

Findings & Justification

2662-2668 S Barrington Avenue Los Angeles

Property Information

Street Addresses: 2662-2668 S Barrington Avenue Los Angeles, CA 90064

Assessor's Parcel Number(s): 4258007027; 4258007028

Lot Area: 10,998.85 SQFT

Proposed Development

Demolition of two existing single family homes (SFHs) and construction, use, and maintenance of a 5-story, approximate 55'-6" in height building. The proposed residential project would include 21 units, 18 market-rate and 3 affordable housing units. The project would provide approximately 27,313.5 SQFT of new floor area, containing all two (2) bedroom units, including 20% of the base density set aside as affordable housing for very low income (VLI) households, with at-grade and subterranean parking providing 39 on-site vehicular parking spaces.

Entitlement Requests

Density Bonus, pursuant to LAMC Section 12.22.A 25, for a project with 21 dwelling units including 3 units (15% of by-right density) for Very Low Income Households for a period of 55 years as follows:

A density bonus pursuant to LAMC Section 12.22 A 25(c) (1) to permit up to a 35% increase in density.

On Menu Incentives:

1. Floor Area Ratio: An increase in Floor Area Ratio (FAR) to 3.54:1 in lieu of an FAR of the otherwise allowed 3:1
2. Set Back Reduction: A 20% reduced side yard setback to 6' - 5" in lieu of the otherwise required 8 feet

Off Menu Incentives:

1. An off Menu incentive pursuant to LAMC Section 12.22 A 25 (g) (3) to permit an increase in building height up to 55'-6" in lieu of the otherwise allowed 45 feet and to allow increased height for portions of a building in a Housing Development project that are within 50 feet of an R1 zoned lot.

Property Information:

The subject property is located at 2662-2668 S Barrington Avenue, Los Angeles 90064. The property is comprised of two contiguous lots, with a frontage of approximately 100 feet along Barrington Avenue. The combined surface land area of the property is 10,998.85 square feet according to Zimas. The properties are currently developed with Single Family Homes containing 2,176 square feet, to be demolished as part of the proposed projects.

Land Use and Zoning Designation:

The property is located within the Palms - Mar Vista - Del Rey Community Plan area and designated for Medium Residential land uses corresponding to the R3 Zone. The site is accordingly classified in the R3-1 zone and is consistent with the Community Plan land use designation.

Surrounding Property:

Property in the surrounding area is classified as R3 and R1V2.

Related Cases:

The following cases are listed for the subject property but are not related to the project:

CPC-2018-7547-CPU

CPC-2014-1457-SP

CPC-2005-8252-CA

ORD-186108

ORD-183497

ORD-171492

ENV-2014-1458-EIR-SE-CE

ENV-2005-8253-ND

Zoning Overlays/Supplemental Districts:

ZI-2192 - Specific Plan: West Los Angeles Transportation Improvement and Mitigation -

The Property is within the West Los Angeles Transportation Improvement and Mitigation (WLA TIMP) Specific Plan area, which was established by Ordinance Number 171492 effective March 8, 1997. The plan was amended by Ordinance Number 186108 effective June 28, 2019. The Specific Plan established a transportation mitigation program with an associated Transportation Impact Assessment (TIA) Fee Program to fund public facilities within the Specific Plan Area. The Specific Plan is applicable to all lots located in whole or in part within the Specific Plan area, including the Property. TIA fees are assessed per unit at

\$4,646 for “multi-family rental units in a building 10 stories or less.” Affordable dwelling units are exempt from the TIA fee.

ZI-2512 Housing Element Inventory of Sites -

The property is located within the Housing Element Inventory of Sites area, which suggests that development projects must comply with affordable housing replacement requirements as a condition of any development on a nonvacant site identified in the Housing Element inventory of adequate sites, effective November 24, 2021. Any application for development submitted after the effective date is subject to these requirements.

Building Permit Records:

Permit Number 16124

Permit Number 21974

Permit Number 16123

Permit Number 38825

Permit Number 35906

Permit Number 35907

Density Bonus Legislation Background:

The California State Legislature has asserted the critical importance of housing availability on a statewide scale and established the role of local and state governments in "providing sufficiently for the housing requirements of all socio-economic groups in the community." This is highlighted in Section 65580, subdivisions (a), (d). Section 65915 additionally requires that an applicant must commit to, and the city must ensure, the "sustained affordability of all low and very low-income units that have made the applicant eligible" for the Density Bonus.

With the introduction of Senate Bill 1818 in 2004, State law necessitated local jurisdictions to approve a Density Bonus and up to three "benefits or encouragements" for developments that incorporate specified levels of affordable housing. The City responded to this requirement by establishing an ordinance that includes an array of benefits (called "on-menu" benefits), comprised of eight zoning modifications that align with the definition of benefits or incentives under State law (California Government Code Section 65915). These eight on-menu benefits encompass: 1) diminishing setbacks; 2) reducing lot coverage; 3) lessening lot width; 4)

enhancing FAR; 5) raising height; 6) cutting down the necessary Open Space; 7) permitting an alternative density calculation inclusive of streets/alley dedications; and 8) allowing the "averaging" of FAR, density, parking or open space. To approve an on-menu benefit, the City employs the same findings outlined in State law for the endorsement of incentives or concessions.

In adherence to California Government Code Section 65915(a), 65915 (d) (2) (C) and 65915 (d) (3), the City of Los Angeles complies with the State Density Bonus law through the implementation of Density Bonus regulations and procedures as codified in Section 12.22 A 25 of the Los Angeles Municipal Code. The LAMC Section 12.22 A 25 establishes a process to disregard or modify zoning code standards that may hinder, obstruct, or conflict with the effect of the Density Bonus by which the benefit or incentive is granted, encompassing legislative body review. This ordinance should be uniformly applicable to all new residential developments.

In exchange for committing to a designated number of affordable housing units within a development, applicants may appeal for up to three incentives in addition to the Density Bonus and parking relief which are permitted by default. These incentives offer deviations from the City's development standards, thereby providing further relief from regulatory limitations. The application of the Density Bonus/Affordable Housing Incentives Program takes precedence over the requirements of the Los Angeles Municipal Code and associated ordinances concerning density, number of units, parking, and other regulations pertaining to incentives, if appealed for.

On September 26, 2016, Governor Brown approved AB 2501, AB 2556, AB 2442, and AB 1934, leading to revisions in the State Density Bonus law (California Government Code Section 65915). These amendments were effective as of January 1, 2017. Notably, AB 2501 limited the power of local jurisdictions to demand special studies unless they adhere to the stipulations of State law. Financial pro-formas and independent reviews are no longer a prerequisite for any Density Bonus case application.

Additionally, the 2016 revisions to the State Density Bonus law also altered the required finding to refuse an incentive. Currently, a requested concession or incentive must be granted unless the City provides a documented finding, substantiated by considerable evidence, of any of the following: a) the concession or incentive "does not lead to recognizable and actual cost savings," to account for affordable housing costs or rents for the intended units; b) the concession or incentive presents a specific detrimental effect on public health and safety or the physical environment or any real property listed in the California Register of Historical Resources, for which no practical method exists to effectively mitigate or avoid the specific, adverse impact without making the development unaffordable; or c) if the concession or incentive contradicts state or federal law. The previous law allowed a concession or incentive to be refused if the City had considerable evidence that the concession or incentive was "not necessary to account for" affordable housing costs or rents for the designated units, or substantial evidence supporting findings "b)" or "c)" above.

Density Bonus - Additional Findings:

Pursuant to LAMC Section 12.22 A 25 (c)(1) the Project qualifies as under SB 1818 as a Density Bonus Project if 11 % of the units allowed by-right are reserved for Very Low Income households. The Project proposes to reserve 3 units, or 15% of the by-right (base) units, for Very Low Income households and as such qualifies as a Density Bonus Project.

Pursuant to LAMC Section 12.22 A.25(g)(2), in order to be eligible for any incentives, a Housing Development Project shall comply with the following criteria:

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

The Residential Design Guidelines of the City of Los Angeles suggest that projects should incorporate diverse textures, colors, materials, and unique architectural elements to enhance visual appeal and prevent monotonous and repetitious facades. The building's architecture has been shaped through a diversified utilization of construction materials, shifts in surface, and architectural detailing. The structure is enveloped with a blend of plaster, wood, and glass materials and has been designed to harmoniously blend with the existing context via a carefully planned and implemented design.

B. 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 elevation.

The proposed project has been meticulously designed to ensure that all buildings are oriented towards the street, enhancing the connection between the built environment and the public realm. This has been achieved through the strategic placement of entrances, windows, unique architectural features, and balconies on the front and any street-facing elevations.

The design effectively uses these elements to create a sense of openness and visibility, which not only aligns with the aesthetic character of the surrounding neighborhood but also enriches the streetscape experience. This street-oriented approach enhances the pedestrian-friendly environment and promotes community interaction.

Moreover, the application of various architectural elements and balconies along the street-facing elevation further contributes to the visual interest and appeal of the buildings, thereby creating a vibrant and engaging urban fabric. The strategic positioning and design of these elements serve the dual purpose of aesthetically enhancing the building while fostering an inviting and engaging streetscape.

In conclusion, the proposed project adheres to the orientation guidelines by thoughtfully integrating entrances, windows, architectural features, and balconies into the design, hence contributing positively to the streetscape and the overall urban environment.

C. 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.

The Project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a structure or property that is designated as a City Historic-Cultural Monument.

D. 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.

The Project is not located on a substandard street or in a Hillside Area of Very High Fire Severity Zone.

Pursuant to LAMC Section 12.22 A 25 (g) (2) (i) c of the LAMC and Section 65915 of the California Government Code, the City Planning Commission shall approve a density bonus and requested incentive(s) unless the City Planning Commission finds that:

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 available records fail to provide ample evidence enabling the Director to ascertain that the proposed incentives do not lead to recognizable and actual cost reductions necessary to provide affordable housing as mandated by State Law. As defined by California Health & Safety Code Sections 50052.5 and 50053, formulae for determining affordable housing costs for very low, low, and moderate-income households exist. Section 50052.5 pertains to owner-occupied housing, while Section 50053 addresses rental households. Affordable housing costs derive from a calculation that caps residential rent or ownership expenses to not exceed 25% of gross income, based on area median income thresholds contingent on affordability levels.

The proposed project adheres comprehensively to the requisite regulations, standards, and conditions of the State Density Bonus Program. The project designates 11 percent of the project's fundamental density as VLI restricted affordable units, totaling eleven residential units. The project epitomizes an urban in-fill development on a pre-existing residential lot in the R3 Zone. There is no compelling evidence in the record indicating that any of the requested on-menu Incentives do not lead to recognizable and actual cost reductions necessary for the project's affordable housing costs (as outlined in California Health and Safety Code Sections 50052.5 or 50053) and/or to accommodate the restricted VLI unit's rents. Furthermore, the

catalog of on-menu incentives in LAMC Section 12.22 A 25 were assessed in advance when the Density Bonus Ordinance was enacted to incorporate relief mechanisms that limit restrictions on the project's magnitude. As such, the Director will invariably conclude that the Density Bonus base and on-menu incentives do result in identifiable and actual cost savings necessary for affordable housing costs, because the incentives inherently enhance the project's scale and thereby facilitate the provision of affordable housing units.

The property is classified in the R3 Zone, with lot area requirements of 1 dwelling unit per 800 square feet of surface land area per LAMC Section 12.10 C 4, and includes the use of half the adjoining alley areas per LAMC Section 12.22 C 10 for a total of 11,998.8 square feet of surface land area, so would yield 15 by-right units. Pursuant to LAMC Section 12.22 A 25 (c) (7), the City's Density Bonus program allows fractional density calculations to round units up, so the site would have 15 base units. A 35% density bonus is permitted per LAMC Section 12.22 A 25 (c) (1), in exchange for the provision of an 11% affordable set-aside of the base units reserved for VLI households. Based on the incentive, the applicant would be allowed to construct 6 additional density bonus units for up to 21 total project units. In return, the proposed project is obliged to, and will, reserve at least 11% (2 units) of the base units, and is indeed setting aside 20% (3 units) for VLI households. Therefore, the project aligns with the conditions of the City's Density Bonus Program.

The proposed development abides by all relevant provisions of LAMC Section 12.22 A 25, and the development will further the housing goals and strategies of the Palms – Mar Vista – Del Rey Community Plan by supplying a combination of market rate and affordable housing to accommodate the area's population. The proposed property is classified in the R3 Zone and in Height District No. 1. The regulations implemented by the Zoning Code restrict the potential of development allowed at the R3 Zone density to a 15-foot front yard pursuant to LAMC Section 12.10 C 1, an 8-foot side yard pursuant to LAMC Section 12.10 C 2, and a 3:1 FAR pursuant to LAMC Section 12.21.1. By setting aside at least 15% (2.25 units) of the project's base units for VLI households for 55 years, the project is eligible for up to three additional incentives, which serve to provide necessary deviations from the development standards of the Zoning Code. To assist with the development of the project, the applicant is seeking the following on-menu incentives:

The requested incentive for a diminished (west) side yard is detailed in the list of on-menu incentives in LAMC Section 12.22 A 25 (f), which allows exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive for a diminished side yard enables the project to augment the overall space dedicated to residential use, thereby facilitating the provision of affordable residential units. Pursuant to LAMC Section 12.10 C 2, a 5-foot minimum side yard is required in the R3 Zone, with an additional 1-foot increase required for each story above the second. For the proposed 5-story project, this results in an 8-foot side yard requirement. The on-menu side yard reduction incentive allows a decrease in the required depth of up to 20 percent, to 6 feet, 5 inches. The reduced yard allows for more floor area to provide additional units. This incentive

supports the applicant's decision to reserve 3 units as an affordable housing unit reserved for VLI households.

Relief from required building FAR for the property is justifiable as an incentive to help alleviate the costs of providing affordable housing. Due to the scope of the project, the applicant is requesting a 3.54:1 FAR to accommodate the proposed market-rate and affordable units in the building as well as a sufficient amount of amenity and open space within the building envelope. The request for increased FAR would result in building design and construction efficiencies that provide for affordable housing costs by increasing the amount of buildable floor area within the development. Residential uses are allowed by-right in the R3 Zone at the required area standards. The requested incentive would serve to facilitate the provision of new housing on the site, including 3 rent-restricted apartments for VLI households, while achieving actual and identifiable cost reductions by increasing the development envelope of the project.

The Project proposes an off-menu incentive for a height increase from the standard 45 feet to 55 feet and 6 inches. This elevation increment is critical to enable the construction of an expanded building envelope. This expanded envelope will accommodate a sufficient number of market-rate units to offset the costs associated with providing housing for three Very Low-Income (VLI) households.

The requested height increment caters not only to the architectural design requirements of the building but also to the imperative need for an increase in density, which includes affordable housing units. Without this height adjustment, the development would lose valuable residential floor area necessary for the inclusion of the three VLI units.

The project's location further augments the rationale for the height increment, given the additional 20 feet separation provided by the adjacent alley segment from the nearest residence. This increased separation mitigates any potential impacts of the added height.

Coupled with the requested floor area of 27,313.5 square feet, this incentive will enable the developer to augment the total number of units, thus facilitating the construction of three VLI units. It effectively enlarges the overall space committed to residential use, further underscoring its importance in the provision of affordable housing.

This sought-after height incentive supports the applicant's commitment to allocate three units specifically for VLI households. Without this incentive, the project's proposed density and associated density bonus incentives for increased FAR and reduced yards could not be achieved within the proposed building footprint. Therefore, the requested off menu is justifiable and in alignment with the overall project objectives.

The incentives 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 compelling evidence that the proposed incentives would cause specific adverse impacts on public health and safety, the physical environment, or any real property listed in the California Register of Historical Resources. A "specific adverse impact" signifies a significant, quantifiable, direct, and unavoidable consequence based on identified written public health or safety standards, policies, or conditions (LAMC Section 12.22 A 25 (b)).

The project doesn't involve a structure within a designated Historic Preservation Overlay Zone, the City of Los Angeles list of Historical-Cultural Monuments, or any resource in the surrounding area. Additionally, the project site isn't located within any special hazard area such as a Very High Fire Hazard Severity Zone, Methane Zone, or a Hillside area with a substandard street. Consequently, the project is not anticipated to adversely affect public health, safety, or the physical environment.

Moreover, the project is required to comply with all pertinent regulations including those governing construction, use, and maintenance. It proposes a 21-unit, mixed-income development in an urban area improved with a mix of commercial and residential buildings near public transit. Given these conditions and the absence of any direct impact on public health and safety, the requested incentives will not have a specific adverse impact. Therefore, there is no substantial evidence that the proposed project will negatively affect the physical environment, public health and safety, or any Historical Resource.

The incentives are contrary to state or federal law.

The sought-after incentives exclusively pertain to alterations in requisite floor area, height, and transitional height specifications. These modifications are sanctioned under the purview of both local and state density bonus legislation. There exists no compelling evidence to suggest that the proposed incentives or standard deviations contravene state or federal law.