

Transit Oriented Communities Affordable Housing Incentive Program
Affordable Housing Incentives Compliance Findings
2512-2514 Centinela

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

- 1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**
 - a. The incentives are not required 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 very low, low and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50052 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25% gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the Transit Oriented Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

TOC Height Incentive. Under the LAMC, the height base for the property is set at 45 feet under the zoning of R3-1. For a TOC 3 project, the height incentive allows 22 additional feet. The project intends to build to 67 feet in height and will use the height incentive for the 22 additional feet to achieve that. The project will need this additional height to provide for the 2 very low income housing units.

TOC Yard/Setback Incentive. A reduction in the project's sideyard setback areas is requested by allowing the project to use the 30% reduction in two sideyards. This incentive would reduce the sideyards from 8 feet to 5'7.25" feet. It is necessary for the developer to utilize this additional area to accommodate the two very low income 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**

method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low and moderate income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.

There is no evidence that the proposed incentive will have a specific adverse impact. A “specific adverse impact” is defined as “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public, health or safety standards, policies or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22 A.25(b)). The proposed Project and the potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s L.C. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines.

The Class 32 Exemption is intended to promote infill development within urbanized areas. The proposed project qualifies for a Class 32 categorical exemption because it conforms to the definition of “Infill Projects.” The five (5) conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (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. The project, as proposed, was determined to meet all five conditions.

As evaluated under CEQA, the project meets all of the criteria for a Categorical Exemption and therefore is the evidence that the project will not have any adverse impact upon public health, safety, the physical environment or any historical resource.