

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2017-5092-DB-SPR-1A	ENV-2019-5093-CE	13 – O' Farrell
<b>PROJECT ADDRESS:</b>		
418 North Alvarado Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Victor Svilik Caladan Investments LLC 15335 Morrison Street #365 Sherman Oaks, CA 91403	(818)839-5695	<a href="mailto:vsvilik@caladaninvestments.com">vsvilik@caladaninvestments.com</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Jonathan H. Riker, Esq. Ervin Cohen & Jessup 9401 Wilshire Boulevard 9 <sup>th</sup> Floor Beverly Hills, CA 90212	(310)281-6378	<a href="mailto:jriker@ecjlaw.com">jriker@ecjlaw.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Margarita Lopez Coalition For An Equitable Westlake Macarthur Park 811 Wilshire Blvd. 17th Floor Los Angeles, CA 90017	(213)269-4001	N/A
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Claudia Medina Law Office of Claudia Medina 811 Wilshire Blvd. 17th Floor Los Angeles, CA 90017	(213)479-1161	<a href="mailto:claudia@cmedinalawoffice.com">claudia@cmedinalawoffice.com</a>
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Kevin Golden	(213) 978-1396	<a href="mailto:kevin.golden@lacity.org">kevin.golden@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Density Bonus (DB); Site Plan Review (SPR); ENV-2019-5093-CE		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

Density Bonus (DB); Site Plan Review (SPR); ENV-2019-5093-CE

<b>ATTACHMENTS:</b>	<b>REVISED:</b>	<b>ENVIRONMENTAL CLEARANCE:</b>	<b>REVISED:</b>
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other	<input type="checkbox"/>		

**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:** City Planning Commission (CPC) Cultural Heritage Commission (CHC) Central Area Planning Commission East LA Area Planning Commission Harbor Area Planning Commission North Valley Area Planning Commission South LA Area Planning Commission South Valley Area Planning Commission West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
October 8, 2020	7 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
November 12, 2020	November 12, 2020 Fee Received and Processed by DCP on November 12, 2020. The invoice # 68253 and Receipt #121120AC0-56B24D81-0924-4577-8CA1-BB1DDE7F6219
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Irene Gonzalez, Commission Office, for Kevin Golden	December 22, 2020



# LOS ANGELES CITY PLANNING COMMISSION

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

## LETTER OF DETERMINATION

MAILING DATE: OCT 27 2020

Case No. **CPC-2017-5092-DB-SPR**  
CEQA: ENV-2017-5093-CE  
Plan Area: Silver Lake – Echo Park – Elysian Valley

Council District: 13-O'Farrell

**Project Site:** 418 North Alvarado Street

**Applicant:** Victor Svilik, Caladan Investments LLC  
Representative, Jonathan Riker, Esq., Ervin Cohen & Jessup LLP

At its meeting of **October 8, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

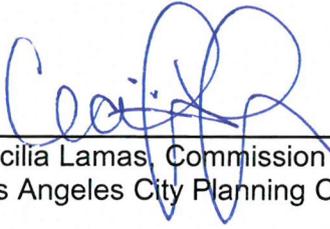
Construction of a new 73-unit, approximately 52,000 square foot mixed-use development including 500 square feet of ground floor commercial space on approximately 19,197 square feet of land (21,517 square feet including alleys), located at 418 – 430 North Alvarado Street. The proposed Project includes a five-story building with two parking levels (including one subterranean level) that provide a total of 81 parking spaces. The Project will include six Very Low-Income units.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15061, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g)(2) of the Los Angeles Municipal Code (LAMC), a 35 percent Density Bonus for a project reserving eleven percent of the base dwelling units or six units for Very-Low Income Households, in conjunction with Parking Option 1 and the following two Off-Menu Incentives:
  - a. A 2.85:1 Floor Area Ratio (FAR) in lieu of the otherwise permitted 1.5:1 FAR for the C2-1VL Zone; and
  - b. An increase in height and number of stories permitted, to allow a 69-foot, five-story building in lieu of a maximum 45-foot, three-story building for a mixed-use building in the C2-1VL Zone; and
3. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that creates or results in an increase of 50 or more net new dwelling units and/or guest rooms.
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Khorsand  
Second: Ambroz  
Ayes: Leung, Mack, Millman, Mitchell, Perlman  
Absent: Choe

**Vote: 7 – 0**



Cecilia Lamas, Commission Executive Assistant  
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 related to the Density Bonus Off-Menu Incentives is not appealable. All remaining actions are appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** NOV 12 2020

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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, Interim Appeal Filing Procedure, Appeal Facts Sheet

c: Faisal Roble, Principal City Planner  
Debbie Lawrence, Senior City Planner  
Kevin Golden, City Planner

## CONDITIONS OF APPROVAL

### Density Bonus and Site Plan Review Conditions

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 will 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 Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 73 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 6 units, that is 35 percent of the base dwelling units, shall be reserved as Restricted Affordable units for Very-Low Income households, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). This shall include 1 Very Low and 1 Low Income units to be set aside in compliance with the Determination made by the HCIDLA for replacement units. Affordable units required as replacement units, per Assembly Bill 2556, shall be an equivalent type as those units being replaced.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Community Investment Department (HCIDLA) to make six (6) units available to Very-Low-Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set aside units may be adjusted, consistent with LAMC Section 12.22 A.25 to the satisfaction of HCIDLA and in consideration of the project's AB 2556 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present 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 the HCIDLA.
6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from the HCIDLA regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20-percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by HCIDLA shall be provided.
7. **Height.** The building height shall be limited to 69 feet.
8. **Residential Floor Area Ratio (FAR).** The Project is limited to a maximum of 2.85:1 FAR, or 54,720 square feet.

9. **Automobile Parking for Residential Uses.** Based upon the number and/or type of dwelling units proposed, a minimum of 43 automobile parking spaces shall be provided for the residential uses of the project, pursuant to AB 744. The project requires parking spaces at a ratio of 0.5 parking spaces per bedroom for mixed income projects within one half mile of a major transit stop to which the project has unobstructed access.
10. **Automobile Parking for Commercial Uses.** Automobile parking for commercial uses shall be provided pursuant to LAMC Section 12.21 A.4(x)(3), which requires two vehicular parking spaces for every one thousand square feet of combined gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings. A minimum of 1 commercial parking space shall be provided.
11. **Adjustment of Parking.** In the event that the composition of such units should change (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
12. **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.
13. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
14. **Landscaping.** 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.
15. **Mechanical Equipment.** All exterior mechanical equipment, including HVAC equipment, satellite dishes, cellular antennae and air conditioners, shall not be visible from public rights-of-way or adjacent residences or placed in window or door openings.
16. **Trash/Recycling.** Trash and recycling bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from the public right-of-way or adjacent residences.
17. **Open Space.** The project shall provide a minimum of 7,605 square feet of open space. All open space areas shall comply with the requirements set forth in LAMC Section 12.21 G to the satisfaction of the Department of Building and Safety. In the event that the number or composition (i.e. number of bedrooms) of dwelling units should change, no modification of this determination shall be necessary, and the open space requirement shall be re-calculated by the Department of Building and Safety based upon the ratios set forth in LAMC Section 12.21 G.
18. **Solar-ready Buildings.** 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.

**Administrative Conditions**

19. **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.
20. **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.
21. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for 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 Department of City Planning for attachment to the subject case file.
22. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
23. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and 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 and 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.
25. **Notations on Plans.** Plans submitted to the Department of Building and 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.
26. **Department of Building and 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 and 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 and 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.
27. **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.

**28. 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 of, in whole or in part, 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

### 1. Density Bonus/Affordable Housing Incentives Program Findings

The following is a delineation of the findings and the application of the relevant facts as related to the request for a 10 percent Density Bonus, in conjunction with three (3) Off-Menu Incentives and six (6) Waivers of Development Standards. Pursuant to Government Code Section 65915(d)(a)(A), **the Commission shall approve a Density Bonus and requested Incentive(s) unless the Commission finds that:**

- a) **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested off-menu incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

#### Two (2) Requested Off-Menu Incentives – Deviation of Development Standards

The Applicant is requesting two waivers of development standards. These deviations are identified as “off-menu” incentives, and the Applicant states that they are required by the project in order to accommodate the proposed development of 73 residential units (6 of which are for Very-Low Income units). The off-menu incentives require approval by the City Planning Commission, and are required to provide for affordable housing costs.

**Increase in (Floor Area Ratio) FAR.** The proposed project is permitted a maximum FAR of 1.5:1 by-right, per the C2-1VL Zone. The subject site has a C2 density, which would permit 54 units on the site. The project qualifies for a 35 percent density bonus. With this increase, the maximum number of units allowed is 73. The project proposal is for a maximum permitted FAR of 2.85:1. With this incentive, the subject property would be eligible for a maximum of 54,720 square feet of floor area for the 19,200 square-foot site (21,590 square feet including ½ of the alleys). The total proposed floor area of 54,720 square feet for the 5-story building, represents an approximate 2.85:1 FAR.

The increase in FAR helps the project to provide 6 affordable housing units. Additionally, the higher FAR will facilitate the provision of larger housing units, which are more comparable in size to the existing housing in the area. This will help the project to remain economically feasible while providing the Restricted Affordable Units.

**Increase in Building Height.** The Project is a 5-story, 69-foot tall, residential building with 73 dwelling units, consisting of 61 one-bedroom and 12 two-bedroom units, 500 square feet of commercial retail floor area, and 2 levels of parking for a total of 81 parking spaces. The project proposes to set aside 6 units or 11% of the base dwelling units, as Restricted Affordable Units for Very-Low Income households. Pursuant to Height District 1VL for C2 zoned properties, the Project would otherwise be limited to a maximum height of 45 feet and 3 stories.

The additional height requested is necessary to construct the number of units proposed and parking. In addition, the height increase will make the Project financially feasible for a rental apartment development that includes 11% Restricted Affordable Units for Very-Low Income households.

- b) The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no substantial evidence in the record that the proposed incentives 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)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

- c) The Incentives are contrary to state or federal law.**

There is no substantial evidence in the record that the proposed incentives are contrary to state or federal law.

## 2. Site Plan Review Findings

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

The proposed Project contributes to the Citywide General Plan Framework by providing much-needed housing, accessible to transportation options within a node of residential and commercial activity. It contributes to the stated Goals, Objectives and Policies of the Framework as follows:

- Creates a supply of housing accessible to persons having variable income levels.
- Provides sufficient rental housing to meet the needs and demands of the population.
- Creates housing opportunities for all persons without discrimination.
- Locates new multi-family development in proximity to transportation corridors and high activity areas acting as a buffer between said transit corridors and commercial development and existing lower density residential development.

The proposed Project conforms to the purposes, objectives and policies of the Silver Lake – Echo Park – Elysian Valley Community Plan Area as follows:

- Goal 1: A safe, secure and high-quality residential environment for all economic, age and ethnic segments of the Silver Lake – Echo Park – Elysian Valley Community Plan Area.
- a. 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.
- b. Objective 1-2: Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services and facilities.
- c. 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.
- d. 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.

The proposed Housing Development conforms to the stated objectives of the Housing Element as an Element of the General Plan as follows:

- Objective 1.1 - To produce an adequate supply of rental and ownership housing in order to meet current and projected needs.
- Objective 2.2 - To promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.
- Objective 2.4 - To promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.
- Objective 3.2 - To promote fair housing practices and accessibility among residents, community stakeholders and those involved in the production, preservation and operation of housing.

By providing multifamily residential units, some of which are set aside for Very-Low Income households, implementation of the proposed project will maximize the opportunity for individual choices for all economic, age and ethnic segments of the Plan Area. The project also includes a ground floor commercial use and is located in a Transit Priority Area in proximity to goods, services and facilities. The Project is within the area and on the primary street (Alvarado Street) designated as a "Mixed Use Boulevard" within the Plan and as such this use specifically furthers the intent of the Plan.

- b) That 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 scale of the buildings included in the project conforms to the development standards of the underlying zone (with FAR and height deviations authorized by state law). Parking, loading areas, lighting, landscaping, trash collection, and other improvements will conform

to the requirements of the LAMC. Therefore, 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 are or will be compatible with existing and future development on adjacent properties and neighboring properties.

The proposed building facades along Alvarado Street, as shown in the plans are not flat; they are articulated using a range of architectural elements including texture, materials and color. The building designs are further articulated with windows on the ground floor and balconies above the ground floor. Planters along the ground floor provide additional interest along the streetscape.

Furthermore, after consultation with the Urban Design Studio, the applicant made the following revisions:

- Street trees are shown in the parkway in front of the proposed building, as was requested, to provide more landscape coverage.
- The landscape plans reflect the California native plants that were requested.
- Bike racks are in a less prominent place and are now loop-style bike racks rather than classic bike racks.
- The retail storefront doors and windows have been raised to 10'-9" and are now at the property line to allow for more engagement with pedestrian street traffic.
- Lobby storefront windows and doors have been pulled forward to provide better interaction with the street and the lobby doors are clearly designated based on address signage.

The proposed layout and design features will insure that the proposed project will be functional, aesthetically pleasing, and compatible with neighboring properties.

**c) That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed project will comply with applicable LAMC Open Space requirements, including that common open space areas shall incorporate recreational amenities. These amenities include a gym, a recreation room, and 3,000 square feet of rooftop community space. The project provides 7,605 square feet of total open space. Therefore, the Project will provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

### **ENVIRONMENTAL FINDING**

The proposed incentives will not have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines, which establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas.

On June 15, 2020, the Planning Department determined that the State CEQA Guidelines designate the subject project as Categorically Exempt under Section 15332, Class 32.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The project consists of the following:

The proposed project involves the construction, use and maintenance of a five-story mixed-use building with a total of 73 units over two levels of parking, including a basement parking level and 500 square feet of ground floor commercial space located at 418 North Alvarado Street. The project is requesting a 35% density bonus with 11% (6 units) of the base density set-aside for Very-Low Income residents based on SB1818. The project also utilizes Parking Option 3 under AB744. The project will provide 81 parking spaces and 82 bike spaces. In addition, the project is requesting two (2) "Off-Menu" incentives under SB1818. First, the project requests an increase in FAR from 1.5:1 to 2.85:1. Second, the project requests an increase in height from 45 feet to 69 feet.

The site is zoned C2-1V and has a General Plan Land Use Designation of Community Commercial.

- a) As shown in the case file, the project is consistent with the applicable Community Commercial Community Plan designation and policies and all applicable zoning designations and regulations.
- b) The subject site is wholly within the City of Los Angeles, on a site that total approximately 19,200 square feet (21,590 including ½ of the alley areas). Lots adjacent to the subject site are developed with the following urban uses: restaurant, multiple family dwellings, and a gas station.
- c) The site was previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. According to a letter dated August 30, 2019 by Jan C. Scow, a registered arborist, there are no protected trees on the project site.

- d) The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, and stormwater mitigation measures; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. The traffic analysis, dated July 2018, concluded the project will result in none of the study intersections being significantly impacted by project-related traffic. In addition, the project will generate less than 250 daily vehicle trips, and the project is not required to perform a VMT analysis, according to the LADOT VMT Calculator. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with Air Quality Management District (AQMD) staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

The project site will be adequately served by all public utilities and services given that the construction of the apartment buildings, will be on sites which have been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 categorical exemption.

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

- a) There is not a succession of known projects of the same type and in the same place as the subject project.
- b) As mentioned, the project proposes a five-story mixed-use building with a total of 73 units over two levels of parking, including a basement parking level and 500 square feet of ground floor commercial space. The project is requesting a 35% density bonus with 11% (6 units) of the base density set-aside for Very-Low Income residents based on SB1818. Lots adjacent to the subject site are developed with the following urban uses: restaurant, multiple family dwellings, a gas station, etc. Under SB1818, the project proposes to utilize two off-menu incentives: a Floor Area Ratio (FAR) of 2.85:1 to allow up to 61,531 sq. ft. (54,720 square feet requested) of floor area in lieu of the amount allowed per the base 1.5:1 FAR, and an increase in height from 45 feet to 69 feet. The project size is not unusual for the vicinity of the subject site, and is similar in scope to other existing land uses in the general area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.
- c) Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project is approximately 23 miles from State Route 27. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

- d) Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- e) The project site has not been identified as a historic resource by local or state agencies, and the project sites have not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the sites as historic resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the criteria listed above.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

### OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

#### Mail the appeal application to:

Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

### OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment

# FACT SHEET

## Planning Entitlement Appeals

### Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

### Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org).

## Frequently Asked Questions

### Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

### How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

### Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

### Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission

(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

### **How long does the City have to consider the appeal of a land use decision?**

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

### **How (and when) are notifications sent notifying the appellant of their hearing date?**

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

### **Who from City Planning can provide assistance, should there be any questions?**

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

## When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

### *REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS*

*Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.*

*Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.*

*Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.*

*Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.*

### **Commission email addresses:**

City Planning Commission: [cpc@lacity.org](mailto:cpc@lacity.org)

Central Los Angeles Area Planning Commission: [apccentral@lacity.org](mailto:apccentral@lacity.org)

East Los Angeles Area Planning Commission: [apceastla@lacity.org](mailto:apceastla@lacity.org)

Harbor Area Planning Commission: [apcharbor@lacity.org](mailto:apcharbor@lacity.org)

North Valley Area Planning Commission: [apcnorthvalley@lacity.org](mailto:apcnorthvalley@lacity.org)

South Valley Area Planning Commission: [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

South Los Angeles Area Planning Commission: [apcsouthla@lacity.org](mailto:apcsouthla@lacity.org)

West Los Angeles Area Planning Commission: [apcwestla@lacity.org](mailto:apcwestla@lacity.org)

### **Are appellants required to sit through the entire meeting when there are multiple items on the agenda?**

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the "[Events Calendar](#)" on City Planning's website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

### **Will the appellant have an opportunity to speak during the hearing?**

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant's presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant's presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to

questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

### **What is the format and structure of a typical hearing for a project appeal?**

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.

To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

### **How much time does the appellant have to present their argument?**

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

### **Is there a need for the appellant to submit a PowerPoint presentation?**

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

### **What role does the planner assigned to this project play during the appeal process?**

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

### **What happens after the Appellate Body issues a formal decision, one way or another?**

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

### **When can a CEQA appeal be filed?**

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.

## **When should appellants fill out the CEQA Appeal Form?**

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."