



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUGUST 15, 2024

Case No.: CPC-2023-5528-DB-SPR-MCUP-HCA

Council District: 1 – Hernandez

CEQA: ENV-2023-5529-SCEA

Plan Area: Silver Lake – Echo Park – Elysian Valley

Project Site: 1185, 1187, 1193, 1195, 1197, 1201, 1205, 1207, 1211, 1215, 1221, 1225, 1229, 1233, 1239, 1243, 1245, 1247 West Sunset Boulevard; 917 North Everett Street

Applicant: Jeffrey Farrington, Aragon Properties Corp.
Representative: Dana Sayles, three6ixty

At its meeting of **July 11, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Construction of a mixed-use residential and commercial development with 327 residential units that include 41 Very Low Income affordable units and approximately 9,462 square feet of ground-floor commercial space for a total floor area of 321,300 square feet, resulting in a Floor Area Ratio (FAR) of 3:1. The Project would consist of two buildings as follows: 1) Building A, located along Sunset Boulevard, would be seven stories and have a maximum building height of 91 feet as measured from grade and 85 feet as measured from Plumb Height; 2) Building B, located at the corner of Sunset Boulevard and Everett Street, would be seven stories and have a maximum height of 86 feet as measured from grade and 81.5 feet as measured from Plumb Height. The Project would provide 263 on-site parking spaces at one subterranean, one partially subterranean, and one at-ground/ and above-grade levels to be shared amongst all of the uses on the project site. Vehicular access to the structured parking would be provided via two stop-controlled driveways and one signalized driveway.

1. **Found** pursuant to Public Resources Code (PRC), Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2023-5529-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** the Project is a "transit priority project" as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR SCH No. 20199011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the

mitigation measures have been made enforceable conditions on the Project; and **Adopted** the SCEA and the Mitigation Monitoring Program prepared for the SCEA;

2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus for a housing development project consisting of 327 dwelling units, of which 41 units will be set aside for Very Low Income households, with the following On- and Off-Menu Incentives:
 - a. An On-Menu Incentive to allow an increase in the Floor Area Ratio (FAR) to 3.0:1 in lieu of the otherwise allowable 1.5:1 in the C2-1VL Zone;
 - b. An Off-Menu Incentive to allow a 30 percent reduction in required open space to allow 24,540 square feet in lieu of the otherwise required 35,050 square feet; and
 - c. An Off-Menu Incentive for additional height and stories as follows: Building A) 34-foot height increase for a building height of 91 feet measured from grade and 85 feet as measured from Plumb Height and seven stories in lieu of the three stories otherwise allowed; and Building B) 29-foot height increase for a building height of 86 feet measured from grade and 81.5 feet as measured from Plumb Height and seven stories in lieu of the three stories otherwise allowed;
3. **Approved**, pursuant to LAMC Section 12.24 W.1 of Chapter 1 and LAMC Section 13.B.2.2 of Chapter 1A, a Main Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with a total of 9,462 square feet of potential indoor and outdoor restaurant space for up to five establishments with up to 300 indoor seats and 75 outdoor seats (total of 375 patron seats);
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development which creates, or results in, an increase of 50 or more dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe
Second: Mack
Ayes: Cabildo, Diaz, Lawshe, Newhouse, Zamora

Vote: 7 – 0



Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission as it relates to the Density Bonus Off-Menu Incentives are not further appealable. The Density Bonus On-Menu Incentive and the remaining entitlements are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: AUGUST 30, 2024

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Heather Bleemers, Senior City Planner
Esther Ahn, City Planner

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A,25, 12.24-W,1, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 327 dwelling units, inclusive of restricted affordable units.
3. **Affordable Units.**
 - a. A minimum of 41 dwelling units, that is 15 percent of the base units, shall be designated as Restricted Affordable Units and reserved for Very Low Income households as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 15 percent of the site's base density units (41 units) available to Very Low Income households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's SB 330 Determination, dated July 18, 2023. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.
5. **Incentives.**
 - a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 3.0 to 1 may be permitted in lieu of the 1.5 to 1 otherwise permitted by the C2-1VL Zone.
 - b. **Open Space.** The project may be permitted a maximum 30 percent reduction in the amount of required open space to provide 24,540 square feet in lieu of the 35,050 square feet otherwise required.
 - c. **Height.** Building A may have a maximum height of 91 feet as measured from grade (85 feet as measured from Plumb Height) and Building B may have a maximum height of 86 feet as measured from grade (81.5 feet as measured from Plumb Height). Both buildings may rise to a height of seven (7) stories in lieu of the three (3) stories and 45-foot height limit otherwise required in the C2-1VL Zone. The

measured height of the building may exclude roof structures and equipment, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Los Angeles Department of Building and Safety.

6. **Parking.**

- a. **Automobile Parking.** Pursuant to California Government Code Section 65915(p)(3) and AB 2097, the project shall not be required to provide any minimum vehicle parking. The applicant may choose to provide a greater amount of vehicle parking.
- b. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
- c. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

7. **Circulation.** The applicant shall submit a parking area and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
8. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
9. **Solar Energy Infrastructure.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
10. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
11. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides.
13. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).

Main Conditional Use Permit Conditions

14. **Main Conditional Use Permit (MCUP).** Approved herein is a Main Conditional Use Permit for the sale of a full line of alcoholic beverages for on- and off-site consumption, including distilled spirits and beer and wine, in conjunction with the use and operation of 9,462 square feet of indoor and outdoor restaurant space for up to five (5) establishments with up to 300 indoor seats and 75 outdoor seats, for a maximum 375 patron seats.
15. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 13B.2.2.H of the Los Angeles Municipal Code Chapter 1A in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application.
16. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
17. Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.
18. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
19. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
20. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
21. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
22. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.

23. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

24. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
25. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
26. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
27. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
28. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
29. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
30. Smoking or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

31. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
32. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
33. There shall be no dancing permitted on the premises at any time unless an application pursuant to LAMC Section 12.24-W,18(a) is filed, and a public hearing is held.
34. There shall be no live entertainment, disc jockey or karaoke at any establishment on the site unless permitted by a Plan Approval with a public hearing.

Environmental Conditions

35. The Mitigation Monitoring and Reporting Program included as Section 6 in the SCEA dated March 2023 (Case No. ENV-2023-5529-SCEA) shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM) and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.

Administrative Conditions

36. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
37. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
38. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
39. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion,

such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

40. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
41. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
42. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
43. **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.
44. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
45. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
46. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
47. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
48. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

Density Bonus / Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22-A,25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:
 - a. The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions 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, and Moderate Income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Based on the set-aside of 15 percent of the base density for Very Low Income households, the applicant is entitled to three incentives under both Government Code Section 65915 and the LAMC. Accordingly, the three (3) requests for increased floor area, reduced open space, and increased height qualify as the proposed development incentives. The three requested incentives provide cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project, which facilitates the creation of more affordable housing units.

Floor Area Ratio

The subject property is zoned C2-1VL. The property's commercial zoning and designation of Height District No. 1VL permit a maximum FAR of 1.5 to 1, equal to a maximum of 160,650 square feet of total building area. The applicant is requesting an on-menu incentive to allow a maximum FAR of 3.0 to 1 to accommodate the project which proposes a total of 321,300 square feet of floor area. The project includes a composition of 13 studio units, 230 one-bedroom units, 79 two-bedroom units, and 5 three-bedroom units.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs. Furthermore, the incentive would enable the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This incentive supports the applicant's decision to set aside 41 dwelling units for Very Low Income households for 55 years.

Open Space

Based upon the project's proposed 327 dwelling units, within which 13 would be studio units, 230 one-bedroom units, 79 two-bedroom units, and 5 three-bedroom units, a total

of 35,050 square feet of open space would be required per LAMC Section 12.21 G.2. In order to develop the housing development including the 41 units set aside for Very Low Income households, the Applicant requests an off-menu incentive to permit a 30 percent reduction in the required amount of open space to instead be required 24,540 square feet of open space. The project proposes a total of 24,540 square feet of open space to comply with this incentive and development standard.

As proposed, the reduced open space requirement will allow for the construction of affordable residential units. This incentive will allow the developer to utilize more floor area within the building envelope for the provision of affordable units, and the overall space dedicated to residential units is increased.

Height

The subject property's C2-1VL Zone permits a maximum height of 45 feet and three (3) stories for a mixed-use development. The proposed development consists of two seven-story buildings which rise to 91 feet and 86 feet as measured from grade (85 feet and 81.5 feet as measured from Plumb Height, respectively). As such, the applicant is requesting an off-menu incentive to allow for this increase in building height and stories in lieu of the otherwise permitted 45 feet and three (3) stories pursuant to LAMC Section 12.21.1.

As proposed, the incentive will allow a total of 34 feet of additional building height for Building A and 29 feet for Building B and will accommodate the construction of affordable units in addition to larger-sized dwelling units. Granting of the off-menu incentive would result in a building design and construction efficiencies that provide for affordable housing costs. The incentive would enable the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. These incentives support the applicant's decision to set aside 41 dwelling units for Very Low Income households for 55 years.

- b. **The incentives would 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(B) and 65589.5(d)).**

There is no substantial evidence in the record that any of the three proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The property is located within a Methane Zone and Special Grading Area which have been addressed in the project's Mitigation Monitoring Program to ensure no significant impacts

under CEQA would result. The project is not located on a substandard street in a Hillside area and is not located in a Flood Zone, Very High Fire Hazard Severity Zone, or any other special hazard area. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, would have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource. Based on the above, there is no basis to deny the requested incentives.

c. The incentives are contrary to state or federal law.

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.

Site Plan Review Findings

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

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies 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 in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Silver Lake – Echo Park – Elysian Valley Community Plan area and is not subjected to any applicable specific plans.

Silver Lake – Echo Park – Elysian Valley Community Plan

The subject property is located within the Silver Lake – Echo Park – Elysian Valley Community Plan which was updated by the City Council on August 11, 2004. The Silver Lake – Echo Park – Elysian Valley Community Plan designates the subject property for General Commercial land uses with corresponding zones of RAS3, CR, C1.5, C2, C4, and P. The subject property is zoned C2-1VL and is thus consistent with its land use designation. The proposed project advances the following objectives 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 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.

Policy 1-1.1: Maintain an adequate supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.

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

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

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

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

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

Policy 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.

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

Policy 1-4.3: Ensure that new housing developments minimize displacement of low-income residents.

The proposed project furthers the development of the Silver Lake – Echo Park – Elysian Valley community by providing a safe, secure, and high-quality mixed-use residential environment for all economic, age, and ethnic segments of the Echo Park community and providing affordable housing by allowing for the development of a residential building with 327 dwelling units, including 41 units reserved for Very Low Income Households on lots zoned for commercial and residential uses. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice. Per the Community Plan, the portion of Sunset Boulevard fronting the subject property is designated as a Mixed Use Boulevard where dense residential housing is promoted. The subject property has been vacant, and the development of the project does not result in the displacement of any existing residential uses. Therefore, the project is consistent with the Silver Lake – Echo Park – Elysian Valley Community Plan.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range

growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

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

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

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

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

The proposed project will result in the development of a mixed-use residential building that will provide 327 new dwelling units, including 41 units reserved for Very Low Income Households, thereby contributing toward and facilitating the City's long-term economic viability and vision for a more livable city. The property is currently vacant and situated along Sunset Boulevard, a major mixed-use thoroughfare that is within proximity to various commercial areas, services, transit options, and recreational amenities. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts on commercially zoned lots designated for such uses. Therefore, the proposed 327-unit residential building is consistent with the Distribution of Land Use goals, objectives, and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet Citywide Housing Priorities, including addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement, and promoting sustainability and resilience. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Policy 1.3.2: Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project implements the Housing Element by increasing the housing supply consistent with the General Commercial land use designation. The property is currently unimproved and vacant. The approval of the request would permit 327 new dwelling units with 41 units set aside for Very Low Income Households. The project would achieve the production of new housing opportunities, meeting the needs of the city, while facilitating the construction of a range of different housing types (studios, one-, two-, and three-bedroom units) that address the needs of the city's diverse households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

As such, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

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

The project site consists of 16 lots encompassing a total surface area of approximately 107,170 square feet, or 2.46 acres. The subject property is irregularly shaped and features extensive sloping and grade change along both the north-south and east-west axes of the site. The project site has approximately 820 feet of street frontage along the easterly side of Sunset Boulevard and approximately 230 feet of street frontage along the westerly side of Everett Street.

The project site is located in the Silver Lake – Echo Park – Elysian Valley Community Plan area and is zoned C2-1VL which corresponds with the site's General Commercial land use designation. The site is currently vacant, consisting of overgrown vegetation and exotic trees, none of which are protected species.

Properties to the north are zoned [Q]R3-1VL and are developed with one- and two-story multi-family housing and commercial retail uses along Sunset Boulevard. Approximately 1,000 feet to the north is Elysian Park Avenue which functions as the Sunset Gate for Dodgers Stadium. Properties to the south are zoned C2-1VL and C2-2D and are developed with commercial retail uses, one- and two-story multi-family residential uses, auto repair, and a church with buildings that range from two- and eight-stories. To the west, properties are zoned C2-1VL and are developed with various commercial uses including a tattoo parlor, beauty salon, botanical shop, clothing stores, bars, and multi-family housing which range from two- to three-stories. Properties to the east along Everett Street are zoned [Q]R3-1VL and consist of one- to three-story multi-family residential uses.

The proposed project involves the construction of a mixed-use residential and commercial development with 327 residential units that include 41 Very Low Income affordable units and approximately 9,462 square feet of ground-floor commercial space for a total floor area of 321,300 square feet, resulting in a Floor Area Ratio (FAR) of 3:1. The Project would consist of 41,565 square feet of public and private open space areas and two buildings as follows: 1) Building A would contain 279 residential units, 231,234 square feet of floor area, and would rise to a maximum height of 91 feet and seven (7) stories; 2) Building B would contain 48 residential units, 64,417 square feet of floor area and would rise to a maximum height of 87 feet.

Height, Bulk, and Setbacks

In exchange for the provision of 41 dwelling units set aside for Very Low Income household occupancy, the project is granted on- and off-menu incentives pertaining to increased FAR, reduced open space, and increased height. The subject property encompasses a combined site area of 107,100 square feet. With the proposed on-menu incentive for increased FAR up to 3:1, the project would be permitted to build 321,300 square feet of floor area. The proposed project would span a total floor area of 321,300 square feet which complies with the 3:1 FAR limit. Regarding height, the project is requesting an off-menu incentive to allow the following: Building A) a 34-foot height increase for a building height of 91 feet measured from grade and 85 feet as measured from Plumb Height and seven (7) stories in lieu of the three (3) stories otherwise allowed; and Building B) a 29-foot height increase for a building height of 86 feet measured from grade and 81.5 feet as measured from Plumb Height and seven (7) stories in lieu of the three (3) stories otherwise allowed.

The scale, massing, and location of the project respond to the unique shape and topography of the site as well as the surrounding urban context. The project occupies a site with a very large slope bounded by Sunset Boulevard to the west, adjacent properties to the north, Everett Street to the east, and Sunset Boulevard to the south. As stated above, Building A proposes a height from grade of 91 feet while Building B proposes a height from grade of 87 feet. The proposed building's mixture of height, material, and color will create articulation and visual interest that is appropriately scaled to the surrounding commercial and residential neighborhoods and follows the natural slope of the site. A large portion of the site towards the rear will remain undeveloped to preserve the natural sloping terrain. As such, a majority of the proposed development fronts Sunset Boulevard, a major thoroughfare, where appropriate ground floor activation would be provided. In addition, there are building breaks to provide horizontal façade breaks and stepped back upper stories to reduce the overall massing of the project. The architecture of the proposed project is high-quality and thoughtfully scaled to be compatible with the surrounding context. Properties to the south are developed with two to eight story buildings.

Regarding setbacks, the proposed project is compliant with the required setbacks per the underlying C2-1VL Zone. The project is entitled to zero yards along both street frontages at Sunset Boulevard and Everett Street pursuant to the project's classification as a Mixed-Use project per LAMC Section 13.09. However, the proposed buildings are set back five (5) feet from Sunset Boulevard and five (5) feet from Everett Street at the ground level, which increases to 13-feet-5-inches for the residential floors above. The northern side yard would observe a nine-foot setback and the rear yard, abutting adjacent properties along Everett Street, would observe a 9-foot setback at the commercial floors which steps back to a 19-foot setback for the residential floors above. Thus, the yards comply with the setback requirements of the zone.

Off-Street Parking Facilities and Loading Areas

The project would provide 263 on-site parking spaces at one subterranean, one partially subterranean, and one at-ground/ and above-grade levels to be shared amongst all of the uses on the project site. Pursuant to Assembly Bill (AB) 2097, the project is not required to provide parking, but has elected to do so considering the nature of the market in this area and the lack of street parking for both residents and visitors. Subterranean parking would be accessible from entrances along Sunset Boulevard which will be constructed to the satisfaction of the Los Angeles Department of Transportation (LADOT) and the Los Angeles Department of Building and Safety (LADBS). Required bicycle parking would be provided pursuant to the City's Bicycle Ordinance, with 162 long-term bicycle spaces and 21 short-term spaces provided throughout the site. Bicycle parking is located on the first and second levels within two rooms accessible from the parking spaces. The proposed parking facilities and loading areas would all be either wrapped with active uses or located underground, away from view of the public right-of-way.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting to illuminate building, entrances, walkways and parking areas. As conditioned, the project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from and will not adversely affect adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

Landscaping

The proposed project would provide a total of 24,540 square feet of qualifying common open space, as defined by the Los Angeles Municipal Code, distributed among private decks, courtyards, roof decks, indoor amenities, and a plaza. The project also provides 17,025 square feet of additional public and private open space which do not meet the usable open space definition in the form of private decks, two public plazas, two retail patios, and a courtyard. The project proposes 84 new on-site trees which exceeds the 82 new trees otherwise required. Landscaping would be provided at the ground level in the pedestrian plaza areas as well as throughout the project's other levels and along the hillside. Additionally, street trees will be provided as required by the Bureau of Engineering. The landscape design has been developed in a manner which includes a variety of drought-tolerant and native species appropriate for the Southern California climate. Details are provided in Exhibit A demonstrating the project's landscape plan which will ensure that appropriate plant species and compliant soil depths are incorporated. The project has further been conditioned to utilize automatic irrigation systems to maintain landscaped areas and ensure that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks are adequately landscaped.

Trash Collection

The project proposes to provide trash and recycling areas within the enclosed parking areas. The trash collection area will be located alongside the rear of the site to ensure that residential or commercial parking spaces do not block access for trash and recycling services. Separate trash and recycling facilities are provided for the residents and for the commercial uses. The project includes centralized trash chutes for residents on each floor of the building along the eastern wing. All trash facilities will be secured and not within view from the public right-of-way.

Sustainability

The project has been conditioned to comply with the Green Building Code and, as such, will

provide requisite area on the roof to be utilized for future solar panels. As shown in the attached plans (Exhibit A), the project will provide the required number of Electric Vehicle (EV) parking per the Building Code (30 percent would be EV capable, 25 percent EV ready, and 10 percent equipped with EV chargers). Of the project's proposed 244 residential parking spaces, 74 would be EV capable, 61 would be EV ready, and 25 would have EV chargers. Of the 160 EV parking spaces, seven (7) would be EV accessible. The project plans also include areas carved out on the roof for solar panels as required by the Green Code as well as areas for mechanical units. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site by providing convenient facilities for low or zero emission vehicles.

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

The project proposes 327 total dwelling units including 13 studios, 230 one-bedroom units, 79 two-bedroom units, and 5 three-bedroom units. The project proposes a total of 263 parking spaces which would be unbundled and shared among all the uses on the site. Pursuant to LAMC Section 12.21 G and the requested off-menu Density Bonus incentive, the Project would be required to provide 24,540 square feet of usable open space. The proposed project would provide a total of 24,540 square feet of qualifying common open space, as defined by the Los Angeles Municipal Code, distributed among private decks, courtyards, roof decks, indoor amenities, and a plaza. The project also provides 17,025 square feet of additional public and private open space which do not meet the usable open space definition in the form of private decks, two public plazas, two retail patios, and a courtyard. The project includes direct walk-up live/work units from the ground floor along Sunset Boulevard and extensive landscaping along each façade of the building. In addition to the ground-floor commercial retail amenity, the project proposes at least 5,913 square feet of indoor amenities, an outdoor pool and spa area, and storage areas for residents. Each of the proposed setbacks, ranging from five (5) to 19 feet, are landscaped with shade-producing trees and extensive ground cover, along with the street trees which will be added as permitted by Urban Forestry. The open space areas will include programming and amenities as well as special paving to make them easily distinguishable. As proposed, the project would provide recreational and service amenities, including landscaped courtyards, patios, roof decks, indoor recreational areas, outdoor recreational areas, and ground-floor commercial amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

Main Conditional Use Permit Findings

5. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The applicant seeks main conditional use authorization for on- and off-site sale of alcoholic beverages in conjunction with a total of 9,462 square feet of commercial area including up to five (5) establishments as well as 300 indoor seats and 75 outdoor seats (375 total patron seats). The project site is located on Sunset Boulevard, a major commercial boulevard lined with various commercial uses including offices, restaurants, grocery stores, mixed use developments, personal services, and retail stores. The proposed restaurant uses with ancillary alcohol service would be a desirable public convenience as the uses are in a convenient infill location accessible to nearby employees, residents, and visitors, including visitors of the Dodgers Stadium. The project would add to the number of available dining venues in the neighborhood. The offering of food and alcoholic beverages in conjunction with

the proposed uses would be a benefit as an amenity to current and future residents of the project site and nearby residential projects. The project would also serve as an attraction and amenity to guests and visitors of the neighborhood. The project site is currently unimproved and vacant with chain link fencing and overgrown vegetation. The project would help activate the proposed ground floor commercial uses of the proposed buildings and help provide a more walkable and safer pedestrian environment through “eyes on the street.”

A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the success of a vibrant neighborhood. The ability for the project site to offer a full line of alcoholic beverages would allow the restaurant tenants to remain competitive with other similar uses servicing the same area, as alcohol service is common and expected by patrons as part of these commercial uses. Furthermore, patrons are drawn to the surrounding area due to shopping, entertainment, and dining experiences available to them. Offering a full line of alcoholic beverages at these uses on the project site would enhance the dining and entertainment experience for visitors, employees, and residents in the vicinity. The provision of on-site alcohol consumption would assist in enhancing the built environment while also providing a functional and beneficial service to patrons in the area.

Thus, for the reasons discussed above, the project will enhance the built environment and provide a service that is essential and beneficial to the community, city, or region.

6. The project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.

The project site consists of 16 lots encompassing a total surface area of approximately 107,170 square feet, or 2.46 acres. The subject property is irregularly shaped and features extensive sloping and grade change along both the north-south and east-west axes of the site. The project site has approximately 820 feet of street frontage along the easterly side of Sunset Boulevard and approximately 230 feet of street frontage along the westerly side of Everett Street. The site is currently vacant, consisting of overgrown vegetation and exotic trees, none of which are protected species.

The project site is located in a substantially urbanized and developed area surrounded primarily by commercial and multi-family residential uses. Properties to the north are zoned [Q]R3-1VL and are developed with one- and two-story multi-family housing and commercial retail uses along Sunset Boulevard. Approximately 1,000 feet to the north is Elysian Park Avenue which functions as the Sunset Gate for Dodgers Stadium. Properties to the south are zoned C2-1VL and C2-2D and are developed with commercial retail uses, one- and two-story multi-family residential uses, auto repair, and a church with buildings that range from two- and eight-stories. To the west, properties are zoned C2-1VL and are developed with various commercial uses including a tattoo parlor, beauty salon, botanical shop, clothing stores, bars, and multi-family housing which range from two- to three-stories. Properties to the east along Everett Street are zoned [Q]R3-1VL and consist of one- to three-story multi-family residential uses.

The applicant is requesting a Main Conditional Use Permit to authorize the sale and dispensing of alcoholic beverages for on- and off-site consumption in conjunction with a total of 9,462 square feet of potential indoor and outdoor restaurant space for up to five (5) establishments with up to 300 indoor seats and 75 outdoor seats (375 total patron seats).

In approving the request, the grant includes conditions that address the potential for operations to have an impact on surrounding areas. The conditions include required

surveillance cameras, electronic age verification devices, employee training, and complaint logs, as well as compliance with the citywide Noise Ordinance. The service of alcoholic beverages will occur within a controlled environment which will be monitored by the operators as well as the residences of the proposed mixed-use building. There is no live entertainment or dancing being proposed. The project is also substantially surrounded by commercial uses along Sunset Boulevard, a major commercial thoroughfare, and is thus appropriate given its location and operations.

All future operators seeking to utilize this grant will be required to file a Main Plan Approval whereby the Zoning Administrator may impose additional conditions, modify or delete any conditions of the instant grant based in his or her review of each individual application. The plans approved herein are conceptual and tenants for each space have not yet been identified. The grant intentionally provides flexibility for the applicant, provided that the conditions noted herein are complied with. General conditions of approval have been included in this grant to address nuisances, mode and character, security, and responsible management. As each new tenant is identified, the Zoning Administrator will review the specific operational details of the individual tenant so that conditions can be added and tailored as needed to minimize potential incompatibilities with other existing uses and the community at large.

Therefore, for the reasons stated above, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

7. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the Silver Lake – Echo Park – Elysian Valley Community Plan which was updated by the City Council on August 11, 2004. The Silver Lake – Echo Park – Elysian Valley Community Plan designates the subject property for General Commercial land uses with corresponding zones of RAS3, CR, C1.5, C2, C4, and P. The subject property is zoned C2-1VL and is thus consistent with its land use designation.

The proposed retail and restaurant establishments with incidental alcohol service are consistent with this zone and existing land use designation. Additionally, the project is consistent with the following objectives and 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.

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

The proposed project will be located in a commercially zoned site that is also designated by the Community Plan for General Commercial land uses. The proposed use is permitted by the underlying zone and policies governing the site. The proposed project complies with the commercial policies of the Community Plan by enabling the proposed mixed-use building with its extensive ground floor commercial components to become more viable and active. As Sunset Boulevard is a well-known thoroughfare distinguished by a variety of commercial and entertainment uses, the proposed project would support this existing identity of the surrounding neighborhood and strengthen the proposed commercial uses. The proposed commercial uses are located strictly on the ground floor fronting Sunset Boulevard to help create a more walkable and pedestrian friendly frontage for the overall project.

The nature of mixed-use development encourages the co-location of residences with commercial uses and amenities, thus reducing vehicular trips and congestion. Additionally, the proximity of the project to transit options and high quality, pedestrian-friendly design encourages accessibility from more segments of the population. The proposed mixed-use project is appropriate given the site's commercially zoned designation and frontage along Sunset Boulevard, a major commercial corridor that serves both the immediate and surrounding neighborhood. The commercial component of the proposed project will be entirely located on the ground floor and designed with high quality materials and architectural features. Both the physical appearance and proposed uses of the project are compatible with the existing neighborhood and land use policies governing the area. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and Community Plan.

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

The applicant is requesting a Main Conditional Use Permit to authorize the sale and dispensing of alcoholic beverages for on- and off-site consumption in conjunction with up to five (5) establishments with up to 300 indoor seats and 75 outdoor seats (375 total patron seats) within two proposed mixed-use buildings. The project will be located at the ground floor only, oriented towards Sunset Boulevard, totaling a floor area not to exceed 9,462 square feet. Commercial parking will be provided via subterranean, partially subterranean, and at-grade parking levels which are accessed by three proposed driveways. The parking areas will be gated and secured. The establishments serving alcoholic beverages would be part of a controlled and monitored environment and would be an added amenity to the community. In addition to the Main Conditional Use Permit approval, each commercial tenant seeking to utilize this grant would be required to apply for a Main Plan Approval which includes greater specificity regarding layout, number of seats, square footage, and specific operational conditions. The Main Plan Approval process ensures that each commercial tenant conforms to the overall vision for the project in a manner that does not create adverse impacts and protects the safety and welfare of the surrounding community.

The project site is located in a substantially urbanized and developed area surrounded primarily by commercial and multi-family residential uses. Properties to the north are zoned [Q]R3-1VL and are developed with one- and two-story multi-family housing and commercial retail uses along Sunset Boulevard. Approximately 1,000 feet to the north is Elysian Park Avenue which functions as the Sunset Gate for Dodgers Stadium. Properties to the south are zoned C2-1VL and C2-2D and are developed with commercial retail uses, one- and two-story multi-family residential uses, auto repair, and a church with buildings that range from two- and eight-stories. To the west, properties are zoned C2-1VL and are developed with various commercial uses including a tattoo parlor, beauty salon, botanical shop, clothing stores, bars, and multi-family housing which range from two- to three-stories. Properties to the east along

Everett Street are zoned [Q]R3-1VL and consist of one- to three-story multi-family residential uses.

Additionally, numerous conditions of approval have been imposed to address potential nuisances. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering, are mitigated by the imposition of such conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. Other conditions related to excessive noise, litter and noise prevention would safeguard the residential community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the restaurant is found to be noncompliant with these conditions. Conditions are intended to integrate the use into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings.

As such, the proposed project will not adversely affect the welfare of the pertinent community.

9. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-site and one (1) off-site consumption licenses are allocated to the subject census tract (Tract 1977.00). Currently, there are 10 on-site licenses and two (2) off-site licenses in this census tract.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 101, a total of 147 crimes (119 Part I Crimes and 28 Part II Crimes) were reported in 2023, compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes for the same period. In 2023, there were (1) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (2) Disorderly Conduct, and (8) Driving While Influence (DWI) related arrests, and (2) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional unique service and destination to complement the neighborhood. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area where a majority of the

community's commercial services are concentrated (along Sunset Boulevard). In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The project will provide a valuable amenity and a desirable service for the immediate and surrounding neighborhood. Furthermore, the above statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the Citywide Average and High Crime Reporting District Average. No evidence has been submitted to the record linking the subject site or use to the crime rates in the area. No comments from the community at-large were received concerning the concentration of alcohol-serving establishments in the area.

Conditions of approval have been imposed to minimize alcohol-related impacts on the surrounding community and further conditions will be imposed by the Zoning Administrator through the Main Plan Approval process that are specifically tailored to the future commercial tenants. Additional conditions may be recommended to the Department of Alcoholic Beverage Control for consideration when they issue licenses for future operators at this location. Compliance with these conditions will help to safeguard the welfare of the community. Allowing the sale of alcoholic beverages for on- and off-site consumption at the subject location in conjunction with up to five (5) restaurant establishments will benefit the public welfare and convenience because successful restaurant businesses support the economic vitality of the area.

Therefore, as conditioned, the project will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved.

10. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The project site is zoned for commercial uses and will be utilized as such through the proposed mixed-use building. The following sensitive uses are located within a 600-foot radius of the site:

- Multi-family residential uses
- Single-family residential uses
- Everett Park

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is located in a substantially urbanized and densely developed neighborhood in the Echo Park and Elysian Park neighborhood along a major commercial boulevard (Sunset Boulevard). The Dodgers Stadium is within proximity of the site as is the Downtown Los Angeles area. The grant has been well-conditioned, which will protect the health, safety, and welfare of the surrounding neighbors and residents. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Any further mitigations or concerns will be considered during the Main Plan Approval process which is required for future tenants to utilize this grant. The project is also consistent with the zoning and in keeping with the existing uses adjacent to the development. Therefore, as conditioned, the project will not

detrimentally affect nearby residentially zoned communities or any other sensitive uses in the area.

Environmental Findings

1. **SCEA.** The City of Los Angeles finds that the proposed project complies with the requirements of CEQA for using a SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). The City of Los Angeles has determined that:

The Project is a Transit Priority Project (TPP) pursuant to PRC Section 21155:

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the following prior applicable EIRs: SCAG's 2020-2045 RTP/SCS EIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by the City Planning Commission prior to SCEA adoption and approval of the Project.

All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- i. Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.
- ii. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

11. **Flood Insurance.** 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 X, areas of minimal flood hazard.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing