

FINDINGS

(As adopted by City Planning Commission on November 3, 2022)

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) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:
 - a. *The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for extremely low, very low, lower, 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for two additional stories up to 22 additional feet. The R3-1 zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is within that envelope at 67 feet and is consistent with the TOC Guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a R3-1 Zone, with a height limit of 45 feet. Therefore, along Purdue Avenue, the project is stepped back after the first 11 feet of height increase over the base height of 45 feet, beginning at 56 feet, as provided in Sheets A2.06, A3.02, A3.04, and A4.02 through A4.04 of Exhibit "A". The project is consistent with the TOC Guidelines height incentive and stepback requirements.

Reduced Side Yard/Setback:

Per TOC Guidelines, in residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. The project does not request or propose any reductions in the required front, rear, or southeast side yard setbacks. The applicant has requested a Tier 3 Reduced Side Yard Incentive, which allows for a 30% reduction of the required northwest side yard. The project is providing 6-foot 4-inch side yard and is therefore in compliance with the TOC Guidelines.

The requested incentive is necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units. The reduced side yard setbacks are necessary to build the affordable housing units provided.

Reduced Open Space:

Based on the number of habitable rooms in the project, a total of 4,275 square feet of open space is required by LAMC Section 12.21.G. The Additional Incentive allows for a maximum 25 percent reduction, which results in a minimum 3,206.25 square feet of open space. The project is providing 3,342 square feet of qualified open space, consistent with the TOC Guidelines open space incentive.

Additional required open space could limit the physical ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility in the incentives allow the applicant in the building envelope. Therefore, the requested incentives are necessary to provide the affordable housing costs as defined in the California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units.

- b. The Incentive will have a Specific Adverse Impact upon public health and safety 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 in the record that the proposed incentive 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)). 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. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on public health and safety or on property listed in the California Register of Historic Resources.

CEQA FINDINGS

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 CEQA Guidelines, Article 19, Section 15332 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

As the designee of the Director of Planning, I have found, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, that the project is within the scope of the Exposition Corridor Transit Neighborhood Plan Program EIR No. ENV-2013-622-EIR, SCH. No. 2013031038 (“Program EIR”), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project proposes the demolition of two existing single-family buildings and detached garages, and the construction of a new six-story, 67-foot tall, 27-unit residential building (including 3 units reserved for Extremely Low-Income). The project will have a proposed Floor Area Ratio (“FAR”) of approximately 4.3:1 with approximately 46,528 square feet of floor area. The project provides 26 parking spaces located at subterranean level. The project will also provide 30 long-term and three (3) short-term bicycle parking spaces in accordance with LAMC 12.21.A.16. The project will involve grading and export approximately 6,475 cubic yards of soil. One(1) non-protected (Victorian box) street tree located in the public-right-of way is proposed. As a multi-family residential building, and a project which is characterized as in-fill development, the project 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 is zoned R3-1 and has a General Plan Land Use designation of Medium Residential, which has corresponding zones of R3 and R3(PV). The R3 Zone allows for a base residential density at a rate of the one unit per 800 square feet of lot area. Height District No. 1 in the R3 Zone allows for a height of 45 feet and the site is limited to a Floor Area Ratio (FAR) of 3:1. The project site is located in the Palms – Mar Vista – Del

Rey Community Plan area. The Exposition Corridor Transit Neighborhood Plan (Specific Plan) established by Ordinance 186,402 and effective December 26,2019, established review procedures, design standards, and environmental standards for the subject site. The project site is in the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The project is subject to Department of Transportation clearance of the WLA TIMP. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

The project site is comprised of two flat, rectangular lots. In total, the lots cover approximately 15,000 square feet, with approximately 100 feet of frontage along the east side of Purdue Avenue and a uniform depth of approximately 150 feet. The project site is located within the Palms – Mar Vista – Del Rey Community Plan area, West Los Angeles Transportation Improvement and Mitigation Specific Plan, Exposition Corridor Transit Neighborhood Plan, and within 1.78 kilometers of the Santa Monica Fault. The site is not located within a designated hillside area, a Special Grading Area (BOE Basic Grid Map A-13372), very high fire hazard severity zone, flood zone, landslide, tsunami inundation zone, or liquefaction zone. There are no designated historic resources or cultural monuments on the subject site.

The R3 Zone allows for a maximum residential density of one dwelling unit per 800 square feet of lot area. The combined subject lots total approximately 15,000 square feet, for a maximum base density of 18.75 units. The Los Angeles Municipal Code allows 18 units by right, however the TOC Guidelines round base density up to the next whole number of 19 units. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 70% resulting in 32.3 units; again, the TOC Guidelines round up to the next whole number resulting in 33 units. The project is proposing 27 dwelling units, which is consistent with the allowable density under the TOC Guidelines. The project is required to provide 14 parking spaces under the TOC incentive and is providing 26 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

In the R3 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. Los Angeles Municipal Code Section 12.03 states, “Buildable Area” is, “all that portion of a lot located within the proper zone for the proposed main building, excluding those portions of the lot which must be reserved for yard spaces, building line setback space, or which may only be used for accessory buildings or uses.” The buildable area for the subject site is 10,800 square feet for a by-right floor area of 32,400 square feet. The Tier 3 FAR Incentive allows for a maximum FAR percentage increase up to 50%, as provided under Director’s Interpretation under Case No. DIR-2022-1365-DI, for a maximum floor area of approximately 48,600 square feet. The project is proposing 46,528 square feet, which is consistent with the TOC requirements.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for side yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks. The project proposes a 6-foot 4-inch northwest side yard consistent with the TOC Guidelines. The side yard reflect a 30 percent reduction in the otherwise required 9-foot side yard for the project, consistent with the TOC yard reduction incentive.

The TOC Guidelines allow for a maximum height of 67 feet (22 additional feet) and the project is 67 feet in height. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

Residential Open Space is required in projects that have more than six units; the amount of open space is related to the number of habitable rooms in each unit. The total required open space for the mix of units proposed in this project is 4,275 square feet. Applying the TOC reduction, the project is allowed to provide 3,206.25 square feet of open space. The proposed project includes 3,342 square feet of open space.

The proposed project is consistent with many General Plan goals, policies, and objectives. The Housing Element of the General Plan provides the following:

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 1.1 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 Center, Transit Oriented Districts and along Mixed-Use Boulevards

The proposed project meets the above goal, policy and objective creating additional housing units in a transit oriented district; the project will also include three (3) units for Extremely Low Income household occupancy for a period of 55 years.

Additionally, the Palms - Mar Vista - Del Rey Community Plan, one of the Land Use Elements of the General Plan, provides the following:

Policy 1-1.1: Provide adequate multi-family residential development.

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.

The proposed project meets the above policies and objective by providing multi-family dwelling units in a new, safe, and secure building. The proposed project is located on a site designated for Medium Residential Land Uses, which includes multiple-family residential uses, and will be served by facilities and necessary infrastructure. The site is near the Metro "E" (Expo) Expo-Sepulveda Station. The three affordable units will ensure that the proposed project is accessible to lower-income segments of the population.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Palms – Mar Vista – Del Rey Community Plan designation and policies and all applicable zoning designations and regulations.

- (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, on a site that is approximately 0.344 acres (approximately 15,000 square feet). Abutting properties to the north, south, east and west are zoned R3-1 and are developed primarily with multi-family dwellings ranging from one to five stories in height. Properties further to the south (across Pearl Street) are zoned R1-1 and developed with single-family dwellings.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The project site at 2456-2460 South Purdue Avenue is comprised of two lots, and is currently developed with two single-family dwellings and detached garages. Per the Arborist Report (prepared by Brandon's Landscapes dated September 10, 2021), there are seven (7) non-protected trees on the subject site which will be removed, and one (1) non-protected (Victorian box) street tree located in the public-right-of-way which will remain. Therefore, the project site has no value as habitat for endangered, rare or threatened species.

The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings.

Prior to any work on the adjacent public right-of-way, the applicant will be required to obtain approved plans from the Department of Public Works. As there currently is no approved right-of-way improvement plan and for purposes of conservative analysis under CEQA, Planning has analyzed the worst-case potential for removal of all street trees. Note that street trees and protected trees shall not be removed without prior approval of the Board of Public Works/Urban Forestry (BPW) under LAMC Sections 62.161 - 62.171. At the time of preparation of this environmental document, no approvals have been given for any tree removals on-site or in the right-of-way by BPW. The City has required a Tree Report to identify all protected trees/shrubs on the project site and all street trees in the adjacent public right-of-way. The project may involve the removal of one (1) non-protected street tree.

- (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, pollutant discharge, dewatering, 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), so as 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 so as 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.

In addition, the project shall comply with the Environmental Standards in Appendix D of the Exposition Corridor Transit Neighborhood Plan Specific Plan, which include but are not limited to:

- **Regulatory Compliance Measure (Landscape):** The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- **Mitigation Measure (Construction Noise and Vibration):**
 - Construction Staging Areas. The construction contractor shall locate construction staging areas away from Sensitive Land Uses.
 - Construction Noise Barriers. When construction activities are located within 500 feet of Sensitive Land Uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and Sensitive Land Uses.

These RCMs will ensure the project will not have significant impacts on noise and water. The Department of Transportation Referral Form dated April 25, 2022 and the VMT calculator indicated that the project will result in an increase of 130 daily vehicle trips, which is under the threshold of 250 or more daily vehicles trips to require VMT analysis. Therefore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study and will not have any significant impacts to traffic. 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. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(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 construction of a multi-family residential building will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

(a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

Staff have identified two (2) comparable projects that were granted approval for land use entitlements within a 500-foot radius of the subject site:

- Case No. DIR-2018-7647-TOC-CDO-SPR (11430 W. Exposition Blvd)
- Case No. DIR-2015-4086-DB-CDO-SPR (2425 S. Butler Avenue)

As mentioned, the project proposes the demolition of two existing single-family dwellings with detached garages and the construction of a new six-story, 67-foot tall, 27-unit residential building (including 3 units reserved for Extremely Low-Income). The project will have a proposed Floor Area Ratio ("FAR") of approximately 4.3:1 with approximately 46,528 square feet of floor area. The project provides 26 parking spaces located at subterranean level. The project will also provide 30 long-term and three (3) short-term bicycle parking spaces in accordance with LAMC 12.21.A.16. The project is in an area zoned and designated for such development. Lots adjacent to the subject site are developed with urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential. Abutting properties to the north, south, east and west are zoned R3-1 and are developed primarily with multi-family dwellings ranging from one to five stories in height. Properties further to the south (across Pearl Street) are zoned R1-1 and developed with single-family dwellings. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

(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.*

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such development. Adjacent lots are developed with multi-family residential. The subject site is of a similar size and slope to nearby residential properties. The Floor Area, Density, Height, Yards, and Open Space of the proposed project are consistent with the Zone and Transit Oriented Communities Guidelines, pursuant to LAMC

Section 12.22 A.31. The site is not located within a designated hillside area, a Special Grading Area (BOE Basic Grid Map A-13372), very high fire hazard severity zone, flood zone, landslide, tsunami inundation zone, or liquefaction zone. There are no designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in 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.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The State Route 27 is approximately 8 miles northwest of the subject site. Therefore, the Project will not result in damage to any 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, and this exception does not apply.

- (d) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code*

According to Envirostor, the State of California's database of Hazardous Waste Sites, the subject site is not identified as a hazardous waste site. Furthermore, the building permit history for the project site does not indicate the site may be hazardous or otherwise contaminated, therefore, this exception does not apply.

- (e) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a 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, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's Historic Places LA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to 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 and this exception does not apply.