



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



West Los Angeles Area Planning Commission

Date: July 16, 2008 and September 17, 2008
Time: After 4:30 p.m.
Place: Henry Medina West Los Angeles Parking
Enforcement Facility
11214 W. Exposition Boulevard
2nd Floor Roll Call Room
Los Angeles, CA. 90064

Public Hearing: June 2, 2008
Appeal Status: To City Council
Expiration Date: July 19, 2008
Multiple Approval: Specific Plan Exception is
appealable by the applicant to City
Council if disapproved in whole or
in part.
Per LAMC Sec. 12.36 (Multiple
Entitlements) Conditional Use and
Site Plan Review are appealable to
City Council.

Case No.: APCW-2007-2429-SPE-
SPP-CDP-MEL
CEQA No.: ENV-2007-2430-MND
Related Cases:
Council No.: 11
Plan Area: Venice
Specific Plan: Venice Coastal Zone and
Los Angeles Coastal
Transportation Corridor
Grass Roots Venice
Medium Residential
R3-1-O
Certified NC:
GPLU:
Zone:
Applicant: Glen and Jane Hickerson
Representative: Steve Kaali, Windrich
Group, Inc.

**PROJECT
LOCATION:** 10 E. 19th Avenue

**PROPOSED
PROJECT:** Continued use and maintenance of eleven dwelling units (an existing ten unit apartment building providing 16 parking spaces and an eleventh unit converted from storage space) and the addition of one uncovered parking space for a total of 17 parking spaces on a 5,280 square foot site classified in the R3-1-O Zone and also located within the North Venice Subarea of the Venice Coastal Zone Specific Plan.

**REQUESTED
ACTIONS:**

1. Pursuant to Section 11.5.7 F of the Municipal Code, an **Exception** from the following Sections of the Venice Coastal Zone Specific Plan (Ordinance Nos. 175,693) as follows:
 - A. Section 10.F.2 to permit density to be calculated by permitting one unit for each 479 square feet of lot area in lieu of the required 1,500 square feet per unit as specified by the Specific Plan.
 - B. Section 13.D to permit the requested 11th unit to provide only one parking space in lieu of two (2) parking spaces per dwelling unit and one guest parking space as is otherwise required..
2. Pursuant to Section 11.5.7 of the Municipal Code, a **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.

RECOMMENDED ACTIONS:

1. **Disapprove** the requested **Specific Plan Exception** to permit density to be calculated by permitting one unit for each 479 square feet of lot area in lieu of the required 1,500 square feet per unit as specified by the Specific Plan.
2. **Disapprove** the requested **Specific Plan Exception** to permit the requested 11th unit to provide only one parking space in lieu of two (2) parking spaces per dwelling unit and one guest parking space as is otherwise required..
3. **Disapprove** the requested **Project Permit Compliance** determination with the Venice Coastal Zone specific Plan.
4. **Disapprove** a Mello Act Compliance Review for projects in the Coastal Zone.
5. **Adopt** the attached Findings.

S. GAIL GOLDBERG, AICP
Director of Planning

Betsy Weisman, Principal City Planner

Kevin D. Jones, Hearing Officer
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Exhibits:

- A – Maps
 - A1 – Vicinity Map (required)
 - A2 – Radius Map (required)

- B - Plans
 - Site Plan
 - Elevation Plan
 - Landscape Plan

- C –Others, photos and correspondence
- D - Environmental Clearance – EAF-2007-2430-MND

PROJECT ANALYSIS

Project Summary

The project site is a rectangular shaped parcel that consists of two lots that have an area of 5,280 square feet (sq. ft.). The parcel is located at the south east corner of 19th Avenue and Speedway. An alley is on the east side of the site. The site is currently developed with a 10 unit apartment building with 16 parking spaces that was built in 1971. The building has a floor area of approximately 7,650 sq. ft with a height of approximately 41 feet and has a configuration of three stories over ground level parking. An additional unit was created in a ground floor storage area without a building permit some time after the initial construction. The project is the continued use and maintenance of eleven dwelling units (an existing ten unit apartment building providing 16 parking spaces and an eleventh unit converted from storage space) and the addition of one uncovered parking space for a total of 17 parking spaces.

The current Venice Community Plan was adopted September 29, 2000 and designates the subject site as Medium Residential with corresponding zones of RW2 and R3. The zoning for the subject site is R3-1-O.

The existing development provides 16 covered parking spaces with 12 having a tandem configuration. Access to the parking spaces is provided from Speedway and 19th Place. The proposed additional parking space will be uncovered and will have access from Speedway.

Specific Plan Exception

The applicant requests two exceptions from the Venice Specific Plan. The first is to permit density to be calculated by permitting one unit for each 479 square feet of lot area in lieu of the required 1,200 square feet per unit as specified by the Specific Plan. The second exception is to permit the requested 11th unit to provide only one parking space in lieu of two (2) parking spaces per dwelling unit and one guest parking space as is otherwise required by the Specific Plan.

Background

Existing Uses

The site consists of a flat rectangular-shaped, two lot, corner site of approximately 5,280 sq. ft. located on the southeast corner of 19th Avenue and Speedway with a width of 60 feet and a depth of 88 feet. 19th Avenue is a pedestrian street that terminates 110 feet west of the subject site at The Strand section of Venice Beach. The site is within the Venice Community Plan Area, the Venice Coastal Specific Plan, and the Los Angeles Coastal Transportation Corridor. The subject site is permitted to have a 10 unit apartment building with 16 parking spaces that was built in 1971. City records show that after the construction of the structures the zone of the subject site was changed from R5-1 to R3-1-O by Ordinance No. 145,252 on December 27, 1973. The case records indicate that the eleventh unit exists on the site but the addition of the unit is not documented in the City records. The applicant states that the property was purchased with 11 units in 1990. It does not appear the applicant took any action to verify and/or confirm any of the information provided to him with that on file with the Department of Building and Safety. As such, it appears that the applicant's hardship is self imposed and not by the provisions of the Specific Plan.

Surrounding Zones and Uses

The surrounding area is a mix of commercial and residential uses interspersed with some are mixed use buildings combining the two uses. Many structures are over 50 years old. The majority of the older structures are low rise one and two story structures. The area is relatively flat. Some newer development has introduced higher three story buildings into the area.

North: R3-1-O and RD1.5-1-O – North of the project site the area is developed with low rise single and multi family residential uses that are one, two and three stories in height. Many of these structures are over 50 years old.

East: R3-1-O – East of the project site are single and multi-family residential uses. The land use designation for this area is Medium Residential. The structures have varying ages with one, two and three stories.

South: R3-1-O and C1.5-1-O-CA – South of the project site the area is developed with low rise single and multi family residential uses that are one, two and three stories in height. Further south are commercial uses including retail sales, restaurants, and other food service for the beach community.

West: R3-1-O, C1-1-CA, and OS-1XL-O - The west side of Speedway is developed with low rise multi family residential uses and commercial uses including retail sales, restaurants, and other food service for the beach community. The structures are one, two and three stories in height. Venice Beach is 110 feet west of the site with pedestrian access available from 19th Avenue and 19th Place. This area is part of The Strand of Venice Beach and features basketball and tennis courts, playground facilities, beach rentals, and the Muscle Beach Gym.

Streets and Circulation

19th Avenue adjacent to the north side of the subject site is a designated Local Street and is a pedestrian Walk Street that prohibits vehicular use.

Speedway adjacent to the west side of the subject site is a designated Local Street that has limited circulation permitting south bound vehicular traffic. This street is not improved with typical curbs, gutters or sidewalks.

19th Place adjacent to the south side of the subject site is a designated Local Street. This street is not improved with typical curbs, gutters or sidewalks.

Pacific Avenue 290 feet east of the subject site is a designated Secondary Highway.

Issues

Use. The proposed project is the continued use and maintenance of 11 dwelling units (an existing ten unit apartment building providing 16 parking spaces and an eleventh unit converted from storage space) and the addition of one uncovered parking space for a total of 17 parking spaces. The applicant requests two Specific Plan exceptions and a Project Permit Compliance. The issue presented by this project is that it will add a dwelling unit to a building that has nonconforming rights for density and reduced parking because it was built prior to the zone change and Specific Plan. The intent of the Specific Plan is to control density, parking and building size to preserve the existing character of the neighborhood. The incremental increase in density and reduction of parking is clearly addressed in Specific Plan text. The applicant provided information saying that the 11th unit was on the property at the time of purchase in 1990 and the construction of the unit cannot be documented.

The Venice Community Plan is to provide adequate land use amounts and capacities to accommodate the projected population until 2010. The Venice Community Plan designates approximately 918 acres for residential uses. This acreage is adequate to accommodate additional residential units and the projected population. The requested increase in density beyond that allowed in the R3 zone is not compatible with the Medium Residential Land Use Designation or the Specific Plan.

Parking. The surrounding area has severely limited amounts of street and on-site parking supplies. This limitation is caused by a number of factors including; much of Venice was developed prior to the effective dates of many of the City's building standards; small lot sizes; limited street widths, and geologic limitations due to the high water table. Due to the limited amounts of available parking, the Specific Plan contains provisions to address this issue with increased parking standards. The Specific Plan identifies the Beach Impact Parking zone and the subject site is located in this area. The provisions of this section are as follows: *Multiple dwelling and duplex on a lot of 40 feet or more in width or for 35 feet or more in width if adjacent to an alley: Two spaces for each dwelling unit; plus a minimum of one guest parking for each four or fewer units.* The project proposes one uncovered parking space for the 570 sq. ft. dwelling unit to be added to the site. The existing permitted 10 unit apartment building that provides 16 covered parking spaces was constructed in 1971 and has non conforming rights to remain in its current configuration. The request to provide one parking space for the proposed dwelling unit is not meet the standard for the Specific Plan and the applicant has requested the Exception.

CONCLUSION

The Department recommends the disapproval of the Specific Plan Exceptions and the Coastal Development Permit as discussed in this report. The Planning Department has considered the proposed project, the surrounding land uses and zones and concludes that the Specific Plan Exceptions for the subject site would not be appropriate. The subject site is realizing the benefits of its nonconforming status with its higher density and reduced parking. While the applicant has stated that they are willing to register the proposed unit in the Los Angeles Housing Department's Affordable Housing Program, it should be noted that the ten permitted units are market rate units. The applicant states that the property was purchased with 11 units in 1990. It does not appear the applicant took any action to verify and/or confirm any of the information provided to him with that on file with the Department of Building and Safety. As such, it appears that the applicant's hardship is self imposed and not by the provisions of the Specific Plan.

Given these factors, the applicant's request for Specific Plan Exceptions to allow the addition of an 11th unit to a non conforming 10 unit multi-family building and a reduced amount of parking is not appropriate and therefore the Planning Department recommends the disapproval of the requested entitlements.

FINDINGS

General Plan Findings

- 1. General Plan Land Use Designation.** The subject property is located within the Venice Community Plan area, which was adopted by the City Council on September 29, 2000 (pursuant to Council File 2000-1505 and CPC-97-0047-CPU). The Plan Map designates the subject property for Medium Residential land use with corresponding zones of RW2 and R3. The Community Plan includes footnotes that are applicable to the Zones of the Land Use designations. Footnote number 7 for the Multiple Family Corresponding Zones states: "Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles, Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans..." The Venice Coastal Zone Specific Plan (Ordinance No. 175,693, effective January 19, 2004) restricts development on the subject site to a maximum of two (2) dwelling units. The Specific Plan goes on to state that "...Venice Coastal Development Projects on lots greater than 4,000 sq. ft. are permitted... one unit for each 1,200 sq. ft on R3 zoned lots provided that all units beyond the first two are Replacement Affordable units." The subject property is zoned R3-1-O and was developed in 1971 with 10 units and 16 parking spaces on a 5,280 sq. ft. lot. The existing building has a legal non-conforming status because the structures were built prior to the effective dates of the R3 zone (1973) and the Specific Plan (1999). The addition of the proposed unit would nullify the density portion of the site's non-conforming status.
- 2. General Plan Text.** The following Venice Community Plan's land use objectives are consistent with the proposed development:

Chapter III - Land Use Policies and Programs.

Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical need of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.1 Designate specific lands to provide for adequate multi-family development.

Policy 1-1.4 Promote the preservation of existing single-family and multi-family neighborhoods.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3.2 Proposals to alter planned residential density should consider factors on neighborhood character and identity, compatibility of land uses, impact on livability, adequacy of public services and impacts on traffic levels.

- 3. The Venice Coastal Specific Plan.** The subject property is located within the North Venice subarea of the Venice Coastal Zone Specific Plan. The Specific Plan was adopted by the City Council on October 29, 1999 (Ordinance No. 172,897, effective December 22, 1999) and was superseded by Ordinance No. 175,693, adopted by the City Council on December 2, 2003, (effective January 19, 2004). One of the general purposes of the Specific Plan is to regulate all development, including use, height, density, setbacks, buffer zones and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect

environmentally sensitive areas. The proposed project does not comply with the Specific Plan and Exceptions are needed to grant relief from the provisions. The applicant has requested two Specific Plan Exceptions to allow increased density and reduced parking.

4. **Venice Coastal Zone Specific Plan Text.** The Venice Coastal Zone Specific Plan includes the following relevant land use policies applicable to projects within the North Venice subarea:

Density (Residential Zone): On R3 zoned lots greater than 4,000 sq. ft., a maximum of one (1) dwelling unit for each 1,200 sq. ft. of lot area lot shall be permitted....

The subject site totals 5,280 square feet of lot area and under the provisions of the Specific Plan would be permitted a maximum of four units. The subject property is zoned R3-1-O and was developed in 1971 with 10 units and 16 parking spaces on a 5,280 sq. ft. lot. The existing building has a legal non-conforming status because the structures were built prior to the effective date of the Specific Plan. While the existing permitted 10 unit use could continue indefinitely (given its non-conforming lot area), continuing to maintain the storage area as an eleventh unit would be inconsistent with the maximum density allowed for multiple-family residentially zoned lots in the Plan and in this area in particular.

Parking Requirements: Multiple dwelling and duplex on a lot of 40 feet or more in width or for 35 feet or more in width if adjacent to an alley: Two spaces for each dwelling unit; plus a minimum of one guest parking for each four or fewer units (e.g., 0.25 guest parking space per unit, any fraction shall be rounded up to require one additional guest parking space).

The applicant proposes to provide 17 parking spaces on-site in lieu of the 25 parking spaces as required by the Specific Plan. The proposed project will provide a 70 percent portion of the required parking space and is inconsistent with the Specific Plan. The Specific Plan provides for the payment of an in-lieu fee into the Venice Coastal Parking Impact Trust Fund for any deficiency created due to the change of use.

5. **Venice Local Coastal Program (LPC) – Land Use Plan (LUP).** A Local Coastal Program (LCP) consists of a local government's Land Use Plan (LUP) and a Local Implementation Plan (LIP). Currently, there is no Local Implementation Plan for the Venice LCP, and therefore no actual certified LCP. However, the Venice Land Use Plan (which when combined with the LIP, will form the Venice Local Coastal Program) was adopted by City Council on March 28, 2001 and subsequently certified by the California Coastal Commission on June 14, 2001.

The Venice Land Use Plan covers the Venice Coastal Zone which is the area generally bounded by Marine Street and the City-County boundary on the north, Washington Boulevard and Via Marina on the south, Lincoln Boulevard and Via Dolce on the east, and the Pacific Ocean on the west. The subject property is located within the North Venice subarea. The LUP states a policy of accommodation of the development of multiple-family dwelling units in the areas designated as "Multiple Family Residential" and "Medium Density Residential" on the Venice LCP Land Use Plan. The Plan also states development shall comply with the density and development standards set forth in this LUP. The requested exceptions, to permit one unit for each 479 sq. ft. of lot area and one parking space in lieu of two (2) parking spaces for the 11th unit, would be inconsistent with and contrary to the LUP.

6. **Specific Plan Exception Findings (from Section 10.F.2 and 13.D.3 of the Venice Coastal Specific Plan).** Pursuant to Municipal Code Section 11.5.7 F:

A. *The strict application of the regulations of the specific plan to the subject property would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

DENSITY

The Venice Coastal Zone Specific Plan Ordinance identifies the following purpose: “Section 3.F – To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community...”

The Specific Plan has placed a density limitation of two dwelling units on lots zoned RD1.5 and with lot areas of at least 4,000 square feet. Furthermore, within the North Venice subarea, an additional unit may be added to a site, per the Specific Plan, if the site is greater than 4,000 square feet and the lot area per dwelling unit is not less than 1,200 square feet and that additional unit is a Replacement Affordable Unit. The applicant has provided a letter stating that the added unit would be set aside by a 30 year covenant for use by those that qualify for affordable housing at the “Low Income” level. The applicant’s site is approximately 5,280 square feet which is well short of the Specific Plan’s minimum lot area requirements for an additional unit. There is no need for the increased density beyond the Specific Plan required two dwelling units for the project to provide replacement affordable housing. The applicant will continue to benefit from the existing and permitted ten-unit structure on a lot that is less than the 1,200 square foot lot area per dwelling unit requirement allowed by the Specific Plan.

There are no practical difficulties with this particular site that make it unique to others in the general vicinity. Having to comply with the regulations that limit density to meet the purposes of the Specific Plan would not constitute an unnecessary hardship that is inconsistent with the general purpose and intent of the plan. These regulations apply to all properties in the North Venice subarea. The regulations address the lack of affordable housing in the community, the overbuilding of small lots and the lack of adequate parking.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density will not permit the development of the proposed 11th residential unit which is required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many buildings were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 16 parking spaces. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- B. *There are no exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The applicant has not presented a justification as to what the exceptional circumstances are that apply to the subject property and not other properties within the Specific Plan that would justify an increase of the permitted density. Documents in the case file indicate that the structures were constructed in 1971 and that the applicant purchased the property in February 1990, prior to the effective date of the Specific Plan. The records indicate that a storage unit was converted to residential use after the initial construction but not when the conversion occurred. The applicant provided a statement that the subject unit was on the site at the time of the purchase of the property in 1990.

The subject lot is a flat, rectangular shaped lot of approximately 5,280 square feet. Further, the existing building configuration is typical of most development along Speedway in the immediate vicinity. As such, there are no exceptional conditions relative to the lot that do not apply to other properties in the immediate area.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density will not permit the development of the proposed 11th residential unit which is required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many building were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 16 parking spaces. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- C. *The requested exception is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The intent of the Specific Plan was to ensure that new development and additions to existing residential buildings was regulated and compatible with the character of the existing community. Within the 500 foot radius of the subject site, there are approximately 100 residentially zoned properties. Most of these properties were developed prior to the Specific Plan (1999). Approximately 32 properties comply with the densities of the Specific Plan. For the most part, all of the lots are similar in size and most of the surrounding properties are rectangular in shape. These lots have the same Medium Density Residential designation and compatible zones of RD1.5 and R3. The subject site with 10 permitted units on a 5,280 sq. ft. lot has the benefits of nonconforming rights because it was built prior to the establishment of the R3 zone and the Specific Plan. The subject site, as currently permitted, possesses a substantial property right beyond the provision of the Specific Plan. To grant an exception for a lot with no special circumstances or practical difficulties would set a precedent that could lead to other requests for additional units on other lots that are developed at or below the required density.

PARKING The Findings for the requested Specific Plan Exceptions for reduced parking cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exception for increased density will not permit the development of the proposed 11th residential unit which is required to entitle the proposed use on the subject site. The surrounding area has severely limited amounts of street parking due to several limiting factors including: Many building were built prior to current standards; small lot sizes; limited street widths; and geologic limitations. The site has non conforming rights to provide 16 parking spaces. Since the use cannot be established, the Planning Department recommends disapproval of the requested Specific Plan Parking Exceptions.

- D. *The granting of the exception will be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

Granting the exception when there is nothing unique to this property or situation would be injurious to property adjacent to and in the vicinity of the subject property. The

subject site with 10 permitted units on a 5,280 sq. ft. lot has the benefits of nonconforming rights because it was built prior to the establishment of the R3 zone and the Specific Plan. The subject site, as currently permitted, possesses a substantial property right beyond the provision of the Specific Plan.

Granting an exception based on existing non-compliant situation would set a precedent as it would be the first density increase in this section of the North Venice subarea since the Specific Plan took effect.

The development of the project site with an additional unit would increase vehicle trips in the area and the reduction of parking for the proposed unit from two required spaces to one space places additional burdens on severely limited amounts of street parking. Taken together this would increase congestion and parking demand in the area. While the addition of a single unit may not seem dramatic, it would be the incremental increase in density from other sites requesting additional units that would negatively affect the community. The Specific Plan is attempting to regulate overbuilding of the community and an incremental increase in density would undermine those regulations.

- E. *The granting of the exception is not consistent with the principles, intent and goals of the specific plan.*

There is nothing unique to this property or situation. The exception would be inconsistent with the Specific Plan's purpose to regulate all development including; use, height, density, setbacks, buffer zone and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas. The Specific Plan explicitly identifies the area surrounding the site as Medium Density Residential with explicit density levels. The applicant has and is currently enjoying the non conforming benefit of 10 units with 16 parking spaces. The proposed project to add an 11th unit exceeds those levels and does not provide adequate on-site parking.

- 7. Coastal Transportation Corridor Specific Plan.** The Coastal Transportation Corridor Specific Plan became effective September 22, 1993 (Ordinance No. 168,999). The specific Plan has established a mechanism and fee structure for new construction to fund the necessary transportation improvements in the area.

8. Coastal Development Permit.

The Findings for the requested Coastal Development Permit cannot be made at this time because the Planning Department is recommending disapproval of the Specific Plan Exceptions permit the increase on density and the reduction of parking which are required to entitle the proposed use on the subject site. Since the use cannot be established, the Planning Department recommends disapproval of the requested Coastal Development Permit.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at West Los Angeles Municipal Building, 1645 Corinth Avenue, 2nd Floor Hearing Room, Los Angeles, CA 90025 on Monday, June 2, 2008, at 10:30 AM.

1. Present: The applicant's representative was the only person in attendance and provided information about the project.

Communications Received

The Planning Department received a communication from the applicant stating that they are willing to register the 11th unit with the Los Angeles Housing Department's Affordable Housing Program for a period of 30 years and that it will be affordable to those that qualify as a "Low Income" household.