ELIZABETH A. CAMACHO
Partner

10100 Santa Monica Blvd.
Suite 2200
Los Angeles, CA 90067

Direct +1 310-282-2075
Main +1 310-282-2000
Fax +1 310-282-2200
ecamacho@loeb.com

October 21, 2026

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012

Re: October 27, 2026 Committee Meeting; 2413–2499 North Silver Lake Boulevard (CPC-2024-5534-DB-PR-VHCA-1A) (CF 26-1207)

Honorable Members of the Planning and Land Use Management Committee:

We represent Fang Qian Morgan, the applicant (the "**Applicant**") for the above-referenced housing project (the "**Project**"). The Project responds to the continuing and escalating housing crisis by providing 76 new housing units, including six Very Low Income units, while preserving all 48 existing units on site. On June 11, 2026, the City Planning Commission unanimously approved the Project, and found the Project to be statutorily exempt from the California Environmental Quality Act ("**CEQA**"). The City Planning Commission's determination approving the Project was based on substantial evidence in the record, as set forth in the adopted findings and the administrative record. One appeal (the "**Appeal**") was filed by an individual tenant (the "**Appellant**"). The Appeal is expressly limited in scope to the three findings made in support of the Project Review entitlement, but provides no basis upon which to deny or otherwise modify the Project Review approval.

Accordingly, we respectfully request that the PLUM Committee recommend that the City Council deny the Appeal and sustain the unanimous determination of the City Planning Commission approving the Project.

I. The Appeal is Limited to the Findings for Project Review

As expressly stated in the Appeal, the sole basis of the Appeal, and the only issue before the City Council, is the three findings for the Project Review approval, pursuant to Los Angeles Municipal Code ("**LAMC**") Section 16.05 of Chapter 1 and Section 13B.2.4 of Chapter 1A.[1] See Appeal p. 3.

[1] The City Planning Commission also unanimously approved a Density Bonus/Affordable Housing Incentives Program Review (Off-Menu Incentive and Waivers of Development Standards), which was not subject to appeal, and a statutory exemption under CEQA (AB 130), which was not appealed.

For the United States offices, a limited liability partnership including professional corporations. For Hong Kong office, a limited liability partnership.

II. The Appeal Should be Denied

A. The Project Review Findings are Supported by Substantial Evidence

Contrary to the assertions in the Appeal, the City Planning Commission findings in support of the Project Review (the "**Approval Findings**") were supported by substantial evidence in the record. A Project Review approval must be supported by three findings, each of which is discussed below.

1. Finding 3(a) Is Supported by Substantial Evidence

The first required finding, Finding 3(a), is that "[t]he project substantially conforms to the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable Specific Plan." LAMC §13B.2.4.E.1.

The Approval Findings contain a multi-page, project-specific analysis of substantial conformance with the General Plan, including without limitation the Silver Lake–Echo Park–Elysian Valley Community Plan (the "**Community Plan"**), the Housing Element, Mobility Element, the Health and Wellness Element (Plan for a Healthy Los Angeles) and the Framework Element.[2] A number of General Plan elements are also analyzed in detail in the transportation assessment prepared for the Project.

As set forth in the Approval Findings and elsewhere in the record, the Project implements goals, objectives and policies of the General Plan and the Community Plan because, among other things, it promotes infill development, housing production, and efficient land use in an urbanized area. The Project preserves existing housing subject to the Rent Stabilization Ordinance ("**RSO**") while adding new housing, including Very Low Income units, providing a mix of one- and two-bedroom units at various price points, thereby providing housing opportunities for a range of household types and income levels.

The Project is located in a walkable area in close proximity to an existing commercial corridor (Glendale Boulevard) with jobs, stores, and a library. The project also offers short- and long-term bicycle parking to encourage active transportation and provides additional housing in proximity to high-quality bus transit options (with bus stops located within 0.25 miles of the Project site on Glendale Boulevard, Fletcher Drive, and Riverside Drive) to help to minimize vehicle trips. The Project also includes Transportation Demand Management strategies (reduced parking, unbundled parking, bicycle parking) to help limit vehicle miles traveled. The Project includes a transportation assessment, which was reviewed and approved by the City's Department of Transportation, and which supports the City's conclusion that the Project does not conflict with plans, programs, ordinances or policies related to transportation. As noted in the transportation assessment, the Project would reduce the number of driveways on Silver Lake Boulevard from five existing to four future driveways, reducing conflicts between vehicles and pedestrians and bicycles. Pedestrian and bicycle access would be provided directly to residential lobbies on Silver Lake Boulevard, separate from vehicular access.

[2] The Project site is not subject to a specific plan.

The Approval Findings also note that the Project will offer several health-focused design features and amenities to further the goals of the Plan for a Healthy Los Angeles. The Project complies with the applicable open space requirements, providing 3,800 square feet of private open space as balconies, and 3,800 square feet of common open space provided as a recreation center (1,292 square feet), outdoor common open space (1,038 square feet), and two roof-top decks (605 and 866 square feet, respectively). As shown in the Project landscape plan, the common open space areas will be attractively landscaped with trees, shrubs, and groundcover, with approximately 144 trees planted on-site, to provide shade and help prevent the heat island effect.

As noted in the Approval Findings, the Project also complies with applicable code requirements, which implement the majority of the General Plan policies, with the exception of the relief approved by the Density Bonus/Affordable Housing Incentive approval. Thus, as illustrated above, and provided in greater detail in the Approval Findings and the full Project record, Finding 3(a) is supported by substantial evidence.

The Appeal concedes that Finding 3(a) "identifies legitimate housing, infill, affordability and proximity-to-services policies," (Appeal at p. 8) and the Appeal does not assert that the finding's determination of conformance with these policies is not supported by substantial evidence. Rather, the Appeal argues that this finding "does not adequately reconcile those benefits with equally applicable policies." However, the Appeal does not identify any specific "equally applicable policies" or make an argument that the Project does not substantially conform to any specific policies. The Appeal merely asserts that the finding did not adequately consider or explain generalized issues relating to (1) habitability during construction and (2) "project-specific scale-and-character."

The Appeal's assertions are insufficient to establish that the finding of substantial conformance with the General Plan is not supported by substantial evidence. The Appeal does not identify any requirement that final, detailed construction habitability analysis and protocols be established at the entitlement phase, nor does it argue or provide evidence to support a conclusion that the City's existing requirements and processes for addressing tenant habitability during construction would be so insufficient as to make it impossible for a reasonable person to conclude that the Project could be found in substantial conformance with applicable General Plan policies. To the contrary, the City's existing requirements and process for addressing tenant habitability during construction are themselves a sufficient basis upon which to find that the Project substantially conforms with any General Plan policies that might implicate such issues (if any such policies exist). Nor was a "project-specific scale-and-character" analysis of the Project height necessary to support the finding. The Project's height is consistent with the applicable objective standards with approval of the requested density bonus waiver. The Appeal's arguments that Project height must now be evaluated subjectively improperly seek to indirectly challenge the approval of the density bonus waiver (which was not subject to appeal). To the extent that the Appeal purports to argue for Project denial or downsizing based on subjective factors, such action would be prohibited by the Housing Accountability Act as discussed in Section II.B, below. Thus, the Appeal's arguments are without merit.

2. Finding 3(b) Is Supported by Substantial Evidence

The second required finding, Finding 3(b), is that "[t]he 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." LAMC §13B.2.4.E.2.

The Approval Findings provide an analysis of each of the issues identified for this finding and specify how the Project is compatible with existing and future development on adjacent and neighboring properties. In particular, as demonstrated by the analysis in the Approval Findings and elsewhere in the record, the Project complies with the applicable objective development standards, with the exception of those that are the subject of relief granted by the Density Bonus/Affordable Housing Incentive approval, which was not appealed. Thus, the second finding is supported by substantial evidence in the record.

The Appeal does not identify any applicable objective standards with which the Project fails to comply. Rather, the Appeal argues that the finding fails to fully analyze various Project features against an unidentified and apparently subjective standard for "compatibility." However, the Appeal does not identify any alleged incompatibility. Moreover, to the extent that the Appeal purports to assert implied incompatibility, it would necessarily be based on a subjective analysis, which could not provide the basis for denial or downsizing under the Housing Accountability Act as discussed in Section II.B, below. Thus, the Appeal's arguments are without merit.

3. Finding 3(c) Is Supported by Substantial Evidence

The third required finding, Finding 3(c), is that "[a]ny residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties." LAMC §13B.2.4.E.3.

As discussed in the Approval Findings and elsewhere in the record, the Project meets the applicable open space requirements of 7,600 square-feet of open space, of which at least 3,800 square feet must be common open space. As discussed above in connection with Finding 3(a), the Project provides 3,800 square feet of private open space as balconies, and 3,800 square feet of common open space provided as a recreation center (1,292 square feet), outdoor common open space (1,038 square feet), and two roof-top decks (605 and 866 square feet, respectively). As shown in the Project landscape plan, the common open space areas will be attractively landscaped with trees, shrubs, and groundcover. These open space features will provide recreation and service amenities to improve habitability for Project residents and minimize the impacts on neighboring properties. Thus, the third finding is supported by substantial evidence in the record.

The focus of the third required finding is "recreational and service amenities" of the completed Project, not tenant habitability during construction as the Appeal argues. The Appeal does not address the Project amenities, and does not make any argument that the approved findings regarding project amenities are not supported by substantial evidence. Instead, the

Appeal argues only that the finding requires final, detailed habitability plans, which is not relevant to this finding. Thus, the Appeal's arguments are without merit.

Of course, the Project will address habitability for the existing residents during construction. The Project is required to comply with all existing City ordinances and requirements governing construction and noise. In addition, the Project includes a Construction Management Plan, which is described in the transportation assessment and will be finalized prior to construction. Condition of Approval No. 28 requires that the Project follow identified Construction Best Practices in order to minimize impacts to the existing tenants and neighboring properties.[3] Further, the Project will be required to comply with applicable requirements of the RSO for the preparation and implementation of a Tenant Habitability Plan ("**THP**"). While the THP is not required at the entitlement stage, the Applicant voluntarily included a preliminary THP as part of the application materials, demonstrating that the Applicant is focused on tenant protections and is keeping this issue top of mind throughout the process. A final THP will be prepared and approved by the Los Angeles Housing Department following final approval of planning entitlements, once construction plans have been prepared and the Applicant's team of architects, engineers, construction-management professionals and other specialized consultants are fully engaged. Finally, other applicable code and general habitability requirements, including any applicable provisions in individual tenant leases, will apply. Thus, while not directly relevant to the required finding, habitability for existing tenants and impacts on neighboring properties will be addressed through the appropriate City process.

4. The Appeal's Request to Condition Project Review Approval on a Final Tenant Habitability Plan is Misplaced and Unwarranted

Despite the substantial evidence in the record supporting the Project Review findings, the Appeal appears to argue that none of the Project Review findings could be made in the absence of a "final phase-specific and enforceable framework" regarding Tenant Habitability Plan protections during construction.[4] The appellant requests that the Project be denied, or somehow modified to include "enforceable protections" during construction at the entitlement approval stage. Further, the Appellant seeks to invent a host of new "requirements" that do not exist in applicable City plans or codes or other applicable law, including the creation of an elaborate customized and privately enforced compensation and monitoring system that is not authorized by any City code or plan and is entirely unwarranted. There is no basis for such ad hoc regulation of construction and tenant habitability issues. The City, including the Los Angeles Housing Department, has established regulations and procedures for addressing these issues, and there is no authority for planning decision-makers to create new standards, requirements and enforcement mechanisms for each individual planning project as the Appeal requests.

[3] The Approval Findings erroneously referred to Condition of Approval 28 (Construction Best Practices) as Condition of Approval 27. While this typographical error is obvious, and the correct condition easily found, we highlight the correct numbering reference to ensure clarity in the record.

[4] The appeal states that "critical construction phasing, Tenant Habitability Plan protections, temporary services, schedule assumptions, monitoring, compensation, relocation and corrective mechanisms remained preliminary or deferred."

The Appeal's construction habitability arguments are not a valid basis upon which to deny or modify the Project. The Appeal misunderstands the purpose of the planning entitlement process. The purpose of the Project Review entitlement is not to address specific, detailed construction protocols and tenant habitability plan requirements. The City provides a separate process for addressing tenant habitability during construction,[5] and the Project will comply with all applicable requirements, and will prepare and implement a Tenant Habitability Plan. However, the specific requirements of the future Tenant Habitability Plan are not necessary in order to assess the planning issues relevant to Project Review, i.e., substantial conformance with the policies of the City's General Plan, the compatibility with neighboring properties, or the recreational and service amenities that the new Project will provide once it is constructed.[6]

The Appeal also makes a number of assertions regarding past "habitability" concerns in the existing residential development. However, such assertions are not relevant to the Project Review entitlement application. First, as the Los Angeles Housing Department established during the City Planning Commission hearing on June 11, 2026, there are currently no violations concerning the existing development. Second, any habitability complaints or potential violations would be addressed through the specific and separate City process for enforcing habitability or other code violations, not through the planning entitlement process.

The City Planning Commission devoted substantial time (over the course of two separate Commission meetings) listening to tenant concerns, as well as the Applicant's explanation of the various improvements that have been completed and are planned for existing units. At the conclusion of the hearings the City Planning Commission voted unanimously to approve the Project, including the Project Review entitlement. The City Planning Commission appropriately recognized that any habitability issues are addressed through separate processes, including the Tenant Habitability Plan process.

Because the various habitability issues asserted in the Appeal are not relevant to the City's consideration of the Project Review, a detailed response to each assertion in the Appeal is not provided here.[7] Nonetheless, given the assertions made in the Appeal, it is important to emphasize that the Applicant has invested substantial time and resources listening and responding to tenant concerns throughout the entitlement process. The Applicant has addressed concerns relating to the existing development, and kept current residents updated regarding the Project. Among other things, the Applicant polled existing residents to identify specific concerns, and in response voluntarily agreed to replace all windows in the existing units, which is currently in process. The Applicant also made a number of improvements to the common areas in the existing development in 2026, including installation of new flooring, recoating staircases, replacement of light fixtures, painting of interior and exterior walls, gates and railings, landscaping improvements and upgrades to community patios. The Applicant's objective is to add much-

[5] As explained in the staff report, the intent of the Tenant Habitability Program is to protect tenants from untenantable housing conditions and/or forced permanent displacement.
[6] Moreover, since the planning entitlements review the Project at its schematic design stage, final construction plans and sequencing have not yet been prepared, and it would be premature to finalize construction habitability protocols and requirements at this time.
[7] The Applicant would be happy to respond to any specific questions that Committee members may have.

needed housing and to responsibly improve the existing 1949 development, thereby ensuring the long-term viability for the existing rent-stabilized housing.

B. The Housing Accountability Act Precludes Denial or Downsizing

Because the Appeal specifically seeks denial of the Project, it is important to recognize the role of the Housing Accountability Act (Government Code Section 65589.5) (the "**HAA**"). The HAA substantially limits an agency's discretion to deny or downsize a housing development project that complies with applicable objective planning and zoning standards and criteria. The Project complies with all applicable objective standards and criteria and is entitled to the protections of the HAA. Objective standards that are the subject of a density bonus incentive or waiver are not "applicable" and do not render a project ineligible for the protections of the HAA.

Under the HAA, if a housing development project complies with applicable objective planning and zoning standards and criteria, the agency cannot (1) disapprove a project or (2) impose a condition that the project be developed at a lower density[8] unless it makes written findings, supported by a preponderance of the evidence, that:

i. The project would have a specific, adverse impact on the public health or safety; and

ii. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified other than denial or approval of the project at a lower density. Govt. Code § 65589.5(j)(1).

These findings impose a high burden. The HAA narrowly defines a "specific, adverse" impact to mean "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." Govt. Code § 65589.5(j)(1)(A).

Thus, under the HAA, the City could only deny or lower the density of the Project if it makes the two findings set forth above, and the findings are supported by a preponderance of the evidence. The City has the burden of proof that its decision complies with the HAA. Govt. Code § 65589.6. The Appeal does not identify any basis for making either of the required findings.

To the extent the Appeal argues that the Council should deny or lower the density of the Project based on its assertions of habitability issues during construction, or the absence of a "scale-and-character analysis" or other subjective "compatibility" issues, such action would be precluded by the HAA. These issues are not based on any applicable objective standard, but are subjective, and thus would not render the Project ineligible for the HAA protections. Nor would

[8] The term "lower density" is defined broadly to include not only an express reduction in the number of units, but also "any conditions that have the same effect or impact on the ability of the project to provide housing." Govt. Code § 65589.5(h)(8).

either of these issues provide the basis for the "specific adverse impact" that are required to support denial or downsizing, because the Appeal's arguments are not based on any "objective, identified written public health or safety standards, policies or conditions."

III. Conclusion

For the reasons discussed above, we respectfully submit that the Appeal should be denied in its entirety. We look forward to addressing any questions the Committee may have at the hearing on October 27.

Sincerely,



Elizabeth A. Camacho
Partner