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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
AND SITE PLAN REVIEW**

August, 14 2019

Applicant/Owner

3303 Sunset
1525 South Broadway
Los Angeles, CA 90015

Representative

Tim Moran
Irvine & Associates, Inc.
660 S Figueroa Street #1780
Los Angeles, CA 90071

Case No. DIR-2019-1957-TOC-SPR

CEQA: ENV-2019-1958-CE

Location: 3301-3327 West Sunset
Boulevard

Council District: 13 – O'Farrell

Neighborhood Council: Silver Lake

Community Plan Area: Silver Lake - Echo Park -
Elysian Valley

Land Use Designations: General Commercial

Zone: [Q]C2-1VL

Legal Description: Lots 15-23, Tract TR 5036

Last Day to File an Appeal: August, 29 2019

**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM AND
SITE PLAN REVIEW**

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.31 and Section 16.05, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

1. **Find** that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080 of the California Public Resources Code, and Article 19, Class 32 of the CEQA Guidelines;
2. **Approve with Conditions** a 50 percent increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following incentives for a qualifying Tier 1 project totaling 104 dwelling units, reserving 9 units as affordable housing units for Extremely Low Income (ELI) Household occupancy for a period of 55 years;
 - a. **Density.** A 50 percent increase in density for a total of 104 dwelling units in lieu of a maximum of 68 dwelling units as otherwise permitted in the [Q]C2-1VL Zone;

- b. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 2.75 to 1 in lieu of the permitted 1.5 to 1 FAR;
- c. **Parking.** A maximum of 0.5 parking space per bedroom and ground-floor nonresidential automobile parking may be reduced by a maximum of 10 percent;
- d. **Height.** An 11-foot increase in maximum allowable height and a one-story increase in the maximum number of stories to permit a maximum height of 56 feet and four (4) stories in lieu of the 45 feet and three stories otherwise permitted;
- e. **Open Space.** A 20 percent reduction in required open space to provide 8,360 square feet in lieu of the 10,450 square feet otherwise required; and

3. **Adopt** the attached findings and Conditions of Approval.

The approval is subject to the following terms and conditions:

CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing.
2. **Residential Density.** The project shall be limited to a maximum density of 104 residential units, including on-site Restricted Affordable Units.
3. **On-site Restricted Affordable Units.** Nine (9) dwelling units, or equal to eight (8) percent of the project's total proposed density, shall be reserved for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
4. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make **9 units** available to **Extremely Low Income Households** or equal to **8 percent** of the project's total proposed residential density allowed, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of HCIDLA, and in

consideration of the project's AB 2556 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.

6. **Base Incentives.**

a. **Floor Area Ratio.** The project is limited to a maximum FAR of 2.75 to 1 in lieu of 1.5 to 1 permitted in the [Q]C2-1VL Zone.

b. **Parking.**

i. **Automotive Parking.** Residential automobile parking shall be provided consistent with LAMC Section 12.22-A.31, which permits a maximum of 0.5 parking space per bedroom for a Tier 1 Project. Ground-floor nonresidential automobile parking shall be reduced by a maximum of 10% for a Tier 1 project.

ii. **Bicycle Parking.** The project shall provide a minimum of 84 long-term bicycle parking spaces and 15 short-term bicycle parking spaces. Between 50 and 100 percent of short-term bicycle parking shall be located outside the building along the Sunset Boulevard frontage. Any remaining required short-term bicycle parking spaces may be provided inside the building on the ground floor, or inside the parking garage on the ground floor with direct access to a public street. Placement of bicycle racks in the public right of way is subject to review and approval by the Bureau of Engineering. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A.16.

iii. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

7. **Additional Incentives.**

a. **Height.** The project shall be permitted a maximum height of 56 feet and four stories in lieu of the 45 feet and three stories otherwise permitted;

b. **Open Space.** The project shall be permitted a 20 percent reduction in required open space to provide 8,360 square feet of open space in lieu of the 10,450 square feet otherwise required; and

Site Plan Review Conditions

8. **Materials.** A variety of building materials, as shown in Exhibit A pages 12 and 15, shall be used. In addition to stucco, the materials used shall including at least the following high quality materials:
 - a. Metal framed storefronts
 - b. Corrugated panels or comparable accent material other than stucco that provides visual interest and texture.
 - c. Steel planters within the front yard
 - d. Planted wall and hanging vines in the east elevation
9. **Storefront Windows.** Ground floor storefront windows will include the following elements:
 - a. Transom windows, as shown in Exhibit A, page 12 and page A3.
 - b. A horizontal, linear element along the top portion of the storefront windows such as an integral awning, canopy, or other horizontal break in the window glazing as shown in Exhibit A, page 12 and page A3.
10. **Front Yard.** A portion the building shall be set back from the front property line as shown in Exhibit A. The front yard setback area shall be used for outdoor dining or shall otherwise be publicly accessible space.
11. **Building Façade Articulation.**
 - a. The front façade at the ground floor shall include multiple lateral shifts or breaks in the façade of a minimum of one foot and six-inches as shown Exhibit A, page 6.
 - b. The building façade shall include recessions, setbacks and stepbacks as shown in Exhibit A, pages 6-12.
 - c. The eastern and western side façades shall include a lateral shift or break in the building plane as is visible on the North and South Elevation plans on page 12 of Exhibit A.
12. **Entrance.** The residential lobby entrance shall be distinguished from the storefront front façades.
13. **Landscaping.**
 - a. All open areas not used for buildings, driveways, parking areas, recreational facilities, walks, or publicly accessible outdoor dining shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
 - b. Pursuant to LAMC Section 12.22.A-25(f)(6), provided landscaping shall be sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise

required by LAMC Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

- c. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). The on-site requirement may include street trees in the parkway.
- a. **Street Trees.** Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.
- b. **Tree Wells.**
 - i. The minimum depth of tree wells on the rooftop, or other areas on-site where raised planters are used, shall be as follows:
 - 1. Minimum depth for trees shall be 42 inches
 - 2. Minimum depth for shrubs shall be 30 inches
 - 3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
 - 4. Minimum depth for an extensive green roof shall be 3 inches
 - ii. The minimum amount of soil volume for tree wells on the rooftop, or other areas on-site where raised planters are used, shall be based on the size of the tree at maturity:
 - 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity)
 - 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity)
 - 3. 1,200 cubic feet for a large tree (more than 40 feet all at maturity)
- 14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping and/or otherwise enclosed or fully screened.
- 15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
- 16. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
- 17. **Utilities.** The project shall place utilities such as gas, electric, and water meters in side yard setbacks, or in landscaped areas and out of the line-of-sight from crosswalks or sidewalks.

Administrative Conditions

- 18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a

building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

19. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
21. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
22. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
24. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
25. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
26. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

27. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

PROJECT BACKGROUND

The subject property is an approximately 27,496 square-foot, level, interior site consisting of 11 lots with a combined frontage of approximately 270 feet on the east side of Sunset Boulevard in the Silver Lake Neighborhood. The site is zoned [Q]C2-1 and is located within the Silver Lake - Echo Park - Elysian Valley Community Plan with a General Plan Land Use Designation of General Commercial.

The [Q] condition was established pursuant to Ordinance Number 176,825, Subarea 26B. The [Q] regulates building form and site design and prohibits various uses including specific automotive uses, liquor stores, and drive-through windows. New construction is generally required to be built to the property line, with the exception of setbacks that are utilized for landscaping, plazas, courtyards, outdoor dining, or other publicly accessible open space uses. The [Q] also requires parking to be at the rear or underground.

The site is further locate within a Hillside Area (Zoning Code), Tier 1 TOC, an Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, Special Grading Area (BOE Basic Grid Map A-13372), and is within 0.3 kilometers of the nearest known fault (Upper Elysian Park). The site is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance. While the site is relatively flat, the subject property is located at the base of a hill and an existing retaining wall is located along the rear property line. The subject property is developed with multiple one-story commercial buildings and a surface parking lot which occupies three of the 11 lots. Existing commercial tenants include Golden Age (vintage and new clothing boutique), The Sweat Spot (fitness and dance studio), Franky’s (record and t-shirt shop), Obsidian Tattoo, Hache LA (restaurant), and The Camp (gym).

The proposed project involves the demolition of existing structures and construction, use, and maintenance of a mixed use building with 9,048 square feet of ground floor commercial space and 104 residential units. The combined project will reserve 9 units for Extremely Low Income households. The retail component may include cafes, general retail uses, and restaurant uses. The proposed building will front Sunset Boulevard and will encompass approximately 75,571 square feet of floor area, resulting in a an FAR of approximately 2.75 to 1. The building will be a maximum of 56 feet in height and a maximum of four stories (inclusive of a mezzanine on the fourth floor). Parking will be located at-grade and within two subterranean levels. The project will be served by two driveways from Sunset Boulevard. A two-lane driveway at the northerly edge of the property will provide ingress for all parking levels and egress for the two subterranean levels. A one-lane, one-way driveway at the southerly edge provides automobile egress from the ground level parking area. Parking accommodations include 150 automobile parking spaces (88 residential parking spaces and 62 commercial parking spaces) and 99 bicycle parking spaces (84 long-term and 15 short-term). The ground floor parking area is not visible from Sunset Boulevard as it is set behind the ground floor commercial space. The southern portion of the building is built

to the front property line and the northern portion is setback in order to provide a publicly accessible linear plaza space used for outdoor dining. The project will include one shared-use lobby which serves as both a residential entrance and as a pedestrian passage for commercial patrons to exit the garage. The project will provide 8,360 square feet of open space as roof deck. The project's unit mix will include 72 studios, 30 one-bedrooms, and two two-bedrooms.

The project is requesting the following discretionary actions:

1. Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the project is eligible for Base Incentives and up to three (3) additional incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 50 percent, (2) increase the maximum allowable floor area ratio up to a maximum of 2.75:1 and (3) provide 0.5 parking space per bedroom and up to a 10 percent reduction in the nonresidential parking requirement. The project is requesting two additional incentives as follows: (1) an additional 11 feet in building height and one additional story to allow a building height of 56 feet with four stories in lieu of 45 feet and three stories; (2) a 20 percent reduction in required open space to allow 8,360 square feet in lieu of 10,450 square feet otherwise required.
2. Site Plan Review for a development that results in the creation of 50 or more dwelling units;
3. Any additional actions as deemed necessary or desirable, including but not limited to demolition, grading, excavation (25,000 cubic yards of dirt), haul route, street tree removal, and building permits.

SURROUNDING PROPERTIES

Surrounding properties are generally developed with commercial, multi-family, and single family development. Properties to the north are zoned [Q]C2-1VL and are developed with one story commercial retail uses including a clothing boutique, a waxing Studio, a bakery, a coffee shop, specialty retail, and a salon. The storefronts to the north along Sunset Boulevard and Micheltorena Street are designed with pedestrian scale features and main-street store front elements such as recessed entries, recessed storefronts, transparent windows, transom windows, and integral awnings, and canopy awnings. Properties to the south are zoned [Q]C2-1VL and are developed with one story commercial retail uses. Properties on the west side of Sunset Boulevard are zoned [Q]C2-1VL and are developed with one-story commercial uses. Existing tenants include the Hollywood Sunset Free Clinic, a restaurant, a coffee shop, retail, offices, and an auto-related use. Properties abutting the rear of the site to the east are located on a hill at a higher elevation than the proposed site and are zoned R2-1VL and are developed with single family and multifamily uses.

STREETS

Sunset Boulevard, adjoining the subject property to the west, is an Avenue I, designated to a width of 100 feet and improved to a width of 100 feet with asphalt roadway, concrete curb, gutter, and sidewalk.

TRANSIT ORIENTED COMMUNITIES

The subject property is located within 2,640 from the intersection of one Rapid and one Local Line (Metro Rapid 704 and Metro Local Line 2/302). The eastbound Metro Rapid 704 runs along Sunset Boulevard and the westbound Metro Rapid 704 runs along Santa Monica Boulevard and intersects Metro Local Line 2/302 running along Sunset Boulevard. The subject property is therefore located in Tier 1 of the Transit Oriented Communities Affordable Housing Incentive Program and is eligible for Tier 1 incentives. Per Section IV of the Transit Oriented Communities Guidelines, Tier 1 projects are eligible for the base incentives as well as up to three additional incentives as the project reserves at least 11 percent of the base units for Extremely Low Income Households.

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the project is eligible for Base Incentives and up to three (3) additional incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 50 percent, (2) increase the maximum allowable floor area ratio by up to 40 percent or to a maximum of 2.75:1, whichever is greater, and (3) provide 0.5 parking space per bedroom and up to a 10 percent reduction in the nonresidential parking requirement. The project is requesting two additional incentives as follows: (1) an additional 11 feet in building height and one additional story to allow a building height of 56 feet with four stories in lieu of 45 feet and three stories; (2) a 20 percent reduction in required open space to allow 8,360 square feet in lieu of 10,450 square feet otherwise required.

With an existing gross lot area totaling 27,496 square feet, the property is permitted to construct up to 68 units by-right. By setting aside 13% of the project's 68-unit base density for Extremely Low Income Households, the project is eligible for a density increase to a maximum of 104 total units. The project proposes 104 units with nine (9) units set aside. The 75,571 square-foot building will have an FAR of 2.75 to 1 and will observe a height of 56 feet and four stories (with two levels of below grade parking).

HOUSING REPLACEMENT (AB 2556 DETERMINATION)

With Assembly Bill 2222 (AB 2222), applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated May 1, 2019, there were no residential units built or demolished on the property within the last five years. No AB 2556 replacement affordable units are required. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination for additional information.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within

a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. **On-Site Restricted Affordable Units.** In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
 - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
 - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
 - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project site is located within a Tier 1 Transit Oriented Communities Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve a total of 9 on-site dwelling units for Extremely Low Income Households, which equates to 8 percent of the 104 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. **Major Transit Stop.** A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.

The subject property is located within 2,640 from the intersection of one Rapid and one Local Line (Metro Rapid 704 and Metro Local Line 2/302). The eastbound Metro Rapid 704 runs along Sunset Boulevard and the westbound Metro Rapid 704 runs along Santa Monica Boulevard and intersects Metro Local Line 2/302 running along Sunset Boulevard. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.

Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated May 1, 2019, there were no residential units built or demolished on the property within the last five years. No AB 2556 replacement affordable units are required. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination for additional information.

4. **Other Density or Development Bonus Provisions.** A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable

housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. The project will redevelop an existing commercial site with 104 dwelling units and 9,048 square feet of ground floor retail. The TOC Incentives are applied throughout the entirety of the site and no development bonuses under any other state or local program will be utilized. The total project will reserve 9 units for Extremely Low Income households and provide 95 market rate units. As such, the project meets this eligibility requirement.

5. **Base Incentives and Additional Incentives.** All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).

- a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
- b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
- c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is seeking two Additional Incentives and is setting aside nine (9) of the 104 total units for restricted affordable housing. At minimum, the project will include at least seven (7) percent of the base units for Extremely Low Income Households. As such, the project meets the eligibility requirement for Base and Additional Incentives.

6. **Projects Adhering to Labor Standards.** Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).

The project is not seeking Additional Incentives beyond the two permitted in exchange for reserving at least seven (7) percent of the base units for Extremely Low Income

Households. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11; this eligibility requirement does not apply.

7. **Multiple Lots.** A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.

The proposed building is located on 11 lots, eight of which designated as a Tier 1 TOC Affordable Housing Incentive Area and three of which are not within a TOC Affordable Housing Incentive Area. The proposed building crosses all 11 lots and therefore the project is eligible to request that the Tier 1 Incentives for the entire project.

8. **Request for a Lower Tier.** Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.

The applicant has not selected a Lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. As such, this eligibility requirement does not apply.

9. **100% Affordable Housing Projects.** Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.

The project does not consist of 100% On-Site Restricted Affordable units. It is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

10. **Design Conformance.** Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.

The project has been conditioned to meet the intent of the Silver Lake - Echo Park - Elysian Valley Community Plan design guidelines (Chapter V Urban Design) as well as the Citywide Design Guidelines.

The project generally meets the intent of the Residential Citywide Design Guidelines and furthers the objectives stated therein, including but not limited to the following:

Objective 1: Consider Neighborhood Context & Linkages in Buildings and Site Design

The project matches the architectural style and building orientation of the adjoining retail buildings to the north and enhances the pedestrian orientation of the street. The project includes 9,048 square feet of ground floor retail, storefront design details that relate to the existing storefronts in the area. A front yard setback area to be used for outdoor dining is proposed. A rooftop open space will serve the apartment tenants.

Objective 2: Employ Distinguishable and Attractive Building Design

The building is designed using different materials, textures, colors, and distinctive architectural treatments. Variations in the building plane, recessed and projected window treatments, balconies, and step backs provide for an articulated and distinguishable building façade.

Objective 4: Minimize the Appearance of Driveways and Parking Areas

The building has two driveways along its approximately 270 feet of frontage along Sunset Boulevard. A northerly two-lane driveway 20 feet in width provides ingress for all three parking levels as well as egress for the two subterranean levels. A southerly one-lane, one-way driveway of 11 feet in width provides automobile egress for ground level parking. The project is located on an interior lot with no alley access; therefore the project must provide automobile access via Sunset Boulevard. The project locates driveways at the edges of the site and has wrapped the parking with active uses.

**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

Pursuant to Section 12.22-A,31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22-A,25(g).

1. **The incentives are not required 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 Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, moderate, and extreme 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.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include relief mechanisms that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Height. The requested height incentive for an additional 11 feet and one additional story is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive will allow the developer to increase the number of stories from three to four and increase the building height from a maximum of 45 feet to a maximum of 56 feet. This increase in height allows for an additional residential level which supports the inclusion of units reserved for Extremely

Low Income Households. This incentive supports the applicant's proposal to reserve nine (9) units for Extremely Low Income Households and rent 95 units as market-rate units, for a total of 104 units.

Open Space. The requested open space incentive for a maximum 20 percent reduction in the open space requirement is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the proposed project is required a minimum of 10,450 square feet for open space. However, the project will be utilizing an incentive to reduce the minimum open space requirement to 8,360 square feet. The project is providing the minimum 8,360 square feet of open space on the rooftop. The reduction in open space by approximately 20 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve nine (9) units as affordable housing units reserved for Extremely Low Income Households.

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

There is no evidence that the proposed incentive 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 proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorical Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines.

The Class 32 Exemption is intended to promote infill development within urbanized areas. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "Infill Projects" as further described in the analysis for Case No. ENV-2019-1958-CE. The five conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. The project, as proposed, was determined to meet all five conditions. Furthermore, planning staff evaluated the exceptions to the use of

Categorical Exemptions for the proposed ordinance listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed project.

Therefore, there is no substantial evidence that the proposed Project 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.

SITE PLAN REVIEW FINDINGS

3. **That 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 General Plan is the City’s roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City’s General Plan divides the City into 35 Community Plan areas. The subject property is designated for General Commercial uses under the Echo Park-Silver Lake-Elysian Valley Community Plan, with corresponding zones of C1.5, C2, CR, C4, and RAS3. The project site is currently zoned [Q]C2-1VL and is consistent with the Land Use Designation. The proposed 104-unit mixed use development is consistent with the General Commercial designation. Multifamily residential, retail and restaurant uses are permitted uses under the [Q]C2-1VL Zone. Furthermore, the surrounding properties are currently developed with commercial and multi-family residential uses, and as such, the proposed project will be compatible with the existing uses in the surrounding area.

The proposed project is consistent with the Goals, Objectives, and Policies, of the Community Plan and the Framework Element as described below.

Residential Policies of the Community Plan:

Goal 1: A safe, secure and high quality residential environment for all economic, age and ethnic segments of the plan area.

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

Policy 1-2.2: Encourage multiple family residential development in commercially zoned areas in designated Neighborhood Districts and Community Centers and along Mixed Use Boulevards and, where appropriate, provide floor area bonuses as an incentive to encourage mixed use development in those areas.

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

Policy 1-4.1: Promote greater individual choice in type, quality, price, and location of housing.

The proposed project is consistent with Policy 1-2.2 as it will locate a new multiple family mixed use infill development along Sunset Boulevard, an identified Mixed Use Boulevard in the Community Plan and in the Framework Element. Within the project vicinity, Sunset Boulevard is developed with many commercial uses including goods and services that are within walking distance of the project site. Additionally, the project includes ground floor retail, contributing to and complementing the mix of goods and services that Sunset Boulevard already offers.

The proposed project is consistent with Policy 1-4.1 as it proposes a mix of market rate and affordable rental units. The site is presently underutilized and is developed with several one-story commercial buildings and surface parking lots. The proposed mixed use, multi-family development will not displace any existing units as there is currently no residential development on the site. The project will offer 72 studios, 30 one bedroom units, and 4 two bedroom units, at an infill site that will increase the housing stock within Silver Lake. Of the 104 units proposed, nine (9) units will be reserved for Extremely Low Income Households. As such, the proposed project will provide housing opportunities within close proximity to jobs, parks, schools, and neighborhood serving commercial uses and promote greater individual choice in type, quality, price, and location of housing.

Commercial Policies of the Community Plan:

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

Objective 2-1: Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.

Policies 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.

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.

Objective 2-4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

Policy 2-4.1: Ensure that commercial infill projects achieve harmony with the best of existing development.

The project site is designated for General Commercial uses and is zoned [Q]C2-1VL which allows for commercial and residential uses. The site is currently underutilized as it is developed partially with single story commercial uses and partly with surface parking lots.

The applicant proposes to demolish existing improvements and construct a four story mixed use project with 9,048 square feet of ground floor commercial uses and 104 residential apartment units. The project reuses obsolete, and underutilized commercial land and proposes a more intense and efficient use of the site.

Additionally the project enhances the existing urban village atmosphere of small-scale retail businesses. The storefronts to the north of the property along Sunset Boulevard and Micheltorena Street are designed with pedestrian scale features and main-street store front elements such as recessed entries, recessed storefronts, transparent windows, transom windows, and integral awnings, and canopy awnings. The proposed project is compatible with of the best existing adjacent development as it is conditioned to include pedestrian scale storefront elements that relate to the design elements that are already present in the area. As proposed and conditioned, the project design enhances the pedestrian experience on Sunset Boulevard and reinforces the distinct identity of the commercial district. As such, the proposed project is in substantial conformance with the purposes, intent and provisions of the Community Plan.

The Framework Element of the City's General Plan was adopted on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element sets forth a comprehensive long-range growth strategy for the City and defines citywide policies regarding such pertinent issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. As such, the Framework Element serves as an essential qualitative analysis tool in providing the general policy context within which to assess the merits of the proposed project relative to the project site and its surroundings, and against the established goals of the City.

The Framework Element identifies Sunset Boulevard as a "Mixed Use Boulevard." The proposed development is consistent with the following Mixed Use Boulevard goals, objectives and policies identified within the Framework Element (Chapter 3 – Land Use):

Goal 3-1: A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.

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 3.13.1: Encourage the development of commercial uses and structures that integrate housing units with commercial uses in areas designated as "Boulevard-Mixed Use" (in accordance with Tables 3-1 and 3-8 in the Framework Element). The range and density/intensity of uses permitted in any area shall be identified in the community plans.

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.

The "Mixed Use Boulevard" corridor designation is used when a mix of housing and commercial is appropriate for a street. Pursuant to the Framework Element, generally, mixed

use boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- and two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. Buildings on Mixed Use Boulevards would be located along the sidewalk frontages and contain uses that would promote pedestrian activity. The proposed development is consistent with the type of development envisioned for Mixed Use Boulevards. The project is compatible with nearby development, has an FAR of 2.75:1 and has a height of four stories. The project is built to the street and proposes ground floor commercial uses, such as general retail, cafes, and restaurants that promote pedestrian activity. Furthermore, the project incorporates pedestrian oriented design elements such as prominent building entrances, transparent storefront windows, integral awnings, transom windows and outdoor dining. The project also includes recreational and open space amenities on a rooftop terrace to support the needs of the residents. As such, the proposed project is in substantial conformance with the purposes, intent and provisions of the General Plan Framework Element.

4. **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 subject property is an approximately 27,496 square-foot, relatively level, interior site consisting of 11 lots with a combined frontage of approximately 270 feet on the east side of Sunset Boulevard in the Silver Lake Neighborhood. The site is zoned [Q]C2-1 and is located within the Silver Lake - Echo Park - Elysian Valley Community Plan with a General Plan Land Use Designation of General Commercial. While the site is relatively flat, the subject property is located at the base of a hill and an existing retaining wall is located along the rear property line. The subject property is developed with multiple one-story commercial buildings and a surface parking lot which occupies three of the 11 lots.

The proposed project involves the demolition of existing commercial buildings and the construction, use, and maintenance of a mixed use building with 9,048 square feet of ground floor commercial space and 104 residential units. The combined project will reserve 9 units for Extremely Low Income households. The retail component includes a coffee shop, general retail uses, and restaurant uses. The proposed building will encompass approximately 75,571 square feet of floor area, resulting in an FAR of approximately 2.75 to 1. The building will be a maximum of 56 feet in height and a maximum of four (4) stories (inclusive of a mezzanine on the fourth floor). The building will front Sunset Boulevard and is built to the front property line except where the setback area is used for landscaping and a publicly accessible area used for outdoor dining. The project will maintain a front yard setback between zero and eight feet along Sunset Boulevard, zero foot side yard setbacks at the ground floor, seven-foot side yard setbacks at the upper floors, a rear yard setback of five feet at the ground floor, and a rear yard setback of 16 feet at the upper floors. Parking accommodations include 150 automobile parking spaces (88 residential parking spaces and 62 commercial parking spaces) and 99 bicycle parking spaces (84 long-term and 15 short-term). The project will provide 8,360 square feet of open space on a rooftop deck.

Surrounding properties are generally developed with commercial, multi-family, and single family development. Properties to the north are zoned [Q]C2-1VL and are developed with one story commercial retail uses. Properties to the south are zoned [Q]C2-1VL and are developed with one story commercial retail uses. Properties on the east side of Sunset Boulevard are zoned [Q]C2-1VL and are developed with one-story commercial uses.

Properties abutting the rear of the site to the east are located on a hill and are zoned R2-1VL and are developed with single family homes and multifamily buildings.

Height, Bulk, and Setbacks

The proposed project involves construction use and maintenance of a new four-story mixed used building with 104 units and 9,048 square feet of retail. The [Q]C2-1VL Zone allows a maximum building height of 45 feet and three stories. The TOC height incentive allows for an additional 11 feet in height and one additional story, thereby creating a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. The project is 56 feet in height and four stories (including a mezzanine level) with two levels of subterranean parking.

The project is located in an area that is planned for General Commercial land uses and zoned [Q]C2-1VL. The C2-1VL zone allows a residential density of one (1) dwelling unit per 400 square feet of lot area and an FAR of 1.5:1. The project is located in Tier 1 of the Transit Oriented Communities Incentive Areas and therefore, pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), by setting aside 8% of the total number of dwelling units for Extremely Low Income Households, the project is eligible for the Base Incentives (dwelling unit increase, FAR increase and reduced parking). The project is eligible for the Base Incentive to allow an FAR of 2.75 to 1 in lieu of 1.5:1 in order to create a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units.

The apparent bulk of the structure is minimized by architectural details including: a publicly accessible front yard setback area that may be used for outdoor dining; pedestrian-scale storefront elements; balconies; fenestration; stepbacks and variations in the building plane at the upper most level to create the visual effect of a varied roof line and soften the bulk of the building; setbacks at the southwest corner of building on the second and fourth floors soften the transition to the neighboring single story development; and differing, high-quality building materials.

The proposed development conforms to the setback requirements of the [Q]C2-1VL. The project will maintain a front yard setback between zero and eight feet along Sunset Boulevard, zero foot side yard setbacks at the ground floor, seven-foot side yard setbacks at the upper floors, a rear yard setback of five feet at the ground floor, and a rear yard setback of 16 feet at the upper floors. Additionally, the front yard setback complies with the qualified "Q" condition (Ordinance Number 176825, Subarea 26B) as the building is built to the front property line except where it is setback to allow for landscaping, outdoor dining and other publicly accessible, open space uses.

The height, bulk, and setbacks of project are consistent with existing development in the immediate surrounding area and with the underlying [Q]C2-1VL zone. Therefore, the project will be compatible with the existing and future developments in the neighborhood.

Parking

The project qualifies for TOC Tier 1, which permits residential parking at 0.5 spaces per bedroom and allows for up to a 10 percent reduction in nonresidential parking. Pursuant to TOC Tier 1 the proposed mixed use project of 104 units and 9,048 square feet of ground floor retail must provide a minimum of 115 spaces (53 residential and 62 commercial). The project proposes a total of 150 parking spaces with 88 residential parking spaces and 62

commercial parking spaces. Thus the project provides an additional 35 spaces above what is required.

Automobile parking will be located at-grade and within two subterranean levels. The project will be served by two driveways: a northerly two-lane driveway that will provide ingress for all parking levels and egress for the two subterranean levels; and a southerly one-lane, one-way driveway that provides automobile egress from the ground level commercial parking area. The ground floor parking area is not visible from Sunset Boulevard as it is set behind the ground floor retail space. The project will include one shared-use lobby which serves as both a residential entrance and as pedestrian passage way for commercial patrons to access to Sunset Boulevard after parking in the garage. Parking accommodations include 99 bicycle parking spaces (84 long-term and 15 short-term). Long term bike storage is located within the underground parking area, adjacent to an elevator. A bike workshop area is also provided.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting to illuminate the building, entrances, walkways and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. This condition has also been included in the subject approval. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities, outdoor dining, or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Therefore, the on-site landscaping will be compatible with the existing the future developments in the neighborhood.

Loading/Trash Area

The development is not required to provide an on-site loading area pursuant to LAMC Section 12.21-C, 6. The project is proposing to provide a designated loading area along the curb. The Department of Transportation (DOT) must review and approve the proposed curbside loading. On June 5, 2018 at a Case Management Meeting, the applicant began discussions with DOT regarding curbside loading.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C.. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be located at grade level and is accessible from the parking area. Additionally, service area for trash collection is located on all upper floors.

Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

The project will provide 8,360 square feet of open space located on a rooftop terrace. The rooftop terrace open space area is accessible to all residents of the project. Smaller, private balconies and terraces are provided in association with some of the residential units which front Sunset Boulevard. The balconies range in size from approximately 14 to 35 square feet and do not count towards the projects open space requirement but are nonetheless an amenity improving the habitability of the building for residents. Additionally, the developer has elected to setback a portion of a building to create a publically accessible linear plaza for outdoor dining.

The project will provide 9,048 square feet of ground floor commercial uses, including a restaurant, a café, and general retail. These commercial amenities can be enjoyed by new residents of the Project without the need to drive elsewhere. Furthermore, the project's pedestrian oriented design relates to the existing retail on the block and within the project vicinity and encourages walking within the immediate area. Nearby residents in the Silver Lake neighborhood will also be able to enjoy the new pedestrian oriented commercial amenities offered by the project. Thus the mixed use project will help to minimize traffic impacts in the area and on neighboring properties through pedestrian-oriented design.

The project will also accommodate off-street parking within three parking levels (two subterranean and one at grade level). The parking area is not visible from Sunset Boulevard as it is set behind the ground floor retail space thus improving the pedestrian orientation and aesthetic of Sunset Boulevard and eliminating the potential for aesthetic impacts due to exposed parking.

Pursuant to the TOC guidelines, 115 automobile parking spaces as are required. The project is providing more parking that is required with 150 parking spaces. Sufficient parking is provided such that impacts to street-parking within the area will be minimized.

A total of 99 bicycle parking spaces are provided. Long term bike storage is located within the underground parking area, adjacent to an elevator. A bike workshop area is also provided. The convenience of on-site bike amenities will further encourage residents to bike instead of drive, thus further minimizing traffic impacts on neighboring properties.

As proposed and conditioned, the project is compatible with existing and future development on neighboring properties and provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

7. A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:

The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The Silver Lake - Echo Park - Elysian Valley Community Plan Map designates the property for General Commercial land uses with corresponding zones of C1.5, C2, CR, C4, and RAS3. The site is zoned [Q]C2-1, which permits one dwelling unit per 400 square feet of lot area, which allows up to 68 dwelling units based on the size of the site (27,496 square feet). The subject Transit Oriented Communities ("TOC") density bonus allows the proposed 104 units with 9 units set aside for Extremely Low-Income residents.

The proposed project is consist with the Goals, Objectives, and Policies, of the Community Plan and the Framework Element as described below.

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 2-1: Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.

Policies 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.

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.

Objective 2-4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

Policy 2-4.1: Ensure that commercial infill projects achieve harmony with the best of existing development.

The project site is designated for General Commercial uses and is zoned [Q]C2-1VL which allows for commercial and residential uses. The site is currently underutilized as it is developed partially with single story commercial uses and partly with surface parking lots. The applicant proposes to demolish existing improvements and construct a four story mixed use project with 9,048 square feet of ground floor commercial uses and 104 residential apartment units. The project reuses obsolete, and underutilized commercial land and proposes a more intense and efficient use of the site.

Additionally the project enhances the existing urban village atmosphere of small-scale retail businesses. The storefronts to the north of the property along Sunset Boulevard and Micheltorena Street are designed with pedestrian scale features and main-street store front elements such as recessed entries, recessed storefronts, transparent windows, transom windows, and integral awnings, and canopy awnings. The proposed project is compatible with of the best existing adjacent development as it is conditioned to include pedestrian scale storefront elements that relate to the design elements that are already present in the area. As proposed and conditioned, the project design enhances the pedestrian experience on Sunset Boulevard and reinforces the distinct identity of the commercial district. As such, the proposed project is in substantial conformance with the purposes, intent and provisions of the Community Plan.

The Framework Element of the City's General Plan was adopted on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element sets forth a comprehensive long-range growth strategy for the City and defines citywide policies regarding such pertinent issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. As such, the Framework Element serves as an essential qualitative analysis tool in providing the general policy context within which to assess the merits of the proposed project relative to the project site and its surroundings, and against the established goals of the City.

The Framework Element identifies Sunset Boulevard as a "Mixed Use Boulevard." The proposed development is consistent with the following Mixed Use Boulevard goals, objectives and policies identified within the Framework Element (Chapter 3 – Land Use):

Goal 3-I: A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.

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 3.13.1: Encourage the development of commercial uses and structures that integrate housing units with commercial uses in areas designated as "Boulevard-Mixed Use" (in accordance with Tables 3-1 and 3-8 in the Framework Element). The range and density/intensity of uses permitted in any area shall be identified in the community plans.

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.

The "Mixed Use Boulevard" corridor designation is used when a mix of housing and commercial is appropriate for a street. Pursuant to the Framework Element, generally, mixed use boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- and two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. Buildings on Mixed Use Boulevards would be located along the sidewalk frontages and contain uses that would promote pedestrian activity. The proposed development is consistent with the type of development envisioned for Mixed Use Boulevards. The project is compatible with nearby development, has an FAR of 2.75:1 and has a height of four stories. The project is built to the street and proposes ground floor commercial uses, such as general retail, cafes, and restaurants that promote pedestrian activity. Furthermore, the project incorporates pedestrian oriented design elements such as prominent building entrances, transparent storefront windows, integral awnings, transom windows and outdoor dining. The project also includes recreational and open space amenities on a rooftop terrace to support the needs of the residents.

Thus, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed development is wholly within the City of Los Angeles and is on a 0.516 acre site (i.e., less than five acres). The project site is surrounded by urban uses within an urban area; and not located in a farmland or agricultural designated area. The neighborhood is fully built out with a variety of development including commercial, medical, multi-family, and single-family uses and this proposed project will be consistent with the developments in the area, in compliance with subsection b.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The project site has no value as habitat for endangered species, rare, or threatened species. The project is located within an established, fully developed mixed use area and is located along Sunset Boulevard. Further, no protected trees are proposed for removal from the project site.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

Traffic

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is the construction of a 104 unit mixed use building with 9,048 square feet of retail on an existing site that is presently developed with commercial uses. A Traffic Report prepared by Crain & Associates and dated March 2019 used the latest version of LADOT's Transportation Impact Study Guidelines. As detailed in the Traffic Report, the Project is estimated to add 953 net daily trips, including 92 morning

peak hour trips and 71 afternoon peak hour trips. The Traffic Report concludes that the Project is not expected to significantly impact any of the 10 study intersections, the Congestion Management Program (CMP) system, or the transit system. Therefore, traffic-related impacts would be less than significant.

Noise

In regards to noise, a significant impact would occur if the proposed project would result in exposure of persons to or generation of noise levels in excess of standards established in the general plan, noise ordinance, of applicable standards of other agencies.

A Noise Impact Analysis studying the noise associated with the construction and operation of the proposed project was completed by Pomeroy Environmental Services and dated June 2019. The study evaluated noise impacts using the thresholds from the State CEQA Thresholds Guidelines and concluded that the Project would comply with the City's existing noise regulations and thus construction and operationally noise impacts would be less than significant.

The construction noise would be temporary, intermittent, and typical for construction activity in urban areas such as the site. The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. The Project would comply with the City's existing noise regulations, including the noise reduction techniques required by LAMC 41.40 and 112.05, to ensure construction noise impacts would be less than significant. Compliance requires the applicant to incorporate all feasible noise attenuation features such as noise mufflers and noise curtains. The project would employ the following construction techniques and best management practices as regulatory compliance measures (RCMs):

RCM1: The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 (see LAMC Section 112.05), and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels.

RCM-2: In compliance with LAMC Section 41.40, Construction shall be restricted to the hours of 7:00 A.M. to 9:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday.

RCM-3: In compliance with LAMC Section 112.05, Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

RCM-4: In compliance with LAMC Section 112.05, Noise-generating equipment operated at the Project Site shall be equipped with the most effective and technologically feasible noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

RCM-5: In compliance with LAMC Section 112.05, Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck

idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.

RCM-6: In compliance with LAMC Section 112.05, barriers such as, but not limited to, plywood structures or flexible sound control curtains shall be erected around the perimeter of the construction site to minimize the amount of noise during construction on the nearby noise-sensitive uses. Barriers shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss value of at least 20 dBA, such as ½ inch plywood.

RCM-7: The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048 (see LAMC Section 91.106.4.8), which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

Upon completion and operation of the Project, on-site operational noise would be generated by heating, ventilation, and air conditioning (HVAC) equipment. However, the noise levels generated by these equipment types are not anticipated to be substantially greater than those generated by the current HVAC equipment serving the existing buildings on site and in the Project vicinity. As such, the HVAC equipment associated with the Project would not represent a new source of noise in the Project Site vicinity. In addition, the operation of any on-site stationary sources of noise would be required to comply with the LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. This impact would be considered less than significant.

By complying with all existing regulations governing both construction and operational noise, impacts would be less than significant.

Air Quality

An Air Quality Analysis evaluating the project for potential air quality impacts was prepared by Pomeroy Environmental Services date June 2019. The study evaluates the project using the South Coast Air Quality Management District (SCAQMD) methodologies and Thresholds of Significance and concludes that project emissions do not exceed any air quality thresholds. Consistent with the State CEQA Guidelines, the following four potential impacts were evaluated:

- (1) *Conflict with or obstruct implementation of the applicable air quality plan -- less than significant.*

The proposed project and land uses are consistent with the applicable assumptions used in the development of the Air Quality Management Plan

(AQMP) and would not jeopardize attainment of the air quality levels identified in the AQMP. The Project would comply with all SCAQMD rules and regulations that are applicable to the Project. Therefore, potential impacts associated with conflict with or obstruct implementation of the applicable air quality plan would be less than significant.

- (2) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard -- less than significant.*

The South Coast Air Basin is in nonattainment for ozone, Particulate Matter (PM10) and Fine Particulate Matter (PM2.5). The SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed utilizing the same significance criteria as those for project specific impacts. Furthermore, the SCAQMD states that if an individual development project generates less-than-significant construction or operational emissions impacts, then the development project would not contribute to a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. As demonstrated in the Air Quality Analysis prepared Pomeroy Environmental Services, mass daily construction and operational emissions generated by the Project would not exceed any of thresholds of significance recommended by SCAQMD.

The demolition/construction phase would involve removal of the existing uses, shoring, excavation, and site preparation. The construction phase would include the construction of the proposed structure, connection of utilities, laying irrigation for landscaping, architectural coatings, and landscaping the project site. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and site preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment on-site and traveling to and from the Project Site) would primarily generate NOx emissions. The application of architectural coatings would primarily result in the release of ROG emissions.

Appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes (at least two times per day), applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Standard Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;

- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

With compliance with regulatory measures and industry best practices, construction-related daily emissions associated with the Project would not exceed any regional SCAQMD significance thresholds for criteria pollutants during the construction phases. Therefore, regional construction impacts are considered to be less than significant.

“Project operations” refers to the full range of activities that can or may generate emissions when the project is functioning in its intended use. For a mixed use apartment/retail building, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions. Additionally, on-site energy consumption (natural gas combustion) and off-site electric generation can result in emissions. As described in the study, operational emissions for project-related traffic will be less than significant. The proposed project will not cause the SCAQMD's threshold levels to be exceeded.

By complying with all existing regulations governing both construction and operations, air quality impacts would be less than significant.

(3) Expose sensitive receptors to substantial pollutant concentrations -- less than significant.

Residential and school uses are considered sensitive. The nearest sensitive receptors to the Project Site are adjacent residences to the east, residences to the west (140 feet), and the Micheltornena Elementary School to the north (220 feet). Thus an analysis of potential exposure of sensitive receptors to substantial pollutants concentrations was conducted. Consistent with SCAQMD recommendations the localized significance thresholds for sites less than one acer in size were used to examine address the potential localized NOx, CO, PM10, and PM2.5 emissions to the area surrounding the project site. Peak daily emissions generated within the project site during construction activities would not exceed the applicable construction threshold for a less than one-acre site within 25 meters of a sensitive use. Therefore, localized air quality impacts from Project construction activities on the off-site sensitive receptors would be less than significant.

With regard to localized emissions from motor vehicle travel, traffic congested roadways and intersections have the potential to generate localized high levels of carbon monoxide (CO). SCAQMD suggests conducting a CO hotspots analysis for any intersection where a project would worsen the LOS from A through C to any level below C, and for any intersection rated D or worse where the project would increase the V/C ratio by two percent or more. Based on the Project's Traffic Report (see Appendix A), the Project is not anticipated to have significant traffic impacts at any of the 10 study intersections under the existing and future

conditions. Therefore, impacts with respect to localized CO concentrations would be less than significant.

- (4) *Creation of objectionable odors affecting a substantial number of people -- less than significant.*

According to the SCAQMD CEQA Air Quality Handbook, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies and fiberglass molding. The Project involves the construction and operation of residential and commercial uses, which are not typically associated with odor complaints. Potential sources that may emit odors during construction activities include equipment exhaust. However, odors from these sources would be localized and generally confined to the immediate area surrounding the Project. The Project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. The Project is required to use materials consistent with *SCAQMD Rule 1113 – Architectural Coatings* which limits the volatile organic content (VOV) of paint and coatings. As the Project involves no operational elements related to industrial projects, no long-term operational objectionable odors are anticipated. Therefore, potential impacts associated with objectionable odors would be less than significant.

Water

In regards to water quality, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB), 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded, or 3) increase surface water runoff, resulting in the need for expanded off site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the NPDES permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements. Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure. Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

(e) The site can be adequately served by all required utilities and public services:

The proposed project has been reviewed by City staff, and can be adequately served by all required utilities and public services. The project site will be adequately served by all required public utilities and services given that the site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 104 residential dwelling units and 9,048 square feet of ground floor retail. Based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- (a) Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

As the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is non-applicable. The Project site is in an urbanized area in the City of Los Angeles. The Project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

- (b) Cumulative Impact.** *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

This exception does not apply to the proposed project. The project involves demolition of existing structures and the construction, use, and maintenance of mixed use building. The project is entirely consistent with the existing General Plan designation and zoning, which accounts for the impacts of developments which are within their parameters, and as permitted by the Transit Oriented Communities Affordable Housing Incentive Program. With 104 residential units and 9,048 square feet of ground floor retail proposed, the project's density and use are permitted by the underlying zone and land use designation and through the Transit Oriented Communities Affordable Housing Incentive Program. Any successive projects of the same type and nature would reflect a development that is

consistent with the underlying land use designation and the LAMC, and thus would be subject to the same regulations and requirements, including development standards and environmental impacts. The impacts of each subsequent project will be mitigated if necessary, and thus will not result in a cumulative impact.

The project would not result in a cumulatively considerable contribution to any impact. The threshold of significance for a cumulatively considerable contribution to a traffic impact is the same as the threshold of significance for a project impact. Therefore, since the project would not exceed that threshold it would have neither a project-specific significant impact nor the potential to result in a cumulatively considerable contribution to a significant traffic impact. The same is true for air quality thresholds of significance; the project does not have the potential to result in a project-specific significant air quality impact, and therefore, does not have the potential to result in a cumulatively considerable contribution to a significant air quality impact.

The proposed project may create additional environmental impacts on the surrounding area. However, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate impacts related to Air Quality, Construction Noise/Vibrations, Operational Noise/Vibrations, and Transportation/traffic. Numerous Los Angeles Municipal Code Sections provide requirements for construction activities and ensure impacts from construction related noise, traffic, and parking are less than significant. The Noise Regulation Ordinance, No. 144,331, provides regulatory compliance measures related to construction noise and maximum noise levels for all activities. LAMC Section 62 provides specific regulatory compliance measures related to construction traffic and parking. Finally, LAMC Section 41 requires construction site postings listing representative contact information and permitted construction/demolition hours as established by the Department of Building and Safety. Additionally, there is insufficient evidence to conclude that significant impacts will occur based on past project approvals or in progress entitlement applications and that the proposed project will have adverse impacts on the cumulative impacts of construction noise and transportation/traffic in this area of the Wilshire Community Plan. Further, there is insufficient evidence to conclude that the proposed project will be under construction at the same time as projects within the vicinity. Thus, this exception does not apply.

(c) Significant Effect Due To Unusual Circumstances. *This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.*

The project proposes to construct a 104 unit multi-family housing development with ground floor retail in an area zoned and designated for such mix-use development. Neighboring properties are developed with multi-family and commercial retail. The height and density are also permitted by the Zone through the Transit Oriented Communities Affordable Housing Incentive Program. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (d) Scenic Highways.** *This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

Based on a review of the California Scenic Highway Mapping System (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), subject site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (e) Hazardous Waste Sites.** *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

Based on a review of the California Department of Toxic Substances Control "Envirostor Database" (<http://www.envirostor.dtsc.ca.gov/public/>), no known hazardous waste sites are located on the project site. In addition, there is no evidence of historic or current use, or disposal of hazardous or toxic materials at this location. Based on this, the project will not result in a significant effect due hazardous waste and this exception does not apply.

- (f) Historical Resources.** *Projects that may cause a substantial adverse change in the significance of an historical resource.*

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

In conclusion, since the project meets all of the requirements of the categorical exemption set forth at CEQA Guidelines, Section 15303 and none of the applicable exceptions to the use of the exemption apply to the project, it is appropriate to determine this project is categorically exempt from the requirements of CEQA.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with Technical Clarifications, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major

bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25-A,2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, West Los Angeles Development Services Center, or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (310) 231-2901, (818) 374-5050, or through the Department of City Planning website at <http://planning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after August, 29 2019 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms,

accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.planning.lacity.org.

Planning Department public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Pursuant to LAMC Section 12.22-A,25(f), only abutting property owners and tenants can appeal the Transit Oriented Communities Affordable Housing Incentive Program portion of this determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22-A,25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Nicholas Hendricks, Senior City Planner

Reviewed by:



JoJo Pewsawang, City Planner

Prepared by:



Renata Ooms, City Planning Associate

Attachments:
Exhibit A: Architectural Plans & Landscape Plans