

## FINDINGS

### Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the decision-maker shall approve a density bonus and requested incentive(s) unless the Commission finds that:
  - a. *The Incentives do result in identifiable and actual cost 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 City Planning Commission to make a finding that the requested incentives do result in identifiable and actual cost to provide for affordable housing costs per State Law. The California Health and 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 depending on affordability levels.

Based on the set-aside of 17% percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for FAR increase, residential parking reduction and commercial parking reduction qualify as requested Incentives. The remaining requests to allow for an increase in height and maximum stories and reduction in side and rear yard setbacks, and reduced open space requirements are waivers of development.

#### Residential Parking

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 109 residential parking spaces for 14 studios, 49 one-bedroom units, and 23 two-bedroom units. The applicant is requesting an off-menu incentive to permit zero residential parking spaces pursuant to LAMC Section 12.22.A(g)3.

The requested reduction in residential parking will allow the affordability of construction costs for the residential units. Granting the incentive would result in a building design that encompasses a greater quantity of units while allowing for the construction of additional affordable units. This Incentives supports the applicant's decision to set aside a minimum of ten (10) dwelling units for Very Low Income Households for 55 years.

#### Commercial Parking

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 50 commercial parking spaces for 8,353 square feet of commercial floor area. The applicant is requesting an off-menu incentive to permit zero commercial parking spaces pursuant to LAMC Section 12.22.A(g)3; and

The requested reduction in residential parking will allow the affordability of construction costs for the residential units. Granting the incentive would result in a building design that encompasses a greater quantity of units while allowing for the construction of

additional affordable units. This Incentives supports the applicant's decision to set aside a minimum of ten (10) dwelling units for Very Low Income Households for 55 years.

Floor Area Ratio (FAR)

The subject property is zoned [Q]C2-1VL. The property's residential zoning permits a maximum FAR of 1.5 to 1, equal to a maximum of 22,500 square feet of total building area. The applicant is requesting an off-menu incentive for a 150 percent increase in FAR, up to 3.76 to 1 to allow for a total building area of 84,662 square feet.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside 10 dwelling units for Very Low Income Households for 55 years.

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

A project that provides at least 5 percent of its base density for Very Low Income Households may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Stories

The subject is zoned [Q]C2-1VL with Height District 1VL which allows for a maximum height of three (3) stories. The proposed project is a seven-story mixed-use residential building, therefore has requested an increase in stories to allow seven (7) stories in lieu of the permitted three (3) stories.

Height

The subject is zoned [Q]C2-1VL with Height District 1VL which allows for a maximum height of 45 feet. The project is requesting a waiver of development standards to allow for an increase in height for a maximum 83 feet and 10 inches in lieu of the otherwise permitted 45 feet in height.

Side Yard Setback

Pursuant to LAMC Section 12.14-C, the site requires a side yard setback not less than five (5) feet. For a building more than two (2) stories in height, one-foot shall be added to the depth of such side yard for each additional story above the second story. The proposed project is a seven-story mixed-use residential building, therefore has requested a 100% reduction to allow for a zero side yard setback in lieu of the 10 feet required side yard setback.

### Rear Yard Setback

Pursuant to LAMC Section 12.14-C, the site requires a rear yard setback not less than 15 feet. For a building more than three (3) stories in height, one-foot shall be added to the depth of such side yard for each additional story above the second story. The proposed project is a seven-story mixed-use residential building, therefore has requested a 100% reduction to allow for a zero rear yard setback in lieu of the 19 feet required side yard setback.

### Open Space

Pursuant to LAMC 12.21.g the proposed project is required to provide 9,175 square feet of open space for the 86 residential units. The project is requesting a waiver of development standards to allow a 24 percent reduction in open space to allow a total 6,973 square feet of open space for the entire project. The project proposes to provide a total 7,020 square feet of open space.

As proposed, the granting of these waivers will allow for the construction of the affordable residential units given the quantity of units allowed under the density bonus and within the 3.76 to 1 floor area ratio granted under the Incentives

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

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)).

The project 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. The project is located in a Hillside area and Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- d. *The incentives are contrary to state or federal law.***

None of the incentive are contrary to state of federal law.

## **Conditional Use Findings**

- 2. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The property has a frontage along Sunset Boulevard. The subject property is comprised of nine (9) lots consisting of approximately 22,449 square feet of lot area with a street frontage of approximately 225 linear feet along Sunset Boulevard. The project site is currently developed a one- and two-story auto shop with adjoining surface level parking lot, all of which are proposed to be demolished as part of the project.

The project involves the demolition of an existing one- and two-story auto shop with an adjoining surface level parking lot and the construction, use, and maintenance of a new 84,662 square-foot, seven-story mixed-use residential development consisting of 86 residential units (with 10 units reserved for Very Low Income Households). The project will include a total 69 parking spaces within an at-grade parking garage.

Conditional Use - Density Bonus Above 35%

The project will perform a function by replacing an existing auto shop and surface level parking lot with a new 86-unit development thereby adding to the city's housing stock. The existing auto shop with adjoining surface level parking lot is not a permitted use allowed under the Q Condition and does not utilize the site's full potential in providing a function that is essential and beneficial to the city and the region.

The additional 15 percent density bonus (beyond the 35 percent permitted through a by-right density bonus) approved herein results in an additional nine (9) units, for a total of 86 units. In exchange, the project will set aside 17 percent of the base density, or 10 units for Very Low Income Households for a minimum of 55 years.

Conditional Use - Alcohol

The project also proposes the sale and dispensing of a full-line of alcoholic beverages for on and off-site consumption in conjunction with two (2) on-site establishments.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. In particular, the Silver Lake-Echo Park-Elysian Valley neighborhood is known for its bar, restaurant, small retail businesses and recreational experiences. The availability of restaurants and bar with alcoholic beverage services for on and off-site consumption will offer a dining and drinking amenity that caters to the local community, on-site residents of the subject mixed-use residential building and visitors to Sunset Boulevard. The grant will allow this service and does not represent the introduction of a use uncommon to the area, as there are restaurants and bars in the vicinity that sell alcoholic beverages.

The grant with conditions ensures the project will continue to be compatible with surrounding uses, and will continue to allow the hotel and restaurant establishments to be competitive and viable dining options in the area. Conditions from the previous grant have been carried over, and address mode and character, safety and security and responsible management. Therefore, the availability of alcoholic beverages in conjunction with the hotel operation will provide a convenient and beneficial service to the local community, employees, patrons and residents in the neighborhood.

Therefore, the proposed 86-unit development, including the 10 units set aside for Very Low Income Households and the allowed sale and dispensing of a full-line of alcoholic beverages within two on-site establishments, the project will perform a function that is essential and beneficial to the city and the region.

**3. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.**

The proposed project consists of the construction of a new seven-story 86 dwelling unit mixed-use residential development. The project site is currently developed with a one- and two-story auto shop with a surface level parking lot which will be demolished as part of the proposed development.

Conditional Use - Density Bonus Above 35%

The property is located within the Silver Lake-Echo Park-Elysian Valley Community Plan, a densely populated portion of the City of Los Angeles. The project site is located in an urbanized area surrounded by residential and commercial zones and are generally developed. The subject property is located along Sunset Boulevard, an urbanized area surrounded by residential and commercial zones. Surrounding the project site are a variety of multi-story residential buildings as well as a wide variety of commercial uses along Sunset Boulevard, including but not limited to; restaurants, bars, retail stores, mini-shopping centers, mixed-use residential buildings, and surface level parking lots. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for commercial and medium residential uses. Therefore, the construction of the housing development will serve to benefit the neighborhood rather than degrade it.

The façades are well-articulated and features a prominent ground level that distinguishes it from the remaining levels. The residential lobby and commercial uses including retail and restaurants located at the ground level will engage pedestrians at this level along Sunset Boulevard, which will likely receive the majority of the local circulation. Well-designed landscaping will create a pleasing transition the pedestrian realm of the sidewalk to the façade of the building. Therefore, the project is compatible with the surrounding neighborhood and will not adversely affect nor degrade adjacent properties, surrounding neighborhood, or the public health, safety, or welfare.

With the exception of the requests herein, the proposed project is otherwise entirely consistent with the requirements of the underlying zone. The project's significant features, including the proposed building's use, density, and FAR, are permitted by the underlying zone and the provisions of Density Bonus law. The project has been designed to include landscaping, open space amenities, and on-site parking.

Conditional Use - Alcohol

In addition, the sale and dispensing of a full-line of alcoholic beverages for on and off-site consumption is a service that is compatible with the surrounding neighborhood. The project is located along Sunset Boulevard, a commercial boulevard with a variety of dining venues and bars. The added sale of alcoholic beverages at the subject mixed-use residential building will blend in with current establishments in the community while also being a nearby service to on-site residents and community members alike.

Following review of the administrative record, the project and its operating characteristics were found to be consistent with the surrounding neighborhood. The operating conditions in

conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to monitor and verify compliance of the conditions incorporated in this grant. The conditions imposed by this grant include but are not limited to the installation of a camera surveillance system, the utilization of electronic age verification devices to deter underage drinking and purchases, and the requirement that the operator monitor the area under their control in an effort to prevent the loitering of persons on the premises as a means to alleviate the potential effects from the sale of alcohol.

Given the proposed project's location within the Silver Lake-Echo Park-Elysian Valley Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**4. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project site is located within the Silver Lake-Echo Park-Elysian Valley Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for General Commercial land uses corresponding to the C Zone. The project site is zoned [Q]C2-1VL and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The proposed project conforms to the following goals, objectives and policies of the Community Plan:

Goal 1: A safe, secure, and high quality residential environment for all community residents.

Objective 1.1: Achieve and maintain a housing supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.

Policy 1.1.6: Promote the preservation of existing single and multi-family neighborhoods.

Objective 2.4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

Policy 2.4.2: Require that mixed-use projects and development in pedestrian-oriented areas be designed and developed to achieve a high level of quality, distinctive character and compatibility with existing uses.

The project is a residential development with 10 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 10 covenanted affordable dwelling units in a community in-need of more affordable housing.

The project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August

2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The project supports the following goal and objective of the Framework Element:

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 enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that would benefit from new housing supply. The increased density is compatible with the nearby surrounding area. The project is located along Sunset Boulevard, a major commercial boulevard with multiple transit options. Residents will be able to utilize transit and are within walking distance to grocery stores, department stores, and various restaurants.

The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City stock of decent, safe, healthy or affordable housing.

Goal 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each community plan area.

The project provides 86 total units, including 10 units affordable for Very Low Income Households. In doing so, the project promotes the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The project site is currently developed with an auto-shop with a surface level parking lot. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a net gain of 86 units to the City's housing stock. It is within close proximity to various major employment and retail centers, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

The Mobility Element of the General Plan, also known as Mobility Plan 2035, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

Policy 3.3: 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 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

The project proposes a residential development that will provide 86 market-rate units and 10 units reserved for Very Low Income Households. Accordingly, the project fulfills the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those who otherwise might not be housed. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City. Additionally, the project is a Density Bonus development located along Sunset Boulevard a commercial boulevard well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requires of state law. The project has also been conditioned to provide solar infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

Additionally, the Silver Lake-Echo Park-Elysian Valley Community Plan text is silent in regard to alcohol sales. In such cases, the City Planning Commission must interpret the intent of the Plan. The Silver Lake-Echo Park-Elysian Valley Community Plan serves to address a number of issues and opportunities present in the area and recognizes the importance of retaining a viable and vibrant commercial sector. The restaurant use is consistent with this zone and land use designation. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

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.

Policy 2-2.3: The first floor street frontage for structures, including mixed-use projects and parking structures located in pedestrian-oriented areas, should incorporate commercial uses.

Policy 2-3.1: Proposed developments should be designed to enhance and be compatible with existing adjacent development.

The project will allow the proposed mixed-use residential building to add a desirable service of the sale of a full-line of alcoholic beverages for on and off-site consumption to the surrounding community. Thus, the project furthers the function and identity of Sunset Boulevard a commercial corridor in the Silver Lake-Echo Park-Elysian Valley Community Plan area. Thus, the project furthers the function and identity of Sunset Boulevard. The project will provide a desirable commercial service to the surrounding neighborhood and primarily to on-site residents within an existing area designated for such uses. The project maintains an existing and desirable commercial pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding neighborhood.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Silver Lake-Echo Park-Elysian Valley Community Plan.

### **Conditional Use Findings - Density Bonus Above 35%**

#### **5. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City.

As discussed, the project, including 76 market-rate units and 10 units reserved for Very Low Income Households, is consistent with many of the goals and objectives of the Housing Element of the General Plan.

#### **6. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**

- a. **11% Very-Low Income Units for a 35% density increase; or**
- b. **20% Low Income Units for a 35% density increase; or**
- c. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

**The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:**

- a. For every additional 1% set aside of Very-Low Income Units, the project is granted an additional 2.5% density increase; or**
- b. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- c. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The subject property is zoned [Q]C2-1VL, which limits density to one (1) dwelling unit per 400 square feet of lot area. The subject property has a total lot area of 22,449 square feet, and as such, the permitted base density on the subject property is 57 units.<sup>1</sup> In exchange for reserving a portion of the units for affordable housing, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 15 percent density bonus (or a total of a 50 percent density bonus) through a Conditional Use to allow for the proposed 86 dwelling units to be built on the site.

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U,26, which implements this provision of State law, states, as a Conditional Use, a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, the table below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one (1) percent of Very Low Income units provided), based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

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<sup>1</sup> Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

**Density Bonus Percentages (Table 1)**

| <b>Very Low Income Units<br/>(Percentage of Base Density)</b> | <b>Maximum Density Bonus Permitted<br/>(Based on Base Density)</b> |
|---|--|
| 5 %*  | 20 %*  |
| 6 %*  | 22.5 %*  |
| 7 %*  | 25 %*  |
| 8 %*  | 27.5 %*  |
| 9 %*  | 30 %*  |
| 10 %*   | 32.5 %*  |
| 11 %*   | 35 %*  |
| 12%*  | 37.5%*   |
| 13%*  | 40%*   |
| 14%*  | 42.5%*   |
| 15%*  | 45%*   |
| 16%*  | 47.5%*   |
| 17%*  | 50%*   |

**\*Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC**

For the subject property, a 35 percent by-right density bonus would allow for 77 units (equal to an increase of 19.95 rounded up to 20 units beyond the 57-unit base density) to be constructed on the project site. As illustrated in Table 1 above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or seven (7) units, for Very Low Income Households. The applicant is seeking an additional 15 percent density bonus (for a total of a 50% density bonus from the base density) through a Conditional Use to allow for a total of 86 dwelling units, representing an increase of nine (9) units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 15 percent density bonus, as shown in Table 1, the project must set aside at least 17 percent of the base density, equal to 10 units, for Very Low Income households in exchange for the requested Density Bonus. As such, the Density Bonus request results in seven (7) affordable units and the Conditional Use request results in an additional three (3) units for a total of 10 affordable units.

**7. The project meets any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).**

The project proposes the demolition of an existing auto-shop with adjoining surface level parking lot. Per the SB 330 Determination Letter dated December 22, 2021, there are no replacement units on the project site. Therefore, the project will meet the applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

**8. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.**

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

**9. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The project will result in 86 new dwelling units, of which 10 will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

**Conditional Use Findings - Alcohol**

**10. The proposed use will not adversely affect the welfare of the pertinent community.**

The Conditional Use permit for the sale of a full-line of alcoholic beverages for on and off-site consumption within two establishments located at the ground floor of the proposed mixed-use development will not adversely affect the welfare of the community. The subject property is zoned [Q]C2-1VL, which allows for commercial uses. The subject site with a frontage along Sunset Boulevard enhances the character of the area and provides an additional service to a residential mixed-use. The additional service of a full-line of alcoholic beverages will be convenient for on-site residents and walking distance from the surrounding neighborhood and visitors in the area. The proposed development will continue to positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue.

Conditional authorization for the sale of a full-line of alcoholic beverages for on and off-site consumption is allowed through the approval of the City Planning Commission, subject to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by any of the proposed conditional uses. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Additionally,

other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, will the imposition of such conditions, the sale and dispensing of a full line of alcoholic beverages at this location will not adversely affect the welfare of the pertinent community.

**11. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, there are 22 alcohol consumption licenses allocated to the census tract (Census Tract 1954.00).

Within 600 feet from the subject site there are seven other establishments with active alcohol licenses from the California Department of Alcoholic Beverage Control (ABC) and there are zero establishments with alcohol licenses between 600 feet and 1,000 feet from the subject property.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Unit, within the Crime Reporting District. 1171, which has jurisdiction over the subject property, a total of 151 crimes were reported in 2020, including 99 for Part I and 51 for Part II Arrests, compared to the Citywide average of 170 crimes and arrests, and compared to the High Crimes average of 141 crimes for the same reporting period.

Alcohol-related Part II crimes reported by LAPD include, Narcotic Drug Laws (0), Liquor Laws (0), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), and Driving Under the Influence (1).

The proposed mixed-use residential development is 84,662 square-feet with 86 total residential units and 8,353 square feet of commercial floor area will provide the sale of a full-line of alcoholic beverages for on and off-site consumption as an incidental purchase to other goods including dining options, therefore the approval of the subject Conditional Use Permit will not provoke a higher crime rate. In this case, the project will continue to provide a unique amenity to workers, visitors, and residents. The project will also continue to enhance the physical environment and, as conditioned, will not negatively impact the area.

As a primary use for a residential building, the project alone is unlikely to have a significant impact on local crime. The City Planning Commission has also incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

**12. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public**

**playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and will continue to be utilized as such with the restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

**Sensitive Uses**

N/A

**Alcohol Uses**

|                |                       |
|----------------|-----------------------|
| Daisy's Market | 3216 Sunset Boulevard |
| All Day Baby   | 3200 Sunset Boulevard |
| Spoon and Pork | 3131 Sunset Boulevard |
| Diablo         | 3129 Sunset Boulevard |
| Los Globos     | 3040 Sunset Boulevard |

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which would protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

**SITE PLAN REVIEW FINDINGS**

**13. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The project site is located within the Silver Lake-Echo Park-Elysian Valley Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for General Commercial land uses corresponding to the C Zone. The project site is zoned [Q]C2-1VL and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The proposed project conforms to the following goals, objectives and policies of the Community Plan:

**Goal 1:** A safe, secure, and high quality residential environment for all community residents.

**Objective 1.1:** To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1.1.2: Protect the quality of residential environment and the appearance of communities with attention to site and building design.

Objective 1.4: To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

Policy 1.4.1: Promote greater individual choice in type, quality, price and location of housing.

The project is a residential development with 10 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 10 covenanted affordable dwelling units in a community in-need of more affordable housing.

The project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The project supports the following goal and objective of the Framework Element:

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 enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that would benefit from new housing supply. The increased density is compatible with the nearby surrounding area. The project is located along Sunset Boulevard, a major commercial boulevard with multiple transit options. Residents will be able to utilize transit and are within walking distance to grocery stores, department stores, and various restaurants.

The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City stock of decent, safe, healthy or affordable housing.

Goal 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each community plan area.

The project provides 86 total units, including 10 units affordable for Very Low Income Households or individuals. In doing so, the project promotes the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The project site is currently developed with an auto-shop with a surface level parking lot. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a net gain of 86 units to the City's housing stock. It is within close proximity to various major employment and retail centers, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

The Mobility Element of the General Plan, also known as Mobility Plan 2035, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

Policy 3.3: 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 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

The project proposes a residential development that will provide 86 market-rate units and 10 units reserved for Very Low-Income Households. Accordingly, the project fulfills the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those who otherwise might not be housed. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City. Additionally, the project is a Density Bonus development located along Sunset Boulevard a commercial boulevard well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requires of state law. The project has also been conditioned to provide solar infrastructure. Together,



these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Silver Lake-Echo Park-Elysian Valley Community Plan.

**14. 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 neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Silver Lake-Echo Park-Elysian Valley Community Plan along Sunset Boulevard. The immediate surrounding properties consist of multi-story residential buildings and commercial uses.

The proposed project will include 86 residential units of which 10 will be set aside for Very Low Income Households. The project includes one (1) parking level with 69 automobile parking spaces. The subject property is one parcel of land totaling 22,449 square feet.

Height, Bulk and Setbacks

The proposed building reaches a maximum height of 83 feet 10 inches with seven (7)-stories as permitted by a request for an increase in height and stories to deviate from the underlying zoning regulations as further described in the findings above. The site setbacks are regulated by the C and R4 zones. The required front yard along Sunset Boulevard is zero feet, the required side yard setbacks is 10 feet and the rear yard setback is 19 feet. The project will provide a zero front yard setback along Sunset Boulevard, a zero side yard setback, and a zero rear yard setback.

Additionally, on August 14, 2019, the Director of Planning approved a Transit Oriented Communities Affordable Housing Incentive Program and Site Plan Review (Case No. DIR-2019-1957-TOC-SPR) for a project including 104 dwelling units with nine (9) reserve for Extremely Low Income (ELI) households, located at 3301-3327 West Sunset Boulevard.

As such the proposed project will be compatible with surrounding residential uses and support access to services readily available within adjacent commercially-zoned corridors by redeveloping an auto-shop use with much needed housing in the City of Los Angeles, in a design and configuration compatible with the adjacent variety of housing types including multi-story residential buildings and mixed-use residential buildings to the north, east and south.

Off-Street Parking Facilities/Loading Areas

A total of 69 automobile parking spaces and 83 bicycle parking spaces will be provided as part of the proposed development per LAMC Section 12.21-A,4(d).

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 109 residential parking spaces for 14 studios, 49 one (1)-bedroom units, and 23 two (2)-bedroom units. The applicant is requesting an off-menu incentive to permit zero residential parking spaces pursuant to LAMC Section 12.22.A(g)3; and Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 50 commercial parking spaces for 8,353 square feet of commercial floor area. The applicant is requesting an off-menu incentive to permit zero commercial parking spaces pursuant to LAMC Section 12.22.A(g)3.

All vehicular access to the project site will be from Sunset Boulevard. The driveway will provide access to the entrance of the at-grade parking garage. The driveway access consistent with all applicable code requirements. None of the proposed parking will be visible from the street. This on-site amenity allows the project to be self-contained and compatible with existing and future development.

### Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

### On-Site Landscaping

Various types of vegetation and trees are integrated into the landscape design of the development to enhance common space areas such as the roof terraces and to buffer from neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along Sunset Boulevard. Additionally, perimeter landscaping will provide a privacy buffer and screening between the subject development and the adjoining properties. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

### Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within a loading zone. The trash room is not visible from the public right-of-way. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, 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 will be compatible with existing and future development on adjacent and neighboring properties.

## **15. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The proposed project will include 14 studios, 49 one-bedroom units, and 23 two-bedroom units. The project provides a number of indoor and outdoor common area amenities throughout the facility. The project will provide commercial uses and a lobby on the first floor, leasing offices on the second floor, a lounge room, coworking office room, and fitness room

on the third floor and an additional coworking office room on the seventh floor, as well as a roof deck with outdoor furniture.

As described above, many services that the facility's residents require are provided on-site; thus, minimizing impacts on neighboring properties.

The combination of these various recreational features and design features would provide adequate amenities for the building residents, and minimize any impacts on neighboring properties.

#### **ADDITIONAL MANDATORY FINDINGS**

- 16.** The National Flood Insurance Program rate maps, which are 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 a 500-year Flood Zone.