



# LOS ANGELES CITY PLANNING COMMISSION

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

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## LETTER OF DETERMINATION

MAILING DATE: **JAN 11 2022**

**Case No. CPC-2016-1104-DB-SPR**

Council District: 13 – O'Farrell

CEQA: ENV-2020-4930-SCPE

Plan Area: Silver Lake – Echo Park – Elysian Valley

Related Cases: VTT-74141; ZA-2012-1511-ZV-ZAA-DB-SPR

**Project Site:** 4301 – 4311 West Sunset Boulevard;  
4300 – 4314 West Effie Street

**Applicant:** James Frost, Junction Gateway LLC  
Representative: Dave Rand, Armbruster, Goldsmith & Delvac

At its meeting of **December 9, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a mixed-use project comprised of 108 residential units (including 10 Very Low-Income units), 4,500 square feet of fitness center uses and 999 square feet of restaurant uses in a four-story mixed-use building over two levels of subterranean parking, on a 36,206 square foot (0.83 acre) lot. The Project Site is currently improved with a motel, a vacant auto shop, one single-family residence, and two duplex residences, which would be demolished to permit the construction of the proposed Project. The proposed building would be up to 68 feet in height and contain up to 101,300 square feet of floor area, resulting in a Floor Area Ratio (FAR) of 3:1.

1. **Determined**, that based on the whole of the administrative record, the project is exempt from CEQA as a Sustainable Communities Project, pursuant to Public Resources Code, Section 21155.1, as determined by the City Council on May 26, 2021;
2. **Approved**, pursuant to LAMC Section 12.22 A.25(g), a Density Bonus Compliance Review for a Housing Development Project totaling 108 dwelling units in lieu of 86 dwelling units otherwise permitted (a 25 percent increase) by reserving 11 percent (10 dwelling units) of the units for Very Low-Income Households for a period of 55 years, with the following requested Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to permit an averaging of floor area ratio, density, parking, and open space, and permitting vehicular access across zones;
  - b. An On-Menu Incentive to permit a 3:1 FAR, in lieu of the 1.5:1 FAR otherwise required in the [Q]C2-1VL zoned portion of the site;
  - c. A Waiver of Development Standard to permit a zero-foot side yard setback along Bates Avenue within the R4 zoned portion of the site in lieu of 7 feet otherwise required;
  - d. A Waiver of Development Standard to permit a zero-foot rear yard setback along Effie Street within the R4 zoned portion of the site in lieu of 15 feet otherwise required; and
  - e. A Waiver of Development Standard to permit an increase of 11 feet and one-story for a 68-foot building height with four stories, in lieu of the 57 feet and three stories otherwise permitted;
3. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates more than 50 dwelling units;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 9 – 0**

*Cecilia Lamas* (Electronic Signature due to COVID-19)

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 On-Menu Incentives is appealable to City Council by the Applicant or abutting owners/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f). 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.

**FINAL APPEAL DATE:** JAN 26 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: Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Milena Zasadzien, Senior City Planner  
William Lamborn, City Planner

## CONDITIONS OF APPROVAL

### Density Bonus Conditions

1. **Site Development.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature on the plans, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit A dated November 24, 2021.
2. **Residential Density.** The project shall be limited to a maximum density of 108 dwelling units including Density Bonus Units.
3. **Affordable Units.** A minimum of 10 units, that is 11 percent of the base dwelling units, shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
4. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 12.22 A.25 (9a-d) and State Density Bonus Law (Government Code Section 65915).
5. **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 8 units 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. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by HCIDLA.
6. **Averaging of floor area ratio, density, parking, and open space, and permitting vehicular access across zones (Incentive).** The project shall be permitted to average floor area ratio, parking, and open space, and shall be permitted vehicular access across the [Q]C2-1VL and R4-1VL Zones, per Exhibit "A".
7. **Floor Area Ratio (FAR) (Incentive).** The project shall be permitted a maximum FAR of 3:1 in the [Q]C2-1VL zoned portion of the site per Exhibit "A".
8. **Height (Waiver).** The project shall be limited to 68 feet in building height and a maximum of four stories per Exhibit "A".
9. **Side Yard Setback (Waiver).** The project shall be permitted to observe a zero-foot side yard setback along Bates Avenue in the R4 zoned portion of the site per Exhibit "A". The landscaping for the Housing Development Project 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."
10. **Rear Yard Setback (Waiver).** The project shall be permitted to observe a zero-foot rear yard setback along Effie Street in the R4 zoned portion of the site per Exhibit "A". The landscaping for the Housing Development Project 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."



**11. Parking.**

- a. **Residential Automobile Parking.** Vehicle parking shall be provided consistent with LAMC 12.22-A.25(d) Density Bonus Parking Option 1.
- b. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety.

**Site Plan Review Conditions**

12. **Site Development.** The use and development of the property shall be in substantial conformance with Exhibit A, dated November 24, 2021, of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Major Projects Division, with written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:

- a. Limit the proposed development to up to 108 dwelling units, and up to 5,499 square feet of commercial uses, totaling up to 101,300 square feet of floor area.

**13. Parking:**

- a. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
- b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

14. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped "Exhibit A" dated November 24, 2021, and shall demonstrate conformance LAMC Section 12.40 of this Code and Landscape Ordinance Guidelines. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.

**15. Trees.**

- a. The minimum depth of tree wells shall be as follows:
  - i. Minimum depth for trees shall be 42 inches.
  - ii. Minimum depth for shrubs shall be 30 inches.
  - iii. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - iv. Minimum depth for an extensive green roof shall be three inches.

- b. The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:
    - i. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
    - ii. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
    - iii. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
    - iv. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.
  - c. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.
  - d. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
- 16. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
- 17. **Lighting.**
  - a. Outdoor lighting shall 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.
  - b. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
  - c. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures.
  - d. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
- 18. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- 19. **Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
- 20. **Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
- 21. **Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
- 22. **Trash/Storage.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
  - a. Trash receptacles shall be enclosed and/or covered at all times.
  - b. Trash/recycling containers shall be locked when not in use.
- 23. **Solar Power.** The Project shall comply with the Los Angeles Green Building Code and ensure that a minimum of 15 percent of the total roof area will be solar ready. Solar panels

may be installed on all rooftop areas and/or rooftop decks with the exception of areas occupied by rooftop mechanical equipment.

24. **Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.

25. **Traffic Signal Warrant Analysis.** DOT's Hollywood-Wilshire District Office issued a Traffic Control Report dated December 12, 2012 authorizing the installation of the traffic signal at Manzanita Street and Sunset Boulevard. The applicant is required to plan, design, and construct the new signal through the Bureau of Engineering (BOE) B-permit process. DOT recommends that the applicant also implement the following complimentary measures:

- a. Install left-turn phasing for westbound Sunset Boulevard at Manzanita Street
- b. Modify the signal timing at Sanborn Avenue/Santa Monica Boulevard and Sunset Boulevard, as needed, due to the close proximity of this intersection with Manzanita Street and Sunset Boulevard.
- c. Bicycle detection with the new traffic signal at Manzanita Street and Sunset Boulevard will be included.

All improvements, enhancements, and associated traffic signal work within the City of Los Angeles must be guaranteed through Bureau of Engineering's (BOE) B-Permit process, prior to the issuance of any building permits and completed prior to the issuance of any certificates of occupancy. Temporary certificates of occupancy may be granted in the event of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor email LADOT's B-Permit Coordinator at [ladot.planprocessing@lacity.org](mailto:ladot.planprocessing@lacity.org) to arrange a pre-design meeting to finalize the proposed design needed for the project.

26. **Development Review Fees.** Section 19.15 of the Los Angeles Municipal Code identifies specific fees for traffic study review, condition clearance, and permit issuance. The Applicant shall comply with any applicable fees required by the City of Los Angeles Department of Transportation.

### **Environmental Conditions**

27. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

28. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and

Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

29. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

30. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
  - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.
- d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- f. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **Administrative Conditions of Approval**

- 31. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- 32. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 33. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.



34. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
36. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
37. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
38. **Indemnification and Reimbursement of Litigation Costs.** The 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 (ii).
  - 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 (ii).

- 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### **DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES**

As permitted by LAMC Section 12.22 A.25 the applicant is requesting two incentives that will facilitate the provision of affordable housing at the site: averaging of floor area ratio, density, parking, and open space, and permitting vehicular access across zones; and a 3:1 Floor Area Ratio (FAR), in lieu of the 1.5:1 FAR otherwise required in the [Q]C2-1VL zoned portion of the site. Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, **which it does:**

#### LAMC Criteria

Pursuant to LAMC Section 12.22 A.25(e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which this Project does:

*a. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The Proposed Project has facades that abut Sunset Boulevard, Effie Street and Bates Avenue. The Project design along these frontages include thoughtfully designed changes in materials and planes that do not result in flat surfaces. Stucco and glass materials are balanced at regular intervals and offset by changes in materials, including brick tile and decorative tile, and inset balconies. The ground floor will be activated by the proposed commercial uses and transparent glass facades, while the top two floors step back to provide relief from massing. As proposed and conditioned, the Applicant will provide a well-designed and articulated building.

*b. All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.*

The Proposed Project orients its entrances, windows and architectural features towards adjacent street elevations. Balconies are provided along the Project's Sunset Boulevard, Effie Street and Gateway Avenue frontages. Pedestrian entrance points are provided along all street frontages. As proposed and conditioned, the Applicant will provide well-designed and articulated pedestrian entrances to the Proposed Project.

*c. The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).*

As documented in the Project's SCPE, the Project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

*d. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The Proposed Project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:**
  - a. **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

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

Based on the set-aside of 11 percent of base units for Very Low Income households, the applicant is entitled to two (2) Incentives under both the Government Code and LAMC. Therefore, the two (2) On-Menu requests qualify as the proposed development's Incentives. The remaining requests to allow reduced setbacks and an increase in height are Waivers of Development Standards and are discussed farther below.

**Averaging Across Zones:** The site is located in two zones: C2 and R4. Due to the split zoning, the applicant is requesting an On-Menu incentive to allow an averaging of FAR, density, parking, and open space. Additionally, due to the grade differential, the entrance to the parking for both the commercial and residential uses is located in the R4-zoned portion of the site, and this requested incentive will permit parking and vehicular access to be provided across the less restrictive C2 zone to the more restrictive R4 zone. The commercial parking spaces will be located in the C2-zoned portion of the site. The requested incentive allows the project to provide the building envelope across a split-zoned site in a uniform and efficient manner, resulting in design efficiencies as a unified development over the whole lot, as opposed to complying with the disparate individual standards separately within the C2 and R4 zones. The requested incentive therefore results in actual and identifiable cost reductions to provide for affordable housing costs.

**FAR:** The Project meets the criteria required for the On-Menu Incentive for FAR up to a maximum of 3:1 set forth in LAMC 12.22.A.25(f)(4) as the Project Site is commercially zoned and within Height District 1 ([Q]C2-1VL); fronting on Sunset Boulevard (which was designated as a Major Highway under the City's former Transportation Element); providing a sufficient number of restricted affordable units to qualify for a 35 percent density bonus (note that although the Project is only requesting a 25% density bonus, the amount of affordable units provided would qualify the Project for a 35% density bonus); and being located within 1,500 feet of a Major Transit Stop (i.e., the Metro 2/302 / Metro 4 / Rapid 704 stop at the intersection of Santa Monica Boulevard and Sanborn Avenue).

The subject site is zoned [Q]C2-1VL and R4-1VL, with a Height District No. 1VL that permits a maximum Floor Area Ratio (FAR) of 3:1 in the R4-1VL zone and a FAR of 1.5:1 in the [Q]C2-1VL zone. The applicant has requested an On-Menu Incentive to permit an FAR of 3:1 in lieu of the maximum 1.5:1 FAR as otherwise required in the [Q]C2-1VL zone. The 1.5:1 FAR limitation on the C2-zoned portion of the site would

constrain the ability to develop and allocate the project's proposed density and affordable housing units within the allowable FAR limits. The 36,206 square-foot Project Site is split roughly evenly between the [Q]C2-1VL and R4-1VL zones. The C2-zoned portion of the site contains approximately 17,291 square feet of buildable area. By applying the 1.5 FAR restriction on roughly 17,291 square feet of lot area within the C2 zoned portion of the site, the Project would be precluded from incorporating approximately 25,936 square feet of floor area as compared to a building at the 3:1 FAR proposed by the requested On-Menu Incentive (a total of 101,300 square feet of floor area). As proposed, the additional FAR will allow for an expanded building envelope to facilitate the construction of the 108 total dwelling units, including 86 base units and 10 Very Low Income units. The additional 25,936 square feet of floor area is needed to provide for a sufficient number of dwelling units consistent with the density bonus request, and for the dwelling units to be of a sufficient size, configuration and quality to provide livable spaces for their residents. In addition to the base residential units, density bonus and affordable units, the Project is also proposing a small amount (approximately 5,500 square feet) of ground floor commercial floor area in keeping with the development pattern along Sunset Boulevard, which is largely comprised of ground floor retail uses within commercial zones, and as also encouraged and permitted by the Project site Neighborhood Commercial land use designation and C2 zone. The requested On-Menu Incentive will allow the developer to expand the building envelope so the residential dwelling units can be constructed, and the overall space dedicated to residential uses is increased. Compliance with the requirements limiting the FAR to 1.5:1 in the C2-zoned portion of the site would require the removal of floor area that is necessary to provide the Restricted Affordable Units and remaining proposed uses. The increase in overall space that is dedicated to residential uses facilitates the creation of more residential floor area and overall space that can be devoted to affordable and market-rate units, and creates additional market-rate space whose rents will subsidize the affordable unit rents. The requested incentive therefore results in actual and identifiable cost reductions to provide for affordable housing costs, which will allow the project to expand the building envelope in a uniform manner across the split-zoned site.

- b. The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there 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 the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

- c. The incentive(s) are contrary to state or federal laws.**



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

### **Off-Menu Waivers of Development Standards**

The following is a delineation of the findings related to the request for the Waivers of Development Standards, pursuant to Government Code Section 65915.

Government Code Section 65915 and LAMC Section 12.22 A.25(g) state that the Commission shall approve a density bonus and requested Waivers of Development Standard(s) that physically preclude the proposed units and incentives unless the Commission finds that:

#### **a. The waiver would be a violation of state or federal law.**

A project 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)).

Therefore, the request for the following are recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, proposed density bonus units, build out of the incentives, and project amenities. Further there is no substantial evidence in the record that the requested waivers violate state or federal law:

**Yards/Setback:** The subject site is located in both the C2 zone and R4 zone with different setback requirements. The project is requesting a Waiver of Development Standards to permit a zero-foot side yard setback along Bates Avenue in lieu of the seven-foot side yard setback otherwise required for the R4-zoned portion of the site. The project is also requesting a waiver to permit a zero-foot rear yard setback along Effie Street within the R4-zoned portion of the site in lieu of the 15-foot rear yard setback otherwise required in the R4 zone. The waivers are requested to maintain a uniform street frontage along Bates Avenue which straddles the two zones and to allow the development of the project’s proposed density and floor area within its allowed height envelope. Without the additional floor area afforded by these setback reductions, the applicant would be physically precluded from expanding each of the residential levels, all containing dwelling units.

**Height:** The subject site is zoned [Q]C2-1VL and R4-1VL, with a Height District No. 1VL which permits a floor area of three times the Buildable Area (FAR 3:1) and limits height to 45 feet and three stories in the R4 zone. For the portion of the Project Site that is in the C2 zone, the 1VL Height District permits a floor area of 1.5 times the Buildable Area (FAR 1.5:1) and limits height to 45 feet and three stories. Due to the grade differential on the site, the structure may exceed the maximum height by no more than 12 feet per LAMC 12.21.1 B.2. The site slopes from south to north and has a grade differential of over 20 feet from the high elevation at the southwest corner on Sunset Boulevard to the low elevation at the northeast corner on Effie Street and therefore the height methodology of LAMC Section 12.21.1 B.2 is applicable. As a result, the height is limited to a maximum of 57 feet. The applicant has requested an increase for an additional 11 feet and one-story to allow for a maximum height of 68 feet and four-stories through a Waiver of Development Standard. The limitation on the height would limit the ability to construct the dwelling units permitted by the proposed Density Bonus and the Restricted

Affordable Units which are of a sufficient size. As proposed, the additional height will allow for the construction of the affordable dwelling units and Project floor area. The requested Waiver will allow the developer to expand the building height so the additional units can be constructed, and the overall space dedicated to residential uses is increased. Without the additional floor area afforded by increased height, the applicant would be physically precluded from providing the affordable dwelling units at the density and intensity provided for in the Density Bonus incentives and by the proposed Project.

- b. The waiver will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there 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 the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

## **SITE PLAN REVIEW FINDINGS**

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

The project is within the Silver Lake – Echo Park – Elysian Valley Community Plan. Additionally, the Framework Element, Mobility Plan 2035 (Mobility Element), and Housing Element of the General Plan are applicable to the project.

### **General Plan – Framework Element**

The General Plan Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements.

### ***Chapter 3 – Land Use***

Per the Framework Element's Long Range Land Use Diagram, the site is located within a Mixed Use Boulevard. According to the Framework Element, Mixed Use Boulevards connect the city's districts and centers. Mixed Use development is encouraged along these boulevards with FAR ranging from 1.5:1 up to 4:1 and up to 3 to 6 stories between centers and even taller within centers. Mixed Use Boulevards are to be served by a variety of transportation facilities. The project is consistent with the Mixed Use Boulevards designation. The four-story, mixed use project proposes a FAR of 3:1 and will include 108 residential units over 5,499 square feet of ground-floor commercial spaces. Additionally, the project will provide long-term and short-term bicycle parking and is within 0.2 miles of a Major Transit Stop. The new development will activate the adjacent sidewalks by

encouraging pedestrian activity with its ground-level commercial uses and proximity to high-quality transit options. Vehicular parking will be shielded from view in the two subterranean levels.

The project meets the following objectives and policies set forth in the Land Use chapter:

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

*Objective 3.13: Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public service uses.*

*Policy 3.13.4: Provide adequate transitions where commercial and residential uses are located adjacent to one another.*

*Policy 3.13.6: Design multi-family residential units to minimize the impacts of traffic and noise and incorporate recreational and open space amenities to support the needs of the residents.*

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

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

*Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

The project will replace an aging vacant motel, vacant auto shop, single-family residence, and two duplex residences with a thoughtfully designed mixed use building which will provide housing in the form of 108 residential units (including 10 units for Very Low Income Households) and 5,499 square feet of ground floor commercial space. The project is consistent with Objective 3.1 by adding much needed housing stock to the City, including affordable housing, and the future commercial uses on the ground floor will be an amenity to residents and visitors.

Consistent with Objectives 3.13 and 3.2, the mixed-use project is approximately 1,000 feet from a Major Transit Stop at the intersection of Sunset Boulevard and Santa Monica Boulevard and the project will provide a total of 129 bicycle parking spaces. Vehicular parking will be shielded in two subterranean levels. Therefore, the project will reduce the number of vehicle trips by encouraging multiple modes of transit and by providing a pedestrian- and bicycle-friendly environment at the ground level.

Objective 3.4 directs multi-family residential, retail commercial, and office development along primary transit corridors while conserving existing neighborhoods. The project will be built along a Framework Element identified Mixed Use Boulevard. The project will replace an existing vacant motel, vacant auto shop, single-family dwelling, and two duplex residences with a mixed-use project that is keeping with what is allowed by its existing zoning and land use designation. The development is consistent with Objective 3.4 and Policy 3.4.1 by siting a dense, mixed-use structure consisting of dwelling units and commercial spaces along a Mixed Use Boulevard.

The closest residential uses are located to the east of the project site across Bates Avenue and to the northeast across Effie Street. Consistent with Policy 3.13.4, the project's commercial uses will be buffered from the nearest residential uses by Bates Avenue to the east and Effie Street to the northeast. In addition, the commercial uses are along Sunset Boulevard which is on the other side of the building from the adjacent residential uses. Lastly, the project's design is sensitive to its surrounding context by concentrating its massing towards Sunset Boulevard and stepping back its massing on the third and fourth floors as the site approaches Effie Street.

Finally, consistent with Policy 3.13.6, the project will provide 11,350 square feet of open space inclusive of a common roof deck, recreation room, private patios, private balconies, and a 3,598 square foot interior courtyard.

#### *Chapter 5 – Urban Form and Neighborhood Design*

*Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.*

*Objective 5.5: Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.*

*Objective 5.9: Encourage proper design and effective use of the built environment to help increase personal safety at all times of day*

*Policy 5.9.2: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by located community facilities such as libraries, cultural facilities or police substations, on the ground floor of such building, where feasible.*

The project will replace an aging vacant motel, vacant auto shop, single-family residence, and two duplex residences with a four-story, mixed use building consisting of 108 dwelling units and two ground floor commercial spaces fronting Sunset Boulevard along a Mixed Use Boulevard. The project is sited with a Major Transit stop nearby (0.2 miles). Therefore, the project is consistent with applicable Objectives 5.2, 5.5, 5.9, and Policy 5.9.2

#### General Plan – Housing Element

The Housing Element provides land use policies and programs that encourage development of affordable housing. The following policies are applicable to the project:

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

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

*Policy 1.1.3: Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.*

*Policy 1.4.1: Provide incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers.*

Consistent with Policies 1.1.2, 1.1.3, and 1.4.1, the project will replace a vacant motel, vacant auto shop, single-family residence, and two duplex residences with a mixed-use development along a designated Mixed Use Boulevard. The development will consist of 108 dwelling units including 10 units for Very Low Income Households and 5,499 square feet of ground floor commercial space. The Project provides a range of housing types including market-rate and affordable units, and includes studio, one-bedroom and two-bedroom units, that address current and projected housing needs.

#### Mobility Plan 2035

The proposed project also conforms with the following policies of the Mobility Plan, including:

*Policy 3.1: Access for All: 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: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

The project utilizes Density Bonus incentives for the construction of a mixed-income housing development that provides housing opportunities in close proximity to public transit on Sunset Boulevard and Santa Monica Boulevard. The project also proposes reduced parking through the City's Density Bonus Ordinance, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The project will provide a total of 127 bicycle parking spaces. The project site is located along a vibrant commercial corridor and near a Major Transit Stop at the intersection of Sunset Boulevard and Santa Monica Boulevard. As stated earlier, the project is mixed-use consisting of 108 residential units and 5,499 square feet of ground-floor commercial area. The diverse uses on the site will encourage pedestrian activity and reduce vehicular trips. Thus, the project would promote the recognition of all modes of travel as integral to the transportation system, and would provide greater accessibility to jobs and destinations along an established mixed-use corridor. Thus, the project is consistent with the applicable Mobility Plan 2035 policies.

#### Silver Lake – Echo Park – Elysian Valley Community Plan

As stated previously, the project is within the Silver Lake – Echo Park – Elysian Valley Community Plan area with a land use designation of Neighborhood Commercial. The project's design and location are consistent with the following applicable objectives of the Community Plan:

*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 single-family and multiple family housing throughout the Plan Area by encouraging developers of new residential multiple family development to preserve new rental units for low income households.*

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

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

As stated earlier, the project is on a designated Mixed Use Boulevard and will replace non-pedestrian oriented uses with a mixed use building consisting of 108 dwelling units over two ground floor commercial spaces fronting Sunset Boulevard. The project is setting aside 10 dwelling units for Very Low Income Households for a period of 55 years. The dwelling units will include one-bedroom, two-bedroom, and studio units which increases housing options to fit the needs of people in multiple income levels. As such the project is consistent with Policies 1-1.1, 1-1.2, 1-4.2, and Objective 1-4.

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

The project site is zoned for commercial and multi-family residential uses. The subject site is not adjacent to any single-family residential neighborhoods. While there are a few single-family residences in the adjacent multi-family zone, the residential uses primarily consist of multi-family structures. To the south of the Project Site along Sunset Boulevard are a mix of commercial and multifamily residential uses. These properties are designated for Neighborhood Office Commercial land uses and are within the [Q]C2-1D and [Q]C2-1VL Zones. Buildings range from one to four stories in height. The properties immediately across Sunset Boulevard to the southwest are improved with one-story commercial structures and a surface parking lot in the C2-1D zone. The properties across Bates Avenue to the east are developed with a one-story community center and two single-family dwellings in the [Q]C2-1VL zone and R4-1VL zone, respectively. The property across Effie Street to the north is developed with a film studio in the [Q]C2-1VL zone. The adjoining property to the northwest is developed with a two-story “mini-mall” in the [Q]C2-1VL zone. As such, the project is consistent with Policy 1-1.3 of the Community Plan.

*Policy 1-1.4: Encourage new infill residential development that complements existing development and architectural style.*

*Policy 1-1.7: Promote the unique quality and functionality of the Community Plan Area’s mixed single and multiple family residential neighborhoods by encouraging infill development that continues to offer a variety of housing opportunities that capitalize on the eclectic character and architectural styles of existing development.*

*Policy 1-3.1: Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.*

The project is an infill development along a commercial corridor and complements the surrounding developments and architectural styles. The development will improve the corridor with pedestrian-oriented ground-floor commercial uses replacing existing vacant buildings fronting Sunset Boulevard.

The project utilizes various architectural materials to add visual interest and articulation to the site. The grade differential allows the building to step down at the rear of the site along Bates Avenue and Effie Street. The height differential provides a thoughtful transition from the commercial uses along Sunset Boulevard to the multi-family residential uses to the north of the site. Therefore, the project is consistent with Policies 1-1.4, 1-1.7, and 1-3.1 of the Community Plan.

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

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

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

The project site is located along a commercial corridor approximately 1,000 feet from a Major Transit Stop at the intersection of Sunset Boulevard and Santa Monica Boulevard. As mentioned earlier, the project will construct a four-story mixed-use structure containing 108 dwelling units (including 10 Very Low Income units) and ground-floor commercial uses. The project is in close vicinity of other commercial uses providing goods, services, and facilities for the future residents of the project. In addition, the project will provide ample short-term and long-term bicycle parking to reduce vehicle trips and to take advantage of the nearby Major Transit Stop. The project is replacing non-pedestrian oriented structures on the site including a vacant motel, auto shop, and low-density residential uses. The project's sloping topography also allows for locating higher residential densities near commercial centers while transitioning in scale and locating required parking within subterranean levels. As such, the project is consistent with Objective 1-2, Policy 1-2.1, and Policy 2-1.1.

*Program: The Plan encourages commercial projects that constitute more efficient use or re-use of obsolete or underused commercial structures or commercially designated land. To promote efficient land use, the Plan, moreover, encourages mixed-use development in designated areas (see Policy 2-4.3 and Figures 1 and 2).*

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

*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.*

*Policy 2-4.2: Require that mixed-use projects and development in pedestrian-oriented areas be designed and developed to achieve a high-level of quality, distinctive character and compatibility with existing uses.*

The project site is located in a vibrant commercial corridor consisting of restaurants, multi-family housing, offices, and shops with proximity to high-quality transit lines with headways of 15 minutes or less during peak hours. Therefore, the corridor is traversed by multi-modal

forms of transit including by foot, bike, bus, and car. However, the site is currently developed with vacant buildings and low-density housing that do not support the pedestrian-friendly environment of the commercial corridor. The proposed project will redevelop the site with a mixed-use building consisting of 108 dwelling units and ground floor commercial uses fronting Sunset Boulevard. The ground-floor commercial spaces will be wrapped in glass for transparency and will enhance the pedestrian experience along Sunset Boulevard. The upper residential stories are clad in a variety of stucco, glass, brick tile and decorative tile materials that are distinctive, achieve a high level of quality, and are compatible with the character of the surrounding built environment. Thus, the project is consistent with Objective 2-3 and Policies 2-2.1, 2-2.2, 2-2.3 and 2-4.2 of the Community Plan.

*Policy 1-3.3: Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on services and public facilities and impacts on traffic levels when changes in residential densities are proposed.*

*Policy 1-6.4: Ensure that any proposed development be designed to enhance and be compatible with adjacent development.*

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

The subject site is located in an urbanized area surrounded primarily by commercial, single-family, and multi-family residential uses. To the south of the Project Site along Sunset Boulevard are a mix of commercial and multifamily residential uses. These properties are designated for Neighborhood Office Commercial land uses and are within the [Q]C2-1D and [Q]C2-1VL Zones. Buildings range from one to four stories in height. The properties across Sunset Boulevard immediately to the southwest are improved with one-story commercial structures and a surface parking lot in the C2-1D zone. The properties across Bates Avenue to the east are developed with a one-story community center and two single-family dwellings in the [Q]C2-1VL zone and R4-1VL zone, respectively. The property across Effie Street to the north is developed with a film studio in the [Q]C2-1VL zone. The adjoining property to the northwest is developed with a two-story “mini-mall” in the [Q]C2-1VL zone.

The project is an infill development along a commercial corridor and complements the surrounding developments and architectural styles. The development will improve the corridor with pedestrian-oriented ground-floor commercial uses by replacing the existing aging vacant buildings fronting Sunset Boulevard.

The project utilizes various architectural materials to add visual interest and articulation to the site. The grade differential allows the building to step down at the rear of the site along Bates Avenue. Furthermore, the building design itself steps back substantially at the third and fourth levels as it moves away from Sunset Boulevard. The height differential thus provides a thoughtful transition from the commercial uses along Sunset Boulevard to the multi-family residential uses to the north of the site. As such, the project is consistent with Policies 1-3.3, 1-6.4, and 2-3.1 of the Community Plan.

*Program: Chapter V of this Plan includes urban design guidelines for individual commercial projects and mixed-use projects. The Plan generally recommends that pedestrian oriented areas be preserved, that building walls be maintained, active uses be required on the street level and that parking be located at the rear of the property or underground.*

The project will comply with the Community Plan Urban Design chapter’s applicable policies for mixed-use, commercial, and multi-family projects. The project is replacing aging and vacant commercial and residential structures with a mixed-use structure containing ground-

floor commercial uses fronting Sunset Boulevard and 108 residential units (including 10 Very Low Income Units). The project has a pedestrian-oriented design as the commercial spaces will feature store-front glazing which will add transparency and open the building to the street. Additionally, pedestrian entrances will be oriented towards Sunset Boulevard. Vehicular parking will be shielded from the street in two subterranean levels. Vehicular entrance will be taken from Bates Avenue eliminating the need for curb cuts along Sunset Boulevard. Street level landscaping and new street trees will be plants adjacent to the new structure furthering the pedestrian-oriented design. As such the project complies with Chapter V of the Community Plan.

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

The Project Site is located on Sunset Boulevard in the Silverlake – Echo Park – Elysian Valley Community Plan area. The site consists of six downward-sloping lots totaling approximately 36,206 square feet (0.83 acre). The site is bounded by Sunset Boulevard to the southwest, Bates Avenue to the east, Effie Street to the north, and a [Q]C2-1VL zoned lot to the northwest with approximately 150 feet of frontage on Sunset Boulevard, 267 feet along Bates Avenue, 159 feet along Effie Street, and 214 feet along the shared property line of the adjacent lot to the northwest.

The subject site is located in an urbanized area surrounded primarily by commercial, single-family, and multi-family residential uses. The north side of the Project Site is bordered by an abandoned shed, parking, and a two- story commercial strip center. To the northeast across Effie Street is a two-story commercial building (Mack Sennett Studios Sound Stage Rental). These properties are designated for Community Commercial land uses and are within the [Q]C2-1VL Zone. Properties farther to the north across Fountain Avenue are generally characterized by one- to three-story single-family and multi-family residential uses. These properties are designated for Low Medium II Residential and Low Medium I Residential land uses and are within the RD1.5-1XL and R2-1XL Zones. To the southeast of the Project Site across Bates Avenue are single-family homes and the one-story Silver Lake Independent Jewish Community Center. Similar to the Project Site, these properties are designated for Neighborhood Office Commercial land uses and are within the [Q]C2-1VL and R4-1VL Zones.

To the south of the Project Site along Sunset Boulevard are a mix of commercial and multifamily residential uses. These properties are designated for Neighborhood Office Commercial land uses and are within the [Q]C2-1D and [Q]C2-1VL Zones. Buildings range from one to four stories in height. To the west of the Project Site across Sunset Boulevard are a variety of commercial uses including a yoga studio and surface parking lot, a children's clothing store, and a furniture store. These properties are designated for Highway Oriented Commercial land uses and are within the C2-1D and [Q]C2-1D Zones. Buildings range from one to two stories in height.

The proposed project is the construction of a mixed-use project comprised of 108 residential units (including 10 Very Low Income units), 4,500 square feet of fitness center uses and 999 square feet of restaurant uses in a five-story mixed-use building over two levels of subterranean parking, on a 36,206 square foot (0.83 acre) lot. The Project Site is currently improved with a vacant motel, a vacant auto shop, one single-family residence, and two duplex residences, which would be demolished to permit the construction of the proposed

Project. The proposed building would be up to 68 feet in height and contain up to 101,300 square feet of floor area, resulting in a floor area ratio (FAR) of 3:1.

In total, the Project proposes 108 dwelling units, including 54 one-bedroom units, 22 two-bedroom units, and 32 studio units. Pedestrian access will be provided from Sunset Boulevard. Vehicular and bicycle access will be provided from Bates Avenue. The two subterranean floors consist of mechanical rooms, utility rooms, 90 residential vehicular parking spaces, 68 commercial vehicular parking spaces, 69 long-term residential bicycle parking spaces, and eight long-term commercial bicycle parking spaces. Twelve short-term bicycle parking spaces will be provided on the ground level adjacent to the sidewalk along Sunset Boulevard. Pedestrian access will be provided from Sunset Boulevard. Vehicular access will be provided from Bates Avenue.

The project will comply with all code required setbacks, parking, lighting, and landscaping requirements. The trash and recycling room will be located in a subterranean level, shielded from public view. Additionally, the project's height, floor area and massing comply with the incentives afforded by the Density Bonus Program. The Project will be up four above-grade stories and a maximum of 68 feet in height as measured from the lowest point on the Site, and a maximum of approximately 44 feet as perceived from grade along Sunset Boulevard due to the slope of the site's topography. Sunset Boulevard is an active commercial corridor with a variety of commercial and residential uses, and a range of existing building heights that generally vary from one- to four stories. While the height is taller than the structures on immediately abutting properties, the building design incorporates height transitions on the third and fourth floors where the building substantially steps back, reduce the massing and provides architectural variety and interest. The height differential also takes advantages of the site's downsloping topography to provide a thoughtful transition from the commercial uses along Sunset Boulevard to the multi-family residential uses to the north of the site.

The structure will be thoughtfully designed with a variety of materials providing articulation and visual interest. The ground-floor commercial spaces will be wrapped in glass for transparency and will enhance the pedestrian experience along Sunset Boulevard. The upper residential stories are clad in a variety of stucco, glass, brick tile and decorative tile materials that are distinctive, achieve a high level of quality, and are compatible with the character of the surrounding built environment. Therefore, the project consists of an arrangement of buildings, structures, and improvements that will be compatible with existing and future development on adjacent and neighboring properties.

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

The project will include ample recreational and service amenities for its residents. The ground floor will include a 3,598 square-foot open-to-the-sky courtyard serving as common open space and providing natural light into the interior of the building. A restaurant, fitness center, lobby, and mail room are also included on the ground floor. On the partial subterranean level, a recreation room, gym, and movie theater will be provided. A game room will be located on the second floor. The third floor will provide a landscaped roof deck with a barbecue area, fire pit, and seating. Additionally, most of the dwellings will have private balconies or patios.

Parking is provided in the two subterranean levels including 117 residential vehicular parking spaces, 40 commercial vehicular parking spaces, 79 long-term residential bicycle parking spaces, and 36 long-term commercial bicycle parking spaces. Twelve short-term bicycle parking spaces will be provided on the ground level adjacent to the sidewalk along



Sunset Boulevard. As such, the project will provide recreational and service amenities which will minimize impacts on neighboring properties.

**CEQA FINDINGS**

The Project has been found to be statutorily exempt from CEQA as a Sustainable Communities Project, pursuant to Public Resources Code, section 21155.1, as determined by the City Council on May 26, 2021.

# 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](https://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