

4569 W. Finley Avenue

Project Description, Density Bonus Incentives and Waivers, Justifications and Findings

I. Proposed Density Bonus Incentives and Waivers

Density Bonus pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.22-A.25 and California Government Code Section 65915 to allow the construction of 86 dwelling units (“du”). Per the LAMC the Site has a base density of 1 du per 800 square feet (“sf”) and a base density of 11 du. The 100% affordable housing Project is entitled to unlimited density pursuant to Assembly Bill (“AB”) AB 1763 and AB 2345 and would provide 86 dwelling units (inclusive of 1 manager’s unit and 85 affordable units).

State Law Density Bonuses

1. Unlimited density for a 100% affordable housing project pursuant to AB 1763 and AB 2345.
2. Vehicular parking reduction to impose no minimum parking requirement for a 100% affordable housing project located within ½ mile of a Major Transit Stop pursuant to AB 1763 and AB 2345.

Off Menu Incentives

1. To allow for a front yard setback of 7 feet in lieu of 15 feet (53.34% reduction).
2. To allow for a westerly side yard of 5 feet in lieu of 12 feet (58.34% reduction).
3. To allow for a easterly side yard of 5 feet in lieu of 12 feet (58.34% reduction).
4. To allow for a rear yard of 5 feet in lieu of 15 feet (66.67% reduction).

Waiver of Development Standards

1. To allow FAR of 7.11:1 in lieu of 3:1 (137% increase).
2. To allow height of 98 feet and 6 stories in lieu of 30 feet and 3 stories (226.67% increase).
3. To allow open space of 0 sf in lieu of 8,600 sf (100% reduction).
4. To allow 0 on-site trees in lieu of 22 on-site trees (100% reduction).
5. To allow 2 short-term bicycle parking spaces in lieu of 7 spaces (71.43% reduction).
6. To allow 18 long-term bicycle parking spaces in lieu of 65 spaces (72.31% reduction).
7. Waiver to allow for 100% of the volunteered vehicular parking spaces to be compact in lieu of standard.

II. Project Description

SCAH-LA LLC (the “Applicant”) proposes a 100% affordable housing project located in the Hollywood Community Plan area. The Site consists of one parcel located at 4569 W Finley Avenue (“Site”) in the City of Los Angeles (“City”). The Site’s Assessor Parcel Number (“APN”) is 5590-006-013. The Project Site is currently improved with a two-story, 6-unit apartment building. The Project would demolish the existing residential building to allow for the construction of the 100% affordable housing project.

A. General Plan Land Use Designation and Zoning

The Site has a General Plan Land Use designation of Medium Residential within the Hollywood Community Plan (“Community Plan”). The Site is zoned R3-1XL. The Site is a Tier 2 Transit Oriented Community (“TOC”) and is located in a Transit Priority Area and a Very Low Vehicle Miles Traveled (VMT) Area.

An Objective of the General Plan and corresponding Community Plan is to make the provision for the housing required to satisfy the varying need and desires of all economic segments of the Community, maximizing the opportunity for individual choice. (Community Plan Objective 3.)

B. Proposed Project

The Project would demolish the existing residential development and construct a 9-story, 98’-0” foot-tall, 55,930 sf, 100% affordable residential development with 86 dwelling units (inclusive of 1 market rate manager’s unit, 3 Very Low Income (“VLI”) units, 69 Low Income (“LI”) units, and 13 Moderate Income (“MI”) units). In exchange, the Project requests four off-menu incentives and seven waivers.

The Site has a lot area of 8,102.5 sf (7,922.5 sf post-dedication). The building would consist of approximately 37,304 sf, a FAR of 7.11:1. The Project proposes a basement level with parking spaces, bicycle storage area, trash collection area, and a laundry room. On the ground level, the Project would have a leasing office, lobby, package room, and residential units. The second through the ninth floors would comprise of additional dwelling units. Access to the parking garage is provided from a single driveway along W. Finley Avenue.

The Project qualifies for reduced parking pursuant to AB 1763 and AB 2345, which provide for no minimum parking requirements for 100% affordable housing projects located within ½ mile of a Major Transit Stop. The 100% affordable housing project is located within ½ mile from the Vermont/Finley bus station and the Vermont/Franklin bus station and would therefore qualify for no parking minimums pursuant to AB 1763 and AB 2345. The Project would nevertheless provide 8 parking spaces, including 1 accessible parking space and 1 EV parking space.

The Project would provide 2 short-term bicycle parking spaces and 18 long-term bicycle parking spaces pursuant to waivers of development standards in lieu of 7 short-term bicycle parking spaces and 65 long-term bicycle parking spaces required by LAMC Section 12.21-A.16.

C. Surrounding Context and Conditions

The Site is bounded by W. Finley Avenue to the south, and parcels zoned R3-1XL and developed with residential uses to the north, east, and west.

D. Streets and Circulation

Mobility Plan 2035 provides the following street standards:

W. Finley Avenue: Adjoining the Project Site to the northeast is a designated Collector Street and is required to have a right-of-way width of 66 feet and a roadway width of 40 feet. The existing right of way has a variable width with a width of approximately 60 feet wide along the Site's frontage, therefore W. Finley Avenue is not currently up to mobility standards. The Project would need to provide a 3-foot dedication along W. Finley Avenue to provide a half-right-of-way of 33 feet.

III. Density Bonus Findings

A. Eligibility Justifications

As a threshold matter, in order to be eligible for any incentives, a Housing Development Project shall comply with the following (per CP-3251):

1. The façade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the façade is not a flat surface.

The Project's facades along W. Finley Avenue incorporate a variety of architectural features to create a building of visual interest. As seen in the Project's Southern Elevation (Sheets Gen-1.3, Gen-3.4, A-22.1), the street-facing façade incorporates a variety of color, balconies, windows, stairway landings, plaster, and steel guardrails to create façade articulation and break in plane. The W. Finley Avenue fronting façade meets this eligibility requirement.

2. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations.

As shown on the Level 1 Floor Plan (Sheet A-11.1), the building is oriented toward W. Finley Avenue and has a residential lobby with pedestrian access from W. Finley Avenue. The residential units along W. Finley Avenue have windows along W. Finley Avenue. The façade features windows, balconies, and stairwell landings that provide architectural interest through variations along the street-facing elevation (Sheets Gen-1.3, Gen-3.4, A-22.1).

3. The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.

Per ZIMAS, the Site does not contain any structures identified as contributing structures in a designated Historic Preservation Overlay Zone, or any structures identified on the City of Los Angeles list of Historical-Cultural Monuments.

4. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.4908 of the Municipal Code.

Per ZIMAS, the Site is not located in a Hillside Area or in a Very High Fire Hazard Severity Zone.

B. Density Bonus Counter Findings

Having met these threshold criteria, pursuant to LAMC Section 12.22-A.25.c, Applicant's request for off-menu density bonus incentives shall be approved, unless the following findings are made.

1. The Incentives are not required in order 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 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.

Off-Menu Incentives

LAMC Section 12.22-A.25.g.3 allows an applicant to request a "waiver or modification of any development standard(s) not included on the Menu of Incentives..." Development standards which may be waived include "a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation." (Government Code Section 65915(o)(1).)

Applicant requests five off-menu incentives in order to allow:

1. To allow for a front yard setback of 7 feet in lieu of 15 feet (53.34% reduction).
2. To allow for a westerly side yard of 5 feet in lieu of 12 feet (58.34% reduction).
3. To allow for an easterly side yard of 5 feet in lieu of 12 feet (58.34% reduction).
4. To allow for a rear yard of 5 feet in lieu of 15 feet (66.67% reduction).

a) Reduction in Setbacks

The Site is zoned R3-1XL. For the proposed nine-story building, the required front and rear yard setbacks are 15 feet, and the required side yard setback is 12 feet (5 feet plus 1 foot for each story over the second story, up to 16 feet). However, the Applicant would be unable to develop the Site with the required, front, side and rear setbacks. The Site is 60 feet in width and allows the development of unlimited density as a 100% affordable housing project under AB 1768 and AB 2345. In order to accommodate the proposed density, the Project proposes to develop dwelling units throughout the Site, and without relief from the required side yard setback, the Project would not be able to provide adequately sized dwelling units and corridors. The proposed

dwelling units would be narrow and not be sized in a way where residents would be comfortable inhabiting the units. Because of this, the Project requests that the side yard requirements be reduced to 5 feet on the both the westerly and easterly side of the building to provide adequate buildable width to accommodate the building. In terms of the front and rear setbacks, the lot is 135 feet long, and for the proposed nine-story building, the front and rear setback requirement is 15 feet, leaving only 105 feet of buildable length. Without the front, rear, and side setback reduction incentives, the building design and construction would not be efficient as the remaining buildable area would not physically allow the construction of the Project at the permitted densities. The reduction of the rear and side yard setbacks would physically and financially enable the Project to provide much needed affordable housing in the neighborhood, including 85 affordable housing units. Accordingly, the requested incentive is required to provide for affordable housing costs.

2. The 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 and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low, and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety, the physical environment, or any real property that is listed in the California Register of Historical Resources. A “specific adverse impact” is defined as “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”¹

The Site is not listed in the California Register. Additionally, the Site is not in a designated Historic Preservation Overlay Zone and does not contain any structures that are listed in the City of Los Angeles list of Historic-Cultural Monuments or in the California Register of Historical Resources. Therefore, there is no substantial evidence that the proposed Project, and thus the requested incentives, will have a specific adverse impact on the public’s health and safety, the physical environment, or on any Historical Resource.

3. The Incentives are contrary to state or federal law.

The Applicant’s requested incentives, which include four off-menu incentives to allow: (1) a reduction in the required front yard setback; (2) a reduction in the required westerly side setback; (3) a reduction in the required easterly side setback; and (4) a reduction in the required rear yard setback. State or federal laws do not regulate setbacks; therefore, the requested incentives are not contrary to any state or federal laws. While the California Building Code does regulate buildings’ distances from property lines, the requested front yard, side yard, and rear yard setbacks would meet the requirements within the California Building Code.

¹ LAMC Section 12.22-A.25.b.

C. Density Bonus Waiver Counter Findings

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Waiver(s) of Development Standards unless the decision maker finds that:

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

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Waiver(s) of Development Standards unless the decision maker makes the following findings.

The Applicant requests the following waivers of development standards:

1. To allow FAR of 7.11:1 in lieu of 3:1 (137% increase).
2. To allow height of 98 feet and 6 stories in lieu of 30 feet and 3 stories (226.67% increase).
3. To allow open space of 0 sf in lieu of 8,600 sf (100% reduction).
4. To allow 0 on-site trees in lieu of 22 on-site trees (100% reduction).
5. To all 2 short-term bicycle parking spaces in lieu of 7 spaces (71.43% reduction).
6. To allow 18 long-term bicycle parking spaces in lieu of 65 spaces (72.31% reduction).
7. Waiver to allow for 100% of the volunteered vehicular parking spaces to be compact in lieu of standard.

a) FAR Increase.

The Site is zoned R3-1XL and fronts W Finley Avenue, a Collector Street. As discussed above, because the Project is a 100% affordable Housing Development Project, in which 1 unit will be a market rate, manager’s unit, and 85 units will be affordable units (3 VLI units, 69 LI units, and 13 MI units) the Project is permitted to have unlimited density to facilitate the production of much needed affordable housing within the City. However, the Site’s zoning, permits only a FAR of 3.0:1.

The Site is an ED1 affordable development that is located within ½ mile of a Major Transit Stop. The 3.0:1 FAR would physically preclude the Site from being able to be constructed with higher density affordable housing. Therefore, the Applicant requests an Off-Menu Incentive to allow a FAR of 7.11:1 (an increase of 137%) to allow the Project to be developed with the allowable height and the requested number of affordable units.

b) Height Increase.

The Project is height district No. 1-XL which limits height to 30 feet and 3 stories at the Site. The applicant has requested a waiver of the height requirements of the LAMC. Strict compliance with the height requirements would physically preclude construction of the project at the permitted density and increased FAR pursuant to a requested waiver. Denial of the requested waiver would require the removal of 60 dwelling units on the six upper floors in order to stay within the maximum permitted height of 30 feet and 3 stories, thus physically impeding construction of the full requested 86 dwelling units and a FAR of 7.11:1 (an increase from the base allowable FAR of 3.0:1).

c) Open Space Reduction.

The requested open space waiver to reduce open space requirements for the Site would provide design and construction efficiencies that would facilitate the construction of affordable dwelling units. The provision of open space adds significant physical constraint and inhibits the Site's ability to provide residential dwelling units. Without the requested waiver, the Project would not be able to be constructed at the proposed densities. The Project cannot provide sufficient open space on the roof because the roof needs to accommodate the elevator penthouse, stairwell, and other mechanical space (Sheet A-11.3). Additionally, there is not enough roof area to provide a common open space where the horizontal dimensions would comply with the 15' width requirements for common open space (Sheet A-11.3.) Additionally, due to the provided side, rear, and front setbacks, the Site could not provide adequate open space to meet the open space requirements for the Project. The Applicant therefore requests the incentive in order to ensure that the 85 dwelling units of affordable housing can be constructed.

d) On-Site Tree Reduction.

Pursuant to LAMC Section 12.21-G.2(a) projects involving new construction of a building or group of buildings containing six or more dwelling units must provide at least one 24-inch box tree for every four dwelling units. The trees must be provided on-site. The 86-unit development would thus be required to plant 22 trees on-site.

This creates significant challenges for site utilization. If the Project is required to provide 22 trees, the trees would physically cause the usable space around the Site to be reduced to ensure that any proposed trees have adequate space for its canopies and root systems. Without the waiver of development standard to allow for the waiver in the on-site tree requirement, the Project would only be able to provide a fraction of the proposed units. Without this waiver, the building design and construction would not be efficient, and the remaining buildable area would not physically allow the construction of the Project at the permitted density.

e) Bicycle Parking Reduction.

For this Project with 86 residential dwelling units, the LAMC requires 7 short-term and 65 long-term bicycle parking spaces.

Long-term bicycle parking must be secured from the general public and enclosed on all sides and must protect stored bicycles from inclement weather. Each bicycle parking space must be a minimum of 6 feet (72 inches) in length. Additionally bicycle parking must be located such that bicyclists are not required to rely on stairways or escalators for access or share access with motor vehicles. With these constraints the Project is only able to provide long-term bicycle parking spaces within the basement parking garage, and it can only provide 18 long-term bicycle parking spaces without further reducing the number of parking spaces being provided at the Site. If the Project were to provide long-term bicycle parking spaces at the ground level, it would necessitate the elimination of some of the affordable units to accommodate the long-term bicycle parking spaces.

Short-term bicycle parking spaces are required to be located to maximize visibility from a pedestrian entrance and be located no further than 100 feet of walking distance from a pedestrian entrance. For the Site, the short-term bicycle parking spaces are required to be provided on W Finley Avenue near the pedestrian lobby entrance. The Project is able to provide some short-term bicycle parking spaces at this location; however, only 2 spaces can be provided. If the Project is required to provide any additional short-term bicycle parking spaces, the Project would need to eliminate proposed affordable units in order to physically accommodate the required spaces.

The building would therefore not be able to facilitate the development of 85 much-needed affordable units without the requested waiver to reduce the short-term and long-term bicycle parking requirement, as these requirements would physically preclude construction of the proposed Project.

f) Waiver to allow volunteered vehicular parking spaces to be compact spaces in lieu of standard spaces.

The Project is located within ½ mile of a Major Transit Stop and would therefore qualify for no parking minimums pursuant to AB 1763 and AB 2345. The Project would nevertheless provide 8 parking spaces, including 1 accessible parking space and 1 EV space.

Generally, for dwelling units, every standard parking stall must be at least 8 feet 6 inches wide and 18 inches long. Compact stalls must be at least 7 feet 6 inches wide and 15 feet long. With these constraints the Project is only able to provide compact parking spaces within the basement parking garage, and it can only provide 8 compact parking spaces without further reducing the number of parking spaces being provided at the Site. If the Project were to provide standard parking spaces, it would necessitate the elimination of some of the affordable units to accommodate the standard parking spaces.

Without the waiver of development standard to allow for compact spaces in lieu of standard spaces for the voluntarily provided vehicular parking, the Project would only be able to provide a fraction of the proposed units. Without this waiver, the building design and construction would not be efficient, and the remaining buildable area would not physically allow the construction of the Project at the permitted density.

The requested waivers would result in building design or construction efficiencies that would physically allow the construction of the Project at the permitted densities, or physically permit adequate number of dwelling units within the Project to allow it to be economically viable. Accordingly, the requested waivers are required in order to provide for affordable housing costs, and this finding cannot be made.

2. The waivers or reductions of development standards would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety 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 low-income and moderate-income households.

There is no evidence that the requested waivers will have a specific adverse impact upon public health and safety, the physical environment. 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.”²

The Project also would not have any specific adverse impact upon any real property that is listed in the California Register of Historical Resources.

The demolition of the existing development would facilitate the construction of 86 new dwelling units, of which 1 would be a market-rate manager’s unit and 85 of the units would be restricted affordable units. The Project would bring much needed affordable housing to a neighborhood that is located near major transit stops and existing residential uses.

Therefore, there is no substantial evidence that the proposed Project, and thus the requested incentives, will have a specific adverse impact on the public’s health and safety, the physical environment, or on any real property that is listed in the California Register of Historical Resources

3. The waivers or reductions of development standards are contrary to state or federal law.

The requested waivers of development standards are related to FAR, height, open space, bicycle parking requirements, on-site tree requirements, and vehicular parking sizes. These requirements

² LAMC Section 12.22-A.25.b

are not regulated by state or federal law. Therefore, the requested waivers of development standards are not contrary to state or federal law.