

## 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 6<sup>th</sup> 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 units<sup>1</sup>. 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.

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

*Table 1: Density Bonus Percentages*

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