

## FINDINGS

### TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
  - a. *The incentives are not required to provide for affordable housing costs for rents for the affordable units for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

*Reduced Yard/Setback:* The requested reduction in the westerly and southerly side yards is expressed in the Menu of Incentives in the TOC Guidelines. The proposed project is asking an Additional Incentive that would allow for the 5-foot westerly rear and southerly side yard setbacks per RAS3 zone per LAMC 12.10.5. This incentive will result in a building design that provides for affordable housing costs and supports the applicant's decision to set aside 4 dwelling units for Extremely Low Income Households.

*Reduced Open Space:* The requested reduction in the open space requirements is expressed in the Menu of Incentives in the TOC Guidelines. Strict compliance with LAMC Section 12.21 G would require 4,800 square feet of open space. The Additional Incentive would allow a 25 percent reduction to permit 3,600 square feet of open space. As shown in Exhibit "A", the project will provide 3,600 square feet of open space, including 2,200 square feet of pool deck and 800 square feet of view deck. The project is conditioned to meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety. The requested incentive will allow the developer to reduce open space requirements so the area reserved for affordable housing can be constructed and the overall space dedicated to residential uses is increased. This incentive will result in a building design that provides for affordable

housing costs and supports the applicant's decision to set aside 4 dwelling units for Extremely Low Income Households.

- b. ***The incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

## **CEQA FINDINGS**

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project is for the construction of a new seven story, 87 feet and 11 ¾ inches tall, mixed-use development with 40 residential dwelling units, including 4 units for Extremely Low Income Household occupancy. The project will have a proposed Floor Area Ratio ("FAR") of approximately 2.1:1 with approximately 39,717 square feet of floor area. The project is proposing 94 automobile parking spaces. The project will provide bicycle parking in accordance with LAMC Section 12.21 A.16.

As a residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

### **CEQA Determination – Class 32 Categorical Exemption Applies**

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The project site is located in the Southeast Los Angeles Community Plan, and is designated for Hybrid Industrial land uses, with corresponding a zone of CM. The site is zoned CM-1-CPIO and is consistent with the land use designation. The zone allows for unlimited building height with unlimited stories and an FAR of 1.5:1 on the subject site. The proposed project will have a FAR of 2.1:1, as proposed per TOC, and a height of 87 feet and 11 <sup>3</sup>/<sub>4</sub> inches and seven (7) stories. The project will provide 40 dwelling units, reserving 4 units for Extremely Low Income Household occupancy for a period of 55 years. As demonstrated in the case file, the project is consistent with the General Plan, the applicable Southeast Los Angeles Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by the TOC Guidelines.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.43 acres (18,913 square feet). The surrounding area is developed with a combination of residential, commercial, and industrial uses. The property abutting the subject site to the south is zoned CM-1-CPIO and improved a one-story industrial building. The adjacent property to the west is zoned CM-1-CPIO and is vacant industrial land. The property to the east is zoned CM-1-CPIO and improved with a mixed-used two-story building. The property to the north (across 38th Street) is zoned CM-1-CPIO and improved with a four-story hotel building.

The subject property is located less than a half mile from Metro Route 40 (Rapid/Next Gen) and Metro Route 45 (Rapid/Next Gen) at Broadway and Martin Luther King Jr. Boulevard. As such, the site qualifies as a Tier 3 TOC Affordable Housing Incentive Area and surrounded by urban uses.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously developed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The project site was developed with two buildings, which were demolished after fire damage. There are no (0) protected trees on site. Furthermore, the project site does not adjoin any open space or wetlands that could support habitat for endangered, rare or threatened species. Therefore, the site does not contain or have value as habitat for endangered, rare or threatened species and is not located adjacent to any habitat for endangered, rare or threatened species. As such, the proposed project meets this criterion.

- (d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge,

dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts.

- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will reduce any potential impacts to less than significant, and will ensure the project will not have significant impacts on noise and water.

Furthermore, the project does not exceed the threshold criteria established by the LADOT for preparing a traffic study, as confirmed by LADOT through the Transportation Study Assessment Referral Form dated May 17, 2023.

In regards to Air Quality, interim thresholds were developed by the Los Angeles Department of City Planning staff based on California Emissions Estimator Model (CalEEMod) runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

- (e) **The site plan can be adequately served by all required utilities and public services.**

The subject site will be adequately served by all public utilities and services given that the construction of a 7-story residential building with 40 dwelling units is in a highly urbanized area with existing utilities and public services and is on a parcel zoned for such a use and density. Therefore, the Project meets the qualifications of the Class 32 Exemption.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

- (a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There were no similar projects identified within a 500-foot radius of the subject site. Therefore, there is no evidence to show a cumulative impact of successive projects of the same type in the same place as the proposed project.

- (b) **Significant Effect Due to Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes a residential building in an area zoned and designated for such development. The surrounding area is developed with a combination of residential, commercial, and industrial uses and the subject site is of a similar size and slope to nearby properties. The project proposes a new seven-story, 87 feet and 11  $\frac{3}{4}$  inches tall, residential development with 40 residential dwelling units with Floor Area Ratio ("FAR") of 2.1:1 on a site that is permitted to have an FAR of 2.175:1 through the TOC Guidelines. The project size and height are not unusual for the vicinity of the subject site and is similar in scope to other existing buildings in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The State Route 27 is approximately 17 miles west of the subject site. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

- (d) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site within a 1,000-foot radius of the subject site, is identified as a hazardous waste site.

- (e) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Therefore, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.