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**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).

- a. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that***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 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 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 relief mechanisms that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

*Additional Incentives:*

**North and South Side Yard Setbacks.** A 30 percent reduction in required side yard setbacks, allowing the provision of 6-foot 3-inch north and south side yard setbacks in lieu of the required 9-foot side yard setbacks in the [Q]R4-1VL Zone;  
**Rear Yard Setback.** A 30 percent reduction in required rear yard setback, allowing the provision of 12-foot 7-inch rear yard setback in lieu of the required 18-foot side yard setback in the [Q]R4-1VL Zone; and

**Height.** An increase in height allow 65-feet 9 inches in lieu of 45-feet.

The additional incentives are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. The Menu of Incentives in the Transit Oriented Communities Guidelines permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The three requested incentives for reduced yards and reduced open space allows the project to increase the overall space dedicated to residential use, thereby allowing for the provision of affordable residential units. These incentives support the applicant's decision to reserve three(3) units as affordable housing units reserved 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 that the proposed 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. 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 site is located within a Hillside area and a Special Grading Area (BOE Basic Grid Map A-13372). Since the project is located within a Special Grading Area, the project will be required to undergo review and approval by the Los Angeles Building and Safety Department, Grading Division. The project is not located on a substandard street or a Very High Fire Hazard 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.

## **ADDITIONAL MANDATORY FINDINGS**

2. 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 outside of a flood zone.
3. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, 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 proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". 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 five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document prepared by Department of City Planning dated March 17, 2021 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.