

FINDINGS

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

1. Pursuant to LAMC Section 12.22 A.25(g)(2)(i)(c) state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission 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 City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction 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 Off-Menu include types of relief that minimize restrictions on the size of the project. As such, the Density Bonus Off-Menu Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. As the project is providing 100% affordable units, the applicant is entitled to four incentives under both Government Code Section 65915 and the LAMC. The four incentives consist of Off-Menu Incentives to provide relief from the limitation on floor area, reduced side yard and front yard setbacks.

Floor Area Ratio (FAR)

Pursuant to the R1-1 Zone and BMO (Ordinance No. 179,883), the development is restricted to a maximum FAR of 0.45:1. The applicant is requesting an Off-Menu incentive to permit a 443% percent increase in Floor Area, resulting in a Floor Area Ratio of 2.156:1 for a total residential floor area of 14,111 square-feet. This increased floor area will allow for the construction of the affordable residential units and to expand the building envelope so the additional units can be constructed, and the overall space dedicated to residential units is increased.

Side Yard Setbacks

The underlying zoning on the project site would require a 7-foot northerly and southerly side yard setback. The applicant is requesting a reduction in both side yard setbacks to five (5) feet from the required seven (7) feet that would allow the project to physically be constructed at the proposed density. These side yard reductions enable the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, which enables the applicant to subsidize and reserve more residential units for lower income levels. Without these incentive requests, the units would need to be reduced in size or total number.

Building Line

The requested reduction of the building line from 15 feet to 10 feet would allow the building to be built to the requested Density and FAR. The requested reduction in the required building line allows the applicant to construct the building at 26 units including 25 covenanted affordable units. Without the requested reduction, the project would lose approximately 250 square feet of floor area to adhere to the building line which would decrease the size of the units and directly affect 3 units that front Fairfax Avenue. The project site is narrow as the site as it is 50 feet in width and denial of the off-menu incentive would prohibit the proposed number and adequate size of the affordable units.

- b. The Incentives and/or Waivers will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive(s) 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)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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 the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

- c. The waiver[s] or reduction[s] of development standards relate to development standards that will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1).**

A project that meets the requirements of Government Code 65915 may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or

incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Open Space

The applicant is requesting a 100% reduction in the required Open Space of 2,725 square feet. The requested decrease in open space allows for a decrease in construction costs and space for necessary building components to house the affordable housing units on the project site.

Bicycle Parking

The applicant is requesting a reduction in the required bicycle parking by 100%. Pursuant to LAMC Section 12.21.A.16, the project would require 26 long-term bicycle parking spaces and 4 short-term bicycle parking spaces. The project does not propose bicycle parking spaces. The reduction in the number of bicycle parking spaces would provide more floor area in providing affordable housing units for the development.

Encroachment Plane

The project is requesting a reduction in the required encroachment plane. The requested decrease in encroachment plane allows for space for necessary floor area and building components to house the affordable housing units on the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Wall Plane Break

The project is requesting a reduction in the required wall plane break. The requested decrease in the plane break allows for necessary floor area and building components to house the affordable housing units on the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Roof Deck Setback

The project is requesting a reduction in the required roof deck setback. The requested decrease in the roof deck setback allows for necessary building components to house the affordable housing units the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Therefore, the requested Waivers of Development Standards relate to development standards that would physically preclude a project otherwise meeting the requirements of State Density Bonus law.

d. The Incentives and/or Waivers are contrary to State/federal law.

There is no substantial evidence in the record indicating that the requested Incentives and Waivers are contrary to any State or federal laws.

ADDITIONAL MANDATORY FINDINGS

2. 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 outside of a flood zone.
3. 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 found in Case No. ENV-2023-5117-CE 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.