



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: MAY 2, 2023

Case No. ZA-2021-4597-ZAD-TOC-SPR-WDI-HCA-1A
CEQA: ENV-2021-4598-CE
Plan Area: Silver Lake – Echo Park – Elysian Valley

Council District: 13 – Soto-Martinez

Project Site: 1483 – 1497 and 1501 – 1503 West Sunset Boulevard;
1314 North McDuff Street

Applicant: Garrett Champion, Champion Echo Park, LLC
Representative: John M. Bowman, Elkins Kalt Weintraub Reuben Gartside LLP

Appellant: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Adam Frankel, Lozeau Drury LLP

At its meeting of **March 9, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Maintenance of one existing 2,573-square foot commercial building and the demolition of other existing buildings for the construction of a residential-commercial building with 104 dwelling units (11 Extremely Low Income units). The proposed building includes five levels of residential above 8,000 square feet of ground floor retail and restaurant with 101 vehicle parking spaces and 93 bicycle parking spaces. The Project (which includes one 2,573-square foot existing commercial building) totals 109,403 square feet (3.83:1 FAR). Two retaining walls, 10 and 20 feet in height, are proposed. The Project will maintain the existing dedications on McDuff Street and Laveta Terrace.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's Determination dated October 7, 2022;
3. **Approved**, pursuant to Section 12.24 X.26 of the Los Angeles Municipal Code (LAMC), a Zoning Administrator's Determination for two retaining walls in the required front and side yards, in lieu of the otherwise limited height of 6 feet for such walls in a required side yard and 3.5 feet in a required front yard, and to allow the retaining walls to be shielded from public view by the proposed building in lieu of the requirement for a landscape plan designed to completely hide the retaining wall from view;
4. **Approved**, pursuant to the LAMC Section 16.05, a Site Plan Review for the construction, use and maintenance of a building with 50 or more net new dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Cabildo
Second: Zamora
Ayes: Choe, Leung, Millman
Absent: Mack, Perlman

Vote: 5 – 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 is final and effective upon the mailing of this determination letter and not further appealable.

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. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedure (CEQA)

- c: Heather Bleemers, Senior City Planner
- Christina Toy Lee, Associate Zoning Administrator
- More Song, City Planner

CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. **Retaining Walls.** The project shall be permitted to construct a maintain a maximum of two retaining walls within the required front and side yards, and to allow the retaining walls to be shielded from public view by the proposed building.

Transit Oriented Communities Conditions

7. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
8. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 104 residential units, including On-site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project is permitted to a maximum FAR of 3.84 to 1 for the entirety of the site.
 - c. **Parking.**
 - i. **Automobile Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines. Required parking for a Tier 3 Project shall not exceed 0.5 space per dwelling unit and shall be permitted up to a 30% reduction for nonresidential parking.

- ii. **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.
- iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
- iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

9. **Additional Incentive.**

- a. **Height.** The project shall be permitted a height increase of 22 feet and two stories to permit a maximum building height of 67 feet and five stories and in lieu of the maximum 45 feet and three stories otherwise permitted in the C2-1VL and RD2-1VL Zones. Any height increases over 11 feet shall be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along the Sunset Boulevard and McDuff Street frontages;
 - b. **Averaging.** Averaging of Floor Area Ratio (FAR), Density, Parking, Open Space, Vehicular Access across all zones and parcels within the entire site.
10. **On-site Restricted Affordable Units.** A total of 11 units, or units equal to 10 percent of the total number of dwelling units, shall be reserved for Extremely Low Income (ELI) Household occupancy, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
11. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
12. **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 10 percent of the total number of dwelling units affordable to Extremely 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 set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated August 31, 2021. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the

HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated August 31, 2021, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.

Site Plan Review Conditions

13. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
17. **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.
18. **Commercial storefront doors.** When in a fully open position, storefront doors located within the portion of the ground floor that is below grade, shall not project into or block any portion of the six-foot setback area intended for pedestrian access the site.
19. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum 15% of the roof area shall be reserved for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".

Wavier of Dedication and Improvement Conditions

20. Dedications.
 - a. McDuff Street – the 15-foot dedication along McDuff Street and the corner cut dedication at Sunset and McDuff shall not be required. The project shall be permitted to maintain the existing half right of way width. All other dedications and improvements shall be provided.

Administrative Conditions

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

- City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
 23. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
 24. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
 25. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
 26. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
 27. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
 28. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
 29. 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.
 30. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the

environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out 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.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions 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

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

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

- a. **The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The 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. There was no substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested for an increase in height and averaging FAR and other requirement across the site would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

Height. The subject site is zoned C2-1VL and RD2-1VL which allow for a maximum height of 45 feet. The C2-1VL zone is further limited to a maximum of three stories. Eligible Housing developments within Tier 3 are permitted a height increase of 22 feet and two stories as expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. The proposed project is requesting a maximum building height of 67 feet and five stories. Consistent with the TOC Guidelines, any height increases over 11 feet will be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along the Sunset Boulevard and McDuff Street frontages. The requested incentive will allow the developer additional area to provide housing units reserved for Extremely Low Income Households and will allow the project to achieve the overall density requested though TOC. This incentive supports the applicant's decision to set aside 11 dwelling units for Extremely Low Income Households.

Averaging. The subject site includes 22,736 square feet C2-1VL zoned lot area and 8,313 square feet of RD2-1VL zoned lot area. An Eligible Housing Development that is located on two or more contiguous parcels may average the floor area, density, open space and parking over the project site, and permit vehicular access from a less restrictive zone to a more restrictive zone as is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. The proposed project will use averaging across the entire site. The requested incentive will allow the developer more flexibility in utilizing floor area to

provide housing units reserved for Extremely Low Income Households and the incentive requested will result in building design or construction efficiencies that facilitate affordable housing costs. This incentive supports the applicant's decision to set aside 11 dwelling units for Extremely Low Income Households.

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

There has been no evidence provided that indicated that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources. 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 proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. The incentives/waivers are contrary to state or federal law.**

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

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 Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The project site is designated for Low Medium II Residential and General Commercial land uses in the Silver Lake-Echo Park-Elysian Valley Community Plan. The northern portion of the Project Site, an approximate 8,313-square foot area, is zoned RD2-1VL (Restricted Density Multiple Dwelling, Height District 1VL) and the southern portion, an approximately 22,736-square foot area, is zoned C2-1VL (Commercial, Height District 1VL). The corresponding zones for Low Medium II Residential are D1.5, RD2, RW2 and RZ2.5 and the

corresponding zones for General Commercial are C1.5, C2, CR, C4, and RAS3. The site's zoning is consistent with the Land Use Designations. The proposed residential-commercial development is consistent with both land use designations. Multi-family residential, retail and restaurant uses are permitted uses under the C2-1VL Zone and Multi-family residential is permitted under the RD2-1VL Zone.

Furthermore, the surrounding properties are similarly zoned and are currently developed with commercial and multi-family and single-family residential uses. Land uses surrounding the Project Site to the west include two, three-story single family residential buildings fronting Laveta Terrace zoned R3-1L and an approximately 5,239 square foot mixed-use building at 1501 West Sunset Boulevard zoned [Q]C2-1VL. To the north are multiple one- and two-story single and multi-family residential buildings fronting Laveta Terrace and Portia Street zoned RD2-1VL. The residential uses to the north are located at a higher elevation than the Project Site (approximately 30 feet). To the east is a single-story commercial building zoned C2-1VL. To the south (across Sunset Boulevard) are one- to three-story commercial and residential buildings zoned C2-1VL. Thus, the proposed project will be compatible with the existing pattern of development in the surrounding area with more intensive uses along Sunset Boulevard and smaller scale residential development in the hills on either side of the corridor.

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

Residential Policies of the Community Plan:

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

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

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

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

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

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

The proposed project is consistent with Policy 1-4.1 as it proposes a mix of market rate and affordable rental units. The site is presently underutilized and is developed with two one-story commercial buildings and a surface parking lot. The proposed mixed use, multi-family development will not displace any existing units as there is currently no residential development on the site. The project will offer 22 studios, four (4) junior one bedroom units, 25 one bedroom units, and 53 two bedroom units, at an infill site that will increase the housing stock within Echo Park. Of the 104 units proposed, 11 units will be reserved for Extremely

Low Income Households. As such, the proposed project will provide housing opportunities within close proximity to jobs, parks, schools, and neighborhood serving commercial uses and promote greater individual choice in type, quality, price, and location of housing.

Commercial Policies of the Community Plan:

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

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

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

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

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

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

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

The project site is partially designated for General Commercial uses and is zoned C2-1VL which allows for commercial and residential uses. The site is currently underutilized as it is developed partially with single story commercial uses and partly with surface parking lots. The applicant proposes to retain one existing 2,573 square foot commercial building and demolish another existing building for the construction of a five story mixed use project with 8,000 square feet of ground floor commercial uses and 104 residential apartment units. The project reuses obsolete, and underutilized commercial land and proposes a more intense and efficient use of the site.

The proposed project is compatible with of the best existing adjacent development as it includes pedestrian scale storefront elements that relate to the design elements that are already present in the area. As proposed and conditioned, the project design enhances the pedestrian experience on Sunset Boulevard and reinforces the distinct identity of the commercial district. As such, the proposed project is in substantial conformance with the purposes, intent and provisions of the Community Plan.

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

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

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

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

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

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

The “Mixed Use Boulevard” corridor designation is used when a mix of housing and commercial is appropriate for a street. Pursuant to the Framework Element, generally, mixed use boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- and two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. Buildings on Mixed Use Boulevards would be located along the sidewalk frontages and contain uses that would promote pedestrian activity. The proposed development is consistent with the type of development envisioned for Mixed Use Boulevards. The project is compatible with nearby development, has an FAR of 3.87:1 and has a height of five stories. The project is built to the street and proposes ground floor commercial uses, such as general retail, cafes, and restaurants that promote pedestrian activity. Furthermore, the project incorporates pedestrian oriented design elements such as prominent building entrances, transparent storefront windows and outdoor dining. The project also includes recreational and open space amenities on a rooftop terrace to support the needs of the residents. As such, the proposed project is in substantial conformance with the purposes, intent and provisions of the General Plan Framework Element.

4. **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 31,049-square foot, irregular-shaped Project Site is located at the northeast corner of West Sunset Boulevard and McDuff Street in the Echo Park Neighborhood. The Project Site is comprised of seven lots. The northwestern portion of the Project Site slopes steeply upwards toward Laveta Terrace and the adjoining lot to the north. The balance of the Project Site is generally flat. The Project Site is currently occupied by a surface parking lot and three single-story commercial buildings (1485, 1487, and 1489 W. Sunset Boulevard) totaling approximately 10,296 square feet. The existing on-site buildings were originally constructed between 1922 and 1939 and underwent tenant improvements within the last 5 years and are all currently vacant.

The project site includes 200 feet of frontage along Sunset Boulevard and 160 feet of frontage along the McDuff Street public right-of-way. McDuff Street has a right-of-way width of 30 feet and is improved with an approximately 20-foot-wide roadway which currently provides access to the Project Site and a two-story mixed-use building at 1501 West Sunset Boulevard. McDuff Street terminates approximately 100 feet northeast of Sunset Boulevard at the base of steep slope. This slope is traversed by the Sunset-McDuff Public Stairway within the McDuff Street right-of-way, which provides a pedestrian connection between Laveta Terrace and Sunset Boulevard.

The project site is designated for Low Medium II Residential and General Commercial land uses in the Silver Lake-Echo Park-Elysian Valley Community Plan. The northern portion of the Project Site, an approximate 8,313-square foot area, is zoned RD2-1VL (Restricted Density Multiple Dwelling, Height District 1VL) and the southern portion, an approximately 22,736-square foot area, is zoned C2-1VL (Commercial, Height District 1VL).

The proposed project includes the demolition the existing surface parking lot and the two commercial buildings at 1487 and 1489 Sunset Boulevard. The project proposes retaining the building at 1485 Sunset Boulevard, and the construction, use and maintenance of a residential-commercial mixed use building with 104 dwelling units including 11 dwelling units set aside for Extremely Low Income households. The new building will include two subterranean parking levels, one partially below-ground level with commercial uses fronting Sunset Boulevard and parking at the rear ("Ground Floor"), and five residential levels. The proposed building will include five stories with a maximum building height of 67 feet (the partially below grade ground floor does not count as a story). The five residential levels will include 104 residential units comprised of 22 studios, 4 junior one-bedroom units, 25 one-bedroom units, and 53 two-bedroom units.

Height, Bulk, and Setbacks

The subject site is zoned C2-1VL and RD2-1VL which allow for a maximum height of 45 feet. The C2-1VL zone is further limited to a maximum of three stories. Eligible Housing developments within Tier 3 are permitted a height increase of 22 feet and two stories. The proposed project is requesting a maximum building height of 67 feet and five stories¹. Consistent with the TOC Guidelines, any height increases over 11 feet will be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along the Sunset Boulevard and McDuff Street frontages.

The C2-1VL zoned portion of the site is limited to an FAR of 1.5:1 while the RD2-1VL portion is limited to a 3:1 FAR. As an eligible Housing Development, the C2 portion of the project site is entitled to a maximum FAR of 3.75 to 1 and the portion zoned RD2 is entitled to a 45% increase in FAR for a maximum FAR of 4.35:1. The subject site includes 22,736 square feet C2-1VL zoned lot area and 8,313 square feet of RD2-1VL zoned lot area and thus, with the TOC Tier 3 floor area incentive, is allowed a maximum floor area of 110,564 square feet (22,736 square feet multiplied by 3.75 plus 8,313 square feet multiplied by 4.35) which is equivalent to maximum allowable FAR of 3.87:1. The project proposes to maintain 2,573 square feet of existing floor area construct a 106,830 square foot building for a total of floor area of 109,403 square feet and an FAR of 3.83:1 for the entire project.

The project yards are consistent with the underlying zones. The Preliminary Zoning Assessment Referral Form signed by LADBS on June 1, 2022, confirms that the project observes all required setbacks.

¹ The ground floor of the development (which includes commercial uses, parking, a residential lobby, and residential amenity space) is considered a basement as defined by LAMC 12.03 and as noted on page 10 of Exhibit A. Given the grade change on this site, the ground floor is technically considered a basement and the first story is the first fully residential development. Thus the project has one commercial/parking/lobby level (a basement) and five residential stories above.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying C2-1VL Zone. Therefore, in conjunction with the TOC request, and consideration of other development in the area, the project is consistent with the surrounding.

Parking

As an Eligible Housing Development, the project is eligible for ½ of a parking spaces per residential unit and a 30% reduction in non-residential parking. The project is required to provide 52 residential parking spaces and 41 commercial parking spaces for a total of 93 required spaces. These required spaces include six spaces that are being provided for the applicant's existing mixed-use project located on the west side of McDuff Street. The project includes a total of 101 parking spaces located within three levels of subterranean parking. A total of 93 bicycle parking spaces (12 short-term and 81 long-term bicycle parking spaces) within the subterranean parking area.

The parking is located within the building and therefore will not be visible from Sunset Boulevard. Vehicular access to the site is provided via one driveway at McDuff Street. Pedestrian access to the retail uses and residential lobby is located off of Sunset Avenue.

Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided 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 adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide approximately 11,725 square feet total of open space, which includes 9,175 square feet of common open space (decks on level 5 and on the roof, residential recreation/amenity rooms, a courtyard on level 1) and 2,550 square feet of private balconies. Additionally, the project includes 1,686 square feet of landscaped area distributed throughout the project.

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

Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks on the street level adjacent to the parking entrance and the lobby.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, service area for trash

collection is to be located on all upper floors. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of a five-story, mixed-use building, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

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

The project proposes provide a variety of unit types which includes: 22 studio units, four junior one-bedrooms, 25 one-bedrooms, and 53 two-bedrooms. Pursuant to LAMC Section 12.21-G, the project as proposed is required to provide 11,725 square feet of open space which the project is providing. The project includes 9,175 square feet of common open space (decks on level 5 and on the roof, residential recreation/amenity rooms, a courtyard) and 2,550 square feet of private balconies. Additionally, the project includes 1,686 square feet of landscaped area distributed throughout the project.

ZONING ADMINISTRATOR DETERMINATION FINDINGS – RETAINING WALL

In order for an adjustment from the zoning regulations be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case to same:

6. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the intent of those regulations.

The subject property is dually zoned for residential and commercial uses (RD2 and C2) and is located within a hillside area. There is a grade change on the site which slopes up from Sunset Boulevard towards Laveta Terrace. The proposed project includes a 104 unit residential-commercial building with retaining walls. Retaining walls are allowed by-right in the C2 portion of the site however, there are limitation to retaining walls in residential zones. Retaining walls in hillside residential areas are limited to six feet in height within a required side yard area and maximum height of 3.5 feet in height within a required front yard area.

The subject request is for a Zoning Administrators Adjustment for two retaining walls in the required front and side yards in a hillside area with maximum heights of 10 feet and 20 feet, in lieu of the otherwise limited maximum height of 6 feet within a required side yard and maximum height of 3.5 feet within a required front yard. The request is also to allow the retaining walls to be shielded from public view by the proposed building in lieu of the requirement for a landscape plan designed to completely hide the retaining wall from view.

The purpose of the Planning and Zoning Code is to provide an appropriate arrangement of land uses and adequate open spaces for light and air access for residential properties. However, construction in the Hillside areas of Los Angeles is challenging due in part to the restrictive nature of the Zoning and Municipal Codes that impose requirements for developments in those areas. Such regulations are written on a citywide basis and cannot take into account individual unique characteristics that a specific parcel may have.

The subject case presents a typical problem that confronts developer attempting to building along major corridors, like Sunset Boulevard, that abut Hillside areas. The slope of the subject

site imposes topographical limitations that require the retaining walls to extend into the yard area.

As it pertains to function and design, the property appears to be used in a similar manner as others in the greater area and will be compatible with development along Sunset Boulevard which often requires the use of retaining walls. The proposed project provides for coherent development that is consistent with the spirit and intent of the zoning regulations and compliance with yard regulations would offer no compensating benefit in providing needed light, air, open space, fire safety, privacy or reduced visual impact. In light of the above, the strict adherence to the zoning regulations is impractical as the project nonetheless conforms to the intent of those regulations, and in so doing, make strict adherence to the zoning regulations unnecessary and impractical.

- 7. In light of the project as a whole including any mitigation measures imposed, 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 safety, public health, welfare and safety.**

The subject request is for a Zoning Administrators Adjustment for two retaining walls in the required front and side yards in a hillside area with maximum heights of 10 feet and 20 feet, in lieu of the otherwise limited maximum height of 6 feet within a required side yard and maximum height of 3.5 feet within a required front yard. The request is also to allow the retaining walls to be shielded from public view by the proposed building in lieu of the requirement for a landscape plan designed to completely hide the retaining wall from view.

The primary commercial corridor in the Silver Lake and Echo Park neighborhoods is Sunset Boulevard. Sunset Boulevard in generally is a lower grade than abutting neighborhoods which often requires the use of retaining walls within new development along Sunset. Retaining walls relatively commonplace in the area

The subject request is not anticipated to result in any adverse impacts to the surrounding area. With exception to the entitlements described herein, no deviations from any other Municipal Code requirements have been requested. Therefore, the proposed project is not expected to result in any negative impact on the immediate area, and will maintain the character of the neighborhood.

- 8. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any 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 Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The project site is designated for Low Medium II Residential and General Commercial land uses in the Silver Lake-Echo Park-Elysian Valley Community Plan. The northern portion of the Project Site, an approximate 8,313-square foot area, is zoned RD2-1VL (Restricted Density Multiple Dwelling, Height District 1VL) and the southern portion, an approximately 22,736-square foot area, is zoned C2-1VL (Commercial, Height District 1VL). The corresponding zones for Low Medium II Residential are D1.5, RD2, RW2 and RZ2.5 and the

corresponding zones for General Commercial are C1.5, C2, CR, C4, and RAS3. The site's zoning is consistent with the Land Use Designations. The proposed residential-commercial development is consistent with both land use designations. Multifamily residential, retail and restaurant uses are permitted uses under the C2-1VL Zone and Multifamily residential is permitted under the RD2-1VL Zone.

The Community Plan text is silent with regards to over-in-height retaining walls within front and side yard setbacks. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the requested entitlement is consistent with vision of the Community Plan which states the following:

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 1-4.2 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 (see Figures 1, 2, and 3).

The subject request is for a Zoning Administrators Adjustment for two retaining walls in the required front and side yards in a hillside area with maximum heights of 10 feet and 20 feet, in lieu of the otherwise limited maximum height of 6 feet within a required side yard and maximum height of 3.5 feet within a required front yard. The request is also to allow the retaining walls to be shielded from public view by the proposed building in lieu of the requirement for a landscape plan designed to completely hide the retaining wall from view. This request is in conjunction with a TOC request along Sunset Boulevard, the primary Mixed Use boulevard in the area. The TOC project would result in 104 new residential dwelling units with 11 units reserved for Extremely Low-Income Households. In order to utilize the subject site for its intended use, which is mixed use development which provides affordable housing, the topography necessitates retaining walls.

Many other properties in the Echo Park Silver Lake area exhibit similar situations and property improvements because of the hillside topography with relatively steep hillsides. Through use of landscaping and screening, the proposed project will be compatible with existing adjacent development. Therefore, the subject project will enhance the mixed use character of the community.

WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37-I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

- a. *The dedication or improvement requirement does not bear a reasonable relationship to any project impact.*
- b. *The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.*
- c. *The dedication or improvement requirement is physically impractical.*

The Director Finds, based on substantial evidence in the record that:

9. **The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

The project site includes 200 feet of frontage along Sunset Boulevard and 160 feet of frontage along the McDuff Street public right-of-way. The Planning Case Referral Form (PCRF) from the Bureau of Engineering (BOE) notes that a 15-foot dedication along McDuff Street is required. This segment of McDuff Street, designated as a Local Street, has a right-of-way width of 30 feet and is improved with an approximately 20-foot-wide roadway which currently provides vehicle access to the Project Site and a two-story mixed-use building at 1501 West Sunset Boulevard. McDuff Street terminates approximately 100 feet northeast of Sunset Boulevard at the base of steep slope. This slope is traversed by the Sunset-McDuff Public Stairway within the McDuff Street right-of-way, which provides a pedestrian connection between Laveta Terrace and Sunset Boulevard. The current right of way width is adequate to provide access to the buildings along Sunset as well as the pedestrians who traverses the Sunset-McDuff Public Stairway. The project will be required to provide a corner cut dedications as determined by BOE and will also be required to complete improvements along McDuff Street and Sunset Boulevard to the satisfaction of the BOE. The modification of the otherwise required dedication on McDuff Street is appropriate for the request herein because the dedication is not currently necessary to meet the City's mobility needs in the next 20 years.

FLOOD HAZARD FINDING

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

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment