

## 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 decision-maker shall approve a density bonus and requested incentive(s) unless the decision-maker finds that:**

- a. *The Incentives are not required 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 Area Planning Commission to make a finding that the requested incentives are not necessary 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 extremely low, very low, and lower 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.

The list of Additional Incentives in the Transit Oriented Communities 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 Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

**Open Space.** The project's additional 112 new apartment units requires 11,200 square feet of open space. The project requests a TOC Additional Incentive to permit a 25 percent open space reduction for 8,419 square feet of open space. The project complies by providing 8,420 square feet of open space distributed across private balconies, common open spaces, and a rooftop deck. The requested incentive for a reduction in the required amount of open space is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. The requested incentive allows the developer to utilize more of the total building square footage for residential units, which facilitates the creation of more affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 15 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

**Yards/Setbacks.** In the C2 Zone, there is no front yard setback required along Washington Boulevard, nor are there side and rear yard setback requirements along Motor Avenue or the alley pursuant to LAMC Section 12.22,A-18.C.3 as the project includes commercial and residential uses. The C2 Zone requires a nine-foot side

yard (western side) and an 18-foot rear yard (northern side); however, the applicant elects to instead utilize the RAS3 Zone yard requirements as an Additional Incentive. The requested incentive to utilize the side and rear yard/setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. The requested incentive allows the developer to expand the building footprint and allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 15 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

**Averaging of F.A.R, Density, Parking, Vehicular Access.** The project site contains two different zone designations and the building will be built over the entire site, crossing both zone boundaries. The FAR averaging incentive will result in greater construction efficiencies and cost reduction in supporting the development of affordable housing units. The requested averaging of F.A.R., density, parking, open space, and vehicular access is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. A Housing Development project that is located on two or more contiguous parcels may average the floor area, density, parking, open space, and vehicular access across multiple zones, provided that: the development includes 10 percent or more of the base units as Restricted Affordable Units for Extremely Low Income households; the proposed use is permitted by the underlying zone(s) of each parcel; and no further lot line adjustment or any other action that may cause the development site to be subsequently subdivided shall be permitted. The requested incentive will allow the developer to provide housing units reserved for Extremely Low Income Households and increase the overall density of the project site. The site is dual zoned, C2-1 Zone and R4-1 Zone. The C2 and R4 zones permit residential uses. The project is reserving 10 percent or more of the base units as Restricted Affordable Units for Extremely Low Income households. The project will also average density, parking and vehicular access across the entirety of the site. These incentives support the applicant's decision to reserve 15 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

- b. ***The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is 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 general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. 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.

### **Site Plan Review Findings**

- 2. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Palms – Mar Vista – Del Rey Community Plan, which designates the site for General Commercial land uses, corresponding to the C1.5, C2, C4, RAS3, and RAS4 Zones, and High Medium Residential land uses, corresponding to the R4 and R4(PV) Zones. The site is zoned C2-1 and R4-1, respectively, which is consistent with the existing land use designation. The site is not located within any specific plan or interim control ordinance.

The proposed project is consistent with the following goals, objectives, and policies of the Palms – Mar Vista – Del Rey Community Plan:

#### **Residential**

*Goal 1:* A safe, secure and high quality residential environment for all community residents.

*Objective 1-1:* To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

*Policy 1-1.1:* Provide for adequate multi-family residential development.

*Policy 1-1.2:* Protect the quality of residential environment and the appearance of communities with attention to site and building design.

*Objective 1-2:* To reduce vehicular trips and congestion by developing new housing in proximity to services and facilities.

*Policy 1-2.1:* Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

*Objective 1-4:* To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

*Policy 1-4.1:* Promote greater individual choice in type, quality, price and location of housing.

### Commercial

*Goal 2:* A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.

*Objective 2-1:* To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

*Policy 2-1.2:* Protect commercially planned/zoned areas from encroachment by residential only development.

*Objective 2-2:* To promote distinctive commercial districts and pedestrian-oriented areas.

*Policy 2-2.2:* Require that mixed-use projects and development in pedestrian- oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.

*Policy 2-2.4:* Promote mixed use projects along designated transit corridors and in appropriate commercial centers.

The proposed project is an eight-story mixed-use development, which includes 145 residential units (including 15 units set aside for Extremely Low Income Households), and 2,000 square feet of ground-floor commercial space. The project includes a variety of unit types. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost. When combined with the established single-family and multi-family neighborhoods near the site, the project contributes significantly to a range of housing opportunities in terms of type and cost.

Given that the proposed project is concentrated along the Washington Boulevard commercial corridor; the proposed commercial uses on the project site will strengthen and provide new viable commercial development in an existing established commercial area, while activating additional pedestrian activity along the thoroughfare. The proposed project will result in the removal of the current auto use development with the development of a mixed-use project that will provide 2,000 square-feet of neighborhood-serving commercial space on the ground level. Additionally, this mixed-use project will prevent encroachment by single-family, residential-only development by providing a mix of commercial retail space on the ground level and multifamily units above.

In addition, Chapter V, the Urban Design Chapter of the Palms – Mar Vista – Del Rey Community Plan describes that all new buildings shall be articulated to provide variation and visual interest, enhance the streetscape by providing continuity and avoiding opportunities for graffiti. Buildings should additionally use articulations, recesses, surface perforations, and other architectural features to break up long, flat building facades. As such, the project includes architectural and landscaping features that minimize the mass

and scale of the building while maintaining a pedestrian-friendly right-of-way. The pedestrian retail entrances are located at ground level along Washington Boulevard. The building includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing, balconies and windows, and breaks in the entire massing to allow visibility to internal residential units. The ground floor consists of a variation in wall treatments, including a double-height ceiling and oversized glass store frontages that are integrated into the overall architectural style of the building. In addition, landscaping is utilized to create an attractive buffer between the exterior wall and the public right-of-way. Therefore, the proposed project is consistent with the goals and purposes of Chapter V Urban Design of the Palms – Mar Vista – Del Rey Community Plan.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Palms – Mar Vista – Del Rey Community Plan and does not conflict with any applicable regulations or standards.

**3. 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 neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Palms – Mar Vista – Del Rey Community Plan at the intersection of Washington Boulevard and Motor Avenue. The project site is bound by Washington Boulevard to the south; Motor Avenue to the east; multi-family residential structures ranging from two- and four-stories in height to the north; and general commercial uses and single- and multi-family residential buildings to the west. Directly south of the project site, across Washington Boulevard, is the Sony Pictures Studio, located within the City of Culver City.

The proposed project includes the construction of a mixed-use building with 145 residential units, inclusive of 15 units set aside for Extremely Low Income Households, and approximately 2,000 square feet of ground floor commercial space. The project provides a total of 71 automobile parking spaces and 94 bicycle parking spaces. The subject property is a relatively flat parcel, comprised of five lots with a combined area of approximately 32,877 square feet (0.75 acre).

Height, Bulk and Setbacks

The proposed building reaches a maximum height of 91 feet with eight stories, as permitted by the underlying Height District No. 1 of the site which allows for unlimited height and stories for developments within commercially-zoned properties. The C2-1 zoning of the site normally allows for a maximum Floor Area Ratio (FAR) of 1.5 to 1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31. Housing Developments in Tier 3-designated commercial zones may qualify for a FAR increase of up to 3.75 to 1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. Additionally, the R4-1 zoned portion of the project site is permitted a maximum FAR of 4.5 to 1 through the TOC Tier 3 incentive. The project's total floor area ratio is 3.53:1, equating to approximately 116,070 square feet of floor area.

Upon removal of the 20-foot Building Line and utilization of the RAS3 Zone setback requirements per the TOC Incentive Program, the proposed building provides the minimum required front and rear yard setbacks of the C2 zone for mixed-use developments. The project includes an existing multi-family structure that exists on the

northerly side yard which will remain. The project will observe a zero-foot westerly side yard setback on the ground floor up to the podium level, after which the building will be set back five feet in accordance with the RAS3 Zone setback requirements.

To minimize the bulk and massing of the proposed building, the project will incorporate a variety of building materials and well-articulated facades, including street-facing balconies and windows. Many of the balconies and upper levels have high transparency, allowing visibility into internal units. The projected balconies also feature contrasting colors to further enhance the sense of depth which breaks up the building's exterior facades. The ground floor consists of a variation in wall treatments, including glass, metal, and white tiles integrated into the overall architectural style of the building. The street-facing frontage of the ground floor also consists of double-height ceilings to completely screen the podium parking and create a pedestrian-friendly public realm. In addition, landscaping is utilized to create an attractive buffer between the exterior wall and the public right-of-way. The project design employs various architectural methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

#### Off-Street Parking Facilities

The project includes a total of 140 automobile parking spaces and 111 bicycle parking spaces for residential and commercial uses, consistent with the requirements of the LAMC and TOC Guidelines. The project includes an ingress and egress driveway along Motor Avenue, similar to existing site conditions. This driveway provides access to the subterranean parking level and ground floor parking. Its placement along Motor Avenue, the secondary right-of-way, allows for the maximization of commercial space along Washington Boulevard while minimizing disruptions to traffic flow. All parking will be screened and not be visible from the public right-of-way. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

#### Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. The project proposes security lighting to illuminate the building, entrances, walkways, and parking areas. Any outdoor lighting, however, will be shielded from so the light source cannot be seen from adjacent residential and commercial properties. The project's proposed lighting will also include low-level exterior lights to accent architectural features and landscaping elements throughout the site. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping

Various types of vegetation and trees are integrated into the design of the building facades to minimize the visual impact of the maximum 91-foot tall building and buffering from neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along Washington Boulevard and Motor Avenue. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Furthermore, the project has been conditioned to require that all open areas not used for buildings, driveways, parking areas,

recreational facilities or walks be attractively landscaped. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

#### Loading/Trash Collection

The project has been conditioned herein and will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within separate designated trash rooms which are available on each floor of the building. The trash rooms are not visible from the public right-of-way. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, 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 will be compatible with existing and future development on adjacent and neighboring properties.

- 4. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The project provides several recreational and service amenities to improve habitability for the residents and minimize impacts on neighboring properties. The project proposes to enhance the pedestrian realm surrounding the project site with various improvements to the public right-of-way, including increased sidewalk widths along Motor Avenue and Washington Boulevard and new street trees and landscape planters. The project will provide 8,420 square feet of open space, including private balconies and various amenity rooms on each residential floor. The project's amenities will include a pool deck with glass enclosure and roof lounge deck on the eighth floor, all of which are attractively landscaped. The project will also accommodate off-street parking within three parking levels (one subterranean level, one at-grade level, and one podium level) at an amount that is more than required. In addition, the subject property is located in commercial zone near various amenities nearby and approximately 1,100 feet from a Major Transit Stop for transit-dependent residents. Therefore, as proposed, the project provides a variety of recreational and service amenities in order to improve habitability for the residents while minimizing impacts on neighboring properties.

#### Building Line Removal Findings

- 5. Pursuant to Section 12.32-R of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

City records show that a 20-foot building line was established by Ordinance No. 60,771 along the north side of Washington Boulevard in the commercial zones between Keystone Avenue and Jasmin Avenue. The project proposes removal of the building line of Washington Avenue abutting the project site in order to instead observe the setback requirements of the underlying C2-1 Zone. Washington Boulevard is an undesignated roadway as properties on the north side of the street are located in the City of Los Angeles while properties south of the street are located in Culver City. The Bureau of Engineering has determined that the City of Los Angeles retains jurisdiction for dedications and

improvements along the northerly side of Washington Boulevard and thus a 50-foot half right-of-way width is required. The project would provide a 10-foot dedication on the parcel located at Washington Boulevard and Motor Avenue which would provide the required 50-foot right-of-way to meet current City standards. Removal of the building line would also allow for proper utilization of a transit-oriented mixed-use project in a commercial zone as it is situated along a major commercial street and in close proximity to various modes of public transit. Therefore, the removal of the building line will allow for a project that is consistent with public necessity, convenience, general welfare, and good zoning practice.

### **Environmental Findings**

6. **CEQA Finding.** The Department of City Planning has determined that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15332, Class 32 (In-Fill Development Projects), and that there is no substantial evidence demonstrating that an exception to a categorical exemption, pursuant to CEQA Guidelines, Section 15300.2, applies. As detailed in the environmental narrative prepared by Pomeroy Environmental Services, dated September 2020, and attached to the subject case file for Case No. ENV-2020-5234-CE, the project qualifies as an in-fill development under the Class 32 exemption.

The project is consistent with the applicable general plan land use designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

The subject site is located wholly within the City of Los Angeles, on a site that is approximately 0.75 acres in size. The project site is located in an urbanized area surrounded primarily by multi-family residential uses and commercial uses, including an auto body shop, office buildings, a surface parking lot and soundstages for Sony Pictures Studios. The site is currently developed with a one-story thrift store and automobile shop and an four-story, 33-unit multi-family building which will remain as part of the project. Therefore, the project is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species.

The project would not result in any significant effects related to traffic, noise, air quality, or water quality.

- **Traffic.** On December 23, 2020, the Los Angeles Department of Transportation completed review of a trip generation assessment report, prepared by Crain and Associates and dated March 10, 2020 with subsequent revisions up to November 30, 2020, and confirmed that the project does not meet the trip threshold to require a transportation impact analysis. Therefore, no transportation assessment study is necessary, and the traffic effects of the project are considered to be less than significant.
- **Noise.** A Noise Study, dated September 2020, was prepared by Pomeroy Environmental Services for the proposed project indicated that noise impacts would be less than significant.
- **Air Quality.** An Air Quality Study, dated September 2020, was prepared by Pomeroy Environmental Services for the proposed project indicated that the project will result in less than significant impacts with regard to air quality.



- **Water Quality.** The project will be subject to Regulatory Compliance Measures (RCM), which require compliance with all applicable regulations regarding stormwater and surface water quality as governed by the State Water Resources Control Board (SWRCB). Compliance with these RCMs will ensure the project will not have a significant impact on water quality.

The project site is currently and will continue to be adequately served by all public utilities and services. The proposed project is required to adhere to all applicable regulatory compliance measures during construction, operation and maintenance of the proposed buildings.

#### Exceptions to Categorical Exemptions

There are six (6) exceptions to categorical exemptions that must be considered in order to find a project exempt from CEQA: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The project is not located on or near any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There is not a succession of known projects of the same type and in same place as the subject project. The project would not reasonably result in a significant effect on the environment due to unusual circumstances. The project is not located near a State Scenic Highway. 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 an active hazardous waste site. Lastly, 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 or 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.

7. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of minimal flood hazard.