stores and put pressure on nonunion companies. Cities regularly sue each other under CEQA over traffic issues resulting from development projects. Recently, environmentalists have tried to use CEQA to force California’s regional planning agencies to adhere to a target of reducing greenhouse gas emissions 80 percent by 2050—a policy goal articulated by the last two governors, but not one contained in a state law.

Businesses are not above using CEQA when it suits them. Individual businesses, especially retailers, often use CEQA to slow down or kill development projects that may house their competitors. And business advocacy groups often use CEQA to try to kill new regulations they don’t like.

The plastic bag industry has slowed adoption of municipal plastic-bag bans in California largely by filing lawsuits claiming an environmental impact report is required under CEQA. Recently, a group of home builders sued the Bay Area Air Quality Management District, claiming that the agency’s new regulations to implement CEQA were deficient because, well, because the agency had not subjected the new regulations to a CEQA analysis.

Mercifully, in that case, an appellate court ruled last year that CEQA does not apply to CEQA. But such lawsuits raise an important set of questions: Does CEQA do more harm than good? Does it truly protect the environment or just slow things down? And where will it all end?

How it got here

To answer these questions, you have to look at the peculiar history of CEQA—and the unusual way the law works. CEQA is not, strictly speaking, an environmental protection law. Like NEPA, it is an environmental *review* law. It sets up a process that, ideally, puts information about the environmental consequences of government actions in front of the public so that elected officials can make informed decisions about what to do. Over time, it has morphed into what some people call a “mitigation machine”—a law that identifies the “impacts” of a development project and more or less requires a wide variety of costly “mitigations” to lessen those impacts.

The history of CEQA is deeply rooted in the American environmental movement. In January 1969, a blowout occurred on a Union Oil platform in the Santa Barbara Channel and close to 100,000 barrels of oil flowed toward the beaches of Santa Barbara and Ventura. Today this incident remains

**Reforming
CEQA is
‘the Lord’s work.’**

—GOV. JERRY BROWN

the third biggest oil spill in American history, surpassed since then only by the 1989 Exxon Valdez disaster and BP's Deepwater Horizon spill in 2010.

The Santa Barbara oil spill is widely regarded as the incident that launched the modern environmental movement. It quickly led to the passage of both NEPA and CEQA. As with NEPA, CEQA must be applied to every "project" that the government "carries out."

In principle, the process is simple. Every government action is subject to CEQA. First, the "lead agency" must determine whether CEQA applies or is subject to one of various exemptions. Second, the agency must identify all of the environmental impacts and determine if they are "significant." And third, if they are significant, the agency must do an EIR that details the impacts and identifies mitigation measures to minimize that impact. (If the impact is not significant, the agency files a "negative declaration"—a declaration in the negative about the impact—which is similar to a FONSI, or Finding of No Significant Impact, under NEPA.)

The CEQA process has always been somewhat cumbersome, hampered by—among other things—vagueness in both the law and implementation. Perhaps most important, significance—an enormous threshold in CEQA—is in the eye of the beholder. There is nothing in the law and little in the state's guidance on CEQA that provides a hard answer to the question of what is significant. A lead agency's determination of what's significant is often a reflection of the agency's underlying attitude about the project.

At first, CEQA applied, as NEPA does, only to actual government construction projects. But in 1972, two years after its passage, in a case called *Friends of Mammoth v. Board of Supervisors of Mono County* (8 Cal. 3d 247), the California Supreme Court ruled that the issuance of a permit for a private development project constitutes a "project" that is "carried out" by the government.

Few state court cases have had such a wide-ranging impact. Suddenly, CEQA applied not only to public works projects, but to all private building projects as well. It has been a major element in local land-use planning ever since. And in the environmentally friendly era of the 1970s and '80s, environmental and citizen groups used CEQA effectively to stop, slow down, or reshape development projects, largely because of another singular feature of the law: easy access to the courts.

Open door

In most cases, if you want to file a civil lawsuit, you have to have some interest in the outcome. Under CEQA, everyone has standing to sue, so long as they have participated in the administrative hearings.



In a familiar sequence, legislation followed tragedy in California. CEQA was passed in 1970, just a year after an oil spill killed thousands of birds and marine animals and befouled Santa Barbara beaches.

(The flip side is timing: Any lawsuit must be filed within 60 days after the CEQA process has been completed.) This feature of the law, designed to empower citizens as never before, fostered the creation of thousands of citizen groups around the state and launched dozens of law firms to represent them in

SANTA BARBARA OIL SPILL

January 28, 1969

Location:

5.5 miles off coast

Cause of incident:

Well blowout

Products of concern:

California crude oil

Amount spilled:

4,200,000 gallons

SOURCE: INCIDENTNEWS
.NOAA.GOV

court. (Despite a lot of publicity, there aren't that many CEQA lawsuits, but both the court rulings and the chilling effect of litigation threat have a vast impact.)

The California legislature has rarely made major changes in CEQA. Rather, most of the changes occurred in the courts, where judges often seemed to find some reason why a CEQA procedure had not been followed or why an EIR was inadequate and, during the '70s and '80s, added to the requirements.

One local planner in Southern California calls the whole CEQA process "Kafka-esque." "These things go to court," he says, "and the judges tell us how we're wrong. But they don't tell us how we can be right." In 1970, an EIR was maybe 15 pages long; by the late 1980s, it was hundreds of pages long.

During this period, CEQA's procedural requirements became so cumbersome that a cadre of very expensive lawyers emerged to interpret them, like biblical scholars interpreting scripture. And environmentalists and NIMBY groups in particular came to view CEQA as a kind of holy bible, rather than a law that could be amended or repealed at any time.

After *Friends of Mammoth*, the most important shift in CEQA during its first four decades came in 1990, when the California Supreme Court ruled against local citizens in *Citizens of Goleta Valley v. Board of Supervisors* (52 Cal.3d 553). In this case, which dealt with the construction of what is now the upscale Bacara Resort & Spa on the Goleta coastline near Santa Barbara, environmentalists had argued that the EIR should examine the impact of all possible alternative sites for the resort—essentially refighting the county's general plan land-use decisions. Clearly impatient, the court basically ruled that citizens can't reopen battles over land use that were resolved in local plans and sternly warned lower courts to stop allowing such expansive challenges.

After *Citizens of Goleta Valley*, CEQA's focus changed, away from direct challenges of projects toward challenges that sought to minimize the impacts by increasing the required mitigations. There was an uptick of lawsuits brought by cities against other cities, lawsuits designed not to kill projects but to extract traffic mitigation money. "CEQA used to be about stopping projects," one CEQA lawyer said not long after *Citizens of Goleta Valley*. "Now it's about getting money."

CEQA as a mitigation machine was further advanced by the ad hoc invention—later embedded in state law—of the "mitigated negative declaration," which permits a lead agency to avoid an EIR if it undertakes mitigation measures that reduce the impact below the level of "significant."

But if the CEQA mitigation machine reduced the likelihood that projects would get killed, it increased the cost and the uncertainty of getting out from under CEQA requirements. Developers operate off of pro formas; they and their lenders have to make judgments about how long entitlements are going to take and how much they will cost. By essentially requiring a case-by-case analysis of impacts and mitigations each time out, CEQA makes it almost impossible to know costs and timing in advance.

Swimming upstream

CEQA has always been a favorite whipping-boy of the business community, which tends to blame the law every time there's a recession and every time California loses an important company to

a neighboring state. But since the Great Recession, pressure to reform CEQA has grown—at the same time that manipulative use of CEQA has increased.

Recent attempts to reform CEQA have fallen into two categories: sweeping, comprehensive change on the one hand, and one-off laws designed to favor certain large development projects on the other.

One-off laws are not new. The master politician Willie Brown, who served as both California Assembly speaker and San Francisco mayor, once rammed a bill through the legislature that simply determined what the mitigation measures required for expansion of San Francisco International Airport would be, no matter what the CEQA-identified impacts were. Gov. Arnold Schwarzenegger repeatedly attempted to get a bill through that would permit the state to exempt or truncate review of a small number of large projects per year, often at the behest of potential NFL stadium developers in Los Angeles.

But the move toward reform grew significantly when Jerry Brown returned as governor in 2011, 28 years after he first left office. As mayor of Oakland in the early 2000s, Brown had been a master facilitator of infill development—and he knew that CEQA challenges, especially over traffic, often killed infill projects. Early in his administration, his advisors recommended that he move toward "two CEQAs"—a kind of a "CEQA-lite" for infill projects and the traditional, more burdensome CEQA approach for greenfield projects. Swimming upstream against entrenched interests in Sacramento who like CEQA for their own reasons, he has made some progress.

In 2012, Brown pushed through a bill to streamline environmental review on infill, but the new law had complicated provisions, including a requirement that the projects conform to the regional Sustainable Communities Strategies adopted as part of the state's greenhouse gas emissions reduction law. As longtime CEQA expert Ronald Bass, AICP, of ICF International put it, the state's new rules on the infill exemption consisted of "streamlining by complexity"—meaning that CEQA had become so complicated over the years that even making it simpler was a complicated process.

A year later, Darrell Steinberg, then the state senate's leader, pushed through another CEQA reform bill, this time combining comprehensive reform with a one-off bill. Realizing he would succeed in passing a bill to streamline CEQA review for Sacramento's new basketball arena, Steinberg negotiated with Brown to include some overall reforms—principally, a proposal to replace the traditional "level of service" traffic standard contained within CEQA with a new standard focusing on vehicle miles traveled, which is more closely aligned with the state's GHG reduction goals.

There's no doubt that many unworthy development projects were killed early on because of CEQA, and many of the millions of mitigation measures all over the state have made things better, though often at a major cost. If a robust public debate about development was part of the original idea behind CEQA, that objective has been accomplished.

Yet comprehensive CEQA reform remains elusive. The law doesn't have many straight-up defenders. The leading CEQA group in the state is the Sacramento-based Planning & Conservation League, which has been vocal about maintaining CEQA in its current form.

ON A RELATED TOPIC

DEVELOPMENT DENIED: LOS(T) OPPORTUNITY

By Rachel Weinberger and Joshua Karlin-Resnick

Level of service—a measure of vehicle congestion and delay—has been a bedrock concept in U.S. transportation planning almost since the field's inception. Its inclusion in many states' environmental review laws made it extremely influential, but in recent years a growing cadre of planners and engineers has called attention to the unintended and counterproductive outcomes of using LOS, and policy makers have begun to listen.

The California legislature, grasping that reliance on LOS has undermined the environmental protection purpose of the California Environmental Quality Act, is reinventing the way transportation assessments happen in development review. Recognizing that reliance on LOS favors greenfield development while discouraging development in urban and semiurban contexts, they are taking LOS out of the picture.

At first blush, it's hard to find fault with LOS. It allows planners to evaluate development and transportation projects according to a set of objective criteria on how the projects will affect congestion on existing and planned roads. It uses an intuitive and familiar scale: A for excellent to F for failing. Excellent is defined as a situation in which there are few other vehicles on the road and no driver's experience is impeded by another vehicle's presence. As more vehicles enter a roadway and each vehicle operator must respond to the other vehicles (by slowing or yielding), level of service is continually downgraded. Working to provide excellent service, planners strive for LOS A.

So what is wrong? Experience has shown that LOS criteria can have unintended consequences. First, level of service distorts our understanding of system capacity and ignores other measures of efficiency. To achieve LOS A, the transportation system has to serve far fewer vehicles than its actual capacity. To operate below capacity implies costly overbuilding; further, the street that gets an A from transportation's perspective would score an F when evaluated for economic viability, quality of life, and vibrancy.

There are other problems. LOS's role in CEQA led policy makers to favor projects that residents didn't much want.

"Residents [downtown] began coming out and saying that all of our planning policies are aligned to make this a very walkable and sustainable downtown, but some [CEQA] mitigations

are not in line with that," says Mark Yamarone, the Pasadena transportation administrator, who led the city's effort to transition away from LOS. Pasadena codified alternative performance metrics last year.

In Oakland, it was the role LOS played in preventing small but important projects that led the city to rethink the role of LOS in its development review. "Going through a \$300,000 planning process to do a \$20,000 striping project is not financially feasible within our bike program," says Jamie Parks, who until recently led Oakland's reform efforts as the city's complete streets program manager and who has now moved on to the San Francisco Municipal Transportation Agency.

And in San Francisco, it was the waste inherent in requiring a complex analysis that led to unachievable mitigations like intersection widening that got that city rethinking the metric. The outcomes ran contrary to the city's pedestrian- and transit-first policies, and they tended to be physically impossible given San Francisco's constrained rights-of-way.

"There was no room available to create additional roadway space to improve LOS," says Viktoriya Wise, AICP, a leader of the city's reform efforts who has worked on the issue for several years in positions in two city departments. "Even if we wanted to expand capacity, we wouldn't be able to."

Through decades of planning and infrastructure building that focused on moving automobiles as quickly and efficiently as possible, LOS was woven into the fabric of transportation planning and engineering. Adoption of LOS in environmental laws perversely subverted the intent of those laws. Rather than fostering environmentally sustainable compact development, the embrace of LOS fostered automobile dependence and sprawl.

After more than 40 years of environmental legislation, the effect of using the wrong performance metric is obvious. As laws change, cities have new opportunities to assess transportation projects, ensuring their consistency with environmental mitigation and adherence to today's goals and standards.

Rachel Weinberger is director of research and policy at Nelson\Nygaard Consulting Associates, and Joshua Karlin-Resnick is an associate there. The firm is working on Oakland's transportation impact review reform efforts and has advised San Francisco as well.

"Yes, CEQA has occasionally been used to slow down infill reinvestment for our cities," says PCL board member David Mogavero, a well-known Sacramento architect. "The reform of CEQA, however, does not directly address what is by far the most significant barrier to infill: the distortions in the real estate economy from subsidized sprawl." He proposes that the state focus on sprawl reduction rather than CEQA reform—although, to be fair, California has an enormous body of antisprawl policy outside of CEQA already.

The bigger hurdle to CEQA reform appears to be the blackmail-greenmail aspects of the law, which permit stakeholders to use CEQA to extract money and other concessions from an agency

or a developer. Brown is in a tough spot on this issue, because labor unions—which strongly support his governorship—are among those benefiting the most from this use of CEQA.

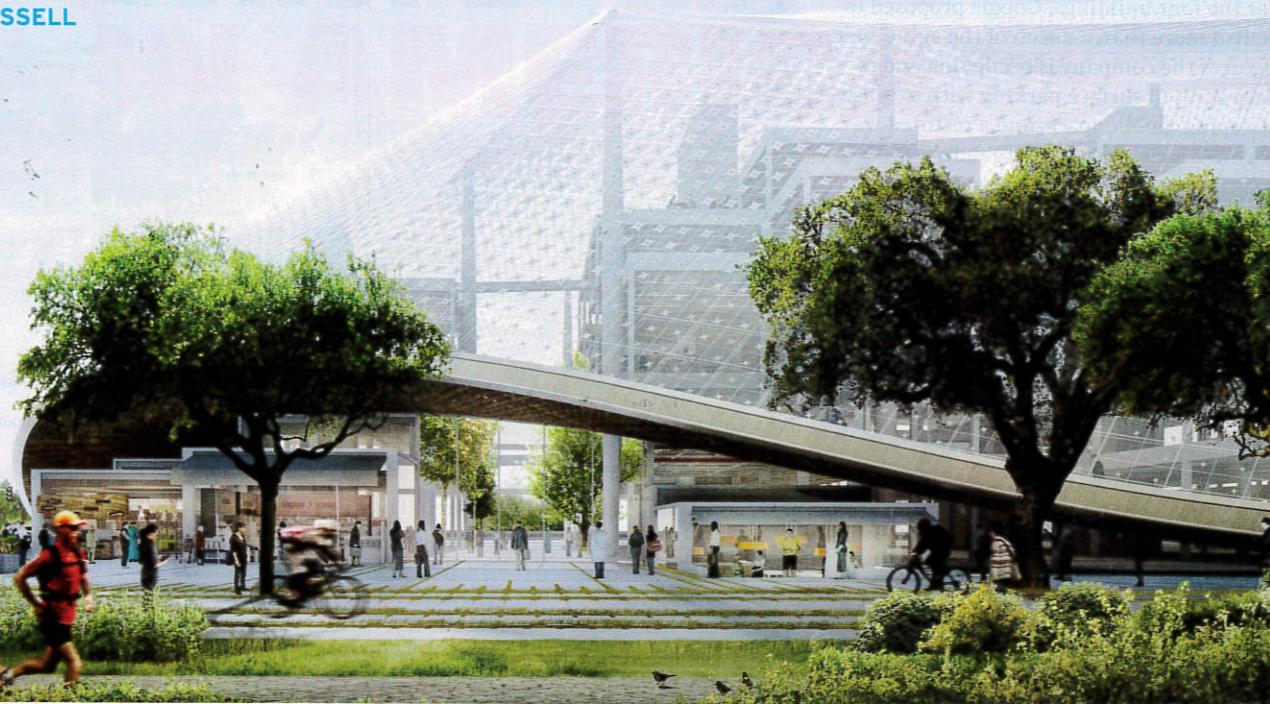
Meanwhile, environmentalists and NIMBY groups continue to treat CEQA like sacred text, pushing state leaders toward one-off bills to streamline the process for individual projects. Even so, comprehensive CEQA reform could happen. After all, Gov. Brown is calling reform the Lord's work. ■

William Fulton is director of the Kinder Institute for Urban Research at Rice University and author of the textbook *Guide to California Planning*. As planning director of San Diego, he was the city official who made final CEQA determinations under the municipal code.

Under the Big Top

Google's radical proposal for flexible offices includes stackable modular components.

BY JAMES S. RUSSELL



SINCE IT was founded in 1998, Google has hardly been a pioneer in office architecture. But, last March, the company submitted a proposal to the city of Mountain View, California, that radically reimagines the concept of the suburban office park. The extraordinarily innovative 2.5 million-square-foot project, designed by a team led by Bjarke Ingels Group (BIG) and the Heatherwick Studio of London (page 33) is composed of four immense, translucent tent-like buildings—a far cry from the many spec office buildings Google currently owns and occupies in Mountain View. Since 2004, its main headquarters, known as the Googleplex, has been in a corporate office park originally designed by STUDIOS Architecture (a member of the BIG/Heatherwick team) for Silicon Graphics and completed in 2000, then refitted by Clive Wilkinson.

The enormous tentlike structures (below) would stand outside the stacked workplace modules (above) and admit daylight and allow ventilation. The tent membrane is designed as a lightweight two-layer system with an insulating airspace between. In the cavity, umbrella-like elements would open or shut to control light and shade.



Unfortunately, the city of Mountain View has only approved 500,000 square feet of the BIG/Heatherwick plans, one fifth of the proposal. While the architectural team continues to work on the design—perhaps to take it to another site, though no one is commenting—it's worth studying the original, to see how Google has come up with an entirely new idea for the office of the future. The hugely ambitious design breaks open the hermetic office

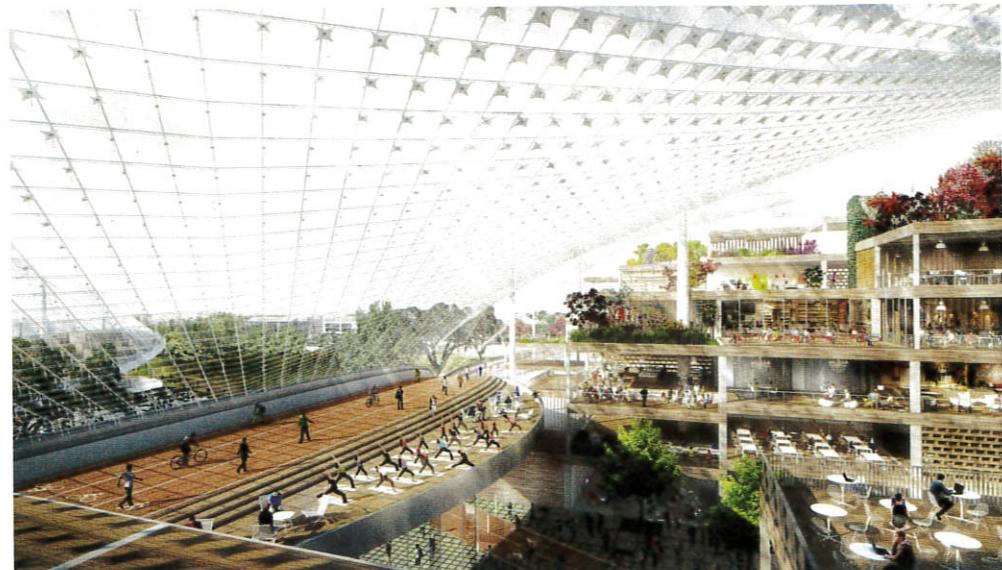
park, dramatically lowers energy use, and invents demountable structural components that could vastly simplify future renovations or retrofitting.

These innovations could transform architecture.

For the four buildings, Google proposed to demolish more than a dozen of the aging spec structures the company is occupying and to replace acres of surface parking with extensive landscaping, public space, and a restored waterway. With city incentives to reduce commuting by single-occupancy vehicles, 4,700 bike-parking slots—but only 2,500 parking spaces for cars—would serve the entire complex (that's one third the car space Apple is providing at its new headquarters in Cupertino, for a similar head count of around 10,000 employees). A public “green loop” would link these parcels, via bike lanes and walkways, with several other Google sites in Mountain View, including the Googleplex, which would remain.

Supported by a cable-net grid, the tentlike structures rise on widely spaced columns, well outside and above the stacked floors of workspace, which permit a finely tuned exterior for daylighting—as well as natural ventilation and solar-heat control—while allowing unprecedented layout flexibility. Between the tent and workspaces, the generous ground-level perimeter would be largely dedicated to sun-drenched gardens and shared services.

The tent membrane is proposed as a light-weight system, with two layers separated by an



The proposed plans (above and below) included gardens and a “green loop” of bike paths and walkways to link various Google sites in Mountain View with each other.

insulating airspace about 5 feet deep. The insulating-glass outer membrane integrates PV panels and roof vents to exhaust hot air or smoke in case of fire. Within the cavity, leaf-like shades wrap pipes that hold the layers apart. They would deploy umbrella-like elements to control shade and light diffusion. Glass, ETFE, or a composite material could form the interior layer.

But most radical is the workspace structure. The plans call for up to eight stories using a modular column, beam, and floor-tray system

that the designers think of as akin to furniture—with components easily added or removed. If such floor-space flexibility can be affordably manufactured, it could open enormous possibilities for transcending the current limitations of corporate real estate—reducing the disruptions of renovation and the expense of unused space.

The system's building block is a 45-by-15-foot metal tray, deep enough to accommodate plenums, ducts, ceiling sprinklers, and data cables. The trays bolt together to form 45-foot-square floor modules that attach to columns. Users could pull up magnetized wood floor panels to reconfigure utilities. The idea is to use replicable utility layouts as much as possible and bring the trays on-site with utilities pre-installed to minimize on-site labor. The plans show widely varying configurations, from loose stacks of modules to dense rows, suggesting just how flexible the system could be. Daylight reaches almost every square foot via atria, light chimneys, and crevices.

The giant tent structures, rising above suburban greenery, may be a riff on Buckminster Fuller's utopian bubbles and owe a debt to Frei Otto. But the commitment to the deep exploration of design and technology by BIG and Heatherwick suggests that Google now sees dramatically reimagined physical facilities as essential to its ongoing competitiveness. The question is just how—and where—the company will turn such visions into pragmatic reality. ■



James S. Russell is an architecture critic and author of *The Agile City: Building Well-being and Wealth in an Era of Climate Change*.

Hoarding's

Fremont's New Approach Improves Safety

by Suzanne Shenfil and Amiel Thurston

When firefighters respond to a call from a home or apartment where hoarding occurs, rarely is the problem visible from outside. But inside, rooms and hallways can be difficult or impossible to navigate. Towering piles of possessions often block access to doors, windows and exits. Such homes present severe hazards to firefighters, emergency medical technicians and occupants in the event of a fire or medical emergency and pose potential threats to public health.

For example, a home in a Fremont neighborhood appears normal when viewed from the street. "Alice" owns the house, and she is a hoarder. Her mother kept Alice's tendency to hoard in check for years. After her mother's death, Alice had a nervous breakdown and refused medical care. Now Alice leaves home every morning and rifles through trash at the train station, which she brings home in plastic bags. Alice's hoarding has spread to every room of the house.

Hoarding disorder, defined as "a persistent difficulty discarding or parting with possessions because of a perceived need to save them," affects 1 million Americans. It is a costly problem for cities to tackle, often taking hours of staff time and costing thousands of dollars. Experts estimate that approximately 2 percent of the population has hoarding disorder. Fremont, a city of approximately 217,700, is home to an estimated 4,354 people with hoarding disorder.

The Limitations of an Emphasis on Code Enforcement

Traditionally, the city's response to hoarding emphasized code enforcement, but this approach had two significant limitations:

1. Compliance with building codes is not mandated unless a code enforcement officer witnesses dangerous or substandard housing, including a home where hoarding occurs. Hoarders typically deny requests to inspect their house or apartment and sometimes cite Fourth Amendment rights to privacy.
2. People with hoarding disorder frequently fail to recognize or acknowledge their behavior as problematic. On the contrary, they perceive their actions as resourceful and even frugal. This results in a reluctance to address the reality of the situation. Many hoarders are isolated and have medical and/or mental health issues; many suffer from self-neglect while living in deplorable conditions.

The Fremont Fire Department was concerned that hoarding behavior not only presents a risk to those in its grip, but the substandard living conditions also put firefighters' safety at increased risk.

In fall 2013, one case changed the direction of Fremont's response to hoarding. The case itself wasn't remarkable, but

it brought together staff from the city's fire, police, code enforcement, legal and human services departments who were given the task of mitigating the impacts of hoarding and were willing to rethink the city's approach.

From the outset, staff shared interest in using a harm-reduction approach, which emphasizes doing the least amount of harm to the hoarder. However, in many cases enforcement is necessary in the interests of public health and safety. The challenge was how to address both the interests of the hoarder and the city when dealing with a complex psychological disorder that often occurs in conjunction with dementia or obsessive-compulsive disorder.

In rethinking the city's approach, staff agreed that:

- Enforcement could be used as a catalyst to effect change and present a reason for the resident to consider using available social and mental health services;
- The pace of enforcement could be balanced with consideration of the needs of the hoarder, their family, the community and the hoarder's living conditions; and
- Firefighter safety could be increased by knowing where substandard housing exists within the local community.

Suzanne Shenfil is director of the Fremont Human Services Department and can be reached at sshenfil@fremont.gov. Amiel Thurston is division chief of operations for the Fremont Fire Department and can be reached at athurston@fremont.gov.

Hazards:

First Step: Redesigning the Intake Process

The Fremont Fire Department became a key participant in transforming the intake process. Fire captains who encountered hoarding in the field often reported it because the conditions they observed were unsettling, but their reports rarely provided information that was actionable for code enforcement.

To remedy this situation, the Fire Department equipped firefighters with a Clutter Image Rating Scale (CIRS) designed

by Professor Randy O. Frost of Smith College. The CIRS gives firefighters a diagnostic tool to determine if they are dealing with a home with clutter or a person suffering from hoarding behavior. The scale from 1 to 9 depicts rooms containing increasing content, with a rating of 4 and above considered hoarding.

Firefighters use a clutter survey form to document what they observe. The form includes the CIRS rating for a living room, bedroom and kitchen.

The Fremont Municipal Code delegates authority to public safety professionals including firefighters, police officers, code enforcement officers and building officials to document and abate substandard and dangerous housing. Given that hoarding is often in plain view, firefighters can use the CIRS and the clutter survey form to initiate the enforcement process. The Fire Department sends documentation of substandard housing to both code enforcement and human services staff, and a code enforcement officer and a mental health specialist together visit the home.

Working With the Hoarder

Code enforcement staff has the difficult job of informing the resident of the need to decrease storage, improve unsanitary conditions, repair dangerous conditions and eliminate fire hazards. This is often the hardest part of the process. "We are essentially telling someone who covets their possessions that they must discard

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or remove them from their home," says Leonard Powell, community preservation manager. "However, the options available, including fines, prosecution, abatement and court involvement, often encourage the hoarder to seek the support of the Human Services Department. It's the proverbial stick-and-carrot approach."

"There are many reasons people hoard," says Ihande Weber, mental health supervisor with the city's Human Services Department. "For older adults, fear of failing memory and anxiety may become a driver to hoard. For others, hoarding magazines and newspapers may be perceived as a way to stay connected and socially engaged, even though they are socially isolated. Hoarding may replace work and help the individual feel productive or valuable."

Hoarders commonly say, "I had work to do. I had everything to look after. I was a great cook. Everything has been taken away from me now! I have nothing to do." Sometimes an item may elicit a fond memory of time spent with a loved one. Some hoarders want to save everything because they believe they may need an item in the future.

Supporting the hoarder while teaching problem-solving and decision-making skills and encouraging a motivation to change is the primary challenge for the mental health worker. Working with the family — if the hoarder has one — is also important. The mental health worker helps the hoarder begin to visualize what their environment might look like without so much stuff and what advantages might be gained by disposing of some of it. For some it might be the opportunity to once again have visits from family and grandchildren, while for others it is the ability to sleep in a bed or cook in the kitchen.

"We start with three boxes," Weber explains. "One for things to keep, like family photos, one for things to consider eliminating later and one for things the hoarder is willing to relinquish. It is a slow process that can take months, but behavior change takes time, and both the break from social isolation and medication for anxiety and depression may also help."

Moving Toward a Safer Community

While the ultimate success of the program in terms of hoarding recidivism is yet to be determined, the changes made by the City of Fremont have resulted in increased cooperation among city staff and the community. The rate at which hoarding is being reported by the Fire

Department has increased threefold, and code enforcement staff now notifies the Fire Department of addresses where verified dangerous or substandard housing exists. This helps protect firefighter lives and allows fire command to anticipate a potentially difficult rescue and request additional resources early during an incident. ■

J O B O P P O R T U N I T I E S

Planning Services Director, City of Spokane, WA

Near Nature, Near Perfect-Nestled in the Inland Northwest at the foothills of the Rocky Mountains, Spokane, Washington, (population over 210,000) is a vibrant growing community that still has a small-town feel. The City is seeking a Planning Services Director capable of providing strategic leadership and support to the Planning Services Department. The ideal candidate will plan, organize, administer and direct the activities of the Planning Department, which consists of a staff of approximately 10+ employees. The ideal candidate will assist the Division Director in developing and implementing long-range strategies to ensure the economic health and vitality of the City. The incoming Director will provide leadership and coordinate assigned activities with other departments and outside agencies. The selected individual will be expected to execute independent judgment and action within City policies in budgeting, resource management and public policy. In this role, the Director will serve as the secretary to the City Plan Commission and serve as the Chief Planning Professional. The ideal candidate must possess eight years of progressively responsible professional planning experience, along with a Bachelor's Degree in Urban Planning, Architecture, Landscape Architecture, Urban Design or a related field (or a combination of education, training and/or experience that provides an equivalent background required to perform the work of the class). Professional Certification through the American Institute of Certified Planners is a plus! The salary for the Planning Services Director ranges from \$89,763.12 to \$110,893.68 dependent upon qualifications. The City also offers an attractive benefits package. Apply online at www.bobmurrayassoc.com. Contact **Joel Bryden** at (916) 784-9080 with questions.

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CITY OF HEMET

Nestled in the scenic San Jacinto Valley, the City of Hemet is home to almost 82,000 residents living within its 28 square miles. The area is known for its recreational opportunities, history and rich Spanish culture. Hemet and the surrounding valley is located in Riverside County and is one of the oldest destinations in Southern California. Hemet is known for its affordable housing and retirement communities.

CITY MANAGER

The City Manager is appointed by the City Council and serves as the operational head of city government. The Manager is expected to provide quality and responsive service to residents and will focus on quality of life considerations that are vital to the community as well as help the City Council develop its vision for the City moving forward. Importantly, the Manager will understand and interact with the community and provide leadership and inspiration to the hardworking and committed City staff.

A formal job announcement, including salary, benefit information and closing date is available at <http://www.averyassoc.net>.



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