

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 polices 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.