



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
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## LETTER OF DETERMINATION

MAILING DATE: JUN 23 2020

Case No. CPC-2020-516-DB-PSH-SIP  
CEQA: N/A  
Plan Area: Wilshire

Council District: 10 – Wesson

**Project Site:** 1141 – 1145 South Crenshaw Boulevard

**Applicant:** Monique Hastings  
Representative: Olivia Joncich, ThreeSixty

At its meeting of **June 11, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing surface parking lot and the construction, use and maintenance of 43 affordable and Permanent Supportive Housing units 42 restricted to Low Income Households and one manager's unit, on a 15,545 square foot site. The proposed project includes a five-story building with a maximum building height of 65 feet, and a total of 56,240 square feet of floor area including 1,809 square feet of Support Services and social services spaces, located on the ground floor. The Project will provide eight spaces under AB 2162, 42 bicycle parking spaces; and will provide a total of 3,550 square feet of open space and 11 trees.

1. **Determined**, pursuant to California Government (CA Gov.) Code Section 65651 and Public Resource Code Section 21080(b)(1), determine that the Supportive Housing Project is exempt from the California Environmental Quality Act (CEQA) as a ministerial project;
2. **Determined**, pursuant to CA Gov. Code Sections 65650 through 65654, that the project is a Supportive Housing Project that satisfies all of the requirements and objective planning standards of CA Gov. Section 65651(a) and (b), and is therefore subject to the streamlined, ministerial approval process provided by CA Gov. Code Section 65653;
3. **Determined**, pursuant to CA Gov. Code Section 65915, a Density Bonus Compliance Review for a Supportive Housing Project totaling 43 dwelling units, reserving 42 units for Low Income Household occupancy for a period of 55 years, located within a one-half mile of transit, with the following:
  - a. A 65-percent increase in density for 43 dwelling units in lieu of the 26 units otherwise permitted by the R3-1-O and C2-1-O Zones; and
  - b. A height increase of up to an additional 20 feet for a maximum building height of 65 feet, in lieu of the 45 feet as otherwise permitted by the R3-1-O Zone;
4. **Approved**, pursuant to CA Gov. Code Section 65915, a Density Bonus Compliance Review, with following requested Incentives and Waiver of Development Standards:
  - a. An On-Menu Incentive to average density, FAR, parking and access across the R3-1-O and C2-1-O Zones, and averaging of required trees across the R1-1-O, R3-1-O and C2-1-O Zones;
  - b. An Off-Menu Incentive to allow a 25-percent reduction in Open Space to permit 3,544 square feet in lieu of 4,725 square feet as otherwise required by LAMC Section 12.21 G.2;

- c. An Off-Menu Incentive increase of the total FAR from 3:1 in the R3-1-O Zone and 1.5:1 in the C2-1-O Zone to 4.91:1 across the R3-1-O and C2-1-O Zones;
  - d. An Off-Menu Incentive to waive the transitional height requirements in LAMC Section 12.21.1A.10 requiring a building height of 25 feet within 49 feet of an R1-1-O Zone to allow for a 65-foot tall building for the portion of the building on the C2-1-O Zone;
  - e. A Waiver of Development Standards to reduce the front yard setback on the portion of the building in the R3-1-O Zone to allow a 5-foot setback in lieu of a 15-foot setback as otherwise required by LAMC Section 12.10 C.1;
  - f. A Waiver of Development Standards to permit a five-foot side yard setback on the northerly side yard in lieu of the eight-foot setback otherwise required by LAMC Section 12.14 C.2 for the C2-1-O Zone; and
  - g. A Waiver of Development Standards to permit a five-foot side yard setback on the southerly side yard in lieu of the eight-foot setback otherwise required by LAMC Section 12.10 C.2 for the R3-1-O Zone;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman  
 Second: Ambroz  
 Ayes: Choe, Khorsand, Leung, Mack, Millman, Mitchell  
 Absent: Padilla-Campos

**Vote: 8 – 0**

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Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The Project entitlements are being applied for under the timelines and procedures of Assembly Bill 2162 (Government Code Section 65651). The decision of the Los Angeles City Planning Commission is effective as of June 11, 2020. The time for the City to process the entitlement has expired and therefore no appeals are available.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings

- c: Jane Choi, Principal City Planner
- Hagu Solomon-Cary, Senior City Planner
- James Harris, City Planning Associate

## CONDITIONS OF APPROVAL

### Density Bonus Conditions

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. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density (Incentive).** The project shall be limited to a maximum density of 43 residential units averaged across the R3-1-O and C2-1-O Zones.
3. **On-site Restricted Affordable Units.** A minimum of 42 units shall be reserved as Permanent Supportive Housing for Low Income Households as determined by the California Department of Housing and Community Development (HCD) units for a period of 55 years.
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 42 units available to Low Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years consistent with AB 1763 (Government Code Section 65915) and AB 2162 (Government Code Sections 65651). 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 any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Covenant Length.** Units within the development are subject to a recorded affordability restriction for 55 years to satisfy Assembly Bill 1763 and Government Code Section 65650 through Section 65651.
6. **Affordability Requirement.** One hundred percent of the units, excluding managers' units, shall be dedicated to "lower income households" as defined in Section 50079.5 of the Health and Safety Code.
7. **Target Population.** At least 25-percent of the units shall be restricted to residents in supportive housing who meet criteria of the target population, as defined by Government Code Section 65650.
8. **Supportive Services Plan.** The applicant shall submit a plan for providing supportive services, to the satisfaction of the Department of City Planning, with documentation demonstrating that supportive services will be provided onsite to residents in the project. The description of those services shall include all of the following:
  - a. The name of the proposed entity or entities that will provide supportive services.
  - b. The proposed funding source or sources for the provided onsite supportive services.
  - c. Proposed staffing levels.

9. **Onsite Supportive Services.** At least 3-percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, recreational rooms, service offices, interview rooms, and multipurpose rooms. The project will provide a minimum of 1,809 square feet of support service office space as provided in Exhibit "A".
10. **Kitchen Required.** Units within the development, excluding managers' units, shall include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
11. **Floor Area Ratio (FAR) (Incentive).** The project shall be permitted a maximum FAR of 4.91:1 for a maximum floor area of 56,240 square feet across the R3-1-O and C2-1-O Zone portions of the site.
12. **Building Height.** The project shall be limited to a maximum building height of 65 feet as measured from Grade pursuant to LAMC Section 12.03.
13. **Transitional Height (Incentive).** No transitional height or stepback shall apply to that portion of the project in the C2-1-O Zone in lieu of the otherwise required pursuant to LAMC Section 12.21.1 A.10.
14. **Front Yard Setback (Waiver).** The project shall provide a minimum front yard setback of 5 feet for that portion of the project in the R3-1-O Zone in lieu of the otherwise required 15 feet pursuant to LAMC Section 12.10 C.1.
15. **Rear Yard Setback.** The project shall provide a minimum rear yard setback of 17 feet as measured from the rear property line of the C2-1-O Zone and from the split R3-1-O/R1-1-O Zone line.
16. **Northerly Side Yard Setback (Waiver).** The project shall provide a minimum northerly side yard setback of 5 feet in lieu of the otherwise required 8-foot in the C2-1-O Zone pursuant to LAMC Section 12.10 C.2.
17. **Southerly Side Yard Setback (Waiver).** The project shall provide a minimum southerly side yard setback of 5 feet in lieu of the otherwise required 8-foot in the R3-1-O Zone pursuant to LAMC Section 12.10 C.2.
18. **Usable Open Space (Incentive).** The project shall provide a minimum of 3,544 square feet of Usable Open Space in lieu of the otherwise required 4,725 square feet pursuant to LAMC Section 12.21 G.
19. **Trees (Incentive).** The project shall provide eleven (11) 24-inch box trees on site averaged across the R1-1-O, R3-1-O, and C2-1-O Zones.
20. **Landscaping.** The project shall provide a minimum of 834 square feet of landscaping on the project site pursuant to LAMC Section 12.21 G.2.
21. **Landscaping Plans.** The landscape plan shall indicate landscape points for the project equivalent to 10-percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O".

22. **Automobile Parking.** Pursuant to AB 2162 and California Government Code Section 65654, no parking requirements shall apply for Supportive Housing Projects located within one-half mile of a public transit stop. No residential parking spaces are required. The project shall provide a minimum of one (1) automobile parking space for the manager's unit pursuant to AB 744.
23. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

### **Administrative Conditions**

24. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and 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 and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
25. **Notations on Plans.** Plans submitted to the Department of Building and 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.
26. **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.
27. **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.
28. **Department of Building and 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 and 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 and 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.
29. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
30. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) 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.

- (ii) 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, 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.
- (iii) 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).
- (iv) 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).
- (v) 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.

## FINDINGS

### **SUPPORTIVE HOUSING PROJECT FINDINGS – AB 2162**

In accordance with Assembly Bill (AB) 2162, a Supportive Housing Project will be considered a use by-right where multifamily and mixed uses are permitted if the proposed housing development meets specified criteria. The specified criteria of AB 2162 are as follows:

- 1. Units within the development are subject to a recorded affordability restriction for 55 years.**

There will be 43 units in the project; 42 units are conditioned to be restricted to Low Income Housing units for a period of 55 years. As such, the project meets this criterion.

- 2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.**

There will be 43 units in the project; 100-percent, excluding the manager's unit, that is 42 units, will be restricted to Low Income Housing units, as defined in Section 50079.5 of the California Health and Safety Code, for supportive housing. The housing development will also receive public funding from Proposition HHH and Measure H to provide subsidies to the affordability units. As such, the project meets this criterion.

- 3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.**

The development will restrict 100-percent of units, that is 42 units, exclusive of the manager's unit, for residents in supportive housing. As such, the project meets this criterion.

- 4. The developer provides the planning agency with the information required by Section 65652.**

The developer has provided to the Department of City Planning a plan for providing supportive services. The plan identifies the Koreatown Youth and Community Center (KYCC) as the provider for supportive services. Funding for supportive services will be provided through the County of Los Angeles Department of Health Services (DHS) Housing for Healthy (HFH), for an estimated five (5) full-time employees including a service coordinator, case manager, behavioral health specialist, youth service coordinator, and financial capabilities specialist; who will be onsite to provide or connect residents to services that are voluntary and free of charge (Exhibit F). As such, the project meets this criterion.

- 5. Nonresidential floor area shall be used for onsite supportive services. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.**

The 43-unit project is required to provide at 3-percent of the total nonresidential floor area for on-site supportive services. The project will provide case management offices, a manager office, lobby area, conference room, community room, and a learning center totaling 1,809 square feet, for on-site supportive services, as provided in Exhibit "A". As such, the project meets this criterion.

- 6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.**

Per the January 3, 2019, AB 2556 Determination and the February 3, 2020, SB 330 Determination completed by the Los Angeles Housing and Community Investment Department (HCIDLA), no replacement affordable units are required for this project. As such, this criterion does not apply (Exhibit E).

- 7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.**

All 43 units in the development include at least one bathroom and a kitchen with a stovetop, sink, and refrigerator as provided in Exhibit "A". As such, the project meets this criterion.

In addition, pursuant to California Government Code Section 65654, local governments cannot impose any minimum parking requirements for units occupied by supportive housing residents if the development is located within one-half mile of a public transit stop. The proposed development site is located within one-half mile to public transit stops (at the corner of Crenshaw and Olympic Boulevards and at the corner of Crenshaw and Pico Boulevards serviced by the Los Angeles County Metropolitan Transportation Authority (Metro) Local 28, 30/330, 210/710, Metro Rapid 728, and the Santa Monica Big Blue Bus Route 7 and Rapid 7). The project proposes one (1) manager's unit and 42 supportive housing units. The residential units require no parking spaces per AB 2162; however, the project is required to provide one (1) automobile parking space for the market-rate manager's unit pursuant to AB 744. The project is providing eight (8) automobile parking stalls.

### **DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS**

The applicant has requested one (1) On-Menu and three (3) Off-Menu Incentives, and three (3) Waivers of Development Standards, as listed below:

- a. To average density, FAR, parking, and access across the R3-1-O and C2-1-O Zones, and the average of required trees across the R1-1-O, R3-1-O, and C2-1-O Zones;
- b. A 25-percent reduction in the required open space to permit 3,544 square feet;
- c. A total of a 4.91:1 FAR across the R3-1-O and C2-1-O Zones;



- d. Relief from the transitional height standards in the C2-1-O Zone to permit a 65-foot tall building;
- e. To permit a front yard setback of 5 feet in lieu of the otherwise required 15 feet in the R3-1-O Zone;
- f. A reduction in the northern side yard setback to 5 feet in lieu of the otherwise required 8 feet for a five-story building in the C2-1-O Zone; and
- g. A reduction in the southern side yard setback to 5 feet in lieu of the otherwise required 8 feet for a five-story building in the R3-1-O Zone.

Based on the project having 100-percent of the units restricted for Low Income Households, excluding the manager's unit, and that the project site is within one-half mile of a major transit stop, the applicant is entitled to four (4) incentives under the Government Code. Therefore, the On- and Off-Menu requests qualify as the proposed development's Incentives. The remaining requests must be processed as Waivers of Development Standards.

Following is a delineation of the findings related to the request for On- and Off-Menu Incentives, pursuant to LAMC Section 12.22 A.25(g) and Government Code Section 65915.

**Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:**

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

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25-percent gross income based on area median income thresholds dependent on affordability levels.

As proposed, the one (1) On-Menu and three (3) Off-Menu Incentives to average density, FAR, parking, and trees; reduce the usable open space; increase the floor area ratio; and eliminate the transitional height will allow for the construction of the multi-family housing building with 161-percent of the 26 base units, that is 42 units, restricted to Low Income Households. Absent the four incentives, the transitional height and open space requirements would restrict the ability to develop the site with 43 dwelling units of sufficient size with the requisite outdoor amenities and usable open space, while also setting aside 42 dwelling units for Low Income Households.

The requested incentives allow the developer to expand the building envelope so the additional and affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased. These incentives support the applicant's decision to set aside the specified number of dwelling units for Low Income Households for 55 years.

- 9. 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 (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The Oxford Square Historical Preservation Overlay Zone (HPOZ) abuts the subject property on the west at the rear of the site. However, no part of the subject property is located within the HPOZ boundary. The subject site is located in a methane buffer zone and an AO Flood Zone which indicates a 1-percent-annual-chance of shallow flooding. The project is subject to regulatory compliance measures, including the City of Los Angeles' Specific Plan for the Management of Flood Hazards, Ordinance Number 172,081, to avoid or reduce flood impacts. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

**10. *The incentive(s) are contrary to state or federal law.***

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

Following is a delineation of the findings related to the findings and the application of the relevant facts as related to the recommendation for three (3) Waivers of Development Standards to allow for the construction, use and maintenance of a five-story building with a maximum building height of 65 feet, and a total of 56,240 square feet of floor area containing 43 Permanent Supportive Housing units, 42 restricted to Low Income Households and one (1) market-rate manager's unit, on a 15,547 square foot site with eight (8) non-required vehicular parking spaces, 42 bicycle parking spaces, 3,550 square feet of open space, and 11 trees. Pursuant to Government Code Section 65915, the Commission shall approve a Density Bonus and requested Waivers unless the Commission finds that:

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

A project that is located within one-half mile of a major transit stop and provides 100-percent of the total units, exclusive of a manager's unit, for Low Income Households qualifies for four (4) Incentives, and may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code

Section 65915(e)(1)). Therefore, the request for the following Waivers are recommended as Waiver of Development Standards.

- 1) A Waiver of Development Standards to reduce the front yard setback on the portion of the building in the R3-1-O Zone to allow a 5-foot setback in lieu of a 15-foot setback as otherwise required by LAMC Section 12.10 C.1;
- 2) A Waiver of Development Standards to permit a 5-foot side yard setback on the northerly side yard in lieu of the 8-foot setback otherwise required by LAMC Section 12.14 C.2 for the C2-1-O Zone; and
- 3) A Waiver of Development Standards to permit a 5-foot side yard setback on the southerly side yard in lieu of the 8-foot setback otherwise required by LAMC Section 12.10 C.2 for the R3-1-O Zone.

These development standards would have the effect of physically precluding construction of a development providing 43 residential units, of which 42 units will be set aside for Low Income Households. Compliance with the underlying setback limitations would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration and livability of affordable housing units. By waiving these development standards, the project is able to maximize ground floor square footage for other required uses. The reduced setbacks permit additional floor area for residential units and supportive services ensuring a configuration of amenities that will be accessible to all of the residents within the affordable housing development. The Off-Menu incentives and Waiver of Development Standards as recommended will allow the developer to building the proposed 43 residential units and expand the project's building envelope so that the units being constructed are of sufficient size, configuration, and quality.

**12. The waiver will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no substantial evidence in the record that the proposed waiver(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. The subject site is located in a methane buffer zone and an AO Flood Zone which indicates a 1-percent-annual-chance of shallow flooding. The project is subject to regulatory compliance measures, including the City of Los Angeles' Specific Plan for the Management of Flood Hazards, Ordinance Number 172,081, to avoid or reduce flood impacts. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

**ENVIRONMENTAL FINDINGS**

Pursuant to Assembly Bill (AB) 2162 and California Government Code (Gov.) Sections 65583 and 65650 through 65654, a project that satisfies all of the objective planning standards of Gov. Section 65651(a) and (b) is subject to the streamlined, ministerial approval process provided by Gov. Section 65653(a) and (b). Therefore, the Supportive Housing Project is exempt from the California Environmental Quality Act (CEQA) as a ministerial project.