

## 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 (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. **Pursuant to LAMC Section 12.22 A.25(g)(2), the Director shall approve a transit oriented communities review with additional requested incentives unless the Director finds that 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 find that the requested incentives are not required 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.

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC 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 on-menu incentives are required to provide for affordable housing costs because the incentives, by their nature, increase the scale of the project. The following incentives allow the developer to increase the height of the mixed-use building so that affordable housing units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve seven (7) units for Extremely Low Income Households.

**Yards/Setback.** The project is located within the R4 zone and is required to provide a 15-foot front yard setback on Venice Boulevard. The requested yard incentive allows the project to be designed with a reduced front yard setback of 5 feet along Venice Boulevard. Front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage; if the project is located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjoining building along the same front lot line. Without the yard incentive, the project's floor area would be reduced by approximately 5,000 square feet, resulting in a decrease of 16 units. With the yard incentive, the project is able to include more residential floor area for dwelling units reserved for Extremely Low Households.

**Height.** The project is subject to the 1XL height district, which limits height to 30 feet. The requested height incentive allows an increase of 11 feet in building height, equal to a maximum building height of 41 feet. Although the underlying zone does not limit the number of stories, the project is limited by building height. Utilization of the height incentive enables the construction of an additional level, and thus facilitates the addition of approximately 21 units. The additional units support the applicant's decision to reserve seven (7) units for Extremely Low Income Households.

The use of the Incentives result in design and construction efficiencies, which in turn makes the inclusion of affordable units more financially feasible. The Additional Incentives requested for this project are part of a broader list of TOC On-Menu Additional

Incentives that have been pre-evaluated and deemed effective in providing applicants with greater flexibility to construct mixed-income developments. The project reserves at least 7 percent of the total units for Extremely Low Income Households and, as such, qualifies for up to two Additional Incentives.

2. **Pursuant to LAMC Section 12.22 A.25(g)(2), the Director shall approve a transit oriented communities review with additional requested incentives unless the Director finds that the 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 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 evidence that the proposed incentive will have a specific adverse impact upon public health and safety or the physical environment. 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 finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the State CEQA Statute and Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed project determined that the project is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the State CEQA Statute and Guidelines. Furthermore, the project was evaluated against the exceptions to use of Categorical Exemptions pursuant to Section 15300.2 of the State CEQA Statute and Guidelines and determined that none of the exceptions apply to the proposed project. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

## ENVIRONMENTAL REVIEW FINDINGS

3. As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, 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 project consists of the demolition of three existing residential structures, and the construction of a 41-foot tall, four-story, 49,948 square-foot, multi-family structure over one level of subterranean parking, containing a total of 77 dwelling units, reserving 7 dwelling units (9 percent of the total units) for Extreme Low Income households for 55 years. The project provides a total of 43 vehicular parking spaces and 82 bicycle parking spaces (72

long-term, 10 short-term). The project will grade and export 8,800 cubic yards of earth. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site currently is developed with a 3-unit apartment building, a 4-unit apartment building, and a 2-unit apartment building. The site is zoned [Q]R4-1XL and has a General Plan Land Use designation of High Medium Residential. The project proposes the construction of a three-story residential building containing 77 dwelling units. As proposed, the project is conformance with the General Plan Zoning and Land Use designation.

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

The subject site is wholly within the City of Los Angeles. Lots surrounding the subject site are developed with multi-family buildings and single-family residences.

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

The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The area around the site is highly urbanized and surrounded by commercial and residential uses. NavigateLA shows that the subject site is not located in a Significant Ecological Area.

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

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance for pollutant discharge, dewatering, and stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
  - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
  - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), to prevent excessive amounts of dust.
  - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - General contractors shall maintain and operate construction equipment to minimize exhaust emissions.
  - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
  - **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours. A Noise Impact Analysis, prepared by Cadence Environmental, dated September 25, 2019, determined that the proposed development would not exceed the limits stated in the Noise Ordinance. Regarding traffic and air quality impacts, DOT staff determined that the project requires a traffic assessment study. A traffic study dated September 3, 2019 was prepared by Overland Traffic Consultants. The Department of Transportation (LADOT) issued a Traffic Assessment, dated February 4, 2020, indicating the project would generate a net increase of 341 trips. The Traffic Assessment included a VMT analysis that determined the project would not have a significant transportation impact under any of the above thresholds.

The project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle facilities, or pedestrian facilities. Therefore, the project will not have any significant impacts to traffic. Likewise, air quality will not worsen as a result of the proposed project. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The Air Quality Impact Analysis prepared by Cadence Environmental Consultants, dated September 24, 2019, concluded the project would not result in impacts to air quality. Regarding water quality, the proposed project will utilize existing municipal water sources through the Department of Water and Power (LADWP). The project is subject to the City's Low Impact Development Ordinance (Ordinance 181,889), which requires the capture and retention of storm water through onsite filtration and treatment. As such, the project has been designed to meet the City's Low Impact Development (LID) requirements.

**e) The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, sewage and waste disposal infrastructure, and power lines installed. Venice Boulevard and Glencoe Avenue are improved with existing utilities that service the lots in the area. Both can be accessed

by emergency vehicles. The project includes a street dedication to widen the pedestrian right-of-way. The project will also repair and replace any broken or off-grade asphalt, sidewalk, curb, or gutter. The project shall comply with any street light requirements required by the Bureau of Street Lighting. The proposed project will not result in significant impacts on the capacity of existing utilities and services.

The project is a transit-oriented, infill development on a site within an urbanized area and meets the criteria outlined above. Therefore the project qualifies for a Class 32 Categorical Exemption.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- a) **Cumulative Impact.** There is not a succession of known projects of the same type located in the same place as the subject project. No comparable pending projects (TOC or Density Bonus) have been identified within a 500-foot radius of the subject site. One TOC project located approximately 0.33 miles away at 1015 East Venice Boulevard (DIR-2017-4421-TOC) was approved on September 7, 2018. Another TOC project, located at 1808-1816 South Lincoln Boulevard (DIR-2019-1133-TOC), was approved on February 20, 2020. Since these projects qualify for a Class 32 Categorical Exemption and are subject to Regulatory Compliance Measures, no cumulative impacts are anticipated. Further, the proposed 77-unit residence does not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- b) **Significant Effect Due to Unusual Circumstances.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The project proposes a multi-family building in an area zoned and designated for such use. Adjacent lots are developed with multi- and single-family residences. No unusual circumstances are present or foreseeable.
- c) **Scenic Highways.** The project site is not located on or near a designated state scenic highway. The only State Scenic Highway within the City of Los Angeles is the Topanga Canton State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park.
- d) **Hazardous Waste Sites.** The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- e) **Historical Resources.** 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, the Los Angeles Historic-Cultural Monuments Register, and/or any local register. The site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The City does not treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource.

The project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.