

FINDINGS

1. Density Bonus/Affordable Housing Incentives Program Findings

The following is a delineation of the findings and the application of the relevant facts as related to the request for a 10 percent Density Bonus, in conjunction with three (3) Off-Menu Incentives and six (6) Waivers of Development Standards. Pursuant to Government Code Section 65915(d)(a)(A), **the Commission shall approve a Density Bonus and requested Incentive(s) unless the Commission finds that:**

- a) **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested off-menu incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Two (2) Requested Off-Menu Incentives – Deviation of Development Standards

The Applicant is requesting two waivers of development standards. These deviations are identified as “off-menu” incentives, and the Applicant states that they are required by the project in order to accommodate the proposed development of 73 residential units (6 of which are for Very-Low Income units). The off-menu incentives require approval by the City Planning Commission, and are required to provide for affordable housing costs.

Increase in (Floor Area Ratio) FAR. The proposed project is permitted a maximum FAR of 1.5:1 by-right, per the C2-1VL Zone. The subject site has a C2 density, which would permit 54 units on the site. The project qualifies for a 35 percent density bonus. With this increase, the maximum number of units allowed is 73. The project proposal is for a maximum permitted FAR of 2.85:1. With this incentive, the subject property would be eligible for a maximum of 54,720 square feet of floor area for the 19,200 square-foot site (21,590 square feet including ½ of the alleys). The total proposed floor area of 54,720 square feet for the 5-story building, represents an approximate 2.85:1 FAR.

The increase in FAR helps the project to provide 6 affordable housing units. Additionally, the higher FAR will facilitate the provision of larger housing units, which are more comparable in size to the existing housing in the area. This will help the project to remain economically feasible while providing the Restricted Affordable Units.

Increase in Building Height. The Project is a 5-story, 69-foot tall, residential building with 73 dwelling units, consisting of 61 one-bedroom and 12 two-bedroom units, 500 square feet of commercial retail floor area, and 2 levels of parking for a total of 81 parking spaces. The project proposes to set aside 6 units or 11% of the base dwelling units, as Restricted Affordable Units for Very-Low Income households. Pursuant to Height District 1VL for C2 zoned properties, the Project would otherwise be limited to a maximum height of 45 feet and 3 stories.

The additional height requested is necessary to construct the number of units proposed and parking. In addition, the height increase will make the Project financially feasible for a rental apartment development that includes 11% Restricted Affordable Units for Very-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 substantial evidence in the record that the proposed incentives 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)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

- c) The Incentives are contrary to state or federal law.**

There is no substantial evidence in the record that the proposed incentives are contrary to state or federal law.

2. Site Plan Review Findings

- a) That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any application specific plan.**

The proposed Project contributes to the Citywide General Plan Framework by providing much-needed housing, accessible to transportation options within a node of residential and commercial activity. It contributes to the stated Goals, Objectives and Policies of the Framework as follows:

- Creates a supply of housing accessible to persons having variable income levels.
- Provides sufficient rental housing to meet the needs and demands of the population.
- Creates housing opportunities for all persons without discrimination.
- Locates new multi-family development in proximity to transportation corridors and high activity areas acting as a buffer between said transit corridors and commercial development and existing lower density residential development.

The proposed Project conforms to the purposes, objectives and policies of the Silver Lake – Echo Park – Elysian Valley Community Plan Area as follows:

- Goal 1: A safe, secure and high-quality residential environment for all economic, age and ethnic segments of the Silver Lake – Echo Park – Elysian Valley Community Plan Area.
- a. Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.
- b. Objective 1-2: Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services and facilities.
- c. Objective 1-4: Promote and ensure the provision of adequate housing for all persons including special needs populations, regardless of income, age or ethnic background.
- d. Policy 1-4.2: Promote mixed-use housing projects in pedestrian oriented areas and designated Mixed Use Boulevards, Neighborhood Districts and Community Centers to increase supply and maintain affordability.

The proposed Housing Development conforms to the stated objectives of the Housing Element as an Element of the General Plan as follows:

- Objective 1.1 - To produce an adequate supply of rental and ownership housing in order to meet current and projected needs.
- Objective 2.2 - To promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.
- Objective 2.4 - To promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.
- Objective 3.2 - To promote fair housing practices and accessibility among residents, community stakeholders and those involved in the production, preservation and operation of housing.

By providing multifamily residential units, some of which are set aside for Very-Low Income households, implementation of the proposed project will maximize the opportunity for individual choices for all economic, age and ethnic segments of the Plan Area. The project also includes a ground floor commercial use and is located in a Transit Priority Area in proximity to goods, services and facilities. The Project is within the area and on the primary street (Alvarado Street) designated as a "Mixed Use Boulevard" within the Plan and as such this use specifically furthers the intent of the Plan.

- b) That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The scale of the buildings included in the project conforms to the development standards of the underlying zone (with FAR and height deviations authorized by state law). Parking, loading areas, lighting, landscaping, trash collection, and other improvements will conform

to the requirements of the LAMC. Therefore, the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that are or will be compatible with existing and future development on adjacent properties and neighboring properties.

The proposed building facades along Alvarado Street, as shown in the plans are not flat; they are articulated using a range of architectural elements including texture, materials and color. The building designs are further articulated with windows on the ground floor and balconies above the ground floor. Planters along the ground floor provide additional interest along the streetscape.

Furthermore, after consultation with the Urban Design Studio, the applicant made the following revisions:

- Street trees are shown in the parkway in front of the proposed building, as was requested, to provide more landscape coverage.
- The landscape plans reflect the California native plants that were requested.
- Bike racks are in a less prominent place and are now loop-style bike racks rather than classic bike racks.
- The retail storefront doors and windows have been raised to 10'-9" and are now at the property line to allow for more engagement with pedestrian street traffic.
- Lobby storefront windows and doors have been pulled forward to provide better interaction with the street and the lobby doors are clearly designated based on address signage.

The proposed layout and design features will insure that the proposed project will be functional, aesthetically pleasing, and compatible with neighboring properties.

c) That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed project will comply with applicable LAMC Open Space requirements, including that common open space areas shall incorporate recreational amenities. These amenities include a gym, a recreation room, and 3,000 square feet of rooftop community space. The project provides 7,605 square feet of total open space. Therefore, the Project will provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

ENVIRONMENTAL FINDING

The proposed incentives will not 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 proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines, which establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas.

On June 15, 2020, the Planning Department determined that the State CEQA Guidelines designate the subject project as Categorically Exempt under Section 15332, Class 32.

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;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The project consists of the following:

The proposed project involves the construction, use and maintenance of a five-story mixed-use building with a total of 73 units over two levels of parking, including a basement parking level and 500 square feet of ground floor commercial space located at 418 North Alvarado Street. The project is requesting a 35% density bonus with 11% (6 units) of the base density set-aside for Very-Low Income residents based on SB1818. The project also utilizes Parking Option 3 under AB744. The project will provide 81 parking spaces and 82 bike spaces. In addition, the project is requesting two (2) "Off-Menu" incentives under SB1818. First, the project requests an increase in FAR from 1.5:1 to 2.85:1. Second, the project requests an increase in height from 45 feet to 69 feet.

The site is zoned C2-1V and has a General Plan Land Use Designation of Community Commercial.

- a) As shown in the case file, the project is consistent with the applicable Community Commercial Community Plan designation and policies and all applicable zoning designations and regulations.
- b) The subject site is wholly within the City of Los Angeles, on a site that total approximately 19,200 square feet (21,590 including ½ of the alley areas). Lots adjacent to the subject site are developed with the following urban uses: restaurant, multiple family dwellings, and a gas station.
- c) The site was previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. According to a letter dated August 30, 2019 by Jan C. Scow, a registered arborist, there are no protected trees on the project site.

- d) The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, and stormwater mitigation measures; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. The traffic analysis, dated July 2018, concluded the project will result in none of the study intersections being significantly impacted by project-related traffic. In addition, the project will generate less than 250 daily vehicle trips, and the project is not required to perform a VMT analysis, according to the LADOT VMT Calculator. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with Air Quality Management District (AQMD) staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

The project site will be adequately served by all public utilities and services given that the construction of the apartment buildings, will be on sites which have been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 categorical exemption.

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

- a) There is not a succession of known projects of the same type and in the same place as the subject project.
- b) As mentioned, the project proposes a five-story mixed-use building with a total of 73 units over two levels of parking, including a basement parking level and 500 square feet of ground floor commercial space. The project is requesting a 35% density bonus with 11% (6 units) of the base density set-aside for Very-Low Income residents based on SB1818. Lots adjacent to the subject site are developed with the following urban uses: restaurant, multiple family dwellings, a gas station, etc. Under SB1818, the project proposes to utilize two off-menu incentives: a Floor Area Ratio (FAR) of 2.85:1 to allow up to 61,531 sq. ft. (54,720 square feet requested) of floor area in lieu of the amount allowed per the base 1.5:1 FAR, and an increase in height from 45 feet to 69 feet. The project size is not unusual for the vicinity of the subject site, and is similar in scope to other existing land uses in the general area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.
- c) Additionally, 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 project is approximately 23 miles from State Route 27. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

- d) Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- e) The project site has not been identified as a historic resource by local or state agencies, and the project sites have 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. Finally, the City does not choose to treat the sites as historic resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the criteria listed above.