

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. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:**

- a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for 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.

The list of Additional Incentives in the Transit Oriented Communities (TOC) Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Yard/Setback. The requested incentive to utilize setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize the northerly rear yard as permitted by the RAS3 Zone. The requested incentive will allow the project to have a rear yard setback on the commercial and residential levels of the building reduced from 20 feet (as required in underlying the C2 zone) to five (5) feet. Additionally, the project does not have to set back the rear of the building one additional foot for each floor above the third floor, as would otherwise be required in the C2 zone. The RAS3 Zone also requires a ground floor (5) five-foot rear yard. Utilization of the RAS3 rear yard requirement increases the buildable area of the residential levels of the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Open Space. The requested open space incentive, allowing for a maximum 25 percent reduction of the open space requirement, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building

design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely 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 27 units as affordable housing units reserved for Extremely Low Income Households.

Floor Area. The requested averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across an entire project site, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to utilize the averaging of the FARs of the project site's underlying C2-1 and C2-2 zoning, allowing for more buildable area to accommodate affordable housing units while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, the three Additional Incentives are necessary to provide for affordable housing costs.

- b. *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 are no feasible methods to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to low-income 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 (Government Code Section 65915(d)(B) and 65589.5(d)).*

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. While the project site does have street frontage on two substandard streets, the project will provide the necessary dedication and street improvements along both 8th Street and Park View Street per Bureau of Engineering's recommendations. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

- c. *The incentives are contrary to state or federal law.*

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

SITE PLAN REVIEW FINDINGS

2. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans. The subject property is located within the Westlake Community Plan, which designates the site for Community Commercial land uses corresponding to the C4, C2, C1, CR, RAS3, RAS4, P, and PB zones, and Highway Oriented Commercial land uses corresponding to the C2, C1, CR, RAS3, RAS4, and P zones. The subject property's zoning is thus consistent with the General Plan's land use designations for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with the following goals, objectives, and policies of the Westlake Community Plan:

RESIDENTIAL

- Objective 1:** To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.
- Objective 2:** To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.
- Objective 3:** To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.
- Policy 2:** That medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from or a transition between low density housing can be achieved.
- Policy 4:** That the City shall support continued affordability of units subject to termination of Federal mortgage or rent subsidies and expiring bond projects.

COMMERCIAL

- Objective 1:** To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.
- Objective 2:** To improve the compatibility between commercial and residential uses.

Policy 1: That commercial facilities be located on existing traffic arteries and commercial corridors.

In addition, the project meets the following objectives and policies of the City's Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1-1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit.

Policy 2-2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.

Policy 2-2.3: Promote and facilitate a jobs/housing balance at a citywide level.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The proposed project is a seven-story, mixed-use development, which includes a total of 264 residential units, (including 27 units reserved for Extremely Low Income Households), and 9,724 square feet of ground floor commercial space. The project includes a variety of unit types, including studio, one-bedroom, and two-bedroom units. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost. The new, in-fill development has been well-conditioned to ensure high quality design and architecture which will enhance the existing neighborhood, consisting of a wide variety of residential, commercial, and public facility uses. The project features attractive and quality landscaping in addition to a variety of amenities available for all tenants and residents of the project.

The project site is zoned for commercial uses as intended by the Community Plan, and has street frontage along Park View Street, and 8th Street, a busy commercial thoroughfare. The project's proposed ground floor commercial uses located at the southeast corner of the site, will strengthen and provide new viable commercial development in a long-established commercial corridor. The project's neighborhood-serving commercial uses will benefit the community by contributing towards a pedestrian-friendly environment that is safe for all modes of transportation. The project is within close proximity to public transit stops, including Metro and DASH bus stops on 8th Street, and the Metro Rail Station with Metro Purple and Red Lines at the Westlake/MacArthur Park Station. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. Furthermore, the subject property had been previously developed with non-residential uses, and is now currently, a vacant site. Thus, the project will improve an underutilized site, and will not cause displacement of housing or loss of any existing residential units.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Westlake Community Plan and does not conflict with any applicable regulations or standards.

- 3. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Westlake Community Plan at the intersection of 8th Street and Park View Street. The project site is bound by 8th Street to the southwest; Park View Street to the southeast; and a public alley to the northwest. Adjoining the project site to the north is a C2-2 zoned lot improved with a single-story multi-tenant commercial building with adjoining surface parking lots to the west, and to the east. Abutting the project site to the east, across Park View Street, is a public elementary school (MacArthur Park Visual and Performing Arts Elementary). Abutting the project site to the south, at the southeast corner of the intersection of 8th Street and Park View Street, is a C2-1 and R4-1 zoned parcel of land developed with a two-story nursing home. Abutting the project site to the southwest, across 8th Street, is a two-story mini-shopping center with a surface parking lot. Abutting the project site to the west, are properties zoned C2-1, R4-1, and R4-2, improved with apartment buildings ranging from one to five stories as well as a surface parking lot.

The proposed project involves the construction of a seven-story mixed-use building, 92 feet 6 inches in height with 264 residential units, inclusive of 27 units set aside for Extremely Low Income Households, and approximately 9,724 square feet of ground floor commercial space. The project will provide a total of 230 vehicular parking stalls, and 172 bicycle parking stalls. The project site is a sloping, rectangular-shaped parcel of land comprised of eight (8) contiguous lots, totaling approximately 58,535 square feet (approximately 1.34 acres) in size.

Height, Bulk and Setbacks

The proposed building reaches a maximum height of 92 feet, 6 inches with seven stories above a subterranean parking level, as permitted by the underlying Height District Nos. 1 and 2 of the site which each allow for unlimited height and stories for developments within commercially-zoned properties. The subject property is zoned C2-1 and C2-2. The C2-1 zoning of the site normally allows for a maximum Floor Area Ratio (FAR) of 1.5:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, Housing Developments in Tier 3-designated commercial zones may qualify for a FAR increase of up to 3.75:1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. Likewise, the C2-2 zoning of the site normally allows for a maximum FAR of 6:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, the development may qualify for an FAR increase of up to 9:1. The project is requesting the Averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across the entire project site. As such, the project is proposing a total floor area ratio of 4.56:1, equating to approximately, 266,438 square feet of floor area.

The proposed building provides the minimum required front and side yard setbacks of the C2 zone for mixed-use developments. The project qualifies for an Additional Incentive through the TOC Incentive Program to allow for a reduced northerly rear yard of (5) five feet in lieu of the 20 feet, otherwise required by the LAMC.

To minimize the bulk and massing of the proposed building, the project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing balconies and windows. The ground floor consists of a variation in wall treatments, including glass, metal, cement plaster, and green screens integrated into the overall architectural style of the building. In addition, landscaping is utilized to create an attractive buffer between the exterior wall and the public right-of-way. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

Off-Street Parking Facilities

The project includes a total of 230 vehicular parking spaces and 172 bicycle parking stalls for residential and commercial uses, consistent with the requirements of the LAMC and TOC Guidelines. The project includes one ingress and egress driveway for commercial uses along 8th Street and provides two ingress and egress driveways for residential uses along Park view Street. This southerly driveway along Park View Street provides access to the building's subterranean parking level, and the northerly driveway provides access to the ground floor parking level. The residential driveways placements along Park View Street, the secondary right-of-way, allows for the maximization of commercial space along 8th Street while minimizing disruptions to traffic flow. All parking will be screened and not be visible from the public right-of-way. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The proposed project is situated in a commercial zoned property that adjoins a public alley and contains commercial uses. The project's proposed commercial loading zone is approximately 1,000 square feet in size, having a 14-foot height clearance, and is located within the commercial parking area at the southwest corner of the ground level of the development. The applicant is requesting a modification to LAMC 12.21 C.6, requiring that every required loading space be located and arranged so that delivery vehicles may be driven upon or into said space from the alley. The requested modification would allow for delivery vehicles to be driven into the loading zone from 8th Street in lieu of the northwesterly-adjointing alley. There are several factors that create a hardship in utilizing the alley for delivery vehicles: (1) there are gates positioned in two locations of the alley prohibiting through traffic; (2) the alley T's off into two substandard alleyways to the north posing a potential hazard for delivery vehicles and the general public; (3) given the close proximity of several high-density residential buildings and commercial buildings, utilization of the alley for loading activity could exacerbate vehicular and pedestrian access; and (4) the natural grade of the property slopes to a upward from 8th Street, therefore, locating the driveway for commercial parking would contribute to an inefficient parking design and higher building costs. Furthermore, an LADOT determination dated May 21, 2021, states that the modified loading zone on the site plan as shown in Exhibit "A", satisfies LADOT requirements. For these reasons, the requested modification to allow delivery vehicles for the project's commercial tenants to access the loading area from 8th Street in lieu of the adjacent alley is justified, as it will improve public safety and maximize efficiency.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a total of approximately 3,565 square feet of landscaped area. Various types of vegetation and trees are integrated into the design of the building facades to minimize the visual impact of the maximum 92.5-foot tall building and provide buffering for neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along 8th Street and Park View Street. Furthermore, the project has been conditioned to require that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks be attractively landscaped. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within two separate trash/recycle rooms. The residential trash/recycle room is located at the northeasterly ground floor portion of the building. The project includes trash and recycling chutes throughout the building to encourage recycling and keep trash and recycling hidden from the view of residents and neighbors. The trash and recycling area for the commercial portion of the building is completely enclosed within the commercial parking garage. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, the project consists, of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

4. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21-G,2 of the LAMC, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project is for a mixed-use development consisting of 264 apartments units, and 9,724 square feet of commercial space. Whereas approximately 27,375 square feet of open space is required by the LAMC, the project will provide approximately 22,137 square feet of open space that is inclusive of common open areas as well as private (balcony) open space areas by utilizing a TOC Additional Incentive. For transit-dependent residents, the subject property is located approximately 1,584 feet from a Major Transit Stop. Therefore, the project contains adequate recreational amenities and is within close proximity to transit services which will contribute to the habitability of the residents of the 264 dwelling units and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. 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 C, areas of minimal flooding.
6. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated March 30, 2021 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.