

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. 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 very low, low, moderate, and extreme 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 base 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Height. The requested increase in height 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. The R3-1 Zone allows a building height of 45 feet. The TOC height incentive allows for an additional 11 feet in height thereby creating a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. The project is 56 feet in height and four stories with one level of podium parking.

The requested incentives in combination with the requested floor area of 19,589 square feet will allow the developer to increase the amount of units in the building so two (2) units are reserved for Extremely Low Income Households and one (1) for Very Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve three (3) units as affordable housing units.

Setbacks (Sides). The requested yard incentives, which include a reduction in the required side yard setbacks, are 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 R3-1 Zone requires a side yard setback of 8-feet. The TOC yard incentive allows for a 30% decrease in the require side yard setbacks to 5-feet 7 ½ inches thereby creating a building

envelope with the area necessary to accommodate the proposed density, including the affordable housing units.

The requested incentive allow the developer to reduce setback requirements so the housing units reserved for Extremely Low Income Households and Very Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve two (2) housing units for Extremely Low Income Households and one (1) for Very Low Income Households.

Open Space. The requested open space incentive, allowing a 25 percent reduction of the open space requirements, are 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. Per LAMC, the proposed project is required to provide a minimum of 2,000 square feet of open space, however, the project will be utilizing the open space incentive to reduce the minimum open space requirement to 1,500 square feet. The reduction in open space by approximately 25 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that two (2) housing units are reserved for Extremely Low Income Households and one (1) housing unit reserved for Very Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve three (3) units as affordable housing units.

2. **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 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 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, or on property listed in the California Register of Historic Resources.

ADDITIONAL MANDATORY FINDINGS

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, areas of minimal flooding.

4. **DETERMINED** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15300 and Article III, Section 1, (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 project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed below.

(a) The project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.

The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The Palms-Mar Vista-Del Rey Community Plan Map designates the property for Medium Residential land uses with corresponding zones R3 and R3PV. The property is zoned R3-1. As such, the proposed construction of a 17-unit residential building would be permitted by the Zone and is located on property currently designated for such development in the General Plan.

The Palms-Mar Vista-Del Rey Community Plan establishes the following Goals, Objectives, and Policies that relate to the proposed project:

- 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 Multiple Family residential development.
 - 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.

The proposed project involves the demolition of an existing four-unit residential building and four car garage and the construction, use, and maintenance of a new six-story, approximately 56 foot high apartment building with 17 units. The proposed building will front Purdue Avenue and will encompass approximately 19,589 square feet of residential floor area, resulting in a Floor Area Ratio (FAR) of approximately 3.914 to 1. Of the 17 units proposed, 9 will be one bedroom units, 6 will be two bedroom units, and 2 will be three bedroom units. Of the 17 residential units, the project will reserve 2 units for Extremely Low Income households and 1 unit reserved for Very Low Income households.

The project proposes an increase in residential units and floor area in the Palms-Mar Vista-Del Rey Community Plan area on a site developed with a four unit residential building. The proposed project is located mid-block on Purdue Avenue and is located approximately ½ mile from Olympic Boulevard, a major commercial corridor developed with commercial uses in the vicinity. Additionally, the proposed project is also located within 2000 feet of the Exposition/Sepulveda Metro Station. As the project is consistent with the General Plan,

Community Plan, and the applicable zoning regulations; the project complies with subsection a.

(b) The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses.

The proposed development is wholly within the City of Los Angeles and is on a 0.18 acre site (i.e., less than five acres). The project site is surrounded by urban uses, as it is infill construction located on a residential corridor within an urban area; and not located in a farmland or agricultural designated area. The neighborhood is fully built out with a variety of development including multi-family buildings and this proposed project will be consistent with the urban character of the neighborhood and corridor.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The existing site is developed with a one-story four-unit apartment building, with a four car garage to the rear portion of the project site. The majority of the site is paved. The project is located on an established, fully developed, residential area. The project site has no value as a habitat for endangered, rare or threatened species. Further, there are 17 trees on-site (all proposed for removal) however none of the trees are identified as protected species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is the construction of a 17 residential unit multi-family apartment structure on an existing site developed with four residential units. The project would result in a net increase of 13 dwelling units. Proposed projects that exceed daily peak morning/evening trip count thresholds established by the Los Angeles Department of Transportation require a traffic analysis or study. The project generates a net increase of 63 daily trips, including 4 am peak hour trips and 6 pm peak hour trips. The project does not exceed net unit thresholds established by the Los Angeles Department of Transportation and therefore no impact would occur. No mitigation would be necessary and the project would not result in any significant impacts related to traffic.

In regards to noise, construction activities can generate varying degrees of noise and vibration, depending on the construction procedures and the type of construction equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Unless heavy construction activities are conducted extremely close (within a few feet) to the neighboring structures, vibrations from construction activities rarely reach the levels that damage structures. In addition, the project would be required to comply with LAMC Section 41.40, which requires limitations imposed on construction activities. Additionally, new stationary sources of noise, such mechanical HVAC equipment, would be installed on the proposed development. The design of the equipment will be required to comply with LAMC Section 112.02 and 112.05, which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five dBA. With implementation of the regulations that address construction activities and mechanical equipment, the project would result in a less than significant impact related to construction and operational vibration and noise.

In regards to air quality, a significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. The proposed project is not expected to conflict with or obstruct the implementation of the AQMP and SCAQMD rules. The proposed project is also subject to the City's Green Building Program Ordinance (Ord. No. 179,890), which was adopted to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional and global ecosystems. The proposed project would generate typical operational emissions associated with multi-family residential development projects. Therefore, the project would not result in any significant impacts to air quality.

In regards to water quality, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB), 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded, or 3) increase surface water runoff, resulting in the need for expanded off site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the NPDES permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements. Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure. Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

- (e) The proposed project has been reviewed by City staff, and can be adequately served by all required utilities and public services.**

The project site will be adequately served by all required public utilities and services given that the site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 13 residential dwelling units. Based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exemption. None of the exceptions are triggered for the following reasons:

- A. **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Because the proposed project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is inapplicable. As such, exception (a) does not apply.

- B. **Cumulative Impact.** *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

The development of the project site with 17 dwelling units is consistent with the zone and land use designation of the site, as designated by the Palms-Mar Vista-Del Rey Community Plan, and as permitted by the City's Transit Oriented Communities Affordable Housing Incentive Program (LAMC 12.22-A.31) The Community Plan's Medium Residential designation of the site includes multi-family density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not requesting any significant deviations from what is otherwise permitted by the underlying zoning of the site. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce potential impacts to less than significant and would, therefore, not create a cumulative impact.

- C. **Significant Effect Due To Unusual Circumstances.** *This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.*

The project proposes to construct a new, 17-unit, residential development in an area zoned and designated for such development. Properties in the vicinity are developed with single-family residential and multi-family residential uses, and the subject site is of a similar size to nearby properties. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- D. **Scenic Highways.** *This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees,*

historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Based on a review of the California Scenic Highway Mapping System (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), subject site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

E. Hazardous Waste Sites. *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

Based on a review of the California Department of Toxic Substances Control "Envirostor Database" (<http://www.envirostor.dtsc.ca.gov/public/>), no known hazardous waste sites are located on the project site. In addition, there is no evidence of historic or current use, or disposal of hazardous or toxic materials at this location. Based on this, the project will not result in a significant effect due hazardous waste and this exception does not apply.

F. Historical Resources. *Projects that may cause a substantial adverse change in the significance of an historical resource.*

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 of Historic Places, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.