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Appeal response - 2662-2668 S. Barrington Ave

Upon review of the appeal filed by Patricia Hustler, we find no grounds for compensation under the California Solar Rights Act or other relevant laws. Additionally, it is not feasible to reduce any of the incentives requested without compromising the vital affordable housing component of the project. It's important to note that the project not only addresses the crucial need for low-income housing but also contributes significantly to the expansion of housing availability beyond existing single-family homes. We remain dedicated to maintaining open communication and collaboration with the surrounding community throughout this process.

Regarding the Density Bonus and requested incentives, it was determined that According to Section 12.22 of the LAMC and Section 65915 of the California Government Code, the City is mandated to approve a density bonus and requested incentives unless it is found that:

The incentives fail to result in identifiable and actual cost reductions to support affordable housing costs as defined in the California Health and Safety Code Section 50052.5 or Section 50053 for rents of the affordable units.

Upon review, the City determined that the record lacks substantial evidence to support a finding that the requested incentives do not lead to identifiable and actual cost reductions for affordable housing, as required by State Law.

The requested FAR increase allows for the construction of affordable units and larger-sized dwelling units. Granting this incentive facilitates efficient building design and construction, enabling the addition of affordable units while ensuring habitable dwelling sizes and diverse unit types. This expansion spreads

fixed development costs, reducing per-square-foot development costs. This incentive aligns with the commitment to reserve a minimum of three dwelling units for Very Low Income Households for 55 years.

Similarly, the requested reduction in side yard setback enables the construction of affordable units and larger-sized dwelling units. Granting this incentive leads to efficient building design and construction, allowing for additional affordable units while maintaining habitable dwelling sizes and diverse unit types. The expanded building envelope spreads fixed development costs, resulting in lower per-square-foot development costs. Moreover, the additional floor area supports the construction of market-rate units, which aids in covering operational costs for affordable units. This incentive also supports the commitment to reserve a minimum of three dwelling units for Very Low Income Households for 55 years. In the absence of the request incentives, the project being would be financially precluded from providing the affordable units.

There is no evidence to suggest that the proposed incentives and waivers will have specific adverse impacts on public health and safety, the physical environment, or any listed historical resources. The project complies with all relevant regulations governing construction, use, and maintenance, ensuring no significant direct impacts on public health, safety, or the environment. Therefore, there is no substantial evidence to indicate that the proposed project, including the requested incentives and waivers, will have specific adverse impacts on the physical environment, public health and safety, or historical resources. Additionally, there is no substantial evidence in the record suggesting that the requested incentives and waivers contravene any state or federal laws.

Regarding the alleged loss of power to the solar panels, we have not found credible evidence supporting this claim, and the property owner has not established a solar easement case. Pre-establishing a solar easement could offer clarity and legal protection for both parties concerning solar access rights and any associated compensation, however there is no evidence of this. A solar easement, as outlined in the law, should include specific descriptions of dimensions, restrictions on obstruction of sunlight, and terms for revision or termination. Without a filed solar easement, the claim appears to be unfounded. Upon review of the Solar Rights Act, we found no provisions protecting against new developments on adjacent parcels. The only recourse for homeowners seeking sunlight rights is to establish a solar easement, which necessitates bilateral negotiation with the neighboring landowner.

In consideration of the above, it is our view that the City Planning Commission acted reasonably in approving this case. Upon in-depth review and analysis of the issues raised by the appellant for the proposed project, we find no errors or abuse of discretion by the City in regards to the appeal points raised.

For the reasons stated herein, and as provided in the Findings in the Director's Determination, the proposed project does comply with all the applicable provisions of the Density Bonus and the California Environmental Quality Act. The appeals of the Director's Determination cannot be substantiated and therefore should be denied.

We are committed to maintaining open communication and collaboration throughout the construction process. Should you have any further questions or concerns, we are available for discussion.

For your records, the appellants compensation request began at \$100,000, and has since reduced to approximately \$45,000.