

APPLICATIONS



APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

RELATED CODE SECTIONS

The Los Angeles Municipal Code (LAMC) Section 13B.11.F. of Chapter 1A (Ordinance No. 186,338) establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

PURPOSE

A CEQA determination can only be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

GENERAL INFORMATION

Appealable CEQA determinations:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Statutory Exemption (SE)

Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to LAMC Section 197.01.

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council. Persons affiliated with a CNC may only file as an individual on behalf of self.

CASE INFORMATION

Environmental Case Number: ENV-2023-2029-CE

Related Entitlement Case Number(s): DIR-2023-2028-TOC-SPR-HCA-1A

Project Address: 2511, 2513, 2515 and 2517 West Sunset Boulevard

Date of Final Entitlement Determination: July 30, 2024

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

APPELLANT

Check all that apply.

☐ Representative ☐ Property Owner ☒ Other Person
☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1123 Park View Drive, Suite 300

City: Covina State: CA Zip Code: 91724

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Marjan R. Abubo

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison St., Suite 150

City: Oakland State: CA Zip Code: 94612

Telephone: (510) 836-4200 E-mail: marjan@lozeaudrury.com

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

Note: City Clerk prepares the mailing list for CEQA appeals per LAMC Section 11.5.13 E of Chapter 1.

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Environmental Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Letter of Determination (LOD), from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) of Chapter 1, or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  **Date:** 8/12/2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172 **Date:** 8/12/2024
Reviewed & Accepted by (DSC Planner): Ruben Vasquez
Receipt No.: 200#134539521 **Date:** _____
Deemed Complete by (Project Planner): _____

Justification/Reason for Appeal

2511 West Sunset Boulevard Project

DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the approval by the Los Angeles City Planning Commission of the Section 15332 Exemption for the 2511 West Sunset Boulevard Project (DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE). The City Planning Commission’s finding that the project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”) is incorrect.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, the City Planning Commission’s finding that the Project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines is in error because the terms of the Exemption do not apply to this Project.

Because the Infill Exemption prepared for the Project fails to comply with CEQA, the Planning Commission’s approval of the Project’s Site Plan Review entitlements is invalid. Proper CEQA review must be complete *before* the City approves the Project’s entitlements (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved”]). Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

Because the Project does not qualify for an infill exemption, the Planning Commission’s Project approvals are based upon incorrect findings. The City must fully comply with CEQA prior to any approvals in furtherance of the Project. Since the Project is not exempt from CEQA, the City must prepare an initial study and determine the appropriate level of review required under CEQA prior to *any approvals* in furtherance of the Project.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant, SAFER, live and/or work in the vicinity of the proposed Project. They breathe the air, suffer noise impacts, and will suffer other environmental impacts of the Project unless those impacts are properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The Los Angeles City Planning Commission approved the Site Plan Review (DIR-2023-2028-TOC-SPRHCA) and approved an Infill Exemption for the Project, despite a lack of substantial evidence that the Project meets the terms of the Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JULY 30, 2024

Case No.: DIR-2023-2028-TOC-SPR-HCA-1A

Council District: 13 – Soto-Martinez

CEQA: ENV-2023-2029-CE

Plan Area: Silver Lake – Echo Park – Elysian Valley

Project Site: 2511, 2513, 2515 and 2517 West Sunset Boulevard

Applicant: SPC 2511 Sunset, LLC
Representative: Derek Sanders, Six Peak Development

Appellants: 1. Michael Ortiz, Sunset Rampart Business District and Neighbors
2. Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Marjan Abubo, Lozeau Drury, LLP

At its meeting of **May 9, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition of an existing grocery store, recycling center, and surface parking lot for the construction of a five-story, mixed-use building that will include 3,603 square-feet of commercial floor area and 121 residential dwelling units, of which 13 dwelling units will be reserved for Extremely Low Income Households. The proposed project will contain an approximate total of 89,719 square-feet of floor area, resulting in a Floor Area Ratio (FAR) of 3.32:1, and will rise to a maximum height of 79 feet.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban Infill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies;
2. **Denied** the appeals and **sustained** the Director of Planning determination dated December 6, 2023;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities Affordable Housing Incentive Program for a Tier 3 project with a total of 121 dwelling units, of which 13 dwelling units will be reserved for Extremely Low Income (ELI) households for a period of 55 years, with Base Incentives permitted pursuant to LAMC Section 12.21 A.31, along with the following Additional Incentives:
 - a. Height. A 22-foot increase in the height requirement, allowing up to 79 feet in height in lieu of the 57 feet permitted under LAMC 12.21.1;
 - b. Open Space. A 25-percent reduction in Open Space to allow 9,413 square-feet in lieu of the 12,550 square-feet of Open Space otherwise required by LAMC 12.21 G.2;
 - c. Yards/Setbacks. Utilization of RAS3 yards/setbacks as allowed for an applicable TOC project in a commercial zone:
 - Easterly Side Yard. Provide a minimum side yard setback of five feet;
 - Westerly Side Yard. Provide a minimum side yard setback of five feet; and
 - Northerly Rear Yard. Provide a minimum rear yard setback of 15 feet;

4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which results in an increase of 50 or more residential dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Lawshe
Second: Choe
Ayes: Cabildo, Diaz, Newhouse
Absent: Gold, Mack, Noonan, Zamora

Vote: 5 – 0



Cecilia Lamas, Commission Executive Assistant II
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 decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

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, Appeal Filing Procedures (CEQA)

cc: Jane Choi, Principal City Planner
Vanessa Soto, Senior City Planner
Yi Lu, City Planner
Erick Morales, Planning Assistant

CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code Sections 12.22 A.31 and 16.05, the following conditions are hereby imposed upon the use of the subject property:

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 shall 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 Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 121 multi-family residential dwelling units, including On-Site Restricted Affordable Units.
3. **On-Site Restricted Affordable Units.** The project shall provide a minimum of thirteen (13) On-Site Restricted Affordable units, consisting of thirteen (13) units for Extremely Low Income Households, as defined in the California Health and Safety Code to the satisfaction of the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **On-Site Manager's Unit.** The project shall provide one (1) manager's unit as part of the project's total 121 residential dwelling units.
5. **SB 8 Replacement Units.** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated April 10, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-Site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
6. **Changes in On-Site Restricted Units.** Deviations that increase the number of On-Site Restricted Units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.31 and TOC Guidelines.
7. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute and record a covenant and agreement running with the land to the satisfaction of LAHD to make thirteen (13) units available to Extremely Low Income Households or equal to ten (10) percent of the project's total proposed residential density allowed, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by LAHD.

Unless otherwise required by state or federal law, the project shall provide an onsite building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.

8. **Floor Area Ratio (FAR).** The project total floor area shall be limited to 89,719 square-feet and a 3.32 FAR.
9. **Height.** The project shall be limited to a maximum height of 79 feet.
10. **Residential Westerly and Easterly Side Yard Setbacks.** The project shall provide minimum side yard setbacks of seven feet for the residential portion of the project.
11. **Residential Rear Yard Setback.** The project shall provide a minimum northerly rear yard setback of fifteen feet for the residential portion of the project.
12. **Parking Per AB 2097.** The project shall be permitted to provide a minimum of zero parking spaces pursuant to California Government Code Section 65863.2 (Assembly Bill 2097). The project proposes to provide a total of 79 automobile parking spaces..
13. **Open Space.** A minimum of 9,418 square-feet of open space shall be permitted in lieu of the minimum 12,550 square-feet otherwise required.
14. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.
15. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A 16.
16. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Section 12.21 G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit "A" and 12.21 G.3, seven new street trees shall be provided.
17. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." There shall be a minimum of thirty-one (31) 24-inch box, or larger, trees on site pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right-of-way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City determined physical constraints.

Site Plan Review Conditions

18. **Landscaping.** 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". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic

irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

19. **Landscape Maintenance.** All landscaped areas, trees, shrubs and ground cover shall be maintained as healthy and vigorous at all times; irrigation systems shall be continuously maintained pursuant to LAMC Section 12.41 B.5.
20. **Trash Storage and Collection.** Trash storage shall be enclosed on the ground floor and will not be visible from the public right-of-way. Trash collection shall not interfere with traffic on any public street.
21. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.
22. **Maintenance.** The project site (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
23. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
24. **Solar Ready.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
25. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
26. **Signage.** Any signage shall comply with the Municipal Code or other applicable laws. No sign rights are granted with this case.

Administrative Conditions

27. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
28. **Notations on Plans.** Plans submitted to the Department of Building & 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.
29. **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.

30. **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.
31. **Department of Building & 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 & 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 & 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.
32. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.
33. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
34. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
35. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
36. **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, in whole or in part, of 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

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities (TOC) 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 incentives unless the Director finds that:

- a. The incentives are not required to provide for affordable housing costs 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. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC 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.

The following incentives allow the developer to add height, reduce the rear yard, easterly side yard, and westerly side yard residential setbacks, and reduce the amount of open space provided so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives are expressed in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. These incentives also support the applicant's decision to reserve 13 units of the total 121 units for Extremely Low Income Households.

Residential Density. A 70-percent increase in the maximum density to permit a total of 121 dwelling units in lieu of the 71 base units otherwise permitted by LAMC Section 12.14.

Floor Area Ratio. An increase in the FAR to permit a maximum of 3.32:1 in lieu of the 1.5:1 otherwise permitted by LAMC Section 12.21.1.

Height. A 22-foot increase in the height requirement, allowing up to 79 feet in height in lieu of the permitted 57 feet per LAMC Section 12.21.1.

Open Space. A 25-percent decrease in the required open space, allowing a minimum of 9,413 square-feet of open space in lieu of the 12,550 square-feet otherwise required by LAMC Section 12.21 G.2.

Yards/Setbacks. Utilization of RAS3 setbacks for the northerly rear yard and the easterly and westerly side yards in lieu of the setbacks otherwise required by LAMC Section 12.14 C.2.

- b. **The Incentive will have a specific adverse impact upon public health and safety 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 in the record 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 finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.

The proposed project and potential impacts were analyzed in accordance with the CEQA Guidelines. The project was evaluated against the exceptions to the use of Categorical Exemptions pursuant to Section 15300.2 of the CEQA Guidelines. The Director of Planning determined that none of the exceptions apply to the proposed project and the project is Categorically Exempt from CEQA pursuant to Class 32 of the CEQA Guidelines.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

SITE PLAN REVIEW FINDINGS

2. **That the project is in substantial conformance with the purposes, intent, and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of code requirements of the LAMC. Except for the entitlements and incentives described herein, the project does not propose to deviate from any of the requirements of the LAMC. The following will discuss the Project’s consistency with various elements of the General Plan, including the Framework Element, the Housing Element, the Health and Wellness Element, the Transportation Element (also known

as “Mobility Plan 2035”), and the Silver Lake – Echo Park – Elysian Valley Community Plan.

The proposed project is for the construction, use, and maintenance of a five-story, mixed-use development containing 121 residential units. The project will be comprised of 89,719 square-feet of floor area, of which 3,603 square-feet will be designated for ground floor commercial space, built on a 27,055 square-foot site, resulting in a Floor Area Ratio (“FAR”) of 3.32:1. The project will rise to a height of 79 feet. The project proposes to utilize Base and Additional Incentives under the Transit Oriented Communities (“TOC”) Affordable Housing Incentive Program in return for providing 13 income-restricted units, or 10 percent of the total 121 units, for Extremely Low Income Households.

The project site is comprised of four (4) contiguous lots within the Silver Lake – Echo Park – Elysian Valley Community Plan Area. The project site is located in the [Q]C2-1VL Zone and is designated by the Community Plan for Community Commercial land uses, which corresponds with the RAS3, CR, C2, C4, and P Zones. The project site is not located within the boundaries of any specific plan, overlay, or interim control ordinance.

The Project will be consistent with the character of development in the immediate area and will be in harmony with the applicable elements of the General Plan. The Applicant is committed to creating a dynamic and visually appealing development that improves the conditions of the site, improves the character of the surrounding area and provides critically needed housing.

General Plan Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of Community Plans and Citywide Elements. The Framework Element is a comprehensive, long-range document containing purposes, policies, and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element are to support the viability of the City’s residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations.

The project is in conformance with the following Framework goals and objectives:

Land Use (from General Plan Framework, Chapter 3, Land Use Goals, Objectives, and Policies – Distribution of Land Use)

GOAL 3A: *A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities,*

assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.

Objective 3.1: *Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

Objective 3.2: *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

Objective 3.4: *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

Goal 3C: *Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.*

Objective 3.7: *Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

The project site is comprised of four (4) contiguous lots zoned [Q]C2-1VL and designated for Community Commercial land uses. Currently, the project site is developed with a grocery store, a recycling center, and a surface parking lot. The project proposes to demolish the existing improvements and redevelop the site with a five-story, 79-foot mixed-use building that will include 121 residential dwelling units, 13 of which will be restricted for Extremely Low Income Households, and two (2) ground-floor commercial spaces. The proposed mix of uses is consistent with the goals outlined in the General Plan Framework Element to provide a balance of uses as well as opportunities for housing near transit.

The project is located within 750-feet from the intersection of a rapid bus (Metro Line 4) and a regular bus (Metro Line 603) at Sunset Boulevard and Coronado Street. According to the TOC Referral Form, dated March 13, 2023, both bus routes provide service with a frequency interval of 15-minutes or less during peak morning and afternoon commute periods. In particular, the Metro Line 4 is a major bus route that stretches from Downtown Los Angeles to Downtown Santa Monica and would therefore allow residents to easily travel throughout the City on public transit alone. The Metro Line 603 would also provide residents with access to major destinations in and outside of the City of Los Angeles, including Glendale, Westlake, Pico-Union, and Downtown Los Angeles. The project will also provide 74 residential vehicle parking spaces and 5 commercial parking spaces across two (2) subterranean floors, which can be accessed through an alley north of Sunset Boulevard. Additionally, the project will also include 94 residential bicycle parking spaces (85 long-term and 9 short-term) and four (4) commercial parking spaces (2 long-term and 2 short-term), therefore accommodating a variety of transit methods for residents and customers besides the use of personal automobiles.

The project will revitalize an underutilized property by providing residential opportunities to households of diverse incomes. The project will contain 121 residential dwelling units, of which 13 will be restricted for Extremely Low Income Households. These units will be comprised of

73 studio units, 36 one-bedroom units, and 12 two-bedroom units, which will allow the project to meet the needs of various household sizes. The project is also situated on Sunset Boulevard, which is a major throughfare that is adequately serviced by sufficient public services and infrastructure that will meet the demands of the building's residents. The project will also include two (2) ground floor commercial spaces, which will provide the building's residents and neighbors with additional commercial opportunities in addition to the existing variety on Sunset Boulevard. Through the mixed-use nature of the building and its convenient location on a major throughfare, the project will improve the quality of life of the community's existing and future residents. Therefore, the project is in conformance with the purpose of the Framework Element.

Housing (from General Plan Framework, Chapter 4, Housing Goals, Objectives, and Policies)

GOAL 4A: *An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

Objective 4.1: *Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.*

Objective 4.2: *Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.*

The Framework Element's chapter on housing encourages the development of different types of housing that will address the needs of the City's diverse households. The proposed project will offer 121 residential dwelling units, of which 13 will be restricted for Extremely Low Income Households and the remainder will be provided at market-rate rents. The project's unit mix will be comprised of 73 studio units, 36 one-bedroom units, and 12 two-bedroom units. The project therefore will provide housing opportunities that will be accessible to households of different incomes and sizes.

The project will be constructed within 750-feet of the intersection of a rapid bus line (Metro Line 4) and a regular bus line (Metro Line 603) at Sunset Boulevard and Coronado Street. The project site is located on Sunset Boulevard, which is a major throughfare that is populated with a variety of commercial and residential uses. Therefore, the project will contribute to the development of new multi-family housing within close proximity to public transit and high activity areas.

Housing Element

The 2021-2029 Housing Element (The Plan to House LA) was adopted by City Council on November 2021. The Housing Element is one of the eight State mandated elements of the General Plan that identifies the City's housing conditions and needs and establishes the goals, objectives, policies, and programs that are the foundation of the City's housing strategy.

Goal 1: *A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*

Objective 1.2: *Facilitate the production of housing, especially projects that include affordable housing and/or meet Citywide Housing Priorities.*

Policy 1.2.1: *Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.*

Objective 1.3: *Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.*

Policy: 1.3.1: *Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.*

As proposed, the project will add 121 residential units to the City's housing stock, 13 of which will be restricted for Extremely Low Income Households. The project will provide approximately 89,719 square-feet of total floor area, of which 3,603 square-feet will be utilized for the provision of two (2) ground-floor commercial spaces, for a maximum FAR of 3.32:1. The proposed project is possible through the utilization of Base and Additional Incentives under the TOC Affordable Housing Incentive Program. The TOC Program is intended to incentivize the development of housing, including housing opportunities below market rate, near major transit stops. The project site is located within 750-feet from the intersection of a regular bus line and a rapid bus line, both of which have frequency of service intervals of 15-minutes or less during peak morning and afternoon commute times. By adding units to the City's housing stock at a site close to transit and for a mix of incomes, the project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Element (Mobility Plan 2035)

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled ("VMT") per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and by offering more non-vehicle alternatives, such as transit, walking, and bicycling. The following policies of the Mobility Plan apply to the proposed project:

Chapter 2: World Class Infrastructure

Policy 2.3: Pedestrian Infrastructure: *Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

Chapter 3: Access for All Angelenos

Policy 3.3: Land Use Access and Mix: *Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

Policy 3.4: Transit Services: Provide all residents, workers, and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.8: Bicycle Parking: Provide cyclists with convenient, secure, and well-maintained bicycle parking facilities.

Chapter 5: Clean Environments and Healthy Communities

Policy 5.1: Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.

Policy 5.2: Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.

The project is for the construction, use, and maintenance of a five-story, 79-foot-tall mixed-use building that will contain 121 residential dwelling units, 13 of which will be reserved for Extremely Low Income Households, and two (2) ground-floor commercial units. The project will include a two-floor subterranean garage accessible from an alley immediately to the north of the site that will contain 74 residential automobile parking spaces, 5 commercial automobile parking spaces, 94 residential bicycle parking spaces (85 long-term and 9 short-term) and four (4) commercial bicycle parking spaces (2 long-term and 2 short-term). The project is requesting Base and Additional Incentives under the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, for which the project is eligible due to its proximity from a major transit stop comprised of the intersection of a rapid bus line and a regular bus line at Sunset Boulevard and Coronado Street.

The project site is currently developed with a grocery store, a recycling center, and a surface parking lot that is accessible to vehicles from curb cuts on Sunset Boulevard. The project will remove the curb cuts, as the garage will only be accessible from an alley at the rear of the project site. The project proposes to plant seven (7) new street trees on Sunset Boulevard, where there currently are none. Additionally, the project's courtyard and two (2) ground-floor commercial spaces will be accessible from the street level, activating the sidewalk and providing a pleasant pedestrian experience.

Per AB 2097, the project is not required to provide any on-site automobile parking spaces. As proposed, the project will provide parking, but at less than the standards required by the Municipal Code. The project is located on Sunset Boulevard and is served by the Metro Line 4, which runs east and west from Downtown Los Angeles to Downtown Santa Monica, and the Metro Line 603, which runs north to south from Glendale to Downtown Los Angeles, therefore allowing residents to easily access various neighborhoods across the City. Therefore, the project substantially conforms to the purpose of the Mobility Element.

Health and Wellness Element (Plan for a Healthy Los Angeles)

The Health Element, also known as the "Plan for a Healthy Los Angeles," was adopted by the City Council on March 31, 2015 with a technical amendment on November 24, 2021 to highlight compliance with SB 1000. The following policies of the Health Element apply to the proposed project:

Policy 2.2: Healthy Building Design and Construction: Promote a healthy built environment by encouraging the design and rehabilitation of building and sites for healthy

living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

Policy 5.6: Resilience: *In collaboration with public, private, and nonprofit partners, increase the city's resilience to risks (increasing temperatures and heat related effects, wildfires, reduced water supply, poor air quality, and sea level rise) resulting from climate change, and target resilience in the most vulnerable communities.*

The project will also be discussed with the Conservation Element below:

Conservation Element

It is important to conserve natural open space lands and enhance urban open spaces. "Open space" is a broad term that can include virtually anything from a sidewalk or lawn to the mountains and ocean. It is defined by the California general plan law (Government Code Section 65560) as "any parcel or area of land or water that essentially is unimproved and devoted to an open-space use," whether for preservation and protection of natural resources or for human activity.

The project proposes the construction, use, and maintenance of a five-story, mixed-use development that will include 121 dwelling units. The project will offer several health-focused design features and amenities, including 9,418 square-feet of open space comprised of a 2,926 square-foot courtyard, three (3) recreation rooms that total 2,353 square-feet, and 4,139 square-foot roof deck. The project will also provide residents with a fitness center, a yoga studio, and co-working space. The project's pedestrian entrances are oriented towards Sunset Boulevard, a major throughfare that is populated with a variety of commercial and residential uses, and therefore allows easy access to public transit located at the intersection of Sunset Boulevard and Coronado Street. The project will also contain ample bicycle parking spaces for residents and customers who elect to use such alternative modes of transportation, thereby reducing vehicle miles traveled (VMT) per capita and pollution from personal vehicles. The project also proposes the planting of five (5) street trees along Sunset Boulevard, which will help prevent the heat island effect and provide shade to pedestrians. Therefore, the project conforms to the purposes of the Plan for a Healthy Los Angeles and the Conservation Element of the General Plan.

Silver Lake – Echo Park – Elysian Valley Community Plan

The Silver Lake – Echo Park – Elysian Valley Community Plan was adopted by the Los Angeles City Council on August 11, 2004. The purpose of the Community Plan is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas, preserving community identity, encouraging development around transit, and improving the quality of the built environment. The Land Use Designations and corresponding zoning in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC), including applicable ordinances that are codified in the LAMC.

The project is consistent with the following objectives of the Silver Lake – Echo Park – Elysian Valley Community Plan:

Goal 1: *A safe, secure, and high-quality residential environment for all economic, age, and ethnic segments of the Plan Area.*

Objective 1-1: *Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.*

Policy 1-1.1: *Maintain an adequate supply and distribution of multiple family, low income, and special needs housing opportunities in the Community Plan Area.*

Objective 1-2: *Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.*

Policy 1-2.1: *Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities, and topography will accommodate this development.*

Objective 1-4: *Promote and ensure the provision of adequate housing for all persons, including special needs populations, regardless of income, age, or ethnic background.*

Policy 1-4.1: *Promote greater individual choice in type, quality, price, and location of housing.*

Policy 1-4.2: *Promote mixed-use housing projects in pedestrian-oriented areas and designated Mixed Use Boulevards, Neighborhood Districts and Community Centers to increase supply and maintain affordability.*

Goal 2: *An economically vital commercial sector and strong viable commercial areas that offer a diversity of goods and services to meet the needs of the community in the Plan Area. Commercial areas should satisfy market demand, maximize convenience, and accessibility while preserving and enhancing the unique historic and cultural identities of the district.*

Objective 2-1: *Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.*

Policy 2-1.1: *New commercial uses shall be located in established commercial areas, emphasizing more intense and efficient use of existing commercial land, ultimately contributing to and enhancing the existing urban form and village atmosphere.*

The project site is located within the Silver Lake – Echo Park – Elysian Valley Community Plan, which designates the site for Community Commercial Land Uses, which corresponds with the RAS3, CR, C2, C4, and P Zones. The site is zoned [Q]C2-1VL, which limits the residential density of the site to the requirements of the R4 Zone. In the R4 Zone, projects are permitted to a density of 400 square-feet of lot area per dwelling. The site has a total buildable area of 28,334 square-feet and therefore may accommodate a maximum base density of 71 units. Under the TOC Program, the project is requesting a 70-percent increase in base density, among other incentives, in order to allow for a total 121 residential dwelling units, 13 of which will be reserved for Extremely Low Income Households. The project's unit mix will be

73 studios, 36 one-bedroom units, and 12 two-bedroom units. The project's dwelling units will therefore be accessible to households of different incomes, sizes, and backgrounds.

The project site is presently developed with a grocery store, a recycling center, and a surface parking lot that are accessible to automobiles through curb cuts on Sunset Boulevard. The project proposes the demolition of the existing structures and the construction, use, and maintenance of a five-story, 79-foot-tall mixed-use building that will include two (2) ground floor commercial units. The project will remove the curb cuts on Sunset Boulevard and provide pedestrian entrances for the building's courtyard and both commercial spaces instead. Automobiles can enter the building's subterranean parking garage through an entrance accessible through the rear alley. As proposed, the project will improve the surrounding area of Sunset Boulevard by encouraging pedestrian activity while providing two (2) ground-floor commercial units on a major throughfare that is currently developed with a diverse array of commercial uses.

The project site is located within 750-feet from the intersection of Sunset Boulevard and Coronado Boulevard, which is served by a rapid bus line (Metro Line 4) and a regular bus line (Metro Line 603). Both bus lines have frequency of service intervals that are fifteen minutes or less during peak morning and afternoon commute times. The Metro Line 4 runs east to west and allows passengers to easily travel from Downtown Los Angeles to Downtown Santa Monica. The Metro Line 603 runs north to south and allows passengers to easily commute from Glendale to Downtown Los Angeles. The project will also include a two-level subterranean garage that will include 74 residential automobile parking spaces, 5 commercial automobile parking spaces, 94 residential bicycle parking spaces (85 long-term and 9 short-term) and 4 commercial bicycle parking spaces (2 long-term and 2 short-term). The project's close proximity to transit opportunities, reduced automobile parking spaces, and increased bicycle parking spaces will encourage the use of alternative modes of transportation and reduce automobile trips.

For these reasons outlined above, the Project demonstrates consistency with the Silver Lake – Echo Park – Elysian Valley Community Plan.

- 3. The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The project site is comprised of four (4) contiguous lots with a total lot area of 27,055 square-feet. The project site has 212 feet of street frontage along the northern side of Sunset Boulevard between Coronado Street and Benton Way. The project site is presently improved with a grocery store, a recycling center, and a surface level parking lot. The project site is zoned [Q]C2-1VL and is designated for Community Commercial land uses by the Silver Lake – Echo Park – Elysian Valley Community Plan.

Surrounding properties are developed with commercial and residential buildings. Properties to the north across the alley are zoned R2-1VL and RD1.5-1VL and are developed with single-family and multi-family residences that range in height from one-story to three-stories. Properties immediately to the east are zoned [Q]C2-1VL and are developed with a single-story strip mall that includes a restaurant, a hair salon, a massage parlor, a bakery, and a daycare center. Properties to the south across Sunset Boulevard are zoned [Q]C2-1VL and are developed with a series of one-story commercial buildings, including a tattoo parlor, a

massage spa, and a tax preparation business. Properties to the west are zoned [Q]C2-1VL and are developed with a single-story strip mall that includes a nail salon, a donut shop, a dental office, a restaurant, a laundromat, and a smoke shop.

The project proposes the demolition of the existing structures and the construction, use, and maintenance of a five-story, 79-foot-tall mixed-use development containing 121 residential dwelling units and two (2) ground-floor commercial units. The building will be comprised of 89,719 square-feet of floor area, 3,603 square-feet of which will be used for the commercial spaces, for a FAR of 3.32:1. The project will reserve 13 dwelling units, or 10 percent of the total 121 units, for Extremely Low Income Households. The project will also include a two-level subterranean garage that will contain 74 residential automobile parking spaces, 5 commercial automobile parking spaces, 94 residential bicycle parking spaces (85 long-term and 9 short-term), and 4 commercial bicycle parking spaces (2 long-term and 2 short-term).

Height

The project site is zoned [Q]C2-1VL and is therefore within Height District 1VL, which limits developments that are not purely residential to a height of 45 feet and 3 stories. Due to a grade change at the project site exceeding 20 feet, a height increase of 12 feet is permitted per the LAMC Section 12.21.1 B.2. The site is also requesting an additional height increase of 22 feet and 2 stories under the Transit Oriented Communities (“TOC”) Affordable Housing Incentive Program. Accounting for all of the height increases, the construction of a 79-foot, five-story building as proposed is allowed. Therefore, the project is within the allowable maximum height for the subject zone.

Bulk/Massing

The project site is zoned [Q]C2-1VL, which allows for a maximum FAR of 1.5:1. Under the TOC Program, the site is allowed a maximum increase in FAR of up to 3.75:1. The project proposes the construction, use, and maintenance of a building that will contain approximately 89,719 total square-feet on a site with a buildable area of 27,055 square feet. Therefore, the project will have a FAR of 3.32:1, which is within the maximum permitted.

The project site has a 212 foot frontage along the northern side of Sunset Boulevard between Coronado Street and Benton Way. The project is a five-story, 79-foot-tall mixed-use building that will contain 121 residential dwelling units and two (2) ground-floor commercial units. Pedestrian access to the commercial units and an open-air courtyard at the center of the building will be on Sunset Boulevard. The project will also include a two-level subterranean garage that will be accessible from the rear alley. The project is designed so that the façade on Sunset Boulevard is primarily made up of white stucco, metal, and concrete. However, the design breaks up the plane by providing double-height storefront glass for the commercial spaces on the ground floor, creating visual interest for pedestrians. The project’s façade will also include windows, Juliet balconies, textured offset patterns, and a large arch that will accent the entrance to the courtyard. These design elements will help with articulation and create breaks in the plane. Overall, the project has been designed in a manner that will be complementary to the surrounding neighborhood.

Setbacks

The project is zoned [Q]C2-1VL, which requires that the residential portions of mixed-use projects abide by the side yard and rear yard setback restrictions imposed in the R4 Zone.

However, pursuant to the TOC Guidelines, in any commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements of the RAS3 Zone as outlined in LAMC Section 12.10.5. The subject property is located in a commercial zone and has requested an Additional Incentive under the TOC Program to utilize RAS3 side yard and rear yard setbacks for the residential portions of the projects.

The project shall provide the following setbacks, which compatible with the TOC Program and the existing neighborhood:

Residential Setback	C2 Zone (Residential)	RAS3 Zone (Additional Incentive under TOC)	Proposed
Southerly Front Yard	0'	N/A	0'
Easterly Side Yard	8' (Conform to R4)	5'	7'
Westerly Side Yard	8' (Conform to R4)	5'	7'
Rear Yard	17' (Conform to R4)	15'	15'

The project is a mixed-use development in the [Q]C2-1VL Zone. For the commercial portion of the development, there are no setback requirements per the Municipal Code. For residential portion of the project, the project is required to provide side and rear yard setbacks that conform to the requirements of the R4 Zone. Under the TOC Program, the project may request an Additional Incentive to provide residential side and rear yard setbacks that instead conform to the RAS3 Zone. As shown in the chart above, the proposed setbacks conform with the TOC Program's requirements.

Parking/Loading

The project will include a two-level subterranean parking garage that will be accessible only through a driveway located in the rear alley. Q conditions imposed by Ordinance 176,825 require that vehicular access to the building be limited to either the side or the rear and that parking be located in the rear of the building or underground. The subterranean parking lot and the location of the driveway in the rear alley reduce the visibility of parking spaces and automobile lights from the public right-of-way and the surrounding neighborhood. The proposed driveway will be reviewed during the condition clearance process.

Per LAMC Section 12.21 A.4, the project would be required to provide 151 residential and 7 commercial automobile parking spaces. However, the project is requesting to utilize a Base Incentive under the TOC Program that allows a reduction of both the residential and commercial automobile parking requirements, allowing the project to provide a minimum of 61 residential and 5 commercial automobile parking spaces. The project proposes to provide 74 residential and 5 commercial automobile parking spaces, therefore meeting the minimum required.

In accordance with LAMC Sections 12.21 A 16, the project is required to provide 85 long-term and 9 short-term bicycle parking spaces for residential uses and two (2) long-term and two (2) short-term bicycle parking spaces for commercial uses. The project is providing 85 long-term and 9 short-term bicycle parking spaces for residential uses and two (2) long-term and two (2) short-term bicycle parking spaces for commercial uses, therefore meeting the minimum required.

Per LAMC Section 12.21 C.6, the project is not required to provide a loading space because

the site's terrain makes it difficult to allow a loading zone inside the parking garage, which is accessible from the alley. The Department of Building and Safety has advised the applicant to work with LADOT to determine whether the loading zone can be allowed along Sunset Boulevard.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky

Landscaping

The project will provide landscaping on the ground floor and the roof deck and along the alley and the public right-of-way. The landscaping will include 31 25-inch box trees and a variety of other plants and shrubs.

The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways, shall include an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center.

Trash Collection

Trash storage and collection are proposed to be enclosed within the building, with residential trash collection on the second subterranean parking floor and commercial trash collection on the ground floor. Both collection areas are not within the public view.

Building Materials

The building façade is proposed to consist of white trowelled stucco, metal panels and concrete panels, as show in the stamped "Exhibit A."

Solar Panels

The project is conditioned to comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety. Additionally, the project is conditioned to power generators used during the construction process through electric or solar. Solar generator and electric generator equipment must be located as far away from sensitive uses as feasible.

Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

4. Any residential project provides recreation and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The project is required to provide a minimum of 9,413 square-feet of open space. The project is providing 9,418 square-feet of open space, which meets the minimum required. The project's open space will consist of a 2,926 square-foot courtyard, three (3) recreation rooms that total 2,353 square-feet, and a 4,139 square-foot roof deck. As shown in Exhibit A, the applicant submitted a landscape plan showing that the common open space areas will be attractively landscaped with trees, shrubs, and groundcover. Therefore, the project will provide recreation and service amenities to improve habitability for its residents and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

- 5.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas outside of a flood zone.

ENVIRONMENTAL FINDINGS

The Director of Planning determined that based on the whole of the administrative record as supported by *Justification for Categorical Exemption Case No. ENV-2023-2029-CE* in the case file, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines, regarding cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historical resources applies.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing

Applicant Copy

Office: Downtown

Application Invoice No: 97442



6800197442

City of Los Angeles
Department of City Planning**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.gov/pdiscaseinfo/> and enter the Case Number.

Payment Info: \$211.56 was paid on 08/14/2024 with receipt number 200134539521

Applicant: Supporters Alliance for Environmental Responsibility (Lozeau Drury LLP)
Representative:
Project Address: 2511 W SUNSET BLVD, 90026

NOTES:

ENV-2023-2029-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant	\$172.00	100 %	\$172.00
Case Total			\$172.00
* Fees Subject to Surcharges			\$172.00
Fees Not Subject to Surcharges			\$0.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$5.16
City Planning Systems Development Surcharge (6%)			\$10.32
Operating Surcharge (7%)			\$12.04
General Plan Maintenance Surcharge (7%)			\$12.04

* Fees Subject to Surcharges	\$172.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$0.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$5.16
City Planning Systems Dev. Surcharge (6%)	\$10.32
Operating Surcharge (7%)	\$12.04
General Plan Maintenance Surcharge (7%)	\$12.04
Grand Total	\$211.56
Total Overpayment Amount	\$0.00
Total Paid (amount must equal sum of all checks)	\$211.56

Council District:

Plan Area:

Processed by RUBEN VASQUEZ on 8/12/2024

Signature: _____