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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA

March 26, 2024

TO: City Planning Commission

FROM: Yamilet Brizuela, City Planning Associate

TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. DIR-2023-5089-TOC-SPP-VHCA-1A; 1807 North Van Ness Avenue (1807 – 1809 North Van Ness Avenue)

The following technical modification/corrections are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of March 28, 2024, related to Item No. 8 on the meeting agenda.

Planning Staff inadvertently did not include the recommendation to adopt the Class 3 Categorical Exemption as part of the recommended actions in the Staff Report. Planning Staff recommends that the City Planning Commission adopts the Class 3 Categorical Exemption that was issued as part of the Director of Planning's CEQA determination along with the noted Class 32 Categorical Exemption. Any mention of the CEQA determination throughout the Staff Appeal Recommendation Report should include both the Class 3 and Class 32 Categorical Exemptions.

APPLICANT'S RESPONSE TO THE STAFF REPORT

CPC-2019-4086-CU-ZV - Camino Real Charter High School

Condition No. 3: **STAFF RECOMMENDATION:** Staff has limited use of the site to 50 students on-site "daily."

REQUEST: This is a hardship and limits the use beyond the prior City Planning Commission approval for CPC-2016-1256-CU. Staff intended to approve 150 students daily as in the prior CUP, and as written in Condition No. 12.

Condition No. 5 **REQUEST:** The applicant requests a change in Condition No. 5.a for the Hours of Operation 5. a from 3:30 to 3:45 pm to correspond with the school schedule. Further, we ask that Condition 5.c regarding After School Activities be changed from 7:00 pm to 8:00 pm as recommended in the October 23, 2020, West Hills Neighborhood Council Recommendation to the Department of City Planning to correspond with the school schedule.

Condition No. 11: **STAFF RECOMMENDATION:** Staff recommended bicycle parking in compliance with Section 12.21.A.16 of Chapter 1 of the Municipal Code.

REQUEST: The applicant requests clarification on whether bicycle parking is based on "required" parking.

Condition 19: **STAFF RECOMMENDATION:** Staff has imposed this condition requiring Fire Department Review.

REQUEST: This condition creates an unnecessary procedure, and the applicant requests its removal. As verified in the Building Permit History, in 2018, the Department of Building Safety ensured all relevant Departments, including the Fire Department, reviewed plans before finalizing building permits, and no development has occurred that deviated from the approved plans nor will occur.

Condition 20: **STAFF RECOMMENDATION:** Staff has imposed a condition requiring Bureau of Engineering Review.

REQUEST: This condition creates an unnecessary procedure, and the applicant requests its removal. There is no proposed development related to any matter under review and approval of the Bureau of Engineering Review, such as driveway cuts, dedication, or improvements. Staff did not make a Finding as to why this condition is imposed. Further, it may be outside the scope of the Dolan (1994) test ^{1/} since the language is broad in what to comply with, and the Bureau of Engineering could overly interpret the condition.

^{1/} Dolan v. City of Tigard (1994) 512 U.S. 374 provides two key requirements for dedications and impact fees being imposed on proposed developments: (*Underline added for emphasis*)

1. Essential Nexus: Nollan requires that the dedication or impact fee advances the same objective for which it would be imposed; and
2. **Rough Proportionality:** Dolan requires the public agency to make an individualized determination and find that the required condition is "roughly proportional" both in nature and extent to the impact of the proposed development.

Condition 24: STAFF RECOMMENDATION: "Prior to issuance of a certificate of occupancy and on an annual basis thereafter, the school must contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. To allow appropriate time for review, contact LADOT at least 6 months prior to school opening."

REQUEST: This condition creates an unnecessary procedure, and the applicant requests that it be removed. CPC-2016-1256-CU, Condition No. 24, stated: "Traffic. Should any traffic concerns arise regarding the operation of the school, the applicant shall communicate and work with the West Hills Neighborhood Council and community to alleviate concerns." Staff revised this condition so that LADOT would be contacted annually. As stated on page A-17 of the Staff Report, "On August 17, 2021, correspondence was received via email from the LADOT Department of Transportation stating that the project complies with Condition No. 22 of Case Number CPC-2016-1256-CU. Further, LADOT indicated their agreement with the requested modification of Condition No. 10 to include additional Transportation Demand Management (TDM) strategies and implementation. A copy of this correspondence is attached herein (see "Exhibit H")."

Thus, Condition No. 24, as recommended, creates an unnecessary procedure since LADOT has reviewed and approved the mitigation measures. Moreover, the condition is unwarranted since operation of the use is not dynamic, whereby requiring annual review.

Condition No. 29. STAFF RECOMMENDATION: Staff recommended installation of street trees and stated on page A-20 of the Staff Report, "[i]t cannot be determined how many trees are currently planted because they are not depicted on the plans. However, given that the parking lot is currently striped and paved, this report does not recommend that additional trees be planted in the parking lot. It does, however, recommend a condition that trees be planted within the Public Right of Way to the satisfaction of the Urban Forestry Division."

REQUEST: The applicant requests the removal of this condition since no street trees were or are planned to be removed, due to the verdant landscape around the property, and the unnecessary financial burden (i.e., tree purchase, installation, and irrigation into the public right-of-way).

It is important to note that CPC 2016-2019-1256-CU Condition No. 26 stated "Landscaping. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.42 B.2 and Guidelines K of the Landscape Ordinance, the applicant shall provide site landscaping in accordance with the submitted landscape plan, titled Preliminary Landscape Plan, dated September 21, 2016." *(Underline added)*

Repeated requests were made to see the City Planning Commission approved landscape plans dated September 21, 2016, for CPC 2016-2019-1256-CU, but no plans were provided. Therefore, exhibits were prepared (pgs. 52-55, Staff Report) showing "As Built" that evidence substantial landscape. Further, as stated in the Condition Compliance Report, the applicant fully complied with Condition No. 26 in CPC 2016-2019-1256-CU, as evidenced by the Department of Building and Safety issuing BP 17016-20000-25349 and the Department of City Planning clearance of the condition on March 27, 2018.

TRANSMITTAL

TO Marie Pichay, City Planning Associate
Department of City Planning

FROM Sara Houghton, three6ixty

DATE March 20, 2024

RE Response to Comments
2336-2346 N. Hyperion Avenue, Los Angeles, CA 90027
Case No. CPC-2023-480-DB-HCA/ ENV-2023-481-CE

Three6ixty represents the Applicant in the project generally located at 2336-2346 N. Hyperion Avenue in the City of Los Angeles, and assigned City Planning Case No CPC-2023-480-DB-HCA/ ENV-2023-481-CE (the “Project”).

A public hearing with the Hearing Officer was held on February 14, 2024, and the following issues were discussed during public comment. Below is an outline of the issues as well as our responses and clarifications to comments received at the public hearing and to the case file.

PROJECT DESCRIPTION, ENTITLEMENT REQUESTS

The Applicant is requesting a Density Bonus approval in conjunction with two Off-Menu Incentives, for the development of a new mixed-use residential building that results in 15 new dwelling units, with two (2) units reserved for Very Low Income households.

The proposed project consists of the construction of a new multi-family residential apartment building having 4 stories over a basement parking level, with ground floor commercial tenant space, with a total height of 60 feet. The Project is providing (17) automobile parking spaces – (12) on one subterranean level and five (5) at street level—and is providing bicycle replacement parking for the reduction of two vehicular spaces to meet the required (19) spaces. A total of (24) long-term, and four (4) short-term bicycle spaces will be provided. The Project provides approximately 1,578 square feet of open space, including an interior central courtyard at the second level, and a roof deck oriented towards Hyperion Avenue.

PROJECT DESIGN

Building Height

As noted above, the proposed building is 60 feet in height as measured per the zoning code and 4 stories over a partial subterranean level for parking. The proposed Project will only have a

height of 50 feet from Hyperion Avenue, as the 60-foot building height is measured at the rear of the Project Site where grade is 10 feet below street level. This is in part due to the Project Site's topography which has a slope of approximately 30% from Hyperion Avenue to the rear property line, which is at the lowest elevation of the site.

As shown in the height diagram (*Appendix A*), there are a variety of heights along Hyperion, including multi-family buildings and densely overgrown trees of the same and greater height as the proposed Project. There are four (4) other buildings or trees along Hyperion Avenue that are 45 feet or greater in height, which are also greater than the 30-foot height limit restricted by the [Q] condition of the site's [Q]C2-1VL zoning. Specifically, the building across the street from the project site is taller than the proposed project due in part to topography, which also plays a role in the varied heights along Hyperion. As such, **the height of the Project along Hyperion Avenue is generally consistent with the surrounding context of the neighborhood**, and is within the general perceived heights of surrounding buildings due to the sloped nature of the site.

[Q] Condition

The Property is zoned [Q]C2-1VL and is designated for Community Commercial land uses by the Silverlake – Echo Park – Elysian Valley Community Plan (Community Plan). The Property's [Q] condition refers to limitations imposed upon the use of the property subject to the permanent "Q" Qualified Conditions established by Ordinance Nos. 176825 and 176826 for Subarea 31C. The [Q] condition prohibits many automobile uses, such as automobile repair, car sales, and car wash services, as well as drive-through windows. Additionally, the [Q] condition limits the height of structures to 30 feet.

It is infeasible for the Project to comply with the underlying [Q] condition regarding the height limit, as without an increase beyond the 30-foot height limit, the Project would be reduced by two full stories – half the building height, **which would prohibit the number of restricted affordable units that could be provided.**

State Density Bonus Law SB1818

State Density Bonus Law allows for a developer to seek incentives in order to make the provision of on-site affordable housing feasible. Such incentives that are provided "on the menu" by the City of Los Angeles include concessions for yards, lot coverage, lot width, floor area ratio, height, open space, density calculation and averaging of floor area ratio, density, parking or open space, and permitting vehicular access. Density Bonus projects may seek up to three incentives depending on the number of set aside units. Projects may seek incentives that are quantified and identified as "on menu" pursuant to LAMC Section 12.22 A.25, or may seek incentives that are "off- menu" for requests not quantified pursuant to LAMC Sections 12.22 A.25 2.(f) and 12.22 A.25 2.(g) 2, respectively.

Off-Menu requests can be requested if applicants can demonstrate that the request is necessary to allow for the project's physical construction. Concerns were raised during public comment regarding the height request under the Off-Menu Density Bonus incentive. Per zoning code, height is measured at the lowest point in grade 5 feet from the face of the building. Thus, given

the change in elevation across the site, the request is identified as a request for an additional 30 feet in height, however, the additional 10 feet is for the partial subterranean level below street-level.

As discussed in the findings in the case file, the increase in height is necessary to accommodate the provision of affordable units. An On-Menu height increase of 11 feet would only allow for a 30-foot building, **thus reducing the project by an entire floor or a third of the unit count**, resulting in a project of only ten units, one of which would be restricted affordable.

Project Setbacks

There is a sufficient buffer between the subterranean garage and rear yard provided between the proposed building, and the neighboring residential property located along the rear property line. The orientation of the occupied spaces in the existing neighboring residential building are primarily facing internally, or towards the building's primary frontage along Griffith Boulevard. Similarly, the proposed Project orients its residential units towards the central courtyard, and towards Hyperion Avenue. There are also minimal windows along the rear frontage of the neighboring residential building, which appear to primarily be windows into bathrooms, located above a standard vantage point. As such, due to the location of the limited openings along the shared rear property line, the proposed Project will not impact the views of the neighboring residential building, and there will not be any undue impact from vehicular lights in the subterranean garage. The proposed Project will also not impact the natural light entering the neighboring residential building due to the sloped topography of the project site.

The Project is setback from the rear property line by 16 feet, providing a substantial buffer between neighboring residential property; a by-right commercial project would result in the same general amount of Floor Area (15,000 square feet) as is being requested, and no rear yard setback would be required. **The Project provides an additional buffer through the rear yard than what would be required of a commercial project on the site.**

Subterranean Parking & Garage

Concerns were also raised regarding the subterranean design of the garage and its proximity to abutting residential properties, and potential impacts from headlights, and correlating vehicle noise. The garage is located at a subterranean level which in and of itself will buffer the use from the abutting residential property and will be further buffered by landscape, both trees and plant material, for sound and light absorption. As such, potential impacts on the adjacent site will be mitigated with new landscape and trees and well as improvements along the property line including upgraded retaining wall and fence.

The proposed Project will result in updated improvements to an under-utilized site along a mixed-use corridor and bring much needed housing to the area. Respectfully, we ask that the above-noted information be considered in light of our request.

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APPENDIX "A"



Aerial view to the site from Hyperion ave

DAY OF HEARING SUBMISSIONS



Planning CPC <cpc@lacity.org>

CD4 Comment on Item 7 for 3/28: CPC-2023-480-DB-HCA

Armida Reyes <armida.reyes@lacity.org>

Wed, Mar 27, 2024 at 5:59 PM

To: Planning CPC <cpc@lacity.org>

Cc: Marie Pichay <marie.pichay@lacity.org>, Mashael Majid <mashael.majid@lacity.org>

Dear Commissioner Lawshe and Honorable City Planning Commissioners,

My apologies that I am unable to attend tomorrow morning's meeting. I am reaching out to relay Council District 4's non-opposition for the proposed density bonus project located at 2346 Hyperion Avenue. Our office has been in communication with the applicant, community groups, and staff. We are glad to see the high level of support for this mixed-use project by Silver Lake constituents. We hope the applicant continues to engage our office and community partners as things proceed.

Warmly,

--

Armida Reyes
Planning and Housing Deputy
Work Phone: 213-500-6903
District line: 213-473-7004

HERE is our CD4 District Map!**NITHYA
RAMAN**

| Los Angeles
★ City Councilmember
| 4th District

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TRANSMITTAL

TO Marie Pichay, City Planning Associate
Department of City Planning

FROM Sara Houghton, three6ixty

DATE March 27, 2024

RE Response to Comments - UPDATED
2336-2346 N. Hyperion Avenue, Los Angeles, CA 90027
Case No. CPC-2023-480-DB-HCA/ ENV-2023-481-CE

Three6ixty represents the Applicant in the project generally located at 2336-2346 N. Hyperion Avenue in the City of Los Angeles, and assigned City Planning Case No CPC-2023-480-DB-HCA/ ENV-2023-481-CE (the "Project").

Please see below for our response to comment to the case file, received Wednesday, March 27, 2024, submitted by Quest Consulting Group. We have summarized our responses below.

Additionally, please note that the project was agendized and presented to both the Silver Lake Neighborhood Council's land use committee as well as the full board. This meeting was noticed to a 500-foot radius. The author of the email was not in attendance at either of these meetings.

Response Outline to Quest Consulting Group

1. Use on Property (Automotive)

- Project does not propose any automotive uses, it is a mixed-use project having ground floor commercial space and residential uses on floors 2 through 4.

2. Height of building

- Height of building is 60 feet (plan set date 05/25/2023) per definition of building height in LAMC 12.03 and as expanded by LADBS Bulletin P/ZC 2023-008. The elevator shaft is excluded from the building height measurement (see below for further discussion).

3. Transitional Height

- Transitional Height definition 12.21.1.A.10:
Notwithstanding any other provisions of this section, portions of buildings on a C or M zoned lot governed by the provisions of this section shall not exceed the

height limits set forth below when located within the distances specified from a lot classified in the RW1 Zone or a more restrictive zone.

<u>Distance</u>	<u>Height</u>
<i>0 to 49 feet</i>	<i>25 feet</i>
<i>50 to 99 feet</i>	<i>33 feet</i>
<i>100 to 199 feet</i>	<i>61 feet</i>

The height of the project per LAMC building height definition is 60 feet. The distance from the R1-1VL zoned parcels to the east of the project site to the Project Site (from rear property line) is approximately 135 feet. The building footprint is setback an additional 16 feet from the rear property line, so the **total distance from the R1-1VL zoned parcels is 151 feet.** Therefore, the Property is limited to a transitional height of 61 feet (also noted in PZA signed off on 06/08/2023) and is thus in compliance with transitional height requirements.

That said, this section of the code has not traditionally been interpreted by staff to apply to Density Bonus requests, thus one could say it is not applicable.

- Elevator Shaft height is 67 feet at its maximum. Elevator shafts are allowable exceptions to building height:

LAMC Section 12.21.1.B.3(a): Chimney, exhaust ducts, solar water heaters, or any roof structure housing stairways, elevators or ventilation fans may also exceed the building height limit by up to five feet, but are not required to provide a setback from the perimeter of the roof. Where height is limited to seventy-five (75) feet, roof structures for the housing of elevators and stairways may exceed the building height limit by up to twenty (20) feet in height, and where height is limited to thirty (30) feet or forty-five (45) feet, roof structures for the housing of elevators and stairways may exceed the building height limit by up to ten (10) feet in height.

4. Parking

a. Number of parking stalls

- Providing a total of 17 parking stalls, required to provide 19:
 - Replacing 2 stalls with 8 long term bicycle parking stalls pursuant to LAMC 12.21.A.4

Residential buildings, including hotels, motels and apartment hotels, may replace 10 percent of the required automobile parking with bicycle parking... If a residential building includes at least the minimum number of restricted affordable units to receive a density bonus under Section



12.22 A.25., then 30 percent of the required automobile parking may be replaced. In such cases, the replacement of automobile parking with bicycle parking shall be implemented in lieu of the parking options in Section 12.22 A.25.(d).

New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one standard or compact automobile parking space for every four required or non-required bicycle parking spaces provided, so long as the number of compact stalls complies with Section 12.21 A.5.(c) of this Code.

- Specific programming for the commercial space has not been determined, Client is aware that they must comply to all parking requirements for whichever use occupies that space (likely office).
- b. Size of parking stalls** – comment regarding EV stalls was unclear. Client will comply with code requirements for all parking stalls.

5. Recycling Room

- A 100 SF recycling area is provided adjacent to the trash room on the first floor (Sheet A2.02), and therefore complies with the requirement per LAMC Section 12.21.A.19(c)(2)(i)

(2) The Recycling Area or Room shall comply with the following standards for minimum size:

(i) for multiple-family residential uses of 20 or less dwelling units, or commercial, industrial or institutional uses with a total floor area of less than 3,000 square feet, the minimum Recycling Area or Room shall be 30 square feet;

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