



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☐ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative ☐ Property Owner
☐ Applicant ☐ Operator of the Use/Site

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- ☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative ☐ Owner ☐ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

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

- ☐ Self ☐ Other: _____

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☐ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): SLHT
Company: _____
Mailing Address: 2568 Griffith Park Blvd #277
City: Los Angeles State: CA Zip: 90039
Telephone: _____ E-mail: info@silverlakeheritage.org

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☐ Entire ☒ Part

b. Are specific conditions of approval being appealed? ☒ Yes ☐ No

If Yes, list the condition number(s) here: please see appeal

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☒ The reason for the appeal ☒ How you are aggrieved by the decision
☒ Specifically the points at issue ☒ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____

Date: _____

10/19/22

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☒ Appeal Application (form CP-7769)
☒ Justification/Reason for Appeal
☒ Copies of Original Determination Letter

b. Electronic Copy

- ☒ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☒ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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

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

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ATTACHMENT TO APPEAL APPLICATION FOR CASE #:
CPC-2020-3140-CU-MCUP-DB-SPR-HCA; ENV-2020-3141-SCPE;
CF 22-0297

APPEAL TO THE 10/4/2022 *CORRECTED* LETTER OF DETERMINATION

Relates to the following

1. The CPC erred by illegally issuing an exemption from CEQA. The approvals have a significant effect on historical resources pursuant to [Section 21084.1](#). Exemption from the California Environmental Quality Act requires a project to be consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, which this project fails to do. CEQA Statute & Guidelines section 15061 (3) The activity is covered by the common sense exemption that CEQA applies only to projects **which have the potential for causing a significant effect on the environment**. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The CPC failed to demonstrate with absolute certainty that the project will not have **potential for causing a significant effect on the environment**.

2. The CPC erred by illegally approving a Conditional Use to allow a 51% increase in density in contradiction to the city’s general plan. This will cause a specific adverse impact upon public health and safety and the physical environment.

5. The CPC illegally issued a Conditional Use Permit for up to five premises for a singular proposal. There are currently no approved plans or permits issued indicating there are 4 additional or other premises. The CPC erred by issuing permits for buildings that have not been built and have not yet been proposed.

6. The CPC illegally approved the site Plan Review failing to consider orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting as required by LAMC 16.05.

7. ALL of the adopted Modified Conditions of Approval are null and void due to the erroneous and illegal approval by the CPC

8. The CPC illegally adopted #19 of the attached Findings, since the signage referenced in “19. a.” refers to salvage items that are directly connected to causes of action which are currently in litigation in Los Angeles Superior Court. The CPC erred by failing to consider the impacts of said litigation on the proposal and its illegal approvals.

The CPC illegally adopted #19 of the attached Findings. A legal and compliant project either meets the criteria or it doesn't. The Findings referenced in “19. b.” rely on a third party historic analysis allegedly prepared by GPA Consulting. Unfortunately, the original HRA submitted was not to the planners liking. A July 30, 2021 email from City Planner Heather Bleemers informed the developers' representative: “There must have been a misunderstanding. **We need to have an updated HRA to proceed...**” Bleemers and the DCP required an “**updated**” HRA because all of the existing historic analyses concluded the site was and IS a historic resource. These findings fail to comply with the requirements imposed by a SCPE where an adverse impact to a historical resource is prohibited.

To achieve the desired outcome, City Planners Oliver Netburn, Heather Bleemers and Deputy City Attorneys Kimberly Huangfu and Kathryn Phelan **chose to modify and revise the expert report**, creating a new version of the document specifically altered and manipulated to conform to the required criteria for this project. Thus Bleemers et al., circumvented this obstacle by demanding an “UPDATED” HRA, tailored to push the project forward as a SCPE and avoid environmental review.

The CPC adopted #19 of the attached Findings based on this **amended** historic analysis, and **NOT the original report** prepared by GPA Consulting.

The applicant improperly seeks Off-Menu Incentives for the waiver of development standards limiting building height and yard setbacks. Both requests circumvent the Density Bonus On-Menu incentive limitations for waivers of the Development Standards as imposed by the city council and codified in the Municipal Code. This massive project is out of touch with its surroundings, runs counter to the Community Plan, and fails to meet specific needs of the neighborhoods. The project's entitlement requests, if upheld, will be materially detrimental to the public welfare.

Further, the city councilmember's failure to designate a historical resource an official Historical Cultural Monument (HCM) is not equivalent to a determination that the significance of the historic resource itself has somehow been diminished as a result. As the Public Resources Code 21084.1. tells us:

"Resources listed in, or determined to be eligible for listing in, the California Register are resources that must be given consideration in the CEQA process."

"The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource..."

The CPC failed to acknowledge and consider all of the substantial evidence that exists in the record demonstrating the building is a historical resource, as identified by historians and the city itself.

Appellants will be adversely affected by impacts resulting from the City's illegal approvals described herein, and are aggrieved by the acts, decisions and omissions of the City as alleged in this appeal.

Finally, appellants hereby incorporate all of the submissions and filings in council file [21-0119](#).



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

CORRECTED LETTER OF DETERMINATION

MAILING DATE: **OCT 04 2022**

Case No. CPC-2020-3140-CU-MCUP-DB-SPR-HCA
CEQA: ENV-2020-3141-SCPE; Council File No. 22-0297
Plan Area: Silver Lake – Echo Park – Elysian Valley

Council District: 13 – O'Farrell

Project Site: 1911 – 1931 West Sunset Boulevard;
1910 – 2018 West Reservoir Street

Applicant: Thomas D. Warren, 1911 Sunset Investors, LLC.
Representative: Alexander Irvine, Irvine & Associates, Inc.

At its meeting of **July 28, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of the existing structures and the construction, use and maintenance of a new, six-story, 166-unit, mixed-use development with 13,000 square feet of commercial space and 24 units reserved for Very Low-Income Households.

1. **Found** that the City Council determined at its June 28, 2022 hearing that based on the whole of the administrative record, the Project is statutorily exempt from CEQA as a Sustainable Communities Project Exemption ("SCPE") pursuant to PRC 21155.1;
2. **Approved**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use to allow an increase in density greater than the maximum permitted under LAMC Section 12.22 A.25, to a total of a 51 percent increase in the base density of 110 units to a density of 166 units;
3. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(3), a Density Bonus to allow the following three Off-Menu Incentives:
 - a. To permit a Floor Area Ratio of 3.75:1 in lieu of the otherwise permitted 1.5:1 FAR;
 - b. To permit residential parking at a ratio of 0.5 spaces per dwelling unit; and
 - c. To allow an additional 22 feet in height in lieu of the otherwise permitted 45 feet;
4. **Approved**, pursuant to LAMC 12.24 A.25(g)(3), a Density Bonus to allow the following four Waivers or Modifications of Development Standards:
 - a. To utilize any or all RAS3 yard requirements to provide five-foot setbacks within the two side yards in lieu of the otherwise required 11-foot setbacks pursuant to LAMC Section 12.11.C.2;
 - b. To allow a reduction in the required open space by 25 percent;
 - c. To allow six stories, in lieu of the three-story limitation in the 1VL Height District; and
 - d. To allow an additional 20 feet above the maximum height of 67 feet for the elevator structure;
5. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit for the sale or dispensing of alcoholic beverages for on- and off-site consumption only within up to five premises;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project that creates 166 dwelling units;
7. **Adopted** the attached Modified Conditions of Approval; and

8. Adopted the attached Findings.

The vote proceeded as follows:

Moved: Hornstock
Second: Campbell
Ayes: Choe, López-Ledesma, Mack, Millman, Perlman, Dake Wilson
Absent: Leung

Vote: 8 – 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 Off-Menu Density Bonus Incentives and Waivers or Modifications of Development Standards are not appealable. All remaining actions are appealable to 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.

*¹**FINAL APPEAL DATE:** OCT 19 2022

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: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Heather Bleemers, Senior City Planner
Oliver Netburn, City Planner

¹ The corrected letter of determination will be mailed to the interested parties for the case. The above-referenced technical correction is not discretionary, therefore, issuance of this corrected letter of determination does allow the appeal period to re-open for 15 days after the mailing date of this corrected determination letter.

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on July 28, 2022)

Pursuant to Sections 12.22-A,25, 12.24, and 16.05 of the Los Angeles Municipal Code (LAMC), the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

Conditional Use/Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans, submitted by the applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 166 dwelling units, including the on-site restricted affordable units.
3. **On-Site Restricted Affordable Units.**
 - a. A minimum of 18 percent of the base density (110 units) or 14 percent of the total number of units (166 units), whichever is greater, shall be reserved for Very Low Income Households, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **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.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 18 percent of the base density (110 units) or 14 percent of the total number of units (166 units), whichever is greater available to Very Low Income Households, for sale or 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 reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall 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. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Incentives.**
 - a. **Floor Area Ratio.** The project shall be permitted a maximum FAR of 3.75 to 1.
 - b. **Residential Parking.** The project shall be permitted to provide 0.5 automobile parking spaces per dwelling unit.
 - c. **Height.** The project shall be permitted a maximum building height of 67 feet.
6. **Waiver of Development Standards.**

- a. **Stories.** The project shall be permitted a maximum of six (6) stories.
- b. **Side Yard Setback.** The project shall be permitted a five-foot easterly side yard setback.
- c. **Open Space.** The project shall be permitted to provide 13,294 square feet of open space. The landscaping shall be sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines "O".
- d. **Rooftop Structures and Equipment.** The project shall be permitted those rooftop structures and equipment found in LAMC Section 12.21.1-B,3 to exceed the maximum allowable building height (Condition No. 5.c) by up to 20 feet.

7. **Parking.**

- a. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
- b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

Main Conditional Use

- 8. Authorized herein is the sale and dispensing of alcoholic beverages for on- and off-site consumption, in conjunction with five (5) establishments with a maximum of 13,000 square feet. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 7:00 a.m. to 2:00 a.m. daily.
- 9. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application.
- 10. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
- 11. Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line

of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.

12. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
13. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
14. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
15. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
16. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR) or Department of Alcoholic Beverage Control “Licensee Education on Alcohol and Drugs” (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
17. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining property owners, and businesses.

Site Plan Review

18. **Pedestrian Safety.** The applicant shall submit a revised Site Plan and Landscape Plan showing bollards or other barriers to prevent automobiles from driving through the southern end of the pedestrian paseo.
19. **Taix Signage, Interior and Exterior:**
 - a. Existing Taix Restaurant signage (specifically, the red and white east-facing Taix billboard sign along Reservoir Street and the vertical red and white ‘Cocktails’ sign along Sunset Boulevard) shall be removed and reinstalled substantially in accordance with the Project plans dated October 1, 2020 attached to Council File 22-0297;
 - b. The interior and exterior of the Taix restaurant premises identified on Sheet A-1.1 of the Project plans dated October 1, 2020 attached to Council File 22-0297 shall be improved for restaurant use substantially in accord with the Conceptual Plans (including signage, fixtures, and treatments) attached as Appendix E to the Historical Resource Technical Report by GPA Consulting dated January 2022 attached Council File 22-0297; and

- c. The existing Taix French Restaurant cherry wood bar top shall be removed and reinstalled substantially in accord with the Conceptual Plans for the Taix restaurant premises attached as Appendix E to the Historical Resource Technical Report by GPA Consulting dated January 2022 attached to Council File 22-0297.
- 20. **Taix Restaurant Right to Return.** The Taix Restaurant returns to the project site and is reopened within 12 months from the date of the issuance of the certificate of occupancy.
- 21. **Solar.** The project shall comply with LAMC Sections 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.
- 22. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
- 23. **Landscaping:**
 - a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
 - b. All planters containing trees shall have a minimum depth of 48 inches (48”).
- 24. **Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
- 25. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: cement plaster finish, aluminum store front system, exterior cladding. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
- 26. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
- 27. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
- 28. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 29. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

B. Environment Conditions

30. **Energy and Water Efficiency.** The project shall be designed to be 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations and to achieve 25 percent less water usage than the average household use in the region.

31. **Historic Resources.**

- a. Prior to the development of final construction plans, the applicant shall ensure a historic preservation professional meeting the qualifications for architectural history or historic architecture outlined in Title 36 of the Code of Federal Regulations, Part 61 has reviewed and confirmed:
 - The three physical features (billboard, cocktails sign, and cherry wood bar) are clearly and properly identified on the demolition plans;
 - The demolition plans include detailed notes for careful removal and protection of the three physical features.
 - The construction plans include detailed drawings for reinstallation of the features in a manner that would not damage or destroy them or put them at risk of damage in the future.
- b. The applicant shall identify an appropriate climate-controlled and locked storage location for the three physical features (billboard, cocktails sign, and cherry wood bar) during construction that will prevent damage, vandalism, or theft. The applicant shall also identify an appropriate method to safely transport the features to this location. The location and transportation information shall be provided to a historic preservation professional meeting the qualifications for architectural history or historic architecture outlined in Title 36 of the Code of Federal Regulations, Part 61 to review and confirm.
- c. The applicant shall conduct a training for the construction team to ensure all workers that will be on the site are aware of the physical features, their significance, and their need for protection.
- d. Prior to the commencement of demolition of the buildings on the site, the applicant shall retain a qualified contractor or practitioner experienced with historic buildings and historic building elements to carefully remove the three physical features (billboard, cocktails sign, and cherry wood bar) from their existing locations prior to construction of the proposed project.
- e. Following the completion of the proposed construction, the applicant shall retain a qualified contractor or practitioner experienced with historic buildings and historic building elements to install the three physical features (billboard, cocktails sign, and cherry wood bar) in their proposed new locations in a manner that does not damage or destroy the features or put them at risk of damage in the future.

32. **Hazards and Hazardous Materials.** A Soil Management Plan (SMP) shall be prepared that addresses the management of the lead impacted soil, the potential segregation of "landfill cover" soil from "unrestricted use soil," and management of any potentially impacted soil that might be encountered during excavation. The SMP would assess the lateral and vertical extent of lead in soil at boring B5. Based on the soil vapor data, a vapor mitigation (in accordance with LAMC and EPA requirements for vapor intrusion into indoor air spaces) may be required underneath the restaurant building when it becomes accessible. These procedures would include training for construction personnel on the appropriate procedures for identification of suspected impacted soils; requirements for testing and collection of potentially contaminated soils; segregation of potentially impacted soils; and applicable soil handling and proper removal and disposal procedures.

33. Transportation (Transportation Demand Management (TDM) Strategies).

- a. Reduce the project parking supply from the City Municipal Code requirement of 300 parking spaces (per Municipal Code Section 12.21.A4) to 220 parking spaces, and
- b. Integrate unbundled parking as part of the development, thereby separating the cost of renting a residential dwelling unit from the cost to rent a parking space.

C. Administrative Conditions

31. **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.
32. **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.
33. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
34. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
35. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
36. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
37. **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.

38. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
39. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
40. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
41. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
42. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
43. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).

- d. 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 (b).
- e. 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 include 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

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 18% 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 additional building height qualify as incentives. The remaining requests to allow for reduced setbacks, reduced open space, increase in the number of stories permitted, and increase in the height of permitted rooftop structures are waivers of development standards.

Floor Area Ratio (FAR)

The subject property is zoned C2-1VL and [Q]C2-1VL. The property's zoning permits a maximum FAR of 1.5 to 1, equal to a maximum of 65,844 square feet of total building area. The applicant is requesting an off-menu incentive for an FAR of 3.75 to 1 to allow for a total building area of 164,610 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 24 dwelling units for Very Low Income Households for 55 years.

Residential Parking

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 263 residential parking spaces for nine (9) studios, 180 one-bedroom units, 66 two-bedroom units, and 8 three-bedroom units. The applicant is requesting an off-menu incentive to permit 0.5 parking spaces per dwelling units. Granting of the incentive would result in a building design that provides 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. This Incentives supports the applicant's decision to set aside 24 dwelling units for Very Low Income Households for 55 years.

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 incentive supports the applicant's decision to set aside a minimum of 24 dwelling units for Very Low Income Households for 55 years.

Height

The subject is zoned C2-1VL and [Q]C2-1VL with Height District 1VL which allows for a maximum height of 45 feet. The applicant is requesting an off-menu incentive to permit a 22-foot height increase, for a total of 67 feet.

The requested increase in height will allow for the construction of affordable units in addition economically viable and attractive ground floor commercial space. Granting of the incentive would result in a building design that provide for affordable housing costs; it enables the developer to offset the cost of the affordable units so that additional affordable units can be constructed. This incentive supports the applicant's decision to set aside 24 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 C2-1VL and [Q]C2-1VL with Height District 1VL which allows for a maximum height of three (3) stories. The proposed project is a six-story mixed-use building, therefore has requested an increase in stories to allow six (6) stories in lieu of the permitted three (3) stories.

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 six-story mixed-use building, therefore would be required to provide for a nine-foot setback. The applicant has requested a five-foot setback in lieu of the required nine-feet setback.

Open Space

Pursuant to LAMC 12.21.G the proposed project is required to provide 17,725 square feet of open space for the 166 residential units. The project is requesting a waiver of development standards to allow a 25 percent reduction in open space to allow a total 13,294 square feet of open space for the entire project. The project proposes to provide a total 13,303 square feet of open space.

Rooftop Structures

Pursuant to LAMC 12.21.1.B.3, rooftop structures that may exceed the maximum allowable height are limited to 10 feet. The project is requesting a waiver of development standards to allow rooftop structures to exceed the maximum allowable height by up to 20 feet.

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 3.75 to 1 floor area ratio granted under the Incentives

- c. ***The Incentives or Waivers of Development Standard 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.***

On January 26, 2022, the City Council designated Taix Restaurant as an Historic-Cultural Monument and as part of that designation identified three (3) features that should be preserved in order to convey the significance of the restaurant and justify its designation as an Historic-Cultural Monument. These three (3) features include the red and white east-facing Taix billboard sign along Reservoir Street, the vertical red and white 'Cocktails' sign along Sunset Boulevard, and the restaurant's original cherry wood bar top. These three (3) features have been incorporated into the project.

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. 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 or waivers of development standards. 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 or waivers are contrary to state or federal law.

None of the incentives or waivers are contrary to state or federal law.

Conditional Use Findings

4. 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 subject property is an irregular-shaped, 43,896 square-foot, through lot with a 249-foot, six-inch frontage along Sunset Boulevard and a 321-foot, five-inch frontage along Reservoir Street. The property is currently developed with a one-story, approximately 18,000 square-foot restaurant (Taix French Restaurant), a one-story, 4,085 square foot medical office building, and associated surface parking lot.

The proposed project is the demolition of the existing structures and the construction, use and maintenance of a new, six-story, 166-unit, mixed-use development with 13,000 square feet of commercial space and 24 units reserved for Very Low-Income Households. The project includes two (2) subterranean parking levels, a ground level with 13,000 square feet of commercial space, a residential lobby, and a paseo that connects Sunset Boulevard with Reservoir Street, and five (5) residential levels above.

Conditional Use - Density Bonus Above 35%

The project will be beneficial to the community by remove an existing approximately 4,085 square foot one-story medical office building, surface parking lot, and the existing approximately 18,000 square foot the restaurant with a new 166-unit, mixed-use development with 13,000 square feet of commercial space and 24 units reserved for Very Low-Income Households.

In addition, while the request is not a TOC application, the applicant will provide 24 units for Very Low Income Households, which is equivalent to 14% of the total number of units, and consistent with the affordability requirements for a Tier 3 TOC project.

Conditional Use - Alcohol

The project also proposes the sale and dispensing of alcoholic beverages for on and off-site consumption in conjunction with five (5) 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 community is known for its bar, restaurant, small retail businesses and recreational experiences. The availability of restaurants and bar with alcoholic beverage services 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 granting of this service does not represent the introduction of a use uncommon to the area, as there are restaurants, bars and retail establishment in the vicinity that sell alcoholic beverages.

At this stage in the development process, the applicant has not secured tenants for the establishments, therefore certain characteristics of the establishments cannot be determined. As tenants are identified, a separate Plan Approval application will be required to review the

specific details and operations of each establishment, including a review of the mode and character of the establishment, the proposed floor plan, patron capacity, hours of operation, and other pertinent operational details of the business. At that time, the decision-maker can impose more specific conditions of approval to ensure that the operations of the proposed establishment will not result in incompatibilities with the use.

Therefore, the proposed 166-unit development, including the 24 units set aside for Very Low Income Households, the 13,000 square feet of commercial floor area, and the allowed sale and dispensing of a full-line of alcoholic beverages within five (5) establishments, will perform a function that is essential and beneficial to the city and the region.

5. **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 is the demolition of the existing structures and the construction, use and maintenance of a new, six-story, 166-unit, mixed-use development with 13,000 square feet of commercial space and 24 units reserved for Very Low-Income Households. The project includes two (2) subterranean parking levels, a ground level with 13,000 square feet of commercial space, a residential lobby, and a paseo that connects Sunset Boulevard with Reservoir Street, and five (5) residential levels above.

Surrounding properties are developed with a mix of residential, commercial and religious uses. The properties to the north, across Reservoir Street, are zoned R4-1L and [Q]C2-1VL, and are developed with multi-family uses, a church (the InsideOut Church), and a surface parking lot. The property to the east is zoned [Q]C2-1VL, and is developed with a restaurant. The properties to the south, across Sunset Boulevard, are zoned [Q]C2-1L-CDO, and are developed with a restaurant and a multi-story office building. The properties to the west are zoned PF-1VL and C2-1VL, and are developed with the Edendale Public Library and a church (the Echo Park United Methodist Church).

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 subject property is located along Sunset Boulevard, in 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, FAR, and height, 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 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, bars, and retailers. 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 residents and community members alike.

This grant includes general conditions which will be supplemented by more tailored conditions designed to address the specific characteristics of each establishment through the required Plan Approval process. These conditions may include, but are not limited to a term grant, security, hours of operation, seating, size and any other conditions which are intended to minimize impacts on surrounding uses. Under each review, at its discretion, the Police Department will also have an opportunity to comment and recommend any conditions. Moreover, the sale of alcoholic beverages will serve to supplement other retail establishments in the area.

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.

6. 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 CR, C2, C4, and RAS3 zones. 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 1-1.1: Maintain an adequate supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.

Policy 1-1.2: Improve the quality of existing single family and multiple family housing throughout the Plan Area.

Policy 1-1.3: Protect existing single family residential neighborhoods from new out-of-scale development.

Policy 1.1.5: Protect existing stable single family and low-density multiple family residential neighborhoods from encroachment by higher density residential and other incompatible uses.

The proposed project is a 166-unit infill development with 24 units reserved for Very Low Income Households. The project, with nine (9) studios, 120 one-bedroom, 33 two-bedroom units, and 4 three-bedroom units and a total of 13,300 square feet of ground floor commercial floor area will improve the quality of multiple family housing and meet the needs of community. The proposed project protects existing from encroachment by higher density, out-of-scale development by allowing for the development of a 166-unit on a commercially zoned property. The project is designed to be compatible with the scale and massing of the surrounding community. The project has been designed to fit within the development of the area. Further, the project provides residential amenities, including two (2) outdoor decks on the 6th floor and rooftop.

In addition, while the request is not a TOC application, the applicant will provide 24 units for Very Low Income Households, which is equivalent to 14% of the total number of units, and consistent with the affordability requirements for a Tier 3 TOC project.

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

Objective 2-2: Preserve pedestrian-oriented areas through the use of available overlay zones to provide alternatives to automobile-oriented commercial activity.

Policy 2-2.1: Preserve existing pedestrian-oriented areas.

Policy 2-2.2: New developments in pedestrian-oriented areas should add to and enhance existing pedestrian street activity.

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.

Objective 2-3: Enhance the appearance of existing commercial districts.

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

Policy 2-3.4: Improve safety and aesthetics of parking areas in commercial areas.

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 proposed 166-unit mixed-use development with 13,300 square feet of ground floor commercial floor area will satisfy market demand, maximize convenience and accessibility while preserving the historic and cultural identities of the district, specifically the incorporation of three (3) features of the Taix Restaurant. The project will enhance existing pedestrian street activity along both Sunset Boulevard and Reservoir Street with the introduction of new commercial uses and a residential lobby. The project includes only one (1) driveway and all parking will be located within two (2) subterranean parking levels. The building has been thoughtfully designed and has been broken up into two (2) buildings separated by a wide, publicly-accessible paseo that provides a direct pedestrian connection from Sunset Boulevard to Reservoir Street

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, objective and policies of the Framework Element:

Goal 3: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

Policy 3.9.1: Accommodate the development of community-serving commercial uses and services and residential dwelling units in areas designated as "Community Center" in accordance with Tables 3-1 and 3-5. The ranges and densities/intensities of uses permitted in any area shall be identified in the community plans

Policy 3.9.5: Promote pedestrian activity by the design and siting of structures in accordance with Pedestrian-Oriented District Policies 3.16.1 through 3.16.3

Policy 3.9.8: Support the development of public and private recreation and small parks by incorporating pedestrian-oriented plazas, benches, other streetscape amenities and, where appropriate, landscaped play areas.

The proposed 166-unit mixed-use development with 13,300 square feet of ground floor commercial floor area will provide a broad range of uses that serve the needs of adjacent

residents, and promote neighborhood and community activity. The project will enhance existing pedestrian street activity along both Sunset Boulevard and Reservoir Street with the introduction of new commercial uses and a residential lobby. The project includes only one (1) driveway and all parking will be located within two (2) subterranean parking levels. The building has been thoughtfully designed and has been broken up into two (2) buildings separated by a wide, publicly-accessible paseo that provides a direct pedestrian connection from Sunset Boulevard to Reservoir Street

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 166 total units, including 24 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 property is currently developed with a one-story, approximately 18,000 square-foot restaurant (Taix French Restaurant), a one-story, 4,085 square foot medical office building, and associated surface parking lot. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a gain of 166 units to the City's housing stock.

In addition, while the request is not a TOC application, the applicant will provide 24 units for Very Low Income Households, which is equivalent to 14% of the total number of units, and consistent with the affordability requirements for a Tier 3 TOC project.

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

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The proposed project has been designed with only one (1) driveway which is located along Sunset Boulevard at an existing controlled intersection and the loading dock is located along Reservoir Street, away from the more heavily traveled Sunset Boulevard.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

The project is within a High Quality Transit Area, which reflect areas with rail transit service or bus service where lines have peak headways of less than 15 minutes. The project's proximity to existing local and regional transit services will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 166 dwelling units and 13,000 square feet of commercial uses, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 134 bicycle parking spaces, including 120 spaces for residences (12 short-term and 108 long-term spaces) and 14 for the commercial uses (seven (7) short-term and seven (7) long-term spaces). A separate bicycle room is located at the first subterranean parking level and includes a workspace to allow bicyclists to maintain their bicycles.

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

The project shall provide electric vehicle charging spaces and electric vehicle charging stations in conformance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned herein, the project would be required to comply with the LAMC to provide a solar-ready rooftop. As such, the project is in conformance with the goals and policies of the Air Quality Element.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City.

Conditional Use Findings - Density Bonus Above 35%

7. 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 142 market-rate units and 24 units reserved for Very Low Income Households, is consistent with many of the goals and objectives of the Housing Element of the General Plan.

8. 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 43,896 square feet, and as such, the permitted base density on the subject property is 110 units¹. In exchange for reserving 11% of the units for affordable housing for Very Low Income Households, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 16 percent density bonus (or a total of a 51 percent density bonus) through a Conditional Use to allow for the proposed 166 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, Table 1 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.

¹ 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.

Table 1: Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
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%*
18%	52.5%

**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 149 units, equal to an increase of 39 units (rounded up to 38.5), 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 13 units (rounded up from 12.1) for Very Low Income Households. The applicant is seeking an additional 16 percent density bonus (for a total of a 51% density bonus from the base density) through a Conditional Use to allow for a total of 166 dwelling units, representing an increase of 17 units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 16 percent density bonus, as shown in Table 1, the project must set aside at least 18% percent of the base density, equal to 20 units (rounded up from 19.8), for Very Low Income households in exchange for the requested Density Bonus. The project proposes to set aside 24 units for Very Low Income Households.

9. 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 June 15, 2020, 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).

10. 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.

11. 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 166 new dwelling units, of which 24 will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. All residents of the proposed project will have access to all common open space amenities within the development. 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

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

The Main Conditional Use for the sale and dispensing of alcoholic beverages for on and off-site consumption within five (5) 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 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 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.

- 13. 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.**

The applicant is requesting a Main Conditional Use Permit to allow for the sale and dispensing of alcoholic beverages within five (5) establishments.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-sale and one (1) off-sale licenses are allocated to subject Census Tract No. 1956.00. There are currently 18 on-site and four (4) off-site licenses in this census tract.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1181, which has jurisdiction over the subject property, a total of 186 crimes and arrests were reported in 2021, compared to the citywide average of 149 and the high crimes and arrests reporting district average of 179 crimes for the same period.

Alcohol-related Part II crimes reported by LAPD include, Narcotic Drug Laws (6), Liquor Laws (0), Public Drunkenness (9), Disturbing the Peace (0), Disorderly Conduct (1), and Driving Under the Influence (7).

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. While the site is located in a census tract where the number of existing ABC licenses exceeds ABC guidelines and within a reporting district where the crime rate is higher than the citywide average, no evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's crime rate. Furthermore, given the size and variety of uses within the proposed development, the sale and dispensing of alcohol within five (5) establishments is not expected in add to the existing crime levels in the area.

- 14. 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 be a utilized as a mixed-use development. The following sensitive uses are located within a 1,000-foot radius of the site:

Logan Street Elementary School	1711 Montana Street
Sandra Cisneros Learning Academy	1018 Mohawk Street
Logan Early Education Center	1712 Mountain Street
Resurrection Presbyterian Church	1310 Liberty Street

Echo Park United Methodist Church
 Angelus Temple
 Blessed Life Foursquare Church
 Echo Park

1226 Alvarado Street
 1100 Glendale Boulevard
 1115 Lemoyne Street #500
 1632 Bellevue Avenue

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

- 15. 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.**

See Finding No. 6.

- 16. 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 residential, commercial, governmental and religious uses.

The proposed project is the demolition of the existing structures and the construction, use and maintenance of a new, six-story, 166-unit, mixed-use development with 13,000 square feet of commercial space and 24 units reserved for Very Low-Income Households. The project includes two (2) subterranean parking levels, a ground level with 13,000 square feet of commercial space, a residential lobby, and a paseo that connects Sunset Boulevard with Reservoir Street, and five (5) residential levels above.

Height, Bulk and Setbacks

Pursuant to California Government Code Section 65915 and Section 12.25-A,25(g), the project includes an FAR of 3.75:1, a building height of 67 feet, and a five-foot easterly side yard setback. The project is located within Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program. The increased FAR and building height and reduced side yard are consistent with the Additional Incentives allowed for Tier 3 projects. While the request is not a TOC application, the applicant will provide 24 units for Very Low Income Households, which is equivalent to 14% of the total number of units, and consistent with the affordability requirements for a Tier 3 TOC project.

Off-Street Parking Facilities/Loading Areas

The project would provide a 220 automobile parking spaces (194 residential spaces and 26 commercial spaces) within two (2) subterranean levels, and 134 bicycle parking, including 120 spaces for residences (12 short-term and 108 long-term spaces) and 14 for the commercial uses (seven (7) short-term and seven (7) long-term spaces). A separate bicycle room is located at the first subterranean parking level and includes a workspace to allow bicyclists to maintain their bicycles. (Including 19 short-term spaces and 115 long-term spaces). None of the proposed parking will be visible from the street.

All vehicular access onto the site and the subterranean parking levels would be through an existing two-way driveway located at the intersection of Sunset Boulevard and Park Avenue. The loading dock is located along Reservoir Street, away from the more heavily traveled Sunset Boulevard.

Therefore, the off-street parking and loading areas will be compatible with the existing and future developments in the neighborhood.

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

The proposed project provides 2,782 square feet of landscaped area and a total of 42 trees. 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. 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.

17. 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 is a 166-unit mixed-use development with 13,300 square feet of ground floor commercial floor area. The project will provide a total 13,303 square feet of open space which would include, but is not limited to the following: a 5,927 square-foot paseo at the

ground level, an outdoor deck on the 6th floor with an outdoor kitchen, firepit and built-in seating, and a rooftop deck with a pool, a cabana, movable outdoor lounge furniture. Within these amenities, the project will provide 2,782 square feet of landscaping and 42 trees throughout the development.

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

18. Pursuant to Senate Bill (SB) 375 and Public Resources Code (PRC) Section 21155.1, a project that qualifies as a Transit Priority Project and is declared by a legislative body to be a Sustainable Communities Project is statutorily exempt from the California Environmental Quality Act (CEQA). These SB 375 clearances are intended to meet the goals of the Sustainable Communities Strategy to encourage higher density, infill development located near transit.

In order to qualify as a Transit Priority Project, the project must be consistent with general land use policies of an adopted Sustainable Communities Strategy per PRC Section 21155(a) and meet the criteria in PRC Section 21155(b) related to minimum density, residential uses, and distance from a major transit stop or high-quality transit corridor. In order to qualify as a Sustainable Communities Project, the project must meet all environmental criteria in PRC Section 21155.1(a), all land use criteria in PRC Section 21155.1(b), and one public benefit criteria in PRC Section 21155.1(c). A public hearing must be held by City Council prior to declaring a project to be a Sustainable Communities Project and the City Council is required to find the necessary criteria are met in Subsections (a), (b) and (c) of PRC Section 21155.1. Unlike other CEQA clearances, the SCP Exemption must be approved by the City Council, even if the initial decisionmaker or appellate body is a lower decision-making body or officer. The City Council determined at its June 28, 2022 hearing that the project is exempt from CEQA pursuant to PRC 21155.1 as a Transit Priority Project and Sustainable Communities Project.

19. 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 not located in a 500-year Flood Zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

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.

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

City Planning staff will follow up with the Appellant via email and/or phone to:

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