

FINDINGS

Transit Oriented Communities Affordable Housing Incentive Program / Affordable Housing Incentives Compliance Findings

Pursuant to LAMC Section 12.22-A,31(e), the Director of Planning 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 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 Director 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.

Height. The requested incentive for an increase in building height is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that results in building design or construction efficiencies that facilitate the creation of affordable housing. Specifically, a Tier 3 project is permitted a maximum increase of two (2) stories and 22 feet in building height, resulting in a total maximum building height of 57 feet in lieu of the maximum 35 feet otherwise permitted by the underlying [Q]R3-1-O zone. This requested incentive will allow the developer to increase the height of the structure to allow the units reserved for affordable housing to be constructed and increase the overall space dedicated to residential uses. These incentives support the applicant's decision to reserve two (2) units for affordable housing.

Yard/Setback. The requested side yard incentive, including two (2) side yard reductions of a maximum of 30 percent, 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 facilitate the creation of affordable housing. This requested incentive will allow 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. These

incentives support the applicant's decision to reserve two (2) units for affordable housing.

Open Space. The requested open space incentive, including a 25% reduction in the permitted open space area, 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 facilitate affordable housing costs. 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 two (2) 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 on any real property that is listed in the California Register of Historical Resources and for which there are no feasible methods 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 has been no evidence provided that indicated that the proposed incentives 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. 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. According to ZIMAS, the project is located in a Methane Zone. As a result, the project will be required to comply with all applicable regulations which will prevent any adverse impacts. The project is not located on a substandard street in a Hillside area or a Very High Fire Severity Zone. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentive, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

Environmental Findings

2. **CEQA Findings.** The Department of City Planning determined that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15332, Class 32 and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. As described in the Environmental Narrative attached to the Notice of Exemption for Case No. ENV-2020-2068-CE, the project qualifies as an in-fill development under the Class 32 exemption.

The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.

The subject site is located wholly within the Wilshire Community Plan Area within the City of Los Angeles. The subject site consists of a single lot that totals approximately 8,838 square feet, or approximately 0.20 acres, in size. The project site is substantially surrounded by urban uses and is not located near any areas designated for farmland or agricultural uses. The neighborhood is fully built-out with a variety of multi-family and commercial uses that are consistent with their General Plan land use designations and zoning. Pico Boulevard, which is half a block away from the project site, is also a heavily trafficked, major corridor that is well-served by public transit and various commercial uses and amenities.

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

- A traffic assessment, dated March 4, 2020, was submitted by LADOT which determined that the proposed project is not required to conduct a vehicle miles traveled (VMT) analysis as the project is beneath LADOT thresholds of significance. The determination also states that there is no VMT analysis required and thus, the project does not need to be referred further to LADOT. As such, the project is not expected to result in any significant impact relating to traffic.
- A Noise Technical Report, dated March 2020, was prepared by ZMassociates Environmental Corporation for the proposed project indicating that the project will result in less than significant impacts regarding noise.
- An Air Quality Technical Report, dated March 2020, was prepared by ZMassociates Environmental Corporation which indicated that the project would result in less than significant impacts with regard to air quality.
- Construction and operational noise levels would not have a significant impact. Based on a review of similar projects, the project would not create significant levels of construction or operational emissions, nor toxic air contaminants. In addition, the project would not result in significant impacts with regard to water quality based on required compliance with Regulatory Compliance Measures (RCM) governed by the State Water Resources Control Board (SWRCB).

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.

3. 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, which is categorized as an area with a minimal chance of flood hazard.