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**DIRECTOR'S DETERMINATION  
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

August 17, 2021

**Owner/Applicant**

1449 Echo Park, LLC  
c/o Hunter Kenihan  
578 Washington Boulevard, Suite 941  
Marina Del Rey, CA 90292

**Representative**

Matthew Hayden  
Hayden Planning  
10100 West Venice Boulevard  
Los Angeles, CA 90232

**Case No.** DIR-2020-1006-TOC-HCA

**CEQA:** ENV-2020-1007-CE

**Location:** 1451, 1449, 1451 ½ North  
Echo Park Avenue

**Council District:** 13 – Mitch O'Farrell

**Neighborhood Council:** Echo Park

**Community Plan Area:** Silverlake-Echo Park-  
Elysian Valley

**Land Use Designation:** Community Commercial

**Zone:** [Q]C2-1VL

**Legal Description:** Lot 135, Block B, Montana  
Tract

**Last Day to File an Appeal: September 01, 2021**

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program**

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,31, I have reviewed the proposed project and as the designee of the Director of City Planning, I hereby:

- Determine** that, based on the whole of the administrative record, the project is exempt from California Environmental Quality Act (CEQA) pursuant to 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;
- Approve with Conditions** up to 50 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a qualifying Tier 1 (Tier 2 utilizing Tier 1 Incentives) project totaling 27 dwelling units, including one (1) unit reserved for Extremely Low Income (ELI) Household occupancy and two (2) units reserved for Very Low Income (VLI) Household occupancy, for a period of 55 years;

- a. **Yards/Setbacks.** Utilization of RAS3 Zone yards allowing for five-foot setbacks in both side yards and a 15-foot rear yard setback in lieu of the 7-foot side yard and 16-foot rear yard requirements of the C2 Zone; and
  - b. **Height.** A height increase of 11 feet and one-story to permit a maximum building height of 56 feet and four stories in lieu of the maximum 45 feet and three stories otherwise permitted in the C2-1VL Zone; and
3. **Adopt** the attached Findings.

### CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.22-A,31, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** Three (3) units, or units equal to 11 percent of the total number of dwelling units, shall be designated as affordable with one (1) unit reserved for Extremely Low Income (ELI) Household occupancy and two (2) units reserved for Very Low Income (VLI) Household occupancy, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with the Transit Oriented Communities Guidelines.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11 percent of the total number of dwelling units affordable to Very Low and Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated September 28, 2020. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated June 1, 2021, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.

## 5. Base Incentives.

- a. **Residential Density.** The project shall be limited to a maximum density of 27 residential dwelling units, including On-site Restricted Affordable Units.
- b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 1.9 to 1.
- c. **Parking.**
  - i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines. Required parking for a Tier 1 Project shall not exceed 0.5 space per bedroom.
  - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16.
  - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
  - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

## 6. Additional Incentives.

- a. **Yard/Setback.** The project shall be permitted side yard setbacks of five feet and a rear yard setback of 15 feet in lieu of the seven-foot side yard and 16-foot rear yard requirements of the C2 Zone; and
- b. **Height.** The project shall be permitted a height increase of one additional story, up to 11 feet in building height, allowing for a total of four stories and a maximum building height of 56 feet in lieu of three stories and 45 feet otherwise permitted in the [Q]C2-1VL Zone. Limited additional height is permitted for roof structures, stairwells, elevator shafts, etc. as permitted by the LAMC.

## Design Conformance Conditions

7. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines.

- a. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 170,978, required trees shall not be palm trees.
  - b. **Planter depth.** Planters shall be a minimum of 42 inches in depth.
8. **Parking.** With the exception of vehicle entrances, vehicle parking shall be located to the rear of the lot or underground, as shown in Exhibit A.
9. **Building Materials.** The building shall incorporate a minimum of four (4) different building materials and each individual façade of the building shall use a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
10. **Massing and Building Articulation.** The building shall incorporate changes in façade plane depth as show in Exhibit A.
11. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view.
13. **Transformer.** The transformer, if located in the front yard, shall be screened with landscaping on all exposed sides (those not adjacent to a building wall), pursuant to LADWP review and approval.
14. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
15. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

### **Administrative Conditions**

16. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
17. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
18. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

19. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
20. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
21. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
22. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
23. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
24. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
25. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

  - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

## PROJECT BACKGROUND

The project site consists of one interior lot encompassing approximately 7,492 square feet of lot area located at 1449 Echo Park Avenue in the Echo Park neighborhood of Los Angeles. The site is currently developed with two buildings and one detached garage and a total of three dwelling units. The project site has a street frontage of approximately 50 feet along the westerly side of Echo Park Avenue. The subject site is located within the Silver Lake – Echo Park – Elysian Valley Community Plan Area and is zoned [Q]C2-1VL with a corresponding land use designation of Community Commercial. The Permanent “Q” Qualified Condition, established pursuant to Ordinance Number 176,825, limits the allowable uses to those permitted in the C2 Zone, except that automotive uses are prohibited. The Q Qualified Condition also requires structures be built to the front property line except when the setback area is used for landscaping, plazas, courtyards, outdoor dining, or other publicly accessible, open space uses. The Q further requires parking be located underground or to the rear of the lot. The subject property is also located within a Transit Priority Area in the City of Los Angeles (ZI-2452), within a fault zone (Upper Elysian Park), and a liquefaction area. The property is not within the boundaries of any specific plan, community design overlay, or interim control ordinance.

The project proposes the demolition of an existing two-story triplex, and the construction, use, and maintenance of a new mixed-use building with 27 dwelling units over approximately 210 square feet of ground floor commercial space. All 27 units will be studio units with two of the units reserved for Very Low Income Households and one reserved for Extremely Low Income Households. The proposed building is 56-feet in height and four stories plus one mezzanine level. Parking is located at-grade and within one subterranean level. The proposed building will encompass approximately 14,449 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 1.9 to 1. The project proposes to provide 23 residential automobile parking spaces and one (1) commercial parking space for a total of 24 automobile parking spaces. Additionally, the project proposes 29 long-term bicycle parking and five (5) short-term bicycle parking spaces. A total of 3,610 square feet of open space will be provided on a roof patio. The project will maintain a zero-foot front yard, five-foot side yards, and a 15-foot rear yard.

## SURROUNDING PROPERTIES

Surrounding properties are generally developed with multi-family residential uses. The subject block of Echo Park Boulevard is characterized by mostly older one- and two-story multifamily buildings with a few small commercial business and is zoned for commercial uses to the west and multifamily uses to the east. Properties directly abutting the subject site to the north and south fronting Echo Park Boulevard are zoned [Q]C2-1VL and are improved with two-story residential developments with four units each. Both neighboring buildings include craftsman style architectural elements and were originally built in 1913. The property across Echo Park Avenue from the subject site is zoned R3-1VL and is developed with a one story bungalow courtyard style multifamily development constructed in 1922. The property abutting the site to rear, fronting Logan Street is zoned R3-1VL and is developed with a two-story apartment building.

## STREETS

Echo Park Avenue, abutting the property to the east, is a Collector Street with a designated right-of-way width of 66 feet, is presently dedicated to a right-of-way width of 70 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

## TRANSIT ORIENTED COMMUNITIES

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22-A,31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a ½-mile (or 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A,31.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, an eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, averaging, density calculation, height, and developments in public facilities zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines.

The proposed project is located within ½-mile of a Major Transit Stop. The Metro Rapid Line 704 and the LADOT DASH Pico Union-Echo Park both have stops at the intersection of Echo Park Avenue and Sunset Boulevard, 900 feet south of the project site. Although the site qualifies for Tier 2 incentives, the proposed project is seeking only Tier 1 incentives as it proposes to set aside 11 percent of the total number of units for Very Low and Extremely Low Income Households and meets all other eligibility requirements of the TOC Affordable Housing Incentive Program. In addition, the project will set aside more than 10 percent of the base number of units for Very Low and Extremely Low Income Households and thus the project is entitled to two (2) Additional Incentives.

The proposed project includes the following Base and Additional Incentives for a qualifying Tier 1 Project:

### Tier 1 Base Incentives:

- a. **Density:** The C2 zone establishes a by-right density ratio of one (1) dwelling unit per 400 square feet of lot area. The subject site's C2 Zone permits a base density of 18 units by-right. This is calculated by dividing the sum of the property's R4 zone lot area, 7,492 square feet, by 400. As an eligible Housing Development, the project is entitled to up to a 50 percent density increase for a maximum of 31 total units. The project proposes a 40 percent density increase for a total of 27 units.
- b. **Floor Area Ratio (FAR):** The permitted FAR is 1.5 to 1 in the [Q]C2-1VL Zone. As an eligible Housing Development in a commercial zone, the project is entitled to additional FAR up to a maximum FAR of 2.75 to 1 which is equal to a maximum floor area of 20,605 square feet. As proposed, the project has total floor area of 14,449 square feet for an FAR of 1.9 to 1.
- c. **Parking:** As an Eligible Housing Development in Tier 1, the project is entitled to provide ½ a parking space per dwelling unit. With the TOC parking incentive the project may provide a minimum of 14 parking spaces. As proposed, the project is providing 24 parking spaces.



### Tier 1 Additional Incentives:

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 1 Project is eligible for and has been granted two (2) Additional Incentives in order to construct the proposed project:

- a. **RAS3 Yards.** Eligible Housing Developments in a commercial zone may utilize any or all yard requirements of the RAS3 zone. The RAS3 zone allows for five-foot side and rear yards. The project is requesting five-foot side yards and a 15-foot rear yard in lieu of the seven-foot side yard and 16-foot rear yard otherwise required by the [Q]C2-1VL zone.
- b. **Height.** Eligible Housing Developments in Tier 1 may request up to 11 feet and one story in additional building height. The project is requesting an additional 11 feet and one story in height for total of 56 feet and four stories in-lieu of the 45 feet and three-story height limitation of the [Q]C2-1VL zone.

### **HOUSING REPLACEMENT**

Pursuant to LAMC Section 12.22-A,31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require applicants of density bonus projects filed as of January 1, 2015 to 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 lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

On September 28, 2016, Governor Brown signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines "equivalent size" to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units. The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated June 1, 2021 and attached to the subject case file, that three (3) residential unit existed on the property within the last five (5) years. Pursuant to HCIDLA's findings, all three units are subject to the SB330 affordable unit replacement requirement at the following affordability levels: one **(1) unit**

**restricted to Extremely Low Income Households, one (1) unit restricted to Very Low Income Households and one (1) unit restrict to Low Income Households.** The project includes one (1) unit reserved for Extremely Low Income Households and two (2) units reserved for Low Income Households. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3). Additionally, all the new units may be subject to Rent Stabilization Ordinance requirements.

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS AND APPLICATION AND APPROVALS**

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which the request herein does:

1. ***On-Site Restricted Affordable Units.*** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
  - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
  - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
  - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
  - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project site is located within a Tier 2 TOC Affordable Housing Incentive Area. However, the project is requesting Tier 1 incentives. As part of the proposed development, the project is required to reserve 11 percent of the total number of on-site dwelling units for Very Low Income Households. The project will reserve a total of two (2) on-site dwelling units for Very Low Income Households and one (1) on-site dwelling unit for Extremely Low Income Households, which equates to 11 percent of the 27 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located within 1,500 feet of the intersection of Echo Park Avenue and Sunset Boulevard where the Metro Rapid Line 704 and the LADOT DASH Pico Union-Echo Park line intersect and have stops. As such, the project meets the eligibility requirements proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated June 1, 2021, the proposed project is required to provide three replacement affordable housing units with one (1) unit restricted to Extremely Low Income Households, one (1) unit restricted to Very Low Income Households and one (1) unit restrict to Low Income Households. The project is providing one (1) unit restricted to Extremely Low Income Households and two (2) units restricted to Very Low Income Households. Therefore, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to, a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. Therefore, the project meets this eligibility requirement.

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).*
  - a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
  - b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*

- c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

As an Eligible Housing Development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project is also seeking two (2) Additional Incentives: 1) an 11-foot and one-story increase in building height; and 2) the utilization of the side and rear yard setback requirements of the RAS3 Zone. The project may be granted two (2) Additional Incentives for reserving at least 10 percent of the base units for Very Low Income Households. The project is setting aside two (2) units for Very Low Income Households and one (1) unit for Extremely Low Income Households, which equates to 15 percent of the 19 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and Base and Additional Incentives.

6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not seeking additional incentives beyond the two permitted in exchange for reserving at least 10 percent of the base units for Very Low Income Households. The project is setting aside two units for Very Low Income Households and one unit for Extremely Low Income Households, which equates to 15 percent of the 19 base units permitted through the underlying zoning. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11. This eligibility requirement does not apply.

7. ***Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The subject property consists of one (1) contiguous lot, located within a Tier 2 TOC Affordable Housing Incentive Area. Therefore, this eligibility requirement does not apply.

8. ***Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has selected a Lower Tier and is providing the percentage of On-Site Restricted Affordable Housing units required for the lower Tier and has limited the project to the incentives available for Tier 1. As such, the proposed project satisfies this eligibility requirement.

9. ***100% Affordable Housing Projects.*** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project does not consist of 100 percent On-Site Restricted Affordable units. It is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

10. **Design Conformance.** *Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.*

The project seeks two Additional Incentives. The proposed development conforms to the Citywide Design Guidelines and has been conditioned to ensure a well-designed development and compliance with the Design Guidelines. The project has been conditioned to incorporate a variety of building materials and to provide a more pedestrian-friendly and oriented streetscape through the planting of new landscaping. Additionally, the project has been conditioned to provide buffers around rooftop mechanical equipment and to completely enclose any visible automobile parking to minimize impacts on surrounding properties.

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

Pursuant to LAMC Section 12.22-A,31(e), the Director of Planning 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 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 extremely low, very low, and lower 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 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.

**Height.** The requested incentive for an increase in building height is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that results in building design or construction efficiencies that facilitate the creation of affordable housing. Specifically, a Tier 1 project is permitted a maximum increase of one (1) story and 11 feet in building height. The applicant is requesting a total maximum building height of 56 feet and four stories in lieu of the maximum 45 feet

and three stories otherwise permitted by the underlying [Q]C2-1VL Zone. This requested incentive provides for an additional level of dwelling units, increasing the overall space dedicated to residential uses and allowing some units to be reserved for affordable housing. This incentive supports the applicant's decision to reserve three (3) units for affordable housing.

**Yard/Setback.** Eligible Housing Developments in commercial zones may request to utilize any or all of the yard requirements for the RAS3 zone as 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 side and rear yards of the RAS3 zone. The underlying [Q]C2-1VL Zone requires a seven-foot side yard and a 16-foot rear yard for a four-story mixed-use building. The RAS3 Zone permits five-foot side and rear yards. The applicant has requested the minimum five-foot side yard setbacks for both the north and south side yards and a 15-foot rear yard. The applicant is not utilizing the full rear yard incentive. The requested rear and side yard incentives will allow the developer to expand the building footprint and allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve three (3) units for affordable housing and facilitates the creation of affordable housing units.

- b. *The Incentive 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 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 has been no evidence provided that indicated that the proposed 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. 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 on a substandard street in a Hillside area, a Very High Fire Hazard Severity Zone, or a Methane Hazard Zone. The project is not located in the Alquist-Priolo Earthquake Fault Zone, however the project is within the active Upper Elysian Park Fault Zone and in a liquefaction area. As a result, the project will be required to comply with all applicable regulations, such a special grading reequipments, which will prevent any adverse impacts. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, with compliance with the required regulatory measures, there is no substantial evidence that the proposed project, and thus the requested incentive, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

## 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 in Zone C, which is categorized as outside the flood zone.
3. A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (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; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.
  - (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The proposed project is consistent with the applicable general plan designation, policies, and zoning designations. The subject property is located within the Silver Lake – Echo Park – Elysian Valley Community Plan Area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan designates the subject property with a land use designation of Community Commercial, corresponding to the C2 Zone. The subject property is zoned [Q]C2-1VL and is thus consistent with the existing land use designation. Mixed-use residential and commercial buildings are permitted in the [Q]C2-1VL zone. The project complies with the Q qualified condition, established pursuant to Ordinance Number 176,825, which prohibits automotive uses; requires structures be built to the front property line except when setback area is used for landscaping or other publicly accessible, open space uses; and requires parking be located underground or to the rear of the lot. The subject property is within a Transit Priority Area in the City of Los Angeles (ZA-2452). The site is not located within the boundaries, or subject to, any specific plan, community design overlay, or interim control ordinance.

Consistent with the Silver Lake – Echo Park – Elysian Valley Community Plan, the proposed 27-unit mixed-use development would add new and desirable multi-family housing. The proposed project meets the intent of the following Goals, Objectives, and Policies of the Community Plan:

*Goal 1            A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.*

*Objective 1-2   Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services and facilities.*

*Policy 1-2.2    Encourage multiple family residential development in commercially zoned areas in designated Neighborhood Districts and Community Centers and along Mixed Use Boulevard and, where appropriate, provide floor area bonuses as an incentive to encourage mixed-use development*

*in those areas.*

*Objective 1-4 Promote and ensure the provision of adequate housing for all persons, including special needs populations, regardless of income, age or ethnic background.*

*Policy 1-4.1 Promote greater individual choice in type, quality, price and location of housing.*

*Policy 1-4.2 Promote mixed-use housing projects in pedestrian-oriented areas and designated Mixed Use Boulevards, Neighborhood Districts and Community Centers to increase supply and maintain affordability.*

*Objective 2-2 Preserve pedestrian-oriented areas through the use of available overlay zones to provide alternatives to automobile-oriented commercial activity.*

*Policy 2-2.3 The first floor street frontage for structures, including mixed-use projects and parking structures located in pedestrian-oriented areas, should incorporate commercial uses.*

The project will receive density and floor area bonus in exchange for the provision of three affordable dwelling units within a pedestrian oriented district in the Echo Park neighborhood of Los Angeles. The project's promotes the provision of adequate housing for all income levels. The proposed 27-unit project will replace three existing residential units for a net increase of 24 units, locating new, higher density residential units near transit and neighborhood services. The project features a small, neighborhood-serving ground floor commercial space, is within walking distance from businesses located on Echo Park Avenue and Sunset Boulevard, and is within 900 feet of two bus stops (Metro Rapid 704 and LADOT DASH Pico Union-Echo Park). The development will thus be well located for reducing vehicular trips. The project has been conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. The provision of well-designed multi-family housing, which includes restricted affordable units, ensures a project that will complement the existing neighborhood while also providing valuable housing stock to current and future residents. Therefore, the proposed project is consistent with the General Plan policies and zoning regulations of the City of Los Angeles.

**(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 property is located wholly within the Silver Lake – Echo Park – Elysian Valley Community Plan Area within the City of Los Angeles. The subject site consists of one contiguous lot of approximately 7,492 square feet (0.17 acres). The project site is substantially surrounded by urban uses and is not located near areas designated for farmland or agricultural uses. The neighborhood is fully built-out with a variety of multi-family and commercial uses that are consistent with their General Plan land use designations and zoning. Echo Park Avenue is also well-serviced by public transit.

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



The existing site consists of one improved lot with three residential dwelling units and three structures (one two-story, one single-story, and one detached garage), which will be demolished as part of the project. The project site is located in a well-established urban area which is fully developed with residential and commercial uses. The project site has no value as habitat for endangered species, rare, or threatened species. A tree report, prepared by Lisa Smith, Registered Consulting Arborist with The Tree Resource on June 30, 2021, states that there were no protected trees existing on the subject property.

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

**Traffic**

The proposed project involves the demolition of three existing residential units construction, use, and maintenance of a new four-story, 27-unit residential mixed use building with one level of subterranean parking. The project would result in 24 net new dwelling units and 200 net new square feet of commercial space. Based on the LADOT Referral Form, the project generates 131 vehicle trips does not meet the threshold for further transportation assessment by LADOT Therefore, the project is not expected to result in any significant impact relating to traffic.

**Noise**

As discussed in the Noise Study, prepared by Rincon Consultants, potential construction and operational noise impacts were found to be less than significant or have no impact. The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities. Section 41.40 prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays. All such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As a result of the project being required to comply with the above ordinances and regulations, it can be found that the project would not result in any significant noise impacts. All construction related noise impacts would be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur.

**Air Quality**

As discussed in the Categorical Exemption Findings prepared by Rincon Consultants, potential air quality impacts were found to be less than significant. The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. A significant air quality impact may occur if a project is inconsistent with the

AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The project will result in the net increase of 24 residential units, it is not expected to conflict with, or obstruct, the implementation of the AQMP and SCAQMD rules. The project is consistent with current zoning regulations and policies within the City of Los Angeles, allowing for the proposed development on the subject site. The project would also comply with the 2017 Los Angeles Green Building Code (LAGBC), which builds upon and sets higher standards than those in the 2016 California Green Building Standards Code. Additionally, the project's infill location would promote the concentration of development in an urban location with extensive infrastructure and access to public transit facilities, thus reducing the vehicle miles traveled for employees, residents, and visitors. Therefore, project impacts related to air quality will be less than significant.

During construction, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

All construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

### **Water Quality**

The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Construction activities would not involve any significant excavation near an identified water source. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70 and Best Management Practices (BMP) would be required during general operation of the project to ensure that storm water runoff meets the established water quality standards and waste discharge requirements. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site and would not result in any significant effects relating to water quality.

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

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services.

**EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS**

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- (a) Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The project qualifies for a Class 32 Categorical Exemption. Because the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is inapplicable. The project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats. As such, the requested project will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- (b) Cumulative Impact.** *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.*

The development of the project site with a multifamily residential development is consistent with the zone and land use designation of the site, as designated by the Community Plan, and as permitted by the City's Transit Oriented Communities Affordable Housing Incentive Program (LAMC 12.22-A.31). A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will mitigate environmental impacts for an individual project and not create a cumulative impact. Thus, this exception does not apply.

- (c) 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 proposed project will be constructed in a in a fully developed urban setting. The project will be required to adhere to any and all building code requirements intended to reduce environmental impacts to less than significant levels. Thus, the project will not result in activity that will have a significant effect on the environment due to unusual circumstances.

- (d) 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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway. As such, this exception does not apply to the proposed project.

- (e) 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.*

Based on a review of the California Department of Toxic Substances Control “Envirostor Database,” no known hazardous waste sites are located on the project site or within the immediate vicinity. The subject property has been previously developed with residential uses which are not expected to utilize hazardous waste or materials that pose significant constraint on the site. Additionally, the project site is not located within a Methane Zone or Methane Buffer Zone, nor is it located in a Hazardous Waste / Border Zone Property area as designated by the City of Los Angeles.

In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.

- (f) 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, or the Los Angeles Historic-Cultural Monuments Register. While the existing structure was built in

1915, the project site is not identified as a historic resource subject to historic preservation review, nor is it located within a Historic Preservation Overlay Zone. 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.

## **CONCLUSION**

Therefore, it has been determined, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to 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.

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND**

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

## **TIME LIMIT – OBSERVANCE OF CONDITIONS**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25-A,2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, West Los Angeles Development Services Center, or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (310) 231-2901, (818) 374-5050,

or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## APPEAL PERIOD - EFFECTIVE DATE

**The Determination in this matter will become effective after September 01, 2021**, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at [www.cityplanning.lacity.org](http://www.cityplanning.lacity.org).

Planning Department public offices are located at:

**Downtown**  
Figueroa Plaza  
201 North Figueroa Street,  
Fourth Floor  
Los Angeles, CA 90012  
(213) 482-7077  
[planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org)

**San Fernando Valley**  
Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050  
[planning.mbc2@lacity.org](mailto:planning.mbc2@lacity.org)

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
Second Floor  
Los Angeles, CA 90025  
(310) 231-2598  
[planning.westla@lacity.org](mailto:planning.westla@lacity.org)

**Pursuant to LAMC Section 12.22-A,25(f), only abutting property owners and tenants can appeal the Transit Oriented Communities Affordable Housing Incentive Program portion of this determination.** Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22-A,25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

**Note of Instruction Regarding the Notice of Exemption:** Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

Vincent P. Bertoni, AICP  
Director of Planning

Approved by:



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Heather Bleemers  
Senior City Planner

Prepared by:



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Renata Ooms  
City Planning Associate

Attachments:  
Exhibit A: Architectural Plans and Landscape Plans