

## FINDINGS

### **CONDITIONAL USE FINDINGS**

The following is a delineation of the findings related to the request for a Conditional Use to allow a 57.6 percent Density Bonus to allow 15 residential units in lieu of nine dwelling units as otherwise permitted by-right of the subject site, located in the Van Nuys-North Sherman Oaks community plan with dual zones of R1-1 & [Q]R3-1 and corresponding dual land uses of Low Residential and Medium Residential.

- 1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

With the introduction of 15 new units, for both restricted-affordable and market rate units, the project provides an opportunity for households with different incomes to rent. The proposed building will have an attractive architectural style, materials, and articulation to that will protect the character and scale of existing residential neighborhoods. The project will offer affordable units, thus providing for adequate multi-family residential housing and will serve as a benefit to the community, city, and region.

- 2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The proposed project is flanked by two residential buildings of similar height and scale creating more continuity throughout the block as well as adding to the variety of architecture in the area. The Project will provide illumination at street level for security. All lighting on the upper levels will be shielded and focused on the project site and directed away from the neighboring land uses. Project proposes to provide landscaping along the street level, as well as in the side yards and roof deck. The project will incorporate new trees across the site. All landscaping is intended to be native, drought-tolerant planting which is compatible with the climate of the surrounding area. As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- 3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. As such, there are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with.

The project substantially conforms with the following purposes and objectives of the General Plan Land Use Element (Van Nuys – North Sherman Oaks Community Plan).

*Goal 1: A safe, secure, and high quality residential environment for all economic, age and ethnic segments of the community.*

*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: Designate specific lands to provide for adequate multi-family residential development.*

*Program: The Plan Map identifies specific areas where multi-family residential development is permitted.*

*Policy 1-1.2 Protect existing single family residential neighborhood from new, out of scale development.*

The proposed project will meet the above goals and objectives by providing affordable units within a building that has an architectural style and scale in which is in character with the existing neighborhood.

*Objective 1-2 To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.*

*Policy 1-2.1 Locate higher residential densities near commercial centers, light rail transit stations, and major bus routes where public service facilities and utilities will accommodate this development. Program: The plan concentrates most of the higher residential densities near transit corridors*

The proposed project will provide 16 parking spaces, and two short-term and 15 long-term bicycle parking spaces on-site. The site is located within 171 feet to Metro Local 165 on Vanowen, 1.3 miles from Woodman/Valley Glen Metro G Line (Orange) 901 at the intersection of Oxnard Street Avenue and Buffalo Avenue, which will support the reduction of single occupancy vehicular trips.

#### **4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

##### **Framework Element**

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial

and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations. The project is consistent with and advances the following objectives and policies of the General Plan Framework:

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The Project will provide 15 units as market rate housing and 2 units will be restricted to Low Income Households, thus supplementing diversity within the existing housing stock in the Van Nuys – North Sherman Oaks area. These units will be located approximately 1.7 miles away from the North Hollywood Redline and Orange line Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by MTA 165 local bus line.

Just east of the property is a variety of neighborhood serving commercial that hosts full-service and quick-service restaurants, entertainment venues, as well as a variety of other retail options. The area also contains several educational institutions, and to the west, a city park and library. Therefore, the project is consistent with the Framework Element.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance. The Housing Element includes the following goals, policies, objectives:

*Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.*

*Objective: 1.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy: 1.1.2 Expand affordable rental housing for all income groups that need assistance.*

*Goal 3: A City where there are housing opportunities for all without discrimination.*

*Goal 4: A City committed to ending and preventing homelessness.*

The proposed project will increase the existing amount of housing on-site, creating homes for 15 households, including two Very Low-Income Households and one Low Income Households. The Project is directly consistent with the goals, objectives, and policies of the Housing Element of the General Plan.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

This project increases density in proximity to current and future regional transportation centers. The project site is located on Vanowen Street. The property is located less than 1.7 miles from the North Hollywood Metro Rail Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by Metro Bus line 168. Therefore, the project increases the overall quality and supply of housing in Los Angeles, while decreasing future vehicular trips. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

### **Land Use Element – Van Nuys-North Sherman Oaks Community Plan**

The Van Nuys-North Sherman Oaks Community Plan was adopted by City Council on September 9, 1998. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code ("LAMC") including applicable ordinances that are codified in the LAMC.

The Van Nuys-North Sherman Oaks Community Plan designates the site for Low and Medium Residential land uses. The project site is zoned [Q]R3-1 and R1-1, which is consistent with the corresponding Land Use Designations. The density for the R3 portion of the lot permits 800 square feet of lot area per dwelling. The R3 zoned portion of the project site contains 6,985 square feet and is permitted a base density of nine dwelling units. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from nine to 15 dwelling units, two of which will be set aside for Very Low-Income Households, and one for Low Income Households. The project is also in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the North Hollywood-Valley Village area as a High Medium Residential development that provides affordable housing.

5. **The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
  - a. **11% Very Low-Income Units for a 35% density increase; or**
  - b. **20% Low Income Units for a 35% density increase; or**
  - c. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

**The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:**

- a. **For every additional 1% set aside of Very Low-Income Units, the project is granted an additional 2.5% density increase; or**
- b. **For every additional 1% set aside of Low-Income Units, the project is granted an additional 1.5% density increase; or**
- c. **For every additional 1% set aside of Moderate-Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. **In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 11 percent of the base density units for Very Low-Income Households in accordance with the State Density Bonus Law. The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 11 percent for Very Low-Income Households for every additional 2.5 percent density increase above the 35 percent.

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 57.6 percent increase in density for a total of 15 dwelling units in lieu of nine dwelling units as otherwise permitted by-right in the [Q]R3-1 Zone. The applicant is required to set aside at least 20 percent of units for Very Low-Income occupancy. The applicant proposes a project totaling 15 dwelling units of which two, or 22% of the base density of nine units, will be restricted to Very Low-Income Households which is in excess of the required 20%. In addition, the project will include one unit for Low Income Households for a period of 55 years as well as one unit subject to the RSO Ordinance, as a replacement unit requirement from HCID. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low-Income Households.

**6. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).**

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated June 26, 2019, three units have been identified on the site, therefore AB 2556 replacement affordable units are required (Exhibit E); in this case the two Very Low Income units initially proposed, one Low Income unit, and, further, one unit subject to the Rent Stabilization Ordinance. As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) is conditioned.

**7. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.**

Per the Conditions of Approval, the owner is required to execute a covenant to the satisfaction of HCIDLA to make 3 units for affordable units for a period of 55 years, as follows: two units for Very Low Income household occupancy, and one for Low Income Households as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development (“HCD”). Further, an additional market-rate, rent-stabilized, unit is required to be provided. The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA.

**8. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. These were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. The City of Los Angeles Housing and Community Investment Department (HCIDLA) utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 57.6 percent density increase above the nine base density units to permit a total of 15 dwelling units. The project will set aside units for affordable units for a period of 55 years, as follows: two units for Very Low-Income household occupancy, and one for Low Income Household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development (“HCD”) with the remaining being market rate units. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Furthermore, the project is required to record a Covenant and Agreement with the HCIDLA to make three units affordable for a period of 55 years per the Conditions of Approval. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

**DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS**

**Housing Replacement**

With Assembly Bill 2222, Applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a

recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of Low or Very Low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

Pursuant to a letter dated July 26, 2019 issued by the Los Angeles Housing and Community Investment Department (HCIDLA), the site is developed with four dwelling units. The replacement required includes three affordable units (two Very Low-Income and one Low-Income), and one Rent Stabilization Ordinance unit, thus the project is in compliance with the housing replacement provisions.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any On-Menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

### **LAMC Criteria**

As permitted by LAMC Section 12.22 A.25 the Applicant is requesting three On-Menu incentives, and one Waiver of Development Standards that will facilitate the provision of affordable housing at the site: a height increase of approximately 10 feet, a westerly side yard setback of five feet, a Floor Area Ratio (FAR) of 4.05:1 in lieu of 3:1 for the R3 portion, and a rear yard of zero feet for the R3 portion of the lot respectively.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The proposed project consists of a five-story residential building facing Vanowen Street (south elevation). As Exhibit "A" demonstrates, the south elevation is articulated in multiple ways: recessed windows; variations in window size, orientation (horizontal vs. vertical) and frame width, including corner windows with minimal fanning on the third and fourth floors; variations in building façade depth; and the use of gray and white plaster exterior of the first through fourth floors to provide contrast with the rosewood façade on the second floor to roof deck.

- b. *All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street facing elevation.*

The project is located on the north side of Vanowen Street. The building is oriented towards the street by providing pedestrian access to the residential units as well as automobile access from Vanowen Street. The pedestrian entrance is located at the southernly portion of the property; large street numbers affixed to the exterior wall of the building adjacent to the entry gate help to draw attention to it. A 12 foot 3 inch wide pedestrian pathway leads from the sidewalk to the entry door which emphasizes that this is the point of access to the building. Units facing Vanowen Street, with the exception of the units on the ground floor, have multiple large windows with light gray trim of varying sizes, as well as the stairwell, creating interaction with the public realm.

Overall, the building design has a modern, clean, and balanced appearance with an emphasis on large but varied window shapes contrasted with rosewood colored façade and siding, white plaster, creating visual interest as viewed from the street and connecting the building to its surroundings.

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HMC).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

Pursuant to Section 12.22 A.25 of the LAMC and Government Code Section 65915, the Commission shall approve a Density Bonus and requested incentive(s) unless the Commission finds that:

- e. *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 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.

LAMC Section 12.22 A.25 establishes that a Housing Development Project may qualify for one, two, or three incentives based on the percentage of units set aside for Very Low Income, Low Income, or Moderate-Income Households. The project has a base density of 9 units, is proposing 15 units, and is providing two units for Very Low Income households, (22 percent of the base density, exceeding the 11 percent required), one unit for Low-Income Households (a replacement unit required above the necessary affordable unit set-aside), and a replacement Rent Stabilization Ordinance Unit, which qualifies the project to utilize up to three on-menu incentives. The project includes on-menu incentives for increased height, a reduction of the westerly side yard setback, and increased FAR. It also includes a request for waiver of development standards to allow for a rear yard reduction for the R3 portion of the lot. As indicated in the staff report conclusion, staff recommends treating the request for FAR relief as an on-menu incentive and the rear yard relief as a waiver of development standards.

#### On-Menu Incentives

The list of on-menu incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus 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 density bonus on-menu incentives provide actual and identifiable cost reductions that provide for

affordable housing costs because the incentives by their nature increase the scale of the project.

*Height.* The requested incentive, a 10-foot increase in height, is expressed in the Menu of Incentives per LAMC 12.22 A.25(f)(5), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional units can be constructed, and the overall space (dedicated to residential uses) is increased. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

*Side Yard (Westerly).* The requested incentive, a westerly side yard setback of five feet, eight inches in lieu of seven feet; per LAMC 12.22 A.25(f)(1), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional units and larger units. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

*Floor Area Ratio (FAR).* The requested incentive, a 35 percent increase in the floor area ratio, is expressed in the Menu of Incentives per LAMC 12.22 A.25(f)(4), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional units and larger units (14 of the 15 units are two-bedroom units and one three-bedroom) can be constructed, and the overall space (dedicated to residential uses) is increased. This incentive is not suitable as a total waiver, as the applicant could opt to create smaller units; however, the request is justified as an on-menu waiver that helps to financially support the restricted-income units. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

#### Waiver of Development Standards

*Rear Yard.* The requested waiver, a rear yard of zero feet for the R3 portion of the lot in lieu of 15 feet. per LAMC 12.22 A.25(f)(1), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so additional units can be constructed, and the overall space (dedicated to residential uses) is increased. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

- f. *The Incentive(s) 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed on-menu incentives and the waiver of one development standard 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)). Based on the above there is no basis in the record to deny the requested incentives. As required by Section 12.22 A.25 (e)(2), the project meets the additional eligibility criterion that is required for density bonus projects.

The facade of the proposed building which faces Vanowen Street will be articulated in multiple ways, creating a visually interesting elevation that invites interaction with the street. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. 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. Finally, according to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety.

*g. The incentive(s) are contrary to state or federal law.*

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

Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:

*h. The waiver(s) or reductions of development standards are contrary to state or federal laws.*

A project that provides 20 percent of the base units for Very Low Income Households may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the waiver described below, the existing development standards would preclude development of the proposed density bonus units:

*Rear Yard.* The requested waiver, a rear yard of zero feet for the R3 portion of the lot in lieu of 15 feet. per LAMC 12.22 A.25(f)(1), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so additional units can be constructed, and the overall space (dedicated to residential uses) is increased. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

Without this waiver, the Applicant would be required to reducing the size building, thus reducing the number of units. This reduction in density would therefore preclude development of the proposed density bonus units.

There is no evidence in the record that the proposed waiver is contrary to state or federal laws.

- i. The Waiver(s) or Modification(s) of Development Standards 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 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 waiver will have a specific adverse impact on 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. Finally, according to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested Waiver, will have a specific adverse impact on the physical environment, or on public health and safety. Based on the above, there is no basis to deny the requested Waiver.

### **Variance Findings**

The applicant has requested Variance to allow for subterranean parking to extend below the R1 portion of the lot.

- 1. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The current property consists of one lot that is currently divided in half by a zone boundary. The southern portion of the lot that fronts Vanowen Street is 6,985 square feet and is zoned [Q]R3-1, and the northern portion of the lot is 9,075 square feet and is zoned R1-1. As a result of this split in zoning designation, this lot is narrow, and the R1 portion does not have direct access from the Vanowen Street frontage, development of the site in accordance with each of its separate zoning designations is so infeasible as to be impossible. Improving the southern [Q]R3-1 portion of the lot in a way that is in conformance with LAMC Section 12.08, which requires the R1 zoned portion of the subject site to be improved with a one-family dwelling, would be infeasible as access to the R1-1 lot would be precluded. The lot is further limited as it cannot be subdivided along the zone boundary line in order to create two independent lots as it would result in the R1-portion to be land-locked with no street access, and no frontage.

The proposed project includes a 15-unit apartment building with a subterranean parking garage. A total of 16 vehicle parking spaces including one disabled parking space will be included. The proposed parking garage will extend 57 feet, 11 inches in length below the northernly R1-1 portion of the lot. The project has been designed to provide a better transition from the R1-zoned properties abutting the R1-zoned portion of the subject lot, by designing a subterranean parking garage versus an above ground parking structure

while locating open space between the proposed development and adjacent single-family dwellings. As a result, the massing of the proposed multi-family building is kept closer to the Vanowen Street frontage, and away from the lower scale buildings. It also provides for the outdoor amenities to be located at the rear portion of the lot. This is similar in design to the existing multi-family building to the west which provides at-grade parking for its tenants on its R1-zoned portion of its lot.

The general purpose and intent of the regulation is to limit uses to specific zones in order to correspond to the General Plan and to have compatibility between respective properties. Such regulations, however, written on a citywide basis cannot take into account individual unique characteristics of a specific property.

Therefore, strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

**2. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.**

The lot is an approximately 16,059.5 square foot, 175 feet in length, 55 feet in width rectangular shaped interior lot. Surrounding lots abutt the southerly portion of the subject property from the west, south and east. The subject property's only street frontage is located on the northerly portion facing Vanowen Street. The site is currently improved in such a way that ingress and egress is taken from the frontage along Vanowen Street only.

Additionally, special circumstances applicable to the subject property are that the lot is split zoned or is divided by a zone boundary. The southern portion of the lot that fronts Vanowen Street is zoned [Q]R3-1, and the northern portion of the lot is R1-1.

The applicant proposes to improve the southernly R1-1 portion of the lot with 600 square feet of open space, landscaping, a swimming pool, kids pool, and jacuzzi. Improving the R1-1 portion of the lot would serve as a benefit to the residents and improve the site in a way that would be more suitable for the surrounding R1-1 zoned abutting properties.

The proposed project will include a subterranean parking garage that will extend approximately 57 feet, 11 inches below the R1-1 portion of the lot. Ingress and egress will be taken from the Vanowen Street frontage. The driveway will be near the easterly property line.

Due to the unique location and characteristics of the subject property, the R1-1 southernly portion of the lot has limitations that are not generally consistent with surrounding properties. Denying the variance request would result in a reconfiguring of the building design that would be incongruent with the residential character of the surrounding area.

The proposed subterranean garage will be designed with reasonable protection of the visual environment so not to overwhelm the residential character of the surrounding area and the driveway and point of entry will not interfere with traffic safety or otherwise endanger public safety.

Therefore, there are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The request to allow a portion of the subterranean garage to extend below the R1-1 portion of the lot is a necessary amenity for the community, as the surrounding neighborhood has limited off-street parking. Providing as much parking as possible for the proposed project would be ideal and is a general amenity that is otherwise possessed by surrounding properties.

Further, the development pattern of nearby single-family homes portrays a typical development with large, open rear yards providing separation, space, privacy, and additional light penetration from nearby properties. The use of the R1-1 portion of the lot as open space is facilitated by the variance request to allow subterranean parking below it; where this portion of the lot developed with a single-family home, the nearby properties would have a reduced separation distance from the proposed apartment building. This right and use to open space generally possessed by the other properties will provide benefits not just for the residents of the project but nearby residents as well.

The property having a split zone serves as a special circumstance in which the R1-1 portion of the lot has substantial limitations for how it can be improved. Due to this unnecessary hardship, it would be practical to allow for the subterranean garage to extend below the R1-1 portion of the lot, as the extension would total approximately 57'-11" in length. Denying the variance request would result in preventing the subject property from having the ability to offer protected, sheltered parking, swimming pools and jacuzzi which is a highly desired amenity, thus not allowing residents the opportunity to enjoy similar amenities that are possessed by nearby properties.

Therefore, as described above, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

- 4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and**

Granting the variance will not be materially detrimental because special consideration is given to the impact on residences adjacent to the property. The proposed courtyard above grade located on the R1-1 portion of the lot will be paved, screened from view from the residentially zoned lots, and landscaped, as conditioned. The parking garage will be subterranean and will not provoke any obstructing noise or impose upon the public welfare. Additionally, the setbacks to the westerly and easterly portion of the proposed building provides a buffer for the residents abutting the property. In addition, the lighting will be shielded, downward facing and away from adjacent properties.

Therefore, granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

- 5. The granting of the variance will not adversely affect any element of the General Plan.**

The granting of the variance will not adversely affect any element of the General Plan

### **Framework Element**

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations. The project is consistent with and advances the following objectives and policies of the General Plan Framework:

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The proposed 15-unit apartment building will meet the above objectives and policies by being sited where similar uses already exist. The project does not propose a more intensive use of the site in comparison to the existing surrounding uses.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance. The Housing Element includes the following goals, policies, objectives:

*Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.*

*Objective: 1.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy: 1.1.2 Expand affordable rental housing for all income groups that need assistance.*

*Goal 3: A City where there are housing opportunities for all without discrimination.*

*Goal 4: A City committed to ending and preventing homelessness.*

The proposed project will increase the existing amount of housing on-site, creating homes for 15 households, including two Very Low-Income Households and one Low Income Households. The Project is directly consistent with the goals, objectives, and policies of the Housing Element of the General Plan.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

This project increases density in proximity to current and future regional transportation centers. The project site is located on Vanowen Street. The property is located less than 1.7 miles from the North Hollywood Metro Rail Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by Metro Bus line 168. Therefore, the project increases the overall quality and supply of housing in Los Angeles, while decreasing future vehicular trips. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

### **Land Use Element – Van Nuys-North Sherman Oaks Community Plan**

The Van Nuys-North Sherman Oaks Community Plan was adopted by City Council on September 9, 1998. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code ("LAMC") including applicable ordinances that are codified in the LAMC.

The Van Nuys-North Sherman Oaks Community Plan designates the site for Low and Medium Residential land uses. The project site is zoned [Q]R3-1 and R1-1, which is consistent with the corresponding Land Use Designations. The density for the R3 portion of the lot permits 800 square feet of lot area per dwelling. The R3 zoned portion of the project site contains 6,985 square feet and is permitted a base density of nine dwelling units. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from nine to 15 dwelling units, two of which will be set aside for Very Low-Income Households, and one for Low Income Households. The project is also in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the North Hollywood-Valley Village area as a High Medium Residential development that provides affordable housing.

### **CEQA EXEMPTION**

DETERMINE that based on the whole of the administrative record, 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.