

Preliminary Notice of Project Inconsistencies

As a courtesy, we are providing the following preliminary list of major inconsistencies of your proposed Development Plan Application with the City's General Plan and Zoning Ordinance. This information is provided as a courtesy **and is not part of the determination of application completeness.**

Consistency with the General Plan: The Industry Land Use Element designates the site as Commercial. Permitted uses in this use designation do not include residences.

Zoning Ordinance Consistency: The Industry Municipal Code and zoning map show that the site is zoned Automobile Zone (AZ). Residences are not a permitted use in this zone.

Effect of Preliminary Plan Application. On May 22, 2023, the City received a preliminary application for 506 units on this site. Under the Housing Accountability Act, the City may only apply local ordinances in effect "when a preliminary application including **all** of the information required by subdivision (a) of Section 65941.1 was submitted." (Gov't Code Section 65589.5(o)(1); emphasis added.) However, because the preliminary application submitted on May 22, 2023 did not include **all** of the information required by Section 65941.1(a), this provision does not apply to the City's review of the project. Legacy Point must therefore comply with all of the provisions of the City's Zoning Code, including consistency with both the City's General Plan **and** Zoning Code designations for the property subject to the application. The "Builder's Remedy" is inapplicable to this project.

In particular, the following information was not included:

1. **Section 65941.1(a)(13): If the applicant does not own the property, consent from the property owner to submit the application.** The site is owned by Legacy Point LLC. Ms. Kimberly Yu signed the application. No documentation was provided that Kimberly Yu has authority to submit the application on behalf of the LLC, which is managed by Pacific Summit Properties LLC. The excerpts provided from Legacy Point's operating agreement did not demonstrate that Ms. Yu had the authority to submit project applications on behalf of the LLC, nor did the information provided meet other requirements for demonstrating owner consent described in HCD's preliminary application form.
2. **Section 65941.1(a)(8)(C). Whether a portion of the property is located within a hazardous waste site that is listed pursuant to [Gov't Code] Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code.**

The preliminary application states that the site is not listed pursuant to Section 65962.5 (Cortese List) and is not a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health & Safety Code. [Note that this section of the Health & Safety Code has been replaced by the language above.] In fact, the subject properties are listed on the Hazardous Waste and Substances Sites (Cortese) List, as well as being designated by the United States Environmental Protection Agency (EPA) as part of the San Gabriel Valley (Area 4) Superfund site.

3. **Section 65941.1(a)(3). A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.**

Elevations of all sides of each building and elevations of the interior parking structure were not provided.