

FINDINGS

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

Housing Replacement

With Assembly Bill 2222 (Government Code Section 65915), Applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions, which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of Low or Very Low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

Pursuant to a letter dated April 27, 2023, issued by the Los Angeles Housing Department (LAHD), the site is developed with zero dwelling units; therefore, no units are subject to replacement. Thus the project is in compliance with the housing replacement provisions.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any On-Menu incentives, a Housing Development Project shall comply with the following criteria, which it does:

LAMC Criteria

As permitted by LAMC Section 12.22 A.25 the Applicant is requesting two (3) Off-Menu incentives, and two (1) Waiver of Development Standards that will facilitate the provision of affordable housing at the site.

Pursuant to Section 12.22 A.25 of the LAMC and Government Code Section 65915, 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 Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions 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.

LAMC Section 12.22 A.25 establishes that a Housing Development Project may qualify for one, two, or three incentives based on the percentage of units set aside for Very Low Income, Low Income, or Moderate-Income Households. The project has a base density of 51 units, is proposing 45 units, and is providing eight (8) units for Very Low Income households, which qualifies the project to utilize up to three (3) off-menu incentives. The project includes off-menu incentives for increased Floor Area, Height, and Transitional

Height. It also includes one (1) request for waiver of development standards to allow for stepback requirement.

- b. *The Incentive(s) 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed off-menu incentives and the waiver of development standards 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)). Based on the above there is no basis in the record to deny the requested incentives. As required by Section 12.22 A.25 (e)(2), the project meets the additional eligibility criterion that is required for density bonus projects.

The facade of the proposed building which faces Ventura Boulevard will be articulated in multiple ways, creating a visually interesting elevation that invites interaction with the street. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. 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. Finally, according to ZIMAS, the project is not located 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.

- c. *The incentive(s) are contrary to state or federal law.*
There is no substantial evidence in the record that the proposed incentives and waivers are contrary to state or federal law.

Government Code Section 65915 and LAMC Section 12.22. A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds any of the following that:

- d. *The waiver 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed waiver will have a specific adverse impact on 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. Therefore, there is no substantial evidence that the proposed project, and thus the requested Waivers, will have a specific adverse impact on the physical environment, or on public health and safety. Based on the above, there is no basis to deny the requested Waiver.

- e. *The waiver[s] or reduction[s] of development standards 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)).*

Waiver of Development Standards

Stepback. The requested waiver, 10-foot setback from the roof perimeter for each 10-foot increment above 45 feet per the specific plan section 7.E.g, and as such, permits exceptions to specific plan requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so additional units can be constructed, and the overall space (dedicated to residential uses) is increased. This waiver supports the Applicant's decision to provide eight (8) affordable units for Very Low Income Households for 55 years.

- f. *The waivers are contrary to state or federal law.*

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

Project Permit Compliance Findings

The Ventura-Cahuenga Boulevard Corridor Specific Plan designates the subject property for Neighborhood & General Commercial land uses which are a “focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as small offices and overnight accommodations, cultural facilities, schools and libraries, in addition to neighborhood-oriented services.”

The proposed project, a mixed-use development, substantially complies with the site's zoning and the Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards, and provisions of the Ventura-Cahuenga Boulevard Corridor Specific Plan. The three (3) incentives and one (1) waiver of development standards are warranted based on the findings separately enumerated and the conditions applied.

1. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

The proposed project complies with all applicable development requirements of the Ventura-Cahuenga Boulevard Corridor Specific Plan, as follows:

- a. **Section 5.C: Uses.** The proposed uses of residential and commercial are not restricted in this area of the Specific Plan and thus are allowed. At least 75 percent (64 feet 10 inches) of the frontage of a building, excluding the frontage along vehicular access to on-site parking, will be devoted to retail uses or any Pedestrian Serving Use -Tier I. The project will maintain at least 85 percent of the wall frontage as window space, display case, or public art. Nonreflective glass will be used to allow maximum visibility from

sidewalk or courtyard areas into interior of buildings. Window displays will conform with sign requirements of this Specific Plan and the Los Angeles Municipal Code.

- b. **Section 6B: Floor Area Ratio (FAR).** A total of 31,131 square feet of floor area is permitted. The Project proposes 45,960 square feet of floor area. The FAR limitation for this site is 1.5:1. The project proposes a 2.3:1 ratio. The Project requests a deviation to allow a 2.3:1 FAR and for relief from the FAR requirement. As such, the project complies with the FAR requirements.
- c. **Section 7A: Yards.** The front yard setback requirement is an 18 inch minimum and 10 foot maximum; this project proposes 4 feet 6 inches. No side yard shall be permitted at the Ground Floor, except that an accessway, which may include a maximum 20 foot wide driveway, a maximum 4 foot wide walkway and landscape buffers of 18 inches to 5 feet on either side of the accessway may be provided for vehicular access to parking and pedestrian access to the building; this project proposes eight (8) feet walkway of which 3 feet 4 inches of the west side yard is landscaped. The rear yard setback requirement is a 20-foot minimum; this project proposes 20 feet. As such, the project complies with the setback requirements.
- d. **Section 7B: Lot Coverage.** The Specific Plan limits lot coverage to 75 percent. The project has a 73 percent lot coverage which complies with the Specific Plan.
- e. **Section 7D: Landscaping.** Parking structures or that portion of a building which is used for parking is designed to substantially screen automobiles contained in the garage from view by pedestrians and from adjacent buildings. The facade of the parking building is designed so that it is similar in color, material, and architectural detail with the building for which it serves for parking. At least 60 percent (247 square feet) of all Front Yard or front setback in excess of 18 inches will be landscaped and the remainder will be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers. The automatic irrigation system to maintain all required landscaping will be installed. The project is also subject to the River Improvement Overlay Zone regarding the species planted, and the Landscape Ordinance regarding what qualifies as shade-trees. As such, the project complies with the setback requirements.
- f. **Section 7E: Height.** The Specific Plan allows the Regional Commercial Plan Designation Areas, buildings abutting a major or secondary highway, may only exceed 45 feet in height, if, for each 10-foot increment above 45 feet, at least a 10-foot setback from the roof perimeter is provided. The Project requests a deviation to allow a 62-foot-high building and for relief from the height requirement. As such, the project complies with the height requirements.

Section 7F: Parking. Per Section 7.F.1.a of the Ventura/Cahuenga Boulevard Corridor Specific Plan, retail establishments require at least one (1) parking space for each 250 square feet of floor area. The new mixed-use building with 3,400 square-foot retail space requires 14 parking spaces per the Ventura/Cahuenga Specific Plan. The project requires one (1) long and one (1) short-term bicycle space per 2,000 square feet and a minimum of two (2) long and two (2) short-term bicycle spaces for retail uses and provides a total of two (2) short and two (2) long-term spaces.

Per LAMC Section 12.21 A.4(a), the ratio of parking spaces required for all other dwelling units shall be at least one parking space for each dwelling unit of less than three habitable rooms, one and one-half parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three

habitable rooms. The project proposes 63 vehicular parking spaces for the 45 residential dwelling units. The Project would provide short- and long-term bicycle parking in compliance with LAMC requirements. For the residential dwelling units, the Project would require and provide one (1) long-term space per dwelling unit for a total of 45 spaces. The Project would require one (1) short-term bike parking space per 10 units for the first to 25 units, and one (1) per 15 units for units 25 to 100. The project would provide five (5) short-term bicycle parking spaces for residential uses. As such, the project complies with the parking requirements.

- g. Section 8: Signs.** Pursuant to Section 5.A.2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, the proposed sign project must comply with the applicable development requirements of Sections 8 and 9 of the Plan, as it relates to the sign regulations and Project Permit Compliance process.

The Specific Plan permits a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing an associated parking lot, secondary street, or alley, and a maximum sign area of two square feet for each lineal foot of street frontage. The site has a 100 feet street frontage. As such, a maximum of 200 square feet of wall sign area could be permitted; however, the project has been approved for a total of approximately 60 square feet. The project proposes a sign program that include two (2) Wall Signs each 30 square feet. Window signage can be used for up to 10 percent of the window area. Lastly, design detail and sign placement will be required before final clearance can be obtained. Conditions Number 18 will ensure new signage at the site will be in compliance with the Specific Plan regulations.

Window Signs: The Ventura/Cahuenga Boulevard Corridor Specific Plan permits window signs if they are for the store name, store hours, and security signs. These permitted signs may not occupy more than ten percent of any window in area. As conditioned herein, the any proposed window signs will not exceed more than 10 percent of the window they occupy. Therefore, any proposed signs, further enforced through Condition of Approval No. 18, will comply with the Specific Plan regulations.

Construction Sign: Specific Plan Section 8.B.d.1 permits no more than one (1) non-illuminated construction sign less than 25 square feet in area and 15 feet in height and be removed prior to the issuance of a certificate of occupancy or within 30 days of completion of the project, whichever is sooner. As conditioned herein, any construction sign will not exceed 25 square feet in area or 15 feet in height and will be removed within the required time limits. Therefore, any proposed sign, further enforced through Condition of Approval Number 18, will comply with the Specific Plan regulations.

Temporary Banners: Specific Plan Section 8.B.d.4 permits a maximum of one (1) banner of no more than 100 square feet to announce special events associated with seasonal holidays, provided they are not erected more than more than 30 days preceding the holiday and are removed ten days following the holiday. No more than two banners per year per site will be permitted. Therefore, any proposed banners, further enforced through Conditions of Approval Number 18, will comply with the Specific Plan regulations.

2. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Based on the whole of the administrative record, the Project has been adequately assessed in ENV-2023-3135-CE and mitigation measures have incorporated as conditions of approval herein; therefore, negative environmental effects have been mitigated to the extent feasible.